

Planning Commission

Hearing Date: October 22, 2019

Effective Date: October 23, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING CITY COUNCIL CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2018081063), WHICH INCLUDES ADOPTION OF FINDINGS OF FACT AND A MITIGATION MONITORING AND REPORTING PROGRAM; AND RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT, REZONE, TENTATIVE SUBDIVISION MAP, MASTER AND PRECISE DEVELOPMENT PLAN, GRADING EXEMPTION, AND SPECIFIC ALIGNMENT PLAN; FOR THE NUTMEG HOMES RESIDENTIAL DEVELOPMENT

APPLICANT: Jason Greminger, Consultants Collaborative

CASE NO: SUB 18-0005 and ENV 18-0005

WHEREAS, Jason Greminger of Consultants Collaborative (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. SUB 18-0005), constituting a request for a General Plan Amendment from Office (O) to Urban III (U3), and a Rezone from Residential Estates (RE-20; 20,000 SF minimum lot size) to Planned Development Residential (PD-R-18; maximum density of 18 units/acre), for a 7.45 gross acres site straddling Nutmeg Street, between Centre City Parkway and Interstate 15 (APNs 224-260-23, 224-260-46, and 224-260-47); and a request for a Tentative Subdivision Map for 37 townhome units, a Master and Precise Development Plan to establish the design of said units and site-specific development standards, and a

Grading Exemption for a graded slope and retaining wall exceeding height limits as defined in the City of Escondido Grading Ordinance, for APNs 224-260-46 and 224-260-47 (constituting 2.42 gross acres on the north side of Nutmeg Street); and

WHEREAS, the application also included a request for a Specific Alignment Plan for Centre City Parkway and Nutmeg Street, for street design deviating from typical City of Escondido standards; 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; 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, that the application was assessed in conformance with the California Environmental Quality Act (CEQA) the Final Environmental Impact Report (EIR; SCH # 2018081063) consisting of the Draft EIR and responses to comments and errata has been prepared pursuant to the CEQA to analyze the environmental effects of the project; and

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations {CEQA Guidelines} which

govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, the City Council is required pursuant to CEQA {Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, as reflected in the Final EIR, Mitigation Measures required under CEQA were developed to reduce the potential for adverse effects with respect to biological resources, cultural resources, hazards and hazardous materials, noise, and transportation and traffic. In determining whether the proposed Project has a significant effect on the environment, the City has based its decision on substantial evidence and has complied with CEQA Section 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b); and

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

WHEREAS, the Planning Commission of the City of Escondido did, on October 22, 2019, 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 22, 2019, 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

5. That Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido.

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

1. That the above recitations are true and correct.
2. That the Planning Commission has independently reviewed and considered the Final EIR, provided as Exhibit "B," and determined that it is complete and adequate for this project, and there are no significant environmental effects which are not mitigated. After considering the Final EIR and in conjunction of with making specific findings, the Planning Commission hereby recommends that the City Council certify the Final EIR in accordance with the requirements of CEQA.

3. The Findings of Fact and Mitigation Monitoring and Reporting Plan of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The Planning Commission hereby recommends City Council adoption these various CEQA Findings of Fact, attached hereto as Exhibits "C." The Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit "D," is hereby recommended to be adopted to ensure implementation of feasible mitigation measures identified in the EIR. The Planning Commission finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

3. That the Project's Findings of Fact, attached as Exhibit "E," were made by said Commission.

4. That, considering the Final EIR, CEQA Findings of Fact, Project Findings of Fact, and applicable law, the Planning Commission hereby makes a motion to recommend City Council approval of a General Plan Amendment and Rezone on the subject property, attached as Exhibit "F," and recommend approval of said Project, attached as Exhibit "G," subject to the Conditions of Approval attached as Exhibit "H."

5. That this Tentative Subdivision Map shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed prior to expiration of the associated Development Agreement, or unless an Extension of Time is granted pursuant to Section 66452.6 of the California Government Code.

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 22nd day of October, 2019, by the following vote, to wit:

AYES: COMMISSIONERS: Cohen, Romo, Spann, Watson & Weiler.
NOES: COMMISSIONERS: None.
ABSTAINED: COMMISSIONERS: None.
ABSENT: COMMISSIONERS: Garcia and McNair.



JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:



MIKE STRONG, 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 18-0005

Parcel 1 (APN 240-260-23):

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.

Parcel 2 (APN 240-260-46):

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 AS DOCUMENT NO. 51967, IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 1 WITH THE WESTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHERLY LINE TO AND ALONG THE NORTHERLY LINE OF SAID LOT 2, SOUTH 89° 27' WEST 335.26 FEET; THENCE SOUTH 3° 36' 11" EAST TO 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 OF OFFICIAL RECORDS; THENCE NORTHEASTERLY AND EASTERLY ALONG SAID NORTHERLY LINE TO SAID WESTERLY LINE OF THE STATE OF CALIFORNIA LAND; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

Parcel 3 (APN 240-260-47):

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 AS DOCUMENT NO. 51967, IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 1 WITH THE WESTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHERLY LINE TO AND ALONG THE NORTHERLY LINE OF SAID LOT 2, SOUTH 89° 27' WEST 335.26 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 3° 36' 11" EAST TO 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 OF OFFICIAL RECORDS; THENCE SOUTHWESTERLY ALONG SAID LINE TO THE EASTERLY LINE OF THE STATE OF CALIFORNIA LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JANUARY 10, 1973 AS FILE NO. 73-007572; THENCE NORTH 10° 53' 54" WEST 320.77 FEET TO THE NORTHERLY LINE OF SAID LOT 2; THENCE NORTH 89° 27' EAST 284.04 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT “B”

DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORTS CASE NO. ENV 18-0005

Due to the number of pages of Exhibit “B,” the following link has been provided to review the document electronically on the City’s web site:

<https://www.escondido.org/nutmeg.aspx>

Draft EIR files available at this link include the following:

- The full text of the Draft EIR (available for public review from May 10, 2019 through June 24, 2019)
- All appendices included with the Draft EIR (Appendices A through M)

Final EIR files uploaded to this site include the following:

- A simplified Final EIR document, including a mitigation monitoring and reporting program, responses to comments received on the Draft EIR, and revisions/errata for the Draft EIR
- Two new appendices added for the Final EIR (Appendices C-1 and E-1).

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

EXHIBIT “C”

CEQA FINDINGS OF FACT CASE NO. ENV 18-0005

Due to the number of pages of Exhibit “C,” the following link has been provided to review the document electronically on the City’s web site:

<https://www.escondido.org/nutmeg.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

EXHIBIT “D”

MMRP

CASE NO. ENV 18-0005

Due to the number of pages of Exhibit “D,” the following link has been provided to review the document electronically on the City’s web site:

<https://www.escondido.org/nutmeg.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

EXHIBIT “E”
FACTORS TO BE CONSIDERED/FINDINGS OF FACT
PLANNING CASE NO. SUB 18-0005

Environmental Determinations:

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. In accordance with CEQA Guidelines Section 15082, the City distributed a Notice of Preparation (“NOP”) of the Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on August 29, 2018, for a 30-day public comment period. Various agencies and other interested parties responded to the NOP.
3. The Draft EIR for the proposed Project was then prepared and after completing the Draft EIR (SCH No. 2018081063), the City released the document for public review for a 45-day public comment period by filing a Notice of Availability with the County Clerk of San Diego. The 45-day public comment period started May 10, 2019, and ended June 24, 2019. During the public comment period of the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines Sections 15086 and 15087.
4. The City received comments concerning the Draft EIR from public agencies, organizations, and individuals, and pursuant to CEQA Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues. The City has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Draft EIR is not required.
5. The City prepared a Final EIR, which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR, the technical appendices and referenced documents, revisions and additions to those documents, public and agency comments on the Draft EIR, and the City's responses to comments.
6. Based on the Planning Commission's review of the Project, no special circumstances exist that would create a reasonable possibility that granting a General Plan Amendment, Rezone,

Master and Precise Development Plan, Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan for this Project would have a significant effect on the environment beyond what was previously analyzed and disclosed.

7. The Planning Commission has carefully reviewed and considered all environmental documentation comprising the Final EIR, including the Draft EIR and the revisions and additions thereto, the technical appendices and referenced documents, and the public comments and the responses thereto (on file in the Office of the City Clerk and incorporated by this reference), and has found that the Final EIR considers all potentially significant environmental impacts of the Project and is complete and adequate, and fully complies with all requirements of CEQA and the State CEQA Guidelines. The Planning Commission has considered all significant impacts, mitigation measures, and Project alternatives identified in the Final EIR and found that all potentially significant impacts of the Project have been lessened or avoided to the extent feasible. The Planning Commission also finds that the Project alternatives would not satisfy the Project objectives as effectively as the Project. Pursuant to Public Resource Code Section 21082.1(c)(3) and CEQA Guidelines Section 15090(a)(3), the Planning Commission also finds that the EIR reflects the City's independent judgment as the lead agency for the proposed Project.
8. As required by CEQA, the City, in recommending City Council adoption of these Findings of Fact, also recommends adoption of the Mitigation Monitoring and Reporting Program (MMRP) included in the Final EIR. The Planning Commission finds that the MMRP meets the requirements of California Public Resources Code (PRC) Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate the potentially significant effects of the recommended Plan.

General Plan Amendment Determinations

1. The public health, safety and welfare will not be adversely affected by the proposed General Plan Amendment from Office (O) to Urban III (U3). A Draft Environmental Impact Report was prepared for the project and circulated for public review from May 10, 2019 to June 24, 2019, as required under CEQA. This environmental review document found that development of the property could have potentially significant impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation., and mitigation measures were proposed to reduce these impacts to a less than significant level.
2. The proposed General Plan Amendment for the subject site would be compatible with existing development patterns in the surrounding areas. While most residential neighborhoods in far north Escondido consist of single-family homes, several of these neighborhoods are planned developments that have implemented site-specific development standards, such as the clustering of small residential lots in and around common open space areas. An approved Specific Plan and development project for The Villages, on the former Escondido Country

Club site to the southwest, will include both attached and detached condominiums in its unit mix (in addition to single-family homes). All setbacks proposed by the project would match or exceed the setbacks required of a traditional R-3 development. While some buildings would exceed the 35' height limit imposed the R-3 zone, no buildings would exceed three stories. The design of the proposed townhomes incorporates a neutral color palette and a range of exterior finishes (including stucco, siding, and stone) to coordinate with the surrounding natural environment.

3. The proposed General Plan Amendment from Office (O) to Urban III (U3) would be consistent with the goals and policies of the General Plan as a whole. In the General Plan's Housing Element, Housing Policy 1.1 calls for the expansion of housing stock while preserving the health, safety, and welfare of residents and the fiscal stability of the City, while Housing Policy 2.2 calls for efforts to increase homeownership through education, availability, and affordability. The General Plan Amendment would facilitate the development of up to 134 for-sale townhomes (across both the north and south portions of the property covered by the amendment) to support the City's housing stock. Per Planned Development Policy 6.3, planned developments are expected to address visual impacts, preservation of natural setting, the use of superior architectural features, adequate separation between structures within the site and between the site and neighboring properties, and preservation of common open space. The project has undergone multiple rounds of design review, and has been designed with a neutral color palette to coordinate with the surrounding area. Common open space in the north portion would be provided in the form of landscaping and a small park with spa, seating area, and exercise station. All proposed setbacks in the north portion meet or exceed the setbacks that would be required for a traditional R-3 development, and the Fire Department has reviewed the project plans to ensure that adequate separation exists between the buildings themselves (as well as between the buildings and the fire wall) for emergency access. While the site is currently undeveloped and occupied by sensitive vegetation communities, mitigation measures have been included in the EIR to mitigate impacts to those communities.
4. The proposed General Plan Amendment is suitable and will not affect the allowed land uses in any zones. The purpose of the proposed General Plan Amendment is to change the land use designation of the property to Office (O) to Urban III (U3). The specific use proposed for the site (multi-family residential at a maximum density of 18 units/acre) would then be consistent with the new U3 designation.

Rezone Determinations

1. The proposed Rezone would not be detrimental to the public health, safety, or welfare of the City because the development standards and building requirements allowed under the Rezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Engineering Services Department regulations, Health

Department regulations, Zoning Code standards, Fire Department standards, and Building and Safety Division regulations. The proposal meets the purpose of the Municipal and Zoning Codes as it would be consistent with the established rules of the proposed zoning districts. The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.

2. The property involved is suitable for the uses permitted by the proposed zone. The proposed Rezone would change the zoning of three lots under common ownership (APNs 224-260-23, 224-260-46, and 224-260-47) from RE-20 (Residential Estates; 20,000-SF minimum lot size) to PD-R-18 (Planned Development-Residential; maximum 18 units/acre). A General Plan Amendment to change the land use designation of these lots from Office (O) to Urban III (U3) is also proposed under this project to maintain consistency with the Rezone request. The change of zone also is proposed in conjunction with a Tentative Subdivision Map and Master and Precise Development Plan that would allow the construction of 37 townhome units, as well as approximately 26,135 SF of usable open space, on APNs 224-260-46 and 224-260-47. It is expected that the applicant or developer will seek a separate Tentative Subdivision Map and a Modification to the Master and Precise Development Plan at a later date, to construct additional units on APN 224-260-23 and absorb them into the overall development, pending a design for that lot that will keep all project-related improvements out of the Caltrans right-of-way adjacent to Interstate 15.
3. The uses proposed for the subject property would not be detrimental to surrounding properties. All public services and utilities to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. While development in the larger vicinity is characterized by single-family residences on larger lots, topography and the layout of the road network (including both surface streets and Interstate 15) provide a degree of separation between the proposed townhomes and nearby lower-density neighborhoods. The project has been designed to keep grading and development away from a slope in the far northwest corner of the site that exceeds 35%, as required by the General Plan (Community Character Policy 1.12 and Biological & Open Space Resources Policy 1.1, and Quality of Life Standard #8). Several street improvements are proposed under the project that would benefit non-residents of the project as much as the residents, including installation of traffic signals at the Nutmeg/Centre City and Nutmeg/Country Club intersections, the creation of new turn lanes at these intersections, and improvements along Nutmeg between Country Club Lane and Via Alexandra. The open space system protects slopes and fuel modification zones, and provides landscaping for aesthetics and screening. Proposed development standards and building designs provide a clear design concept and are compatible with the character of buildings on adjoining and nearby properties.

4. The site's proposed zoning classification of Planned Development-Residential (PD-R-18) would not be consistent with the existing General Plan designation of Office (O). However, the existing zoning classification of Residential Estates (RE-20) is also not consistent with the existing Office designation. In order to develop the site in any way, a change to either the zoning classification or the land use designation, or both, is necessary. In conjunction with the proposed Rezone to PD-R-18, the project proposes to amend the land use designation of the site to Urban III (U3). The U3 designation is intended for multi-family projects with a maximum density of 18 units/acre, and minimum density of 12.6 units/acre. Under the concurrent request for a Tentative Subdivision Map and Master/Precise Development Plan for the north portion of the project, the density of that portion would be 15.3 units/acre (37 units on 2.42 acres). Even if the north portion of the site were the only portion to ever be developed under this project, it would fall within the minimum and maximum densities described above for the U3 land use designation. When the applicants submit an application for a new Tentative Subdivision Map and a Modification to the Master/Precise Development Plan to construct additional units on the south portion of the site, the overall density of the expanded project would not be allowed to exceed 18 units/acre.
5. The proposed Rezone would not establish a residential density below 70 percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5. The project site is currently zoned RE-20. The project would change the zoning to PD-R-18, which would allow a maximum density of 18 units/acre; a density of 12.6 units/acre would be 70% of that maximum. With 37 units, the north portion of the site on its own would have a density of 15.3 units/acre. When an application is submitted for a Tentative Subdivision Map and Modification to a Master/Precise Development Plan to develop the south portion of the site, the overall density for both portions will not be allowed to exceed 18 units/acre or fall below 12.6 units/acre. For an overall project site of 7.45 acres, this would translate to a density of no more than 134 units and no fewer than 93 units.
6. The project site is not located within an existing or proposed specific plan area, so the relationship of the proposed changes is not applicable to any specific plans.

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 37 townhomes on 2.42 acres on the north side of Nutmeg Street, for a density of 15.3 units/acre on that north portion. This conforms to the densities allowed by the land use designation and zoning classification proposed under the concurrent General Plan Amendment and Rezone. The project site is not covered under any existing or proposed specific plans.

2. 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.
3. 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 have been proposed in the EIR. 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. The project also proposes a Specific Alignment Plan for Centre City Parkway and Nutmeg Street.
4. 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.
5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The project underwent multiple rounds of design review between July 2018 and March 2019 to refine the look of the proposed buildings and the provision of resident amenities. The proposed residences would incorporate a neutral color palette and a mixture of exterior finishes to coordinate with the surrounding environment. Amenities on the north side of the project would include a small park with seating, a spa, and an exercise station. A conceptual landscape plan has been provided that includes attractive and regionally-appropriate plantings for recreation areas, fuel modification zones, bioretention basins, and street trees.

6. The Planned Development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. 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.
7. 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. The project site's existing zoning is Residential Estates (RE-20), which is not compatible with its existing General Plan land use designation of Office (O). Because these designations are not compatible, development of the site with either a residential use or an office use requires a Rezone, a General Plan Amendment, or both. Rezoning the site to a zoning classification allowing office uses is not ideal, since per trip generation rates published by SANDAG (the San Diego Association of Governments), an office use could generate thousands more daily trips to and from the site (depending on the exact type and size of the occupant) when compared to a 37-unit or even a 134-unit townhome development. Additionally, while a well-planned office development could add high-quality jobs to the City, it would not help 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, so a trade-off between competing goals would be involved.

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.

Tentative Subdivision Map Determinations:

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
<p>A. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act</p>	<p>A General Plan Amendment is proposed as part of this project, to change the land use designation of the project site from Office (O) to Urban III (U3). The proposed subdivision is consistent with the allowed 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% of the maximum). The proposed Tentative Map would construct 37 units on the north portion of the project site, for a density of 15.3 units per acre on this north portion, which falls within the range of acceptability. When the applicant applies for an additional Tentative Map to develop the south portion, the overall density of the site (north plus south) will not be allowed to exceed 18 units per acre or fall below 12.6 units per acre. The Project is also consistent, and advances, a number of other important goals and policies of the General Plan, as discussed in the October 22, 2019 Planning Commission Staff Report. 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.</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 (Environmental Impact Report, State</p>

	<p>Clearinghouse #2018081063), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.</p> <p>The site is suitable for the residential type of development proposed since adequate access and utilities can be provided to the site. A view analysis has been provided in the EIR that demonstrates that the proposed design would not result in any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. 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. Grading and development activities have been arranged to avoid the northwest corner of the site, which contains a substantial sloped area exceeding 35%. 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 to the site for both residents and emergency services can be provided via Nutmeg Street, and 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</p>

	<p>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 (Environmental Impact Report, State Clearinghouse #2018081063). Impacts to nesting birds, sensitive vegetation communities, and mature or protected trees were identified in the EIR, and mitigation measures have been proposed to reduce those impacts to a less than significant level. No special status plant or animal species were discovered on the Project site during the preparation of the biological technical report, though a comment letter submitted by the US Fish and Wildlife Service during the Draft EIR review period indicates that a sufficient number of gnatcatcher surveys may not have been performed during the preparation of that biological report. To remedy this situation, MM BIO-2 has been revised in the Final EIR to require the applicant to obtain the additional gnatcatcher surveys prior to vegetation removal.</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 Specific Alignment Plan, and additional street improvements such as the installation of traffic signals at two intersections and the creation or striping of turn lanes and bicycle lanes, would improve</p>

	<p>traffic safety for both the residents of the development and other road users. Deviations from R-3 development standards and grading exemptions are also proposed as discussed in the October 22, 2019 Staff Report (although the current zoning of the site is RE-20, the R-3 zone was selected for comparison since the density of the proposed Planned Development is comparable to the density of a traditional R-3 development). Elsewhere, 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 or use of property within the proposed subdivision.</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 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>

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 General Plan Amendment, Rezone, Master and Precise Development Plan, Grading Exemption, and Specific Alignment Plan 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 is currently zoned RE-20. However, a Rezone is proposed in conjunction with the Tentative Map to change the zoning to PD-R-18. The General Plan land use designation would also be changed accordingly, from O to U3. Additionally, a Master and Precise Development Plan is proposed to allow site-specific development standards for open space, building height, and guest parking, which deviate from standards normally applied to multi-family developments. The density of the north portion of the site would be 15.3 units per acre, which is allowed for the General Plan land use designation of U3 and the zoning classification of PD-R-18. When an application is submitted to add the south portion of the site to the development via a second Tentative Map and a Modification to the Master and Precise Development Plan, the overall density of the project will be limited to 18 units per acre. The Tentative Subdivision Map has been conditioned appropriately to provide all infrastructure improvements including sufficient open space and landscaping. The conditions of approval and subsequent design review of future residential development would ensure consistency with all standard requirements.
4. All applicable requirements of the Map Act and any ordinance of the City of Escondido regulating land divisions have been satisfied.

Specific Alignment Plan Determinations:

1. Nutmeg Street is classified on the City of Escondido's Circulation Element as a Local Collector Road, beginning at Centre City Parkway and running nearly to El Norte Parkway, where it becomes a Collector Road. Centre City Parkway is classified as a Collector starting at the northbound I-15 on-ramp and running northward. In response to site conditions and constraints, the Project is proposing modifications to Local Collector and Collector standards for the portions of these roads that run past the residential development site.
2. The roadway improvements to Nutmeg Street and Centre City Parkway, as proposed in the Project's Specific Alignment Plan (SAP), would create a more "complete street" by realigning and widening the Nutmeg right-of-way; improving project frontages with sidewalks, curbs, and gutters (as well as bicycle lanes on Nutmeg); and creating or striping turn lanes with adequate vehicle capacity at the Nutmeg/Centre City intersection and the project entry points. The SAP would therefore provide a modified Local Collector Road and Collector Road that achieve City standards for acceptable levels of service.

Grading Exemption Determinations:

1. Granting the proposed Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
 - a. While the EIR anticipates 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 slope and retaining wall requiring the exemption would be located behind the new townhomes, and not adjacent to any public streets.
 - c. The proposed slopes 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 slope and retaining wall covered under the exemption would be located entirely on the project site, and no utilities or drainage facilities currently exist in that area of the site. The slope and wall would be located behind the proposed townhomes, clear of any interior streets, walkways, and recreation areas. The property to the direct north of the project site (located within County jurisdiction) is currently undeveloped, and contains a hill located near the property line it shares with the project site, which would likely preclude any development near that property line.
 - d. The proposed design of the slope would not adversely affect any adjoining septic systems. The property to the direct north of the project site is undeveloped, and any future development on that property is likely to be located a considerable distance from the shared property line, due to site topography. To the direct west of the project site is the Caltrans right-of-way for Interstate 15; this right-of-way contains no septic systems. 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. The proposed cut and fill slopes would be structurally stable since all slopes will be manufactured so as not to exceed a standard 2:1 inclination.

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 22, 2019 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 slopes, 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. The project has been designed to avoid grading or developing upon a substantial 35%+ slope near the northwest corner of the site. Smaller, isolated slopes exceeding 35% are located in other areas of the site, and staff have determined that do not meet the standards of steep slope protection envisioned by the General Plan or its implementing ordinances. Mitigation measures have been proposed 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. While the site does contain sloped areas of 35 percent or greater, the largest of these slopes would be precluded from any grading or development. Other slopes exceeding 35% fragmented and relatively small.
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 have been provided to aid staff review and to inform the environmental analysis in the project EIR, and mitigation measures and conditions of approval have been proposed 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 “F”

General Plan Amendment Change of Land Use Designation APNs 224-260-23, 224-260-46, and 224-260-47 SUB 18-0005 / ENV 18-0005

The parcels associated with the proposed General Plan Amendment are as follows:

APNs	Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation
224-260-23	Office (O)	Urban III (U3)
224-260-46	Office (O)	Urban III (U3)
224-260-47	Office (O)	Urban III (U3)

I. Land Use Element- Land Use Designations Map

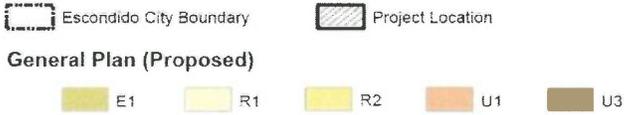
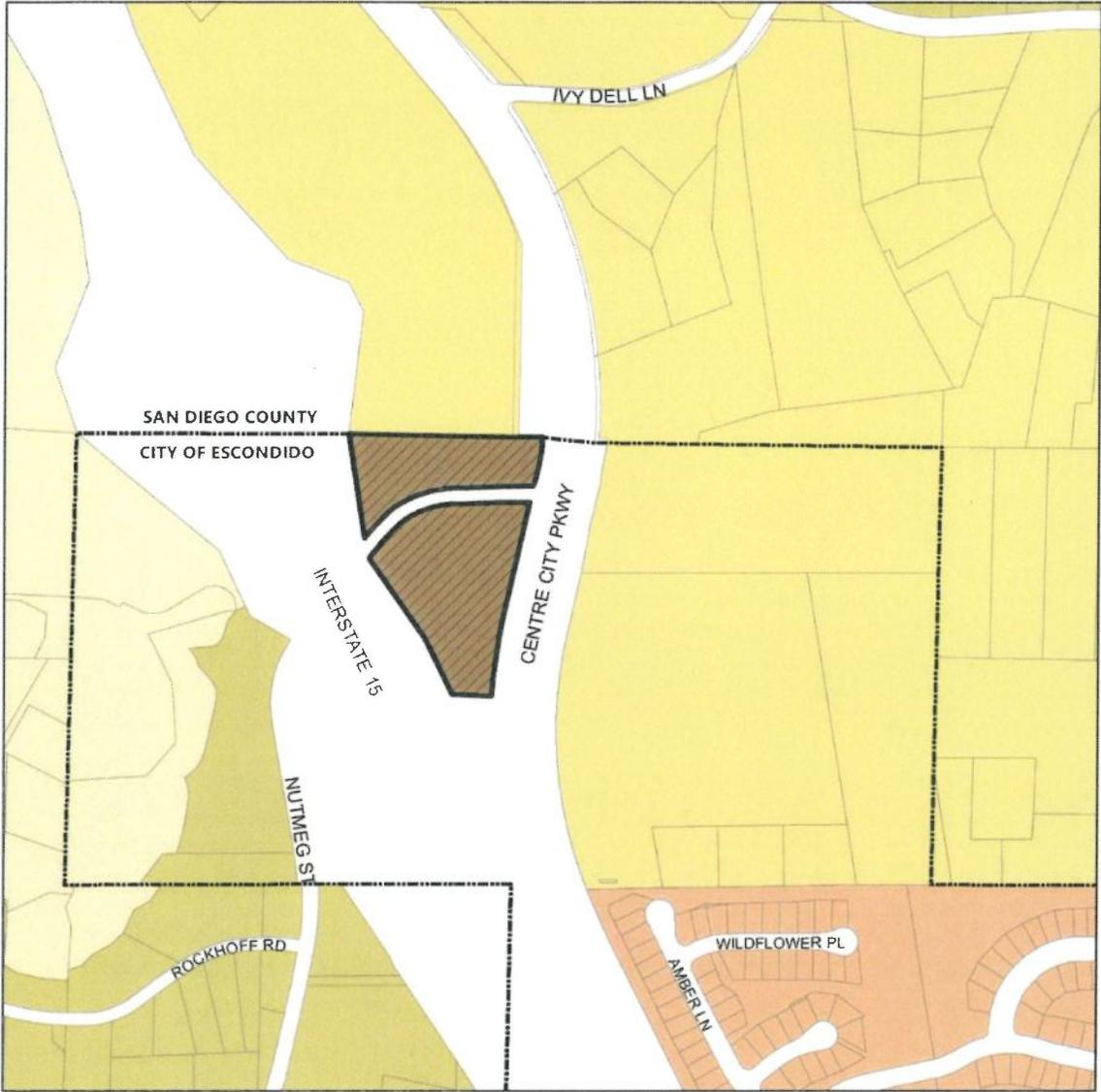
The General Plan Land Use Map is amended as shown on the following page (incorporates SUB 18-0005 / ENV 18-0005 land use mapping strategy described in the October 22, 2019 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the Office (O) General Plan Land Use. The entire, existing General Plan land use map is on file with the Office of the City Clerk.

The map amends the following in the General Plan Land Use Element:

- Page II-3, Figure II-1: Color of project site to be changed from magenta (Office) to medium brown (Urban III). (Please note that the hatching shown is intended to distinguish the project site from the rest of the exhibit, and should not be included in Figure II-1.)

II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this General Plan Amendment reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



**Rezone
Change of Zoning Classification
APNs 224-260-23, 224-260-46, and 224-260-47
SUB 18-0005 / ENV 18-0005**

The parcels associated with the proposed Rezone are as follows:

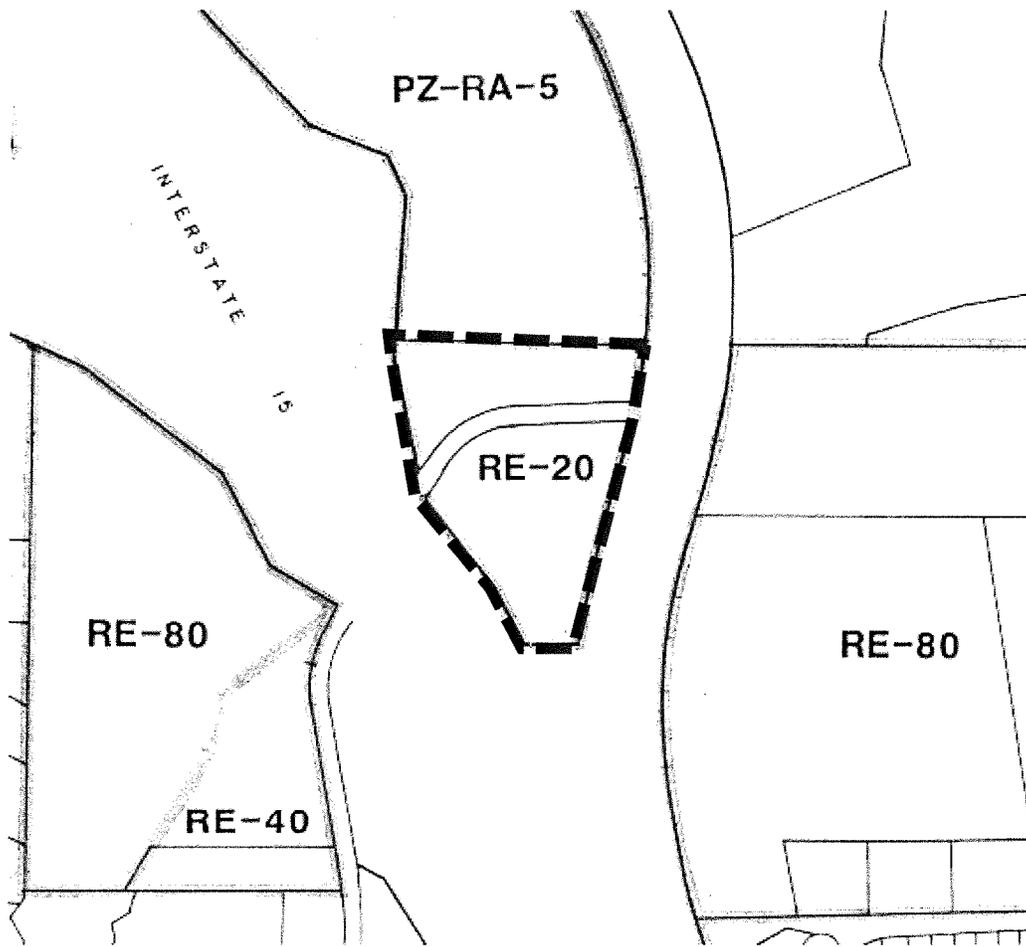
APNs	Existing Zoning Classification	Proposed Zoning Classification
224-260-23	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-46	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-47	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)

I. Zoning Map

The Zoning Map is amended as shown on the following page (incorporates SUB 18-0005 / ENV 18-0005 land use mapping strategy described in the October 22, 2019 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the PD-R-18 zoning classification. The entire, existing Zoning Map is on file with the Office of the City Clerk.

II. Clerical Tasks

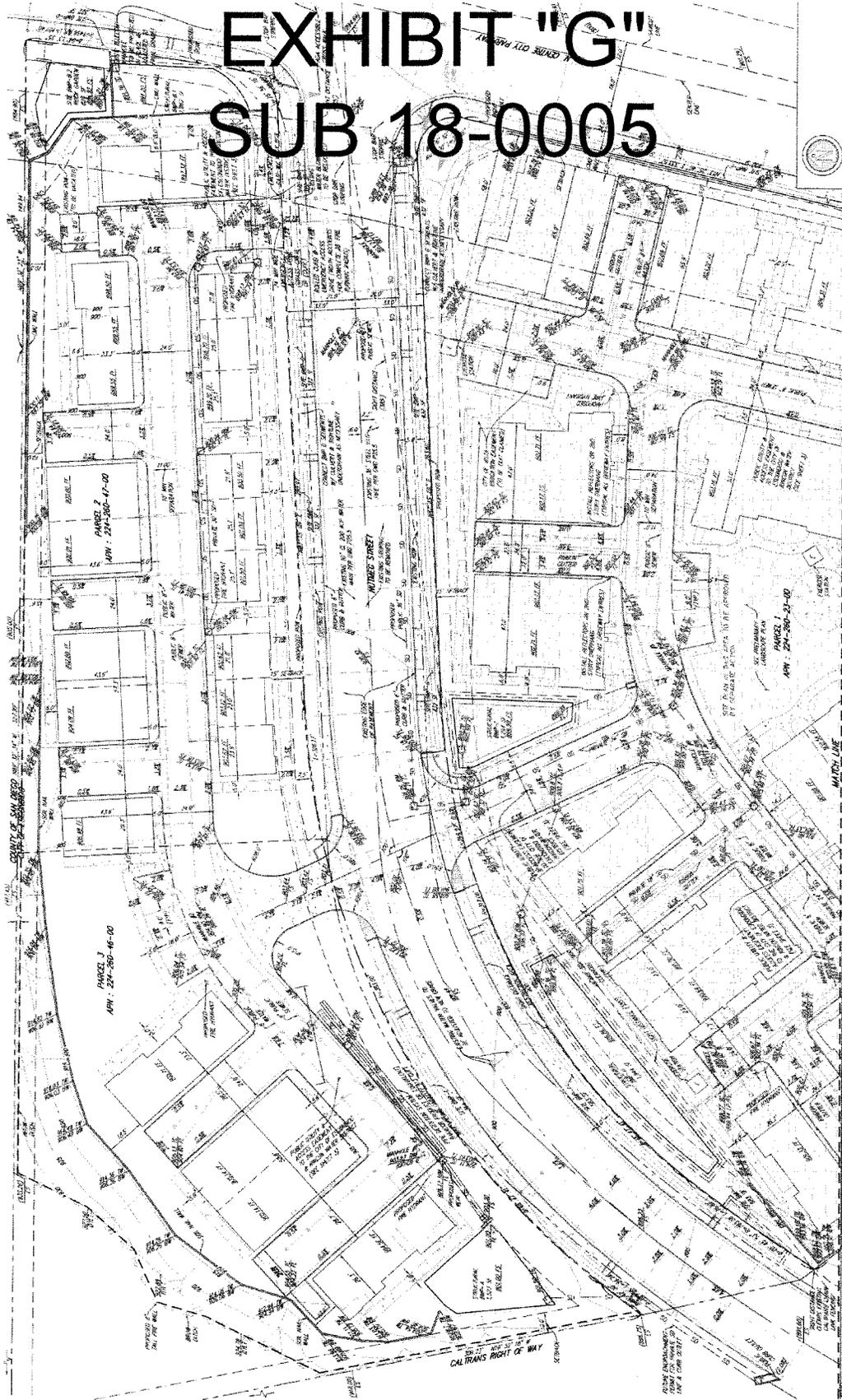
The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this Rezone reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



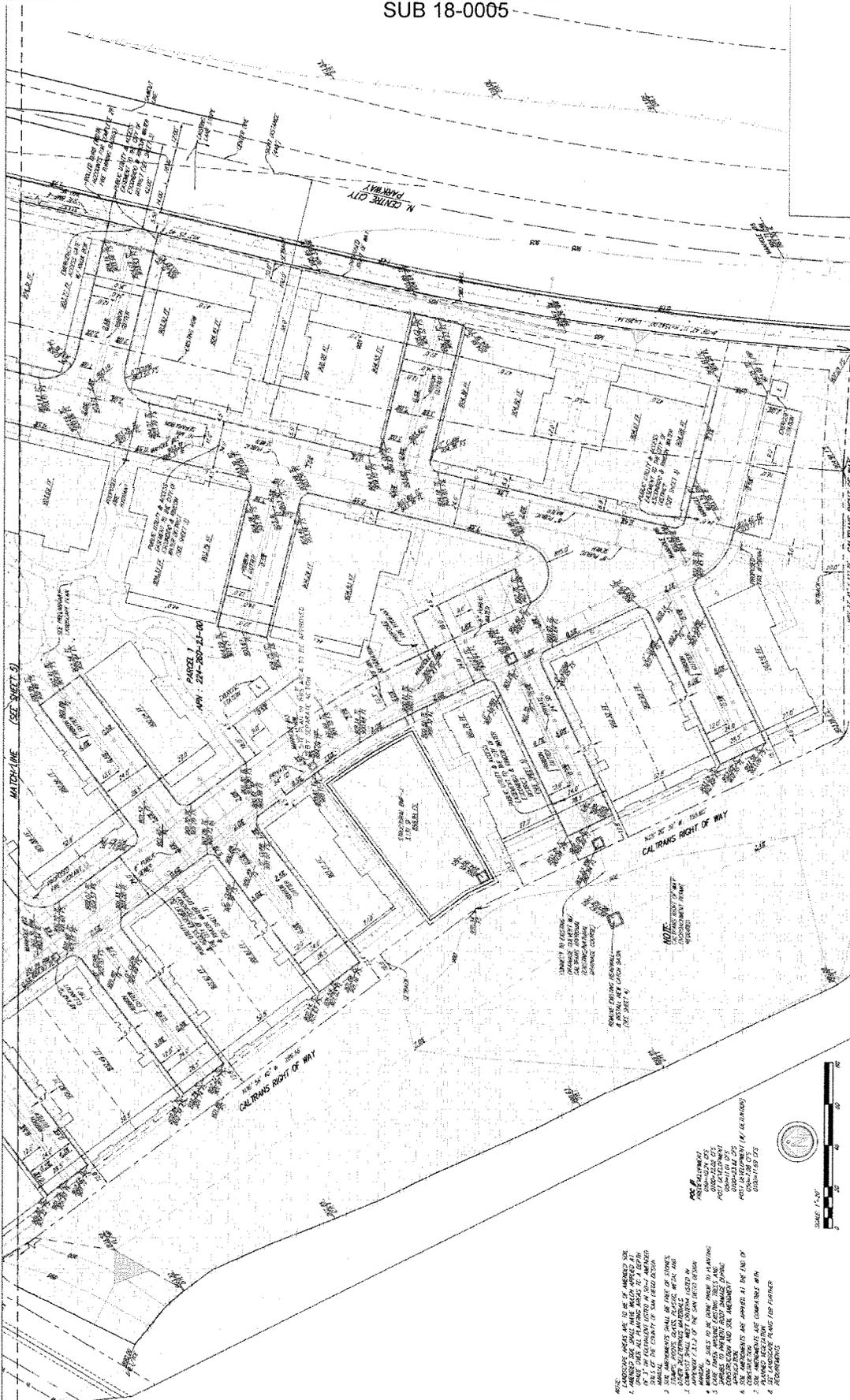
Zoning Map to be changed from Residential Estates, 20,000-SF minimum lot size (RE-20) to Planned Development-Residential, maximum 18 units/acre density (PD-R-18)

EXHIBIT "G"

SUB 18-0005

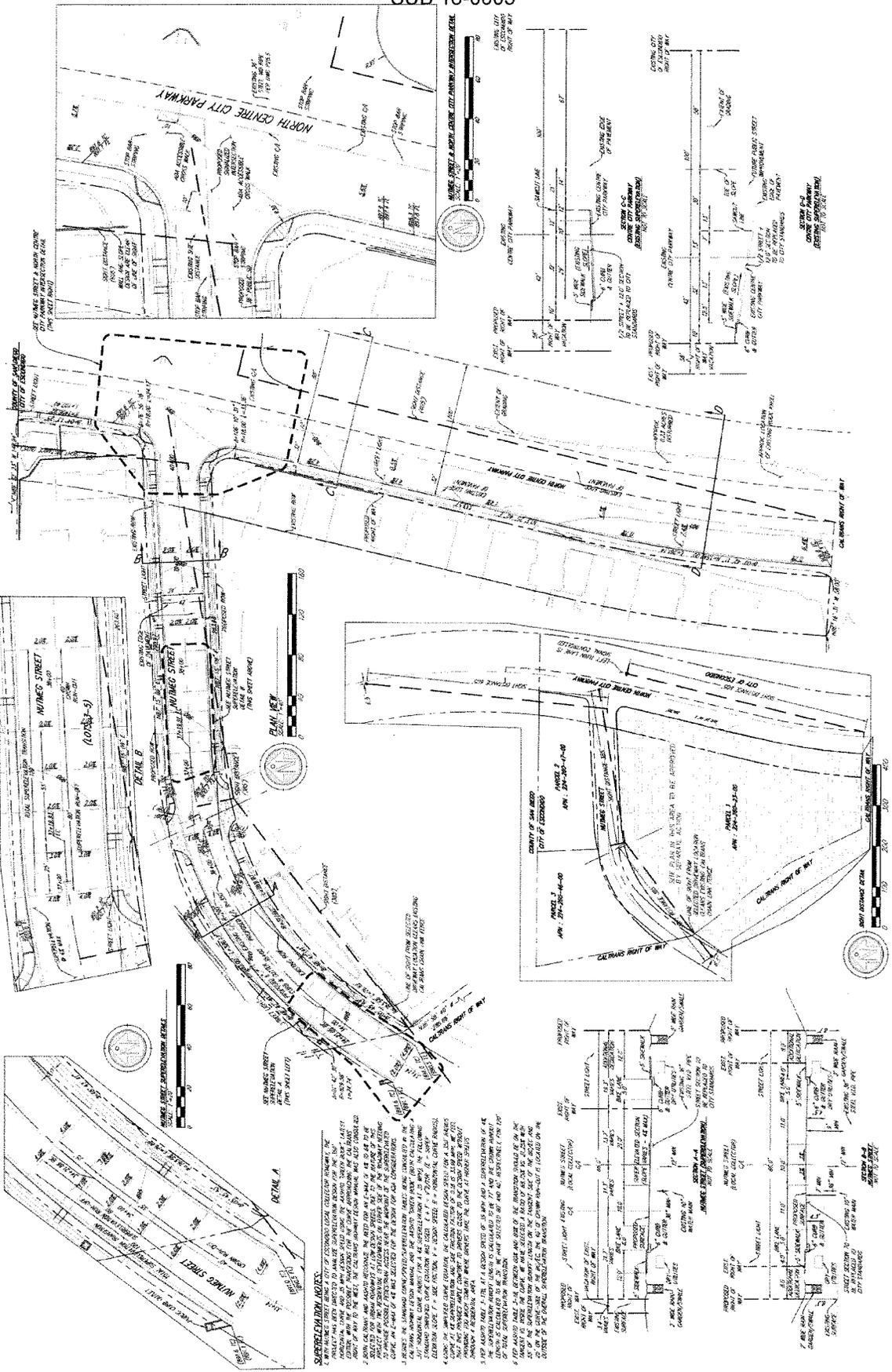


PROPOSED PROJECTS: SUB 18-0005
GRADING AND IMPROVEMENTS
Page 2 of 17



- NOTES:
1. LANDSCAPE AREAS ARE TO BE OF APPROVED SIZE AND SPECIES.
 2. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SAN JOSE PLANTING SPECIFICATIONS.
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 10. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF SAN JOSE PLANTING SPECIFICATIONS.

**PROPOSED PROJECT: SUB 18-0005
GRADING AND IMPROVEMENTS**



SPECIAL NOTES:

1. THE PROPOSED LOCAL COLLECTION SYSTEM FOR THE PROJECT HAS BEEN DESIGNED TO MAINTAIN THE EXISTING COLLECTION SYSTEM FOR THE CITY CENTER AND THE PROPOSED LOCAL COLLECTION SYSTEM FOR THE PROJECT. THE LOCAL COLLECTION SYSTEM FOR THE PROJECT HAS BEEN DESIGNED TO MAINTAIN THE EXISTING COLLECTION SYSTEM FOR THE CITY CENTER AND THE PROPOSED LOCAL COLLECTION SYSTEM FOR THE PROJECT.
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10. THE PROPOSED LOCAL COLLECTION SYSTEM FOR THE PROJECT HAS BEEN DESIGNED TO MAINTAIN THE EXISTING COLLECTION SYSTEM FOR THE CITY CENTER AND THE PROPOSED LOCAL COLLECTION SYSTEM FOR THE PROJECT.

**PROPOSED PROJECT: SUB 18-0005
SPECIFIC ALIGNMENT PLAN**

PROJECT SUMMARY

TOTAL 37 HOMES
AREA 2.42 AC
DENSITY 15.3 DU/AC

UNIT MIX

PI (VILLAS)
PLAN 1 28D/2.5BA 1104 SF
PLAN 2 38D/2.5BA 1339 SF
37 SUBTOTAL

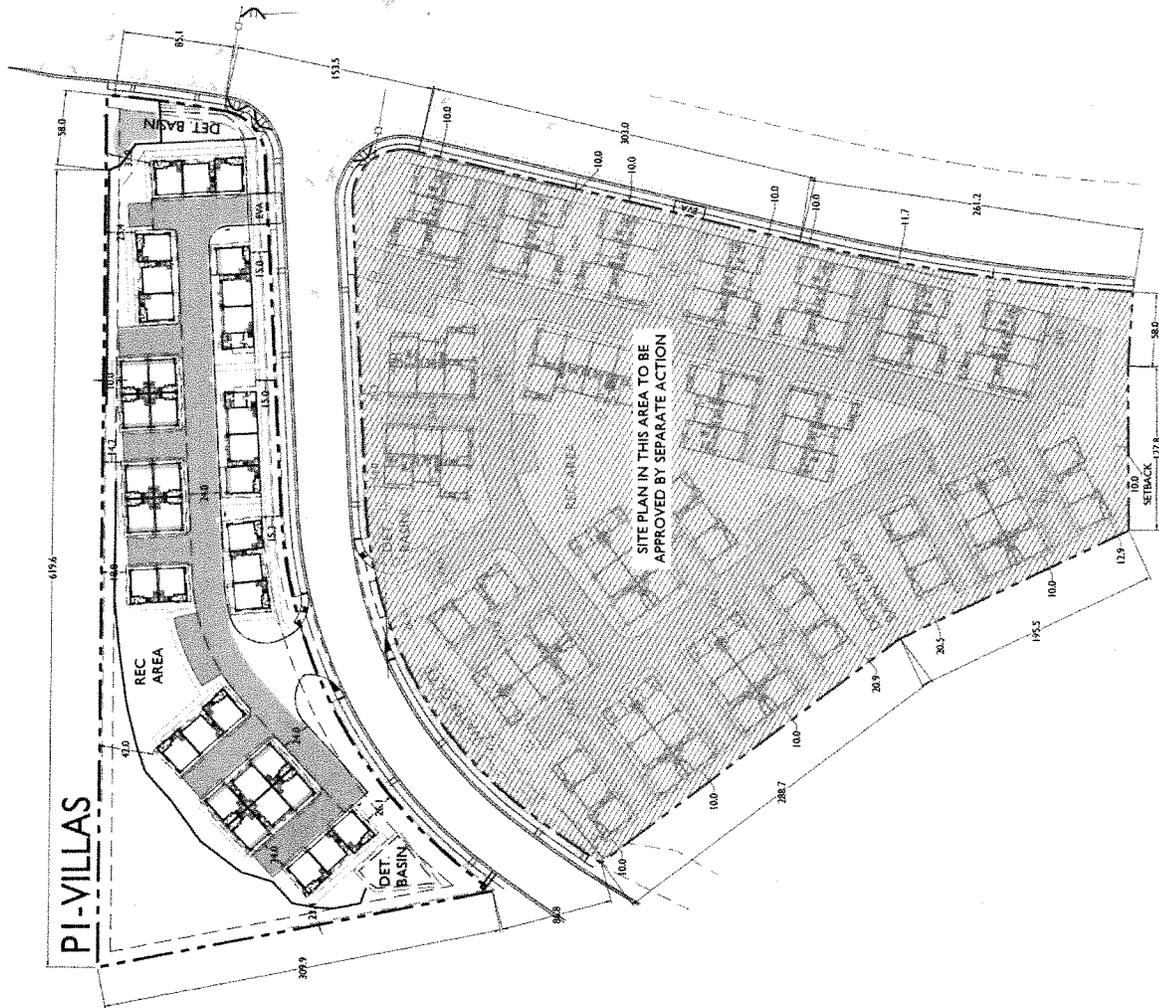
OPEN SPACE

PRIVATE OPEN SPACE

PI (VILLAS)
PLAN 1 61 SF 549 SF
PLAN 2 51 SF 1428 SF
37 SUBTOTAL 1977 SF

COMMON OPEN SPACE

NORTH PHASE 24,156 SF
TOTAL 26,135 SF

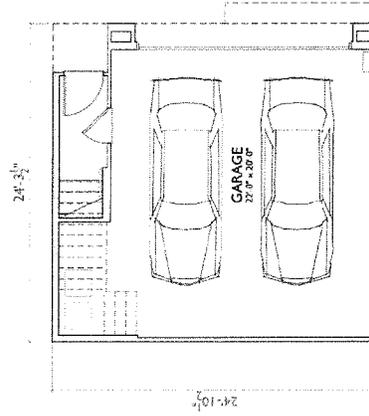
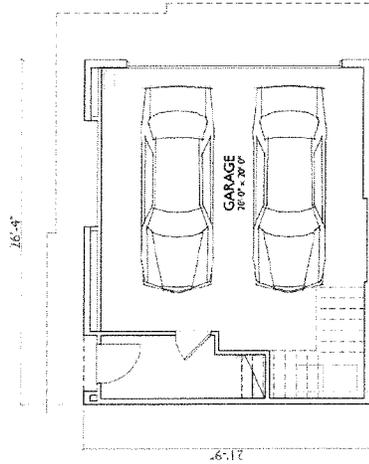


**PROPOSED PROJECT: SUB 18-0005
SITE PLAN**

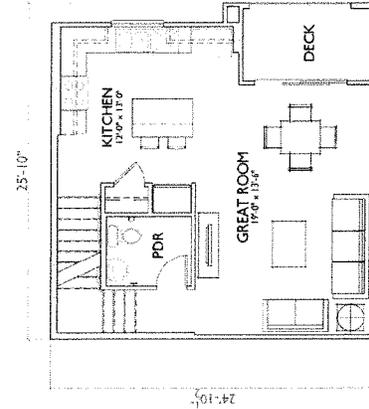
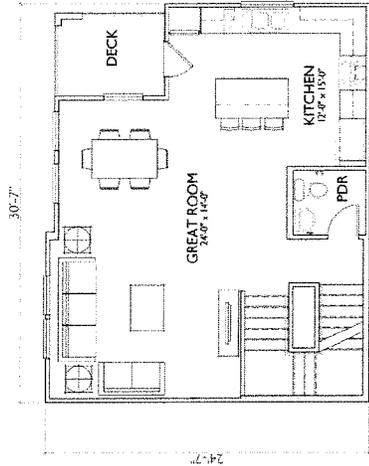
EXHIBIT "G"
SUB 18-0005

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.

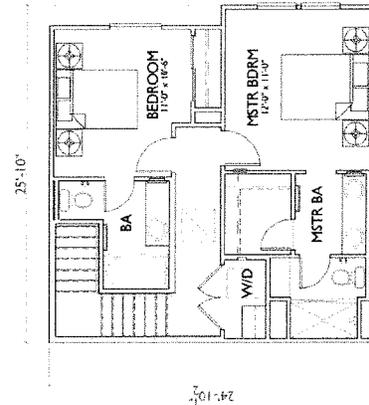
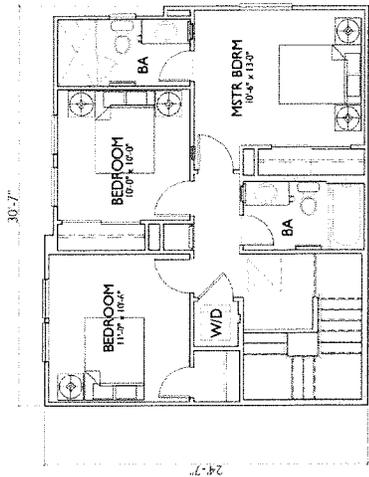
PLAN 1:	2BD/2.5BA
1ST FLR -	39 S.F.
2ND FLR -	523 S.F.
3RD FLR -	542 S.F.
TOTAL	1,104 S.F.



FIRST FLOOR



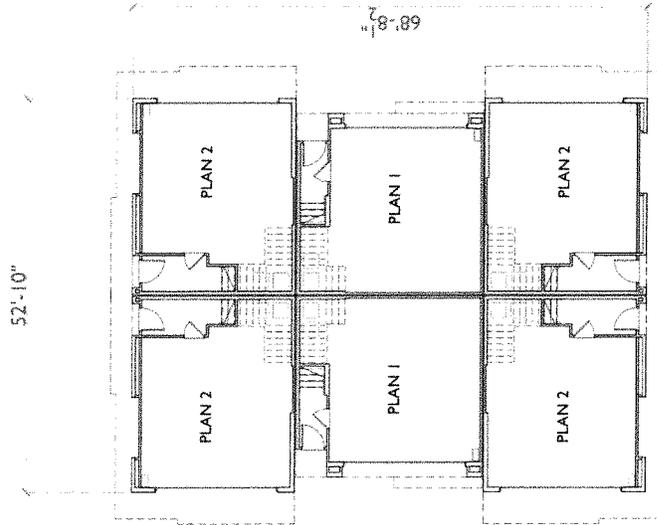
SECOND FLOOR



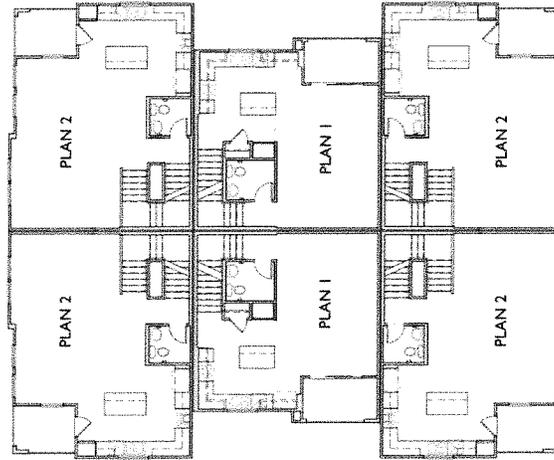
THIRD FLOOR

PROPOSED PROJECT: SUB 18-0005
FLOOR PLANS

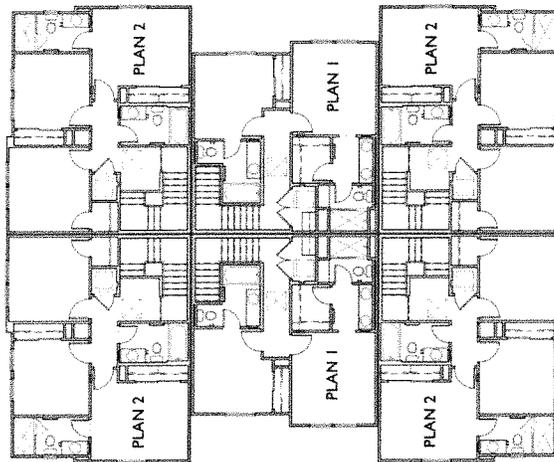
EXHIBIT "G"
SUB 18-0005



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

PROPOSED PROJECT: SUB 18-0005
BUILDING B LAYOUT

EXHIBIT "G"
SUB 18-0005



REAR



FRONT



RIGHT



LEFT

MATERIAL SCHEDULE

1	ROOF - CONCRETE TILE
2	FASCIA - 2 X RESAVIN 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



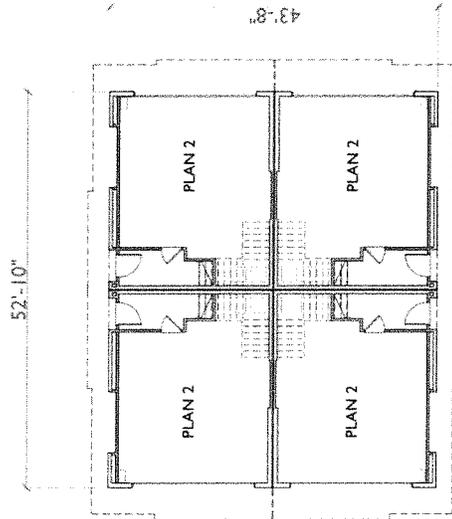
PERSPECTIVE



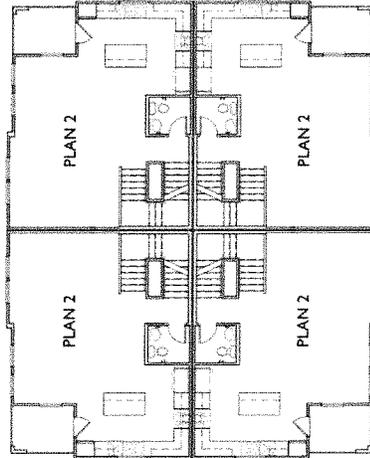
PERSPECTIVE

**PROPOSED PROJECT: SUB 18-0005
BUILDING B ELEVATIONS**

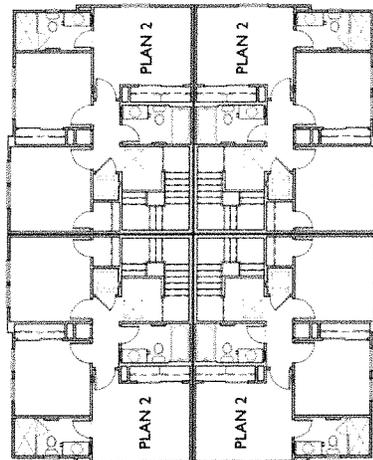
EXHIBIT "G"
SUB 18-0005



FIRST FLOOR



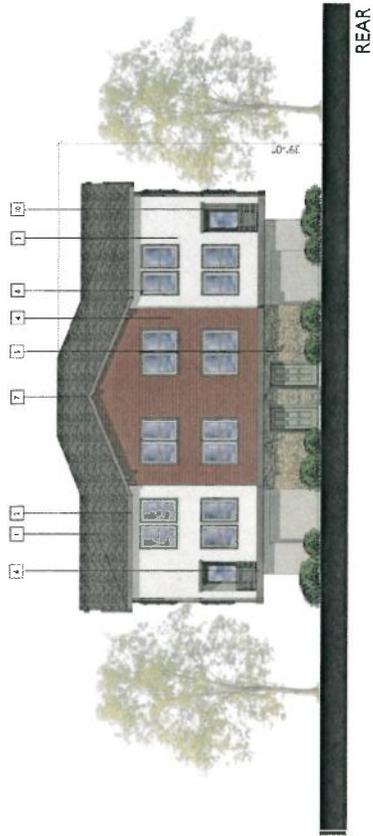
SECOND FLOOR



THIRD FLOOR

PROPOSED PROJECT: SUB 18-0005
BUILDING C LAYOUT

EXHIBIT "G"
SUB 18-0005



REAR



FRONT



RIGHT



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

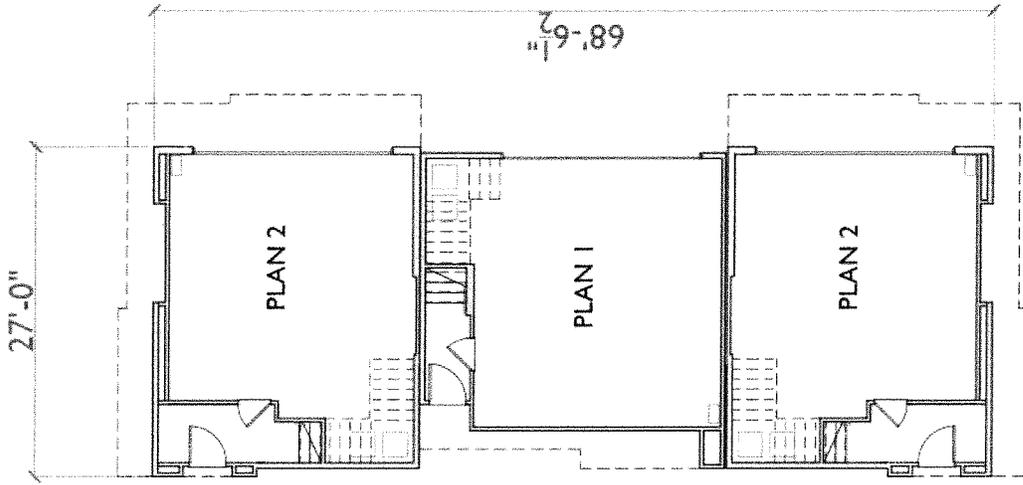


PERSPECTIVE

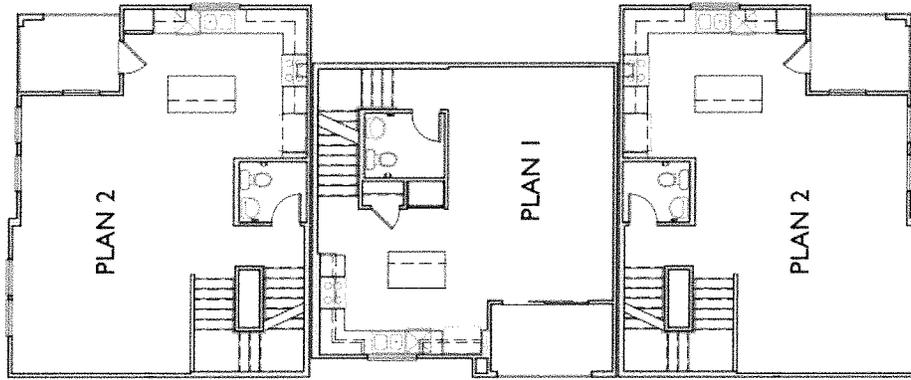


PERSPECTIVE

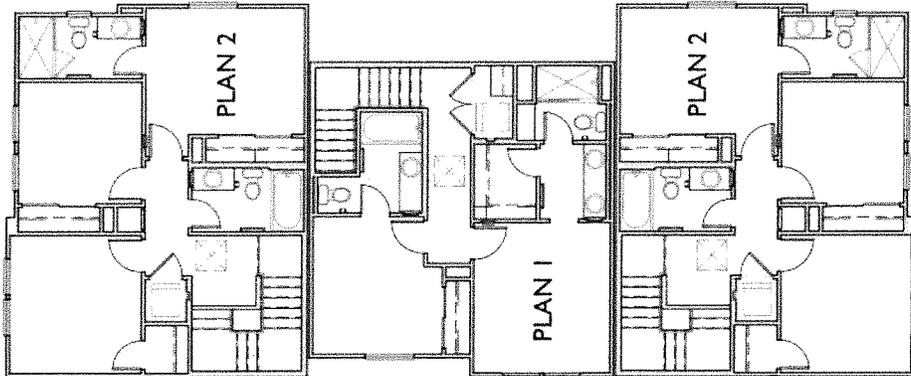
PROPOSED PROJECT: SUB 18-0005
BUILDING C ELEVATIONS



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

**PROPOSED PROJECT: SUB 18-0005
BUILDING E LAYOUT**

EXHIBIT "G"
SUB 18-0005



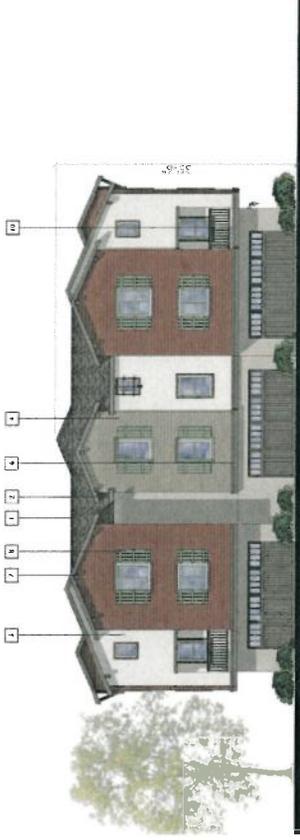
REAR



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

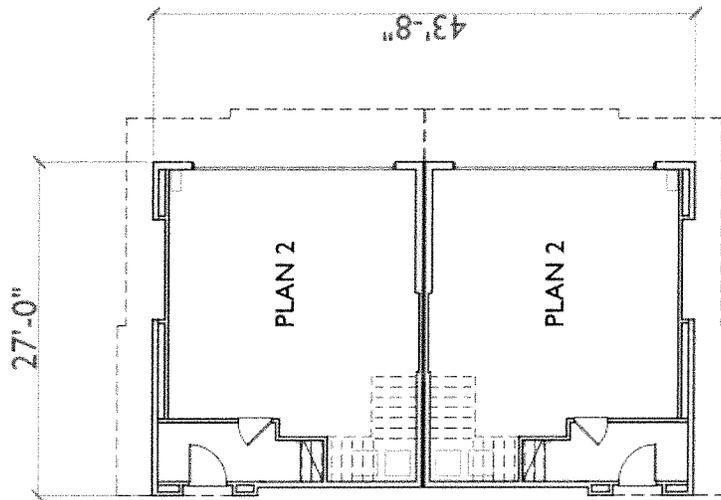


PERSPECTIVE

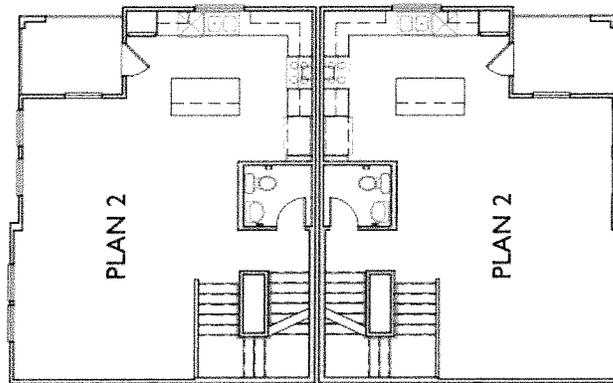


PERSPECTIVE

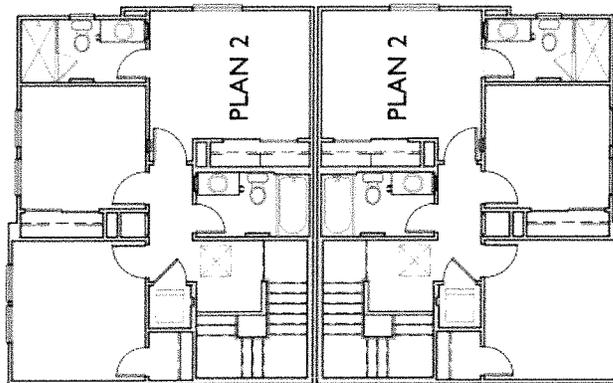
PROPOSED PROJECT: SUB 18-0005
BUILDING E ELEVATIONS



FIRST FLOOR



SECOND FLOOR



THIRD FLOOR

**PROPOSED PROJECT: SUB 18-0005
BUILDING F LAYOUT**

EXHIBIT "G"
SUB 18-0005



RIGHT



FRONT

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



REAR



LEFT

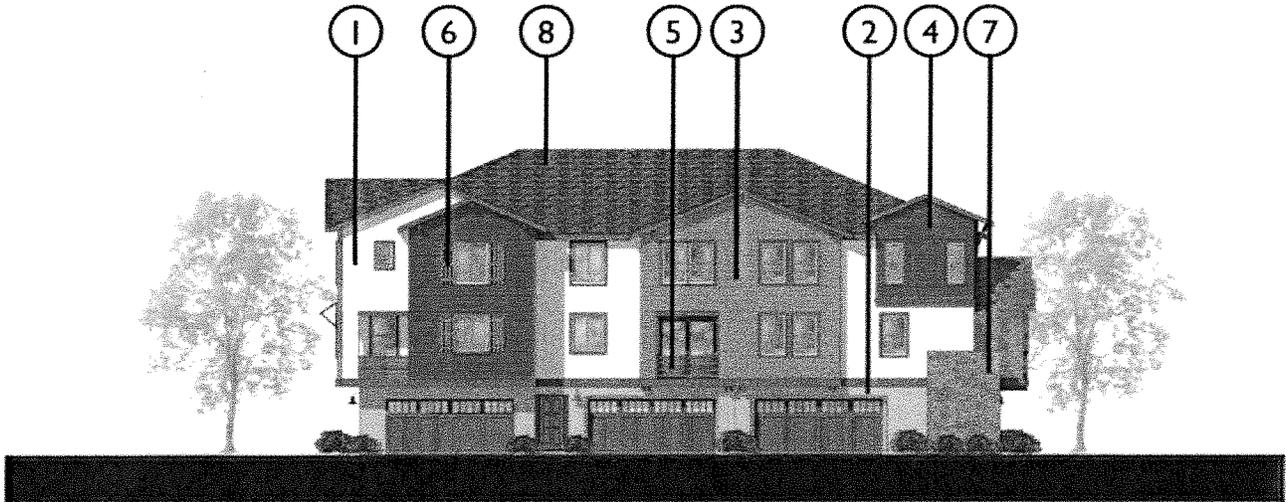


PERSPECTIVE



PERSPECTIVE

PROPOSED PROJECT: SUB 18-0005
BUILDING F ELEVATIONS



VILLAS

STUCCO ①



TOQUE WHITE SW 7003

STUCCO ②



VERSATILE GRAY SW 6072

ACCENT ⑤



WELL-BRED BROWN SW 7027

ACCENT ⑥



OAKMOSS SW 6180

STUCCO/SIDING ③



KEYSTONE GRAY SW 7504

SIDING ④



CARRIAGE DOOR SW 7594

STONE ⑦



OLD WORLD LEDGE - MONARCH

ROOF ⑧



BEL AIR - 4689 BROWN RANGE

PROPOSED PROJECT: SUB 18-0005
COLOR AND MATERIALS

EXHIBIT "G"

SUB 18-0005



- LEGEND**
- EXISTING SLOPE 0% - 1%
 - EXISTING SLOPE 1% - 2%
 - EXISTING SLOPE 2% - 3%
 - EXISTING SLOPE 3% - 4%
 - EXISTING SLOPE 4% - 5%
 - EXISTING SLOPE 5% - 6%
 - EXISTING SLOPE 6% - 7%
 - EXISTING SLOPE 7% - 8%
 - EXISTING SLOPE 8% - 9%
 - EXISTING SLOPE 9% - 10%
 - EXISTING SLOPE 10% - 11%
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 - EXISTING SLOPE 99% - 100%

THE LAND AREAS WITHIN THE SLOPE CATEGORIES NOTED ABOVE ARE NOT TO BE CONSIDERED AS A GUARANTEE OF THE ACCURACY OF THE DATA PROVIDED HEREIN. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE SITE AND HAS FOUND THE DATA TO BE REASONABLY ACCURATE. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING THE DATA AND THE PROPOSED DRAINAGE PLAN IN THIS AREA TO BE APPROVED BY SEPARATE ACTION.

EXCEL ENGINEERS
 10000 N. 100th St., Suite 100
 Overland Park, KS 66214
 Phone: (913) 241-1100
 Fax: (913) 241-1101
 Email: info@exceleng.com

escondido
 City of Escobido

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
 PLANNING DEVELOPMENT FOR THE
NUTMEC HOMES
 SLOPE ANALYSIS

Drawn By: [Name]
 Checked By: [Name]
 Date: [Date]
 Scale: [Scale]
 R.C.E. No. 25028

Sheet 7 of 10

EXHIBIT “H”
CONDITIONS OF APPROVAL
PLANNING CASE NO. SUB 18-0005

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

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

1. 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.
2. 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.
3. 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.
4. 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.

5. 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.
6. 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.

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. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a check payable to "County Clerk", in the amount of \$3,321.00 for a project with an Environmental Impact Report. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Wildlife filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Wildlife documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).
11. 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.

12. 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 the Project's Draft EIR as Appendix E, and 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 22, 2019 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 22, 2019 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 22, 2019 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, a minimum of ten (10) guest parking spaces shall be provided on the north portion of the site, and shall be shown on the construction, landscape, and grading plan submittals.
10. 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.

GRADING AND GRADING EXEMPTION

1. An exemption from the Grading Ordinance is approved as part of this project, as described in the October 22, 2019 Staff Report. This exemption includes one cut slope plus soil nail retaining wall located near the northwest corner of the site, 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 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.
4. 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.
5. Landscaping adjacent to preserved land shall not include species listed as highly or moderately invasive by the California Invasive Plant Council (Cal- IPC 2013).
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

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 on-site utilities shall be determined by the Engineer. If a conflict occurs, these utilities shall be relocated.

3. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Map.
4. 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.
5. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
6. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
7. The engineer shall submit to the Planning Department a revised copy of the Tentative Map, Specific Alignment Plan, and Master and Precise Development plans as approved by the Planning Commission and the City Council and modified to reflect the reduced scope of the project and the Conditions of Approval. After review and approval, the Planning Department will stamp and approve 3 copies of the Revised Tentative Map and Master and Precise Development plan. One of these approved copies must be included in the first 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

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 a new traffic signal at the intersection of W. Country Club Lane and North Nutmeg Street prior to the first project occupancy.
5. 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.
6. The project shall provide a minimum 50-foot eastbound left-turn pocket for the project entrance off N. Nutmeg Street per current City, Caltrans, and MUTCD Standards.
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. 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.
8. 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.
9. All on-site roads, driveways, and parking areas shall be private and shall be detailed on the Grading Plans. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks (one side only), street lights, paving, and base.
10. 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 Permit.
11. 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.

12. 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.
13. 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.
14. 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 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.
15. 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.
16. 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.
17. 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.
18. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
19. 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.
20. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
21. 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.

22. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer and the City Building Official.

GRADING

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. Grading or stockpiling of dirt shall not be performed on the parcel located at the southwest corner of N. Nutmeg Street and N. Centre City Parkway (APN 224-260-23), except as necessary to construct the required street improvements listed above and included in this project.
11. A temporary outlet for proposed storm drain associated with N. Nutmeg Street and N. Centre City Parkway improvements shall be shown on the grading plan. Rip rap and a headwall, designed in accordance with San Diego Regional Standard Drawings, shall be provided for the temporary outlet. The temporary outlet shall be located within APN 224-260-23, at a location to the satisfaction of the City Engineer.
12. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

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 County of San Diego or CALTRANS. Any drainage plans for facilities within the jurisdiction of these 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 Permit.
3. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association. Provisions stating this shall be included in the CC&R'S.
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 Owners 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. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
9. 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 to N. Nutmeg Street, and in N. Nutmeg Street from N. Centre City Parkway to across the project property frontage. The proposed alignment of the sewer main shall be to the satisfaction of the Utilities Engineer.
2. A minimum 20-foot all weather access road (suitable for use by the City's vector trucks) to all sewer manholes within easements shall be required.
3. A minimum 20-foot sewer easement shall be required for public sewer.
4. 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.

5. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral, or within 15' of any sewer main.
6. There shall be no permanent structures located within sewer easements.
7. 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.
8. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
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.

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). The 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. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, storm drain, 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.
4. 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. All street vacations shall be accomplished by means of a separate public hearing. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the 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.

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 and N. Centre City Parkway. 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.