



# City of Escondido Zoning Administrator

## MEETING AGENDA

201 North Broadway  
City Hall – Parkview Conference Room  
**July 17, 2025**  
2:00 p.m.

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

Zoning Administrator: Veronica Morones, City Planner

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

Public Present: \_\_\_\_\_

B. Agenda items:

### **1. PL25-0173 & PL25-0154 – Modification to Conditional Use Permit**

**REQUEST:** Approval of a modification to a previously approved Conditional Use Permit (PL23-0340) to revise Condition of Approval Item E.7 of Resolution No 2024-04R to replace the required 8'-0" concrete masonry wall (CMU) with the construction of an 8'-0" wrought iron semi-opaque fence and matching gates. In addition, a Design Review Permit to remove an existing 8'-0" foot CMU with pilasters and provide supplemental landscaping to enhance the frontage improvements and screening of the recycling operations.

Location: 1416 and 1428 W. Mission Road (APNs: 228-290-41, -43 & -56)

Applicant: California Metals Service Recycling Center ("CMS Recycling")

Planner: Greg Mattson, Planning Consultant

**ENVIRONMENTAL STATUS:** The proposed Major CUP Modification and Design Review Permit are categorically exempt under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) ("Common Sense") Exemption and staff prepared a Notice of Exemption for the Proposed Project.

### **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

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



# City of Escondido Zoning Administrator

## 2. PL24-0274/PL25-0169 – Modification to a Precise Development Plan

**REQUEST:** Approval of a Modification to a Precise Development Plan for the Nutmeg Subdivision (SUB18-0005 and SUB20-0007) to develop a fire-resistant and defensible single-family home community and qualify for the Insurance Institute of Business and Home Safety (IBHS) Wildfire Certification (“Project”). The proposed Project includes a Design Review Permit to modify the proposed exterior architectural features by eliminating wood elements, removal of gas fire pit feature, adjustments tree numbers and locations, and the inclusion of the private sewer lift station. The proposed modifications are in substantial compliance with the previously approved Master Plan.

Location: The Project site is generally located on the south and north sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15 (APN’s 224-260-23 (north) & 224, 224-260-46 & 224-260-47 (south))  
Applicant: Jesse Kleist, KB Home Coastal, Inc.  
Planner: Greg Mattson, Planning Consultant

**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 “Common Sense” as the Project has no potential for causing a significant effect on the environment, as described in Section 15061(b)(3).

**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 July 17, 2025.

\_\_\_\_\_  
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:** PL25-0173 & PL25-0154
- APPLICANT:** California Metals Service Recycling Center (“CMS Recycling”)
- PROJECT LOCATION:** The 2.98- acre project site is located on the north side of W. Mission Road and south of State Route 78, just northeast of Enterprise Street, addressed as 1416 and 1428 W. Mission Road, Escondido, CA 92027 (Assessor’s Parcel Numbers: 228-290-41, -43 & -56).
- REQUEST:** Approval of a modification to a previously approved Conditional Use Permit (PL23-0340) to revise Condition of Approval Item E.7 of Resolution No 2024-04R to replace the required 8’-0” concrete masonry wall (CMU) with the construction of an 8’-0” wrought iron semi-opaque fence and matching gates. In addition, a Design Review Permit to remove an existing 8’-0” foot CMU with pilasters and provide supplemental landscaping to enhance the frontage improvements and screening of the recycling operations.
- STAFF RECOMMENDATION:** Approve Resolution No. 2025-08 for the modification to previously approved Conditional Use Permit and Design Review Permit, and adoption of the environmental determination for the project.
- GENERAL PLAN DESIGNATION:** LI (General Industrial)
- ZONING:** M-1 (Light Industrial)

### BACKGROUND/PROJECT DESCRIPTION:

The subject site is generally located in heavy to light industrial development area of Escondido between the north side of W. Mission Road and south side of State Route 78, just northeast of the Enterprise Street and Mission Road intersection (Figure 1). The proposed project site consists of three parcels totaling approximately 2.98-acres within the Light Industrial (LI) General Plan land use designation, and are zoned Light Industrial (M-1) as shown under Attachment 1. Project Design Features and site conditions are provided under Attachment 2.

On March, 26, 2024, the city approved a request to modify an existing Conditional Use Permit (PHG08-0014 (2008) & PHG17-0002 (2018)) and an Administrative Adjustment to allow above height perimeter fencing onto the northeastern parcel (PL23-0340) (identified as APN 228-290-41-00) to combine with the western most parcel (identified as APN 228-290-43-00) that comprises the Project site.

### **PROJECT DESCRIPTION:**

Per Chapter 33, Article 61, Division I, Section 33-1202(c)(8) of the Escondido Municipal Code (EMC), requests involving a modification to an existing Major Conditional Use Permit may be processed as a minor conditional use permit. Pursuant to Article 61, Division 9, Section 33-1319 the Zoning Administrator shall have the authority to approve minor Conditional Use Permit. Modifications to a Design Review Permit upon review and determination that the proposed changes are consistent with the purpose, character and established development standards.

California Metals Service Recycling Center (“Applicant”) is requesting to modify a previously approved Major Conditional Use Permit (PL23-0340), Resolution No. 2024-04R, to revise Condition of Approval No. E.7. Condition of Approval E. Specific Planning Division Conditions, Item #7, state that the applicant is to construct a new 8’ masonry wall with matching pilaster along W. Mission Avenue, to match the existing concrete wall portion of the site. Any proposed gates shall be approved by the Fire Department and Director of Development Services or their designee prior to installation. The applicant is requesting to remove an existing 8’-0” foot Concrete Masonry (CMU) wall and pilasters, and revise Condition E.7 to allow the installation of a wrought iron fence vs. a masonry wall, and replace with an 8’-0” foot wrought iron semi-opaque fence and matching gates along the entire project frontage and supplemental landscaping to enhance screening of the recycling operations (“Project”). Resolution No. 2025-08 was prepared for the requested CUP Modifications (Attachment 3).

### **SITE DESIGN**

The proposed Project consists of replacement and installation of an 8’-0” foot wrought iron semi-opaque fencing and matching gates. The existing topography of the site is flat and there is no associated grading proposed with the new fencing. Proposed modifications are listed below:

1. Modify Conditional Use Permit PL23-0340, Resolution No. 2024-04R, revise Condition of Approval Item # E.7 to replace the required 8’-0” foot solid CMU wall condition with an 8’-0” foot wrought iron semi-opaque black security fence along the entire project frontage.
2. Removal of the existing 8’-0” foot CMU wall with associated pilasters and replace with an 8’-0” foot wrought iron semi-opaque black security fence.
3. Modify the approved Landscape Plans to allow the replacement of small shrub and groundcover plant materials with medium 3’–5’ foot shrubs to provide additional height, interest, color, and screening characteristics.

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PL25-0173 & PL25-0154

4. Install matching wrought iron gates to be approved by the Fire Department and Development Services or their designee prior to installation. Any gates for vehicle access shall provide emergency access system (KNOX Switch and Opticom).

**ENVIRONMENTAL STATUS:**

The proposed Major CUP Modification and Design Review Permit are categorically exempt under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) ("Common Sense") Exemption and staff prepared a Notice of Exemption for the Proposed Project. The Project involves only minor changes to the visual, fencing materials, and landscape characteristics of an existing recycling use. The subject parcel is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive.

**REASONS FOR RECOMMENDATION:**

The proposed Conditional Use Permit Modifications to the previously approved Major Conditional Use Permit (PL23-0340) is in compliance with the current use for the site as an operational recycling center for both commercial clients and public users, and is consistent with the principles of the General Plan and the City's Municipal Code. Furthermore, the proposed Design Review modification is consistent with the original approval in that the proposed screening method along with appropriate landscape revisions would effectively screen on-site recycling operations. The proposed Project was reviewed by all applicable City Departments. The Project design features are included to ensure that no detrimental impacts occur as a result of the proposed Project. The Conditions of Approval recommended are sufficient to address potential impacts of the project.

Respectfully submitted,



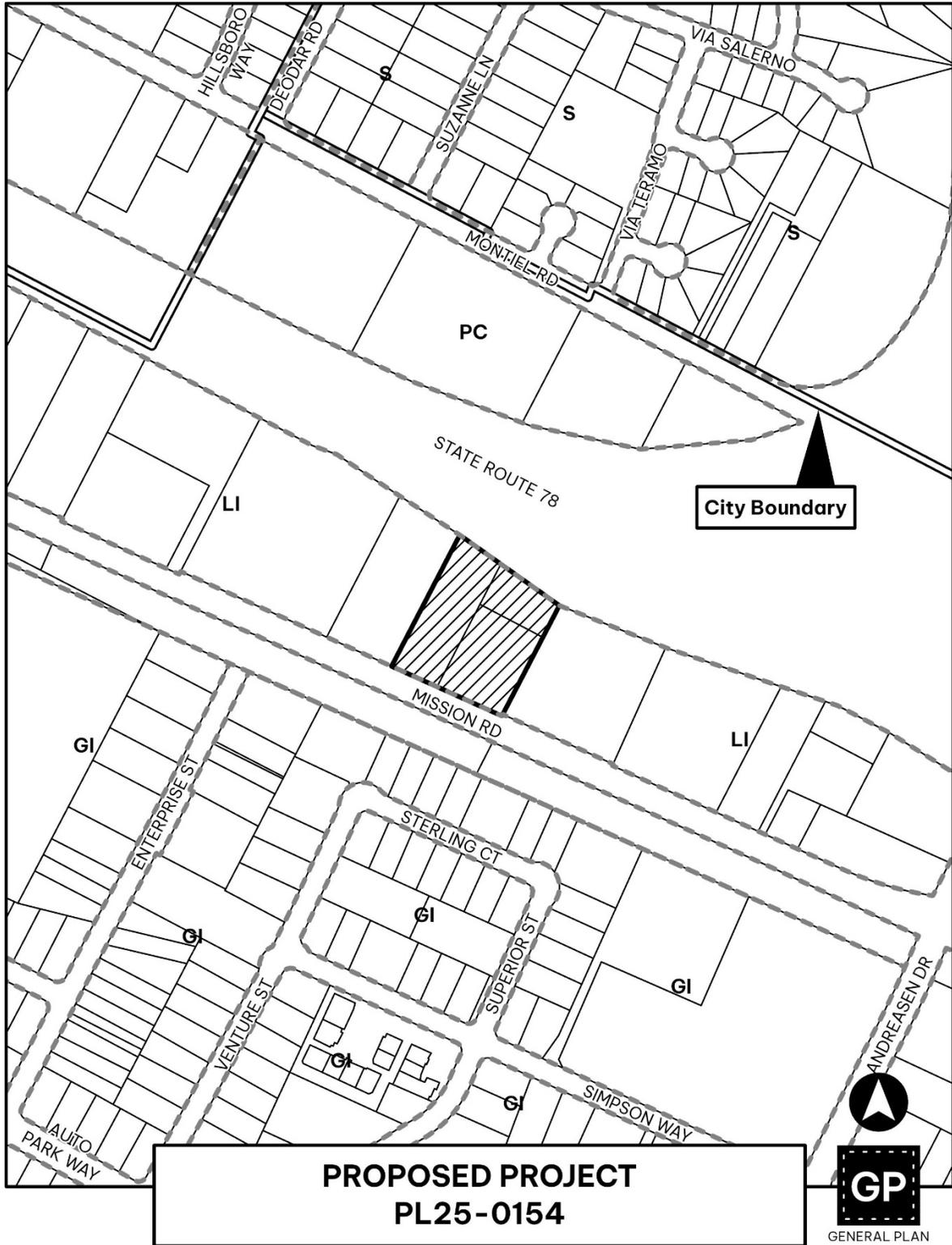
Greg Mattson, Contract Planner

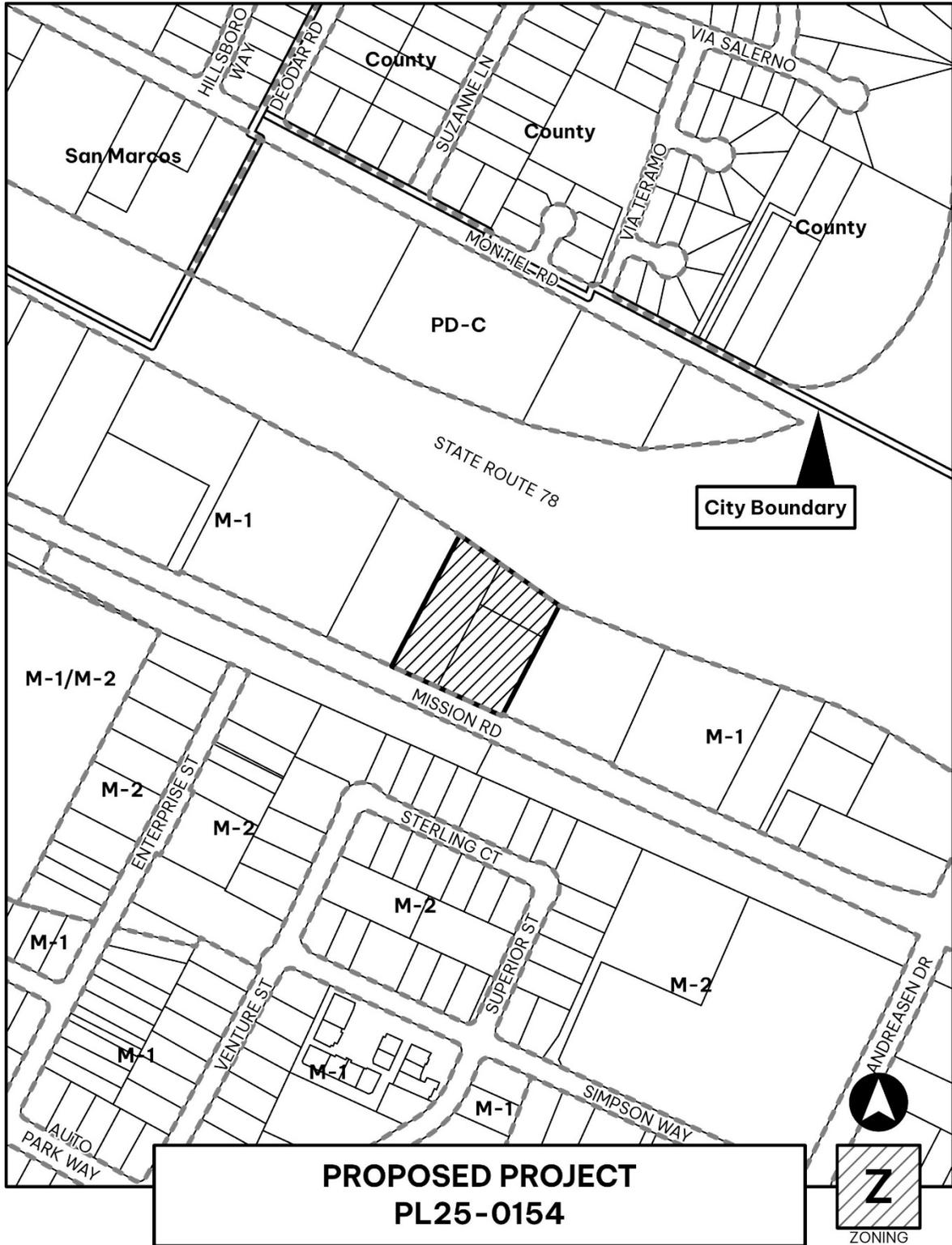
**ATTACHMENTS:**

1. Aerial Map, General Plan Map, and Zoning Map
2. Project Design Features
3. Draft Zoning Administrator Resolution No. 2025-08 and Exhibits A, B, C and D
4. CEQA Notice of Exemption

**ATTACHMENT 1**  
**PL25-0173 & PL25-0154**  
**Aerial Map, General Plan Map, and Zoning Map**







## Attachment 2

### PL25-0173 & PL25-0154

Due to the size of the files, the plan set may be viewable by contacting the case planner at [greg.mattson@escondido.gov](mailto:greg.mattson@escondido.gov), or may be viewed at the Planning Counter Monday through Thursday from 8:00 AM – 5:00 PM

**ATTACHMENT 3  
PL25-0173 & PL25-0154  
Resolution No. 2025-08**

Zoning Administrator

Hearing Date: July 17, 2025

Effective Date: July 28, 2025

RESOLUTION NO. 2025-08

A RESOLUTION OF THE ZONING ADMINISTRATOR  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A MODIFICATION TO AN EXISTING  
CONDITIONAL USE PERMIT AND DESIGN REVIEW  
PERMIT TO ALLOW THE CONSTRUCTION OF  
REPLACEMENT FENCING, AND LANDSCAPE  
REVISIONS

APPLICANT: California Metal Services Recycling Center (CMS)

CASE NO's: PL25-0173 & PL25-0154

WHEREAS, the Zoning Administrator of the City of Escondido did, on July 17th, 2025 hold a public hearing to consider a request to modify a previously approved Conditional Use Permit Modification (PL23-0340) to revise Condition of Approval Item E.7 of Resolution No. 2024-04R to replace the required 8'-0" concrete masonry wall (CMU) with the construction of an 8-foot wrought iron semi-opaque fence and matching gates; and, a Design Review Permit to remove an existing 8-foot CMU with pilasters along the W. Mission Avenue frontage and provide supplemental landscaping to enhance the improvements and screening of the recycling operations.

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, evidence was submitted to and considered by the Zoning Administrator at or before the public hearing, including, without limitation, written

information, and the staff report dated July 17, 2025, which along with its attachments is incorporated herein by this reference; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code, Article 61, Division 6 Public Hearing, Notices, Fees and Appeals §33-1300 and applicable State law; and

WHEREAS, the application was assessed in conformance with the California Environmental Quality Act (CEQA) and a Notice of Exemption was prepared in conformance with CEQA Guidelines sections 15061(b)(3) (“Common Sense”); and

WHEREAS, a staff report was presented discussing the issues in the matter;  
and

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

1. That the above recitations are true and correct.
2. Approval of a Conditional Use Permit Modification is required in accordance with Section 33-1202(c)(8) of the Escondido Zoning Code.
3. Approval of a Design Review Permit is required in accordance with Section 33-1360 of the Escondido Zoning Code
3. That the project is categorically exempt from further CEQA review pursuant to CEQA Guidelines section 15061(b)(3) ("Common Sense"). 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 significant environmental effects associated with these modifications.
4. That, considering the Findings of Fact attached as Exhibit “B” hereto, and applicable law, the Zoning Administrator hereby approves said Conditional Use Permit

and Design Review Permit Modifications as depicted on the project plans included as Exhibit "C," and subject to the Conditions of Approval attached as Exhibit "D."

5. That this approval shall automatically become null and void unless the use authorized by this approval has commenced within 24 months of the date of this approval, 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 both the Development Services and Engineering Services Departments. 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 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 17<sup>th</sup> day of July, 2025.

\_\_\_\_\_  
VERONICA MORONES  
Zoning Administrator

\_\_\_\_\_  
ANGEL ESTRADA  
Witness

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

**EXHIBIT "A"**  
**PLANNING CASE Nos. PL25-0173 & PL25-0154**  
**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: 228-290-41-00)

THE NORTHEASTERLY 215.00 FEET OF THE SOUTHEASTERLY 200.00 FEET OF LOT 5 IN BLOCK 1 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING NORTHEASTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF LOT 6 IN SAID BLOCK 1, DISTANT THEREON NORTH 27° 27' 31" EAST 475.16 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT 6; THENCE SOUTH 56° 56' 39" EAST, 321.51 FEET; THENCE SOUTH 54° 40' 58" EAST, 343.70 FEET; THENCE SOUTH 68° 24' 10" EAST, 331.58 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF LOT 4 IN SAID BLOCK 1, DISTANT THEREON NORTH 27° 24' 41" EAST, 374.89 FEET FROM THE SOUTHERLY CORNER OF SAID LOT 4.

PARCEL 2: (APN: 228-290-43-00)

LOT 5 IN BLOCK 1, (EXCEPTING THE SOUTHEASTERLY 200.00 FEET THEREOF) IN RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895, TOGETHER WITH THAT PORTION OF LOT 6 IN SAID BLOCK 1 OF RANCHO LOS VALLECITOS DE SAN MARCOS, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LANE OF THE NORTHWESTERLY 320.00 FEET OF SAID LOT 6.

EXCEPTING FROM ALL THE ABOVE THAT PORTION THEREOF LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF LOT 6 IN SAID BLOCK 1, DISTANT THEREON NORTH 27° 27' 32" EAST 475.16 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT 6; THENCE SOUTH 56° 56' 39" EAST, 321.51 FEET; THENCE SOUTH 54° 40' 58" EAST, 343.70 FEET; THENCE SOUTH 68° 24' 10" EAST, 331.58 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF LOT 4 IN SAID BLOCK 1 DISTANT THEREON NORTH 27° 24' 41" EAST, 374.89 FEET FROM THE SOUTHERLY CORNER OF SAID LOT 4.

ALSO EXCEPTING THEREFROM THE SOUTHWESTERLY 9 FEET THEREOF AS CONVEYED TO THE CITY OF ESCONDIDO FOR STREET AND PUBLIC UTILITY PURPOSES IN DEED RECORDED JUNE 1 1976 AS INSTRUMENT NO. 1976-166803 OF OFFICIAL RECORDS.

**EXHIBIT “B”**  
**PLANNING CASE Nos. PL25-0173 & PL25-0154**  
**FINDINGS OF FACT**

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for the following exemption which has been determined to not have a significant effect on the environment, and are declared categorically exempt from the requirement for the preparation of environmental documents. The proposed Project is categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) (“Common Sense”), in that the proposed project consists of a request to modify a Conditional Use Permit and Design Review Permit that is consistent with the applicable land use designation and no variances are required; it involves only minor changes to the operational characteristics of an existing use; and the subject parcel is located in a developed area of the city where all necessary public services and facilities are available on site and the surrounding area is not environmentally sensitive.
3. Further, the Project also does not trigger any exceptions to categorical exemptions identified in CEQA Guidelines section 15301, in that:
  - a. Location – The exemption proposed is a "Common Sense" exemption, and the Project does not include a Class 3, 4, 5, 6, or 11 exemptions. Based on this, this exception is not applicable.
  - a. Cumulative Impact – The Project has been located within a General Plan designation of “General Industrial” and Zoned “M-1 Light Industrial” area since 2008, and is consistent with the types of projects envisioned for this area. There are no cumulative impacts associated with this CUP Modification.
  - b. Significant Effect – There are no unusual circumstances involved in the Project, as it is located within an industrial area of the City and is consistent with the development standards and uses to the adjacent property.
  - c. Hazardous Waste Site – As demonstrated by the applicant, the Project is not located within a Hazardous Waste Site pursuant to Section 65962.5 of the Government Code.
  - d. Historical Resource – The Project includes expansion of an existing recycling facility, and modifications to the condition of approvals. The existing building is not identified in the City’s Local Register or in Escondido Sites Survey. This exception is not triggered.

4. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the July 17, 2025 Staff Report; testimony by staff and the public; and other materials and evidence submitted or provide to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

#### **Conditional Use Permit Findings (PL25-0173)**

##### **(Section 33-1203 of Article 61, Division 1 – CONDITIONAL USE PERMITS of the Escondido Zoning Code)**

With respect to the Modification to the Conditional Use Permit, the Zoning Administrator makes the following findings for approval:

1. *A conditional use permit should be granted upon sound principles of land use and in response to services required by the community;*

The proposed Project fencing modifications are similar to other adjacent industrial use in scale, visual presence, and character with wrought iron fencing along site frontages. Granting the Conditional Use Permit Modification for wrought iron security fencing and supplemental landscaping would be based on sound principles of land use as it provides a use consistent with variation in industrial use types along W. Mission Avenue. The existing conditional use permit continues to encourage recycling and reuse of materials which will provide a benefit to the community.

2. *A conditional use permit should not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located;*

The proposed Project would not cause deterioration of bordering land uses because the area is predominantly characterized by light to heavy industrial uses. This area encourages industrial uses of similar characteristics impacts and reuse of properties for commercial purposes. Further, the proposed modifications will continue the visual upgrade for the industrial area. The project would not materially degrade the level of service on adjacent streets and there is sufficient off-parking to accommodate the recycling use.

3. *A conditional use permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is to be located;*

The proposed Project is consistent with the goals of the General Plan and the long-time development of W. Mission Avenue by co-locating industrial uses, which encourages the use of similar resources and trucking activities.

#### **Design Review Findings (PL25-0154)**

##### **(Section 33-1360, Article 64, Design Review, Design Changes and enforcement of the Escondido Zoning Code)**

With respect to the design modifications to the Design Review Permit, the Zoning Administrator makes the following findings for approval:

1. *The changes do not significantly alter the appearance, intent or purpose of the design;*

The applicant has requested Design Review modifications that consist of a revision to the California Metals Service Recycling Center to modify a previously approved Major Conditional Use Permit (PL23-0340), Resolution No. 2024-04R, to revise Condition of Approval No. E.7. In addition, a Design Review Permit to allow the replacement of an existing 8'-0" foot Concrete Masonry (CMU) wall and pilasters with an 8'-0" foot wrought iron semi-opaque fence and matching gates along the entire project frontage, and install supplemental landscaping to enhance screening of the recycling operations.

The on-site operational building orientations, internal circulation, site layout remains as previously approved and the proposed wrought iron fence would match similar fencing treatments in the adjacent industrial parcels. The proposed modifications would continue utilizing the same access points from W Mission Avenue, while maintaining the general drainage systems, and utility layouts and would not significantly alter the character or visual presence in the community. No other changes are proposed to the appearance or structures on the site.

2. *The quality of the design, material and equipment is maintained or is superior to the previously approved design and specifications.*

The proposed design elements and replacement materials will be complimentary to the adjacent industrial parcels: however, these design materials and supplemental landscape enhancements will maintain the design integrity and visual positioning on-site. No other changes are proposed to the footprint of the building, site layout, and the landscape materials are consistent with what was approved.

## Exhibit C

### PL25-0173 & PL25-0154

Due to the size of the files, the plan set may be viewable by contacting the case planner at [greg.mattson@escondido.gov](mailto:greg.mattson@escondido.gov), or may be viewed at the Planning Counter Monday through Thursday from 8:00 AM – 5:00 PM

**EXHIBIT "D"**  
**PLANNING CASE Nos. PL25-0173 & PL25-0154**  
**RESOLUTION NO. 2024-04R**  
**Conditions of Approvals**

Planning Commission  
Hearing Date: March 26, 2024  
Effective Date: April 5, 2024

PLANNING COMMISSION RESOLUTION NO. 2024-04R

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A MODIFICATION TO A CONDITIONAL  
USE PERMIT FOR THE EXPANSION OF AN  
EXISTING LIGHT INDUSTRIAL COMMERCIAL  
OPERATION AND APPROVING AN  
ADMINISTRATIVE ADJUSTMENT FOR ABOVE  
HEIGHT FENCING

APPLICANT: California Metal Services (CMS)

CASE NO: PL23-0340 & PL24-0029

WHEREAS, California Metal Services ("Applicant"), filed land use development applications, Planning Case No. PL23-0340 and PL24-0029 ("Applications"), with the City of Escondido ("City") constituting a request to modify an existing Conditional Use Permit (PHG08-0014) to expand an existing recycling facility and operations, and approve an Administrative Adjustment to allow for above-height (up to 25-percent) perimeter screening ("Project"). The requested modification entails changes to an existing recycling facility and its operations. The modification request includes: relocation and improvement of the existing CRV center; reconfigured internal site circulation and parking areas (including additional Americans with Disabilities Act ("ADA") compliant parking spaces); additional yard space to organize material bins and increase storage area; enhanced frontage improvements; landscape perimeter screening and; metal/tubular security fencing. If granted, the Applicant's requested modifications would result in expansion of

the existing 1.80-acre commercial recycling center facility into the adjacent 1.18-acre site, for a total of 2.98 acres. Applicant's commercial recycling center facility is addressed as 1416 and 1428 W. Mission Road, Escondido, CA 92029, respectively (Assessor's Parcel Numbers ("APN") 228-290-41-00, 43-00 & 56-00), and is located in the Light Industrial (M-1) Zone ("Facility"); and

WHEREAS, the Facility encompasses 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 Applications were 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, on June 24, 2008, the Planning Commission approved a Conditional Use Permit (PHG08-0014) to allow for a recycling facility and associated operations on the site identified as 1428 W. Mission Road, Escondido, CA 92029 (APN: 228-290-43); and

WHEREAS, subsequently on November 27, 2018, the Planning Commission approved a CUP modification request (PHG17-0002) to expand the recycling facility and operations located at 1428 W. Mission Road; and

WHEREAS further expansion of the existing Facility as presently requested by Applicant and additional outdoor storage are conditionally permitted uses within the Light

Industrial (M-1) zone, subject to the approval of a Conditional Use Permit modification, in accordance with Article 61, Division 1 of the Escondido Zoning Code; and

WHEREAS an increase in fencing height of up to 25-percent above the maximum permitted height within the industrial zones may be accommodated through an Administrative Adjustment, in accordance with Article 61, Division 2 of the Escondido Zoning Code; and

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

WHEREAS, the Planning Division studied the Applications, performed necessary investigations, prepared a written report, and hereby recommends approval of the Project 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, City staff provided public notice of the Applications in accordance with City and State public noticing requirements; and

WHEREAS, on March 26, 2024, the Planning Commission held a duly noticed public hearing as prescribed by law, at which time the Planning Commission received and considered the reports and recommendation of the Planning Division and gave all person's full opportunity to be heard and to present evidence and testimony regarding the Project. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated March 26, 2024, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. The above recitations are true and correct.
2. The Planning Commission, in its independent judgement, has determined the Project to be exempt from environmental review pursuant to CEQA Guidelines Section 15332 ("In-Fill Development"). The Project qualifies for the "In-Fill Development" exemption because the proposed Project includes upgraded frontage improvements, repurposing structures, removal of structures, adding storage areas, perimeter fencing, and revised internal circulation of an existing use on a site previously developed with industrial uses that is approximately 3-acres in size. The site is zoned for the use and is consistent with the applicable general plan policies as well as with the General Light Industrial (M-1) zoning designation. It has been determined that the Project would not result in any significant impacts to traffic, noise, air quality, or water quality. The Project

does not include the use of hazardous substances. The Project site does not contain any sensitive habitat or endangered, rare, or threatened species, and approval of the Project, as conditioned, would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site is connected to City sewer and water services. Further, no exceptions to the exemptions listed under CEQA Guidelines Section 15300.2 apply to the Project.

3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission makes the following 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 Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Application to use the Property for the Project, subject to each and all of the conditions hereinafter set forth in Exhibit "D", is **hereby approved** by the Planning Commission. The Planning Commission expressly declares that it would not have approved the Applications 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 Planning Commission, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with the CEQA Guidelines.

6. 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 Applications and Project drawings, all designated as approved by the Planning Commission, 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 Planning and Engineering Division of the Development Services Department. 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](http://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 a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 26th day of March, 2024, by the following vote, to wit:

AYES:	COMMISSIONERS: Paul, Barba, Barber, Fitzgerald, Mecaro, Speer, Weiler
NOES:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:



\_\_\_\_\_  
Rick Paul, Chair  
Escondido Planning Commission

ATTEST:



\_\_\_\_\_  
Veronica Morones, Secretary of the  
Escondido Planning Commission

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



\_\_\_\_\_  
Alexander Rangel, Minutes Clerk  
Escondido Planning Commission

Decision may be appealed to City Council  
pursuant to Zoning Code Section 33-1303

Exhibit A

PLANNING CASE NO. PL23-0340 & PL24-0029

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: 228-290-41-00)

THE NORTHEASTERLY 215.00 FEET OF THE SOUTHEASTERLY 200.00 FEET OF LOT 5 IN BLOCK 1 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING NORTHEASTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF LOT 6 IN SAID BLOCK 1, DISTANT THEREON NORTH 27° 27' 31" EAST 475.16 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT 6;  
THENCE SOUTH 56° 56' 39" EAST, 321.51 FEET;  
THENCE SOUTH 54° 40' 58" EAST, 343.70 FEET;  
THENCE SOUTH 68° 24' 10" EAST, 331.58 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF LOT 4 IN SAID BLOCK 1, DISTANT THEREON NORTH 27° 24' 41" EAST, 374.89 FEET FROM THE SOUTHERLY CORNER OF SAID LOT 4.

PARCEL 2: (APN: 228-290-43-00)

LOT 5 IN BLOCK 1, (EXCEPTING THE SOUTHEASTERLY 200.00 FEET THEREOF) IN RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895, TOGETHER WITH THAT PORTION OF LOT 6 IN SAID BLOCK 1 OF RANCHO LOS VALLECITOS DE SAN MARCOS, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY LANE OF THE NORTHWESTERLY 320.00 FEET OF SAID LOT 6.

EXCEPTING FROM ALL THE ABOVE THAT PORTION THEREOF LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF LOT 6 IN SAID BLOCK 1, DISTANT THEREON NORTH 27° 27' 32" EAST 476.16 FEET FROM THE MOST WESTERLY CORNER OF SAID LOT 6;  
THENCE SOUTH 56° 56' 39" EAST, 321.51 FEET;  
THENCE SOUTH 54° 40' 58" EAST, 343.70 FEET;  
THENCE SOUTH 68° 24' 10" EAST, 331.58 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF LOT 4 IN SAID BLOCK 1 DISTANT THEREON NORTH 27° 24' 41" EAST, 374.89 FEET FROM THE SOUTHERLY CORNER OF SAID LOT 4.

ALSO EXCEPTING THEREFROM THE SOUTHWESTERLY 9 FEET THEREOF AS CONVEYED TO THE CITY OF ESCONDIDO FOR STREET AND PUBLIC UTILITY PURPOSES IN DEED RECORDED JUNE 1 1976 AS INSTRUMENT NO. 1976-166803 OF OFFICIAL RECORDS.

Exhibit A

PLANNING CASE NO. PL23-0340 & PL24-0029

Legal Description (continued)

PARCEL 3: (APN: 228-200-53-00)

THE SOUTHERLY 258.7 FEET OF THE EASTERLY 200.00 FEET OF LOT 5 IN BLOCK 1 OF RANCHO LOS VALLECITOS DE SAN MARCOS IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895. EXCEPTING THEREFROM THE SOUTHERLY 9.00 FEET (MEASURED AT A RIGHT ANGLE OF THE SOUTHERLY LINE) OF THAT PORTION OF LOT 5 IN BLOCK 1 OF RANCHO LOS VALLECITOS DE SAN MARCOS, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895, AS CONVEYED TO THE CITY OF ESCONDIDO IN DEED RECORDED SEPTEMBER 11, 1990 AS INSTRUMENT NO. 1990-493780 OF OFFICIAL RECORDS.

**Exhibit B**  
**PLANNING CASE NO. PL23-0340 & PL24-0029**  
Project Plans

This Architectural Drawing is copyright-protected. If you would like view this drawing, please contact the project planner, Greg Mattson at 760-839-4544, or via email at [gmattson@escondido.org](mailto:gmattson@escondido.org)

**EXHIBIT “C”**  
**PLANNING CASE NO. PL23-0340 & PL24-0029**  
**FACTORS TO BE CONSIDERED / FINDINGS OF FACT**

**Environmental Determinations:**

1. Pursuant to the California Environmental Quality Act (Public Resources Code section 21000 et. seq.) (“CEQA”), and its implementing regulations (14 C.C.R. § 15000 et seq.) (“CEQA Guidelines”), the City of Escondido (“City”) is the Lead Agency for the Project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. The Project qualifies for an exemption from further environmental review pursuant an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32, (“In-fill Development”) because such categorical exemption applies to proposed developments within city limits on sites of no more than five acres substantially surrounded by urban uses, where the site has no habitat value for special status species, can be adequately served by all required utilities and public services, and the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality (CEQA Guidelines § 15332(b)-(e)). The proposed Project meets the following criteria:
  - a. The Project is consistent with the applicable general plan designation and applicable general plan policies as well as with applicable zoning designation and regulations in that it is a conditionally permitted use within the Light Industrial zone and consistent with General Plan Land Use policies 10.2, 10.7, and 10.9.
  - b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses in that the Project site is an approximately 2.98-acre site, previously developed and disturbed, and surrounded by industrial uses to the west, east, and south, and the State Route 78 to the north.

- c. The project site has no value as habitat for endangered, rare or threatened species in that the Project site is an approximately 2.98-acre site, previously developed and disturbed, and surrounded by industrial uses to the west, east, and south, and the State Route 78 to the north. Further, the City's draft sub-area plan identifies the area as "urban/developed".
- d. Approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality in that the use already exists and the expansion of the facility is nominal in size and area. The use would be subject to all local, state, and any federal regulations surrounding recycling facilities.
- e. The site can be adequately served by all required utilities and public services in that the Project site has existing facility connections that would continue to adequately serve the facility and area of expansion.

The Project also does not trigger any exceptions to the categorical exemption as listed in CEQA Guidelines section 15300.2.

- 3. The Planning Commission has independently considered the full administrative record before it, which includes but is not limited to the March 26, 2024, Planning Commission Staff Report; testimony by staff and the public; and other materials and evidence submitted or provided to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

### **Public Notice and Outreach:**

Planning Division staff provided public notice of the application in accordance with City and State public noticing requirements. A notice was published in the local newspaper on or around March 14, 2024. In addition, on or around March 11th, 2024, notices were sent to owners within 500 feet of the Project site. A public notice was also posted at the Project site, on the City's website, and posted at City Hall.

### **Conditional Use Permit Modification (CUP)**

- 1. This Conditional Use Permit modification is granted upon sound principles of land use and in response to services required by the community in that the proposed Project

has been designed and conditioned to comply with all applicable zoning regulations and design standards. The Project is located within, and is surrounded by, similar industrial characteristics and uses. Further, the proposed Project serves community members by collecting and recycling metal or aluminum materials from the public and other clients for repurposing and/or reuse.

2. This Conditional Use Permit modification will not cause deterioration of bordering land uses or create special problems for the area in which it is located in that the proposed Project has been designed and conditioned to comply with all applicable zoning regulations and design standards. The Project is located within, and is surrounded by, similar industrial characteristics and uses. The Project's internal circulation will be improved, and the existing CRV Center relocated to minimize vehicular/truck conflicts and enhance its visual presence. Conditions have been incorporated into the approval of the Project to ensure no conflicts will occur with surrounding uses and in compliance with City requirements.
3. This Conditional Use Permit modification has been considered in relationship to its effect on the community for the area in which it is to be located in that the proposed Project has been designed and conditioned to comply with all applicable zoning regulations and design standards. The Project is located within, and is surrounded by, similar industrial characteristics and uses. The Project's internal circulation will be improved, and the, existing CRV Center relocated to minimize vehicular/truck conflicts, and enhancing the its visual presence. Conditions have been incorporated into the approval of the Project to ensure no conflicts will occur with surrounding uses and in compliance with City requirements.
4. The granting of this Condition Use Permit modification entails conditions necessary and desirable to preserve the public health, safety, and general welfare in that the expanding operations shall comply with Article 26 Industrial Zones, specifically M-1 performance and development standards, including parking, setbacks, drainage, fencing, and landscaping and will be required to comply with all applicable Fire Codes through the standard plan checking process. Further, the Project is conditioned so it shall be in compliance with the storage and screening requirements in Section 33-571 (b).

### **Administrative Adjustment**

1. The City reviewed the requested Adjustment for consistency with Section 13-1221 of Article 61 (Administration and Enforcement) of the Escondido Zoning Code and

determined the Applicant's justification satisfies such need. The above-height fence at the rear property boundary would provide additional security to the site, as it is immediately adjacent the SR-78. Further, the Project is located within, and is surrounded by, similar industrial characteristics and uses where an above-height fence located at the rear property boundary of the Subject Site would be compatible with adjacent properties, and existing improvements.

**EXHIBIT “D”**  
**PLANNING CASE NOS. PL23-0340 & PL24-0029**  
**CONDITIONS OF APPROVAL**

This Project is conditionally approved as set forth on the application received by the City of Escondido on **September 6, 2023**, and the Project drawings consisting of Site Plans, Civil Sheets/Grading and Landscape Plans; all designated as approved on **March 26, 2024**, and shall not be altered without express authorization by the development Service 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. Permit Expiration.** The Permit modification shall expire 24 months from the effective date of approval, unless additional time is granted pursuant to the Escondido Municipal 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. A final Approved Plan set, shall be submitted to the Planning Division for certification electronically. 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 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. 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 Development Services Department.

**6. Availability of Permit Conditions.**

- a. Prior to building permit issuance, 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 Development Services.

b. The Applicant shall make a copy of the terms and 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.

7. **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.

8. **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.

9. **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 Development Services Department.

Approval of this development project is conditioned upon payment of all applicable development fees and connection fees in the manner provided in Chapter 6 of the Escondido Municipal Code.

**10. 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.

**11. 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.

**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. Revocation, Suspension, Modification.** At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Development Services for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

This Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing, and after the following findings are fully investigated:

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates or constitutes a nuisance.

**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 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. 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.

### **C. Parking and Loading/Unloading.**

1. A minimum of 50 parking spaces shall be provided at all times. 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 striping shall be drawn on the plans or a note shall be included indicating double-striping per City standards.
2. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with the State Building Code.

3. In accordance with the California Green Building Standard Code, at least eight percent of the total number of required spaces shall be designated for clean air vehicles (CAV), and shall be shown on the revised site plan to the satisfaction of the Planning and Building divisions.
4. 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. However, no additional landscape screening shall be required at the SR-78 property boundary.
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. The landscape parkway along W. Mission Road shall contain street trees on 30' centers and be selected from the City's approved tree list that at maturity is less than 30' in height, due to the overhead power lines.

**7. 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 Engineering Services Department 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 Department 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 Department 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. Specific Planning Division Conditions:**

1. The Applicant shall be responsible for ensuring that all Conditions of Approvals included in Exhibit "D" of this resolution, are implemented throughout the life of the Permit.
2. The conditions of approval set forth in this Conditional Use Permit modification (PL23-0340) shall be applicable to the site in addition to those conditions of approval set forth under the original CUP (PHG08-0014) and subsequent modification (PHG17-0002). In the event conflict arises between any prior set of governing conditions or condition, the Director of Development Services shall determine which condition shall prevail.
3. The Applicant shall provide a fencing/wall plan exhibit upon initial submittal of their Landscape Plan Check, which shall show, at minimum, installation of a metal tubular/paneled security fencing along the SR-78 property boundary of the Subject Site. The exhibit shall depict how the security fence will adequately screen recycling operations and storage materials, subject to the satisfaction of the Development Services Director or their designee.
4. The Applicant shall provide an updated street tree palette with initial submittal of their Landscape Plan Check, which shall show street tree species in compliance with the City's list of approved street trees.
5. During all phases of post-entitlement plan check, the Applicant shall show on plans that the existing drainage system shall be protected and are to remain in place.
6. The Applicant shall obtain a demolition permit for the removal of any structures, walls, fencing, paving, etc. from the City Engineering Division prior to start of work.
7. The Applicant shall replace the 6-foot chain link fencing and 4-foot vinyl fencing (located on the expansion site) with a 8-foot painted masonry wall with rock

pilasters to match existing frontage improvements along W. Mission Road. Both the existing wall and the proposed wall shall be painted and/or coated to match for visual consistency. Any proposed gates shall be approved by the Fire Department and Director of Development Services or their designee prior to installation.

**F. Specific Engineering Division Conditions:**

**GENERAL**

1. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Owner's/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. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
2. Precise Grading and Drainage plans prepared by a Civil Engineer are required for all drainage and private onsite improvement design, and shall be submitted for review through the City's virtual plan review portal as a single package containing all items on the Engineering Initial Submittal Checklists. Landscaping Plans shall be prepared by a Landscape Architect.
3. The Owner/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 and/or Building Permits. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
4. 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.
5. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Owner/Developer to the satisfaction of the City Engineer.

6. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
7. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
8. All gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal and shown on the Precise Grading and Building Plans.
9. An Encroachment Permit shall be obtained from the Engineering Division for any work within the public right-of-way. Contact the Engineering Field Office at (760) 839-4664 to arrange for the Encroachment Permit and inspections.
10. The Owner's Contractor will be required to provide a detailed detour and traffic control plan, for all construction and staging activities within the Mission Road rights-of-way to the satisfaction of the City Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.

## **GRADING**

1. A site precise grading and drainage plan prepared by a Registered Civil Engineer shall be approved by the Engineering Department prior to issuance of Building Permits. The project shall conform with the City of Escondido's Storm Water Management Requirements. Both Construction BMPs and Permanent Treatment BMPs shall be provided for the project. Permanent Treatment BMPs shall be designed to the satisfaction of the City Engineer and Environmental Programs Manager.
2. A site landscaping and irrigation plan shall be submitted with the second submittal of the precise grading plan to the Engineering Dept.
3. All on-site private improvements shall be designed in accordance with the City's Design Standards and shall be subject to review and approval by the Fire, Engineering, Planning, Environmental Programs, and Utility Departments.
4. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 7" PCC over 6" AB.
5. The Owner/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.

## **DRAINAGE**

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer.
2. Pipes or swales proposed to convey (or bypass) offsite drainage run-on shall be at a gradient that matches the historical drainage condition and to the satisfaction of the City Engineer.
3. All site drainage shall be treated to the maximum extent practicable to remove expected contaminants using permanent treatment BMPs to the satisfaction of the City Engineer and Environmental Programs Manager. The city highly encourages the use of bio-retention basins within or along the perimeter of the parking and driveway area as the primary method of storm water treatment. The landscape plans shall reflect these areas of storm water treatment.
4. All on-site storm drains, detention basins, and all other post-construction BMP's facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner or property owner's association.
5. Downspouts from buildings shall be directed to landscaping, where feasible.
6. All on-site trash enclosure areas shall drain toward a landscaped area (where feasible) and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
7. 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.
8. 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.

*All site grading and erosion control plans shall be prepared by a Registered Civil Engineer. A separate submittal to the Engineering Department is required for the site*

*grading and erosion control plans. Plans will **not** be forwarded from the Building Department.*

## **UTILITIES**

1. 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.

## **WATER SUPPLY**

1. This project is located within the Rincon Del Diablo Municipal Water District. It will be the Developer's/Owner's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The property owner shall provide evidence of such arrangements to the satisfaction of the City Engineer. The City of Escondido and the Rincon District will sign approval of the grading plans with respect to the water services for domestic or fire protection.
2. Fire hydrants together with an adequate water supply shall be installed at locations as directed by the Fire Marshal.

## **SEWER**

1. Sewer laterals shall be installed from the public main to each building and shall be 6" PVC minimum with a standard clean-out at the property line. Any new sewer laterals shall be installed at right angle to the main in conformance with the Design Standards.
2. All unused and/or abandoned sewer laterals shall be removed or capped at the property line per the Building Department's standards, and shall be noted on the grading plan to the satisfaction of the Utilities Engineer.

## **CASH SECURITY AND 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 owner 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 \$30,000, unless a higher amount is deemed necessary by the City Engineer.

2. The Owner/Developer will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when Building Permits are issued.

**G. Specific Fire Division Conditions:**

1. No speed humps/ bumps shall be allowed on-site.
2. Proposed Fire Lane shall be a minimum of 24-feet in width and marked in red with "Fire Lane NO Parking" stenciled and/or appropriate signage to be approved by the Fire Marshall or representative.
3. Any gates for vehicle access shall provide emergency access system (KNOX Switch and Opticom).



**ATTACHMENT 4  
PL25-0173 & PL25-0154**

**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:** California Metals Services Recycling Center / PL25-0173 & PL25-0154

**Project Location - Specific:** The project site is approximately 2.98 acres located between the north side of W. Mission Road and State Route 78, addressed as 1416 and 1428 W. Mission Road, Escondido, CA 92027 (APN's: 228-290-041, 043 & 056)

**Project Location - City:** Escondido

**Project Location - County:** San Diego

**Description of Project:** Approval of a modification to a previously approved Major Conditional Use Permit (PL23-0340) to revise Condition of Approval Item E.7 of Resolution No 2024-04R to replace the required 8'-0" concrete masonry wall (CMU) with the construction of an 8'-0" wrought iron semi-opaque fence and matching gates. In addition, the Design Review Permit analyzed the removal of an existing 8-foot CMU wall with pilasters and supplemental landscaping to enhance the frontage improvements and screening of the recycling operations. Approval of a Conditional Use Permit Minor Modification is required in accordance with section 33-1202 (c)(8) of the Escondido Zoning Code.

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

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

Name: Robert Chavez

Address: 1416 and 1428 W. Mission Road, Escondido, CA 92029 Telephone: 760-741-6300

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

**Exempt Status:** This project is categorically exempt pursuant to CEQA Guideline section 15061(b)(3) (Common Sense).

**Reasons why project is exempt:**

This exemption is appropriate for the Project consists with the intent of screening and having a coordinated frontage landscape improvement, project is less than five acres, all public services and facilities are available, and the project site is fully developed, additional supplemental landscaping, and project area is not environmentally sensitive as it has already been developed.

**Lead Agency Contact Person:**

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

Signature: \_\_\_\_\_  
Greg Mattson, AICP  
Contract Planner

Date: \_\_\_\_\_

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

## **ZONING ADMINISTRATOR**

- CASE NUMBER:** PL24-0274/PL25-0169
- APPLICANT:** Jesse Kleist, KB Home Coastal, Inc.
- PROJECT LOCATION:** The Project site is generally located on the south and north sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15 (APN's 224-260-23 (north) & 224, 224-260-46 & 224-260-47 (south))
- REQUEST:** Approval of a Modification to a Precise Development Plan for the Nutmeg Subdivision (SUB18-0005 and SUB20-0007) to develop a fire-resistant and defensible single-family home community and qualify for the Insurance Institute of Business and Home Safety (IBHS) Wildfire Certification ("Project"). The proposed Project includes a Design Review Permit to modify the proposed exterior architectural features by eliminating wood elements, removal of gas fire pit feature, adjustments tree numbers and locations, and the inclusion of the private sewer lift station. The proposed modifications are in substantial compliance with the previously approved Master Plan.
- STAFF RECOMMENDATION:** Adopt Resolution No. 2025-07 approving the Modifications to Precise Development Plans and Design Review Permit 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/PROJECT DESCRIPTION:**

On November 20, 2019, City Council approved a General Plan Amendment, Rezone, Master and Precise Development Plan (Case No's SUB18-0005) and certified an Environmental Impact

Report (ENV18-0005-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 – Aerial Map, General Plan Map and Zoning Map).

On October 3, 2024, the Zoning Administrator approved 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 applicant, Nutmeg 134, LLC, requested a modification to the previously approved Planned Developments (SUB18-0005 and SUB20-0007) for the construction of 134 Villa/Rowhomes Units. The request modified the product type from Villas/Rowhomes to a Townhome product, adjusted site layout, and a reduction in units from the approved 134 Villas/Rowhomes to 124 Townhomes (34 north portion & 90 south portion).

#### **PROJECT DESCRIPTION:**

Per Chapter 33, Article 19, Section 33-411(b) 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, KB Home Coastal, Inc., (“Applicant”), is requesting a Precise Development Plan modification to the previously approved Planned Developments (SUB18-0005 and SUB20-0007) for the construction of 124 Townhome Units.

Chapter 33, Article 64 (Design Review), Section 33-1360 requires a planning design review for modifications to previously approved plans. Pursuant to Section 33-17, Article 1, the Zoning Administrator may approve a Design Review Permit as the descision-making body for the modification to the Precise Development Plan. This concurrent processing streamlines the approval of the Project.

#### **SITE DESIGN:**

The proposed Project consists of several design modifications to qualify for the Insurance Institute of Business and Home Safety (IBHS) Wildfire Certification. These specific modifications consist of the following:

1. Revision to the exterior architectural features by replacing wood elements with exterior stucco materials, color variations, and other metal architectural features, as well as replacing wood fencing with wrought iron materials.

2. Change from Craftsman style to a more Spanish architecture and building types to meet the IBHS Wildfire Certificate.
3. Removal of gas fire pit feature, since there are no gas lines proposed.
4. Amend the landscape plans to relocate trees and their canopies from within five feet of any structure, which will result in reduction of four trees from the overall total of number of trees installed by the Project.
5. Inclusion of a new design elements, noted above, and requirement of the installation of a new private sewer lift station.

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). Furthermore, the proposed changes will not affect any BMPS or other storm drain facilities that are necessary to address the Project's storm runoff.

**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 "Common Sense" as the Project has no potential for causing a significant effect on the environment, as described in Section 15061(b)(3). (Refer to Attachment 3 – Zoning Administrator Resolution No. 2025-07 with Exhibits), A Notice of Exemption has been prepared for the Project (Refer to Attachment 4 – Notice of Exemption)

**REASONS FOR RECOMMENDATION:**

The Planning Division has determined pursuant to Section 33-411(b) that Zoning Administrator has the authority to approve changes to a precise development plan without a public hearing. As such, the Zoning Administrator shall review and determine that the proposed modifications (described above) are consistent with the purpose, character, and established development standards of the approved master development plan for the Nutmeg Subdivision.

Staff recommends approval of the modifications of the approved Precise Development Plan (Nutmeg Residential Subdivision – North & South Segments). The replacement of exterior architectural materials, landscape amendments, and the inclusion of a sewer lift station are 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), "Common Sense".

Zoning Administrator  
July 17, 2025  
PL24-0274/PL25-0169

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, and design for the project. The 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,

A handwritten signature in black ink, appearing to read 'Greg Mattson', with a long horizontal flourish extending to the right.

Greg Mattson,  
Contract Planner

**ATTACHMENTS:**

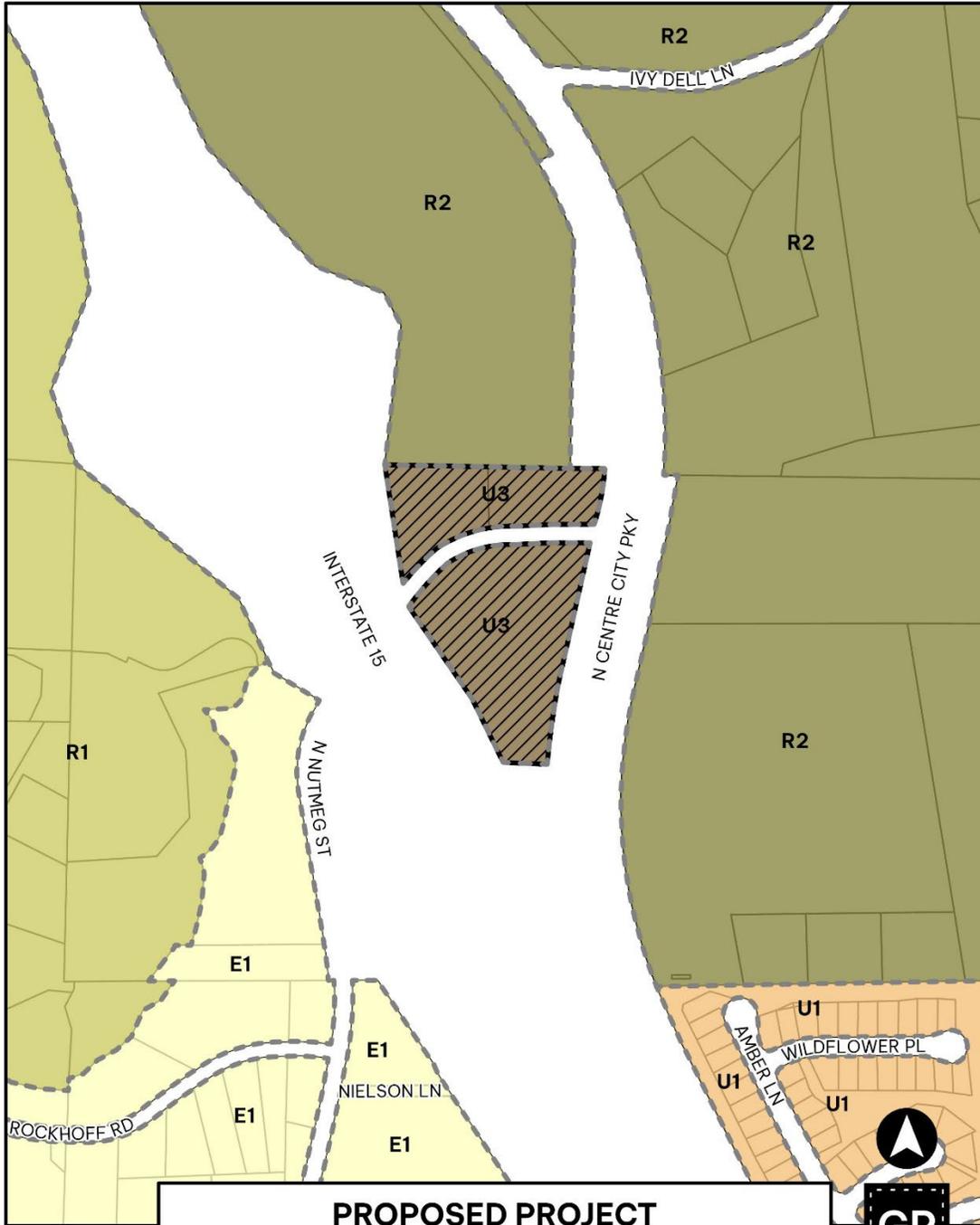
1. Aerial Map, General Plan Map, and Zoning Map
2. Project Design Features
3. Draft Zoning Administrator Resolution No. 2025-07
4. CEQA Notice of Exemption

**ATTACHMENT 1**  
**PL24-0274 & PL25-0169**  
**Aerial Map, General Plan Map, and Zoning Map**



**PROPOSED PROJECT**  
**PL25-0169**

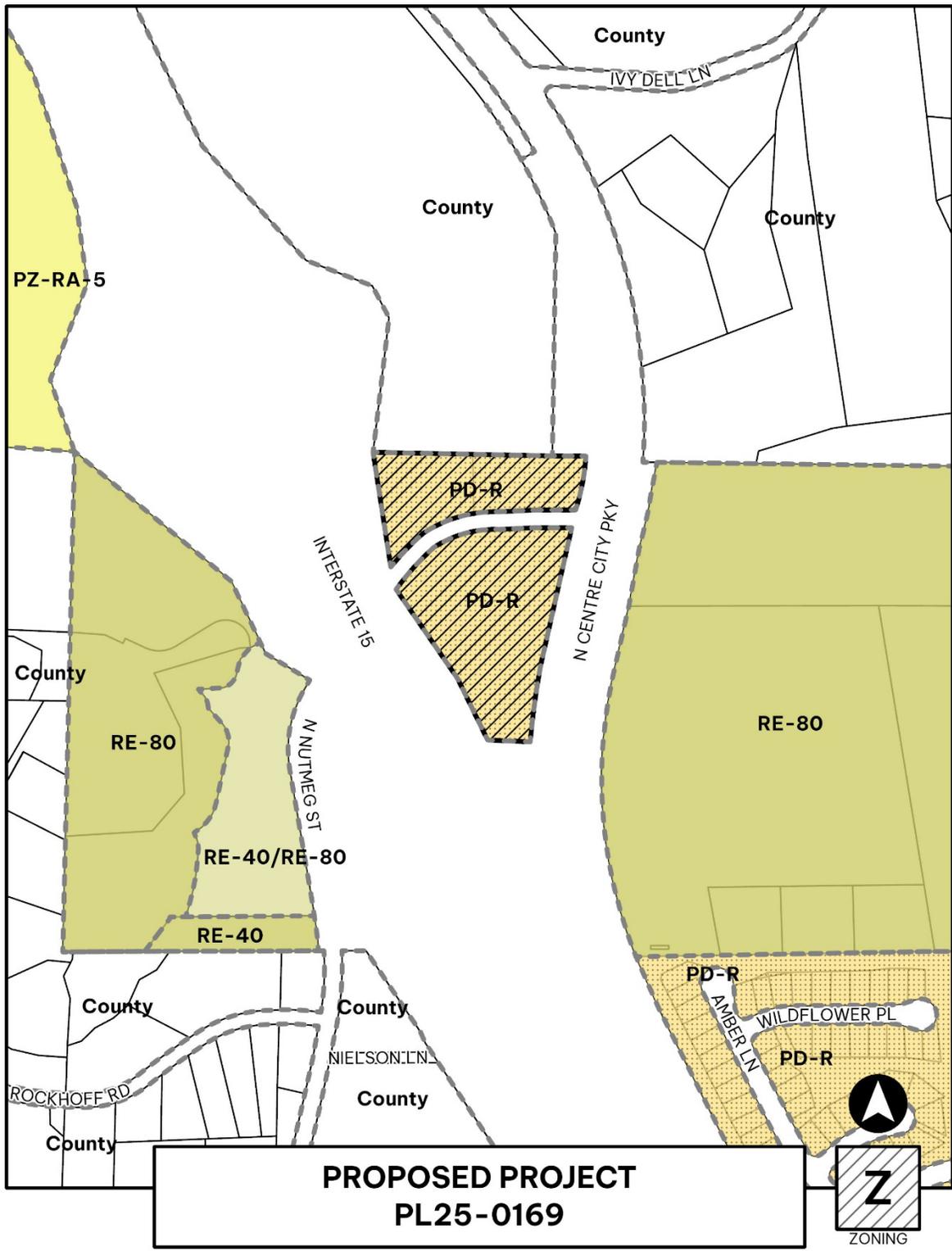
**A**  
AERIAL



**PROPOSED PROJECT  
PL25-0169**



PL24-0274/PL25-0169



## **Attachment 2**

**PL24-0274 & PL25-0169**

Due to the size of the files, the plan set may be viewable by contacting the case planner at [greg.mattson@escondido.gov](mailto:greg.mattson@escondido.gov), or may be viewed at the Planning Counter Monday through Thursday from 8:00 AM – 5:00 PM

Zoning Administrator

Approval Date: July 17, 2025

Effective Date: July 29, 2025

RESOLUTION NO. 2025-07

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

APPLICANT: KB Home Coastal, Inc.

CASE NO'S: PL24-0274/PL25-0169

WHEREAS, on September 18, 2023, KB Home Coastal Inc. ("Applicant"), filed a land use development application, Planning Case No. PL24-0274 and PL25-0169 ("Application"). The Project constitutes a request for a modification to a previously approved Precise Development Plan and Design Review Permit, 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-18) 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, Chapter 33, Article 64, Section 33-1360 Design Review and issuance of permits related to design and architectural 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, materials, intent, and established development standards of the Master Development Plan; and,

WHEREAS, the proposed modifications to the Precise Development Plans and the Design Review Permit 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, July 17, 2025, 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 (ENV18-005), mitigation measures and conditions of approvals prepared for the original project and has determined that it is complete and adequate, and there are no significant environmental effects

3. The modifications to the Precise Development Plans and Design Review 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.

4. 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.

5. 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 No. PL24-0274/PL25-0169, 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.

6. 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 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 17<sup>th</sup> day of July 2025.

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VERONICA MORONES  
Zoning Administrator,  
City of Escondido

---

ANGEL ESTRADA  
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 PL24-0274 & PL25-0169

#### 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 Precise Development Plan Modifications and Design Review ("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) and a filed a Notice of Determination 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 Zoning Administrator has considered the changes that would be implemented by the Project, as amended or modified. These changes do not involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
4. A Notice of Exemption (NOE) has been prepared for the Project to address 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 requested Design Review modifications consist of the following: a revision to the exterior architectural features by replacing wood elements with stucco product types, removal of gas fire pit feature, amend the landscape plans, tree numbers and locations, and inclusion of a required sewer lift station. The building orientations, street circulation, internal alignments of driveways, and parking remains as previously approved. The proposed modifications would continue utilizing the same access points from N. Nutmeg Street, while maintaining the general drainage systems, and utility layouts.
5. The Zoning Administrator has independently considered the full administrative record before it, which includes but is not limited to the July 17, 2025 Staff Report; testimony by staff and the public; and other materials and evidence submitted or provide to it. The administrative record demonstrates that each of the above requirements have been satisfied. No substantial evidence has been submitted that would support a finding that any of the above-described exemption requirements has not been satisfied. The Project will not have a significant effect on the environment, and all of the requirements of CEQA have been met.

### **Precise Development Determinations:**

1. The Zoning Administrator finds that the modifications requested are reasonable, and meets all requisite findings for modifications of the Precise Development Plans.
2. The overall proposed Project modifications will consist of revisions to the exterior architectural features by replacing wood elements with stucco product types, amend the landscape plans and tree locations, and inclusion of a required sewer lift station. The building orientations, street circulation, internal alignments of driveways, and parking remains as previously approved. Final engineering and improvement plan construction documents for North Nutmeg Street and Centre City Parkway will not be altered.
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.

### **Design Review Findings (PL25-0274)**

#### **(Section 33-1360, Article 64, Design Review, Design Changes and enforcement of the Escondido Zoning Code)**

With respect to the design modifications to the Design Review Permit, the Zoning Administrator makes the following findings for approval:

1. *The changes do not significantly alter the appearance, intent or purpose of the design;*

The applicant has requested Design Review modifications that consist of a revision to the exterior architectural features and design by replacing exterior wood elements with varied color scheme stucco product types, replacing wood fencing with wrought iron fences, removal of gas fire pit feature, amend the landscape plans to enhance the screening, relocations of shade tree, and inclusion of a required private sewer lift station (located in an open space area. The building orientations, street circulation, internal alignments of driveways, and parking remains as previously approved. The proposed modifications would continue utilizing the same access points from N. Nutmeg Street, while maintaining the general drainage systems, and utility layouts and would not significantly alter the

subdivision character or visual presence in the community. No other changes are proposed to the appearance or structures on the site.

Should be noted that the purpose of these proposed design changes is directly related the applicant pursuing and qualifying for an Insurance Institute of Business and Home Safety (IBHS) Wildfire Certification. This certification will provide homeowners with three layers of wildfire protection, 1) for the structure design features (hardening), 2) site design with revised tree setbacks and buffers from structures, and 3) supports fire defensible spaces of the community.

2. *The quality of the design, material and equipment is maintained or is superior to the previously approved design and specifications.*

The proposed design elements and replacement materials will be complimentary to the new Spanish Design; however, these design modifications will maintain the design integrity and visual positioning on-site. No other changes are proposed to the footprint of the building, site layout, and the landscape materials are consistent with what was approved.

## EXHIBIT C

### PLANNING CASE NO. PL24-0274 & PL25-0169

#### CONDITIONS OF APPROVAL AND ORIGINAL MITIGATION MEASURES

The Original 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 3, 2024. The revised Precise Development Plan modifications are conditionally approved and the original conditions and mitigation measures remain in effect.

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 24, 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 D**

### **PL24-0274 & PL25-0169**

Due to the size of the files, the plan set may be viewable by contacting the case planner at [greg.mattson@escondido.gov](mailto:greg.mattson@escondido.gov), or may be viewed at the Planning Counter Monday through Thursday from 8:00 AM – 5:00 PM



**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:** Modifications to approved Precise Development Plan (Nutmeg Subdivision North and South) & Design Review / PL24-0274/PL25-0169

**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:** Approval of a Precise Development Plan Modifications to a previously approved Precise Development Plan for the Nutmeg Subdivision (SUB18-0005 and SUB20-0007) to qualify for the Insurance Institute of Business and Home Safety (IBHS) Wildfire Certification ("Project"). The proposed Project also includes a Design Review Permit to modify the proposed exterior architectural features by eliminating wood elements, removal of gas fire pit feature, adjustments tree numbers and locations, and the inclusion of the private sewer lift station. The proposed modifications are in substantial compliance with the previously approved Master Plan.

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

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

Name: Jesse Kleist | Vice President | Forward Planning | KB Home Coastal  
 Address: 9915 Mira Mesa Blvd., Suite 100, San Diego, CA 92131 Telephone: (858) 877-4267

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 "Common Sense" 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:** Modifications to the Precise Development Plans are 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; 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

Date: \_\_\_\_\_

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant