

**Fact Sheet**  
**SITR v. City of Escondido**  
**Case No. 37-2013-00074375-CU-WM-NC**

**Background Recitals in the Agreement:**

Identifies the property, pre-August 13, 2013 general plan designation as Urban 1: Up to 5.5 du/acre, zoned R-1-7, and acquired by SITR on December 6, 2012. ECCHO Open Space Park Initiative adopted by Council in response to initiative petition. Litigation filed with subsequent motions and hearings. Application for 270 home project filed, determined incomplete;

**Procedural Steps**

City and SITR execute a “stipulation” for Judgment in the litigation.

Both parties accept the prior court ruling invalidating the Open Space-Park Initiative, and no further action repealing the ordinance is necessary.

SITR dismisses all remaining portions of the litigation, including the takings claim.

Each side bears their own costs and attorney fees.

Judgment would then be entered by the court and the case would be over.

**SITR**

- SITR withdraws the 2015 application for 270 homes; fees either credited or reimbursed
- SITR “intends to work with a homebuilder to act as the lead representative on any future development application for the Property...” At present “SITR is negotiating with KB Home, Zephyr, and California West Communities...” SITR “agrees that it will not be the applicant on any future development application, but retains the right to determine the selected developer....either from one of the foregoing entities or another experienced developer of residential communities...”
- The selected developer will “act on its behalf in submitting and processing any land use applications, including interface with the City, neighborhood outreach, and community involvement.....”
- The Parties “recognize the importance of community involvement in a successful development, and shall engage in reasonable efforts to facilitate such involvement...”
- SITR “retains discretion to control any new application for development....but shall consider proposals from the community for economically feasible development....”

**The City**

- The City agrees to “fairly and promptly process any application in accordance with all applicable laws...”
- Retains “its full range of police power and authority as provided by law...”
- Any application “...must be processed in accordance with CEQA, the Planning and Zoning Law, the Subdivision Map Act, and any other applicable laws.”