

ORDINANCE NO. 2025-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A PLANNED DEVELOPMENT PERMIT (MASTER AND PRECISE PLAN) TO ALLOW GROUND-FLOOR RESIDENTIAL USES FOR CONSTRUCTION OF 70 UNITS

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

SECTION 1. The City Council makes the following findings:

- a) KB Homes, represented by Troy Frederick (“Applicant”), filed a land use development application, Planning Case Nos. PL25-0020/PL25-0021/PL25-0023/PL25-0024, (“Application”) constituting a request for a Tentative Subdivision Map to merge two (2) existing lots into one (1) and to permit condominium units; a Planned Development Permit (Master and Precise Plan) to permit ground-floor residential units in the Downtown Specific Plan; and a Design Review Permit for construction of seventy (70) for-sale dwelling units (“Project”) on a 2.73 gross acre site located at 613 W. Valley Parkway (APNs: 232-100-20-00 and 232-100-21-00), in the Downtown Specific Plan Area (SPA-9) general plan land use designation, and Specific Plan (S-P) zone; and
- b) The subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as though fully set forth herein (“Property”); and
- c) The Planning Division of the Development Services Department completed its review, and scheduled a public hearing regarding the Project before the Planning Commission on October 28, 2025. Following the public hearing on October 28, 2025, the Planning Commission adopted Resolution No. 2025-09, which recommended that the City Council, among other things, approve the Project’s Planned Development Permit (Master and Precise Plan).

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 10, 2025, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to be 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's website.
- b) Oral testimony from City staff, interested parties, and the public.
- c) The City Council staff report, dated December 10, 2025, 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.

SECTION 4. ENVIRONMENTAL REVIEW. Pursuant to Section 15532 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA), the Project is categorically exempt from further environmental review. A Notice of Exemption was prepared for the Project, and is attached to the City Council staff report, dated December 10, 2025.

SECTION 5. Upon consideration of the Factors to be considered/Findings of Fact attached as Exhibit "B," 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), as depicted in the project plan set attached as Exhibit "C," in furtherance of the Project generally described in the City Council staff report, dated December 10, 2025, subject to the Conditions of Approval attached as Exhibit "D," and is incorporated herein by this reference as though fully set forth herein.

SECTION 6. 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 7. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. Concurrently with this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described by the December 10, 2025, City Council staff report. No single component of the series of actions made in connections with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective within its corporate limits as a statute in the manner provided by state law. Therefore, this Ordinance shall become effective after final passage and public as required by law, and operative only if City Council Resolution No. 2025-162 is approved.

SECTION 9. 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.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 7th day of JANUARY, 2026 by the following vote to wit:

AYE : Councilmembers: FITZGERALD, GARCIA, GARCIA, MARTINEZ

NOES : Councilmembers: NONE

ABSENT : Councilmembers: WHITE

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. 2025-11 passed at a regular meeting of the City Council of the City of Escondido held on the 7th day of January, 2026.

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

ORDINANCE NO. 2025-11

Exhibit "A"
Legal Descriptions

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

PARCELS 1 AND 2 OF PARCEL MAP NO. [11961](#), IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 19, 1982.

[APN: 232-100-20-00](#) (Affects Parcel 1) and [232-100-21-00](#) (Affects Parcel 2)

EXHIBIT "B"**PLANNING CASE NOS. PL25-0020/PL25-0021/PL25-0023/PL25-0024****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 has been determined to not have a significant effect on the environment, and is declared categorically exempt from the requirement to prepare environmental documents. The proposed Project is categorically exempt pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects"), in that the proposed project consists of a multi-family development of 70 for-sale units on a site less than five acres in size; the Project is consistent with the applicable general plan designation, and all applicable general plan policies as well as with applicable zoning designation and regulations; the Project site has no value as habitat for endangered, rare or threatened species; the Project can be adequately served by all required utilities and public services; and the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
3. Further, the Project does not trigger any exceptions to categorical exemptions identified in CEQA Guidelines section 15300.2. in that:
 - a. *Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The Project is not pursuing a Class 3, 4, 5, 6, or 11 Categorical Exemption; therefore, this exception is not applicable to the Project.*
 - b. *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. No individually significant impacts would result from the proposed Project. Therefore, no cumulatively considerable impacts related to traffic, noise, air quality, or water quality are anticipated to occur. As the Project is within the City's Downtown area and in close proximity to transit, increased density from successive mixed-use projects in this area would be anticipated to reduce VMT and associated impacts related to air*

quality and greenhouse gas emissions. Additionally, as detailed in Section 15064.3 of the CEQA Guidelines, projects within 0.5 miles of an existing major transit stop are presumed to cause a less than significant transportation impact. No cumulative impacts are expected to result from the Project and successive projects of the same type in the same place over time. Therefore, this exception does not apply, and the Project is eligible for a Categorical Exemption.

- c. *Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.* As detailed in the analysis in the Planning Commission staff report, dated October 28, 2025, no significant environmental effects related to traffic, noise, air quality, or water quality would occur as a result of Project implementation. The Project is consistent with the zoning and land use designations for the site and would replace an existing office building with multi-family housing, which is consistent with the City's vision for the Project vicinity as a high-density urban center. The Project site is developed within an urban area under existing conditions and is not known to contain unique resources. There are no other unusual circumstances on the Project site or unusual activities proposed by the Project that would result in significant environmental effects. Therefore, this exception would not apply, and the Project is eligible for a Categorical Exemption.
- d. *Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigate on by an adopted negative declaration or certified EIR.* The Project site is not located along a designated state scenic highway, nor would the project damage scenic resources such as trees, historic buildings, rock outcroppings, or similar resources within a highway officially designated as a state scenic highway. The closest officially designated state scenic highway is the portion of SR 52 approximately 18 miles south of the project site (California Department of Transportation 2024). Therefore, this exception would not apply, and the Project is eligible for a Categorical Exemption.
- e. *Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.* A Phase I Environmental Site Assessment Report was prepared for the Project by Petra Geosciences, Inc. (2024). The Phase I Environmental Site Assessment included a records search of government environmental regulatory databases and did not identify the project site as being on a list compiled pursuant to Section 65962.5 of the Government Code. Updated searches of the EnviroStor and GeoTracker databases compiled pursuant to Section 65962.5 of the Government Code

did not reveal any new hazardous materials cases on the project site (Department of Toxic Substances Control 2024; State Water Resources Control Board 2024). As the project site is not contained on the lists compiled pursuant to Section 65962.5 of the Government Code, this exception does not apply and the Project is eligible for a Categorical Exemption.

f. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The existing office building was constructed in 1984, and is less than 50 years old, thus it does not meet the minimum criteria to be considered eligible for the City's Local Register. The office building is not a "historical resource" as defined in Section 15064.5, and no substantial evidence in the administrative record indicates that the office building may be considered a historical resource. Therefore, this exception would not apply, and the Project is eligible for a Categorical Exemption.

4. The City Council has independently considered the full administrative record before it, which includes but is not limited to the December 10th, 2025 Staff Report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Hall. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

PLANNED DEVELOPMENT PERMIT FINDINGS (PL25-0020/PL25-0021)
(Section 33-403 of Article 19 – Planned Development Zone of the Escondido Zoning Code)

With respect to the Planned Development Permit, the City Council make the following findings for approval:

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 includes a request for a Planned Development Permit to allow ground-floor residential uses in this area of the Downtown Specific Plan (DSP). The location, design, and residential density is

consistent with the maximum permitted density on site in that the site allows up to 100 dwelling units per acre whereas only 25.6 dwelling units per acre are proposed.

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

The Project includes a request for ground-floor residential uses subject to a Planned Development Permit, and is consistent with surrounding developments. It is surrounded by multi-family to east, and a new senior housing project located diagonally across the street. The proposed Project will revitalize an underutilized parcel that currently has a vacant office building, and will be better integrated with the redevelopment occurring in the general vicinity.

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

The Project will not generate traffic that will cause undue congestion upon adjoining streets. A transportation scoping agreement was prepared for the Project and approved by the City's Traffic Engineering division on September 5, 2025. The Project does not trigger the need for a Local Mobility Analysis for purposes of compliance with the City's Circulation Element. Additionally, the Project screens out of the requirement for a Vehicles Miles Traveled (VMT) analysis due to it being located within a VMT-Efficient area.

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 complies with the required open space as stipulated in the DSP. Additionally, the Project site can be serviced by existing public facilities such as Grape Day Park, and Heritage Garden which is located in the City's downtown.

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

The Project is within the Mercado Design Overlay District which encourages development to be consistent with an "early California theme." The Project would demolish a vacant office building, and redevelop it with a new multi-family townhome units consistent with surrounding existing developments. The overall design of the proposed planned development will produce an attractive, efficient, and stable environment.

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.*

As discussed in the Planning Commission staff report, dated October 28, 2025, the Project site is relatively flat, and does not require excessive grading. The Project would not result in the removal of desirable natural features in that the Project is located within an urban area, and is currently occupied by a vacant office building. Additionally, the Project would not harm major views from adjacent properties as it surrounded by urban development including commercial buildings, and multi-family buildings immediately to the east and west.

- 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 accordance with adopted city policy.*

The Project is located within the DSP which requires a Planned Development Permit for projects which propose ground-floor residential uses. As discussed in the Planning Commission staff report, dated October 28, 2025, the Project complies with all the development standards related to off-street parking, open space, building height, and setbacks. With the exception of the requirement for ground-floor residential to be processed through a Planned Development Permit, the project does not include departure from the existing zoning regulations.

NO NET LOSS Findings

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

The Project site, or a portion thereof, was identified on the Suitable Sites Inventory of the Housing Element to accommodate a portion of the regional housing need (RHNA). The estimated capacity for the Project site was as follows:

Very-low/Low	Moderate	Above Moderate
107	0	60

The Project proposes a density different than what was projected in the Housing Element; the Housing Element shows a site capacity of 107 very-low/low-income units and 60 above-moderate income units, whereas 70 above-moderate income units are proposed.

Nonetheless, the remaining sites in the Housing Element inventory are adequate to meet the requirements of Section 65583.2 and to accommodate the RHNA pursuant to Section 65584, based on the following:

Income Levels:	Very-low & Low		Moderate	Above Moderate
Suitable Sites Inventory Units Citywide (i.e., capacity identified Citywide)	4,557*		1,467	3,439
Suitable Sites Inventory Units removed from capacity to date	56	247	40	289
Suitable Sites Inventory Units to be removed by Project	0	107	0	60
Remaining Sites Inventory Capacity	4,203		1,427	3,090

*Very-Low and Low-income units were included combined in the Housing Element

The Housing Element, adopted on August 11, 2021, and subsequently amended 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. As of October 2025, the City has 1,792 low-/moderate-/above-moderate income units either constructed, approved, or projected, with a remaining RHNA need of 7,815 units (1,669 Very Low/1,072 Low/1,470 Moderate/3,604 Above Moderate). If the Project is approved, the remaining need will be reduced to 7,745 units (1,669 Very Low/1,072 Low/1,470 Moderate/3,534 Above Moderate).

The Project would utilize two parcels on the Suitable Sites Inventory removing capacity of 107 low income and 60 above-moderate; nonetheless, the Housing Element Sites Inventory would still have a capacity for 8,720 housing units, which represents a 18% capacity buffer. Therefore, the City would continue to comply with the provisions of No Net Loss with approval of the Project, as proposed, and the Project would be consistent with the City’s Housing Element.

This finding demonstrates the remaining sites in the inventory are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the remaining share of the regional housing need pursuant to Section 65584. This finding includes a quantification of the remaining unmet need for the City’s share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

Exhibit "C"
Project Plan Set

The architectural drawings are copy-right protected. Please contact the case planner at ivan.flores@escondido.gov or via phone at (760) 839-4529 for further information.

EXHIBIT "D"**PLANNING CASE NOS. PL25-0020/PL25-0021/PL25-0023/PL25-0024****CONDITIONS OF APPROVAL**

This Project is conditionally approved as set forth on the application received by the City of Escondido on **January 17, 2025**, 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 10, 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. 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. 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 153 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. The Project shall be managed by a professional management company. A self-managed Home Owners Association ("HOA") shall not be allowed. This prohibition against a self-managed HOA must be reflected in the Project's Covenants, Conditions, and Restrictions ("CC&Rs").
2. Pursuant to the Climate Action Plan Consistency Checklist, dated August 05, 2025, the Applicant shall ensure compliance through construction notes on applicable post-entitlement plans (e.g. building, off-site improvement, etc.)
 - a. Measure T-1.3 & T-1.4: A minimum of 10% of the total parking spaces shall be installed with electric vehicle charging stations. The Project shall comply with most recently updated version of the California Building Energy Efficiency Standards (Title 24, Part 6).
 - b. Measure T-3.2: The Project shall construct 4'-0" wide concrete community walkways, and construct and install enhance colored and scored concrete paving along Grand Avenue consistent with Mercado Area Overlay Plan.
 - c. Measure T-3.5: Bike racks shall be shown on the building plans.
 - d. Measure E.4.1 and 4.2: The Project shall install electric heat pump water heaters and electric cooking appliances.
3. The Project shall participate in the Density Transfer Program as a "sending area" as described in the staff report(s). A deed restriction shall be recorded prior to building permit issuance, transferring 203 units into the Downtown Density Credit Pool.

4. Pursuant to the Noise Assessment prepared by Ldn Consulting Inc., dated August 22, 2024, an updated acoustical analysis shall be provided prior to building permit issuance to determine the detailed components necessary to achieve an interior noise to 45 dba CNEL.

F. Specific Fire Department Conditions:

1. All fire underground lines, fire sprinkler, and fire alarm plans shall be deferred submittals to Escondido Fire Department.
2. Project shall have an approved paved access and approved adequate water supply on site prior to the start of construction.
3. Min. Fire flow of 1500 GPM at 20 PSI is required for this project.

G. Specific Engineering Division Conditions:

**ENGINEERING CONDITIONS OF APPROVAL
 ESCONDIDO TRACT NUMBER PL25-0020
 613 W VALLEY PARKWAY/ESCONDIDO GATEWAY**

GENERAL

1. The Tentative Map shall be revised to match these conditions and the requirements of the Utilities Department, prior to Planning Division certification. The applicant shall submit to the Planning Division a copy of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be signed by the Planning Division verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.
2. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering the subject property.
3. The location of all existing on-site utilities and storm drain facilities shall be determined by the applicant. If a conflict occurs with the proposed project or improvements, these utilities shall be relocated.
4. Improvement and grading plans prepared by a 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. The applicant 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 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 applicant with the City of Escondido prior to the approval of the Final Map.
5. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled; or

- b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
- 6. If site conditions change adjacent to the proposed development prior to completion of the project, the applicant will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
- 7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the applicant to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

- 1. Private street improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb & gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
- 2. Prior to first occupancy, the applicant shall replace damaged curb and gutter along West Valley Parkway and Quince Street. The applicant shall also replace damaged sidewalk on Grand Avenue. This work shall be performed to the satisfaction of the City Engineer.
- 3. The project's access drives on West Valley Parkway and Grand Avenue shall be constructed as an alley-type driveway apron with a minimum throat width of 24-feet and a driveway apron with a 4-foot wide minimum path of travel conforming to the American Disabilities Act and maintained near the right-of-way line to the satisfaction of the City Engineer.
- 4. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
- 5. The project's access drives shall be adequately illuminated to the satisfaction of the City Engineer and Building Official. This lighting shall be maintained by the home owner's association.
- 6. All on-site driveways and parking areas shall be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to the construction of concrete curb, sidewalks (one side only), streets lights, roadway paving, and roadway base.
- 7. The address of each dwelling unit shall be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the the City Fire Marshal and Development Services Director.
- 8. The existing street lights along the project frontage must be either retrofitted or replaced with LED street lights in accordance with Escondido Standard Drawing No. E-1-E. The existing street lights shall be removed and salvaged to the City Public Works yard.

9. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the home owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&R's.
10. The applicant may be responsible for overlays of West Valley Parkway, Quince Street, and/or Grand Avenue due to the utility trenches necessary to serve this project. The determination of the extent of the overlays shall be to the satisfaction of the City Engineer.
11. The applicant shall remove and replace all damaged sidewalk, curb and gutter along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
12. The applicant shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
13. Adequate horizontal sight distance shall be provided at all driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.
14. Access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer.
15. All gated entrances shall be designed and improved to the satisfaction of the City Fire Marshal and City Engineer.
16. The applicant will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placed within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.

GRADING

1. A site grading and erosion control plan prepared by a California registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. If necessary, the Developer shall in conjunction with the Grading plans submit structural shoring plans for foundation construction to the Building Department for approval by the Building and Engineering Departments. The Developer will be required to pay for the required third-party structural engineering review of these shoring plans. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The applicant shall be responsible for maintaining all erosion control facilities throughout the project.
3. The applicant 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.

4. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
5. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
6. All existing foundations and structures, other than those designated "to remain" on the Tentative Map, shall be removed or demolished from the site.
7. The applicant will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
8. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.
9. Any proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the soils engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a consulting engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third-party review deemed necessary by the City Engineer shall be reimbursed by the applicant. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study in conformance with the City of Escondido Design Standards.
2. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Home owner's association. Provisions stating this shall be included in the CC&R'S.
3. An encroachment agreement shall be executed for the private storm drain in City right-of-way on Grand Avenue and the storm drain shall be maintained by the Home owner's association.
4. The project shall limit 50-year drainage flows to their pre-construction rates. Details and calculations for the detention basins shall be submitted and approved as part of the grading plan check.
5. 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, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
6. All site drainage with emphasis on the 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 shall reflect these areas of storm water treatment.

7. The current owner of the property shall sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
8. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters, any permeable paver areas shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Home owner's association.
9. The applicant shall design and 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.
10. The project owner shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego (SD) 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 Home owner's Association 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 is not functioning as designed, the project owner shall be responsible to replace the pervious pavers system with an alternate method of storm water treatment system or shall 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.

WATER SUPPLY

1. Fire hydrants, together with an adequate water supply shall be installed on the required water main at a location approved by the Fire Marshall. Fire hydrants shall connect to a minimum 8-inch water main. Fire service lines shall connect to a minimum 8-inch water main.
2. The final locations and sizing of all required water mains, water services, fire hydrants, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.
3. All on-site water lines and backflow prevention devices beyond the City water meter shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
4. A 1-inch minimum water service, 1-inch water meter, and reduced pressure backflow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings. Water meters and backflow prevention devices shall not be installed within a driveway apron or on private drive areas. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.

5. No trees or deep-rooted bushes shall be planted within 10-feet of any water mains.
6. There shall be no permanent structures located within the City's public utility easements.
7. Improvement plans for all proposed water mains and appurtenances shall be prepared by a Civil Engineer and submitted to the City of Escondido for review and approval.
8. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
9. Any water services to be replaced, reconnected or relocated as a 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.
10. Any fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant to the satisfaction of the Utilities Engineer and Water Distribution Department. Existing fire hydrants shall meet current City of Escondido standards.
11. The Developer shall disconnect at the public main, all water services and fire hydrant laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.
12. All public water mains shall be located within the right-of-way or within a minimum 20-foot public utility easement (PUE). Private storm drains, private utilities and permanent structures are not allowed within the PUE.
13. All water mains, water services and related appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utility Engineer.

SEWER

1. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
2. All sewer laterals shall be considered a private sewer system. The property owner shall be responsible for all maintenance of sewer laterals to the public sewer main.
3. Any sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
4. The project design shall be such that all existing or new sewer manholes are accessible at all times by City vactor trucks for maintenance.
5. The applicant shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector.
6. The location of all sewer laterals shall be shown on the grading and improvement plans.

7. All public sewer mains shall be located in the right-of-way or within a minimum 20-foot public utility easement (PUE). Private storm drains, private utilities and permanent structures are not allowed within the PUE.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan for review and approval by Engineering and Planning Departments. The initial submittal of the landscape plans shall include the required plan check fees.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
2. Public utility easements for sewer, water, storm drain, etc. which are deemed necessary by the City Engineer shall be granted to the City.
3. An emergency access easement shall be dedicated over the private streets.
4. The applicant is responsible for making the arrangements to vacate all streets or quitclaim all easements of record which conflict with the proposed development prior to approval of the final map. All street vacations shall be accomplished by means of a separate public hearing. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed. The initial submittal of the plat and legal shall include the required Street Vacation fee in effect at the time of the submittal.

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

UTILITY UNDERGROUNDING AND RELOCATION

1. Any existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The applicant may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The applicant will be required to pay a waiver fee as adopted by City Council resolution.
2. The applicant 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.

CC&R's

1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The applicant shall make provisions in the CC&R's for maintenance by the Home owners' association of private driveways, parking areas, private utilities (including sewer and water), storm water and drainage facilities, private street lighting, landscaping both onsite and within fronting public right-of-ways. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&R's must state that the Home owners' association assumes liability for damage and repair to City utilities in the event that damage is caused by the home owners' association when repair or replacement of private utilities is done.
4. The CC&R's must state that (if stamped concrete is used in the private driveway) the Home owner's association is responsible for replacing the stamped concrete in kind if the City has to trench the street for repair or replacement of an existing utility.
5. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.