

ORDINANCE NO. 2025-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A PLANNED DEVELOPMENT PERMIT (MASTER AND PRECISE PLAN), FOR CONSTRUCTION OF 35 DWELLING UNITS

CASE NO: PL25-0149/PL25-0150/PL25-0151

APPLICANT: Stephen Dalton Architects (C/O Sebastian Beingola)

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

SECTION 1. The City Council makes the following findings:

- a) Stephen Dalton Architects, represented by Sebastian Beingola, ("Applicant"), filed land use development applications, Planning Case No(s). PL25-0149/PL25-0150/PL25-0151 ("Application") constituting a request for a Planned Development Permit (Master and Precise Plan) and Design Review Permit to allow for construction of a thirty-five-unit (35) multi-family building with ground-floor residential uses; and density bonus request to exceed the allowable maximum density ("Project") on a 0.23 net acre parcel addressed as 339 S. Escondido Boulevard (Assessor's Parcel No.: 233-141-15-00), in the Specific Planning Area 9 (SPA-9: Downtown Specific Plan Area) General Plan Land Use Designation, and within the Specific Plan (S-P) zoning district; and
- b) The subject Property is all real property described in Exhibit "A," which is attached hereto, and made a part thereof by this reference; and
- c) The Application was submitted to, and processed by, the Planning Division of the Development Services Department. The Application consists of a Planned Development Permit (Master and Precise Plan) to allow for ground-floor residential uses as required by the Downtown Specific Plan and for construction of the Project; and

- d) The Applicant concurrently submitted an application for a Design Review Permit as is required for Planned Development Projects, pursuant to Article 64 (Design Review) section 33-1354(a) of the Escondido Zoning Code. The Project also includes a density bonus request to exceed the maximum allowable units on the property from 23 dwelling units to 35 dwelling units, and to utilize incentives/concessions as permitted by State Density Bonus Law and Article 67 (Density Bonus and Residential Incentives) of the Escondido Zoning Code; and
- e) The Planning Division of the Development Services Department completed its review and scheduled a public hearing regarding the Application before the Planning Commission on May 27, 2025. Following the public hearing, the Planning Commission adopted Resolution No. 2025-06, which recommended that the City Council, among other things, approve the Project.

SECTION 2: Proper notices of a public hearing have been given pursuant to Article 61, Division 6 of the Escondido Zoning Code and pursuant to State law and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 3. The City Council did on June 18, 2025, 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; and
- b) Oral testimony from City staff, interested parties, and the public; and
- c) The City Council Staff Report, dated June 18, 2025, which along with its attachments including the May 27, 2025 Planning Commission Staff Report, is incorporated herein by

this reference as though fully set forth herein, including the Planning Commission's recommendation on the request; and

d) Additional information submitted during the public hearing.

SECTION 4. Upon consideration of the Factors to be Considered/Findings of Fact, attached as Exhibit "B," and incorporated herein by reference, the City Council desires at this time and deems it to be in the best public interest to approve the Planned Development Permit (Master and Precise Plan) to allow ground floor residential uses and the residential development, as shown on the approved plans included as Exhibit "C", and subject to the Conditions of Approval attached as Exhibit "D."

SECTION 5. The City Council considered Resolution No. 2025-68 during the June 18, 2025, City Council hearing, and intends to approve a Design Review Permit to support the proposed Project.

SECTION 6. 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 June 18, 2025, City Council Staff Report. No single component of the series of actions made in connection with the Project shall be effective unless and until 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 Resolution No. 2025-68 is also approved.

SECTION 7. ENVIRONMENTAL REVIEW. That the City Council has reviewed and considered the Notice of Exemption prepared for the Project in conformance with California Environmental Quality Act (CEQA) Guidelines, and finds that the Project is categorically exempt from CEQA under CEQA Guidelines Section 15332 (In-Fill Development Projects). The City Council has determined that approval of the Project would not result in significant impacts to air quality, noise, traffic, or water quality; nor, does the Project trigger any of exceptions under CEQA Section 15300.2 that would qualify the use of the exemption.

SECTION 8. All references within this Ordinance to “Applicant” or “Developer,” shall equally apply to the current property owner and to any successors-in-interest or assigns, whether such successors or assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within the Project Site.

SECTION 9. 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 10. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 12. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

SECTION 13. The Ordinance shall become effective 30 days from the date of this passage.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 23rd day of JULY, 2025 by the following vote to wit:

AYE : Councilmembers: FITZGERALD, GARCIA, GARCIA, MARTINEZ

NOES : Councilmembers: NONE

ABSENT : Councilmembers: WHITE

APPROVED:

Signed by:
Consuelo Martinez
E4F2D9968F214C9...
CONSUELO MARTINEZ, Deputy 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. 2025-04 passed at a regular meeting of the City Council of the City of Escondido held on the 23rd day of July, 2025.

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

ORDINANCE NO. 2025-04

LEGAL DESCRIPTION
Project Nos: PL25-0149, PL25-0150,
PL25-0151

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

PARCEL 1:

LOT 7 AND 8 IN BLOCK 95 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886.

EXCEPTING THEREFROM, THE NORTHWEST 40 FEET OF SAID LOTS.

PARCEL 2:

AN EASEMENT AND RIGHT OF WAY FOR PIPELINES FOR WATER, SEWAGE, GAS AND FOR ALL PUBLIC UTILITIES, OVER AND ACROSS THE SOUTHWESTERLY 2 FEET OF THE NORTHWESTERLY 40 FEET OF LOT 7 HEREIN DESCRIBED.

APN: 233-141-15-00

PROJECT NOS. PL25-0149/PL25-0150/PL25-0151**FACTORS TO BE CONSIDERED / FINDINGS OF FACT****Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) ("CEQA"), and its implementing regulations (14 C.C.R. § 15000 et seq.) ("CEQA Guidelines"), the City of Escondido ("City") is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for the following exemption which has been determined to not have a significant effect on the environment, and is declared categorically exempt from the requirement for the preparation of environmental documents. In compliance with CEQA Guidelines Section 15332 (In-Fill Development Projects), the proposed Project meets the following criteria:
 - a. The Project is consistent with applicable general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations, in that the proposed Project entails a multi-family residential development consistent with the Specific Planning Area 9 and all applicable General Plan policies, as well as the development standards within the Downtown Specific Plan for Southern Gateway District, except for the incentives/concessions and waivers requested and granted as part of the Density Bonus request, and as permitted by State Density Bonus Law and Article 67 of the Escondido Zoning Code;
 - b. The Project site is located within City of Escondido limits, on a site that is less than five acres, and is substantially surrounded by urban uses, as the Project site is approximately 0.23 acres. It is surrounded by residential uses to the south and west, and commercial uses to the north and east;
 - c. The Project site has no value as habitat for endangered, rare or threatened species, in that the Project site was previously developed as a mixed-use development with commercial and residential uses. The Project site is listed as "Urban/Developed" within the City's Draft Subarea Plan;
 - d. Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality, in that the Project would be required to comply with the City's noise ordinance, which includes construction and operational noise

limits. The Project site is within a half-mile walking distance of a major transit stop: the Escondido Transit Center. Per the VMT Memo (dated January 17, 2025) prepared by Marc Mizuta (Mizuta Traffic Consulting), the Project is presumed to have a less than significant impact on VMT as it is located in a transit-accessible area, and VMT efficient area, thus screening out of VMT analysis pursuant to the City's adopted Traffic Impact Analysis Guidelines (2021). Per the Project specific LMA analysis (January 17, 2025), the Project is forecasted to generate less than 500 daily trips, and does not add 30 or more peak-hour trips to an intersection. Therefore, traffic impacts associated with VMT and LOS are less than significant and no impacts would occur.

The Project is designed to comply with local and state required storm water regulations for the purpose of containing drainage and ensuring water quality. Project construction would be required to comply with the Air Quality Resource Board's standards on construction emissions and is below identified thresholds within the City's adopted, qualified Climate Action Plan (2021), as detailed in the CAP Consistency Checklist for the Project. The Project is consistent with the City's General Plan and Zoning regulations except for all incentives/concessions and waivers requested and granted as a part of the density bonus request and would therefore would not result in adverse impacts related to traffic, noise, air quality, or water quality;

- e. The Project site can be adequately served by all required utilities and public services in that the Project site is a previously developed site with existing utilities located adjacent to the site. The Project would be required to build to the City's standards that allow for the Project to connect to existing services, including sewer and water connections.
3. The Project also does not trigger Section 15300.2 (Exceptions) of the CEQA Guidelines, which would disqualify the use of an exemption for the following reasons:
 - a. Location – The exemption proposed is a Class 32 (In-Fill Development Projects) exemption, and the Project does not include a Class 3, 4, 5, 6, or 11 exemptions. Based on this, this exception is not applicable.
 - b. Cumulative Impact – The Project is located within the Downtown Specific Plan which has a certified Final Environmental Impact Report for the existing land uses through the specific plan. The Project is consistent with the adopted specific plan, and is consistent with the types of projects envisioned for this area of the plan.
 - c. Significant Effect – There are no unusual circumstances involved in the Project, as it is located in an urban area of the City and is consistent with the development standards and use of the property as envisioned through the adopted Downtown Specific Plan.

- d. Hazardous Waste Site – As demonstrated by the Applicant and the associated application materials on file with the City's Planning Division, the Project is not located within a Hazardous Waste Site pursuant to Section 65962.5 of the Government Code.
 - e. Historical Resource – The Project includes demolition of an existing mixed-use building comprised of commercial uses and residential units. The existing building is not identified in the City's Local Register or in Escondido Sites Survey. This exception is not triggered. The site to the west is identified as a Contributor; however the property itself is not within a Historic District, nor does it meet the definition of a Historical Resource under CEQA.
4. The City Council, or their designee, has independently considered the full administrative record before it, which includes but is not limited to materials and evidence submitted by the applicant and other interested parties, and input provided by other City departments and public agencies. No substantial evidence has been submitted that would support a finding that any above-described exemptions are not applicable to the Project. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Planned Development Permit Findings (Escondido Zoning Code Section 33-403 of Article 19)

The City Council has reviewed the record, including applicable CEQA findings, and make the following findings in approving the Planned Development Permit:

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;*

The Project is located within the Southern Gateway (SG) land use district of the Downtown Specific Plan (DSP). In this area of the DSP, the maximum residential density is 100 dwelling units per acre ("100 du/acre"). The Project includes a density bonus request to exceed the maximum allowable units, and will provide four (4) Very-Low-Income units to achieve bonus units. The increase in density is permitted by State Density Bonus Law, and Article 67 (Density Bonus and Residential Incentives). The location, design, and residential density of the proposed Project is consistent with the goals and policies of the Escondido General Plan and DSP in that the Project complies with the height limits of the DSP, and is an area of the DSP that encourages high density urban living, along a commercial corridor.

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

The Project requires a Planned Development Permit (Master and Precise Plan) due to the proposed ground floor residential uses, as detailed under Figure II-4 of the DSP. The proposed location of the Project is within an area of the DSP that encourages high density urban living as demonstrated by the allowable height for this specific area (75'-0" maximum, 7-stories). The Project is consistent with the type of development envisioned along Escondido Boulevard which is considered a commercial corridor leading into the core area of the DSP. This location is a suitable site for the type of development that is proposed. Further, directly adjacent to the northeast of the Project site is a 4-story mixed-use residential development of similar massing and height.

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

As detailed in the Planning Commission staff report, dated May 27, 2025, the Project screens out of any further Vehicles Miles Traveled (VMT) analysis as documented in the Project-specific traffic scoping agreement. Furthermore, based on the traffic scoping agreement, the Project is anticipated to generate less than 500 daily trips, and does not add thirty (30) or more peak hour trips to an intersection thereby satisfying General Plan requirements for level-of-service (LOS). Therefore, the Project would not result in undue congestion as it is below identified thresholds for both VMT and LOS.

4. *The proposed location and design allows 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 is conditioned to address necessary resizing of water and sewer lines to facilitate the development Project on the site. Existing utility infrastructure exists in and around the Project site, and the site previously maintained connections to those facilities. The Project will not have a negative impact on existing public facilities and services upon completion of the public improvements in that the City's Utilities Department reviewed the Project as a part of the Staff Development Committee and determined there is adequate capacity and existing infrastructure to serve the Project. Minor changes to line sizing connecting the main to the site (i.e., lateral) are required for the Project to ensure minimum

health and safety needs. The Project is conditioned to provide a new 6-inch sewer lateral that is be connected to an existing 8-inch sewer main.

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

The Project requires a Planned Development Permit to construct residential units on the ground-floor of the buiding per the DSP. The proposed Planned Development project will revitalize an underutilized parcel by providing new housing opportunities for residents, along a commercial corridor. This revitalization will create an influx of new and existing residents into the DSP, and produce an attractive, and stable environment for those in the surrounding neighborhood. Further, the Project is subject to the City's Design Review process, which applied objective design standards to the Project to ensure compatibility with surrounding uses and adequate site design.

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 Planned Development Permit is required for ground-floor residential uses as indicated in the DSP. The topography of the site is relatively flat, and does not require excessive earthmoving or grading. Furthermore, the building height is consistent with the DSP's height standard for this district. The Project is subject to the City's Design Review process, which applied objective design standards to the Project to ensure compatibility with surrounding uses and adequate site design.

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 Project proposes a multi-family use consistent with the DSP land use matrix and requires the Planned Development Permit (PDP) to allow for ground floor residential uses where they are otherwise not permitted. The Project includes the presence of one residential unit and ancillary parking structure on the ground floor triggering the requirement of the PDP. The location, design, and residential density of the proposed Project is consistent with the goals and policies of the Escondido General Plan and DSP in that the Project complies with the height limits of the DSP, and is an area of the DSP that encourages high density urban living, along a commercial corridor. With the exception of

the incentives/concession granted pursuant to State Density Bonus Law and Article 67 of the Escondido Zoning Code, the Project complies with all existing zoning regulations.

No Net Loss:

Pursuant to California Government Code Section 65863, the City Council finds the following:

1. The Project site, or a portion thereof, is identified in the Housing Element to accommodate a portion of the regional housing need. The identified capacity on the Project site is as follows: 10 new moderate-income units. The proposed Project reduces the density of the site below what was projected in the Housing Element; the Housing Element shows a site capacity of 10 moderate-income units, whereas 4 very low-income units are proposed. Therefore the Project would result in a loss of 10 moderate units from the City's identified sites inventory and overall provide 6 less affordable units than the estimated capacity in the Housing Element Sites Inventory.
2. The Housing Element, adopted on March 22, 2023, requires that the City accommodate 9,607 low-/moderate-/above-moderate income units as its share of the regional housing need, with 1,496 low-/moderate-/above-moderate income units either constructed, approved, or projected to be provided through accessory dwelling units, leaving a remaining need for 8,111 units. If the proposed Project is approved, the remaining need will be reduced to 8,107 units. With approval of the Project, the Housing Element Sites Inventory would still have an identified capacity of 10,617 housing units overall. With respect to moderate-income units, with approval of the Project, the City would maintain a total of 1,667 identified moderate-income units on sites within the sites inventory, where the regional housing need allocated the City a total of 1,527. Therefore, approval of the Project would result in a no net loss of moderate-income units and a no net loss overall for those sites remaining on the suitable sites inventory.

Density Bonus Determinations (Article 67 Section 33-1419 of Chapter 33)

1. *The Project is consistent with the provisions of this article.*

The Project proposes the development of 35 dwelling units within the Southern Gateway District of the Downtown Specific Plan area. The Project site is currently developed with a used car dealership and a four unit multi-family building. Based on the tenant records from the past five years, three of the four units are deemed

"protected units". As a result, the Project must provide at least three deed-restricted, comparable dwelling units for low-income households. The Project proposes to provide four very low-income dwelling units. The Downtown Specific Plan permits a maximum density of 100 dwelling units per acre for the Project site, which would allow 23 dwelling units on the 0.23-acre site. With the inclusion of four very low-income dwelling units, the percentage of affordable units will be 17.4% of the total base density. Per Article 67 Section 33-1413 of Chapter 33, the Project is eligible for a density bonus of up to 50% of the base dwelling units, granting entitlement to 12 bonus dwelling units. The Applicant has opted to add 12 bonus units, bringing the total to 35 dwelling units.

According to Article 67 Section 33-1414 of Chapter 33, the Project is entitled to three incentives/concessions and unlimited waivers of development standards. The Applicant requested two incentives/concessions.

The first requested concession is to reduce the required area for usable common open space. The development standard required for usable open space for residential development within the Downtown Specific Plan area is 300 square feet per dwelling unit. Therefore, the Project would be required to provide a total of 10,500 square feet. The Applicant has expressed that the standard open space requirement would prevent the Project from reaching the necessary unit count and therefore, financially hinder the Project from obtaining the necessary funds to fulfill the onsite affordable housing commitment. The Applicant proposes a 990 square foot common courtyard and approximately 2,380 square feet of private usable open space.

The second requested concession is for the required front setbacks along S Escondido Blvd. In the Southern Gateway District, the required front setback is measured either at the right of way or 14 feet from ultimate street curb face, whichever is greater. For the Project site, the required setback would be 14 feet from the ultimate street curb face. The Applicant has expressed that the standard setback requirement would prevent the Project from reaching the necessary unit count and therefore, financially hinder the Project from obtaining the needed funds to fulfill the onsite affordable housing commitment. In obtaining the concession, the balconies along S Escondido Blvd will be able to project into the 14-foot setback but remain within the bounds of the Project site.

Based on the Staff Development Committee's review, these concessions would not adversely impact public health, safety, or the physical environment.

The information provided above is outlined in the Density Bonus Request Form (Planning Commission Staff Report, dated May 27, 2025 — Attachment 3), which includes the requested incentives, concessions, and waivers, all of which are in compliance with the provisions of Article 67.

Project Case Nos.: PL25-0149, PL25-150, PL25-0151

The architectural drawings are copy-right protected. Please contact the case planner at ivan.flores@escondido.gov for further information.

PROJECT NOS. PL25-0149/PL25-0150/PL25-0151**CONDITIONS OF APPROVAL**

This Project is conditionally approved as set forth on the application received by the City of Escondido on **January 08, 2024**, and the Project drawings consisting of Site Plans, Floor Plans, Sections, Architectural Elevations, Civil Sheets/Grading, Landscape Plans and Colored Elevations; all designated, and **as approved by the City Council on June 18th, 2025**, 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. 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. **Exemption.** If the environmental determination prepared for the Project is a categorical exemption, the City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.
- 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 16 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. Detailed landscape and irrigation plans shall be electronically submitted to the Engineering Services Department with the second submittal. 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. The Project shall be designed in accordance with incentives/concessions identified in Density Bonus Request attached as Attachment 3 of the Planning Commission staff report, dated May 27, 2025.

F. Housing and Neighborhood Services Conditions:

1. Four residential units shall be deed restricted to households qualifying as very low-income households, and rented at very low-income rents per state policy ("Affordable Units").
2. The Project shall provide a minimum of four dwelling units for very-low income households (those earning less than 50 percent of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA). Prior to issuance of a grading 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. SB 330

1. **Very Low-Income Deed Restriction:** The Project shall provide a minimum of three dwelling units for very low-income households (those earning less than 50 percent of the Area Median Income for the San Diego-Carlsbad-San Marcos MSA) that is a comparable unit to the existing dwelling unit as defined in SB 330. 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 SB 330, Density Bonus Law, 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.
2. **Relocation Benefits:** Within 45 days of the approval date of the Project, the Applicant shall provide to the satisfaction of the City's Planning and Housing and Neighborhood Services Divisions, a Residential Relocation Assistance Program that outlines the relocation benefits tenants are entitled to under SB 330 and state law. The program shall include Relocation Advisory Services, Payment for Moving Expenses, and Replacement Housing Payment. This program will then be provided to the tenants of the existing dwelling unit.
3. **Right to First Refusal:** Prior to issuance of the demolition permit for the existing building(s), a signed letter from the prior tenants acknowledging their receipt of notice for their Right of First Refusal to return to a comparable unit at the very low-income household rent level, as defined in SB 330. The letter shall also indicate whether they accepted to occupy the newly constructed comparable unit at the affordable rent or waived their right for rental.

H. Specific Fire Department Conditions:

1. All Fire Department Connections (FDC) shall be in an approved location.

2. Underground fire line plans, fire sprinklers, and fire alarm plans shall be deferred submittals to Escondido Fire Department.
3. All access shall be a minimum vertical clearance of 13'-6".

I. Specific Engineering Division Conditions:

GENERAL

1. The applicant shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading Plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer, required for all public street, utility, and storm drain improvements, and Grading/Private Improvement plans prepared by Civil Engineer, required for all grading, drainage and private onsite improvement design, 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. Landscaping Plans shall be prepared by a Landscape Architect.
4. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map and Grading Plan. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
6. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements.
2. The developer shall remove and reconstruct frontage improvements (sidewalk, curb returns, and pedestrian ramps) on Escondido Boulevard in accordance with design principals of South Escondido Boulevard Neighborhood. Improvements shall include but not limited to construction of enhanced sidewalk, street trees, pedestrian lighting and modification of curb return to the satisfaction of the City Engineer and Planning Director.
3. The developer shall remove and reconstruct the existing curb return and drainage structure at the southwest corner of Escondido Boulevard and 4th Avenue in accordance with the South Escondido Boulevard curb return design.
4. The developer shall remove the existing curb along project frontage on 4th Avenue and replace with and replace with a standard 6 inch curb & gutter to the satisfaction of the City Engineer. The developer may also be required to remove the existing sidewalk and landscaping along the project frontage on 4th Avenue and replace with new sidewalk and landscaping consistent the requirements of the Downtown Specific Plan guidelines, Design Review Board and Planning Director.
5. The developer shall be responsible for any damaged sections of curb & gutter and street improvements along project frontage on Escondido Blvd and 4th Avenue to the satisfaction of the City Engineer.
6. The developer may be responsible for grind and overlay of Escondido Blvd and 4th Avenue along project frontage due many utility trenches necessary to serve this project and construction damage. The City Engineer shall determine the extent of overlay improvements prior to completion of the project.
7. Access to this project shall be improved with an alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E, with a minimum throat width of twenty-four (24) feet.
8. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
9. 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.
10. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. A private contractor shall do any removal of existing striping, and shall do all new signing and striping.
11. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer.

12. All gated vehicular entrances shall be setback a minimum of twenty (20) feet from back of sidewalk, shall be designed and improved to the satisfaction of the City Engineer. The gated entrance shall remain open during the A.M. and P.M. peak hours.

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

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department prior to issuance of building permits.
2. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 5 1/2" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. Erosion control, including riprap, interim sloping planting, gravelbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the development of the project.
4. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
5. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

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

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
3. All site drainage with emphasis on the roadway, parking, and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment.

The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.

4. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the project to the specifications of the [County of San Diego Green Streets manual](#) in effect at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H2O loading.
5. The project owner shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third party testing at the property owner's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The project owner will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project owner will be responsible to replace the pervious pavers system with an alternate method of storm water treatment system or will be required to transition the project to a priority storm water development project by complying with the applicable requirements, including development of a Storm Water Quality Management Plan and the installation of structural best management practices.
6. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.

WATER

1. Water services, meters and backflow prevention devices shall be a minimum of 1-inch in size. Water meters and backflow prevention devices shall not be installed within driveway aprons or drive areas.
2. The developer is responsible to determine the water demands of the project. The minimum water service size is 1-inch. At a minimum, backflow devices shall be equal in size to the water lateral.
3. The final locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.
4. Fire hydrants to be replaced, reconnected or relocated as part of this project shall be replaced in entirety per City of Escondido Standard W-3-E. Fire Hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal. Developer shall show the locations of all required hydrants, detector check assemblies, fire department connections and post indicator valves on the improvement plans.
5. Fire suppression and sprinkler systems beyond the detector check assemblies are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department. Although private and approved by separate

plans and permit, all fire suppression lines within the right-of-way or within public utility easements shall be shown for reference and review on the various final engineering plan sets. Private fire suppression lines may not run parallel within the public right-of-way or within public utility easements. The property owner shall be responsible for all maintenance of these fire suppression and sprinkler systems.

6. No trees or deep-rooted plants shall be planted within 10 feet of any public water or recycled water main. There shall be no permanent structures located within the City's Public Utility Easements.
7. All on-site water lines and backflow prevention devices beyond the City water meter or DCA shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
8. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.
9. The location and size of water services, backflow prevention devices and sewer laterals shall be shown on the improvement plans.

SEWER

1. New 6-inch private sewer lateral with a standard cleanout within 18-inches of the public right of way shall connect to the 8" sewer main in the alley through an existing 2-foot private utility easement LOT 7 PARCEL 2 OF MAP 336. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye or Inserta-Tee.
2. Sewer lateral shall be constructed per current City of Escondido Standards and Uniform Plumbing Code.
3. No trees or deep-rooted plants shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer lateral shall be 5-feet horizontally clear from other utilities.
4. All sewer laterals shall be considered a private sewer system. Owner shall be responsible for all maintenance of sewer laterals to the public main.
5. The project design shall be such that all existing or new sewer manholes are accessible at all times by City Vector trucks for maintenance.
6. The developer, through his engineer, shall verify the location of all public utility easements within this project and shall verify that the public utilities are within these easements.
7. The developer shall cap and plug all abandoned sewer laterals at the property line.
8. The location of all sewer laterals shall be shown on the grading and improvement plans

REPAYMENTS AND FEES

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

EASEMENTS AND DEDICATIONS

1. The property owner shall grant to the City a two (2) foot public utility easement along the property frontage of Escondido Boulevard in accordance with the design standards and the requirements of the City Engineer

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.

UTILITY UNDERGROUNDING AND RELOCATION

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

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.