

ORDINANCE NO. 2024-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A ZONE MAP AMENDMENT, AND A MASTER PLAN AND PRECISE DEVELOPMENT PERMIT FOR ADOPTION OF A PLANNED DEVELOPMENT ZONE

Planning Case No(s): PL23-0190/PL23-0191/PL24-0215/PL24-0225/PL24-0229

Applicant: Escondido Investments, LLC

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

a) Escondido Investments LLC ("Applicant"), filed a land use development application, Planning Cases No(s). PL23-0190/PL24-0225/PL23-0191/PL24-0215/PL24-0229 ("Application") constituting a request for a General Plan Map Amendment to change the land use designation to Urban V (U5); a Zone Map Amendment to rezone the subject site to Very High Multifamily Residential (R-5); a Master Development Plan and Precise Development Plan for adoption of a Planned Development Zone (PD-R-28.9); and a Design Review Permit for conversion of an existing office building into 21 residential dwelling units ("Project") on a 0.69 gross acre site located at 240 S. Hickory Street (APN 229-492-14-00) ("Property"), in the Office (O) General Plan Land Use Designation and within the Hospital Professional (H-P) zone. The Project also includes a density bonus request to exceed the maximum allowable density permitted by the proposed General Plan Amendment.

b) The subject Property is all real Property described in Exhibit "A," which is attached hereto, and a made a part thereof by this reference as though fully set forth herein.

c) The Application was submitted to, and processed by, the Planning Division of the Development Services Department. The Application consisted of a Zone Map Amendment (PL24-0225), and a Master Plan (PL23-0191) and a Precise Development Plan Permit (PL24-0215) to rezone the subject property from Hospital Professional (H-P) to Very High Multifamily Residential (R-5) and subsequent adoption of a Planned Development Zone (PD-R-28.9) as permitted by Article 19 (Planned Development Zones), respectively.

d) The Applicant concurrently submitted an application for a General Plan Amendment and Design Review Permit to amend the existing land use designation from Office (O) to Urban V (U5) to provide consistency with the proposed Zone Map Amendment; and, a Planned Development Zone, and to facilitate the conversion of an existing office building into 21 residential dwelling units as shown on Exhibit "B" (Master Development Plan), and on file in the Planning Division, and incorporated herein as though fully set forth herein. The Project also includes a density bonus request to exceed the maximum allowable units on the property from 20 to 21, and to utilize incentives/concessions and waivers as permitted by State Density Bonus Law and Article 67 (Density Bonus and Residential Incentives) of the Escondido Zoning Code.

e) A Final Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the Project in conformance with the California Environmental Quality Act (CEQA) guidelines.

f) In furtherance of the Project, the City Council adopted Resolution No. 2024-187 to adopt the IS/MND and associated Mitigation Monitoring and Reporting Program (MMRP), fully incorporated herein as though set fully forth, which analyzed the various environmental impacts of the Project in its entirety, including the proposed Zone Map Amendment, and Master Development Plan and Precise Development Permit for adoption of a Planned Development Zone.

g) The Planning Division of the Development Services Department completed its review and scheduled a public hearing regarding the Application before the Planning Commission on November 12, 2024. Following the public hearing, the Planning Commission adopted Resolution No. 2024-20, which recommended that the City Council, among other things, deny the Project, including actions to deny the Zone Map Amendment and Planned Development Zone.

h) During the December 4, 2024, City Council meeting, the City Council motioned to approve the Project based on the findings outlined in Attachment 1 of the City Council staff report, dated December 04, 2024, incorporated herein as though fully set forth herein.

SECTION 2: Proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 3. The City Council did on December 04, 2024, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

a) Written information including all application materials and other written and graphical information posted on the project website.

b) Oral testimony from City staff, interested parties, and the public.

c) The City Council staff report, dated December 04, 2024, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.

d) Additional information submitted during the public hearing

SECTION 4. That, upon consideration of the Factors to be Considered / Findings of Fact, attached as Exhibit "C", and incorporated herein by reference as though fully set forth herein, the City Council

desires at this time and deems it to be in the best public interest to approve the Zone Map Amendment and Master and Precise Development Plan for adoption of a Planned Development Zone, subject to the Conditions of Approval attached as Exhibit “D”.

SECTION 5. The City Council considered Resolution Nos. 2024-188 during the December 04, 2024 City Council hearing, and intends to approve a General Plan Map Amendment and Design Review Permit to support the proposed Project.

SECTION 6. The Zone District Map of the City of Escondido is hereby amended to change the zoning on the subject Property from Hospital-Professional (H-P) to Very High Multi-Family Residential (R-5), as depicted and set forth in Exhibit “E” and incorporated herein by reference as though fully set forth herein.

SECTION 7. The Zone District Map of the City of Escondido is further amended to change the zoning on the subject Property from R-5 to Planned Development Residential (PD-R-28.9) to adopt a Planned Development Zone pursuant to Article 19 (Planned Development Zones) of the Escondido Zoning Code as depicted and set forth in Exhibit “F” and incorporated herein by reference as though fully set forth herein.

SECTION 8. Concurrently with the action on this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described in the December 04, 2024, City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective in the manner provided by state law. Therefore, this Ordinance shall become effective and operate only if the City Council Resolutions No. 2024-187 and No. 2024-188 are approved.

SECTION 9. ENVIRONMENTAL REVIEW. That the City Council has reviewed and considered the Final Mitigated Negative Declaration prepared for the Project in conformance with CEQA. The Final Mitigated Negative Declaration adequately address all environmental issues associated with the Zone Map Amendment and Master Development Plan and Precise Development Plan Permit, and the Project would not result in any significant impacts to the environmental.

SECTION 10. All references within this Ordinance to "Applicant" or "Developer," shall equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors of assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within the Project Site.

SECTION 11. SEVERABILITY. If any section, subsection sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 12. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13. The City Council authorizes all subsequent action to taken by City Officials consistent within this Ordinance.

SECTION 14. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 15. The Ordinance shall become effective 30 days from the date of the passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 11<sup>th</sup> day of December, 2024 by the following vote to wit:

AYES : Councilmembers: C. GARCIA, J. GARCIA, MORASCO, WHITE

NOES : Councilmembers: MARTINEZ

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:  
*Dane White*  
19FFE5DB8C3B409...  
DANE WHITE, Mayor of the  
City of Escondido, California

ATTEST:

DocuSigned by:  
*Zack Beck*  
A58535D0BDC1430...  
ZACK BECK, City Clerk of the  
City of Escondido, California

\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO : ss.  
CITY OF ESCONDIDO )

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2024-16 passed at a regular meeting of the City Council of the City of Escondido held on the 11<sup>th</sup> day of December, 2024, after having been read at the regular meeting of said City Council held on the 4<sup>th</sup> day of December, 2024.

ZACK BECK, City Clerk of the  
City of Escondido, California

ORDINANCE NO. 2024-16

## Exhibit "A"

### Legal Description

**Project No(s): PL23-0190/PL24-0225/PL23-0191/PL24-0215/PL24-0229**

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

LOTS 2, 3, 4 AND 5, BLOCK "B" 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, TOGETHER WITH THE NORTHERLY 10.00 FEET OF THE EAST THIRD AVENUE, ADJOINING SAID LOTS 2, 3, 4 AND 5 ON THE SOUTH, NOW VACATED AND CLOSED TO PUBLIC USE BY RESOLUTION NO. 172 OF THE BOARD OF TRUSTEES OF THE CITY OF ESCONDIDO, RECORDED AUGUST 11, 1947 IN BOOK 243, PAGE 383 OF OFFICIAL RECORDS.

APN: 229-492-14-00

**Exhibit "B"**

Planning Case No(s): PL23-0190/PL23-0191/PL24-0215/PL24-0225/PL24-0229

The Architectural Drawings are under copyright protection, please contact the City of Escondido Planning Division, by phone at 760-839-4671 or send a request to [planning@escondido.gov](mailto:planning@escondido.gov)

Reference the following:

Project Name: Hickory Street Office to Residential Conversion

Location: 240 S Hickory Street

Planning Case Nos. PL23-0190/PL23-0191/PL24-0215/PL24-0225/PL24-0229

## EXHIBIT "C"

### PLANNING CASE NOS. PL23-0190/PL23-0191/PL24-0215/PL24-0225/PL24-0229

#### FACTORS TO BE CONSIDERED / FINDINGS OF FACT

##### **Zone Map Amendment Findings (PL24-0225)**

##### **(Section 33-1263 of Article 61 – Administration and Enforcement of the Escondido Zoning Code)**

With respect to the Zone Map Amendment, the City Council make the following findings for approval of the Project:

- 1. That the public health, safety and welfare will be adversely affected by the proposed change;*

##### **Applicant's Substantiation of Request:**

In August 2021, the Escondido City Council found that the rising housing costs and lack of affordable housing options have led to a rise in homelessness in the region, including within the City of Escondido. The conversion of underutilized office buildings to housing is a creative, adaptive reuse of existing buildings which can substantially reduce the cost redevelopment while maintaining the existing scale and character of established neighborhoods. This type of redevelopment provides a much-needed housing type for those seeking housing at the lower end of the cost spectrum.

Therefore, Escondido Investments LLC (applicant) is requesting the City of Escondido (City) process a General Plan Amendment (GPA) and Zone Amendment (AZ) to allow the conversion of an existing medical office building located at 240 S. Hickory Street in Escondido (APN: 229-492-14-00) to a 20-unit, one- and two-bedroom multi-family residential development in accordance with Article 19, Planned Development (P-D) Zone, of the Escondido Municipal Code (EMC). The project site is approximately 0.69 acres in size and contains one, three-story structure historically used for medical offices. The existing building contains a total of approximately 16,885 square feet (sf) of gross building area. The site is surrounded by single-family residences and low-rise medical offices to the north, single-family residences to the east, condominiums and single-family residences to the south, and multi-family residences (Summit Apartments) to the west.

The project site has a land use designation of General Office (2.0 FAR) and the current zoning designation for the project site is Hospital Professional (H-P), which is considered a commercial zoning designation for interim development of medical or office use. Surrounding zoning and land use designations include H-P and Office to the north, Light-Multiple Residential (R-2-12) and Office to the east, R-2-12 and Urban II (U2) to the south, and Residential Planned Development (PD-R-12) and U2 to the west. With the demolition and subsequent planned redevelopment of the old Palomar Hospital property, the

surrounding area is seeing a decline in the need or demand for medical office support services in the East Valley neighborhood area, including at the project site. Adaptive reuse to housing units would allow for a land use consistent with the surrounding neighborhood and construction that would be minimally impactful since it would primarily involve interior changes.

The site would operate as a market-rate rental property offering a lower cost and stable long-term living situation. This would allow for a greater variety of housing availability for the community. In addition, the proposed physical improvements will result in an enhanced environment for tenants and have a positive influence on the surrounding community. Overall, the conversion of an underutilized office building to multi-family residential units will be a benefit to the immediate neighborhood and community at large.

2. *That the property involved is not suitable for the uses permitted by the proposed zone*

Applicant's Substantiation of Request:

In August 2021, the Escondido City Council found that the rising housing costs and lack of affordable housing options have led to a rise in homelessness in the region, including within the City of Escondido. The conversion of underutilized office buildings to housing is a creative, adaptive reuse of existing buildings which can substantially reduce the cost redevelopment while maintaining the existing scale and character of established neighborhoods. This type of redevelopment provides a much-needed housing type for those seeking housing at the lower end of the cost spectrum.

Therefore, Escondido Investments LLC (applicant) is requesting the City of Escondido (City) process a General Plan Amendment (GPA) and Zone Amendment (AZ) to allow the conversion of an existing medical office building located at 240 S. Hickory Street in Escondido (APN: 229-492-14-00) to a 20-unit, one- and two-bedroom multi-family residential development in accordance with Article 19, Planned Development (P-D) Zone, of the Escondido Municipal Code (EMC). The project site is approximately 0.69 acres in size and contains one, three-story structure historically used for medical offices. The existing building contains a total of approximately 16,885 square feet (sf) of gross building area. The site is surrounded by single-family residences and low-rise medical offices to the north, single-family residences to the east, condominiums and single-family residences to the south, and multi-family residences (Summit Apartments) to the west.

The project site has a land use designation of General Office (2.0 FAR) and the current zoning designation for the project site is Hospital Professional (H-P), which is considered a commercial zoning designation for interim development of medical or office use. Surrounding zoning and land use designations include H-P and Office to the north, Light-Multiple Residential (R-2-12) and Office to the east, R-2-12 and Urban II (U2) to the south, and Residential Planned Development (PD-R-12) and U2 to the west. With the demolition

and subsequent planned redevelopment of the old Palomar Hospital property, the surrounding area is seeing a decline in the need or demand for medical office support services in the East Valley neighborhood area, including at the project site. Adaptive reuse to housing units would allow for a land use consistent with the surrounding neighborhood and construction that would be minimally impactful since it would primarily involve interior changes.

The site would operate as a market-rate rental property offering a lower cost and stable long-term living situation. This would allow for a greater variety of housing availability for the community. In addition, the proposed physical improvements will result in an enhanced environment for tenants and have a positive influence on the surrounding community. Overall, the conversion of an underutilized office building to multi-family residential units will be a benefit to the immediate neighborhood and community at large.

3. *That the uses permitted by the proposed zone would not be detrimental to surrounding properties*

Applicant's Substantiation of Request:

In August 2021, the Escondido City Council found that the rising housing costs and lack of affordable housing options have led to a rise in homelessness in the region, including within the City of Escondido. The conversion of underutilized office buildings to housing is a creative, adaptive reuse of existing buildings which can substantially reduce the cost redevelopment while maintaining the existing scale and character of established neighborhoods. This type of redevelopment provides a much-needed housing type for those seeking housing at the lower end of the cost spectrum.

Therefore, Escondido Investments LLC (applicant) is requesting the City of Escondido (City) process a General Plan Amendment (GPA) and Zone Amendment (AZ) to allow the conversion of an existing medical office building located at 240 S. Hickory Street in Escondido (APN: 229-492-14-00) to a 20-unit, one- and two-bedroom multi-family residential development in accordance with Article 19, Planned Development (P-D) Zone, of the Escondido Municipal Code (EMC). The project site is approximately 0.69 acres in size and contains one, three-story structure historically used for medical offices. The existing building contains a total of approximately 16,885 square feet (sf) of gross building area. The site is surrounded by single-family residences and low-rise medical offices to the north, single-family residences to the east, condominiums and single-family residences to the south, and multi-family residences (Summit Apartments) to the west.

The project site has a land use designation of General Office (2.0 FAR) and the current zoning designation for the project site is Hospital Professional (H-P), which is considered a commercial zoning designation for interim development of medical or office use. Surrounding zoning and land use designations include H-P and Office to the north, Light-Multiple Residential (R-2-12) and Office to the east, R-2-12 and Urban II (U2) to the south,

and Residential Planned Development (PD-R-12) and U2 to the west. With the demolition and subsequent planned redevelopment of the old Palomar Hospital property, the surrounding area is seeing a decline in the need or demand for medical office support services in the East Valley neighborhood area, including at the project site. Adaptive reuse to housing units would allow for a land use consistent with the surrounding neighborhood and construction that would be minimally impactful since it would primarily involve interior changes.

The site would operate as a market-rate rental property offering a lower cost and stable long-term living situation. This would allow for a greater variety of housing availability for the community. In addition, the proposed physical improvements will result in an enhanced environment for tenants and have a positive influence on the surrounding community. Overall, the conversion of an underutilized office building to multi-family residential units will be a benefit to the immediate neighborhood and community at large.

*4. That the proposed change is not consistent with the adopted general plan;*

Applicant's Substantiation of Request:

In August 2021, the Escondido City Council found that the rising housing costs and lack of affordable housing options have led to a rise in homelessness in the region, including within the City of Escondido. The conversion of underutilized office buildings to housing is a creative, adaptive reuse of existing buildings which can substantially reduce the cost redevelopment while maintaining the existing scale and character of established neighborhoods. This type of redevelopment provides a much-needed housing type for those seeking housing at the lower end of the cost spectrum.

Therefore, Escondido Investments LLC (applicant) is requesting the City of Escondido (City) process a General Plan Amendment (GPA) and Zone Amendment (AZ) to allow the conversion of an existing medical office building located at 240 S. Hickory Street in Escondido (APN: 229-492-14-00) to a 20-unit, one- and two-bedroom multi-family residential development in accordance with Article 19, Planned Development (P-D) Zone, of the Escondido Municipal Code (EMC). The project site is approximately 0.69 acres in size and contains one, three-story structure historically used for medical offices. The existing building contains a total of approximately 16,885 square feet (sf) of gross building area. The site is surrounded by single-family residences and low-rise medical offices to the north, single-family residences to the east, condominiums and single-family residences to the south, and multi-family residences (Summit Apartments) to the west.

The project site has a land use designation of General Office (2.0 FAR) and the current zoning designation for the project site is Hospital Professional (H-P), which is considered a commercial zoning designation for interim development of medical or office use. Surrounding zoning and land use designations include H-P and Office to the north, Light-Multiple Residential (R-2-12) and Office to the east, R-2-12 and Urban II (U2) to the south,

and Residential Planned Development (PD-R-12) and U2 to the west. With the demolition and subsequent planned redevelopment of the old Palomar Hospital property, the surrounding area is seeing a decline in the need or demand for medical office support services in the East Valley neighborhood area, including at the project site. Adaptive reuse to housing units would allow for a land use consistent with the surrounding neighborhood and construction that would be minimally impactful since it would primarily involve interior changes.

The site would operate as a market-rate rental property offering a lower cost and stable long-term living situation. This would allow for a greater variety of housing availability for the community. In addition, the proposed physical improvements will result in an enhanced environment for tenants and have a positive influence on the surrounding community. Overall, the conversion of an underutilized office building to multi-family residential units will be a benefit to the immediate neighborhood and community at large.

5. *That the proposed change of zone does not establish a residential density below 70% of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5 unless the exceptions regarding dwelling unit density can be made pursuant to the provisions set forth in Article 6;*

The proposed Project does include a density that would yield 70% of the maximum density allowed under an Urban V land use designation.

6. *That the relationship of the proposed change is applicable to specific plans*

The Project site is not located within a Specific Plan, and any changes to the existing zoning district are not applicable to specific plans. The proposed change is not applicable to specific plans.

#### **Planned Development Permit Findings (PL23-0191/PL24-0215)**

#### **(Section 33-403 of Article 19 – Planned Development Zones of the Escondido Zoning Code)**

1. *The location, design, and residential density of the proposed planned development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido city council, or in the process of being prepared and adopted;*

#### **Applicant's Substantiation of Request:**

In August 2021, the Escondido City Council found that the rising housing costs and lack of affordable housing options have led to a rise in homelessness in the region, including within the City of Escondido. The conversion of underutilized office buildings to housing is a creative, adaptive reuse of existing buildings which can substantially reduce the cost

redevelopment while maintaining the existing scale and character of established neighborhoods. This type of redevelopment provides a much-needed housing type for those seeking housing at the lower end of the cost spectrum.

Therefore, Escondido Investments LLC (applicant) is requesting the City of Escondido (City) process a General Plan Amendment (GPA) and Zone Amendment (AZ) to allow the conversion of an existing medical office building located at 240 S. Hickory Street in Escondido (APN: 229-492-14-00) to a 20-unit, one- and two-bedroom multi-family residential development in accordance with Article 19, Planned Development (P-D) Zone, of the Escondido Municipal Code (EMC). The project site is approximately 0.69 acres in size and contains one, three-story structure historically used for medical offices. The existing building contains a total of approximately 16,885 square feet (sf) of gross building area. The site is surrounded by single-family residences and low-rise medical offices to the north, single-family residences to the east, condominiums and single-family residences to the south, and multi-family residences (Summit Apartments) to the west.

The project site has a land use designation of General Office (2.0 FAR) and the current zoning designation for the project site is Hospital Professional (H-P), which is considered a commercial zoning designation for interim development of medical or office use. Surrounding zoning and land use designations include H-P and Office to the north, Light-Multiple Residential (R-2-12) and Office to the east, R-2-12 and Urban II (U2) to the south, and Residential Planned Development (PD-R-12) and U2 to the west. With the demolition and subsequent planned redevelopment of the old Palomar Hospital property, the surrounding area is seeing a decline in the need or demand for medical office support services in the East Valley neighborhood area, including at the project site. Adaptive re-use to housing units would allow for a land use consistent with the surrounding neighborhood and construction that would be minimally impactful since it would primarily involve interior changes.

The site would operate as a market-rate rental property offering a lower cost and stable long-term living situation. This would allow for a greater variety of housing availability for the community. In addition, the proposed physical improvements will result in an enhanced environment for tenants and have a positive influence on the surrounding community. Overall, the conversion of an underutilized office building to multi-family residential units will be a benefit to the immediate neighborhood and community at large.

- 2. The proposed location allows the planned development to be well integrated with its surroundings;*

The proposed Project would result in conversion of an existing office building approved for office uses into a multifamily residential development. The existing building would remain and negligible site changes would occur as a result of the residential development.

- 3. All vehicular traffic generated by the planned development will be accommodated safely and without causing undue congestion upon adjoining streets;*

The Project prepared a traffic scoping agreement which found that the traffic generated by the proposed use will not cause undue congestion upon adjoining streets.

4. *The proposed location and design allow residents and business establishments proposed within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. In appropriate circumstances, and as provided elsewhere by city code, the city may require that suitable areas for schools, parks and playgrounds, pedestrian ways or public open spaces be dedicated for public use, or reserved by deed covenant for the common use of all residents, establishments or operations in the development;*

The Project site is located in an urbanized area of the City and is serviced by existing utility connections as it is a developed site.

5. *The overall design of the proposed planned development does produce an attractive, efficient and stable environment*

Applicant's Substantiation of Request:

In August 2021, the Escondido City Council found that the rising housing costs and lack of affordable housing options have led to a rise in homelessness in the region, including within the City of Escondido. The conversion of underutilized office buildings to housing is a creative, adaptive reuse of existing buildings which can substantially reduce the cost redevelopment while maintaining the existing scale and character of established neighborhoods. This type of redevelopment provides a much-needed housing type for those seeking housing at the lower end of the cost spectrum.

Therefore, Escondido Investments LLC (applicant) is requesting the City of Escondido (City) process a General Plan Amendment (GPA) and Zone Amendment (AZ) to allow the conversion of an existing medical office building located at 240 S. Hickory Street in Escondido (APN: 229-492-14-00) to a 20-unit, one- and two-bedroom multi-family residential development in accordance with Article 19, Planned Development (P-D) Zone, of the Escondido Municipal Code (EMC). The project site is approximately 0.69 acres in size and contains one, three-story structure historically used for medical offices. The existing building contains a total of approximately 16,885 square feet (sf) of gross building area. The site is surrounded by single-family residences and low-rise medical offices to the north, single-family residences to the east, condominiums and single-family residences to the south, and multi-family residences (Summit Apartments) to the west.

The project site has a land use designation of General Office (2.0 FAR) and the current zoning designation for the project site is Hospital Professional (H-P), which is considered a commercial zoning designation for interim development of medical or office use. Surrounding zoning and land use designations include H-P and Office to the north, Light-Multiple Residential (R-2-12) and Office to the east, R-2-12 and Urban II (U2) to the south,

and Residential Planned Development (PD-R-12) and U2 to the west. With the demolition and subsequent planned redevelopment of the old Palomar Hospital property, the surrounding area is seeing a decline in the need or demand for medical office support services in the East Valley neighborhood area, including at the project site. Adaptive reuse to housing units would allow for a land use consistent with the surrounding neighborhood and construction that would be minimally impactful since it would primarily involve interior changes.

The site would operate as a market-rate rental property offering a lower cost and stable long-term living situation. This would allow for a greater variety of housing availability for the community. In addition, the proposed physical improvements will result in an enhanced environment for tenants and have a positive influence on the surrounding community. Overall, the conversion of an underutilized office building to multi-family residential units will be a benefit to the immediate neighborhood and community at large.

- 6. The planned development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties;*

The Project entails conversion of an existing office building on a previously developed site, located within an urbanized area. No significant grading is required due to reuse of a vacant office building. The proposed Project does not result in any visually obstructive or disharmonious patterns of development, nor does it harm any major views due to the existing nature of the Project site.

- 7. The uses proposed have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the planned development in accord with adopted city policy.*

The proposed residential conversion has the potential to produce 19 above moderate and two low-income units toward the City's Regional Housing Needs Allocation (RHNA).

## EXHIBIT "D"

### PLANNING CASE NOS. PL23-0190/PL23-0191/PL24-0215/PL24-0225/PL24-0229

#### CONDITIONS OF APPROVAL

This Project is conditionally approved as set forth on the application received by the City of Escondido on **April 26, 2023**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated as approved on **December 04, 2024**, and shall not be altered without express authorization by the Development Service Department.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, and the Applicant's successors in interest, as may be applicable.

#### A. General:

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map or Planned Development application, the Permit shall expire 36 months from the effective date of approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map or Planned Development application, the Permit shall automatically expire after one year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

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

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

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

**4. Conformance to Approved Plans.**

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

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

**6. Certificate of Occupancy.**

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

**7. Availability of Permit Conditions.**

- a. Prior to building permit issuance, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Development Services.

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

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

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

Approval of this development project is conditioned upon payment of all applicable development fees and connection fees in the manner provided in Chapter 6 of the Escondido Municipal Code.

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

- a. State Law (SB 1535), effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the Project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two working days of the effective date of the adoption of the environmental document, a check payable to the "San Diego County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increase after the date of this approval, the Applicant shall be responsible for the increase.
- b. For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

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

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

**15. Enforcement.** If any of the terms, covenants, or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, the City of Escondido shall have the right to deny or withhold subsequent permit approvals or permit inspections that are derived from the application entitlements herein granted; issue stop work orders; pursue abatement orders, penalties, or other administrative remedies as set forth in state and local laws; or institute and prosecute litigation to compel compliance with such terms, covenants, or conditions or seek damages for their violation. The Applicant shall be notified in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.

**16. Indemnification, Hold Harmless, Duty to Defend.**

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions,

departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).

- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).
- c.** The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims

referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

- 17. Phasing.** A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

## **B. Construction, Maintenance, and Operation Obligations:**

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

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of property. In addition to compliance with such basic standards, the property subject to these approvals shall also be maintained free of trash, plant debris, weeds, and concrete (other than existing foundations and permanent structures). Any signs placed on the property advertising such property for sale or rent shall be in accordance with applicable laws, and be kept clean, in like-new condition, and free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

- 2. Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies.

Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

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

- 3. Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
- 4. Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
- 5. Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
- 6. Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
- 7. General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
- 8. Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
- 9. Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
- 10. Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
- 11. Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed

when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.

- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
- 15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Development Services that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.
- 16. Phasing.** A phasing plan shall be submitted for all projects which include more than one building. The phasing plan shall identify the order in which all on- and off-site improvements will be installed, including triggers for improvements resulting from mitigation measures placed on the project through the

environmental review process or required for General Plan conformance. The plan shall also identify the order in which structures will be built and occupied, the location of construction fencing at each phase of construction, and any other means necessary to prevent conflicts between construction traffic and users of the occupied buildings. The phasing plan shall be approved by the City Planner, Building Official, City Engineer and Fire Marshal prior to the issuance of a grading permit for the project. The phasing plan shall not be modified without written consent from the City of Escondido.

**C. Parking and Loading/Unloading.**

1. A minimum of 40 parking spaces shall be provided at all times. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

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

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

- 6. Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
- a.** A final landscape and irrigation plan shall be submitted to the Engineering Services Department for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
  - b.** Screening walls, retaining walls, storm improvements, and landscaping (i.e. planting and irrigation) is to be provided prior to final occupancy.
  - c.** The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
  - d.** Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.
  - e.** New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

**E. Specific Planning Division Conditions:**

1. Prior to issuance of a building permit, the Applicant shall provide updated plans for Certification per General Condition of Approval #3 – Certification reflecting the density bonus calculations as indicated in the density bonus request attached to the Planning Commission staff report, dated November 12, 2024.
2. The Applicant shall be responsible for ensuring that all mitigation measures identified in the Mitigation Monitoring and Reporting Program, included as Exhibit “C” to Resolution No. 2024-187, are implemented.
3. The Project shall be consistent with the incentives/concession and waivers identified in the density bonus request form attached to the Planning Commission staff report, dated November 12, 2024. \*

**F. Housing and Neighborhood Services Conditions:**

1. Two residential units shall be deed restricted to households qualifying as low-income households, and rented at low-income rents per state policy (“Affordable Units”).
2. The Project shall provide a minimum of two dwelling units for low-income households (those earning less than 80 percent of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA). Prior to issuance of a building permit, the developer shall sign a binding affordable housing agreement with the City, which will set forth the conditions and guidelines to be met in the implementation of Density Bonus Law requirements and any other applicable requirements (Within the affordable housing agreement, the developer will be responsible for annual recertification of household income qualifications and compliance with rent limits). The agreement will also establish specific compliance standards and remedies available to the City upon failure by the developer to restrict units to target households for the prescribed time period (55 years for all target units as described in Government Code section 65915(c)). Income qualified households will be monitored by the City of Escondido Housing and Neighborhood Services Division for the duration of the affordability period. Monitoring fees will be applied per the affordable housing agreement.
3. All affordability agreements shall run with the land and be binding on the applicant and its heirs, transferees, assigns, successors, administrators, executors, and other representatives, and shall be recorded against the applicable property for the requisite period of time.
4. The Affordable Units shall be constructed concurrently with, or earlier than construction of the unrestricted units. The City shall not issue building permits for more than fifty (50) percent of the unrestricted units until the City has issued building permits for all of the Affordable Units.
5. The Affordable Units shall be constructed with the same exterior appearance and interior features, fixtures, and amenities, and shall use the same type and quality of materials as provided for the unrestricted units in the Project.

6. The design, appearance, and general quality of the Affordable Units shall be consistent or compatible with the design of the total housing development in terms of appearance, materials, and finished quality.
7. The average square footage for the unrestricted units shall be approximately the same as the average square footage for the Affordable Units of the same number of bedrooms.
8. All Affordable Units shall have a bedroom unit mix consistent with Municipal Code Section 33-1417(d).
9. The Affordable Units shall be disbursed within the housing development.
10. The City shall not approve any final inspections or issue any certificates of occupancy for more than fifty (50) percent of the unrestricted units until the City has issued certificates of occupancy for all of the Affordable Units.

**G. Fire Department Conditions of Approval:**

1. Fire underground lines, Fire Sprinkler, and fire alarm plans shall be deferred submittals to Escondido Fire Department.
2. Fire Department connection shall be in an approved location.
3. Fire Department access and turnaround shall be provided as per Chapter 5 of the CFC and Escondido Fire Department standards.
4. Minimum hydrant fire flow of 1500 GPM at 20 PSI shall be provided.

**H. Specific Engineering Division Conditions:**

**GENERAL**

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. All easements, both private and public, affecting subject property shall be shown and delineated on all plans.
3. Improvement plans prepared by a Civil Engineer are required for all public utility improvements, and shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Any required Landscaping Plans shall be prepared by a Landscape Architect and likewise submitted through the virtual plan review portal.
4. The location of existing utilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project utility improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of any improvement plans. This utility/facility relocation work shall be completed prior to issuance of Encroachment Permits.

5. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Utility Improvements Cost prepared by the project engineer. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
6. All improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be corrected by the Developer to the satisfaction of the City Engineer.
7. Any requested gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal.
8. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.

### **WATER SUPPLY**

1. All on-site water lines and backflow prevention devices beyond the City water meter or RPDA shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
2. The Developer shall install a fire suppression sprinkler system, along with a City approved Reduced Pressure Detector Assembly Backflow (RPDA) per the satisfaction of the Fire Marshal and Utilities Engineer.
3. The location and size of water services, backflow prevention devices and sewer laterals shall be shown on the improvement plans.
4. No trees or deep-rooted bushes shall be planted within 10 feet of a public water main
5. Existing fire hydrant(s) shall meet current City of Escondido Standards.
6. Any water services to be replaced, reconnected or relocated as part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution Department.
7. The Developer may be responsible for an overlay of portions of the adjacent public alley due to the utility trenches necessary to serve this project. The determination of the extent of any required overlay shall be to the satisfaction of the City Engineer.

### **SEWER**

1. Sewer laterals shall be six (6) inch PVC minimum with a standard clean-out at the right-of-way and at all angle points per standard drawing S-2-E. Sewer lateral shall be constructed per current City of Escondido Design Standards and Standard Drawings per the current Uniform Plumbing Code.
2. All sewer laterals are considered private. The property owner and/or the Home Owners Association will be responsible for all maintenance of their individual sewer lateral to the sewer main.
3. Private sewer laterals to be abandoned shall be capped and plugged at the public sewer main to the satisfaction of the Utilities Engineer and the City Inspector.
4. Connection to an existing sewer manhole will require rehabilitation of the manhole per City Standards. Manhole #6456 shall be relined with Raven 405 epoxy, or approved equal. The minimum lining thickness

shall be 80 mils. Provide separate detail of proposed 6" lateral connection to existing manhole on improvements plans.

**ALLEY DEDICATION**

1. The Developer shall prepare and sign an irrevocable offer to dedicate 2' of public right-of-way for a total of 22' of public right-of-way along the project's alley frontage.

**FEES**

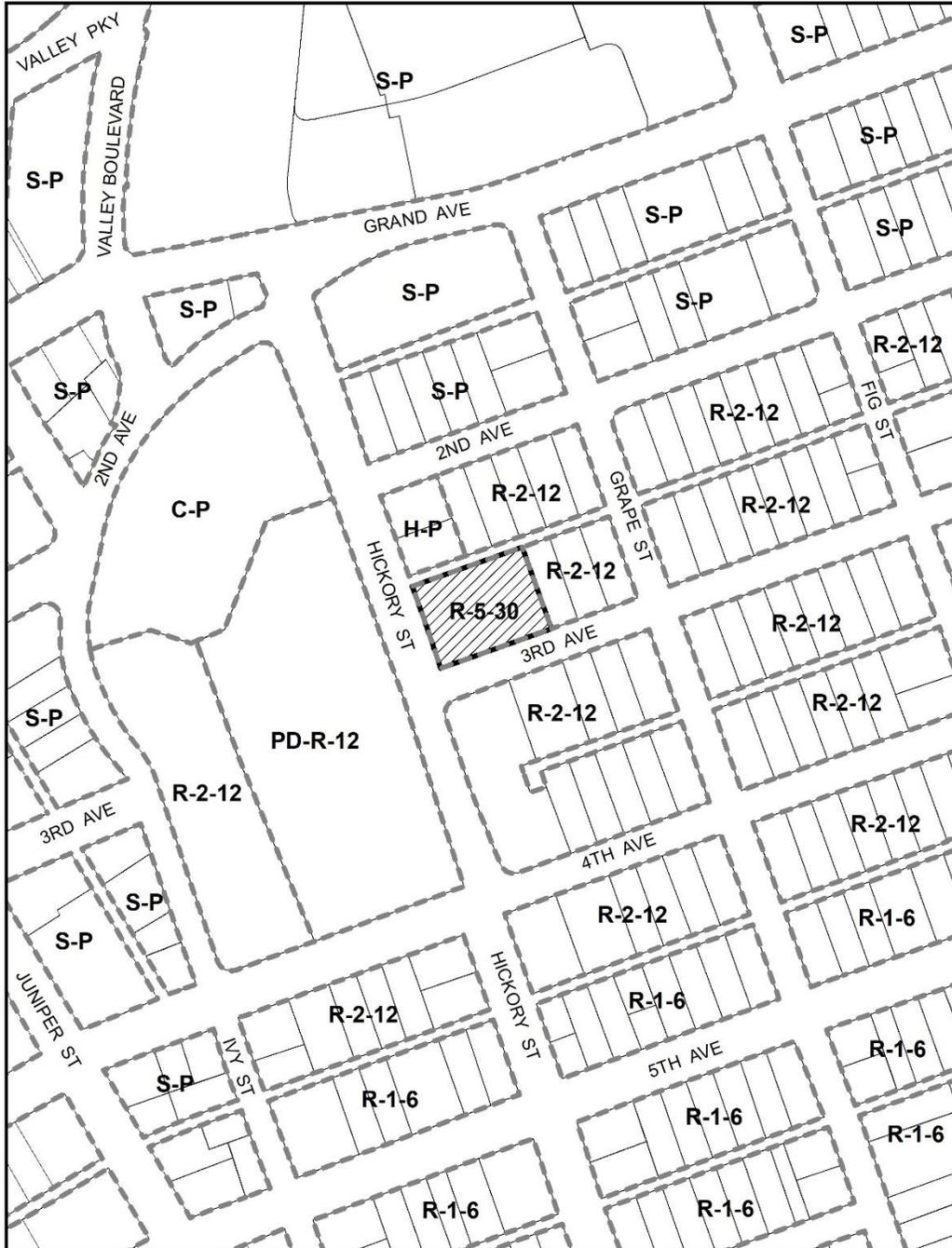
1. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

**\*During the December 04, 2024, the City Council of the City Of Escondido did not grant the waiver for the dedication as indicated in the attachment in the Planning Commission staff report, dated November 12, 2024.**

## Exhibit "E"

### Zone Map Amendment

Pursuant to Ordinance No. 2024-16, the Escondido Citywide Zoning Map is amended to rezone the subject property to R-5 as illustrated below:



## Exhibit "F"

### Planned Development Zone

Pursuant to Ordinance No. 2024-16, the Escondido Citywide Zoning Map is further amended to adopt a Planned Development Zone for the subject Property as illustrated below:

