



City of Escondido Zoning Administrator

MEETING AGENDA

201 North Broadway
City Hall - Parkview Room
October 26, 2023
3:00 p.m.

A. Call to Order:

Zoning Administrator: Veronica Morones, City Planner

Staff Present:

Public Present:

B. Agenda Item:

1. Extension of Time – PL23-0363

REQUEST: Extension of Time (3 years) for two Tentative Subdivision Maps and Master and Precise Development Plan.

Location: The approximately 6.7-acre project site is located on the north and south sides of N. Nutmeg Street, west of Centre City Parkway and east of Interstate 15 (APNs 224-260-23-00, 224-260-46-00 and 224-260-47-00).

Applicant: Nutmeg 134 LLC

Planner: Jay Paul, Senior Planner

ENVIRONMENTAL STATUS: The City Council certified a Final Environmental Impact Report (Planning Case No. ENV18-0005) for the proposed Project and a Notice of Determination was filed with the County Clerk on January 28, 2020.

DECISION OF THE ZONING ADMINISTRATOR:

- Approved, as set to form
- Conditionally approved with the attached modifications
- Denied
- Continued to: ___ Date Certain (_____) ___ Date Unknown
- Referred to Planning Commission

C. Adjournment:

I certify that these actions were taken at the Zoning Administrator meeting on October 26, 2023.

Zoning Administrator

Witness

Decisions of the Zoning Administrator may be appealed to the Planning Commission pursuant to Zoning Code Section 33-1303

ZONING ADMINISTRATOR

- CASE NUMBER:** PL23-0363 (Nutmeg North and South)
- APPLICANT:** Nutmeg 134 LLC
- PROJECT LOCATION:** The approximately 6.7-acre project site is located on the north and south sides of N. Nutmeg Street, west of Centre City Parkway and east of Interstate 15 (APNs 224-260-23-00, 224-260-46-00 and 224-260-47-00).
- REQUEST:** Extension of Time (3 years) for two Tentative Subdivision Maps and Master and Precise Development Plan
- STAFF RECOMMENDATION:** Approval
- GENERAL PLAN DESIGNATION:** Urban III (U3)
- ZONING:** Planned Development Residential (PD-R)

BACKGROUND/PROJECT DESCRIPTION:

The City received a project application for a General Plan Amendment and Rezone, Tentative Subdivision Map, Master and Precise Development Plan, Specific Alignment Plan and Grading Exemption (Planning Case No. SUB 18-0005) for a residential development consisting of 134 condominium units and comprised of two areas: 2.33 acres located on the north side of Nutmeg St. (identified as Nutmeg North); and 4.37 acres located south of Nutmeg St. (identified as Nutmeg South). However, the Master and Precise Development Plan was later revised to limit its scope to the portion of the Project site on the north side of N. Nutmeg St. (i.e., Nutmeg North) to build 37 townhomes. City Council approved the revised request for 37 townhomes on November 20, 2019. A corresponding Tentative Subdivision Map, Master and Precise Development Plan and Grading Exemptions (Planning Case No. SUB 20-0007) were subsequently approved for the Nutmeg South portion of the project on November 18, 2020. Environmental review was conducted for the entire project area (6.7-acres and 134 homes). The Tentative Subdivision Maps and corresponding Planned Development and Grading Exemptions are valid for three-years, unless an extension of time is granted. Previous City Ordinance (O2020-12) authorized an automatic 1-year extension for development projects and permits extending the expiration date to November 20, 2023 for SUB 18-0005. However, Ordinance 2020-12 does not apply to SUB 20-2007 because it was approved after the Ordinance was adopted. Therefore, SUB 20-0007 is scheduled to expire on November 18, 2023. The applicant submitted a time extension request on September 6, 2023 for the Project encompassing the total project area. This action suspends expiration of the Project until a final decision is made regarding the extension request. The purpose of this agenda item is to review and consider the extension request. The criteria for determining the appropriateness for granting an extension of time for a Tentative Subdivision Map and

corresponding entitlements is based on the Project's compliance with the City's current General Plan, Zoning Ordinance, and the California Environmental Quality Act ("CEQA").

ENVIRONMENTAL STATUS:

The City Council certified a Final Environmental Impact Report (Planning Case No. ENV18-0005) for the proposed Project and a Notice of Determination was filed with the County Clerk on January 28, 2020.

REASON FOR STAFF RECOMMENDATION:

Staff reviewed the extension request and determined the Tentative Subdivision Maps, Planned Development and Grading Exemptions, as conditioned, conform to the General Plan, Zoning Code requirements, and CEQA provisions. The Planning and Engineering Divisions updated the Conditions of Approval to conform to current formatting. Therefore, staff recommends the Zoning Administrator approve the requested 3-year extension of time and updated Conditions of Approval. With this extension of time, Planning Case No. SUB 18-0005 would be valid through November 20, 2026 and Planning Case No. SUB 20-0007 would be valid through November 18, 2026.

Respectfully submitted,

J Paul

Jay Paul
Senior Planner

ATTACHMENTS:

1. Project Location
2. CEQA Notice of Determination and Final Environmental Impact Report (linked)
3. Zoning Administrator Resolution No. 2023-09, including Exhibits A, B, C, D and E

ATTACHMENT 1

LOCATION
PL23-0363



APNs 224-260-23-00, 224-260-46-00 and 224-260-47-00

1. The project ___ will X will not have a significant effect on the environment.
2. X An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
- ___ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures X were ___ were not made a condition of approval of the project.
4. A mitigation reporting or monitoring plan X was ___ was not adopted for this project.
5. A Statement of Overriding Considerations ___ was X was not adopted for this project.
6. Findings X were ___ were not made pursuant to the provisions of CEQA.

A copy of the Final Environmental Impact Report with comments and responses and record of project approval is available for review by the general public at the City of Escondido Planning Division, 201 N. Broadway, Escondido, California 92025. Telephone number: (760) 839-4671.

Ann Dolmage
 Ann Dolmage
 Associate Planner

City of Escondido
 Lead Agency

Name of Official Filing Notice _____

Date Received for Filing _____

Filing Fee Transmitted to County Clerk _____

FILED IN THE OFFICE OF THE COUNTY CLERK
 San Diego County on JAN 28 2020
 Posted JAN 28 2020 Removed 2/27/2020
 Returned to agency on 3/16/2020
 Deputy K. Ortiz



State of California - Department of Fish and Wildlife
2020 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFW 753.5a (Rev. 12/10/19) Previously DFG 753.5a

RECEIPT
 37-2020- 0066
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2018081063

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF ESCONDIDO PLANNING DIVISION		LEAD AGENCY EMAIL --	DATE 01/28/2020	
COUNTY/STATE AGENCY OF FILING San Diego County			DOCUMENT NUMBER *2020-0017*	
PROJECT TITLE GENERAL PLAN AMEDMENT, REZONE, TENATIVE SUBDIVISION MAP, MASTER AND PRECISE DEVELOPMENT PLAN, SPECIFIC ALIGNMENT PLAN, AND GRADING EXEMPTION FOR THE NUTMEG HOMES RESENDENTIAL PROJECT - SUB 18-0005 AND ENV 18-0005				
PROJECT APPLICANT NAME JASON GREMINGER		PROJECT APPLICANT EMAIL --		PHONE NUMBER (760) 471-2365
PROJECT APPLICANT ADDRESS 160 INDUSTRIAL ST STE 2200		CITY SAN MARCOS	STATE CA	ZIP CODE 92078

PROJECT APPLICANT (Check appropriate box)

- Local Public Agency
 School District
 Other Special District
 State Agency
 Private Entity

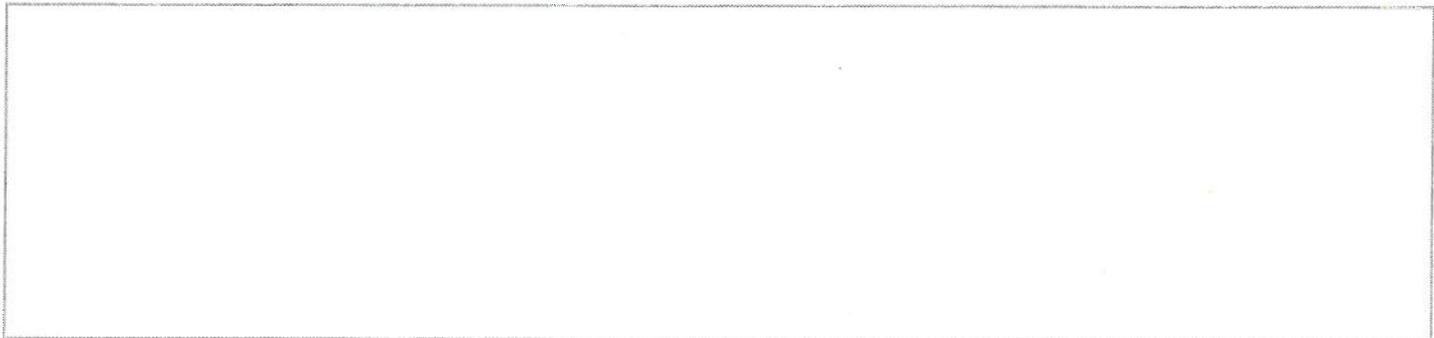
CHECK APPLICABLE FEES:

- | | | | | |
|---|--------|------------|----|------------|
| <input checked="" type="checkbox"/> Environmental Impact Report (EIR) | | \$3,343.25 | \$ | \$3,343.25 |
| <input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND) | 200017 | \$2,406.75 | \$ | |
| <input type="checkbox"/> Certified Regulatory Program document (CRP) | | \$1,136.50 | \$ | |
|
 | | | | |
| <input type="checkbox"/> Exempt from fee | | | | |
| <input type="checkbox"/> Notice of Exemption (attach) | | | | |
| <input type="checkbox"/> CDFW No Effect Determination (attach) | | | | |
| <input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy) | | | | |
| <hr/> | | | | |
| <input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only) | | \$850.00 | \$ | |
| <input checked="" type="checkbox"/> County documentary handling fee | | | \$ | \$50.00 |
| <input type="checkbox"/> Other | | | \$ | |

PAYMENT METHOD:

- Cash
 Credit
 Check
 Other 6078
 TOTAL RECEIVED \$ 3,393.25

SIGNATURE X	AGENCY OF FILING PRINTED NAME AND TITLE San Diego County K.ORTIZ , Deputy
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Attachment 2

October 26, 2023 Zoning Administrator

Due to the number of pages of Attachment 2, the following link has been provided to review the document electronically on the City's web site:

[Final Environmental Impact Report](#), dated October 1, 2019

- [Updated Fire Plan Appendix](#), dated October 1, 2019
- [Updated Biological Resources Report Appendix](#), dated October 1, 2019
- [CEQA Findings of Fact](#)

Zoning Administrator
Hearing Date: October 26, 2023
Effective Date: November 6, 2023

ZONING ADMINISTRATOR RESOLUTION NO. 2023-09

A RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A 3-YEAR EXTENSION OF TIME FOR
TWO TENTATIVE SUBDIVISION MAPS AND MASTER
AND PRECISE DEVELOPMENT PLANS

APPLICANT: Nutmeg 134 LLC

CASE NO: PL23-0363

WHEREAS, Nutmeg 134 LLC ("Applicant"), filed a land use development application, Planning Case No. PL23-0363 ("Application"), constituting a request for an extension of time for two separate, previously approved Tentative Subdivision Maps along with separate Master and Precise Development Plans, and Grading Exemptions (Planning Case Nos. SUB18-0005 and SUB20-0007) on a 6.7-acre site located on the north and south sides of North Nutmeg Street, west of Centre City Parkway and east of Interstate 15 (Assessor's Parcel Nos. 224-260-23-00, 224-260-46-00 and 224-260-47-00); and

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as though fully set forth herein ("Property"); and

WHEREAS, the Application was submitted to, and processed by, the Planning Division of the Development Services 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 the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (“CEQA”); and

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

WHEREAS, an initial application to the City of Escondido for a Tentative Subdivision Map, Master and Precise Development Plan, Grading Exemption, and Specific Alignment Plan was made for 134 residential units by ADJ Holdings, LLC for a 6.7-acre site located on the north and south sides of North Nutmeg Street, west of Centre City Parkway and east of Interstate 15;

WHEREAS, said initial application to the City of Escondido was subsequently bifurcated into two separate applications but considered one project for the purposes of environmental review;

WHEREAS, the Escondido City Council approved a Tentative Subdivision Map (SUB18-0005), in conjunction with a Master and Precise Development Plan and Grading Exemption for the development of 37 townhomes on November 20, 2019, and adopted Ordinance No. 2019-19 and Resolution Nos. 2019-166, 2019-167 and 2019-168, including the environmental determination for the project.

WHEREAS, The City Council subsequently approved a Tentative Subdivision Map (SUB20-0007), in conjunction with a Master and Precise Development Plan and Grading Exemptions for the remaining 97 units on November 18, 2020 for the southern component of the Project, and adopted Ordinance No. 2020-30 and Resolution No. 2020-152; and

WHEREAS, the Application is for an extension of time for a project consistent with the Planning Case Nos. SUB 18-0005 and SUB 20-0007 and none of the circumstances requiring further environmental compliance under CEQA Guidelines Sections 15162 or 15162 exist;

WHEREAS, the Tentative Subdivision Maps, Master and Precise Development Plans, and corresponding Grading Exemptions, all conditionally approved by Ordinance Nos. 2019-19 and 2020-30 and Resolution Nos. 2019-166, 2019-167, 2019-168 and 2020-152, were scheduled to expire three years from the effective date of approval, unless additional time was granted, or an extension of time is approved in accordance with Chapter 32, Article 2 of the Escondido Municipal Code; and

WHEREAS, City of Escondido urgency Ordinance No. 2020-12 granted an automatic extension for all planning permits up to an additional 12 months, affecting Planning Case No. SUB 18-0005 and thereby extending the expiration date to November 20, 2023; and

WHEREAS, the Applicant requests that the Zoning Administrator approve an extension of time as permitted by Chapter 32, Article 2, of the Escondido Municipal Code for both Planning Case Nos. SUB 18-0005 and SUB 20-0007; and

WHEREAS, the Planning Division studied the Application, performed necessary investigations, prepared a written report, and hereby recommends approval of the 3-year extension of time as depicted on the plan set shown in Exhibit "B," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, on October 26, 2023, the Zoning Administrator held a public meeting as prescribed by law, at which time the Zoning Administrator 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 regarding the Project. Evidence was submitted to and considered by the Zoning Administrator, 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 26, 2023, 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 meeting; and

WHEREAS, the public meeting before the Zoning Administrator was conducted in all respects as required by the Escondido Municipal Code and the rules of the Zoning Administrator; and

WHEREAS, the Zoning Administrator desires at this time and deems it to be in the best public interest to approve a 3-year extension of time, with an expiration date of

November 20, 2026 for Planning Case No. SUB 18-0005 and an expiration date of November 18, 2026 for Planning Case No. SUB 20-0007.

NOW, THEREFORE, BE IT RESOLVED by the Zoning Administrator of the City of Escondido that:

1. The above recitations are true and correct.
2. The Zoning Administrator, in its independent judgment, has determined that all of the requirements of CEQA have been met.
3. After consideration of all evidence presented, and studies and investigations made by the Zoning Administrator and on its behalf, the Zoning Administrator makes the substantive findings and determinations, attached hereto as Exhibit "C," relating to the information that has been considered. In accordance with the Findings of Fact and the foregoing, the Zoning Administrator reached a recommendation on the matter as hereinafter set forth.
4. The Application to use the Property and extension of time for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit "D," and Mitigation Monitoring and Reporting Program hereinafter set forth in Exhibit "E," is hereby approved by the Zoning Administrator. The Zoning Administrator expressly declares that it would not have approved this Application except upon and subject to each and all of said conditions, each and all of which shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the Property, and all persons who use the Property for the use permitted hereby.

5. The development plans for the Project are on file in the Planning Division of the Development Services Department and are available for inspection by anyone interested herein, and the development plans are incorporated herein by this reference as if they were fully set forth herein. The Project is conditionally approved as set forth on the Application and Project drawings, all designated as approved by the Zoning Administrator, and which shall not be altered without the express authorization by the Planning Division. Any deviations from the approved development plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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 Development Services 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 Government Code section 66020.

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 26th day of October, 2023.

VERONICA MORONES
Zoning Administrator,
City of Escondido

WITNESS

Note: This action may be appealed to Planning Commission
pursuant to Zoning Code Section 33-130

Exhibit "A"
Legal

Parcel 1 (APN 224-260-46-00)

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.

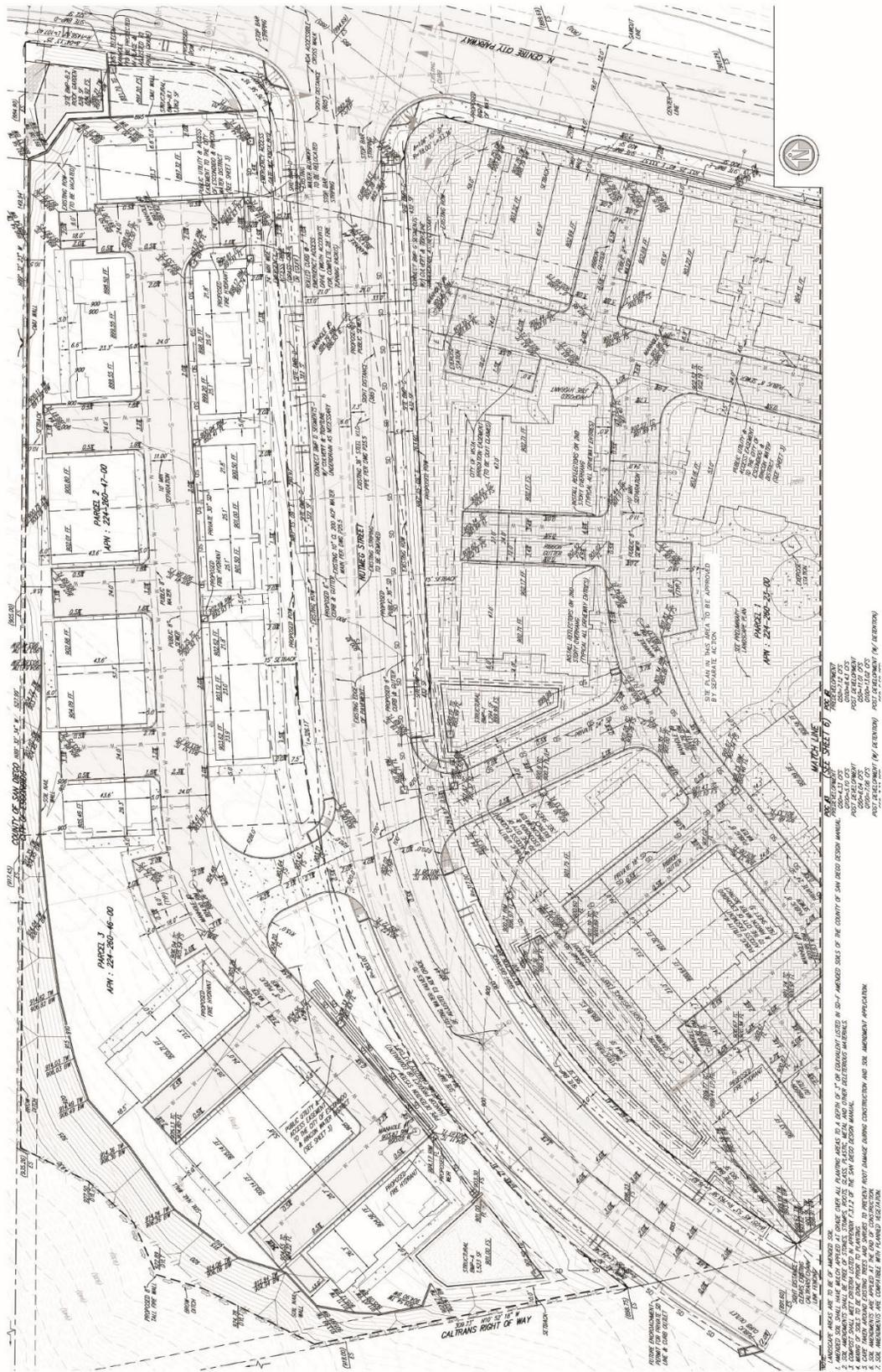
Parcel 2 (APN 224-260-47-00)

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.

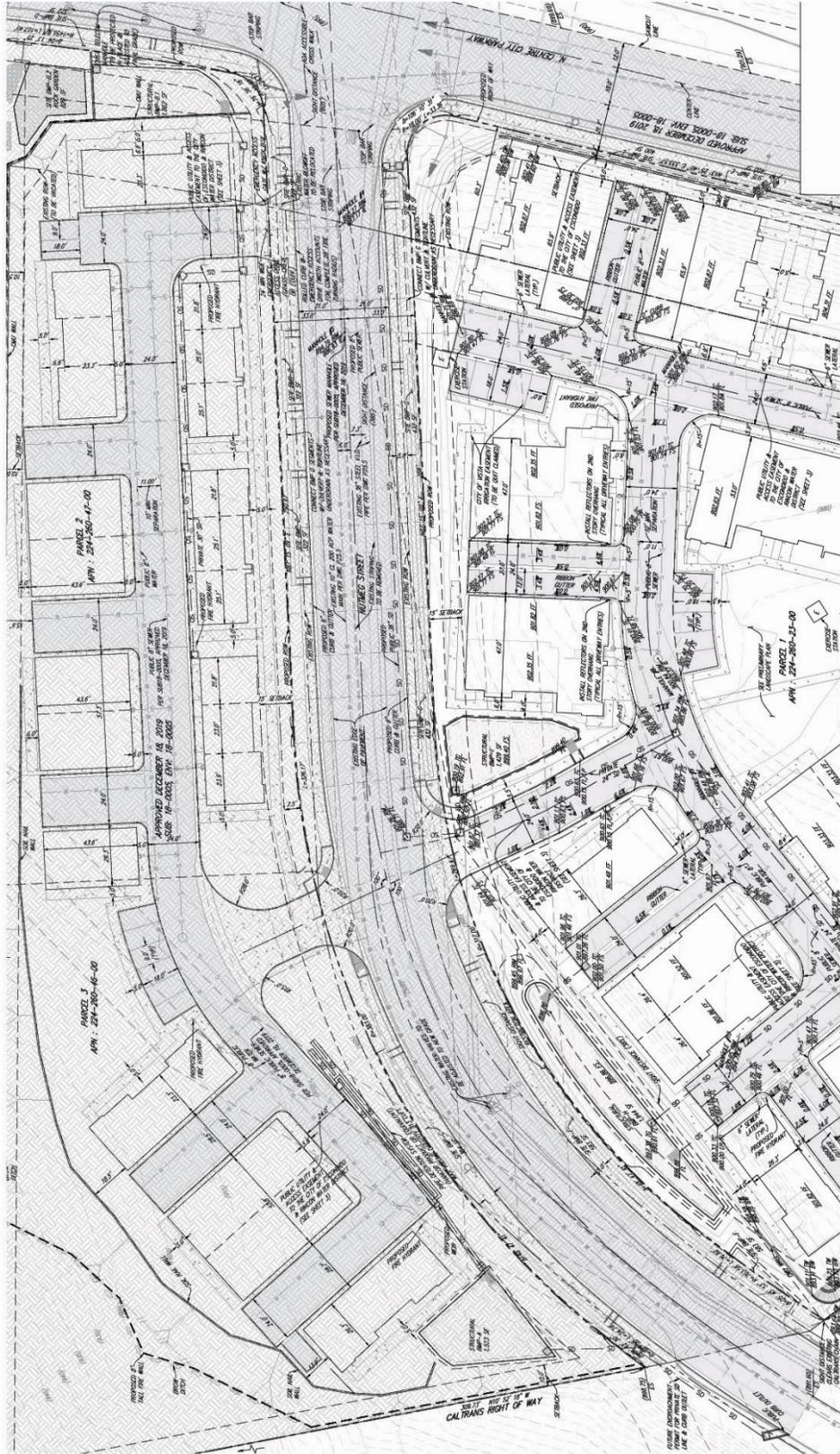
Parcel 3 (APN 224-260-23-00)

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.



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

- LEGEND
- 1. UNIMPROVED SIDEWALK: SHOWN AS DASHED LINE
 - 2. UNIMPROVED DRIVEWAY: SHOWN AS DASHED LINE WITH DOTTED CENTER LINE
 - 3. UNIMPROVED DRIVEWAY: SHOWN AS DASHED LINE WITH SOLID CENTER LINE
 - 4. UNIMPROVED DRIVEWAY: SHOWN AS DASHED LINE WITH SOLID CENTER LINE AND DOTTED CENTER LINE
 - 5. UNIMPROVED DRIVEWAY: SHOWN AS DASHED LINE WITH SOLID CENTER LINE AND DOTTED CENTER LINE AND DOTTED CENTER LINE
 - 6. UNIMPROVED DRIVEWAY: SHOWN AS DASHED LINE WITH SOLID CENTER LINE AND DOTTED CENTER LINE AND DOTTED CENTER LINE
 - 7. UNIMPROVED DRIVEWAY: SHOWN AS DASHED LINE WITH SOLID CENTER LINE AND DOTTED CENTER LINE AND DOTTED CENTER LINE
 - 8. UNIMPROVED DRIVEWAY: SHOWN AS DASHED LINE WITH SOLID CENTER LINE AND DOTTED CENTER LINE AND DOTTED CENTER LINE
 - 9. UNIMPROVED DRIVEWAY: SHOWN AS DASHED LINE WITH SOLID CENTER LINE AND DOTTED CENTER LINE AND DOTTED CENTER LINE
 - 10. UNIMPROVED DRIVEWAY: SHOWN AS DASHED LINE WITH SOLID CENTER LINE AND DOTTED CENTER LINE AND DOTTED CENTER LINE



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

PROJECT SUMMARY

TOTAL HOMES 134 HOMES
 AREA 7.5 AC
 DENSITY 17.8 DU/AC

UNIT MIX

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

9 PLAN 1 28D/2.5BA 1104 SF
 28 PLAN 2 38D/2.5BA 1339 SF
 37 SUBTOTAL

P2 (VILLAS)

16 PLAN 1 28D/2.5BA 1104 SF
 32 PLAN 2 38D/2.5BA 1339 SF
 48 SUBTOTAL

P3 (ROWHOMES)

12 PLAN 1 28D/2BA 1210 SF
 12 PLAN 2 38D/3BA 1500 SF
 12 PLAN 3 38D/2.5BA 1610 SF
 13 PLAN 4 38D/3BA 1950 SF
 49 SUBTOTAL

134 TOTAL HOMES

OPEN SPACE

PRIVATE OPEN SPACE

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

9 PLAN 1 61 SF 549 SF
 28 PLAN 2 51 SF 1428 SF
 37 SUBTOTAL 1,977 SF

P2 (VILLAS)

16 PLAN 1 61 SF 976 SF
 32 PLAN 2 51 SF 1,632 SF
 48 SUBTOTAL 2,608 SF

P3 (ROWHOMES)

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

SUBTOTAL PRIVATE 8,560 SF

COMMON OPEN SPACE

NORTH PHASE (APPROVED) 24,158 SF

SOUTH PHASE 81,196 SF

SUBTOTAL COMMON 105,354 SF (786 SF/DU)

TOTAL NORTH PHASE 26,135 SF

TOTAL SOUTH PHASE 87,779 SF

TOTAL OPEN SPACE 113,914 SF



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

A complete set of approved project plans and project details of request (City Case Nos. SUB18-0005 and SUB20-0007) and are available and contained in Planning Commission staff reports (dated October 22, 2019 and October 13, 2020) and City Council staff report (dated November 20, 2019 and November 18, 2020).

Exhibit “C”
FINDINGS OF FACT
PL23-0363

Tentative Subdivision Map and Planned Development Extension of Time Determinations:

1. The Zoning Administrator finds that the extension request is reasonable, was filed within the time periods specified, and meets all requisite findings for extension of time of the Tentative Subdivision Map.
2. The proposed tentative maps with a combined density of 17.9 dwelling units per acre (proposed 37 units north and 97 units south) are consistent with the applicable General Plan land use designation of Urban III that allows a maximum density of up to 18 dwelling units per acre. No changes in City policy have occurred that would conflict with the project. This approval will extend the Tentative Subdivision Map to November 20, 2026.
3. All Findings of Fact and Factors to be Considered associated with the City Council Resolution Nos. 2019-166, 2019-167, 2019-218 and Ordinance No. 2019-19, and City Council Resolution No. 2020-152 and Ordinance No. 2020-30 which approved the Project (Case Nos. SUB18-0005 and SUB20-0007) and certified the Final Environmental Impact Report (Case No. ENV 18-0005), are incorporated herein as though fully set forth. The proposed project will comply with all the applicable regulations, conditions, and polices imposed by the Escondido Municipal and Zoning Codes.
4. The requirements of the California Environmental Quality Act (CEQA) have been met because it was found/determined the project will not have a significant effect on the environment because mitigation measures and project design features will avoid or reduce potential impacts to less than a significant level, as demonstrated in the Final Environmental Impact Report prepared and certified for the project (Case No. ENV18-0005).
5. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code will be obtained prior to recordation of the map.

Exhibit "D"

PLANNING CASE NO. PL23-0363 CONDITIONS OF APPROVAL (SUB18-0005 and SUB20-0007)

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, or its successor(s) in interest, as may be applicable.

A. General:

1. **Acceptance of Permit.** Should the Applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
 - a. Acceptance of the Permit by the Applicant; and
 - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.

2. **Permit Expiration.** If the Permit was filed as or concurrent with a Tentative Map, the Permit shall expire thirty-six (36) months from the effective date of the original project approval, unless additional time is granted pursuant to the Map Act or to the Escondido Municipal Code. If not filed as concurrent with a Tentative Map application, the Permit shall automatically expire after one (1) year from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code and Zoning Code.

The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.

3. **Certification.** The Director of Development Services, or his/her designee, is authorized and directed to make, or require the Applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with the final action on the Project. This includes amending the Project drawings as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Three copies of final Approved Plan set, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the Project.

4. Conformance to Approved Plans.

- a.** The operation and/or use of the subject property shall be consistent with the Project Description and Details of Request, designated with the Approved Plan set.
- b.** Nothing in this Permit shall authorize the Applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c.** Once a permit has been issued, the Applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Development Services to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. This includes modifications to any Grading Exemptions for the slope and walls up to an additional one foot in height. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

5. Limitations on Use. Prior to any use of the Project site pursuant to this Permit, all Conditions of Approval contained herein shall be completed or secured to the satisfaction of the Community Development Department.

6. Certificate of Occupancy.

- a.** No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.
- b.** Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Community Development.

7. Availability of Permit Conditions.

- a.** Prior to Final Map recordation, the Applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Community Development.
- b.** The Applicant shall make a copy of the terms, conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that are submitted to the Building Division for plan check processing.

8. **Right to Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or operating hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The Applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.
9. **Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the Applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the Applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. **During** Project construction and after Project completion, the Applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.

10. **Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Development Services. Through plan check processing, the Applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Community Development Department.
11. **Public Art Partnership Program.** All requirements of the Public Art Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
12. **Legal Description Adequacy.** The legal description attached to the application has been provided by the Applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
13. **Application Accuracy.** The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The Applicant may be liable for any costs associated with rescission of such permits.

14. **Enforcement.** If any of the terms, covenants or conditions contained herein shall fail to occur or if they are, by their terms, to be implemented and maintained over time, the City of Escondido shall have the right to deny or withhold subsequent permit approvals or permit inspections that are derived from the application entitlements herein granted; issue stop work orders; pursue abatement orders, penalties, or other administrative remedies as set forth in state and local laws; or institute and prosecute litigation to compel compliance with said conditions or seek damages for their violation. The applicant/developer shall be notified in advance prior to any of the above actions being taken by the City and shall be given the opportunity to remedy any deficiencies identified by the City.

15. **Indemnification, Hold Harmless, Duty to Defend.**

- a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, actions, causes of action, proceedings (including but not limited to legal and administrative proceedings of any kind), suits, fines, penalties, judgments, orders, levies, costs, expenses, liabilities, losses, damages, or injuries, at law or in equity, including without limitation the payment of all consequential damages and attorney's fees and other related litigation costs and expenses (collectively, "Claims"), of every nature caused by, arising out of, or in connection with (i) any business, work, conduct, act, omission, or negligence of the Applicant or the owner of the Property (including the Applicant's or the owner of the Property's contractors, subcontractors, licensees, sublessees, invitees, agents, consultants, employees, or volunteers), or such activity of any other person that is permitted by the Applicant or owner of the Property, occurring in, on, about, or adjacent to the Property; (ii) any use of the Property, or any accident, injury, death, or damage to any person or property occurring in, on, or about the Property; or (iii) any default in the performance of any obligation of the Applicant or the owner of the Property to be performed pursuant to any condition of approval for the Project or agreement related to the Project, or any such claim, action, or proceeding brought thereon. Provided, however, that the Applicant shall have no obligation to indemnify, hold harmless, or defend the City as to any Claims that arise from the sole negligence or willful misconduct of the City. In the event any such Claims are brought against the City, the Applicant, upon receiving notice from the City, shall defend the same at its sole expense by counsel reasonably acceptable to the City and shall indemnify the City for any and all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City).
- b. The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City,

including but not limited to (i) any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals; and (ii) any Claims related to the Agreement of Purchase and Sale and Joint Escrow Agreements executed by the City and the Applicant, including but not limited to any challenge to the City's determination that the disposition of the Property is exempt from the January 1, 2020 amendments to the Surplus Land Act (California Government Code section 54220 et seq.). Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).

- c. The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit account from which the City may draw as such costs, expenses, and fees are incurred. Within 14 days after receiving written notice from the City, the Applicant shall replenish the deposit account in the amount the City determines is necessary in the context of the further defense of such Claims. To the extent such deposit is required by the City, the amount of such deposit and related terms and obligations shall be expressed in a written Deposit Account Agreement, subject to the City Attorney's approval as to form. The City, in its sole and reasonable discretion, shall determine the amount of any initial deposits or subsequent deposits of funds, and the Applicant may provide documentation or information for the City to consider in making its determinations. Nothing within this subsection shall be construed as to relieve the Applicant's obligations to indemnify, hold harmless, or defend the City as otherwise stated herein.

B. Construction, Maintenance, and Operation Obligations:

1. **Code Requirements.** All construction shall comply with the applicable requirements of the Escondido Municipal Code, Escondido Zoning Code, California Building Code; and the requirements of the Planning Division, Engineering Services Department, Director of Community Development, Building Official, City Engineer, and the Fire Chief in carrying out the administration of said codes. Approval of this Permit request shall not waive compliance with any City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of the property. In addition to compliance with such basic standards, the property subject to these approvals shall also be maintained free of trash, plant debris, weeds, and concrete (other than existing foundations and

permanent structures). Any signs placed on the property advertising such property for sale or rent shall be in accordance with applicable laws, and be kept clean, in like-new condition, and free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulations or to obtain permits from other agencies to make certain on- or off-site improvements prior to Final Map recordation, grading permit issuance, building permit issuance, or certificate of occupancy as required. This review may result in conditions determined by the reviewing agency.

At all times during the effective period of this Permit, the Applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.

9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
13. **Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
14. **Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.
15. **Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines is not reasonably available, and (ii) functionally equivalent diesel PM

emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Development Services that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.

C. Parking and Loading/Unloading.

1. As previously approved and identified in the Project details of request, a minimum of 83 on-site parking spaces shall be provided for the Nutmeg North project and 219 on-site parking spaces for the Nutmeg South project. Said parking spaces provided by the Applicant, and any additional parking spaces provided above the required, minimum amount, shall be dimensioned per City standards and be maintained in a clean, well-marked condition. The stripping shall be drawn on the plans or a note shall be included indicating double-stripping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.
3. No contractor or employee may store, or permit to be stored, a commercial or construction vehicle/truck; or personal vehicle, truck, or other personal property on public-right-of-way or other public property without permission of the City Engineer.

D. Landscaping: The property owner or management company assumes all responsibility for maintaining all on-site landscaping; any landscaping in the public right-of-way adjacent to the property, including potted plants; and any retaining and freestanding walls in a manner that satisfies the conditions contained herein.

1. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in a fully operational condition.
2. All existing planting and planter areas, including areas within the public right-of-way, shall be repaired and landscaping brought into compliance with current standards. All dead plant material shall be removed and replaced by the property owner or management company.
3. If at the time of planning final inspection that it is determined that sufficient screening is not provided, the Applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
4. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

5. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.
6. **Landscaping Plans.** Applicant shall install all required improvements including screening walls, retaining walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.
 - a. A final landscape and irrigation plan shall be submitted to the Planning Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Division with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Division prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code, except where stricter requirements are imposed by the State of California.
 - b. Screening walls, retaining walls, storm improvements, and landscaping (i.e., planting and irrigation) is to be provided prior to final occupancy.
 - c. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
 - d. Any new freestanding walls and/or retaining walls shall incorporate decorative materials or finishes, and shall be indicated on the landscaping plans. (Building permits may also be required.) All freestanding walls visible from points beyond the Project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be a type satisfactory to the Director of Development Services.
 - e. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast-growing shrubbery that will screen the enclosures wall surface. The Director of Development Services shall find that the proposed landscaping design, material, or method provides

approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.

E. Mitigation Measures:

The following mitigation measures were contained within the Mitigation Monitoring and Reporting Program (MMRP) that was adopted with the Nutmeg Homes Final Environmental Impact Report on November 20, 2019 pursuant to Case No. ENV18-0005. They are in effect for the entire project (North and South).

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 widen 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.

F. PROJECT SPECIFIC CONDITIONS (Nutmeg North)

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 Services 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-foot 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 Development Services, the Engineering Services Division, 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. 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-foot-high 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 Development Services prior to the issuance of building and/or grading permits.
2. 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 Development Services. The Applicant and/or HOA shall be responsible for the removal in a timely manner of any graffiti posted on such walls.
3. 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.
4. Landscaping adjacent to preserved land shall not include species listed as highly or moderately invasive by the California Invasive Plant Council (Cal- IPC 2013).
5. 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.
6. 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.
7. 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.
8. 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.
9. The installation of the common area and right-of-way landscaping and irrigation shall be inspected by the project landscape architect upon completion. The landscape architect 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.

10. 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.

BUILDING

1. Approval and subsequent development are subject to all conditions and requirements of the California Building Code and Building Division.

FIRE

1. Fire underground line, Fire sprinkler, and Fire alarm plans shall be deferred submittals to the Escondido Fire Department.
2. No combustibles shall be brought to the site without and adequate water supply and installed approved access.

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.

- The engineer shall submit to the Planning Division 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

- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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&Rs.
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 Director of Development Services. 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&Rs

1. Copies of the CC&Rs 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&Rs 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&Rs 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.

G. SPECIFIC PROJECT CONDITIONS (Nutmeg South)

1. All conditions of approval for SUB 18-0005, as noted in Exhibit B to City Council Resolution No. 2019-168, are still in effect.
2. This project is conditionally approved as set forth on the application and project drawings submitted to the City of Escondido, all designated as approved by the City Council on [placeholder until City Council hearing], and shall not be altered without express authorization by the Director of Development Services.
3. The Project shall be completed in substantial conformance to the plans approved, except as modified herein. The Project shall be constructed and operated by the Applicant in accordance with the authorized use as described in the application materials and plans on file with the Office of the Clerk of the City of Escondido. Any additional uses or facilities other than those approved with this permit, as described in the approved plans, will require a separate application and approval. Colors and materials shall conform to the approved plans and the exhibits and references in the staff report, to the satisfaction of the Planning Division. For building features that do not have a specific material and/or color called out on the plans and exhibits (e.g., eaves, window frames, front doors, and garage doors), selected materials and colors should match the rest of the development.
4. Approval of all Project-related permits will expire 36 months after the approval of this Project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.
5. Applicant shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Escondido, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of the series of actions that this Project comprises, and/or (b) City's approval or issuance of any permit or action, whether discretionary or ministerial, in connection with the land use and activity contemplated described by this Project. This obligation survives until all legal proceedings have been concluded and continues even if the City's approval is not validated.
6. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained

according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

7. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.
8. Community Facility District or Separate Funding Mechanism. The Applicant shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding to be determined by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into a Community Facilities District ("CFD") or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.

TENTATIVE SUBDIVISION MAP

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when permits are issued, including any applicable City-Wide Facilities fees.
2. Three copies of a revised Tentative Map, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading plans, landscape plans and the final map.
3. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
6. All new utilities shall be underground.

7. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
8. No street names are established as part of this approval. A separate request shall be submitted prior to final map.
9. Access roads and project grading must comply with SDG&E guidelines for any encroachment to, and into, right of way. Any grading to be performed within SDG&E right of way requires a "permission to grade" letter.
10. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the building permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.
11. All pedestrian passageways in the designated trail connection as depicted on the approved Tentative Subdivision Map shall have walkway non-slip surfaces, such as decomposed granite, to enable multi-generational use, designed to prevent dust, and otherwise be designed to allow convenient use for outdoor activities. There shall be no obstructions above the open space except for devices to enhance its usability, such awning structures.

MASTER AND PRECISE DEVELOPMENT PLAN

1. The Project includes a Fire Protection Plan which is located in amended form in the Final EIR as Appendix E-1. The Fire Protection Plan describes the wildland fire resistance features incorporated into the project. The key fire resistance features incorporated into the project are listed below:
 - The project shall maintain Fuel Modification Zones (FMZs) as described in Figure 5 (Conceptual Fuel Modification Plan) and Table 5 of the Fire Protection Plan (as well as Figure 4.7-1 of the Final EIR).
 - A noncombustible, 8-foot wall shall be installed as shown in Figure 5 (Conceptual Fuel Modification Plan) to function as a heat-deflecting wall.
 - Dual-pane, tempered glass shall be used for all windows adjacent to preserved vegetation.
2. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
3. All exterior residential lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code.
4. Setbacks shall be as described in the October 13, 2020 Staff Report and depicted on the Master Plan/Tentative Map.

5. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the Master and Precise Development Plan where specified. All other signs must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code) standards for the RE (Residential Estates) zone.
6. Prior to issuance of a grading permit, the emergency access road width, pavement and gate specifications shall be reviewed and approved by the Fire Department.
7. This Master Development Plan and Precise Development Plan approval adopt development standards for area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking, and screening, per Section 33-401(f) of the City of Escondido Zoning Code, and as described in the October 13, 2020 Staff Report.
8. All new home design or development and/or improvement shall comply with or meet the intent of the Master and Precise Development Plan criteria through methods listed in the standards and guidelines, as listed in the October 13, 2020 Staff Report, or through alternative methods that achieve the same objective.
9. As specified by the Planning Commission at the public hearing on October 22, 2019, future requests to develop the south portion of the project site shall demonstrate that the full project (north and south combined) can conform to the minimum standards for “usable open space” for the R-3 zone, as defined in Section 33-108(b) of the City of Escondido Zoning Code. These standards require 400 square feet of usable open space per dwelling unit, as well as an additional 200 square feet for each bedroom over one (1) in said dwelling unit.
10. The south portion alone exceeds the maximum density of 18 units/acre allowed by the zoning classification and General Plan land use designation, as permitted through the approval of the Planned Development Permit. Should the south portion be developed first, certificates of occupancy will be issued for the south portion only to a maximum of 18 units/acre (i.e., certificates of occupancy will be issued for up to 91 units assuming a 5.07-acre site). Certificates of occupancy for the additional six (6) units on the south portion may be issued once all building permits for the north portion have been issued and all development impact fees have been paid for those north portion units.

GRADING AND GRADING EXEMPTION

1. An exemption from the Grading Ordinance is approved as part of this project, as described in the October 13, 2020 Staff Report. This exemption includes a tiered geogrid retaining wall at the west and south property lines, exceeding the 20' height limit described in the City of Escondido Grading Ordinance.
2. All project grading shall conform with the approved Tentative Subdivision Map. In cases where the grading plan later submitted is not consistent with the approved Tentative Subdivision, the Applicant shall be required to obtain a substantial conformance determination or map amendment for grading prior to issuance of grading permits.

3. A plan shall be submitted for approval by the Director of Development Services, the Engineering Services Division, 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. Copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Services Division, prior to issuance of grading or building permits. The detailed landscape and irrigation plans shall be equivalent or superior to the planting plan attached as an exhibit, to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
2. Details of project fencing and walls, including materials and colors, shall be depicted on the landscape plans. All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures. The 8' fire wall described in the Fire Protection Plan shall conform to Caltrans design standards and/or be compatible with similarly-designed freestanding walls located along the I-15 corridor. These items shall be approved by the Director of Community Development prior to the issuance of building and/or grading permits.
3. All fencing within the front and street side setbacks shall conform to the height limits and design standards contained within Sections 33-1080 and 33-1081 of the City of Escondido Zoning Code, with the exception of the split face block wall along the Centre City Parkway frontage, which may be six (6) feet tall and completely solid as requested as part of the Master and Precise Development Plan.
4. All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Director of Development Services. The Applicant and/or HOA shall be responsible for the removal in a timely manner of any graffiti posted on such walls.
5. All fencing for basin areas shall be set back at least five feet from back of sidewalk or edge of pavement to allow the appropriate integration of landscape screening to the satisfaction of the Planning Division.

6. Landscaping adjacent to preserved land shall not include species listed as highly or moderately invasive by the California Invasive Plant Council (Cal- IPC 2013).
7. Plants on the Prohibited Plant List (Appendix D of the Fire Protection Plan) shall not be planted on the site unless otherwise approved by the Escondido Fire Department.
8. All vegetation (including existing vegetation to be retained) shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
9. The Homeowners Association (HOA) shall be responsible for maintenance of landscaping in all common areas and fuel modification zones, in compliance with the requirements detailed within the Fire Protection Plan and as determined by the Escondido Fire Department. Prior to issuance of building permits, all fuel modification zones shall be permanently marked at the property line to delineate the zones and aid ongoing maintenance activities.
10. All fuel modification zone vegetation management activities shall be completed annually by May 15 and more often as needed for fire safety, as determined by the Escondido Fire Department.
11. The installation of the common area and right-of-way landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
12. Street trees shall be provided along street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.

CC&Rs

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

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

- a. Notice and Amendment. A copy of any proposed amendment shall be provided to the City in advance. If the proposed amendment affects the City, City shall have the right to disapprove.

A copy of the final approved amendment shall be transmitted to City within 30 days for the official record.

- b. Failure of Association to Maintain Common Area Lots and Easements. In the event that the Association fails to maintain the "Common Area Lots and/or the Association's Easements," the City shall have the right, but not the duty, to perform the necessary maintenance. If the City elects to perform such maintenance, the City shall give written notice to the Association, with a copy thereof to the Owners in the Project, setting forth with particularity the maintenance which the City finds to be required and requesting the same be carried out by the Association within a period of 30 days from the giving of such notice. In the event that the Association fails to carry out such maintenance of the Common Area Lots and/or Association's Easements within the period specified by the City's notice, the City shall be entitled to cause such work to be completed and shall be entitled to reimbursement with respect thereto from the Owners as provided herein.
- c. Special Assessments Levied by the City. In the event the City has performed the necessary maintenance to either Common Area Lots and/or Association's Easements, the City shall submit a written invoice to the Association for all costs incurred by the City to perform such maintenance of the Common Area Lots and or Association's Easements; and pursue collection.
- d. Landscape Maintenance Responsibilities. The HOAs and individual lot or unit owner landscape maintenance responsibilities shall be established.
- e. Homeowner improvements such as balconies, trellis, and decks. The CC&Rs shall set forth requirements for the HOA to review and approve all homeowner landscape and hardscape plans to ensure compliance with local, State and Federal laws. The CC&Rs shall state the individual lot or unit owner allowances and prohibitions regarding balconies, trellis, decks and other improvements as regulated by the Project approval.

Condition added by the Planning Commission at 10/13/20 Public Hearing:

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

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans and Final Map. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by Civil Engineer is

required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.

4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. All final engineering plans for the construction of all required off-site and on-site improvements and grading shall be approved and surety bonds and agreements in a form acceptable to the City Attorney shall be posted by the Developer with the City of Escondido prior to approval and recording of the Final Map for this Subdivision.
6. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled, or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
7. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
8. All project construction shall be constructed in a manner that does not damage existing public improvements. Any damage shall be corrected by the Developer to the satisfaction of the City Engineer.
9. The Developer's engineer shall submit to the Planning Division 3 copies of the Tentative Map as presented to the Planning Commission and approved by the City Council together with any changes contained in the adopted final conditions of approval. The Tentative Map will be certified by the Planning Department verifying that they are an accurate reproduction of the approved and conditioned Tentative Map and must be included with the first Final Engineering submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including

final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.

2. The developer shall construct frontage street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundary:

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

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

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

3. The Developer shall construct a new four leg offset traffic signal at the intersection of N. Centre City Parkway and N. Nutmeg Street, designed to accommodate and control the existing private road to the east, prior to the first project occupancy. Any work on this private road will require permission from the private property owner(s) involved.
4. The Developer shall construct/install traffic signal interconnect conduits and cables to the existing traffic signal at Country Club Lane and Center City Parkway prior to first project occupancy.
5. The Developer shall construct a new traffic signal at the intersection of W. Country Club Lane and North Nutmeg Street prior to the first project occupancy.
6. The Developer shall submit separate traffic signal and signing and striping improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. The traffic signal design shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, and interconnect conduits and cables to an existing traffic signal controller. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal work with the Developer's Contractor(s) and Equipment Suppliers and City staff.
7. Prior to the first occupancy, the existing N. Nutmeg Street roadway, from West Country Club Lane to Via Alexandra, shall be widened to provide for a 14' wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. 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. The N. Centre City Parkway and N. Nutmeg Street intersection improvements shall include minimum vehicle storage lengths of 100 feet and 125 feet for the eastbound left-turn lane and westbound right-turn lane, respectively. Taper lengths for the westbound right-turn lane shall be per current City, Caltrans, and MUTCD Standards and to the satisfaction of the City Engineer.

9. The project shall provide a minimum 60-foot-long westbound left-turn pocket with a minimum 129' transition for the project entrance off N. Nutmeg Street per current City, Caltrans, and MUTCD Standards.
10. Access to this project shall be improved with an alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet. The final project design including grading and landscape design shall ensure that the required 385' sight distance from this driveway entrance to the south along Nutmeg Street will be met.
11. All on-site roadways, alleyways, and parking areas shall be private. Typical sections, alignments, curb return, and design details shall be to the satisfaction of the City Engineer, Community Development Director, and City Fire Marshal. The private street improvements shall include, but not be limited to, the construction of concrete curb and gutter, sidewalks (one side only), street lights, paving and base.
12. The entrances to the private alleyways off the private roadways serving garages for the units within Project shall be designed and constructed where possible with 10' minimum radius curb returns, concrete cross gutters, and pedestrian ramps (on side of the private roadways with sidewalk). Where a 10' radius curb return is determined to be infeasible by the City Engineer, an absolute minimum curb return radius of 5' may be allowed.
13. The address of each dwelling unit shall either be painted on the curb or posted in such a manner that the address is clearly visible from the private roadways. The address shall be placed in a manner and location approved by the City Engineer, Community Development Director, and Fire Marshal.
14. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. For the second Final Engineering submittal to be accepted by the City, the developer shall provide the City documentation demonstrating Final Engineering submittals have been made to other these other agencies from whom permits must be obtained. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Plans. Permission and/or permits for all improvements located within another jurisdiction's right of way or on private property shall be obtained prior to approval of the Final Map. If permits or permission cannot be obtained, the project shall be re-designed to avoid the need for the permit/permission to the satisfaction of the City Engineer.
15. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
16. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the City of Escondido's public right-of-way.
17. The developer's engineer shall prepare and submit for approval by the City a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.

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

GRADING and RETAINING WALLS

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Division. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" portland concrete cement over 6" asphalt base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
5. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.

7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
8. Prior to approval of the grading plan, the developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
9. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third-party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
10. All retaining walls and screen walls, stairs and raised landings shall be constructed completely within the Project property and shall not encroach into the public R/W.
11. The placement of geo-fabric or any other gravity wall anchoring system will not be allowed under any of the proposed bio-retention basins (including side slopes) or other storm water treatment or detention facilities. Details for pipe penetrations through the proposed retaining walls shall be shown on and designed with the retaining wall structural plan sheets.
12. The foundations and anchoring for all safety fencing and screen walls along the top of or integral to the proposed retaining walls shall be shown on and designed with the retaining wall structural plan sheets.
13. Any proposed placement of geo-fabric or any other gravity wall anchoring system under a proposed building foundation will require the design, loading criteria, structural calcs, and details for both the retaining walls and the building foundations be reviewed by and approved (with signature and seal) of the geotechnical engineer for the project grading and foundations, the structural engineer(s) responsible for the retaining wall system design and the structural engineer(s) responsible for the building foundations in question. All must agree that the proposed retaining wall design and anchoring will adequately support the building foundations being placed above and meet the minimum vertical and lateral requirements.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The drainage from this project will flow directly onto adjoining property within the jurisdiction of the CALTRANS. Any drainage plans for facilities within the jurisdiction of other agencies shall be subject to their review and approval. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Plans.

3. All on-site storm drains are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association. Provisions stating this shall be included in the CC&Rs.
4. All basins and post-construction BMP's facilities constructed with this project (including those within the public right-of-way) are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association.
5. The project shall limit 100-year drainage flows to their pre-construction rates. Details and calculations for the detention basins shall be submitted and approved as part of the grading plan check.
6. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
7. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
8. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.
9. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
10. Infiltration testing shall be provided at the location of proposed infiltration BMPs, and be included in the preliminary soils and geotechnical report signed by the Soils Engineer. Infiltration rates of proposed BMPs shall meet flood-control and hydromodification flow attenuation and drawdown times in accordance with the City's Storm Water Design Manual. If infiltration BMPs are deemed infeasible for the site, changes to the project design shall be implemented to the satisfaction of the City Engineer and Director of Development Services. Project design changes could include, but shall not be limited to, reduction in impervious areas by reducing building footprints or designing biofiltration basins that connect to a storm drain.

WATER SUPPLY

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

SEWER

1. Required sewer main improvements for the project include construction of an 8-inch public sewer main in N. Centre City Parkway, from W. Country Club Lane up to and across a portion of the Project frontage. An 8-inch public sewer will then extend into the Project from N. Centre City Parkway, then extend up through the Project to N. Nutmeg Street, and then across N. Nutmeg Street and into to serve the previously approved subdivision north of the Project as shown on both Tentative Maps.
2. The location and sizing of all sewer mains shall be per City of Escondido Design Standards and to the satisfaction of the Utilities Engineer.
3. Improvement plans for all proposed sewer mains shall be prepared by a Civil Engineer and shall be submitted to the City for review and approval.
4. A minimum 20-foot all weather access road suitable for use by the City's vector trucks shall be required to all sewer manholes.
5. A private 4" minimum PVC sewer lateral with a standard clean-out within 18" of the public utilities easement/sewer easement/right-of-way shall be constructed for each single family dwelling unit and up to four attached residential units. All other uses shall have a minimum 6" sewer lateral. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and Uniform Plumbing Code. The sewer laterals shall be included in the improvement & grading plans and bonding quantities.
6. No trees or deep-rooted bushes shall be planted within 10' of any sewer lateral, or within 15' of any sewer main. Sewer laterals shall be 5-feet horizontally clear from other utilities.
7. There shall be no permanent structures or private utilities located within public sewer or public utility easements. Where it is necessary that the private storm drains share a public easement, they shall be placed on the outer-most edge away from the public sewer.
8. All sewer laterals will be considered a private sewer system to the public main. The property owners' association will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.
9. The developer may be responsible for a 12-wide grind and overlay of N. Centre City Parkway due to the offsite sewer trench necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
10. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter 22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.

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

FINAL MAP - EASEMENTS AND DEDICATIONS

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

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

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

FEES

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

CC&Rs

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

UTILITY UNDERGROUNDING AND RELOCATION

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

Exhibit E

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
Biological Resources						
<p>MM BIO-1</p> <p>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</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p> <p>On-going during construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p> <p>Qualified biologist to submit report documenting compliance with requirements</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>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.</p>						
<p>MM BIO-2</p> <p>Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN) protocol surveys in accordance with Wildlife</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p> <p>On-going during construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p> <p>Qualified biologist to submit report</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
Agency criteria shall be accomplished. <u>(This includes:</u> 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		documenting compliance with requirements				

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.</p> <p>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 demonstrates 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.</p>						
<p>MM BIO-3</p> <p>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</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
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.	On-going during construction	Qualified biologist to submit report documenting compliance with requirements				
Cultural Resources						
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	Prior to issuance of Grading Permit	Grading plan must include this measure as a note Agreement must be completed prior to	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>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.</p>		<p>issuance of grading permit</p>				

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM CR-2</p> <p>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 selected Native American monitor is from a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Prior to issuance of Grading Permit</p> <p>The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Grading plan must include this measure as a note</p> <p>Project 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</p>	<p>Verification by City of Escondido</p>			
<p>MM CR-3</p> <p>The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading</p>	<p>On-going during construction</p>	<p>Grading plan must include this measure as a note</p> <p>Native American monitor shall attend the pre-grading meeting</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
contractors to explain and coordinate the requirements of the monitoring program.		Grading contractor shall explain and coordinate the requirements of the monitoring program				
<p>MM CR-4</p> <p>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.</p>	<p>During the initial grubbing, site grading, excavation or disturbance of the ground surface.</p> <p>The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<p>Grading plan must include this measure as a note</p> <p>During the initial grubbing, site grading, excavation or disturbance of the ground surface, the Project Applicants qualified archaeologist and the Native American monitor shall be on site full-time</p> <p>Any resources shall be addressed in accordance with CEQA</p> <p>Any resources shall be addressed as defined in California Public</p>	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
		Resources Code Section 21074				
<p>MM CR-5</p> <p>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.</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Any resources shall be addressed in accordance with CEQA</p>	Verification by City of Escondido			
<p>MM CR-6</p> <p>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</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Any resources shall be addressed in accordance with CEQA</p>	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
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.						
<p>MM CR-7</p> <p>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</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Any resources shall be addressed in accordance with CEQA</p>	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
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.						
<p>MM CR-8</p> <p>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</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>If human remains are found on the project site they shall be address as specified by California Health and Safety Code Section 7050.5 and with California Public Resources Code section 5097.98.</p>	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>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</p>						

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
on-site in the presence of a Native American monitor.						
<p>MM CR-9</p> <p>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</p>	On-going during construction	<p>Grading plan must include this measure as a note</p> <p>Native American monitor must be present during any testing or cataloging of those resources</p> <p>Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe</p> <p>Any tribal cultural resources not accepted by the TCA Tribe shall be curated at the San Diego Archaeological Center</p>	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.						
<p>MM CR-10</p> <p>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</p>	Prior to the release of the grading bond	<p>Grading plan must include this measure as a note</p> <p>Project Applicant's cultural resource qualified archaeologist shall prepare report</p> <p>Native American monitor shall provide opportunity to include notes or comments</p> <p>The report will include CA Department of Park and Recreation Forms if needed</p> <p>City Staff must approve all persons involved prior to pre-construction meeting</p>	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
Hazards and Hazardous Materials						
<p>MM HAZ-1</p> <p>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.</p>	<p>Prior to the issuance of any building permit.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			
<p>MM HAZ-2</p> <p>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.</p>	<p>Prior to the approval of the Final Landscape Plan.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM HAZ-4</p> <p>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).</p>	<p>Prior to the issuance of the first Certificate of Occupancy.</p>	<p>Project Applicant shall demonstrate compliance to City Attorney and Community Development Director</p>	<p>Verification by City of Escondido</p>			
Noise						
<p>MM NOI-1</p> <p>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</p>	<p>Prior to the issuance of the first building permit.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>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.</p>						
<p>MM NOI-2</p> <p>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</p>	<p>Prior to the issuance of the first building permit.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
heating system with a filtered outside air intake vent for each residential unit.						
<p>MM NOI-3</p> <p>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.</p>	Prior to the issuance of the first building permit for the P1-Villas.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido Staff			
<p>MM NOI-4</p> <p>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</p>	Prior to the issuance of the first building permit for the P2-Villas.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido Staff			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
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.						
Traffic and Transportation						
<p>MM TRA-1</p> <p>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:</p> <ul style="list-style-type: none"> • Installation of a traffic signal; • Restripe the southbound approach to provide a dedicated left-turn lane; and, <p>Construct a dedicated right-turn lane on the southbound approach of the intersection</p>	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM TRA-2</p> <p>The proposed project at the intersection of West Country Club Lane/ North Nutmeg Street will provide the following:</p> <ul style="list-style-type: none"> • 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. 	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
<p>MM TRA-3</p> <p>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 widen to provide for a 14' wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include</p>	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
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.						
<p>MM TRA-4</p> <p>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:</p> <ul style="list-style-type: none"> • Eastbound Left-Turn Lane: 100 feet; and, • Southbound Right-Turn Lane: 125 feet 	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM TRA-5</p> <p>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.</p>	<p>Prior to the occupancy of the project.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			