



# City of Escondido Zoning Administrator

## MEETING AGENDA

201 North Broadway  
City Hall – Parkview Conference Room  
**October 3, 2024**  
2 p.m.

A. Call to Order: \_\_\_\_\_

Zoning Administrator: Oscar Romero, Principal Planner

Staff Present: \_\_\_\_\_

B. Agenda items:

1. **PL24-0205 – Modification to an approved Precise Plan for Nutmeg North and South**

**REQUEST:** Approve a Modification to an approved Precise Plan for the Nutmeg Subdivision, North and South (SUB18-0005 and SUB20-0007). The proposed modifications include a reduction in unit count from 134 to 124, architectural product type, and realignment of internal circulation. Off-site improvements will continue to adhere to the previously approved plans which are currently under review in Final Engineering. The proposed modifications are in substantial compliance with the previously approved Master Plan. The site is zoned Planned Development (PD-R) and consists of an Urban III (U3) General Plan designation.

**PROPERTY LOCATION:** The Project site is generally located on the south and north sides of North Nutmeg Street and between North Centre City Parkway and Interstate 15 (APN's 224-260-23 (north) & 224, 224-260-46 & 224-260-47 (south))

Applicant: Jason Greminger, Nutmeg 134, LLC  
Planner: Greg Mattson, Adjunct Planner

**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

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

## **ZONING ADMINISTRATOR**

- CASE NUMBER:** PL24-0205/PL24-0274
- APPLICANT:** Jason Greminger, Nutmeg 134, LLC
- PROJECT LOCATION:** The Project site is generally located on the south and north sides of North Nutmeg Street and between North Centre City Parkway and Interstate 15 (APN's 224-260-23 (north) & 224, 224-260-46 & 224-260-47 (south))
- REQUEST:** Approve Modification's to approved Precise Plan's for the Nutmeg Subdivision, North and South (SUB18-0005 and SUB20-0007)
- STAFF RECOMMENDATION:** Adopt Resolution No. 2024-15 approving the Modifications to Precise Development Plans for Nutmeg North and Nutmeg South
- ESSENTIAL SERVICE:** Land Use/Development
- GENERAL PLAN DESIGNATION:** Urban III (U3)
- ZONING:** PD-R-18 (Planned Development- Residential)

**BACKGROUND:**

The proposed project consists of two development segments (north portion – 37 townhomes and south portion – 97 townhomes), both were approved and processed under SUB18-0005 and SUB20-0007 and the certified ENV 18-0005 and are described below.

On November 20, 2019, City Council approved a General Plan Amendment, Rezone, Master and Precise Development Plan and Environmental Impact Report (Case No's SUB18-0005 and ENV 18-0005 (SCH# 2018081063), to allow the processing of a Tentative Subdivision Map and Grading Exemption for the development of 37 Townhomes in 2019 (north portion only). Subsequently, the City Council on October 23, 2020, considered and approved SUB20-0007 for the southern portion constituting a request for a Tentative Subdivision Map with a Master and Precise Development Plan and Grading Exemption for the development of 97 townhome units (south portion only). Combined the overall development was approved for 134 townhome units (north/south). (Refer to Attachment 1 – Project Location).

## **PROJECT DESCRIPTION:**

Per Chapter 33, Article 19, Section 33-411 of the Escondido Municipal Code (EMC), the Zoning administrator shall have the authority to approve changes to a precise development plan upon review and determination that the proposed changes are consistent with the purpose, character and established development standards of the master development plan. The project applicant, Nutmeg 134, LLC, (“Applicant”), is requesting a modification to the previously approved Planned Developments (SUB18-0005 and SUB20-0007) for the construction of 134 Villa/Rowhomes Units. The request will modify the product type from Villas/Rowhomes to a Townhome product. The proposed site modifications consist of the following: a revision to the product type, adjusted site layout, and a reduction in units from the approved 134 Villas/Rowhomes to 124 Townhomes (34 north portion & 90 south portion) (“Project”). The internal circulation comprises of realignments of driveways and shifting of walkways to accommodate the revised site design. The project maintains the architectural theme for the proposed Townhome product type, which is consistent with the originally approved for the Villas/Rowhomes (Refer to Attachment 2 – Project Description and Comparison Matrix). Final engineering and improvement plan construction documents for North Nutmeg Street and Centre City Parkway will not be altered.

The overall proposed Project will consist of 124 three-story townhomes at a density of 16.5 du/ac., inclusive of 280 parking spaces, four architectural design plans with a range in unit size from 1,125 to 1,795 square feet, and on-site amenities. The proposed modification includes a total open space of 102,079 square feet (92,816 square feet of common and 9,263 square feet of private-balconies). The height of the buildings has been reduced from 39 feet to approximately 36’-10” in height at the rooflines. The proposed modifications to the Precise Development Plans for the North and South portions are consistent with the approved Master Plan which established density, and development standards (off-street parking, open space, setbacks, building heights) as shown in Figure 1 (Development Standards). The reduced density conforms to approved Master Plan, and does not require a modification to the master plan. Furthermore, the proposed changes will not affect any BMPS or other storm drain facilities that are necessary to address the Project’s storm runoff (Refer to Attachment 3 – Water Quality Control Letter).

## **FISAL ANALYSIS:**

As a private development project, the Project will require the payment of fees in effect at the time permits are requested.

## **ENVIRONMENTAL STATUS:**

The Project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), as the Project is a request for modifications of a previously entitled development for which a EIR (City File No. ENV18-0005) was adopted in accordance with CEQA and a Notice of Determination posted with the County Clerk. Therefore, the Project qualifies under the General Exemption as the Project has no potential for causing a significant effect on the environment, as described in Section 15061(b)(3). Further described in the Findings of Fact, attached as Exhibit “B” to

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Resolution No. 2024-15. A Notice of Exemption has been prepared for the Project (Refer to Attachment 4 – Notice of Exemption)

**REASON FOR STAFF RECOMMENDATION:**

Staff recommends approval of the modification of the approved Precise Development Plan (Nutmeg Residential Subdivision – North & South Segments). The proposed residential use, circulation realignments and reduction of residential unit count is consistent and in substantial conformance with the previously approved Project.

1. All of the requirements of CEQA have been met because the proposed Project was previously approved development and it was found that the modifications will not have a significant effect on the environment as demonstrated in the Categorical Exemption prepared in conformance with CEQA Guidelines section 15061(b)(3), “General Exemption”.
2. The proposed project is consistent with the adopted and approved City Council actions related to SUB18-0005, SUB20-0007 and ENV18-0005. Staff believes the proposed Project is within substantial conformance and meets the intent of the previously adopted mitigation measures/conditions of approval for the project. The Project Applicant will be required to implement all mitigation measures and conditions of approval to avoid or substantially reduce the project’s significant environmental impacts.

Respectfully submitted,



Greg Mattson,  
Contract Planner

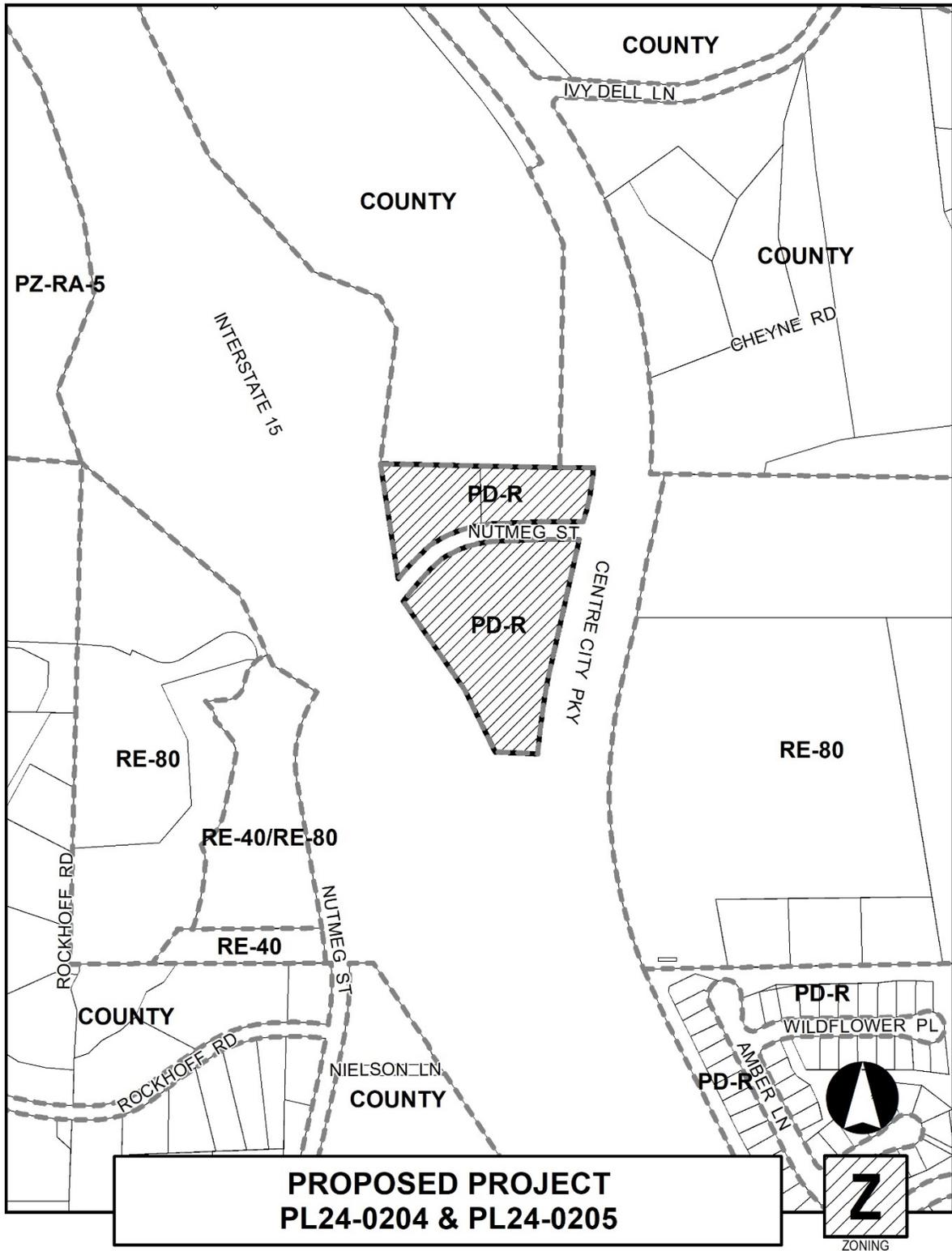
**ATTACHMENTS:**

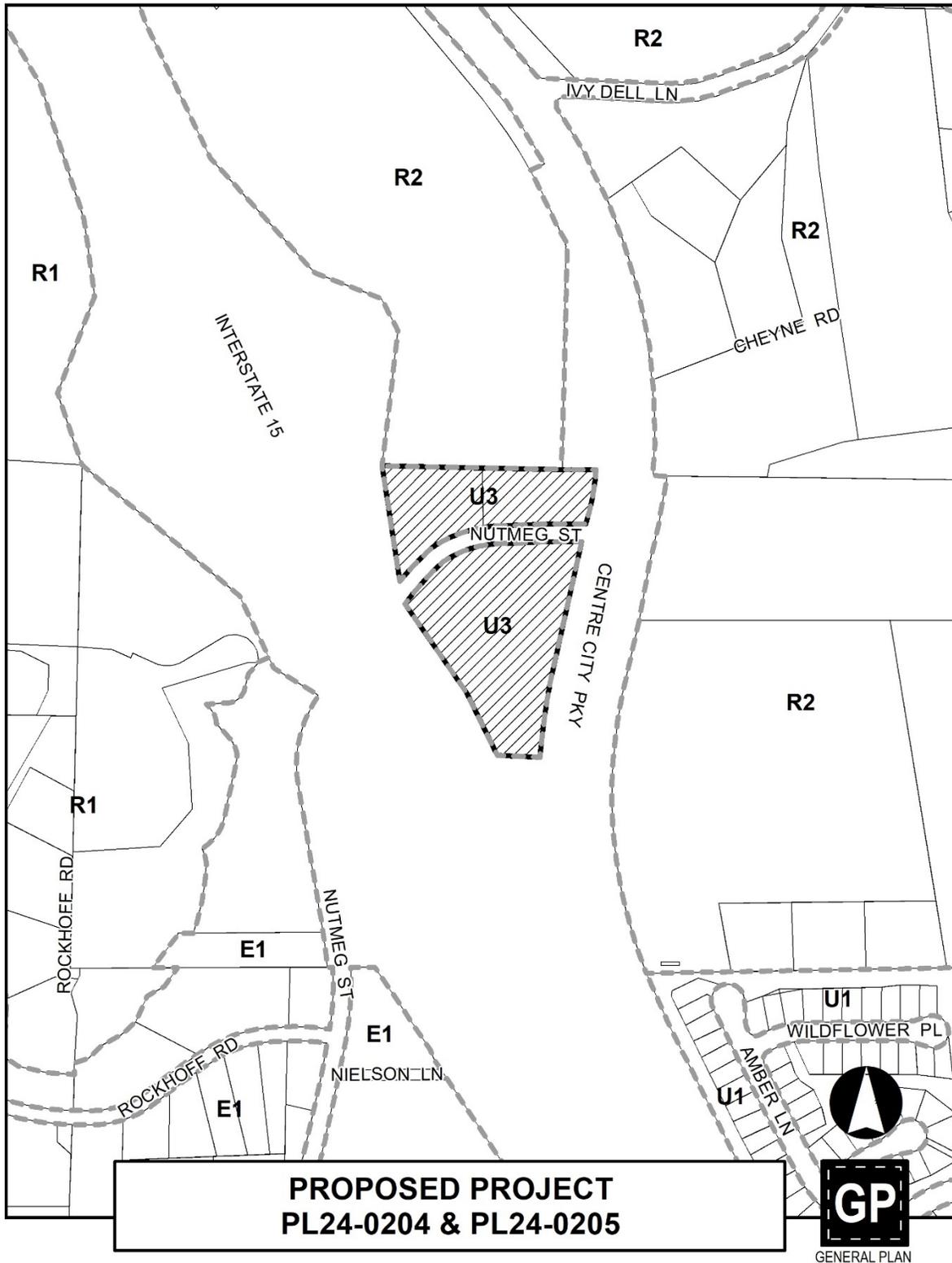
1. Project Location, Zoning and General Plan Maps
2. Project Description and Comparison Matrix
3. Water Quality Certification
4. Notice of Exemption
5. Draft Zoning Administrator Resolution No. 2024-15, including Exhibits A, B, C, and D

**Attachment 1**  
**Planning Case Nos. PL24-0205/PL24-0274**

**Project Location**







**Attachment 2**  
**Planning Case Nos. PL24-0205/PL24-0274**

**Project Description and Comparison Matrix**

**Nutmeg PD modification Project Description**

Nutmeg Homes is requesting a modification to approved Planned Developments SUB18-0005 and SUB20-0007. The request is to modify the product type from villas and rowhomes to a townhome product. The product type parameters required a reduction in units from the approved 134 villas and rowhomes to 124 townhomes. Architectural style is substantially the same for the modification. Internal circulation was realigned to accommodate the townhome product but was able to accommodate the approved water quality design, emergency access, main residential access points, and utility locations. The proposed modification increases the pervious area as well as the total common area open space. Offsite improvements, including the original design work on Nutmeg Street and Centre City Parkway will remain consistent with the final engineering and improvement plan construction documents that are currently in process with the city. The rough grading plan remains consistent with the construction drawings submitted to the city. Easements and easement vacations currently processed with Rincon Del Diablo, Vista Irrigation District, Caltrans, and the City of Escondido remain consistent with the submitted construction drawings. In Summary, the modified plan is within 10% change from the approved plans and affect only the circulation, product type and siting, and open space area/landscaping. Upon receipt of this submittal, the applicant requests a meeting with planning, engineering and Mr. Chris McKinney as soon as possible to discuss the application and the changes to the approved plans.

### Comparison Matrix

<b>NORTH PARCEL</b>			
<b>DEVELOPMENT STANDARDS</b>			
<b>DEVELOPMENT STANDARD</b>	<b>STANDARD</b>	<b>APPROVED PLAN</b>	<b>SUBSTANTIAL CONFORMANCE</b>
DENSITY	18 DU/AC 43.56 UNITS 2.42 AC X 18 DU/AC = 43.56 MAX UNITS	15.3 DU/AC 37 UNITS 37 DU / 2.42 AC = 15.3 DU/AC	14.0 DU/AC 34 UNITS (8.1% REDUCTION) 34 DU / 2.42 AC = 14.0 DU/AC
BUILDING HEIGHT & STORIES	35' / 3 STORIES	39' / 3 STORIES	36'10" / 3 STORIES
FAR	0.7	0.45	0.43
SETBACK: FRONT	15'	15'	16'
SETBACK: SIDE, INTERIOR	5' @ 1ST/2ND LEVEL / 10' @ 3RD LEVEL	23.4'	24.5'
SETBACK: SIDE, STREET	10'	30'	30'
SETBACK: REAR	10'	10'	11'
PARKING	28 (2BD) X 1.75 SP = 49 SPACES 6 (4BD) X 2.0 SP = 12 SPACES 34 (GUEST) X .25 SP = 9 SPACES TOTAL REQUIRED = 70 SPACES	GARAGE = 74 SPACES OPEN = 9 SPACES TOTAL PROVIDED = 83 SPACES (2.24 SP/DU)	GARAGE = 68 SPACES OPEN = 9 SPACES TOTAL PROVIDED = 77 SPACES (2.26 SP/DU)
OPEN SPACE	600 SF X 28 (2BD) = 16,800 SF 1,000 SF X 6 (4BD) = 6,000 SF TOTAL REQUIRED = 22,800 SF	PLAN 1 - 9 X 61 SF = 549 SF PLAN 2 - 28 X 51 SF = 1,428 SF TOTAL PRIVATE = 1,977 SF TOTAL COMMON = 24,158 SF TOTAL PROVIDED = 26,135 SF	PLAN 1 - 24 X 60 SF = 1,440 SF PLAN 2 - 4 X 55 SF = 220 SF PLAN 4 - 6 X 78 SF = 468 SF TOTAL PRIVATE = 2,128 SF TOTAL COMMON = 23,040 SF TOTAL PROVIDED = 25,168 SF

<b>SOUTH PARCEL</b>			
<b>DEVELOPMENT STANDARDS</b>			
<b>DEVELOPMENT STANDARD</b>	<b>STANDARD</b>	<b>APPROVED PLAN</b>	<b>SUBSTANTIAL CONFORMANCE</b>
DENSITY	18 DU/AC 91 UNITS 5.07 AC X 18 DU/AC = 91 MAX UNITS	19.1 DU/AC 97 UNITS 97 DU / 5.07 AC = 19.1 DU/AC	17.75 DU/AC 90 UNITS (7.2% REDUCTION) 90 DU / 5.07 AC = 17.75 DU/AC
BUILDING HEIGHT & STORIES	35' / 3 STORIES	39' / 3 STORIES (2 STORIES ALONG N. CENTRE CITY PKWY)	36'10" / 3 STORIES
FAR	0.7	0.62	0.68
SETBACK: FRONT	15'	15'	15'
SETBACK: SIDE, INTERIOR	5' @ 1ST/2ND LEVEL / 10' @ 3RD LEVEL	25.3'	23.9'
SETBACK: SIDE, STREET	10'	10'	10'
SETBACK: REAR	10'	62'	44.5'
PARKING	16 (2BD) X 1.75 SP = 28 SPACES 74 (3&4BD) X 2.0 SP = 148 SPACES 90 (GUEST) X .25 SP = 23 SPACES TOTAL REQUIRED = 199 SPACES	GARAGE = 194 SPACES OPEN = 25 SPACES TOTAL PROVIDED = 219 SPACES (2.25 SP/DU)	GARAGE = 180 SPACES OPEN = 23 SPACES TOTAL PROVIDED = 203 SPACES (2.25 SP/DU)
OPEN SPACE	600 SF X 16 (2BD) = 9,600 SF 800 SF X 36 (3BD) = 28,800 SF 1,000 SF X 38 (4BD) = 38,000 SF TOTAL REQUIRED = 76,400 SF	PLAN 1 - 16 X 61 SF = 976 SF PLAN 2 - 32 X 51 SF = 1,632 SF PLAN 1 - 12 X 77 SF = 924 SF PLAN 2 - 12 X 73 SF = 876 SF PLAN 3 - 12 X 100 SF = 1,200 SF PLAN 4 - 13 X 75 SF = 975 SF TOTAL PRIVATE = 6,583 SF TOTAL COMMON = 81,196 SF TOTAL PROVIDED = 87,779 SF	PLAN 1 - 3 X 60 SF = 180 SF PLAN 2 - 13 X 55 SF = 715 SF PLAN 3 - 36 X 91 SF = 3,276 SF PLAN 4 - 38 X 78 SF = 2,964 SF TOTAL PRIVATE = 7,135 SF TOTAL COMMON = 69,776 SF TOTAL PROVIDED = 76,911 SF

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**Attachment 3**  
**Planning Case Nos. PL24-0205/PL24-0274**  
**Water Quality Certification**

**EXCEL** ENGINEERING

LEVIN & DEWYNG INC. D.B.A. EXCEL ENGINEERING

440 State Place • Escondido, CA 92029

(760)745-8118 • Fax (760)745-1890

June 27, 2024

City of Escondido  
201 North Broadway  
Escondido CA 92025

Attn: Planning Department

Re: Nutmeg Homes  
City of Escondido, SUB 18-0005  
Substantial Conformance

I hereby certify that based on the attached Impervious Area Exhibit, with calculations, that the impervious area for the new site plan, substantial conformance exhibit, has not increased from the original plan. I also certify that the drainage patterns remain unchanged from the original site plan. The BMPs and other storm drain facilities shown are also unchanged from the original site plan and will adequately convey and treat storm runoff in accordance with the current City of Escondido BMP Manual and County of San Diego County Hydrology Manual.

Please call or email with questions or if you need additional materials.

Regards

  
Eric F. Sampson P.E.  
Project Manager  
[esampson@excelengineering.net](mailto:esampson@excelengineering.net)



**Attachment 4**  
**Planning Case Nos. PL24-0205/PL24-0274**



CITY OF ESCONDIDO  
PLANNING DIVISION  
201 NORTH BROADWAY  
ESCONDIDO, CA 92025-2798  
760-839-4671

**Notice of Exemption**

To: Assessor/Recorder/County Clerk  
Attn: Fish and Wildlife Notices  
1600 Pacific Hwy, Room 260  
San Diego, CA 92101 MS: A-33

From: City of Escondido  
Planning Division  
201 North Broadway  
Escondido, CA 92025

**Project Title/Case No:** Modification to approved Precise Development Plan (Nutmeg North/South)  
/PL24-0204/PL24-0274

**Project Location - Specific:** The subject site is 7.49-acre located on the south and north sides of North Nutmeg Street between Interstate 15 and North Centre City Parkway (APN's 224-260-23 (north) & 224, 224-260-46 & 224-260-47 (south))

**Project Location - City:** Escondido

**Project Location - County:** San Diego

**Description of Project:** Approve Modification's to approved Precise Plan's for the Nutmeg Subdivision, North and South (SUB18-0005 and SUB20-0007). The proposed modifications include a reduction in unit count from 134 to 124, architectural product type, and realignment of internal circulation. Off-site improvements will continue to adhere to the previously approved plans which are currently under review in Final Engineering. The proposed modifications are in substantial compliance with the previously approved Master Plan. The site is zoned Planned Development (PD-R) and consists of an Urban III (U3) General Plan designation.

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: Jason Greminger, Nutmeg 134, LLC.

Address: 160 Industrial Street, Suite 200, San Marcos, CA 92078

Telephone: (760) 471-2365

Private entity     School district     Local public Agency     State agency     Other special district

**Exempt Status:** The Project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), as the Project is a request for modifications of a previously entitled development for which a EIR (City File No. ENV18-0005) was adopted in accordance with CEQA and a Notice of Determination posted with the County Clerk. Therefore, the Project qualifies under the "General Exemption" as the Project has no potential for causing a significant effect on the environment, as described in Section 15061(b)(3).

**Reasons why project is exempt:**

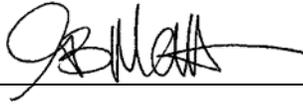
Minor Modifications to a Precise Development Plans and is consistent with the approved City Council SUB18-0005 and SUB20-0007. This exemption is appropriate for the Project because minor modifications that are in compliance with the intent and required improvements. The Project is in an area where all public services and facilities are available to allow for requested development permissible in the General Plan;

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and the Project will be required to complete all mitigation measures and conditions of approval applied to the Project.

**Lead Agency Contact Person:**

Area Code/Telephone/Extension: 760-839-4544

Signature:  \_\_\_\_\_

Greg Mattson  
Contract Planner

October 4, 2024

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

Zoning Administrator

Approval Date: October 3, 2024

Effective Date: October 15, 2024

RESOLUTION NO. 2024-15

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING MODIFICATIONS TO THE PRECISE  
DEVELOPMENT PLANS FOR NUTMEG NORTH AND  
SOUTH

APPLICANT: Nutmeg 134, LLC

CASE NO'S: PL24-0205/PL24-0274

WHEREAS, on July 24, 2024, the Nutmeg 134, LLC ("Applicant"), filed a land use development application, Planning Case Nos. PL24-0205/PL24-0274 ("Application"). The Project constitutes a request for a modification to a previously approved Precise Development Plan known as the Nutmeg Subdivision ("Project"), on a 7.49-acre site, addressed as 0 Nutmeg Street (APNS: 224-260-23-00/224-260-46-00/224-260-47-00) within the Planned Development Residential (PD-R) zoning, and Urban III (U3) land use designation of the General Plan; 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, Chapter 33, Article 19, Section 33-411(b) permits for modifications to previously approved Precise Development Plans subject to review and approval by the Zoning Administrator when such requests are determined that the proposed modifications are consistent with the purpose, character, and established development standards of the Master Development Plan; and,

WHEREAS, the proposed modifications to the Precise Development Plans are consistent with the approved Master Development Plan relative to development standards, site layout, and density; and

WHEREAS, evidence was submitted to and considered by the Zoning Administrator at or before the public meeting, including, without limitation, written information, and the staff report dated, October 3, 2024, which along with its attachments is incorporated herein by this reference; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and in accordance with Sections 15051 and 15367 of the California Code of Regulations (CCR), the City is identified as the Lead Agency for the proposed project. An Environmental Impact Report (EIR) was previously prepared, circulated and approved in conformance with CEQA Guidelines (ENV18-0005); and

WHEREAS, a staff report was presented discussing the issues on the matter.

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

1. That the above recitations are true and correct.
2. That the Project has an approved EIR that provided project specific analysis, established mitigation measures that once implemented will reduce project impacts to less than significant. The Zoning Administrator has reviewed and considered the previously approved EIR, mitigation measures and conditions of approvals prepared for the project and has determined that it is complete and adequate, and there are no significant environmental effects. The modifications to the Precise Development Plans are categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15061(b)(3), as the Project is a request for modifications of a previously entitled development for which an EIR (City File No. ENV18-0005) was adopted in accordance

with CEQA, and a Notice of Determination posted with the County Clerk. Therefore, the Project qualifies under the General Exemption as the Project has no potential for causing a significant effect on the environment, as described in Section 15061(b)(3).

3. The Zoning Administrator has reviewed and considered the Notice of Exemption prepared for the project and has determined that it is complete and adequate, and there are no additional significant environmental impacts associated with these modifications.

4. That, considering the Factors to be Considered/Findings of Fact attached as Exhibit "B" hereto, and applicable law, the Zoning Administrator hereby approves Planning Case Nos. PL24-0205/PL24-0274, subject to the Mitigation Measures and Conditions of Approval attached as Exhibit "C" hereto, and as depicted in the Project Plans attached as Exhibit "D" hereto.

5. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 36 months of the original effective date of approval (Planning Case Nos. SUB18-0005 and SUB20-0007), unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning Code.

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

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in the Development Services Department. The project also is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

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

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this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with Section 66020.

PASSED, ADOPTED AND APPROVED by the Zoning Administrator of the City of Escondido, California, at a regular meeting held on the 3<sup>rd</sup> day of October 2024.

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OSCAR ROMERO ON BEHALF OF  
VERONICA MORONES  
Zoning Administrator,  
City of Escondido

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WITNESS

Note: This action may be appealed to Planning Commission  
pursuant to Zoning Code Section 33-1303

## EXHIBIT A

### LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

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, OF OFFICIAL RECORDS; 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](#).

## EXHIBIT B

### PLANNING CASE NO's. PL24-0205 & PL24-0274

#### FACTORS TO BE CONSIDERED/FINDINGS AND FACTS

##### **Environmental Determination(s)**

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations section 15000 et. seq., the City of Escondido ("City") is the Lead Agency for the extension of time ("Project"), as the public agency with the principal responsibility for approving the Project.
2. A Final Environmental Impact Report ("EIR") was adopted to analyze both Tentative Maps & Master and Precise Development Plans for the original entitlement approvals (SUB18-0005 and SUB20-0007) for the development project ("Approved Project") (Case No. ENV18-0005) in accordance with the California Environmental Quality Act ("CEQA"). Mitigation measures were developed to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the Mitigation Monitoring Reporting Program ("MMRP") adopted for the Approved Project. A Notice of Determination was posted with the San Diego County Clerk.
3. The Project is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), as the Project is a request for modifications of a previously entitled development for which a EIR (City File No. ENV18-0005) was adopted in accordance with CEQA and a Notice of Determination posted with the County Clerk. The applicant is making realignments of driveways and shifting of walkways to accommodate the townhome unit foot print into the previously designed internal circulation, parking areas, and open space areas. The proposed modifications would continue utilizing the same access points from N. Nutmeg Street, while maintaining the general drainage systems, and utility layouts. Therefore, the Project qualifies under the General Exemption as the Project has no potential for causing a significant effect on the environment, as described in Section 15061(b)(3).
4. Furthermore, the Project does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines section 15300.2.

##### **Precise Development Determinations:**

1. The Zoning Administrator finds that the modifications requested are reasonable, and meets all requisite findings for minor modifications of the Precise Development Plans.
2. The overall proposed Project modifications will consist of 124 three-story townhomes at 16.5 du/ac., includes 280 parking spaces, four architectural design plans with a range of unit size from 1,125 to 1,795 square feet, and amenities. The proposed modification includes a total open space of 102,079 square feet (92,816 square feet of common and 9,263 square feet of

private-balconies). The height of the buildings is reduced from 39'-0" to approximately 36'-10" in height at the rooflines consistent with approved Master Plan for the site.

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). The proposed project complies with all the applicable regulations, conditions, and polices imposed by the Escondido Municipal Code.
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) (SCH# SCH# 2018081063).
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 C

### PLANNING CASE NOS. PL24-0205/PL24-0274

#### CONDITIONS OF APPROVAL AND ORIGINAL MITIGATION MEASURES

This Project is conditionally approved as set forth on the application received by the City of Escondido on **July 24, 2024**, and the Project drawings consisting of a Site Plans, Architectural, and Civil Plans; all designated as **approved on October 8, 2024**, and shall not be altered without express authorization by the Development Services Department.

For the purpose of these conditions, the term "Applicant" shall also include the Project proponent, owner, permittee, and the Applicant's successors in interest, as may be applicable.

#### A. General:

1. **Acceptance of Permit.** If the Applicant fails to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Conformance to Approved Plans.**
  - a. The operation and use of the subject property shall be consistent with the Project Description and the staff report dated October 8, 2024, 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. 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.
3. **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.

4. **Clerk Recording.**

a. **Exemption.** If the environmental determination prepared for the Project is a categorical exemption, the City of Escondido hereby notifies the Applicant that the County Clerk's Office requires a documentary handling fee of \$50 in order to file a Notice of Exemption. In order to file the Notice of Exemption with the County Clerk, in conformance with California Environmental Quality Act (CEQA) Guidelines section 15062, the Applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the Project (the final approval being the date of this letter) a certified check payable to the "County Clerk" in the amount of \$50. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the Project is exempt from CEQA. Failure to submit the required fee within the specified time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations period will apply.

b. For more information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, Section 753.5.

5. **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.

6. **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.

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

a. The Applicant shall indemnify, hold harmless, and defend (with counsel reasonably acceptable to the City) the City, its Councilmembers, Planning Commissioners, boards, commissions, departments, officials, officers, agents, employees, and volunteers (collectively, "Indemnified Parties") from and against any and all claims,

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

- b.** The Applicant further and separately agrees to and shall indemnify, hold harmless, and defend the City (including all Indemnified Parties) from and against any and all Claims brought by any third party to challenge the Project or its approval by the City, including but not limited to any Claims related to the Project's environmental determinations or environmental review documents, or any other action taken by the City regarding environmental clearance for the Project or any of the Project approvals. Such indemnification shall include the Applicant's payment for any and all administrative and litigation costs and expenses incurred by the City in defending against any such Claims, including payment for all administrative and litigation costs incurred by the City itself, the costs for staff time expended, and reasonable attorney's fees (including the full reimbursement of any such fees incurred by the City's outside counsel, who may be selected by the City at its sole and absolute discretion and who may defend the City against any Claims in the manner the City deems to be in the best interests of the City and the Project).
- c.** The City, in its sole discretion and upon providing notice to the Applicant, may require the Applicant to deposit with the City an amount estimated to cover costs, expenses, and fees (including attorney's fees) required to be paid by the Applicant in relation to any Claims referenced herein, which shall be placed into a deposit

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

**B. Construction, Maintenance, and Operation Obligations:**

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

As a condition of receiving the land use approvals specified herein, Applicant shall maintain the property subject to the approvals in compliance with all applicable city codes governing the condition or appearance of property. In addition to compliance with such basic standards, the property subject to these approvals shall also be maintained free of trash, plant debris, weeds, and concrete (other than existing foundations and permanent structures). Any signs placed on the property advertising such property for sale or rent shall be in accordance with applicable laws, and be kept clean, in like-new condition, and free from fading and graffiti at all times. This condition shall be applicable from the date the land use is approved. The failure to comply with this condition shall subject the approvals specified herein to revocation for failure to comply.

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

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

3. **Utilities.** All new utilities and utility runs shall be underground, or fee payment in-lieu subject to the satisfaction of the City Engineer.
4. **Signage.** All proposed signage associated with the Project must comply with Article 66 (Sign Ordinance) of the Escondido Zoning Code. Separate sign permits will be required for Project signage. All non-conforming signs shall be removed. The Applicant shall submit with any sign permit graphic/list of all signs to be removed and retained, along with any new signage proposed.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The Applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The Applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code.
11. **Trash Enclosures.** All appropriate trash enclosures or other approved trash systems shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
12. **Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.

**13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

**14. Construction Waste Reduction, Disposal, and Recycling.** Applicant shall recycle or salvage for reuse a minimum of 65% of the non-hazardous construction and demolition waste for residential projects or portions thereof in accordance with either Section 4.408.2, 4.408.3, or 4.408.4 of the California Green Building Standards Code; and/or for non-residential projects or portions thereof in accordance with either Section 5.408.1.1, 5.408.1.2, or 5.408.1.3 of the California Green Building Standards Code. In order to ensure compliance with the waste diversion goals for all residential and non-residential construction projects, the Applicant must submit appropriate documentation as described in Section 4.408.5 of the California Green Building Standards Code for residential projects or portions thereof, or Section 5.408.1.4 for non-residential projects or portions thereof, demonstrating compliance with the California Green Building Standards Code sections cited above.

**15. Construction Equipment Emissions.** Applicant shall incorporate measures that reduce construction and operational emissions. Prior to the City's issuance of the demolition and grading permits for the Project, the Applicant shall demonstrate to the satisfaction of the Planning Division that its construction contractor will use a construction fleet wherein all 50-horsepower or greater diesel-powered equipment is powered with California Air Resources Board ("CARB") certified Tier 4 Interim engines or equipment outfitted with CARB-verified diesel particulate filters. An exemption from this requirement may be granted if (i) the Applicant provides documentation demonstrating that equipment with Tier 4 Interim engines are not reasonably available, and (ii) functionally equivalent diesel PM emission totals can be achieved for the Project from other combinations of construction equipment. Before an exemption may be granted, the Applicant's construction contractor shall demonstrate to the satisfaction of the Director of Development Services that (i) at least two construction fleet owners/operators in San Diego County were contacted and those owners/operators confirmed Tier 4 Interim equipment could not be located within San Diego County during the desired construction schedule, and (ii) the proposed replacement equipment has been evaluated using the California Emissions Estimator Model ("CalEEMod") or other industry standard emission estimation method, and documentation provided to the Planning Division confirms that necessary project-generated functional equivalencies in the diesel PM emissions level are achieved.

**Specific Planning Division Conditions:**

1. The applicant shall ensure all mitigation measures outlined in the adopted Mitigation Monitoring and Reporting Program (MMRP) on file with the City of Escondido continue to be implemented.

**Specific Fire Department Conditions:**

1. An updated Fire Protection Report shall be submitted and approved by the City Fire Department prior to Building Plan submittal.

**EXHIBIT C**

**PLANNING CASE NOS. PL24-0205/PL24-0274**

**CONDITIONS OF APPROVAL AND  
ORIGINAL MITIGATION MEASURES (continue)**

Due to the number of pages in Exhibit C, the following link has been provided to review the documents electronically on the City's web site:

<https://www.escondido.gov/DocumentCenter/View/6792/Planning-Commission-Resolution-2019-23-PDF>

The link includes the following:

Planning Commission Resolution 2019-23, containing the Conditions of Approval and Mitigation Measures for project SUB18-0005 and ENV18-0005.

## **EXHIBIT D**

### **PLANNING CASE NO's. PL24-0205 & PL24-0274**

#### **PROJECT PLANS AND ELEVATIONS**

Due to the number of pages in Exhibit D, the following link has been provided to review the documents electronically on the City's web site:

<https://www.escondido.gov/DocumentCenter/View/6784/PL24-0205--PL24-0274---Project-Plans-PDF>

The link includes the following:

The full Project Plans for project PL24-0205 & PL24-0274 including: Site Plans, Unit Plans, Elevations, and Tentative Subdivision Map Plans.