

Planning Commission
Hearing Date: October 13, 2020
Effective Date: October 14, 2020

PLANNING COMMISSION RESOLUTION NO. 2020-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL OF A TENTATIVE SUBDIVISION MAP, MASTER AND PRECISE DEVELOPMENT PLAN, AND GRADING EXEMPTION FOR 97 TOWNHOMES ON THE SOUTH PORTION OF THE NUTMEG HOMES SITE

APPLICANT: Jason Greminger, Consultants Collaborative

CASE NO: SUB 20-0007

WHEREAS, Jason Greminger of Consultants Collaborative ("Applicant"), filed a land use development application (Planning Case No. SUB 20-0007) constituting a request for a Tentative Subdivision Map along with a Master and Precise Development Plan and Grading Exemption, for the proposed development of 97 townhome units ("Project"). The site currently is 4.37 acres in size and would be approximately 5.07 acres after all proposed land dedications and vacations are complete. The site generally is located on the south side of North Nutmeg Street, between North Centre City Parkway and Interstate 15 (APN 224-260-23); and

WHEREAS, 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

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development Department in

accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, multi-family residential development (air-space townhome units) are permitted uses within the Planned Development- Residential zone, subject to the approval of a Tentative Subdivision Map and Master and Precise Development Plan; and

WHEREAS, pursuant to CEQA and CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, a Final Environmental Impact Report ("Final EIR") was prepared for the Project (State Clearinghouse No. 2018081063) and the City Council certified it per Resolution No. 2019-166; and

WHEREAS, the Planning Division did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project as depicted on the plan set shown in Exhibit "D," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, City staff provided public notice of the application in accordance with City and State public noticing requirements.

WHEREAS, on October 13, 2020, the Planning Commission of the City of Escondido did hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of

the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated October 13, 2020, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, said public hearing before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido:

1. That the above recitations are true and correct.
2. A Final Environmental Impact Report ("EIR") has been prepared in compliance with all requirements contained in CEQA, CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code, and was adopted by City Council on November 20, 2019. The Planning Commission, in its independent judgment, finds that the Final EIR that was previously prepared and adopted retained its relevancy. Mitigation measures were developed to reduce potential impacts to biological resources, cultural/tribal cultural resources, hazards and hazardous materials, noise, and

traffic and transportation. The Applicant has agreed to implement all mitigation measures identified in the Final EIR in order to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the Mitigation Monitoring Reporting Program (“MMRP”) prepared for the Project. The MMRP has been added as conditions to support the full Project’s implementation (i.e., north and south portions).

3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit “B,” relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The application to use the subject property for said purpose specified above and subject to each and all of the conditions, hereinafter set forth in Exhibit “C,” is hereby recommended by the Planning Commission for approval by the City Council. This Planning Commission expressly declares that it would not have approved this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

5. The Planning Commission, therefore, recommends City Council approval of the Project as described in the October 13, 2020 Planning Commission staff report, and as attached as Exhibit “D”.

6. Said plan is on file in the Planning Division of the Community Development Department and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein.

BE IT FURTHER RESOLVED that, pursuant to Government Code Section 66020(d)(1):

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. 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. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with Section 66020.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 13th day of October, 2020, by the following vote, to wit:

AYES: COMMISSIONERS: Barba, Doan, Paul, Rainey and Weiler.
NOES: COMMISSIONERS: None.
ABSTAINED: COMMISSIONERS: None.
ABSENT: COMMISSIONERS: Garcia.
One Vacancy.


STAN WEILER, Chair
Escondido Planning Commission

ATTEST:


ADAM FINESTONE, Acting Secretary
of the Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.


KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

EXHIBIT "A"

LEGAL DESCRIPTION

Planning Case No.: SUB 20-0007

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, SOUTHEASTERLY AND SOUTHERLY OF THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113 AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 IN BOOK 2786, PAGE 349 OF OFFICIAL RECORDS AND EASTERLY AND NORTHERLY OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA IN DEED RECORDED SEPTEMBER 28, 1971 AS FILE NO. 220908 OF OFFICIAL RECORDS.

(Assessor's Parcel Number 224-260-23)

EXHIBIT “B”

Findings of Fact/Factors to be Considered

SUB 20-0007

Environmental Determination(s)

1. Pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Title 14 California Code of Regulations Section 15000 et. seq., the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project.
2. The Final EIR that was adopted by City Council on November 20, 2019, identifies the reasonably foreseeable environmental impacts of the whole action (i.e. full build-out of the north and south portions). The Final EIR recommends mitigation measures and alternatives which can avoid or reduce those impacts associated with the full project. This approach follows the principle that the EIR process should be combined with the project approvals to examine all phases of the project, rather than piecemealing individual parts viewed and analyzed separately. None of the circumstances requiring the preparation of a subsequent EIR exist, as listed in Section 15162(a) of the CEQA Guidelines.
3. The Final EIR and Mitigation and Monitoring and Reporting Program (“MMRP”) that were adopted by City Council remain relevant and the Project Applicant would be required to implement all mitigation measures to avoid or substantially reduce the project’s significant environmental impacts.
4. Based on the Planning Commission’s review of the Project, no special circumstances exist that would create a reasonable possibility that development of the south portion of Nutmeg Homes, as proposed under SUB 20-0007, would have a significant effect on the environment beyond what was previously analyzed and disclosed in the adopted Final EIR.

Tentative Subdivision Map Determination(s)

1. The Planning Commission makes the finding that none of the findings (a) through (g) below in Section 66474 of the California Government Code, which require a City to deny approval of a Tentative Subdivision Map, apply to this Project for the reasons stated as follows:

| Findings for Tentative Map Approval | Explanation of Finding |
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| A. That the proposed map is consistent with applicable general and specific | The General Plan land use designation for the site is Urban III (U3). The proposed subdivision is consistent with the allowed |

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| <p>plans as specified in Section 65451 of the Subdivision Map Act</p> | <p>uses for the U3 land use designation. The U3 land use designation allows a maximum density of 18 dwelling units per acre, and a minimum density of 12.6 units per acre (70 percent of the maximum). The proposed Tentative Map would construct 97 units on the south portion of the project site, for a density of 19.1 units per acre on this south portion. When combined with the 37 units previously approved for the 2.43-acre north portion, the overall density of the site would be within the range of acceptability. The Project site is not located within an existing or proposed specific plan.</p> |
| <p>B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.</p> | <p>The proposed subdivision would conform to the minimum and maximum densities allowed for the U3 land use designation. A Master and Precise Development Plan are proposed in conjunction with the Tentative Map. Development standards are proposed under the Master Development Plan; however, the Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fuel modification zones; traffic access; grading; and recreational amenities were all reviewed for compliance to relevant City policies and codes. As conditioned, the design and improvements of the proposed subdivision are consistent with the General Plan. Furthermore, the payment of development impact fees, as well as annexation into CFD No. 2020-01 or establishment of another funding mechanism, is necessary to avoid or lessen the likelihood of future impacts related to the provision of public services, as well as to maintain consistency with Housing Element and Growth Management policies related to assessing fiscal impacts of new development and ensuring provisions to offset costs to public facilities and services.</p> |
| <p>C. The Project site is physically suitable for the proposed type of Project.</p> | <p>The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development, in an EIR adopted by City Council per Resolution No. 2019-166 (State Clearinghouse #2018081063). As appropriate, the Final EIR requires measures</p> |

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| | <p>to mitigate potential impacts to reduce those impacts to a less than significant level.</p> <p>The site is suitable for the residential type of development proposed since adequate access and utilities can be provided to the site. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and does not contain any significant topographical features. A conceptual landscape plan provided by the applicant proposes to plant a variety of trees, shrubs, and groundcovers throughout the project site, including street trees along Nutmeg for screening between the site and the street corridor.</p> |
| <p>D. That the site is physically suitable for the proposed density of development.</p> | <p>The granting of the Tentative Subdivision Map would not violate the requirements, goals, policies, or spirit of the General Plan. The Urban III land use designation allows for a maximum of 18 dwelling units per acre and a minimum of 12.6 dwelling units per acre. Adequate access to the site for residents can be provided via Nutmeg Street, and an additional emergency vehicle entrance can be provided from Centre City Parkway. Necessary utilities are available or can be provided. The portions of the site that contain slopes over 35 percent would be precluded from grading or development activities, or are small and isolated and therefore do not meet the standards of steep slope protection as envisioned by the General Plan or its implementing ordinances.</p> <p>The Project also would not be out of character for the area because the proposed development would be well integrated into its surroundings. The new residences would incorporate compatible and integrated architecture, materials, and colors. The project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties.</p> |
| <p>E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.</p> | <p>The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development, in an EIR adopted by City Council per Resolution No. 2019-166 (State</p> |

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| | <p>Clearinghouse #2018081063). Impacts to nesting birds, sensitive vegetation communities, and mature or protected trees were identified in the EIR, and mitigation measures were adopted to reduce those impacts to a less than significant level.</p> |
| <p>F. That the design of the subdivision or the type of improvements is not likely to cause serious public health concerns.</p> | <p>The design of the map and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fuel modification zones; unit configuration; traffic and emergency access; grading; and open space and recreational amenities were all reviewed for compliance to relevant City policies and codes. Realignment of Nutmeg Street via a previously approved Specific Alignment Plan, and additional street improvements approved under SUB 18-0005 (such as the installation of traffic signals at two intersections and the creation or striping of turn lanes and bicycle lanes), would improve traffic safety for both the residents of the development and other road users. The proposed subdivision map has been designed to meet the requirements of the City and other service agencies standards. All necessary public facilities and services are in place or can be extended to serve the Project, which comes with support from fire, sewer, water, and school service providers, indicating that existing facilities are available to service the Project.</p> <p>New homes are not proposed to be located in areas that contain earthquake faults, flooding or dam inundation potential. Environmentally sensitive areas and drainage courses are maintained and incorporated within the plan. The design of the subdivision would not result in serious health problems and would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.</p> |
| <p>G. That the design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through</p> | <p>The design of the map and type of improvements would not conflict with easements of record, or easements established through court judgment, or</p> |

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| <p>or use of property within the proposed subdivision.</p> | <p>acquired by the population at large, for access through, or use of property within the proposed map. All easements identified in the preliminary title report for the subject property are shown on the proposed Tentative Subdivision Map. No conflicts with easements of record have been identified.</p> |
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2. All permits and approvals applicable to the proposed Tentative Map pursuant to Chapter 33 of the Municipal Code have been obtained, or conditions of approval have been proposed to ensure they will be obtained. Approval of a Master and Precise Development Plan and Grading Exemption along with the Tentative Map will allow the applicant to implement the design of the subdivision as shown on the map. The project has been conditioned to require several permits necessary to construct the project as proposed, including grading, landscape, building, and encroachment permits.

3. The proposed Tentative Map shall be in conformity with the zone in which it is located. The project site currently is zoned PD-R-18 (Planned Development- Residential; 18 units/acre). The density of the south portion of the site would be 19.1 units per acre, which is greater than allowed for the zoning classification or for the applicable General Plan land use designation of U3. However, the total density for the project site would be 17.9 units per acre (134 total units across 7.5 acres). Under the Planned Development Ordinance (Article 19 of the Escondido Zoning Code), residential planned developments may, and are encouraged to, depart from standard subdivision and housing design provided the overall residential density yield conforms with city policy and shall be governed by the residential density set forth in the General Plan. The findings for SUB 18-0005 (the Tentative Map for the north portion) noted that when an application was submitted to add the south portion of the site to the development via a second Tentative Map, the overall density of the project would be limited to 18 units per acre, and the project does conform to that finding. The Tentative Subdivision Map has been conditioned appropriately to provide all infrastructure improvements including sufficient open space and landscaping.

4. All applicable requirements of the Map Act and any ordinance of the City of Escondido regulating land divisions have been satisfied.

Planned Development Determinations

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 proposed Master and Precise Development Plan would create 97 townhomes on 5.07 acres on the south side of Nutmeg Street, for a density of 19.1 units/acre on that south portion. While the south portion alone would exceed the 18 units per acre allowed by the zoning classification and General Plan land use designation, the overall project site (north plus south) would contain 134 townhomes on

7.5 acres, for a combined density of 17.9 units per acre. Under the Planned Development Ordinance (Article 19 of the Escondido Zoning Code), residential planned developments may, and are encouraged to, depart from standard subdivision and housing design provided the overall residential density yield conforms with city policy and shall be governed by the residential density set forth in the General Plan. The project site is not covered under any existing or proposed specific plans.

2. The payment of development impact fees, as well as annexation into the CFD or establishment of another funding mechanism, is necessary to avoid or lessen the likelihood of future impacts related to the provision of public services, as well as to maintain General Plan conformance to enable Project approval and implementation. There are a number of policies in the Housing Element and Growth Management Element portions of the General Plan that are directly related to assessing fiscal impacts of new development and ensuring provisions to offset costs to public facilities and services:
 - Housing Policy 1.1: Expand the stock of all housing while preserving the health, safety, and welfare of residents, and maintaining the fiscal stability of the city.
 - Public Facility Financing Policy 3.1: Maintain and periodically update development impact fees and major infrastructure financing programs to assure that all new and infill developments contribute their proportionate share of funding for necessary municipal infrastructure and public facilities.
 - Public Facility Financing Policy 3.2: At the discretion of the city, require larger developments to prepare a fiscal impact analysis and a public facilities financing plan that articulates infrastructure and public facilities requirements, as well as costs and funding mechanisms which document the effects upon the city's operating budget over time.
 - Public Facility Financing Policy 3.3: Encourage the use of development agreements and other appropriate financing mechanisms to ensure the timely provision of community facilities at adequate levels to support the demands from new and existing development.
3. The proposed location allows the Planned Development to be well integrated with its surroundings. The project site is immediately surrounded by residential neighborhoods characterized mostly by larger-lot, single-family homes; however, there are residential planned developments in the broader area that utilize small single-family lots to provide for common space or to meet other objectives, and an approved project on the former Escondido Country Club site would include condominiums in its unit mix. Proposed development standards are largely consistent with those assigned to the City's R-3 (Medium Multiple Residential Zone). The design of the proposed structures would incorporate a range of building materials (stucco, paneling, and stone) in a palette of neutral colors that would coordinate with the surrounding terrain and existing development in the area. Landscaping has been proposed for aesthetic purposes and to screen the development from surrounding roads.
4. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. A traffic impact analysis was

prepared for the project and mitigation measures were included in the EIR previously adopted by City Council on November 20, 2019. These mitigation measures would include improvements to the Nutmeg/Centre City and Nutmeg/Country Club intersections via the installation of traffic signals and construction or striping of turn lanes; the creation of left-turn pockets at the intersection of Nutmeg and the project access point; and the widening of Nutmeg Street between Country Club and Via Alexandra for the addition of a southbound travel lane with curb, gutter, and sidewalk designed as a green streets facility. A Specific Alignment Plan for Centre City Parkway and Nutmeg Street also was approved on November 20, 2019.

5. The proposed location and design allows residents 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. All utilities intended for the site are already in place or can be extended to serve the site. Police and fire services are available and sufficient for the development.
6. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The project underwent design review in June of 2020 and the design of the proposed retaining wall was enhanced as a result of that review, in terms of contouring and bench landscaping. The proposed residences would incorporate a neutral color palette and a mixture of exterior finishes to coordinate with the surrounding environment. Amenities on the south side of the project would include a tot lot, picnic area with barbeque, play areas, exercise stations, and bench seating. A conceptual landscape plan has been provided that includes attractive and regionally-appropriate plantings.
7. The Planned Development is well integrated with its settings, does not require destruction of desirable natural features, is not visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. While grading will be necessary to construct the project, the development has been designed to coordinate with the existing topography of the site, and the project's effects on views from surrounding streets and residences has been analyzed within the project's EIR.
8. The uses proposed would have a beneficial effect not obtainable under existing zoning regulations, and any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the Planned Development in accord with adopted city policy. Under SUB 18-0005, the full project site (north and south) was rezoned from Residential Estates (RE-20) to Planned Development- Residential (PD-R), and the General Plan land use designation was changed from Office (O) to Urban III (U-3), to accommodate a multi-family development. Rezoning the site to a zoning classification allowing office uses was not ideal, since office uses could have generated thousands more daily trips to and from the site than a 134-unit townhome development, per trip generation rates published by SANDAG (the San Diego Association of Governments). Additionally, while a well-planned office development would have added jobs to the City, would not have helped the City

increase its supply of for-sale housing, and it would not be more compatible with the single-family character of the surrounding area than a townhome development.

9. California law requires each city and county to develop local programs within their housing element in order to meet their “fair share” of existing and future housing needs for all income groups, as determined by the California Department of Housing and Community Development. The Regional Housing Needs Allocation (“RHNA”) is a State mandated process devised to distribute planning responsibility for housing need throughout California. As more cities and counties consider loosening zoning restrictions to allow for more housing, the proposed project provides an opportunity to focus on the moderate density opportunities and achieve the development potential of available land resources to support housing development in the City of Escondido.
10. As described in the Planning Commission staff report of October 13, 2020, aside from proposed building heights, wall heights, and monument sign size, the development standards proposed for the south portion of Nutmeg Homes are largely in conformity with standards applicable to projects in the Medium Multiple Residential (R-3) zone.

Grading Exemption Determinations:

1. Granting the proposed Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
 - a. While the EIR anticipated that the project will have impacts to sensitive vegetation communities and to mature and/or protected trees, mitigation measures have been proposed in the EIR to reduce these impacts to a less than significant level, and the development shall incorporate erosion control measures as defined in the City’s stormwater management requirements.
 - b. The proposed Grading Exemption would not create a negative visual impact upon neighboring properties. The proposed retaining wall would be up to 36’ in height, but would be located along the west and south sides of the project site, and primarily would face Interstate 15, instead of adjacent residential properties. The wall would be contoured and planted with vines to soften its appearance for passing motorists on the interstate.
 - c. The proposed Grading Exemption would not intrude into or disturb the use of any adjacent property or adversely block the primary view of any adjacent parcels; disturb any utilities or drainage facilities; obstruct circulation patterns or access; nor preclude the future development of any adjacent parcel. The retaining wall covered by the Grading Exemption would be located entirely on the project site, so as to avoid any encroachment onto the adjoining Caltrans right-of-way.
 - d. The proposed design of the retaining wall would not adversely affect any adjoining septic systems. The wall would be located along the west and south property lines, adjacent to the Caltrans right-of-way, and there are no septic systems in these areas. The proposed project will be provided with sewer service.

- e. The project's EIR includes a visual analysis that indicates that no significant impacts to aesthetics or visual quality would arise as a result of the project.
- f. All graded areas shall be protected from wind and water erosion through compliance with the City's stormwater management requirements. The development will be required to incorporate interim erosion control plans, certified by the project engineer and reviewed and approved by the City's Engineering Services Department.

Hillside and Ridgeline Protection Overlay Determinations:

1. The bulk, scale, density, and overall character of the proposed development is compatible with the surrounding neighborhood and with the natural, cultural, scenic and open space resources of the area. The density of the project does not exceed the maximum allowed for the U3 land use designation of the General Plan. Proposed development standards are comparable with standards for a development in the R-3 (Medium Multiple Residential Zone), and any deviations (such as the one for building height) are discussed in the October 13, 2020 Planning Commission staff report and accounted for as part of the proposed Master and Precise Development Plan. Open space areas have been proposed for protection of fuel modification zones, stormwater management facilities, and recreational amenities.
2. The location and design of the proposed development respects and preserves the natural landform, vegetation, and wildlife of the project. Slopes exceeding 35% are located along the Centre City Parkway frontage of the south portion, as well as in small, isolated areas near the northwest corner of the site. Staff have determined that these slopes do not meet the standards of steep slope protection envisioned by the General Plan or its implementing ordinances. The EIR adopted for the project includes mitigation measures to compensate for impacts to sensitive biological habitat. No ridgelines are located on the project site per the hillside and ridgeline overlay map on file at the Community Development Department.
3. The location and design of the development does not substantially alter the natural appearance and land form of the hillsides and ridges. No ridgelines are located on the project site per the hillside and ridgeline overlay map on file at the City.
4. The location and design of the proposed development will protect the safety of current and future residents, and will not create a significant threat to life and property due to slope instability, fire, flood, mud flow, erosion, or other hazards. City Engineering staff have reviewed the project's conceptual grading design, and will review the final grading plan submittal as a condition of approval for the project. A geotechnical report, fire protection plan, and drainage study were prepared to inform the environmental analysis in the project EIR, and mitigation measures were adopted where appropriate to minimize threats to life and property. No flood hazard zones exist on the site per FEMA's flood hazard maps.
5. All grading associated with the project has been minimized to the extent possible, preserving the character of the property while utilizing appropriate erosion control practices as

determined by Engineering staff to avoid erosion, slides, or flooding, in order to have as minimal an effect on said environment as possible. Grading information has been provided with the project application and reviewed by Engineering staff. Conditions of approval have been proposed to require issuance of a grading permit prior to any ground-disturbing activities, and to require the use of erosion-control measures during grading.

Proceedings:

1. The Record of Proceedings upon which the Planning Commission bases its decision includes, but is not limited to: (1) the Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the Final EIR; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Final EIR and the Project itself; (3) the evidence, facts, findings and other determinations set forth in herein; (4) the General Plan and the Escondido Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Final EIR and the Project itself; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Final EIR and/or elsewhere during the course of the review of the Project itself; (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

EXHIBIT "C"

CONDITIONS OF APPROVAL

Planning Case No.: SUB 20-0007

Nothing in this permit shall relieve the Applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. **This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.**

Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the conditional use permit conditions.

MITIGATION MEASURES

The following mitigations measures were contained within the Mitigation Monitoring and Reporting Program (MMRP) that was adopted with the Nutmeg Homes Final Environmental Impact Report on November 20, 2019, under ENV 18-0005. Unless specifically noted, they are in effect for the entire project site.

MM BIO-1: Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that if initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 and September 15), the Project Applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California Fish and Game Code. The pre-construction survey shall be performed no more than seven (7) days before the start of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no construction activities shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.

MM BIO-2: Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN) protocol surveys in accordance with Wildlife Agency criteria shall be accomplished. (This includes: from March 15 to June 30, a minimum of six (6) surveys shall be conducted at least one week apart; or, between July 1 and March 14, nine (9) surveys are required, to be conducted at minimum two (2) week intervals.) If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the

presence of CAGN occupied coastal sage scrub shall be fenced and construction within 500 feet of occupied habitat shall occur only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with Resources Agencies. The noise barrier shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.

No permit (i.e. grading, tree-trimming, or vegetation removal) that would impact Coastal Sage Scrub, Southern Mixed Chaparral, or Coast Live Oak Woodland habitat on the project site shall be issued until the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that they will/have purchased off-site of suitable habitat within a City approved mitigation bank (such as the Daley Ranch Conservation Bank) at mitigation ratios noted in Table 4.3-2.

MM BIO-3: Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that the replacement of impacted mature trees will occur. Unless otherwise determined by the City mature trees will be replaced at a minimum 1:1 ratio. The Project Applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development or City designee.

MM CR-1: The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The Pauma tribe shall be consulted prior to contracting with the Native American Monitor. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

MM CR-2: Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the

MM CR-3: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

MM CR-4: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

MM CR-5: In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

MM CR-6: If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

MM CR-7: The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

MM CR-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall

be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

MM CR-9: If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

MM CR-10: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

MM HAZ-1: Prior to the issuance of any building permit, the project applicant shall demonstrate to the satisfaction of the City Building Department that all windows adjacent to preserved vegetation are dual paned with both panes tempered.

MM HAZ-2: Prior to the approval of the Final Landscape Plan, the wall and fence component shall provide a noncombustible, 8-foot wall at the rear or side yard that would function as a heat-deflecting landscape wall as shown on Figure 4.7-1 to the satisfaction of the City Community Development Department.

MM HAZ-3: (Eliminated in Final EIR)

MM HAZ-4: Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R's that demonstrate to the satisfaction of the City's Community Development Department and City Attorney that the annual review of landscape maintenance plans includes a third party evaluation of Fuel Modification Zones (FMZ) area that meet the requirements of the FMZ and City's Fire Department (EFD).

MM NOI-1: In order to reduce the noise levels at the two proposed outdoor recreation areas, the project applicant shall construct two 8-foot sound walls, with one located on the south side of the outdoor recreation area that is located on the north side of Nutmeg Street and the other wall located southwest of the outdoor recreation area that is located on the south side of Nutmeg Street. The sound walls shall be constructed of a solid material (e.g., glass, concrete block, or plaster). The locations of the proposed outdoor recreation area sound walls are shown in Figure 4.10-5.

MM NOI-2: The project applicant will provide a "windows closed" condition for each proposed residential townhome. A "window closed" condition is a term that means that a home is capable of providing adequate ventilation and temperature control without opening the windows. A "windows closed" condition requires a means of mechanical ventilation per Chapter 12, Section 1205 of the Uniform Building Code. This shall be achieved with a standard forced air conditioning and heating system with a filtered outside air intake vent for each residential unit.

MM NOI-3: For the P1-Villas, the project applicant shall require all windows and exterior doors on the northwest, southwest, and southeast sides of Building 1 to have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors are shown on Figure 4.10-5.

MM NOI-4: For the P2-Villas, the project applicant shall require all windows and exterior doors on the southwest side of Buildings 12 to 18, the northwest side of Building 18, and the northwest side of the westernmost unit of Buildings 16 and 17 to have a minimum STC rating of 35 STC. In addition, all windows and exterior doors on the northwest side of Buildings 19 and 20 and southwest side of Building 19 and the southeast and northwest sides of Buildings 12 to 18 that were not covered by the 35 STC requirement shall have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors is shown on Figure 4.10-5.

MM TRA-1: Prior to the occupancy of the proposed project the intersection of North Centre City Parkway/North Nutmeg Street will be improved to the satisfaction of the City as noted below:

- Installation of a traffic signal;
- Restripe the southbound approach to provide a dedicated left-turn lane; and,
- Construct a dedicated right-turn lane on the southbound approach of the intersection.

MM TRA-2: The proposed project at the intersection of West Country Club Lane/ North Nutmeg Street will provide the following:

- Installation of a traffic signal at the intersection; and,
- Restripe the southbound approach to provide a shared left-turn/through lane and a dedicated right-turn lane.

MM TRA-3: Prior to the occupancy of the proposed project the existing right-of-way on North Nutmeg Street from West Country Club Lane to Via Alexandra will be widened to provide for a 14' wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include removal and reconstructions of existing driveways to private driveway standards and a parking restriction along the improved section of Nutmeg Street to the satisfaction of the City Engineer.

MM TRA-4: The proposed project at the intersection of North Centre City Parkway/North Nutmeg Street intersection will provide the following minimum storage lengths for left turn and right-turn lanes:

- Eastbound Left-Turn Lane: 100 feet; and,
- Southbound Right-Turn Lane: 125 feet

MM TRA-5: The proposed project at the intersection of Nutmeg Street/Project Access will provide 50-foot left-turn pockets for the eastbound and westbound left-turn lanes.

GENERAL PLANNING CONDITIONS

1. All conditions of approval for SUB 18-0005, as noted in Exhibit B to City Council Resolution No. 2019-168, are still in effect.
2. This project is conditionally approved as set forth on the application and project drawings submitted to the City of Escondido, all designated as approved by the City Council on [placeholder until City Council hearing], and shall not be altered without express authorization by the Director of Community Development.
3. The Project shall be completed in substantial conformance to the plans approved, except as modified herein. The Project shall be constructed and operated by the Applicant in accordance with the authorized use as described in the application materials and plans on file with the Office of the Clerk of the City of Escondido. Any additional uses or facilities other than those approved with this permit, as described in the approved plans, will require a separate application and approval. Colors and materials shall conform to the approved plans and the exhibits and references in the staff report, to the satisfaction of the Planning Division. For building features that do not have a specific material and/or color called out on the plans

and exhibits (e.g., eaves, window frames, front doors, and garage doors), selected materials and colors should match the rest of the development.

4. Approval of all Project-related permits will expire 36 months after the approval of this Project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.
5. Applicant shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Escondido, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of the series of actions that this Project comprises, and/or (b) City's approval or issuance of any permit or action, whether discretionary or ministerial, in connection with the land use and activity contemplated described by this Project. This obligation survives until all legal proceedings have been concluded and continues even if the City's approval is not validated.
6. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.
7. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.
8. Community Facility District or Separate Funding Mechanism. The Applicant shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding to be determined by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into a Community Facilities District ("CFD") or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.

TENTATIVE SUBDIVISION MAP

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when permits are issued, including any applicable City-Wide Facilities fees.
2. Three copies of a revised Tentative Map, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading plans, landscape plans and the final map.
3. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
6. All new utilities shall be underground.
7. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
8. No street names are established as part of this approval. A separate request shall be submitted prior to final map.
9. Access roads and project grading must comply with SDG&E guidelines for any encroachment to, and into, right of way. Any grading to be performed within SDG&E right of way requires a "permission to grade" letter.
10. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the building permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.

11. All pedestrian passageways in the designated trail connection as depicted on the approved Tentative Subdivision Map shall have walkway non-slip surfaces, such as decomposed granite, to enable multi-generational use, designed to prevent dust, and otherwise be designed to allow convenient use for outdoor activities. There shall be no obstructions above the open space except for devices to enhance its usability, such as awning structures.

MASTER AND PRECISE DEVELOPMENT PLAN

1. The Project includes a Fire Protection Plan which is located in amended form in the Final EIR as Appendix E-1. The Fire Protection Plan describes the wildland fire resistance features incorporated into the project. The key fire resistance features incorporated into the project are listed below:
 - The project shall maintain Fuel Modification Zones (FMZs) as described in Figure 5 (Conceptual Fuel Modification Plan) and Table 5 of the Fire Protection Plan (as well as Figure 4.7-1 of the Final EIR).
 - A noncombustible, 8-foot wall shall be installed as shown in Figure 5 (Conceptual Fuel Modification Plan) to function as a heat-deflecting wall.
 - Dual-pane, tempered glass shall be used for all windows adjacent to preserved vegetation.
2. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
3. All exterior residential lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code.
4. Setbacks shall be as described in the October 13, 2020 Staff Report and depicted on the Master Plan/Tentative Map.
5. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the Master and Precise Development Plan where specified. All other signs must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code) standards for the RE (Residential Estates) zone.
6. Prior to issuance of a grading permit, the emergency access road width, pavement and gate specifications shall be reviewed and approved by the Fire Department.

7. This Master Development Plan and Precise Development Plan approval adopt development standards for area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking, and screening, per Section 33-401(f) of the City of Escondido Zoning Code, and as described in the October 13, 2020 Staff Report.
8. All new home design or development and/or improvement shall comply with or meet the intent of the Master and Precise Development Plan criteria through methods listed in the standards and guidelines, as listed in the October 13, 2020 Staff Report, or through alternative methods that achieve the same objective.
9. As specified by the Planning Commission at the public hearing on October 22, 2019, future requests to develop the south portion of the project site shall demonstrate that the full project (north and south combined) can conform to the minimum standards for “usable open space” for the R-3 zone, as defined in Section 33-108(b) of the City of Escondido Zoning Code. These standards require 400 square feet of usable open space per dwelling unit, as well as an additional 200 square feet for each bedroom over one (1) in said dwelling unit.
10. The south portion alone exceeds the maximum density of 18 units/acre allowed by the zoning classification and General Plan land use designation, as permitted through the approval of the Planned Development Permit. Should the south portion be developed first, certificates of occupancy will be issued for the south portion only to a maximum of 18 units/acre (i.e., certificates of occupancy will be issued for up to 91 units assuming a 5.07-acre site). Certificates of occupancy for the additional six (6) units on the south portion may be issued once the north portion is completed all building permits for the north portion have been issued and all development impact fees have been paid for those north portion units. *(Strikethrough text represents text deleted from this condition by the Planning Commission at the 10/13/20 public hearing. Underlined text represents text added to this condition by the Planning Commission at the 10/13/20 public hearing.)*

GRADING AND GRADING EXEMPTION

1. An exemption from the Grading Ordinance is approved as part of this project, as described in the October 13, 2020 Staff Report. This exemption includes a tiered geogrid retaining wall at the west and south property lines, exceeding the 20’ height limit described in the City of Escondido Grading Ordinance.
2. All project grading shall conform with the approved Tentative Subdivision Map. In cases where the grading plan later submitted is not consistent with the approved Tentative

Subdivision, the Applicant shall be required to obtain a substantial conformance determination or map amendment for grading prior to issuance of grading permits.

3. A plan shall be submitted for approval by the Director of Community Development, the Engineering Services Department, and the Fire Department regarding the security treatment of the site during the construction phase, the on- and off -site circulation and parking of construction workers' vehicles, and any heavy equipment needed for the construction of the Project.
4. All roadways shall be a minimum of 24 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Escondido Fire Department.
5. The Postmaster shall approve final location of mailbox kiosks associated with this Project prior to issuance of a precise grading permit.

LANDSCAPING

1. Four copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Services Department, prior to issuance of grading or building permits. The detailed landscape and irrigation plans shall be equivalent or superior to the planting plan attached as an exhibit, to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
2. Details of project fencing and walls, including materials and colors, shall be depicted on the landscape plans. All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures. The 8' fire wall described in the Fire Protection Plan shall conform to Caltrans design standards and/or be compatible with similarly-designed freestanding walls located along the I-15 corridor. These items shall be approved by the Director of Community Development prior to the issuance of building and/or grading permits.
3. All fencing within the front and street side setbacks shall conform to the height limits and design standards contained within Sections 33-1080 and 33-1081 of the City of Escondido Zoning Code, with the exception of the split face block wall along the Centre City Parkway frontage, which may be six (6) feet tall and completely solid as requested as part of the Master and Precise Development Plan.

4. All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Director of Community Development. The Applicant and/or HOA shall be responsible for the removal in a timely manner of any graffiti posted on such walls.
5. All fencing for basin areas shall be set back at least five feet from back of sidewalk or edge of pavement to allow the appropriate integration of landscape screening to the satisfaction of the Planning Division.
6. Landscaping adjacent to preserved land shall not include species listed as highly or moderately invasive by the California Invasive Plant Council (Cal- IPC 2013).
7. Plants on the Prohibited Plant List (Appendix D of the Fire Protection Plan) shall not be planted on the site unless otherwise approved by the Escondido Fire Department.
8. All vegetation (including existing vegetation to be retained) shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
9. The Homeowners Association (HOA) shall be responsible for maintenance of landscaping in all common areas and fuel modification zones, in compliance with the requirements detailed within the Fire Protection Plan and as determined by the Escondido Fire Department. Prior to issuance of building permits, all fuel modification zones shall be permanently marked at the property line to delineate the zones and aid ongoing maintenance activities.
10. All fuel modification zone vegetation management activities shall be completed annually by May 15 and more often as needed for fire safety, as determined by the Escondido Fire Department.
11. The installation of the common area and right-of-way 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.
12. Street trees shall be provided along street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.

CC&Rs

1. Applicant shall establish a homeowner's association (HOA) and corresponding covenants, conditions and restrictions (CC&Rs). Prior to recordation of the Final Map, two copies of the CC&Rs shall be submitted to the Planning Division for review and approval. Except for those public improvements located in the public right-of-way, the CC&Rs shall contain provisions for the maintenance of any common landscaping, open space, walls, common drainage facilities, fuel modification zones, etc. to the satisfaction of the Planning and Engineering Divisions. A review fee established in the current fee schedule shall be collected at the time of submittal.

Prior to issuance of a building permit, the Applicant shall provide the Planning Division with a recorded copy of the official CC&Rs that have been approved by the Department of Real Estate and the Planning and Engineering Divisions. At a minimum, the CC&Rs shall contain the following provisions:

- a. Notice and Amendment. A copy of any proposed amendment shall be provided to the City in advance. If the proposed amendment affects the City, City shall have the right to disapprove. A copy of the final approved amendment shall be transmitted to City within 30 days for the official record.
- b. Failure of Association to Maintain Common Area Lots and Easements. In the event that the Association fails to maintain the "Common Area Lots and/or the Association's Easements," the City shall have the right, but not the duty, to perform the necessary maintenance. If the City elects to perform such maintenance, the City shall give written notice to the Association, with a copy thereof to the Owners in the Project, setting forth with particularity the maintenance which the City finds to be required and requesting the same be carried out by the Association within a period of 30 days from the giving of such notice. In the event that the Association fails to carry out such maintenance of the Common Area Lots and/or Association's Easements within the period specified by the City's notice, the City shall be entitled to cause such work to be completed and shall be entitled to reimbursement with respect thereto from the Owners as provided herein.
- c. Special Assessments Levied by the City. In the event the City has performed the necessary maintenance to either Common Area Lots and/or Association's Easements, the City shall submit a written invoice to the Association for all costs incurred by the City to perform such maintenance of the Common Area Lots and or Association's Easements; and pursue collection.
- d. Landscape Maintenance Responsibilities. The HOAs and individual lot or unit owner landscape maintenance responsibilities shall be established.

- e. Homeowner improvements such as balconies, trellis, and decks. The CC&Rs shall set forth requirements for the HOA to review and approve all homeowner landscape and hardscape plans to ensure compliance with local, State and Federal laws. The CC&Rs shall state the individual lot or unit owner allowances and prohibitions regarding balconies, trellis, decks and other improvements as regulated by the Project approval.

CONDITION ADDED BY THE PLANNING COMMISSION AT 10/13/20 PUBLIC HEARING:

1. An 8'-tall noise wall shall be installed at the southwest side of the recreation area on the south portion, as shown on Figure 4.10-5 of the Final Environmental Impact Report (EIR) and described in Mitigation Measure MM NOI-1, unless a subsequent environmental review is conducted pursuant to CEQA that deems the wall no longer to be necessary, and a requisite environmental document is prepared and adopted by the decision-making body.

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans and Final Map. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.

5. All final engineering plans for the construction of all required off-site and on-site improvements and grading shall be approved and surety bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to approval and recording of the Final Map for this Subdivision.
6. 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.
7. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
8. All project construction shall be constructed in a manner that does not damage existing public improvements. Any damage shall be corrected by the Developer to the satisfaction of the City Engineer.
9. The Developer's engineer shall submit to the Planning Department 3 copies of the Tentative Map as presented to the Planning Commission and approved by the City Council together with any changes contained in the adopted final conditions of approval. The Tentative Map will be certified by the Planning Department verifying that they are an accurate reproduction of the approved and conditioned Tentative Map and must be included with the first Final Engineering submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public 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 and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. The developer shall construct frontage street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundary:

| <u>STREET</u> | <u>CLASSIFICATION</u> |
|------------------------|---|
| N. Nutmeg Street | Local Collector per Specific Alignment Plan** |
| N. Centre City Parkway | Collector per Specific Alignment Plan** |

****Specific Alignment Plan as approved with City Council Resolution 2019-0168.**

See appropriate typical sections in the current Escondido Design Standards for additional details.

3. The Developer shall construct a new four leg offset traffic signal at the intersection of N. Centre City Parkway and N. Nutmeg Street, designed to accommodate and control the existing private road to the east, prior to the first project occupancy. Any work on this private road will require permission from the private property owner(s) involved.
4. The Developer shall construct/install traffic signal interconnect conduits and cables to the existing traffic signal at Country Club Lane and Center City Parkway prior to first project occupancy, unless completed by others. *(Underlined text represents text added to this condition by the Planning Commission at the 10/13/20 public hearing.)*
5. The Developer shall construct a new traffic signal at the intersection of W. Country Club Lane and North Nutmeg Street prior to the first project occupancy, unless completed by others. *(Underlined text represents text added to this condition by the Planning Commission at the 10/13/20 public hearing.)*
6. The Developer shall submit separate traffic signal and signing and striping improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. The traffic signal design shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, and interconnect conduits and cables to an existing traffic signal controller. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal work with the Developer's Contractor(s) and Equipment Suppliers and City staff.
7. Prior to the first occupancy, the existing N. Nutmeg Street roadway, from West Country Club Lane to Via Alexandra, shall be widened to provide for a 14' wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility, unless completed by others. Improvements shall include removal and reconstruction of existing driveways to private driveway standards and a parking restriction along the improved section of N. Nutmeg Street to the satisfaction of the City Engineer. *(Underlined text represents text added to this condition by the Planning Commission at the 10/13/20 public hearing)*.
8. The N. Centre City Parkway and N. Nutmeg Street intersection improvements shall include minimum vehicle storage lengths of 100 feet and 125 feet for the eastbound left-turn lane and westbound right-turn lane, respectively. Taper lengths for the westbound right-turn lane shall be per current City, Caltrans, and MUTCD Standards and to the satisfaction of the City Engineer.
9. The project shall provide a minimum 60-foot long westbound left-turn pocket with a minimum 129' transition for the project entrance off N. Nutmeg Street per current City, Caltrans, and MUTCD Standards.

10. Access to this project shall be improved with an alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet. The final project design including grading and landscape design shall ensure that the required 385' sight distance from this driveway entrance to the south along Nutmeg Street will be met.
11. All on-site roadways, alleyways, and parking areas shall be private. Typical sections, alignments, curb return, and design details shall be to the satisfaction of the City Engineer, Community Development Director, and City Fire Marshal. The private street improvements shall include, but not be limited to, the construction of concrete curb and gutter, sidewalks (one side only), street lights, paving and base.
12. The entrances to the private alleyways off the private roadways serving garages for the units within Project shall be designed and constructed where possible with 10' minimum radius curb returns, concrete cross gutters, and pedestrian ramps (on side of the private roadways with sidewalk). Where a 10' radius curb return is determined to be infeasible by the City Engineer, an absolute minimum curb return radius of 5' may be allowed.
13. The address of each dwelling unit shall either be painted on the curb or posted in such a manner that the address is clearly visible from the private roadways. The address shall be placed in a manner and location approved by the City Engineer, Community Development Director, and Fire Marshal.
14. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. For the second Final Engineering submittal to be accepted by the City, the developer shall provide the City documentation demonstrating Final Engineering submittals have been made to other these other agencies from whom permits must be obtained. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Plans. Permission and/or permits for all improvements located within another jurisdiction's right of way or on private property shall be obtained prior to approval of the Final Map. If permits or permission cannot be obtained, the project shall be re-designed to avoid the need for the permit/permission to the satisfaction of the City Engineer.
15. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
16. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the City of Escondido's public right-of-way.
17. The developer's engineer shall prepare and submit for approval by the City a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.

18. The developer may be responsible for a grind and overlay of N. Centre City Parkway due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
19. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided as needed for adequate sight distance and subject to the approval of the City Engineer.
20. The developer shall be required to construct a minimum 24-foot-wide emergency access road to the satisfaction of the City Engineer and City Fire Marshal.
21. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way prior to the approval of any plans or permits for the project.
22. The improvement of N. Centre City Parkway shall include a striped Class II bicycle path. The width, design and precise location of the bicycle path shall be to the satisfaction of the City Engineer.
23. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
24. 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.
25. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer and the City Building Official.

GRADING and RETAINING WALLS

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of 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. 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 developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" portland concrete cement over 6" asphalt base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.

5. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. 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.
7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
8. Prior to approval of the grading plan, the developer 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.
9. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed 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 developer. 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.
10. All retaining walls and screen walls, stairs and raised landings shall be constructed completely within the Project property and shall not encroach into the public R/W.
11. The placement of geo-fabric or any other gravity wall anchoring system will not be allowed under any of the proposed bio-retention basins (including side slopes) or other storm water treatment or detention facilities. Details for pipe penetrations through the proposed retaining walls shall be shown on and designed with the retaining wall structural plan sheets.
12. The foundations and anchoring for all safety fencing and screen walls along the top of or integral to the proposed retaining walls shall be shown on and designed with the retaining wall structural plan sheets.
13. Any proposed placement of geo-fabric or any other gravity wall anchoring system under a proposed building foundation will require the design, loading criteria, structural calcs, and details for both the retaining walls and the building foundations be reviewed by and approved (with signature and seal) of the geotechnical engineer for the project grading and foundations, the structural engineer(s) responsible for the retaining wall system design and the structural engineer(s) responsible for the building foundations in question. All must agree that the proposed retaining wall design and anchoring will adequately support the building foundations being placed above and meet the minimum vertical and lateral requirements.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The drainage from this project will flow directly onto adjoining property within the jurisdiction of the CALTRANS. Any drainage plans for facilities within the jurisdiction of other agencies shall be subject to their review and approval. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Plans.
3. All on-site storm drains 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.
4. All basins and post-construction BMP's facilities constructed with this project (including those within the public right-of-way) are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association.
5. The project shall limit 100-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.
6. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
7. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
8. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.
9. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
10. Infiltration testing shall be provided at the location of proposed infiltration BMPs, and be included in the preliminary soils and geotechnical report signed by the Soils Engineer. Infiltration rates of proposed BMPs shall meet flood-control and hydromodification flow attenuation and drawdown times in accordance with the City's Storm Water Design Manual. If infiltration BMPs are deemed infeasible for the site, changes to the project design shall be implemented to the satisfaction of the City Engineer and Community Development Director.

Project design changes could include, but shall not be limited to, reduction in impervious areas by reducing building footprints or designing biofiltration basins that connect to a storm drain.

WATER SUPPLY

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to recordation of the Final Map, to the satisfaction of the City Engineer. The City of Escondido and the Rincon District will sign approval of the improvement plans with respect to the water mains.

SEWER

1. Required sewer main improvements for the project include construction of an 8-inch public sewer main in N. Centre City Parkway, from W. Country Club Lane up to and across a portion of the Project frontage. An 8-inch public sewer will then extend into the Project from N. Centre City Parkway, then extend up through the Project to N. Nutmeg Street, and then across N. Nutmeg Street and into to serve the previously approved subdivision north of the Project as shown on both Tentative Maps.
2. The location and sizing of all sewer mains shall be per City of Escondido Design Standards and to the satisfaction of the Utilities Engineer.
3. Improvement plans for all proposed sewer mains shall be prepared by a Civil Engineer and shall be submitted to the City for review and approval.
4. A minimum 20-foot all weather access road suitable for use by the City's vector trucks shall be required to all sewer manholes.
5. A private 4" minimum PVC sewer lateral with a standard clean-out within 18" of the public utilities easement/sewer easement/right-of-way shall be constructed for each single family dwelling unit and up to four attached residential units. All other uses shall have a minimum 6" sewer lateral. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and Uniform Plumbing Code. The sewer laterals shall be included in the improvement & grading plans and bonding quantities.
6. No trees or deep-rooted bushes shall be planted within 10' of any sewer lateral, or within 15' of any sewer main. Sewer laterals shall be 5-feet horizontally clear from other utilities.

7. There shall be no permanent structures or private utilities located within public sewer or public utility easements. Where it is necessary that the private storm drains share a public easement, they shall be placed on the outer-most edge away from the public sewer.
8. All sewer laterals will be considered a private sewer system to the public main. The property owners' association will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.
9. The developer may be responsible for a 12-wide grind and overlay of N. Centre City Parkway due to the offsite sewer trench necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
10. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter 22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping shall be installed on the project frontage along both sides of N. Nutmeg Street and the west side of N. Centre City Parkway (from the County of San Diego boundary to Caltrans boundary) and all areas disturbed by the project (including offsite areas). This frontage and all onsite landscaping, including storm water treatment BMPs, shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.
3. A Continuing Encroachment Permit for this project's required maintenance of the landscaping in the surrounding public right-of-ways must be applied for, and in conjunction, a perpetual liability insurance policy with the City as an additionally insured must be put in place.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

| STREET | CLASSIFICATION |
|------------------|---|
| N. Nutmeg Street | Local Collector per Specific Alignment Plan |

2. The project is subject to the vacation of public rights-of-way within or adjoining the project boundary. Specific areas to be vacated shall be determined to the satisfaction of the City Engineer. The developer shall pay the current Street Vacation Processing fee in effect at the time of the Street Vacation application submittal. The street vacation must be approved by the City Council prior to or concurrent with recordation of the Final Map. The developer shall be responsible for relocation of any existing utilities within this street vacation. The developer and their Title Company shall determine if the City is the underlying fee owner of portion of the public right-of-way to be vacated for the project. If the City is the underlying fee owner, the developer shall pay for an appraisal and shall compensate the City fair market value for the property being vacated.
3. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
4. Necessary public utility easements for sewer, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
5. The developer 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 Grading Plan. 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 Grading Plan. Building permits will not be issued for buildings in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. This subdivision is contiguous to the facilities of another public agency. This agency may be required to review and/or sign the improvement plans. It will be the responsibility of the developer to establish an account with this jurisdiction to pay for all fees for plan checking and permit approval.

3. The developer shall be required to pay all development fees of the City in effect at the time, and in such amounts as may prevail when building permits are issued.
4. The project has consented to annex into the Citywide Services CFD to offset the ongoing costs to provide municipal services.

CC&R's

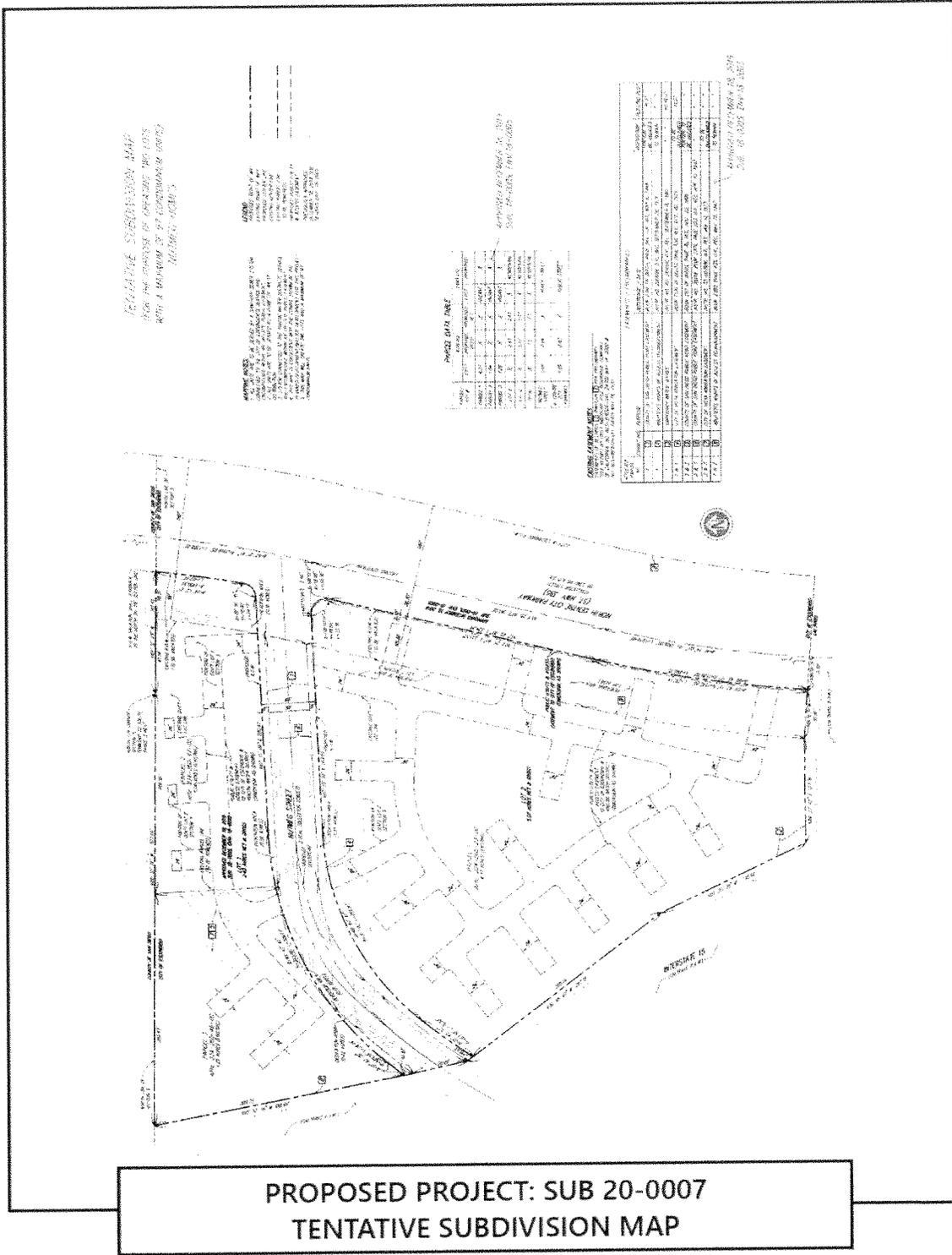
1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&R's for maintenance by the Home Owners' Association of private roadways, driveways, parking areas, private utilities, drainage and storm water facilities, private street lighting, storm drains, and any common open spaces and landscaping. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs shall make provisions for the Home Owners' Association maintenance of the Project's frontage landscaping, irrigation, fencing, retaining walls along all project frontages on N. Nutmeg Street, N. Centre City Parkway, and the retaining walls facing I-15. The Developer as Declarant will be required to obtain a Continuing Encroachment Permit to conduct this ongoing landscape maintenance in the City Right-of Way.
4. 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 property owners' association when repair or replacement of private utilities is done.
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.
6. The CC&R's must state that (if stamped concrete or pavers are used in private streets) the Home Owners' Association is responsible for replacing the stamped concrete or pavers in-kind if the City has to trench the street for repair or replacement of an existing utility.

UTILITY UNDERGROUNDING AND RELOCATION

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

EXHIBIT "D"

PROJECT PLANS Planning Case No.: SUB 20-0007



TENTATIVE SUBDIVISION MAP
FROM THE RECORDS OF THE COUNTY OF LOS ANGELES
WITH A HISTORY OF THE SUBDIVISION MAPS
MADE BY JOHN...

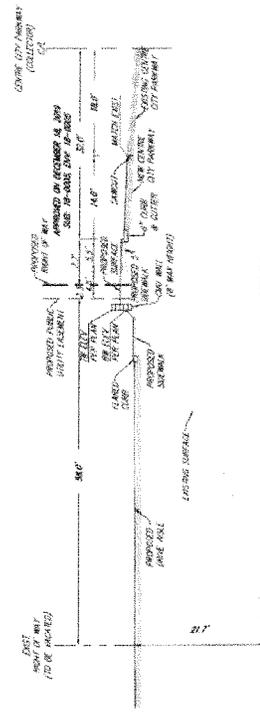
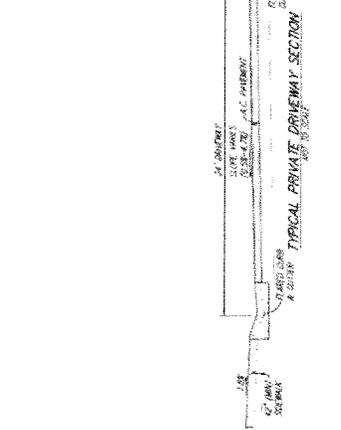
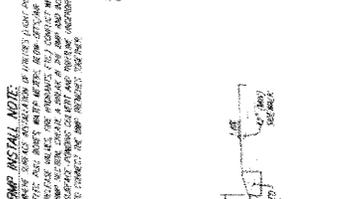
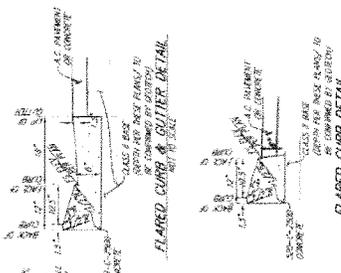
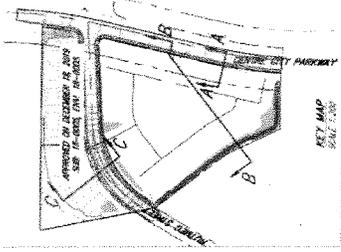
THESE MAPS ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THESE MAPS SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THESE MAPS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

PROPOSED LOT SCHEDULE

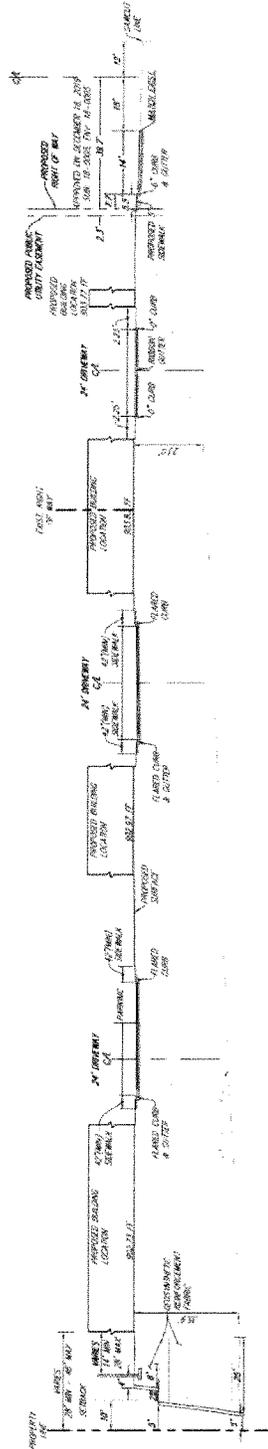
| LOT NO. | ACRES | AREA (SQ. FT.) |
|---------|-------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 1 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |
| 2 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |
| 3 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |
| 4 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |
| 5 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |
| 6 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |
| 7 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |
| 8 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |
| 9 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |
| 10 | 0.15 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 | 13,068 |

GENERAL NOTES

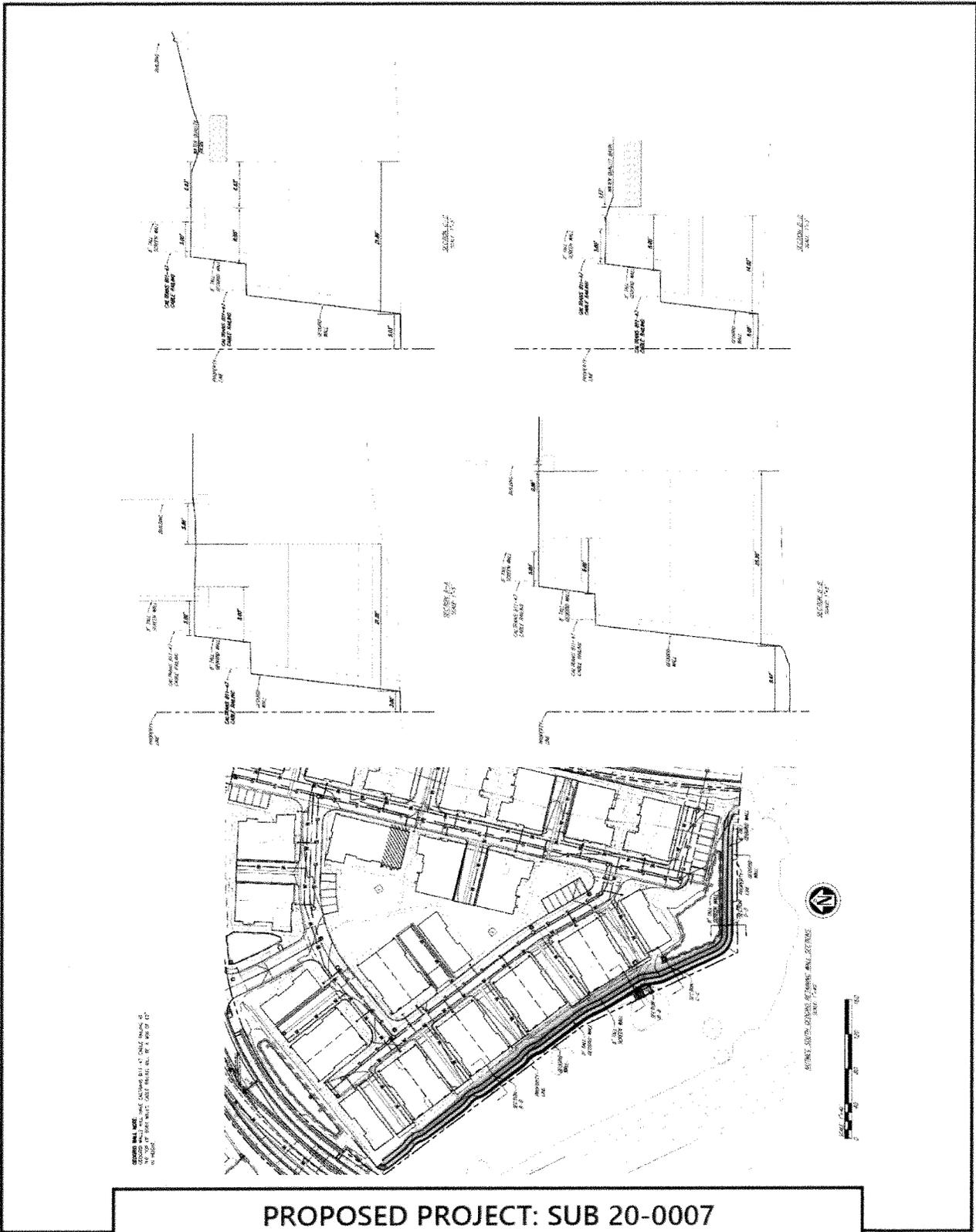
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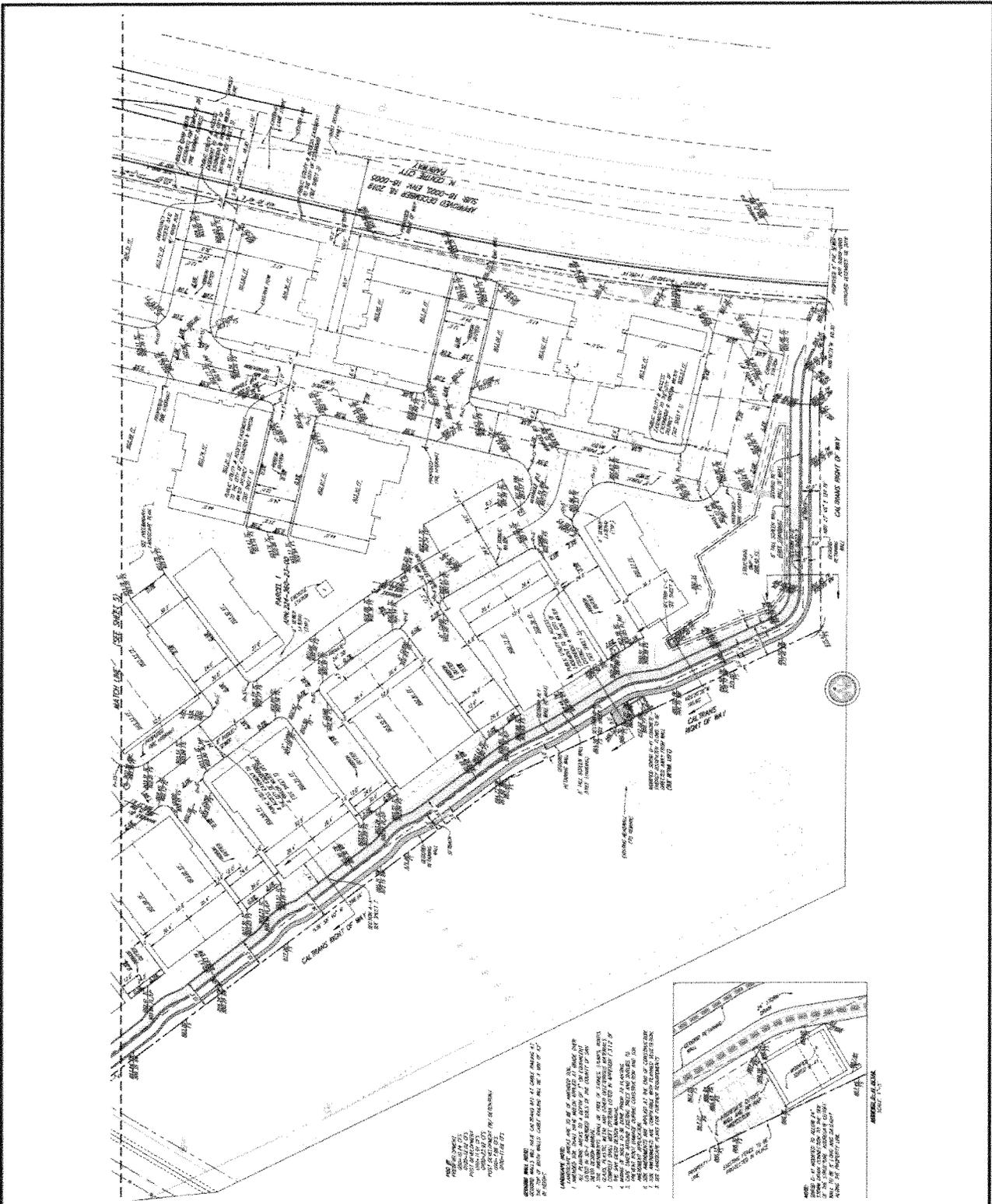


SECTION A-A



PROPOSED PROJECT: SUB 20-0007
SECTIONS & DETAILS





**PROPOSED PROJECT: SUB 20-0007
PRELIMINARY GRADING PLAN**

PROJECT SUMMARY

TOTAL 134 HOMES
 AREA 7.5 AC
 DENSITY 17.8 DU/AC

UNIT MIX

P1 (VILLAS) - SITE PLAN IN THIS AREA IS APPROVED

| | | | |
|----|----------|-----------|---------|
| 9 | PLAN 1 | 28D02.SBA | 1164 SF |
| 28 | PLAN 2 | 38D02.SBA | 1339 SF |
| 37 | SUBTOTAL | | |

P2 (VILLAS)

| | | | |
|----|----------|-----------|---------|
| 16 | PLAN 1 | 28D02.SBA | 1104 SF |
| 32 | PLAN 2 | 38D02.SBA | 1339 SF |
| 48 | SUBTOTAL | | |

P3 (ROWHOMES)

| | | | |
|----|----------|-----------|---------|
| 12 | PLAN 1 | 28D02.SBA | 1210 SF |
| 12 | PLAN 2 | 38D02.SBA | 1300 SF |
| 12 | PLAN 3 | 38D02.SBA | 1610 SF |
| 13 | PLAN 4 | 38D02.SBA | 1950 SF |
| 49 | SUBTOTAL | | |

134 TOTAL HOMES

OPEN SPACE

PRIVATE OPEN SPACE

P1 (VILLAS) - SITE PLAN IN THIS AREA IS APPROVED

| | | | |
|----|----------|-------|---------|
| 9 | PLAN 1 | 61 SF | 549 SF |
| 28 | PLAN 2 | 51 SF | 1428 SF |
| 37 | SUBTOTAL | | |

P2 (VILLAS)

| | | | |
|----|----------|-------|----------|
| 16 | PLAN 1 | 61 SF | 976 SF |
| 32 | PLAN 2 | 51 SF | 1,622 SF |
| 48 | SUBTOTAL | | |

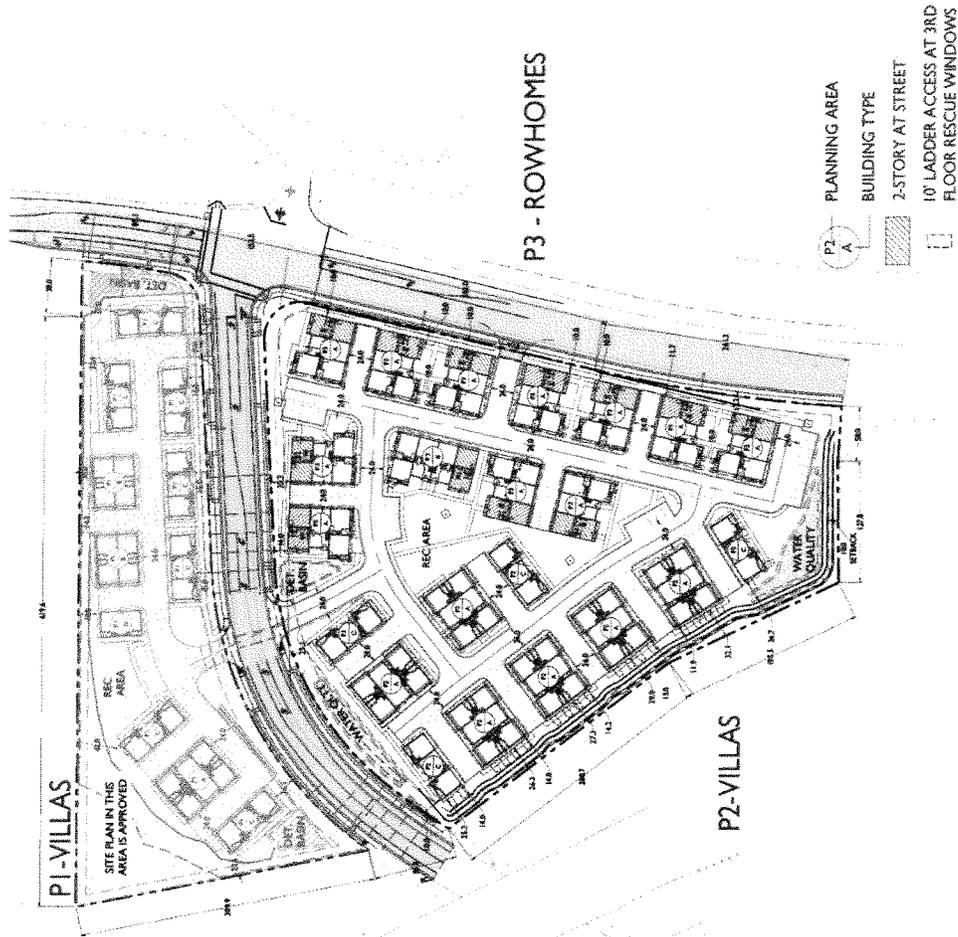
P3 (ROWHOMES)

| | | | |
|----|----------|--------|----------|
| 12 | PLAN 1 | 77 SF | 924 SF |
| 12 | PLAN 2 | 73 SF | 876 SF |
| 12 | PLAN 3 | 160 SF | 1,200 SF |
| 13 | PLAN 4 | 75 SF | 975 SF |
| 49 | SUBTOTAL | | |

COMMON OPEN SPACE

| | |
|------------|------------------------|
| 24,158 SF | NORTH PHASE (APPROVED) |
| 81,196 SF | SOUTH PHASE |
| 106,354 SF | SUBTOTAL COMMON |

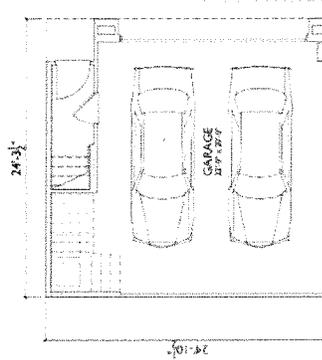
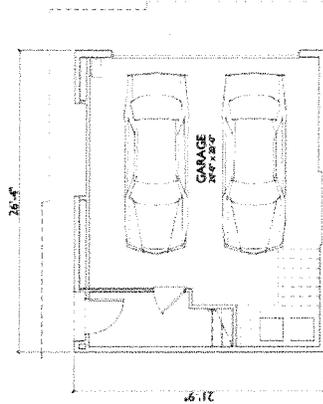
| | |
|------------|-------------------|
| 24,135 SF | TOTAL NORTH PHASE |
| 87,779 SF | TOTAL SOUTH PHASE |
| 111,914 SF | TOTAL OPEN SPACE |



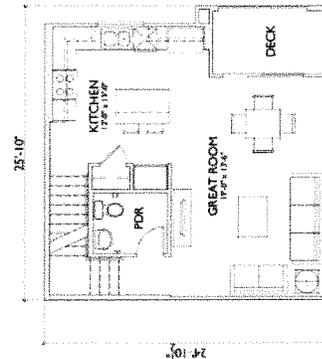
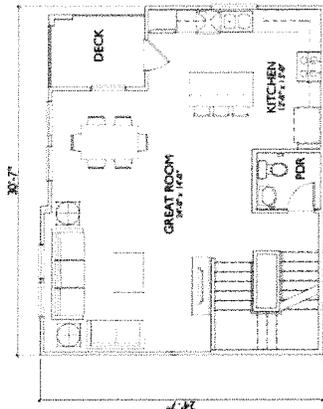
**PROPOSED PROJECT: SUB 20-0007
 SITE PLAN**

PLAN 2: 3BD/2.5BA
 1ST FLR - 54 S.F.
 2ND FLR - 654 S.F.
 3RD FLR - 631 S.F.
 TOTAL - 1,339 S.F.

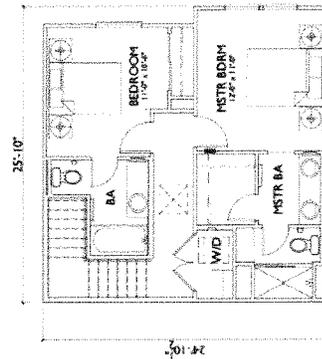
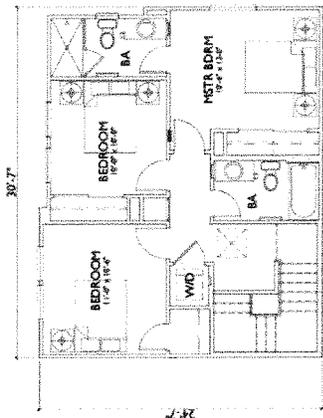
PLAN 1: 2BD/2.5BA
 1ST FLR - 39 S.F.
 2ND FLR - 523 S.F.
 3RD FLR - 542 S.F.
 TOTAL - 1,104 S.F.



FIRST FLOOR

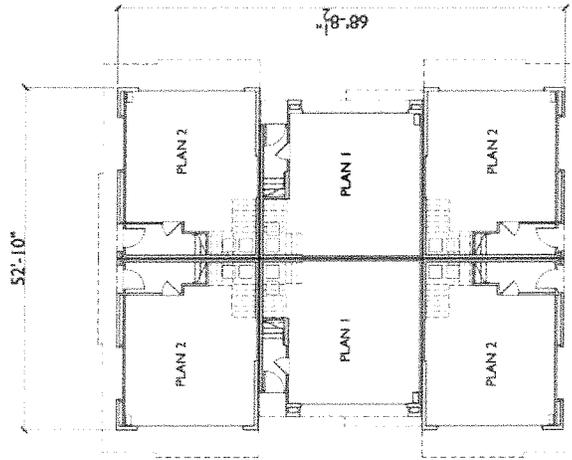


SECOND FLOOR

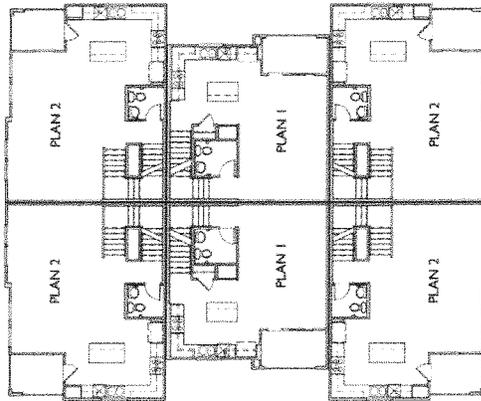


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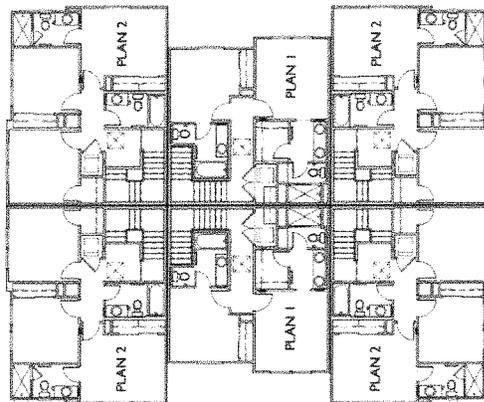
PROPOSED PROJECT: SUB 20-0007
VILLA FLOOR PLANS



FIRST FLOOR

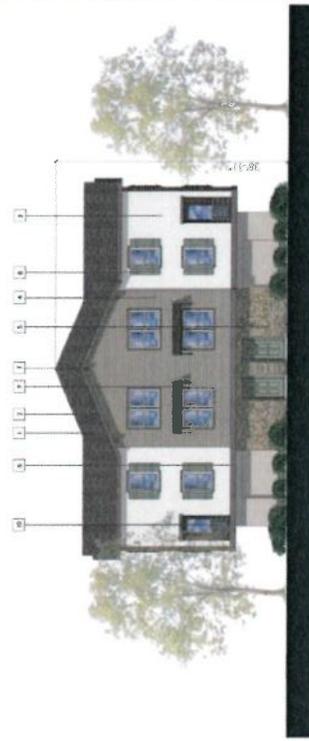


SECOND FLOOR



THIRD FLOOR

**PROPOSED PROJECT: SUB 20-0007
VILLA - BUILDING A**



MATERIAL SCHEDULE

- 1 ROOF - CONCRETE TILE
- 2 FASCIA - 2 X RESAWN WOOD
- 3 WALL - STUCCO
- 4 WALL - HORIZONTAL SIDING
- 5 WALL - STONE VENEER
- 6 TRIM - 2 X STUCCO OVER
- 7 DECORATIVE - OUTLOOKER
- 8 DECORATIVE - SHUTTERS
- 9 DECORATIVE - AWNING
- 10 WOOD RAILING

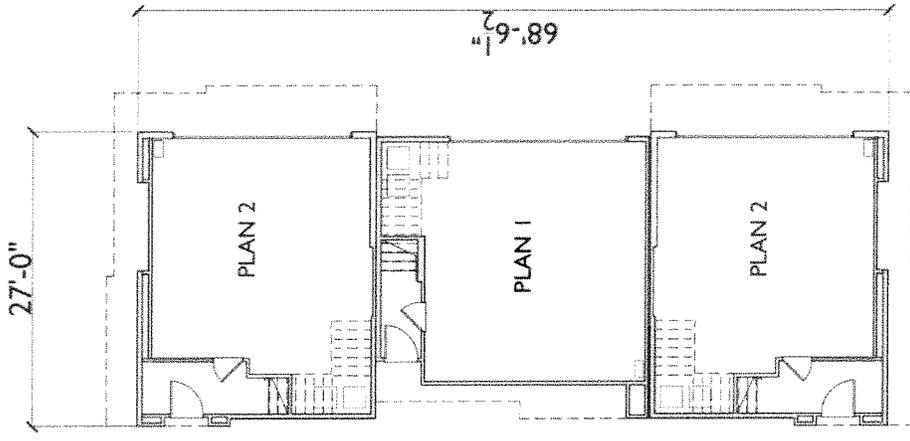


PERSPECTIVE

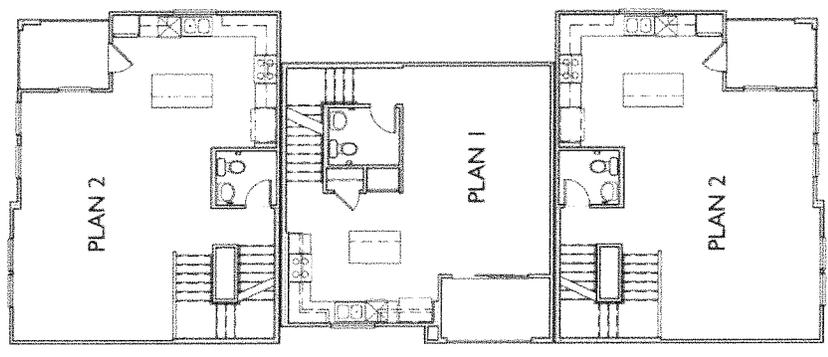


PERSPECTIVE

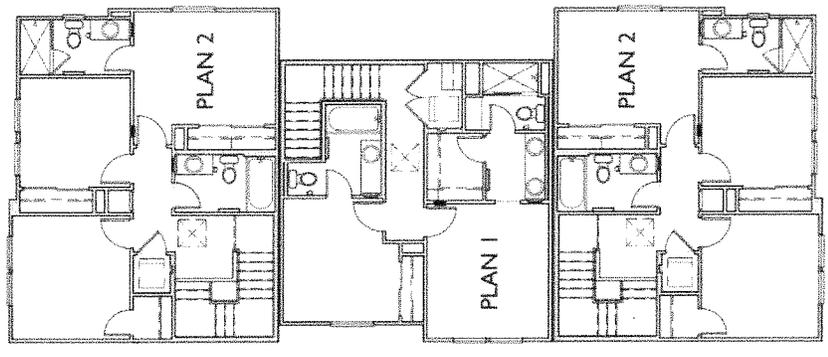
**PROPOSED PROJECT: SUB 20-0007
VILLA - BUILDING A ELEVATIONS**



FIRST FLOOR

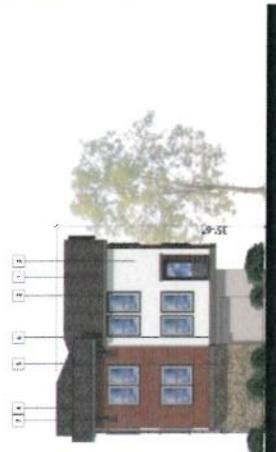


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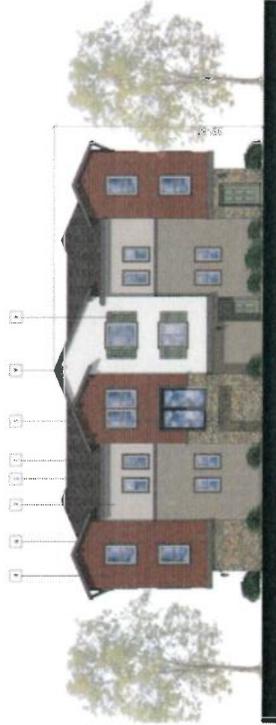


THIRD FLOOR

PROPOSED PROJECT: SUB 20-0007
 VILLA - BUILDING C



REAR



RIGHT



FRONT



LEFT

MATERIAL SCHEDULE

- 1 ROOF - CONCRETE TILE
- 2 FASCIA - 2 X RESAWN WOOD
- 3 WALL - STUCCO
- 4 WALL - HORIZONTAL SIDING
- 5 WALL - STONE VENEER
- 6 TRIM - 2 X STUCCO OVER
- 7 DECORATIVE - OUTLOOKER
- 8 DECORATIVE - SHUTTERS
- 9 DECORATIVE - AWNING
- 10 WOOD RAILING



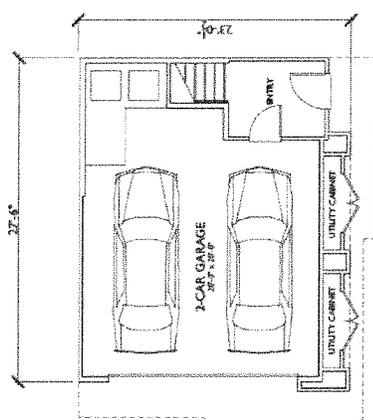
PERSPECTIVE



PERSPECTIVE

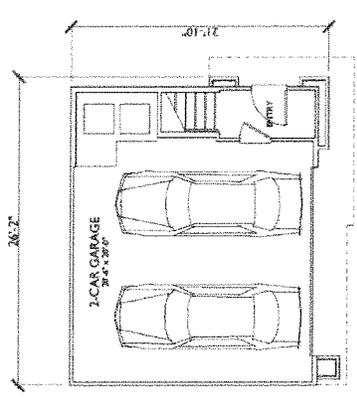
**PROPOSED PROJECT: SUB 20-0007
VILLA - BUILDING C ELEVATIONS**

PLAN 2: 3BD/3BA
 1ST FLR - 80 S.F.
 2ND FLR - 660 S.F.
 3RD FLR - 760 S.F.
 TOTAL 1,500 S.F.

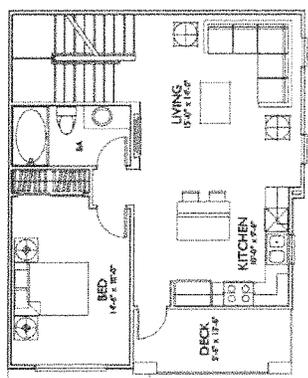


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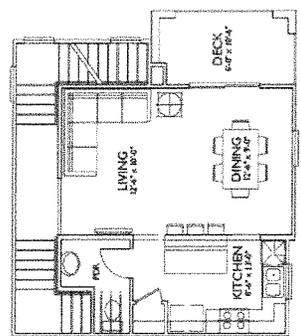
PLAN 1: 2BD/2BA
 1ST FLR - 60 S.F.
 2ND FLR - 550 S.F.
 3RD FLR - 600 S.F.
 TOTAL 1,210 S.F.



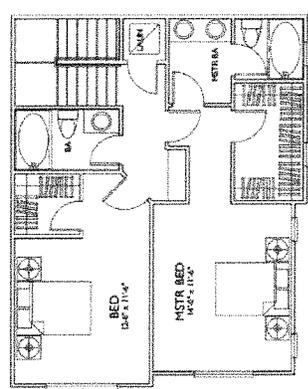
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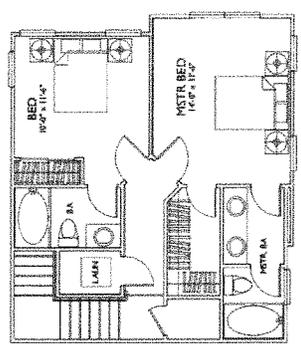
SECOND FLOOR



SECOND FLOOR



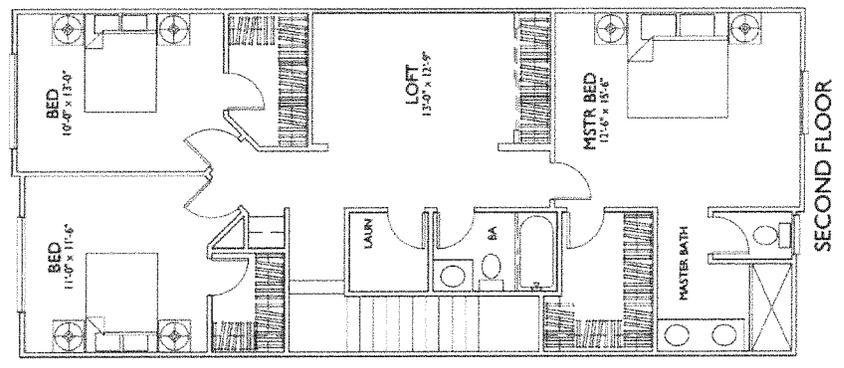
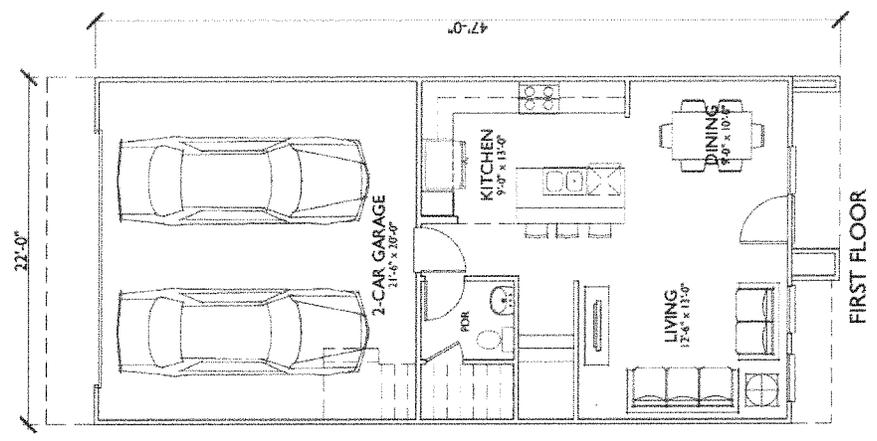
THIRD FLOOR



THIRD FLOOR

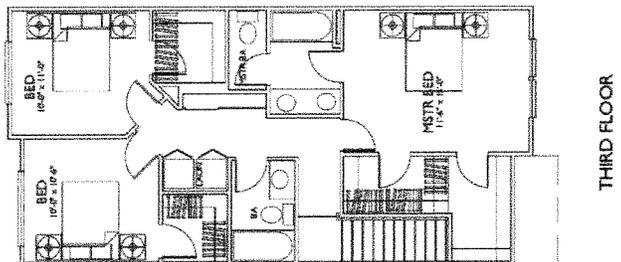
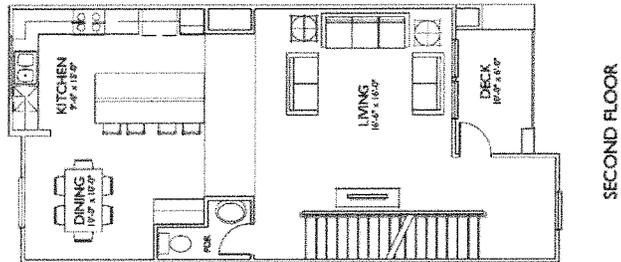
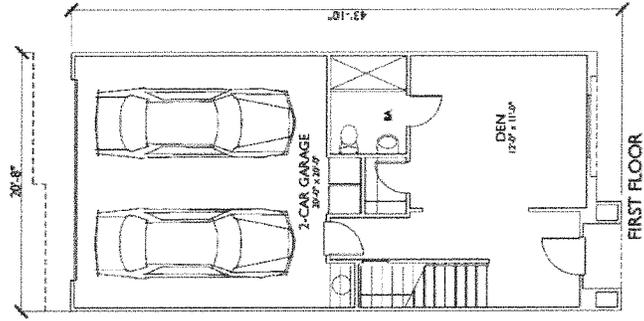
PROPOSED PROJECT: SUB 20-0007
 ROWHOME FLOOR PLANS

PLAN 3: 3BD/2.5BA
 1ST FLR - 520 S.F.
 2ND FLR- 1090 S.F.
 TOTAL 1610 S.F.

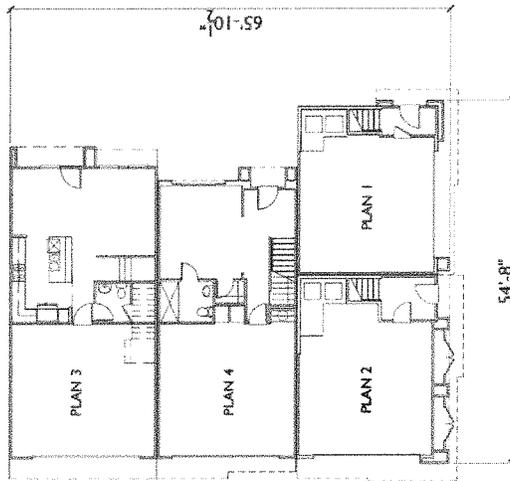


PROPOSED PROJECT: SUB 20-0007
 ROWHOME FLOOR PLANS

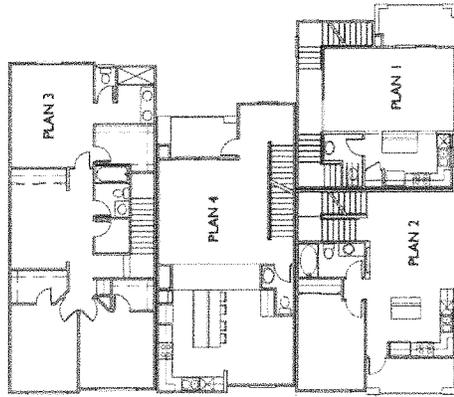
PLAN 4: 3BD/3.5BA
 1ST FLR - 350 S.F.
 2ND FLR - 760 S.F.
 3RD FLR - 840 S.F.
 TOTAL 1,950 S.F.



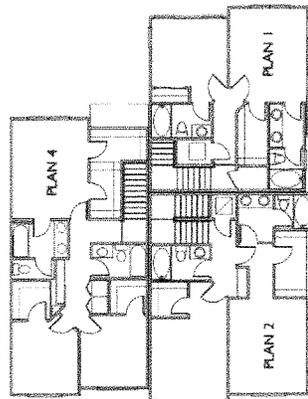
PROPOSED PROJECT: SUB 20-0007
 ROWHOME FLOOR PLANS



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

**PROPOSED PROJECT: SUB 20-0007
ROWHOME - BUILDING A**



REAR



RIGHT



FRONT



LEFT

MATERIAL SCHEDULE

- 1 ROOF - CONCRETE TILE
- 2 FASCIA - 2 X REBAWN WOOD
- 3 WALL - STUCCO
- 4 WALL - HORIZONTAL SIDING
- 5 WALL - STONE VENEER
- 6 TRIM - 2 X STUCCO OVER
- 7 DECORATIVE - OUTLOOKER
- 8 DECORATIVE - SHUTTERS
- 9 DECORATIVE - AWNING
- 10 WOOD RAILING

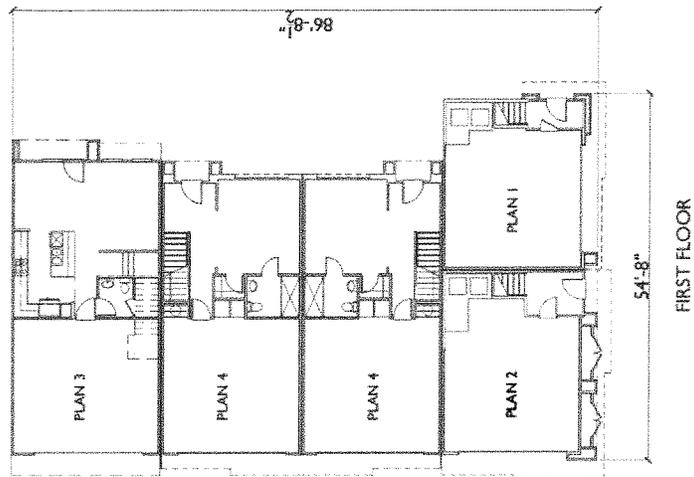


PERSPECTIVE

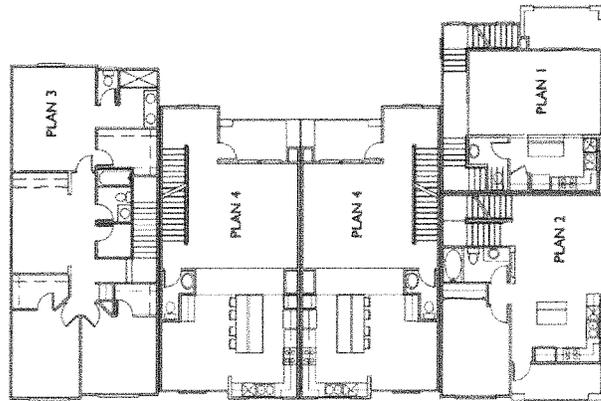


PERSPECTIVE

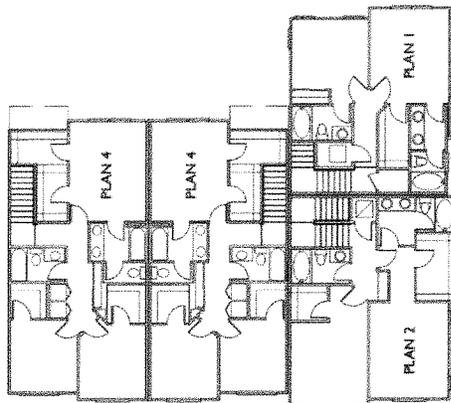
**PROPOSED PROJECT: SUB 20-0007
ROWHOME - BUILDING A ELEVATIONS**



FIRST FLOOR



SECOND FLOOR

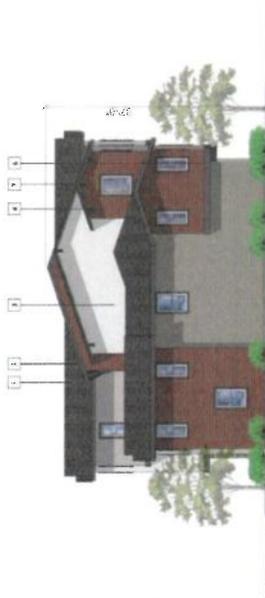


THIRD FLOOR

**PROPOSED PROJECT: SUB 20-0007
ROWHOME - BUILDING B**



REAR



RIGHT



FRONT



LEFT

MATERIAL SCHEDULE

- 1 ROOF - CONCRETE TILE
- 2 FASCIA - 2 X RESAWN WOOD
- 3 WALL - STUCCO
- 4 WALL - HORIZONTAL SIDING
- 5 WALL - STONE VENER
- 6 TRIM - 2 X STUCCO OVER
- 7 DECORATIVE - OUTLOOKER
- 8 DECORATIVE - SHUTTERS
- 9 DECORATIVE - AWNING
- 10 WOOD RAILING



PERSPECTIVE



PERSPECTIVE

**PROPOSED PROJECT: SUB 20-0007
ROWHOME - BUILDING B ELEVATIONS**

**PROPOSED PROJECT: SUB 20-0007
BUILDING COLORS**

STUCCO ①



TOQUE WHITE SW 7003

STUCCO/SIDING ③



KEYSTONE GRAY SW 7504

ACCENT ⑤



WELL-BRED BROWN SW 7027

STONE ⑦



OLD WORLD LEDGE - MONARCH

STUCCO ②



VERSATILE GRAY SW 6072

SIDING ④



CARRIAGE DOOR SW 7594

ACCENT ⑥



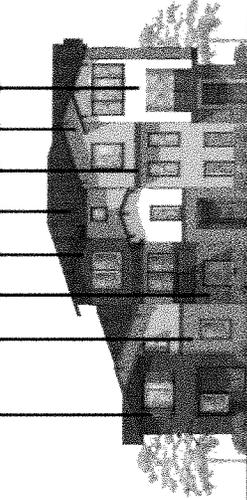
OAK MOSS SW 6180

ROOF ⑧



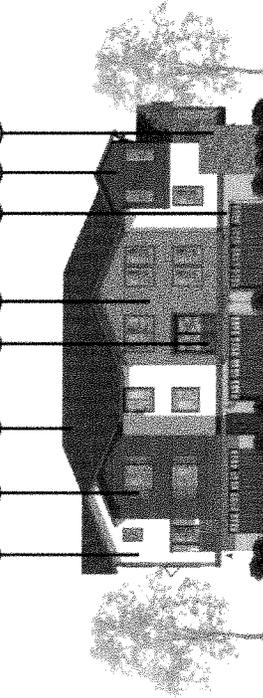
BEL AIR - 4689 BROWN RANGE

⑥ ③ ⑦ ④ ⑧ ⑤ ② ①



ROWHOMES

① ⑥ ⑧ ⑤ ③ ② ④ ⑦



VILLAS