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RESOLUTION NO. 2010-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN EXTENSION OF TIME FOR A PRELIMINARY AND MASTER DEVELOPMENT PLAN FOR A NINE-STORY HOTEL STRUCTURE WITH A TWO-LEVEL PARKING GARAGE BELOW GRADE ACCOMMODATING 209 VEHICLE PARKING SPACES AND A 75-FOOT HIGH, SEVEN LEVEL HOTEL ABOVE GROUND WITH 196 ROOMS AND OTHER ELATED FACILITIES AT 250 WEST VALLEY PARKWAY

Case No.: ADM 09-0113 and 2005-21-PD/SPA

Applicant: Escondido Development, LLC

WHEREAS, on August 23, 2006, the City Council considered and approved the subject Preliminary and Master Development Plan for a nine-story hotel structure with a two-level parking garage below grade accommodating 209 vehicle parking spaces and a 75-foot high, seven level hotel above ground with 196 rooms and other related facilities on approximately 1.15 acres in the Parkview District (formerly the Civic Center District) of the Downtown Specific Planning Area, located on the northern side of West Valley Parkway at Maple Street, addressed as 250 West Valley Parkway; and

WHEREAS, submittal of the Precise Development Plan implementing the project was delayed by legal challenges to the associated environmental review (City Case No. ER 2005-13) which have since been resolved, and by ongoing negotiations pertaining to the City's financial participation in the project through a separate Development and Disposition Agreement; and

WHEREAS, the applicant now requests an extension of time for three years as permitted by Chapter 33 of the City of Escondido Zoning Code; and

WHEREAS, the City Council has held a duly noticed public hearing to consider the proposal, and desires at this time and deems it to be in the best public interest to approve said extension of time for ADM 09-0113 and 2005-21-PD/SPA.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That on the basis of the above review and consideration this City Council extends the Preliminary and Master Development Plan for a three-year term. This Preliminary and Master Development Plan shall be null and void unless a Precise Development Plan is approved and utilized in accordance with the required Conditions of Approval, attached as Exhibit "A" and incorporated by this reference, or unless an extension of time is granted pursuant to Zoning Code Section 33-419.

**CONDITIONS OF APPROVAL
(Case No. 2005-21-PD/SPA and ADM 09-0113)**

(Ultimate responsibility for each Condition of Approval will fall on either the developer or City in accordance with the terms of the Disposition and Development Agreement)

General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Building Official, and the Fire Chief.
2. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees, commissioners, or board members assumes responsibility for the accuracy of said legal description.
3. Fire hydrant spacing and location must be approved by the Fire Department prior to commencement of construction. The number, timing and minimum GPM fire flow shall be coordinated with the Fire Chief.
4. Access for use of heavy fire fighting equipment, as required by the Fire Chief, shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation inspections given until on-site fire hydrants with adequate fire flow are in service to the satisfaction of the Fire Marshall.
5. No blasting will be allowed to occur in conjunction with this project.
6. All required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
7. All habitable space within the proposed project shall be noise-insulated to maintain interior noise levels not to exceed 45 dBA or less. A final interior noise assessment shall be submitted with the building plans demonstrating compliance with the interior noise requirements. Recommendation of the study shall be included in the building plans.
8. The location of proposed fences and walls shall be indicated on the grading, building and landscape plans, and design, color and material of the walls indicated on the building and landscape plans. All safety fencing around the pool shall be depicted on the building plans and installed to the satisfaction of the Planning Division and Police Department prior to occupancy.

9. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program
10. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
11. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08), to the satisfaction of the Planning Division.
12. Prior to issuance of building permits, an analysis shall be conducted to ensure that operation of the wireless equipment on the top of the CCAE flytower will not be impacted, and that Radio Frequency exposure levels of hotel occupants fall within acceptable limits to the satisfaction of the Planning Division.
13. Vents for the underground parking structure shall not discharge at ground level. Plans for discharging air shall be included on the building plans and installed to the satisfaction of the Building and Planning Divisions.
14. Decorative pavement shall be installed in the access way between the hotel and City Hall to the satisfaction of the Planning Division.
15. A permit for the sale of alcoholic beverages shall be obtained prior to any sales of alcohol. A Conditional Use Permit shall be required to permit alcohol sales to occur when food sales shall be available at all times alcohol is sold.
16. The access road between City Hall and the hotel shall be consistent with the design drawings to the satisfaction of the Planning Division and Fire Department.
17. In conjunction with the Precise Development Plan application, plans for relocating the service door at the northeast corner of the California Center for the Arts Escondido Theater shall be to the satisfaction of the Director of Community Development.
18. Prior to building permit issuance a Precise Development Plan shall be submitted by the applicant and approved by the Planning Commission or City Council on appeal.

Parking

1. The hotel shall have two (2) levels of underground parking and provide a minimum of 209 parking spaces (based on the revised drawings of 10/12/05). All new parking spaces shall be double-striped to a minimum dimension of eight and one-half feet wide and 18 feet deep with a 24' backup space as a minimum.
2. A minimum of seven (7) of the parking spaces in 1 above shall be provided for disabled persons. Said spaces shall be 17 feet wide and 18 feet deep, level, marked "Van

Accessible" and shall comply with Chapter 2-71, Part 2 of Title 24 of the State Building Code.

3. Parking space striping/markings and wheel stops shall be drawn on the building plans, or a note shall be included on the plans indicating the intended striping/markings. The grading plans shall indicate that the slope of disabled access parking spaces will not exceed 2%.
4. The City reserves the right to enforce and regulate conditions within the parking garage as they relate to public safety and accessibility.

Development Standards/Landscaping:

1. Four copies of a detailed landscape and irrigation plan(s) shall be submitted prior to issuance of grading or building permits, and shall be equivalent or superior to the concept plan received 10/17/05, to the satisfaction of the Planning Division. A plan check fee will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in Ordinance 93-12, as amended. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. Any existing trees to remain on the project site and any to be relocated, removed or replaced shall be identified on the landscape and grading plans, to the satisfaction of the Planning Division.
3. All areas in this proposed development which are not used for structures, parking, driveways, approved storage, or walkways, shall be landscaped. Overall use of turf shall not exceed 25% of the landscapable area of the site. Parking areas are to receive trees, low shrubs and groundcover with no turf.
4. Prior to building occupancy, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
5. Any slopes in excess of 3' shall be landscaped with suitable material to control erosion. All manufactured slopes over three feet in height shall be landscaped with a combination of trees, shrubs and groundcover. Fill slopes shall have a minimum of six (6) trees, fifteen (15) gallon in size and ten (10) shrubs, five (5) gallon size per 1,000 square feet of slope area plus ground cover. Groundcover shall provide one hundred percent coverage within one year of installation. Cut slopes shall have a minimum of six (6) trees, five (5) gallon in size and ten (10) shrubs, one (1) gallon size per 1,000 square feet of slope area plus ground cover. Groundcover shall provide one hundred percent coverage within one year of installation. The type of plant material shall be low maintenance, drought resistant, and fast growing, to the satisfaction of the Planning Division.
6. Street trees shall be provided along every frontage within, or adjacent to the project site in conformance with the Escondido Landscape Ordinance and Street Tree List. Specimen size trees (min. 24" box per nursery standards) along with shrubs and groundcover, shall

be incorporated into the landscape designs. If existing mature trees on site are removed, they shall be replaced with specimen sized trees in conformance with the City's tree preservation requirements at a minimum 1:1 ratio.

7. Any proposed walls and retaining walls shall be constructed out of decorative material to the satisfaction of the Planning Division. The materials and location of the wall(s) shall be identified on the final landscape plans.
8. 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.
9. The revised site plan and/or landscape plan shall incorporate measures to the satisfaction of the Planning Division, which screen peripheral views of exterior parking and loading areas. Possible screening measures may include a combination of screen walls, fencing, or significant amounts of landscaping in connection with berming.

Development Standards/Fire:

1. Fire protection facilities and improvements shall be subject to the approval of the Fire Department.
2. Adequate water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material accumulates. In addition, access for use of heavy fire fighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is completed.
3. Distance between stand pipe connections is not to exceed 300'.
4. Electric switches for all gates shall be Knox Key and Strobe light activated.
5. Repeater or amplifier systems to be provided throughout hotel building for proper operation of 800 MHz radio systems.
6. A Fire Technical Opinion and Report, a funding method for fire lane, gate & equipment maintenance, and a Fire Protection Plan will all be required prior to plan check approval from the City's Fire Department.
7. FDC and PIV locations must be indicated on the hotel, conference center, and community theater project plans prior to approval.
8. Stairwell access doors shall be provided to the satisfaction of the City's Fire Chief.
9. Water availability for fire suppression and location of industrial hydrants around the proposed structure to be provided to the satisfaction of the City's Fire Chief.
10. Fire Control must be labeled for the hotel structure and the contents to be provided to the satisfaction of the City's Fire Chief.

Development Standards/Building:

1. A barrier fence or block wall of 8' in height and a 911 or public telephone shall be required around the proposed pool and spa area.
2. Safety bollards in numbers, sizes and locations acceptable to the City's Police, Fire, and Building Departments shall be installed in front of the hotel entrance and elsewhere deemed vital for building security.
3. A system of cameras, an entity to monitor activity and respond as appropriate, shall be designed and installed in all parking garages to the satisfaction of the Police Department.
4. Disabled accessible paths of travel are required from the public way to the satisfaction of the Building Division.
5. A vertical clearance for disabled accessible vans of 8'-2" must be maintained.
6. Disabled accessible parking and unloading space locations to comply with CBC. Unloading space to be on the passenger side of the vehicle. Per section 1129B CBC persons using these spaces shall not be compelled to wheel or walk behind any vehicle other than their own.
7. An exiting Analysis will be required for the main floor of the hotel and interconnection to the existing conference center to show compliance with Chapter 10, CBC.
8. All hotel stair enclosure terminations to be in compliance with Chapter 10 of the CBC. An exiting Analysis required.
9. All parking structure walkways will require a minimum of 48" clear width, accessible path of travel. Wheel stops or other design elements must address this requirement.
10. Exit doors from stair enclosures at the Ground Level shall swing in the direction of egress. All exit access doors to comply with the provisions of Chapter 10, CBC.
11. An onsite water supply is required for all high rise structures per Section 403.2.1 CBC.
12. Executive offices over 3000 SF require two means of egress.
13. Approval and subsequent development is subject to all the applicable conditions and requirements of the California building, Electrical, Mechanical, Plumbing and Energy Codes as contained in Title 24, California Code of regulations.

Signage:

1. "No Loitering/Skateboarding" signs sponsored by the City of Escondido are to be put up around the property per the City's Police Department. (For assistance call John Russo at 760-839-4948.)
2. Prior to building permit issuance, plans for the relocation, modification, or elimination of the existing CCAE sign shall be approved by the Planning and Building Divisions. Said plans shall be prepared in consultation with the CCAE staff.

3. Approval of this project in no way implies approval of any other signs or sign location. Signage details consistent with the Civic Center District and Retail Overlay's standards shall be depicted on the Precise Development Plan. A separate permit shall be required.

Development Standards/Other:

1. The standard Storm Water Urban Runoff forms and Hazardous Waste disclosure statements must be completed and returned to the Planning Division prior to final approvals.
2. Exterior lighting for safety and security purposes is recommended by the City of Escondido's Police Department. All new lighting shall be shielded and arranged so as not to reflect upon adjoining property or streets. Exterior lighting shall conform to Article 35 of the Zoning Code.
3. All new utility service shall be undergrounded.
4. This project shall conform to the Public Art Partnership Program, Article 37 of the Escondido Zoning Code.
5. No utilities shall be released for any purpose or Certificate of Occupancy, or Temporary Certificate of Occupancy issued until all requirements of the Planning, Engineering, Fire and Building Departments have been completed.
6. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.
7. A plan must be submitted to provide continuous AC, utilities and parking to the CCAE & City Hall during and after construction.
8. An ADA boarding pad, bus stop shelter & trash shall be added on the north side of West Valley Parkway.
9. All new trash bins shall have covered enclosures with drainage to a clarifier.
10. Prior to commencement of construction, a plan must be submitted for the necessary rerouting of utilities between the CCAE & City Hall including sewer, electrical, fiber optic data, copper phone, gas, drainage, hot water, chilled water, and other existing and future lines impacted by the project's construction and is subject to approval by the City's Building and Engineering Departments. Said improvements shall be relocated as necessary to maintain service to City Hall and the CCAE prior to the commencement of construction.

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

1. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted with the City of Escondido prior to issuance of building permit.
2. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

STREET IMPROVEMENTS AND TRAFFIC

1. A new traffic signal system shall be installed at the intersection of Valley Parkway and Maple Street. The intersection shall also be improved to comply with the new ADA standards (including reconstruction of the existing cross gutter at proposed hotel project entrance) to the satisfaction of the City Engineer. Traffic signal system and striping plans shall be prepared and submitted for review and approval by the City Engineer.
2. A new traffic signal system shall be installed at the intersection of Second Avenue and Maple Street. The intersection shall also be improved to comply with the new ADA standards to the satisfaction of the City Engineer. Traffic signal system and striping plans shall be prepared and submitted for review and approval by the City Engineer.
3. Four-way stop signs shall be installed at the intersection on Grand Avenue and Orange Street. Striping plans shall be prepared and submitted for review and approval by the City Engineer.
4. A complete signing and striping plan for all improved intersections and roadways shall be prepared and submitted to the City Engineer for review and approval. Any removal of existing striping and all new signing and striping shall be done in accordance with the approved signing and striping plans.
5. A detailed detour and traffic control plan, for all construction within existing rights-of-way, shall be prepared to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary Geotechnical Report. The Geotechnical engineer will be required to indicate in the

Geotechnical Report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.

2. The project shall implement Best Management Practices during all phases of construction to control sediment and pollutants from the project site.
3. The developer and/or City 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 General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres.

DRAINAGE

1. Final drainage improvements shall be determined to the satisfaction of the City Engineer and shall be based on a Drainage Study and Water Quality Technical Report to be prepared by the engineer of work.
2. A Water Quality Technical Report shall be prepared for the project in accordance with the City's Storm Water Management Requirements. Water Quality Technical Report shall include post construction storm water treatment measures and maintenance requirements. The Water Quality Technical Report shall also propose modifications to the Conference Center's trash containment area to comply with the City's Storm Water Management Requirements.

WATER SUPPLY

1. All water main locations and sizing shall be to the satisfaction of the City Engineer. Required water main improvements shall include the following:
 - a) Provide new water service for domestic use and fire protection for the Hotel, Conference Center and Community Theater for the existing 10 inch public water main on Valley Parkway.
 - b) Relocate existing Community Theater's water service currently served by the existing 10 inch water line that needs to be abandoned and removed due to conflict with the proposed hotel building.
 - c) Abandon a section of the existing 10 inch water line that is located under the future Marriott Hotel building and loop the remaining section of the existing 10 inch water line to connect to the new 12 inch water line in Valley Parkway. A new fire hydrant shall be installed on the new looped water line to serve the City Hall building. All work shall be subject to review and approval by the City Engineer.

2. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.

SEWER

1. All sewer locations and sizing of mains shall be to the satisfaction of the City Engineer. Required water main improvements shall include the following:
 - a) Relocate existing sewer services for the City Hall and Community Theater.
 - b) Provide a new service for the Hotel building from the existing public sewer line in Grape Day Park.
 - c) Upsize the existing public 8 inch sewer main (Approximately 350') to 12 inch to accommodate for the additional sewer flow from the Hotel project.
2. All on-site sewer mains not in public easements will be considered a private sewer system.

REPAYMENTS AND FEES

1. A cash security or other security satisfactory to the City Engineer shall be posted to pay any costs incurred by the City for cleanup or damage caused by erosion of any type, related to project grading. Any monies used by the City for cleanup or damage will be drawn from this security. The remaining portion of this cleanup security shall be released upon final acceptance of the grading for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading work up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer. The balance of the grading work shall be secured by performance bonds, an instrument of credit, a letter of credit or such other security as may be approved by the City Engineer and City Attorney.

UTILITY UNDERGROUNDING AND RELOCATION

1. A written agreement shall be prepared stating that arrangements as may be necessary to coordinate and provide utilities construction and relocation have been made. All new utilities shall be constructed underground. All existing public and private and public utilities and communication lines, including services to the City Hall building and Arts Center complex, that are in conflict with proposed project shall be relocated prior to begin project grading, to the satisfaction of the City Engineer.

**Mitigation Measures
(Case No. 2005-21-PD/SPA, ER 2005-13)**

The following measures must be agreed to prior to issuance of the Mitigated Negative Declaration, adopted at the time of project approval, and satisfied as part of the project implementation. Specific responsibilities for each measure will be determined in the Mitigation Monitoring Program and Disposition and Development Agreement.

1. Prior to occupancy of the Hotel, traffic control measures in the form of a four-way stop at West Grand Avenue and South Orange Street, and traffic signals at West 2nd Avenue and South Maple Street and at North Maple Street and West Valley Parkway shall be completed to the satisfaction of the Director of Public Works. Said plans shall conform to ADA accessibility and design requirements.
2. Prior to demolition of the existing cooling facility on the proposed hotel site, equivalent, interim facilities shall be operational to the satisfaction of the Director of Public Works and Building Official.
3. Prior to any issuance of building permits, flow tests shall be conducted to the satisfaction of the Director of Public Works and Fire Chief demonstrating that existing infrastructure is sufficient to achieve required fire flows. Upgrades of existing water lines, as described in environmental analysis shall be installed if necessary to achieve minimum fire flows to the satisfaction of the Director of Public Works and the City's Fire Chief.
4. The proposed building shall be equipped with fire sprinklers and other fire protection hardware to the satisfaction of the Fire Chief.
5. Prior to the commencement of construction, a plan for the interim provision of handicapped parking spaces shall be provided to the satisfaction of the Director of Planning and Building Official. Said plan shall depict two new, handicapped parking spaces east of the existing City Hall driveway. Said spaces shall be installed prior to commencement of construction to the satisfaction of the Building Official and Director of Planning.
6. Prior to commencement of hotel construction, a detailed plan for relocating existing utilities currently located within the 1.15 acre site shall be prepared to the satisfaction of the Director of Public Works and Building Official. Said plan shall provide for uninterrupted service of both the Escondido City Hall and California Center for the Arts Escondido (CCAEE) during all phases of construction.
7. Prior to any commencement of construction or issuance of building permits, detailed plans shall be approved by the Building Official and Director of Public Works depicting the waterproofing and/or installation of membranes as necessary to stop groundwater

migration into the excavation site. A design groundwater level at least 5 feet above the highest observed groundwater level is to be used as an emergency backup sub-drain system installed to protect against structural damage of floors or walls.

8. Prior to commencement of construction and issuance of building permits, detailed shoring plans shall be approved by the Building Official and Director of Public Works. Said plans shall ensure the protection of adjacent roadways, structures, and emergency access. No driving of pilings shall be included in such plan for the construction of the hotel. Whatever subsurface material is encountered at the time of excavation, it shall be laid back or shored according to Cal-OSHA standards. If the excavation extends below a 1½:1 inclined plane, shoring and underpinning of surrounding structures will be required.
9. Prior to commencement of construction and issuance of building permits, detailed plans for temporary emergency access and exiting at the project site shall be approved by the Building Official and Director of Public Works.
10. Prior to commencement of construction and issuance of building permits, detailed dewatering plans shall be approved by the Director of Public Works and Building Official. Said plans shall address the disposal/treatment of groundwater, and restrict the rate of draw down to preserve the structural integrity of surrounding properties.
11. Prior to commencement of construction and issuance of grading and building plans, a site-specific analysis shall be prepared to the satisfaction of the Director of Public Works and Building Official limiting maximum particle acceleration rates during construction as necessary to protect adjacent properties. No driving of pilings shall be included in such plan for construction of the hotel and its parking structure. Deep foundations shall be auger-cast concrete piles or cast-in-drilled-hole (CIDH) pile types.
12. Building Plans shall include articulation and recessed building designs as depicted in the submittal drawings as well as the inclusion of proper venting from the two underground parking levels above and away from neighboring receptors to the satisfaction of the Director of Planning.
13. Prior to commencement of construction, details for the pedestrian crossing at Valley and Maple shall be approved to the satisfaction of the Director of Public Works and Building Official. Said plans shall conform to ADA accessibility and design requirements. Said crossing shall be installed prior to the occupancy of the proposed hotel facility.
14. Prior to commencement of construction, a detailed plan shall be approved by the City's Fire Chief, Building Official, and Director of Planning that depicts short term and permanent access to the California Center for the Arts Escondido as is necessary to provide for the delivery of stage props.
15. Excavations extending within 3 feet of groundwater will require temporary construction dewatering. An NPDES permit from the Regional Water Quality Control Board will have to

be obtained before grading plan issuance or any discharge of dewatering effluent to the satisfaction of the Director of Public Works and Building Official.

16. In order to reduce the potential for significant damage during a seismic event, ground improvements including (but not limited) to earthquake drains, vibro-densification, compaction or jet grouting methods shall be employed.
17. Prior to commencement of construction, a qualified archaeological monitor must be provided onsite to observe all grading and excavation work to a depth of eight feet. If cultural resources are encountered, grading activities shall be redirected to allow their recovery to the satisfaction of the Director of Planning. Recovered materials shall be cleaned and evaluated off-site, and a report of findings prepared for the City at the applicant's expense. Recovered materials shall be donated to the Escondido History Center or other accredited area repository.

These terms listed above constitute an enforceable commitment pursuant to section 15070(b)(1) of the California Environmental Quality Act.