



Council Meeting Agenda

OCTOBER 19, 2016
CITY COUNCIL CHAMBERS
3:30 P.M. Closed Session; 4:30 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Sam Abed
DEPUTY MAYOR	Michael Morasco
COUNCIL MEMBERS	Olga Diaz Ed Gallo John Masson
CITY MANAGER	Graham Mitchell
CITY CLERK	Diane Halverson
CITY ATTORNEY	Jeffrey Epp
DIRECTOR OF COMMUNITY DEVELOPMENT	Bill Martin
DIRECTOR OF PUBLIC WORKS	Ed Domingue

ELECTRONIC MEDIA:

Electronic media which members of the public wish to be used during any public comment period should be submitted to the City Clerk's Office at least 24 hours prior to the Council meeting at which it is to be shown.

The electronic media will be subject to a virus scan and must be compatible with the City's existing system. The media must be labeled with the name of the speaker, the comment period during which the media is to be played and contact information for the person presenting the media.

The time necessary to present any electronic media is considered part of the maximum time limit provided to speakers. City staff will queue the electronic information when the public member is called upon to speak. Materials shown to the Council during the meeting are part of the public record and may be retained by the Clerk.

The City of Escondido is not responsible for the content of any material presented, and the presentation and content of electronic media shall be subject to the same responsibilities regarding decorum and presentation as are applicable to live presentations.



Council Meeting Agenda

**October 19, 2016
3:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Gallo, Masson, Morasco, Abed

ORAL COMMUNICATIONS

In addition to speaking during particular agenda items, the public may address the Council on any item which is not on the agenda provided the item is within the subject matter jurisdiction of the City Council. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) Speakers are limited to only one opportunity to address the Council under Oral Communications.

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

- I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)**
- | | | |
|----|-------------------------------|--|
| a. | Agency Negotiator: | Sheryl Bennett and Graham Mitchell |
| | Employee Organization: | Escondido Police Officers' Association |
| b. | Agency Negotiator: | Sheryl Bennett and Graham Mitchell |
| | Employee Organization: | Non-Sworn Police Bargaining Unit |
| c. | Agency Negotiator: | Sheryl Bennett and Graham Mitchell |
| | Employee Organization: | Escondido Firefighters' Association |
- II. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code §54957)**
- City Manager
 - City Attorney

This item was continued from October 12, 2016.

ADJOURNMENT



Council Meeting Agenda

**October 19, 2016
4:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

City Council agendas allow an opportunity for a moment of silence and reflection at the beginning of the evening meeting. The City does not participate in the selection of speakers for this portion of the agenda, and does not endorse or sanction any remarks made by individuals during this time. If you wish to be recognized during this portion of the agenda, please notify the City Clerk in advance.

FLAG SALUTE

ROLL CALL: Diaz, Gallo, Masson, Morasco, Abed

ORAL COMMUNICATIONS

The public may address the Council on any item that is not on the agenda and that is within the subject matter jurisdiction of the legislative body. State law prohibits the Council from discussing or taking action on such items, but the matter may be referred to the City Manager/staff or scheduled on a subsequent agenda. (Please refer to the back page of the agenda for instructions.) NOTE: Depending on the number of requests, comments may be reduced to less than 3 minutes per speaker and limited to a total of 15 minutes. Any remaining speakers will be heard during Oral Communications at the end of the meeting.

CONSENT CALENDAR

Items on the Consent Calendar are not discussed individually and are approved in a single motion. However, Council members always have the option to have an item considered separately, either on their own request or at the request of staff or a member of the public.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES: None Scheduled**

4. **[AUTHORIZATION TO ACQUIRE A SEWER AND ACCESS EASEMENT FOR THE VALIANO SEWER CONNECTION PROJECT \(APNS: 232-511-13 & -14\) -](#)**

Request the City Council approve authorizing the Real Property Manager to acquire a Sewer and Access Easement needed for the Valiano Sewer Connection Project.

Staff Recommendation: **Approval (City Manager's Office: Joyce Masterson/Debra Lundy)**

RESOLUTION NO. 2016-148

5. **[DISPOSITION OF VACANT PROPERTY ON CAMINO DRIVE \(APN: 224-750-42\) -](#)**

Request the City Council approve declaring the vacant lot at the end of Camino Drive cul-de-sac as surplus and authorize the Real Property Manager and the City Clerk to execute documents necessary to complete its sale.

Staff Recommendation: **Approval (City Manager's Office: Joyce Masterson/Debra Lundy)**

RESOLUTION NO. 2016-163

6. **[ESCONDIDO POLICE DEPARTMENT BODY-WORN CAMERA GRANT AND BUDGET ADJUSTMENT -](#)**

Request the City Council approve authorizing the Escondido Police Department to receive a Fiscal Year 2016 Body-worn Camera Policy and Implementation Program Grant in the amount of \$248,940; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: **Approval (Police Department: Craig Carter)**

7. **[FISCAL YEAR 2017 DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL ABC-OTS GRANT AND BUDGET ADJUSTMENT -](#)**

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2017 Department of Alcoholic Beverage Control ABC-OTS Grant in the amount of \$25,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments need to spend grant funds.

Staff Recommendation: **Approval (Police Department: Craig Carter)**

8. **[FINAL MAP, ESCONDIDO TRACT 932, LOCATED AT 1085 LEHNER AVENUE -](#)**

Request the City Council approve the Final Map for Tract 932, a 179 Lot Residential Subdivision located at 1085 Lehner Avenue.

Staff Recommendation: **Approval (Public Works Department/Engineering: Ed Domingue)**

9. **RUBBERIZED PAVEMENT GRANT PROGRAM APPLICATION -**

Request the City Council approve authorizing the Public Works Director or his designee to submit grant documents for Rubberized Pavement Grant Program funds for an amount up to \$350,000, from the California Department of Resources Recycling and Recovery (CalRecycle). If awarded, the resolution authorizes acceptance of the grant funds and completion of necessary documents required by CalRecycle.

Staff Recommendation: **Approval (Public Works Department/Engineering: Ed Domingue)**

RESOLUTION NO. 2016-152

CONSENT – RESOLUTIONS AND ORDINANCES (COUNCIL/SUCCESSOR AGENCY/RRB)

The following Resolutions and Ordinances were heard and acted upon by the City Council/Successor Agency/RRB at a previous City Council/Successor Agency/Mobilehome Rent Review meeting. (The title of Ordinances listed on the Consent Calendar are deemed to have been read and further reading waived.)

10. **EXTENSION OF TIME FOR A TENTATIVE SUBDIVISION MAP AND MODIFICATION TO A MASTER AND PRECISE DEVELOPMENT PLAN (SUB 15-0031, PHG 16-0010, AND ENV 16-0006) -**

Approved on October 12, 2016 with a vote of 3/1/1 (Diaz voting no; Masson absent)

ORDINANCE NO. 2016-14 (Second Reading and Adoption)

11. **GATEWAY GRAND - TENTATIVE SUBDIVISION MAP, SPECIFIC PLAN AMENDMENT, MASTER AND PRECISE DEVELOPMENT PLAN, AND DEVELOPMENT AGREEMENT FOR 126-UNIT RESIDENTIAL CONDOMINIUM PROJECT (SUB 16-0001, PHG 16-0005, AND ENV 16-0001) -**

Approved on October 12, 2016 with a vote of 3/1/1 (Abed abstained; Masson absent)

ORDINANCE NO. 2016-16 (Second Reading and Adoption)

PUBLIC HEARINGS

12. **LOCAL REGISTER DESIGNATION, MILLS ACT CONTRACT, AND CEQA EXEMPTION FOR 453 EAST SIXTH AVENUE (HP 16-0008 - PREVIOUSLY HP 15-0001) -**

Request the City Council approve listing of the property at 453 East Sixth Avenue on the City's Local Register of Historic Places; authorize entering into a Mills Act Contract, and approve the CEQA Exemption.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

RESOLUTION NO. 2016-155

13. [ZONING CODE AMENDMENTS TO RESTRUCTURE AND STREAMLINE DEVELOPMENT REVIEW PROCESSES \(AZ 16-0006\) -](#)

Request the City Council approve the adoption of the environmental document and amend Articles 10, 12, 13, 14, 26, 40, 55, 57, 63, 65, 66, and 70 of the Escondido Zoning Code. The proposed amendments would streamline various review processes to change the reviewing authority and eliminate some public hearings for conditional use permits (CUPs) and other applications, including, but no limited to, back-up/emergency generators, small lot developments, second dwelling units in the Old Escondido Neighborhood, private road easement access and grading exemptions.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

ORDINANCE NO. 2016-15 (Introduction and First Reading)

14. [FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR HENRY RANCH SUBDIVISION, TRACT 920 \(PHG 14-0026\) -](#)

Request the City Council approve the First Amendment to the Development Agreement between Henry Ranch Partnership/Farms, LLC, and the City of Escondido for the Henry Ranch Subdivision, Escondido Tract 920 located on the northern side of El Norte Parkway at Lincoln Avenue, east of La Honda Drive, addressed as 2355 E. Lincoln Avenue.

Staff Recommendation: **Approval (Community Development Department: Bill Martin and Public Works Department/Engineering: Ed Domingue)**

ORDINANCE NO. 2016-18 (Introduction and First Reading)

CURRENT BUSINESS

15. [ESCONDIDO PUBLIC LIBRARY RELOCATION FEASIBILITY REPORT -](#)

Request the City Council provide input and direction regarding the potential relocation and expansion of the Escondido Public Library to one of two possible sites - one within the current Grape Day Park boundary and the other in an envisioned expansion of Grape Day Park.

Staff Recommendation: **Provide Direction (City Manager's Office: Graham Mitchell and Community Services Department: Loretta McKinney)**

FUTURE AGENDA

16. [FUTURE AGENDA -](#)

The purpose of this item is to identify issues presently known to staff or which members of the City Council wish to place on an upcoming City Council agenda. Council comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

Staff Recommendation: **None (City Clerk's Office: Diane Halverson)**

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

CITY MANAGER'S UPDATE/BRIEFING

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development.

- [CITY MANAGER'S UPDATE -](#)

ORAL COMMUNICATIONS

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ADJOURNMENT

UPCOMING MEETING SCHEDULE

Date	Day	Time	Meeting Type	Location
October 26	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers
November 2	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers
November 9	-	-	No Meeting	-
November 15	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. Submission of Speaker forms prior to the discussion of an item is highly encouraged. Comments are generally limited to 3 minutes.

If you wish to speak concerning an item not on the agenda, you may do so under "Oral Communications." Please complete a Speaker's form as noted above.

Nomination forms for Community Awards are available at the Escondido City Clerk's Office or at <http://www.escondido.org/city-clerks-office.aspx>

Handouts for the City Council should be given to the City Clerk. To address the Council, use the podium in the center of the Chambers, STATE YOUR NAME FOR THE RECORD and speak directly into the microphone.

AGENDA, STAFF REPORTS AND BACK-UP MATERIALS ARE AVAILABLE:

- Online at <http://www.escondido.org/meeting-agendas.aspx>
- In the City Clerk's Office at City Hall
- In the Library (239 S. Kalmia) during regular business hours and
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

AVAILABILITY OF SUPPLEMENTAL MATERIALS AFTER AGENDA POSTING: Any supplemental writings or documents provided to the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's Office located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and clicking the "Live Streaming –City Council Meeting now in progress" button on the home page.

Please turn off all cellular phones and pagers while the meeting is in session.

**The City Council is scheduled to meet the first four Wednesdays
of the month at 3:30 in Closed Session and 4:30 in Open Session.
(Verify schedule with City Clerk's Office)**

**Members of the Council also sit as the Successor Agency to the CDC, Escondido Joint Powers
Financing Authority and the Mobilehome Rent Review Board.**

**CITY HALL HOURS OF OPERATION
Monday-Friday 8:00 a.m. to 5:00 p.m.**



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4643. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

Listening devices are available for the hearing impaired – please see the City Clerk.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4

Date: October 19, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Debra Lundy, Real Property Manager

SUBJECT: Authorization to Acquire a Sewer and Access Easement for the Valiano Sewer Connection Project (APNs: 232-511-13 & 14)

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2016-148, authorizing the Real Property Manager to acquire a Sewer and Access Easement needed for the Valiano Sewer Connection Project ("Project").

FISCAL ANALYSIS:

The just compensation to the property owner is being paid by a private developer. This action will have no fiscal impact on the City.

PREVIOUS ACTION:

N/A

BACKGROUND:

Under the terms of a Memorandum of Understanding between the County of San Diego and the City, the new Valiano residential development project, located largely within the City's sphere of influence, will connect to City sewer. In order to make the sewer connection, the City will need to acquire an easement from San Diego Gas & Electric Company ("SDG&E") across two of its parcels.

The easement interest has been appraised and the just compensation has been established as \$5,500. Staff is seeking the City Council's approval to make an offer for the easement across the northern edge of SDG&E property (APNs: 232-511-13 & 14) in accordance with Government Code section 7267.2(a) and to commence negotiations to acquire the needed land rights for the Valiano Sewer Connection Project.

Respectfully submitted,


Debra Lundy
Real Property Manager

RESOLUTION NO. 2016-148

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE REAL PROPERTY
MANAGER, ON BEHALF OF THE CITY, TO
ACQUIRE RIGHT-OF-WAY FOR THE
VALIANO SEWER CONNECTION PROJECT

APNs: 232-511-13 & 14 (SDG&E)

WHEREAS, the City and County of San Diego entered into a Memorandum of Understanding pertaining to the Valiano Residential Development Project, under which the parties agreed that the development would connect to the City's sewer (Valiano Sewer Connection Project, "Project"); and

WHEREAS, a sewer and access easement will be required for the Project; and

WHEREAS, there are two parcels owned by San Diego Gas & Electric Company that will be impacted by the proposed Project; and

WHEREAS, the easement interest to be acquired has been appraised and the amount of just compensation has been established as \$5,500; and

WHEREAS, City Council deems it to be in the best interest of the City to acquire the easement interests necessary for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City Council authorizes the Real Property Manager to engage in all the necessary action related to the acquisition, which include the authority to make an offer, as well as accept and record the deed required for the Project.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5

Date: October 19, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Debra Lundy, Real Property Manager

SUBJECT: Disposition of Vacant Property on Camino Drive (APN: 224-750-42)

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2016-163, declaring the vacant lot at the end of the Camino Drive cul-de-sac as surplus, and authorizing the Real Property Manager and the City Clerk to execute documents necessary to complete its sale.

FISCAL ANALYSIS:

Sales proceeds in the amount of \$2500, less closing costs, will be deposited into the General Fund.

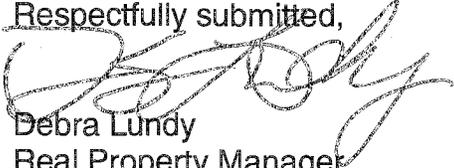
PREVIOUS ACTION:

N/A

BACKGROUND:

The subject property is a 3,272 square foot, unimproved, lot situated at the end of Camino Drive cul-de-sac. The lot was dedicated at no cost to the City by map for the potential future extension of Camino Drive. City Engineering staff has determined that the parcel is no longer required for street purposes and there are no plans to extend Camino Drive. The property is situated on the edge of the City's jurisdiction. The adjacent residential property owner paid the \$2500 fee for unsolicited offers, which was applied to the cost of an appraisal report. The property was appraised at \$2500, which represents the anticipated purchase price. Staff is seeking the City Council's determination that this parcel is surplus and authorization for the Real Property Manager and City Clerk to execute documents necessary to complete the sale.

Respectfully submitted,


Debra Lundy
Real Property Manager

RESOLUTION NO. 2016-163

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE REAL PROPERTY MANAGER AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A GRANT DEED AND NECESSARY ESCROW DOCUMENTS FOR THE SALE OF VACANT LAND AT THE END OF CAMINO DRIVE CUL-DE-SAC (APN: 224-750-42)

WHEREAS, there is a certain unimproved City-owned real property situated at the end of Camino Drive cul-de-sac (APN: 224-750-42), (the "Property"); and

WHEREAS, the owner of the abutting residential property, 2147 Camino Drive, paid the fee for an unsolicited offer, which was applied to an appraisal of the City's land; and

WHEREAS, the City received an offer from the abutting property owner, ("Buyer") to purchase the property for \$2,500, which represents the market value as substantiated by the City's appraisal report; and

WHEREAS, the City wishes to sell the Property for \$2500 and to enter into escrow with the Buyer; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the sale of the Property to the Buyer.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.

2. The Real Property Manager and City Clerk are authorized to execute, on behalf of the City, a Grant Deed and all necessary related escrow documents to complete the sale.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
Date: **October 19, 2016**

TO: Honorable Mayor and Members of the City Council
FROM: Craig Carter, Chief of Police
SUBJECT: Escondido Police Department Body-worn Camera Grant

RECOMMENDATION:

It is requested that the City Council authorize the Escondido Police Department to receive a FY 2016 Body-worn Camera Policy and Implementation Program Grant in the amount of \$248,940; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds allocated to the City will be used to support the Body-worn Camera Program.

The grant requires a match of \$250,427. This amount will include in-kind salaries for program supervision and records supervision.

PREVIOUS ACTION:

None

BACKGROUND:

The Escondido Police Department received a \$248,940 FY 2016 Body-worn Camera Policy and Implementation Program Grant from the U.S. Department of Justice. This grant allocation will enhance the Escondido Police Department's Body-worn Camera Program.

Respectfully submitted,



Mike Loarie
Police Captain

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7
Date: **October 19, 2016**

TO: Honorable Mayor and Members of the City Council
FROM: Craig Carter, Chief of Police
SUBJECT: FY 2017 Department of Alcoholic Beverage Control ABC-OTS Grant

RECOMMENDATION:

It is requested that the City Council authorize the Escondido Police Department to accept a FY 2017 Department of Alcoholic Beverage Control ABC-OTS Grant in the amount of \$25,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used to pay overtime expenses.

PREVIOUS ACTION:

City Council accepted a FY 2016 Department of Alcoholic Beverage Control Local Law Enforcement Grant in the amount of \$54,422 on June 24, 2015.

BACKGROUND:

The Escondido Police Department received a FY 2017 Department of Alcoholic Beverage Control ABC-OTS Grant in the amount of \$25,000. This grant will fund grant-required training, overtime and overhead expenses for officers to conduct operations related to alcohol sales to minors and to enhance local efforts to reduce alcohol-related problems in the community.

Respectfully submitted,

Mike Loarie
Police Captain

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8
Date: **October 19, 2016**

TO: Honorable Mayor and Members of the City Council
FROM: Edward N. Domingue, Director of Public Works/City Engineer
Owen Tunnell, Principal Engineer
SUBJECT: Final Map, Escondido Tract 932, located at 1085 Lehner Avenue

RECOMMENDATION:

It is requested that the City Council approve the Final Map for Tract 932, a 179 Lot Residential Subdivision located at 1085 Lehner Avenue.

FISCAL ANALYSIS:

The cost for review of the Final Map is paid by the developer in accordance with the adopted fee schedule.

PREVIOUS ACTION:

This project was approved by the City Council on February 28, 2007, as Resolution No. 2007-22(R), together with a Development Agreement approved as Ordinance No. 2007-04. The City Council has subsequently approved two Amendments to the Development Agreement and two Addendums to the second of these Development Agreement Amendments. Shea Homes, as the developer, renamed the project Canyon Grove Estates and received approval of the Precise Development Plan by the Planning Commission on June 25, 2016, as Resolution No. 6069.

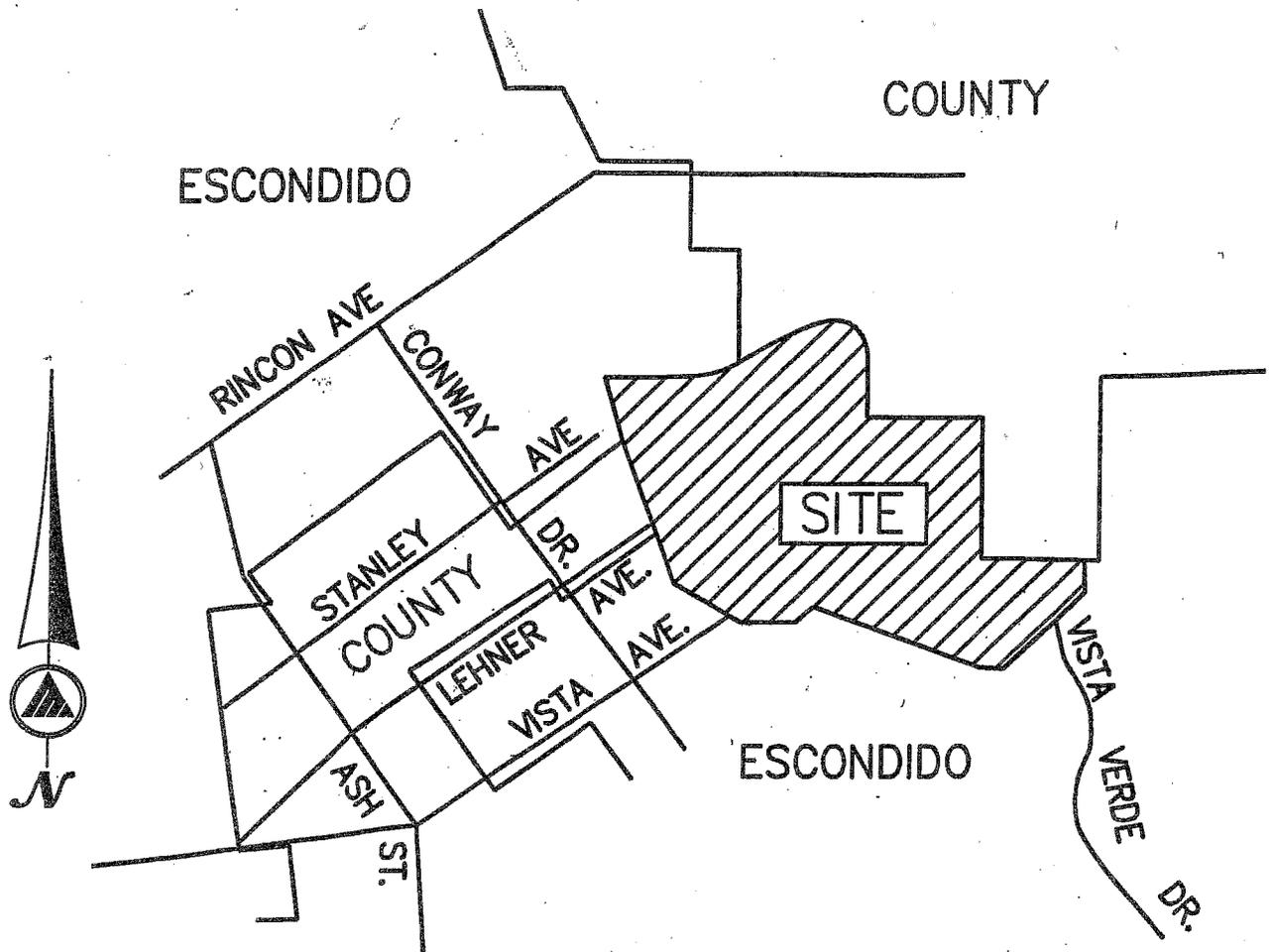
BACKGROUND:

Staff has examined this Final Map and found it to be mathematically correct and in substantial conformance to the approved Tentative Subdivision Map and subject to the conditions of approval and the terms of the Amended Development Agreement and its Addendums. This Final Map conforms to the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval. The Planning Department has reviewed and approved the Final Map.

Respectfully submitted,


Edward N. Domingue, P.E.
Public Works Director/City Engineer


Owen Tunnell
Principal Engineer



VICINITY MAP

TB 1109 J4, 1110 A4
NO SCALE

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9
Date: October 19, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Director of Public Works/City Engineer
Karen Youel, Housing and Neighborhood Services Manager

SUBJECT: Rubberized Pavement Grant Program Application

RECOMMENDATION:

It is requested that the City Council adopt Resolution 2016-152, authorizing the Public Works Director or his designee to submit grant documents for Rubberized Pavement Grant Program funds for an amount up to \$350,000, from the California Department of Resources Recycling and Recovery (CalRecycle). If awarded, the resolution authorizes acceptance of the grant funds and completion of necessary documents required by CalRecycle.

FISCAL ANALYSIS:

Grant funds, will leverage funds reserved for the Citywide annual pavement program, in order to use Rubberized Asphalt Concrete (RAC) products in addition to traditional asphalt paving materials. Grant awards are based on a flat rate of \$1.00 per square yard of rubberized chip seal material. Costs must be incurred for paving projects before April 1, 2019.

PREVIOUS ACTION:

On October 22, 2014, the City Council authorized the Public Works Director to submit grant documents for the 2014 Pavement Grant Program. The City received an award not to exceed \$147,144

BACKGROUND:

CalRecycle administers the Rubberized Pavement Program in order to promote markets for recycled-content surfacing products derived from waste tires generated in California and decrease the adverse environmental impacts created by unlawful disposal and stockpiling of waste tires. CalRecycle administers various grant programs in furtherance of the State of California's efforts to reduce, recycle and reuse solid waste generated in the state, thereby, preserving landfill capacity and protecting public health, safety and the environment.

Rubberized Pavement Grant Program Application

October 19, 2016

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RAC is a proven road paving material that has been used in California since the 1970s. It is made by blending ground tire rubber with asphalt binder which is then mixed with conventional aggregate materials. Benefits include cost effectiveness, durability, safety, noise reduction, and an environmentally friendly alternative to traditional road paving materials.

Respectfully submitted,



Edward N. Domingue, P.E.
Public Works Director/City Engineer



Karen Youel
Housing & Neighborhood Services Manager

RESOLUTION NO. 2016-152

A RESOLUTION OF THE CITY OF
ESCONDIDO AUTHORIZING SUBMITTAL
OF APPLICATION FOR RUBBERIZED
PAVEMENT GRANT PROGRAM

WHEREAS, Public Resources Code sections 48000 et seq., authorize the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs in furtherance of the State of California's efforts to reduce, recycle and reuse solid waste generated in the state, thereby, preserving landfill capacity and protecting public health, safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the City of Escondido authorizes the submittal of application(s) to CalRecycle for the Rubberized Pavement Grant Program.
3. That the Public Works Director, or his/her designee, is hereby authorized and empowered to execute in the name of the City of Escondido all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project.

4. That these authorizations are effective for five (5) years from the date of adoption of this resolution.

ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MODIFICATION TO A MASTER AND PRECISE DEVELOPMENT PLAN FOR A 78,067 SF SELF-STORAGE FACILITY LOCATED ON THE SOUTHERN SIDE OF BROTHERTON ROAD, WEST OF CRANSTON DRIVE, ADDRESSED AS 2319 CRANSTON DRIVE

Planning Case No.: PHG 16-0010

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and a public hearing has been held before the City Council on this issue.

SECTION 2. That on January 11, 2006, the Escondido City Council approved a Master and Precise Development Plan (City File No. 2004-70-PD/GE) for a 71,285 SF self-storage facility on a 1.82-acre commercial lot along with a Grading Exemption for a combination 1½:1 cut slope/retaining wall up to 18 feet in height in the PD-C (Planned Development-Commercial) zone. The project also included a five-lot Tentative Subdivision Map (TR 900) consisting of one 1.82-acre commercial lot (Lot 1) within the PD-C zone and four single-family residential lots (Lots 2-5) on 1.38 acres of land within the R-1-10 zone (Single-Family Residential, 10,000 SF min. lot size). The overall 3.2-acre project site generally is located on the southwestern corner of Brotherton Road and Cranston Drive, addressed as 2319 Cranston Drive (APNs 238-141-34 and -41), more particularly described in Exhibit "C," and incorporated by this reference.

**A COMPLETE COPY OF THIS ORDINANCE
IS ON FILE IN THE OFFICE OF THE CITY
CLERK FOR YOUR REVIEW.**

ORDINANCE NO. 2016-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN AMENDMENT TO THE DOWNTOWN SPECIFIC PLAN, A MASTER AND PRECISE DEVELOPMENT PLAN, AND DEVELOPMENT AGREEMENT FOR A 126-UNIT RESIDENTIAL CONDOMINIUM PROJECT ON APPROXIMATELY 2.59 ACRES OF LAND LOCATED ON THE SOUTHERN SIDE OF WEST VALLEY PARKWAY AND NORTHERN SIDE OF WEST GRAND AVENUE, BETWEEN SPRUCE STREET AND QUINCE STREET, ADDRESSED AS 700 W. GRAND AVENUE

Planning Case No. SUB 16-0001

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN as follows:

SECTION 1. That proper notices of a public hearing have been given and a public hearing has been held before the City Council on this issue.

SECTION 2. That on September 13, 2016, the Planning Commission recommended approval of a proposed Tentative Subdivision Map, Specific Plan Amendment, Master and Precise Development Plan, and Development Agreement for a 126-unit residential condominium project on the 2.59-acre subject site.

SECTION 3. That the City Council has reviewed and considered the Mitigated Negative Declaration (City File No. ENV 16-0001) and Mitigation Monitoring Report and has determined that all environmental issues associated with the project have been addressed and no significant environmental impacts will result from approving the project.

A COMPLETE COPY OF THIS ORDINANCE IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR YOUR REVIEW.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 12

Date: October 19, 2016

TO: Honorable Mayor and City Council
FROM: Bill Martin, Director of Community Development
SUBJECT: Local Register Designation and Mills Act Contract for 453 East 6th Avenue (Case HP 16-0008).
APPLICANT: Lorene I. Hatley

RECOMMENDATION:

1. Approve listing the residence on the City's Local Register by adopting Resolution No. 2016-155.
2. Authorize entering into Mills Act Contracts by adopting Resolution No. 2016-155.
3. Approve the CEQA Exemption.

ENVIRONMENTAL STATUS:

In compliance with CEQA Section 15331, "Historical Resource Restoration/ Rehabilitation," a Notice of Exemption was prepared on October 5, 2015.

FISCAL ANALYSIS:

Approval of a Mills Act Contract would reduce the property tax to the homeowner, and proportionately reduce the City's share of property taxes. The annual tax revenue loss to the City on this property is estimated to be less than \$200. The City has currently entered into 86 Mills Act contracts, which have cumulatively reduced the City share of property taxes by approximately \$20,600.

GENERAL PLAN ANALYSIS:

The property is located within the Urban I (U1) land use designation of the General Plan. Historic & Cultural Resources Policy VII.G encourages the preservation of buildings and areas with special and recognized historic and architectural value.

ZONING:

The subject property is located in the R-1-6 (Residential Single-Family, 6000 SF minimum lot size) zone and within the Old Escondido Neighborhood historic district.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

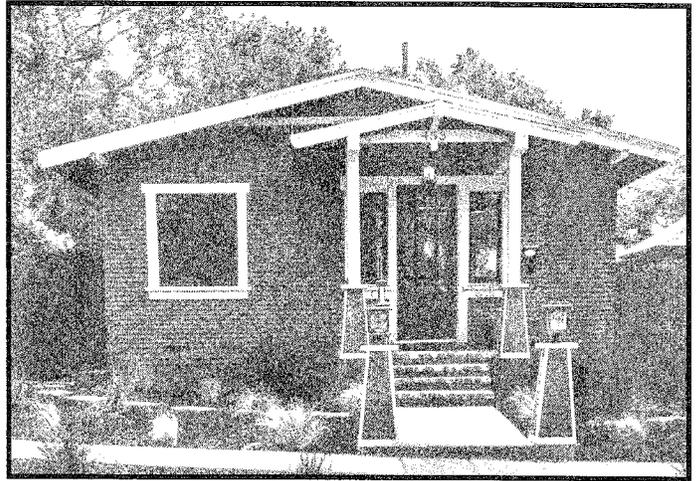
The Historic Preservation Commission (HPC) voted unanimously to recommend approval of adding the structure to the Local Register Listing and entering into a Mills Act Contract on October 6, 2015. At the time the subject residence was on the same property as the house to the west addressed as 447 East 6th Avenue and both were reviewed together as case number HP 15-0001. The property has

since been split and the subject residence sold. The new owners have asked to continue processing the Local Register and Mills Act requests as a separate property.

BACKGROUND:

The subject property, addressed as 453 East 6th Avenue, is within the Old Escondido Neighborhood historic district and contains a single story California Bungalow built in 1910. A double garage built off the alley and clad in stucco was added later. The historian reviewing the property for the City's 1990 Historic Survey considered the residence itself "Significant" and minimally altered.

The previous property owner found evidence in 2015 of an earlier original front entry. Working with a local architect, and using nearby historic residences of the same era as a model, they restored the Craftsman porch to what is seen in the accompanying photo. The design for the porch restoration was also reviewed by the HPC and a Certificate of Appropriateness was issued by the Planning Division.



ANALYSIS:

Escondido Historical/Cultural Resources Survey: The applicant has conducted the required historic research and data collection, and has provided the information on the required State Department of Parks and Recreation forms (see attached). The information provided by the applicant includes historical background and descriptive analysis of the architectural style and is adequate for the purpose of determining the appropriateness of adding the structure to the Local Register.

Local Register Listing: Requests for listing resources on the Local Register require that both the Historic Preservation Commission and the City Council conduct a public hearing to consider the request and receive property owner consent. Historic resources are evaluated against seven criteria found in Article 40, Sec. 33-794 of the Zoning Code. In order to qualify, a property must meet at least two of the seven criteria. Staff recommends listing the subject property on the Local Register of Historic Places since it meets three of the seven criteria as specifically detailed below:

2. Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered.

The existing Craftsman Bungalow is mostly as it was originally when built circa 1910.

5. Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past fifty (50) years.

The structure was originally built circa 1910 and is currently 106 years old.

6. Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district.

This residence is located on East 6th Avenue between South Juniper and South Hickory Streets. Within this block are seventeen properties. Fourteen of these contain residences of a similar era found in the City's 1990 Historic Survey, ten of those are on the Local Register, and two of those currently have Mills Act contracts.

Mills Act Contract: The Mills Act is a provision in state law that enables owners of designated historic properties to voluntarily enter into a preservation contract with the City and receive a reduction in their property taxes. The contract runs for ten years and it is automatically renewed each year unless a notice of non-renewal is filed. The terms of the contract require that the owner make a commitment to maintain the property and complete other improvements (see Attachment 'B' of the contract). As indicated, significant future improvements at this property by the new owners are planned and have been approved by the HPC. All improvements must be performed to the Secretary of the Interior Standards. In addition, the applicant has been informed that all exterior modifications require staff review, the issuance of a Certificate of Appropriateness, and may require permits from the City's Building Division.

CONCLUSION:

By designating the property on the Local Register, the Council will be furthering the preservation of historic resources associated with the history of Escondido. By approving a Mills Act Contract for this property, the City would be incurring a relatively small loss per year of property tax revenue. This will provide the property owner a tax savings that will be earmarked for preserving the property.

Respectfully submitted,



Bill Martin
Director of Community Development



Paul K. Bingham
Assistant Planner II

ATTACHMENT "A"

LEGAL DESCRIPTION

Those portions of the resurvey of Block "J" of Escondido, in the City of Escondido, County of San Diego, State of California, according to the Map thereof No. 722, filed in the Office of the County Recorder on August 13, 1892, being more particularly described as follows:

PARCEL B:

BEGINNING at a point in the Northwesterly line of said Block "J", distant South $69^{\circ} 41' 15''$ West, 74.74 feet from the Northeasterly corner of said Block "J"; said point also being the Northeasterly corner of Parcel 2 as described per Grant Deed recorded on November 20, 2013, as File No. 2013-0685564, of Official Records; thence along the said Northwesterly line of Block "J", South $69^{\circ} 41' 15''$ West, 33.00 feet to a point distant North $69^{\circ} 41' 15''$ East; 42.00 feet from the Northwesterly corner of Parcel 1 of said Grant Deed; thence leaving said Northwesterly line, South $19^{\circ} 19' 48''$ East, 100.05 feet to the Southeasterly line of said Parcel 1, said point being distant North $64^{\circ} 41' 20''$ East, 41.40 feet from the Southwesterly corner of said Parcel 1; thence along said Southeasterly line, North $64^{\circ} 41' 20''$ East, 33.80 feet to the Southeasterly corner of said Parcel 2; thence along the Northeasterly line of said Parcel 2, North $20^{\circ} 10' 14''$ West, 97.10 feet to the POINT OF BEGINNING.

Together with that portion of the Southeasterly half of Sixth Avenue adjoining said Block "J" on the Northwest and that portion of the Northwesterly half of the alley in said Block "J" that lies between the Northwesterly and Southeasterly extension of the Northeasterly and Southwesterly lines of the above described land.

Parcel Number 233-283-30-00 and a Portion of Parcel Number 233-283-29-00

ATTACHMENT "B"

Mills Act Application List of Improvements

Property Address: 453 East Sixth Avenue
Property Owner: Lorene I. Hatley

For 453 East Sixth Avenue:

1. Restoration of original exterior windows.
2. Replacement of non-original windows with period-correct materials and architectural styles.
3. Restoration of original exterior doors.
4. Replacement of non-original doors with period-correct materials and architectural styles.
5. Installation of period-correct fencing.
6. Repainting of structures with period-correct color palette.
7. Addition of "carriage house" design style elements to existing garage.



HISTORIC PRESERVATION COMMISSION

Agenda Item No.: G.1
Date: October 6, 2015

TO: Historic Preservation Commission
FROM: Paul Bingham, Assistant Planner II
REQUESTS: Residences addressed as 447 & 453 East Sixth Ave. (case number HP15-0001)
1. Local Register listing
2. Mills Act contract
3. Consideration of the proposed CEQA exemption
RECOMMENDATION: Forward recommendations of approval to the City Council

BACKGROUND:

City of Escondido Historical/Cultural Resources Survey

A City of Escondido Historical/Cultural Resources Survey was completed in 1990 (Agis, May 1990). Close to 1,000 resources were inventoried in the survey for their significance. The Survey of 1990 was conducted in compliance with procedures established by the U.S. Department of the Interior, National Park Service and the State Office of Historic Preservation. A Historical/Cultural Resources Survey is a collection of information that identifies documents and describes the historical resources in the community. The survey also associates the resources with historical events and/or people. Among other preservation programs, the survey serves as the basis for historic preservation plans. The survey also fulfills a higher level of historic nomination requirements (Local, State and National), it allows for the applicability of Historic Building Code in regard to rehabilitation/renovation of structures, and justifies local, state and federal funding assistance.

Local Register of Historic Places Listing

The Historic Preservation Ordinance No. 2000-23, Section 33-794-5 identifies a process and criteria for listing historic structures on the City's Local Register. Requests for listing on the Local Register require that both the Historic Preservation Commission and the City Council conduct a public hearing to consider the request. The historic resource is evaluated against seven criteria and must meet at least two of the seven.

Mills Act Contract and Property Applying

The Mills Act is a state law that enables owners of designated historic properties to enter into a preservation contract with their local legislative body and receive a substantial reduction in the property taxes. One of the incentives for the preservation of historic and/or cultural resources, approved in 1989, allows property owners of designated historic resources to enter into a Mills Act contract with the City. The revised Historic Ordinance 92-409, adopted by Council on October 28, 1992, clarified that a property owner may apply for a Mills Act contract if the resource has been listed as a Local Register property. The current owner is requesting that the subject property be approved for Local Register listing.

The subject property, APN 233-283-2600, consists of .184 acres and is addressed as 447 & 453 East Sixth Avenue. On the property are two separate single-story residences facing the street. It appears the property may have originally been two lots which were later combined. The owner is currently processing a Certificate of Compliance case (SUB 15-0006) in an attempt to legally recreate two lots. The residence addressed as 447 East Sixth is a square shiplap-clad Italianate Cottage built circa 1910 with a detached single bay garage off the alley. The residence addressed as 453 East Sixth is a small rectangular clapboard-clad California Bungalow built circa 1895 with a detached stuccoed two bay garage off the alley. Both residences have later rear additions and front pergolas, but are otherwise mostly as they were when originally built. The placement of the structures and associated fencing on the site give the appearance of two lots similar to the other neighboring lots on both sides of this block also developed with single-family homes.

ANALYSIS

Escondido Historical/Cultural Resources Survey

The applicant has conducted the required historic research and data collection, and has provided the information on the required format, State Department of Parks and Recreation forms (see attached). The

information provided by the applicant, including historical background and descriptive analysis of the architectural style, is adequate for the purpose of determining the appropriateness of adding the structures to the survey.

Local Register of Historic Places Listing

This request by the current owners, John and Lisa DiGiacomo, is to consider placing these resources on the Local Register.

447 East Sixth Avenue:

This residence is over 100 years old and meets the following four of seven criteria (*note that only two are required for Local Register listing approval*):

2. Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered.

The existing Italianate Cottage is mostly as it was originally when built circa 1910.

5. Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past fifty (50) years.

The structure was built circa 1910 and is currently 105 years old

6. Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district.

This residence is located on East Sixth Avenue between South Juniper and South Hickory Streets. Within this block are seventeen properties. Fourteen of these contain residences of a similar era found in the City's 1990 Historic Survey, ten of those are on the Local Register, and two of those have Mills Act contracts.

7. Escondido historic building that is one of the few remaining examples in the City possessing distinguishing characteristics of an architectural type.

This residence is an Italianate Cottage. There are perhaps only a dozen Italianate structures left in the City.

453 East Sixth Avenue:

This residence is over 100 years old and meets the following three of seven criteria (*note that only two are required for Local Register listing approval*):

2. Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered.

The existing Craftsman Bungalow is mostly as it was originally when built circa 1895.

5. Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past fifty (50) years.

The structure was originally built circa 1895 and is currently 120 years old.

6. Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district.

This residence is located on East Sixth Avenue between South Juniper and South Hickory Streets. Within this block are seventeen properties. Fourteen of these contain residences of a similar era found in the City's 1990 Historic Survey, ten of those are on the Local Register, and two of those have Mills Act contracts.

Mills Act Contract

The Mills Act contract is for a minimum of ten years and automatically renews each year unless a notice of non-renewal is filed. The terms of the contract require that the property owner make a commitment to maintain the structure and surrounding property, per a maintenance schedule that has been included with this report (see attached). All improvements must be performed to the Secretary of the Interior Standards. In addition, the applicant has been informed that all exterior modifications require staff review. Staff feels that the proposed Mills Act Contract is appropriate since the property meets the established criteria for a historic resource, and adequate improvements for each residence have been listed.

Respectfully Submitted,



Paul K. Bingham
Assistant Planner II

**Mills Act Application
List of Improvements**

Property Address: 447 & 453 East Sixth Avenue
Property Owners: John & Lisa DiGiacomo

For 447 East Sixth Avenue:

1. Restoration of original exterior windows.
2. Replacement of non-original windows with period-correct materials and architectural styles.
3. Restoration of original exterior doors.
4. Replacement of non-original doors with period-correct materials and architectural styles.
5. Installation of period-correct fencing.
6. Repainting of structures with period-correct color palette.
7. Expansion of garage to 2-car capacity using period-correct "carriage house" architectural style.

For 453 East Sixth Avenue:

1. Restoration of original exterior windows.
2. Replacement of non-original windows with period-correct materials and architectural styles.
3. Restoration of original exterior doors.
4. Replacement of non-original doors with period-correct materials and architectural styles.
5. Installation of period-correct fencing.
6. Repainting of structures with period-correct color palette.
7. Addition of "carriage house" design style elements to existing garage

City of Escondido
HISTORIC RESOURCES INVENTORY

IDENTIFICATION AND LOCATION

1. Historic Name
2. Common or Current Name
3. Number & Street 447 E. Sixth Avenue

Ser.No.
 Natl. Reg. Status
 Local Designation
 Local Ranking individ.signif.

Cross-Corridor

- City: Escondido Vicinity Only Zip 92025 County: San Diego
4. UTM zone A E4931.70 B N36642.50 C Zone 11 D
 5. Quad map No. Parcel No. 233-283-26 Other

DESCRIPTION

6. Property Category If district, number of documented resources
7. Briefly describe the present physical appearance of the property, including condition, boundaries, related features, surroundings, and (if appropriate) architectural style.

A truncated hip roof tops this single-story square house with shiplap siding. Enclosed eaves with a plain wide frieze circles the perimeter of the house. Tall, narrow, double-hung wood-framed windows are placed on each side of the front door and on the east and west sides. An addition to the back juts out on the west side and has a hip roof, shiplap siding and shorter windows. A small flat roofed porch in the front is supported by square wood posts. A pergola has been added to each side.

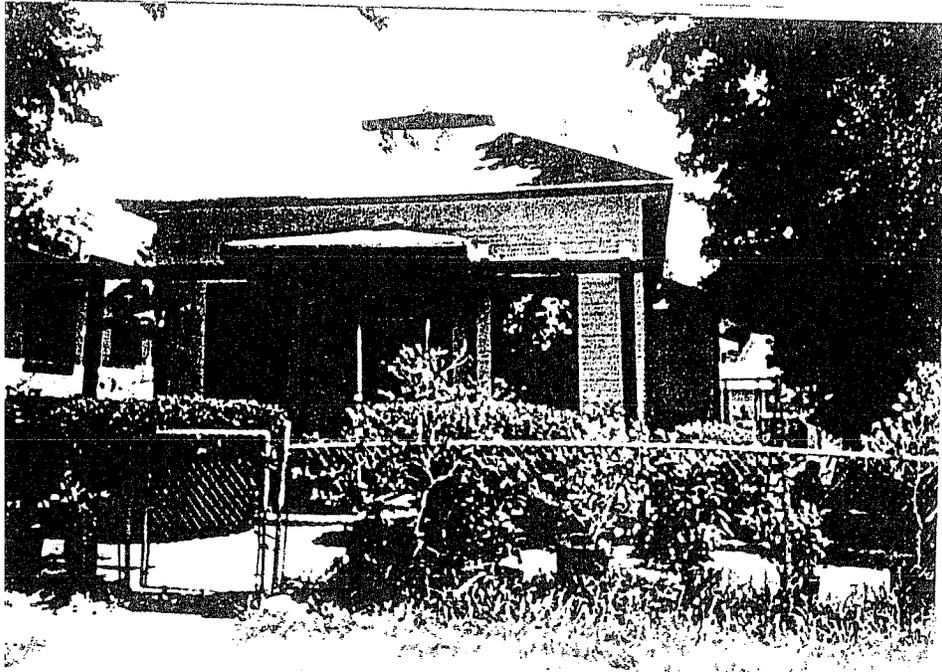
The architectural style is: Italianate cottage

The condition is: good

The related features are: garage

The surroundings are: residential

The boundaries are:



8. Planning Agency City of Escondido
9. Owner and Address Alfred R. & Emilia S. Switghall
 131 S. Escondido Blvd.
 Escondido 92025
10. Type of Ownership private
11. Present Use residence
12. Zoning
13. Threats none known

HISTORICAL INFORMATION

14. Construction Date(s) :1895 Original location unknown Date moved
15. Alterations & date Pergolas in front, addition on back
16. Architect unknown Builder unknown
17. Historic attributes (with number from list)

SIGNIFICANCE AND EVALUATION

18. Context for Evaluation: Theme architecture Area
Period Property Type Context formally developed?
19. Briefly discuss the property's importance within the context. Use historical and architectural analysis as appropriate. Compare with similar properties.

This is one of the earliest houses in this area which has remained unaltered. As it is situated on a street with several historic houses, it contributes substantially to the historic streetscape of the area.

20. Sources

21. Applicable National Register criteria

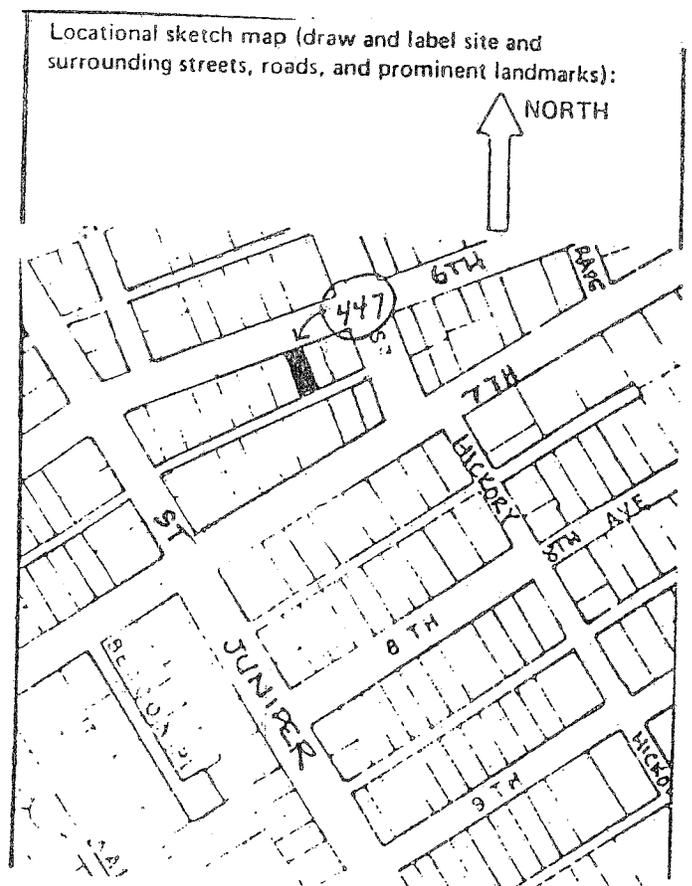
22. Other Recognition: State Landmark Number

23. Evaluator Date of Evaluation 1990

24. Survey type

25. Survey name

26. Year Form Prepared 1983 By(Name) Donald A. Cotton Associates Organization Revised by Aegis 1990 Address 111 Spring Street City & Zip Claremont, CA 91711 Phone (714) 621 1207



City of Escondido
HISTORIC RESOURCES INVENTORY

IDENTIFICATION AND LOCATION

1. Historic Name
2. Common or Current Name
3. Number & Street 453 E. Sixth Avenue

Ser.No.
 Natl. Reg. Status
 Local Designation
 Local Ranking significant

City: Escondido Vicinity Only Cross-Corridor
 Zip 92025 County: San Diego
 4. UTM zone A E4931.80 B N36642.70 C Zone 11 D
 5. Quad map No. Parcel No. 233-283-26 Other

DESCRIPTION

6. Property Category If district, number of documented resources
7. Briefly describe the present physical appearance of the property, including condition, boundaries, related features, surroundings, and (if appropriate) architectural style.

A low, wide gabled roof running front to back (north to south) tops this rectangular single-story cottage. Narrow clapboard siding sheaths the house. Double-hung wood-sash windows are used throughout including next to the front door in the front (north) facade. A small flat-roofed porch shelters the front door which features sidelights. A vertical lath vent trims the gable peak.

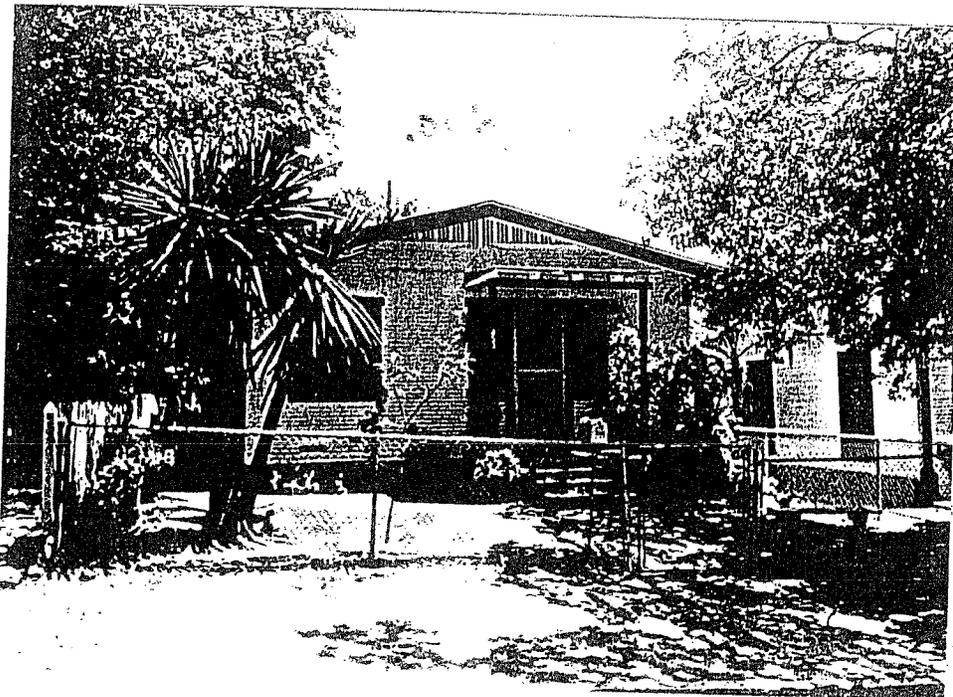
The architectural style is: California bungalow

The condition is: good

The related features are: none

The surroundings are: densely built-up residential

The boundaries are:



8. Planning Agency City of Escondido
9. Owner and Address Alfred R. & Emilia S. Switgall
 131 S. Escondido Blvd.
 Escondido 92025
10. Type of Ownership private
11. Present Use residence
12. Zoning
13. Threats none known

HISTORICAL INFORMATION

14. Construction Date(s) c1910 Original location unknown Date moved
15. Alterations & date none apparent
16. Architect unknown Builder unknown
17. Historic attributes (with number from list)

SIGNIFICANCE AND EVALUATION

18. Context for Evaluation: Theme architecture Area
Period Property Type Context formally developed?
19. Briefly discuss the property's importance within the context. Use historical and architectural analysis as appropriate. Compare with similar properties.

20. Sources

21. Applicable National Register criteria

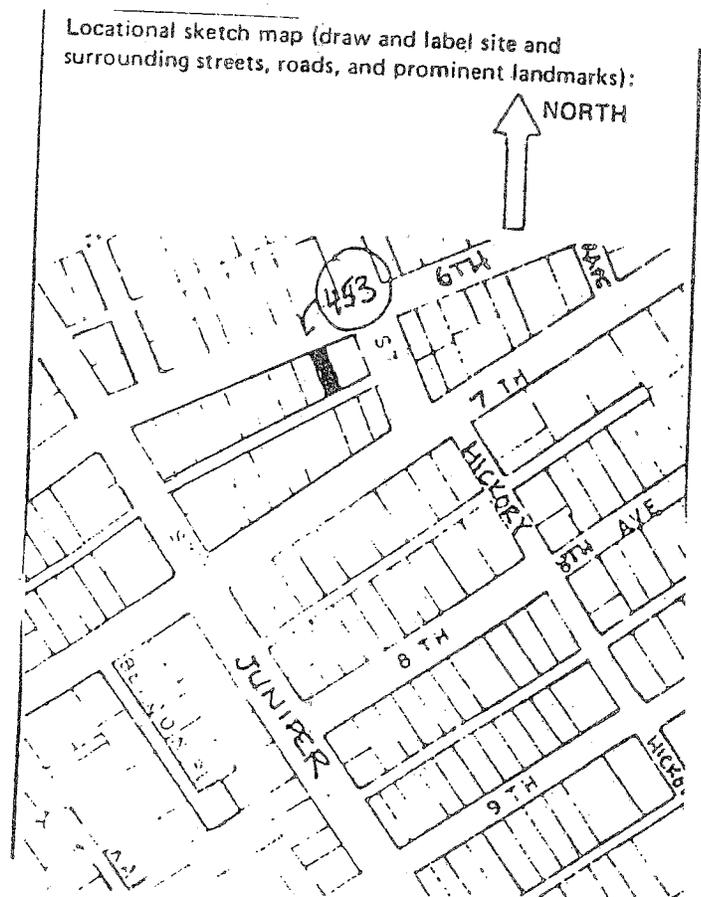
22. Other Recognition:
State Landmark Number

23. Evaluator
Date of Evaluation 1990

24. Survey type

25. Survey name

26. Year Form Prepared 1993
By(Name) Donald A. Cotton Associates
Organization Revised by Aegis 1990
Address 111 Spring Street
City & Zip Claremont, CA 91711
Phone (714) 921 1207



State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 3 *Resource Name or #: (Assigned by recorder) Parcel # 233-283-30-00 and a portion of 233-283-29-00

P1. Other Identifier: _____

*P2. Location: Not for Publication Unrestricted

*a. County San Diego and (P2c, P2e, and P2b or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad _____ Date _____ T _____; R _____; _____ 1/4 of _____ 1/4 of Sec _____; _____ B.M.

c. Address 453 E. 6th Ave. City Escondido Zip 92025

d. UTM: (Give more than one for large and/or linear resources) Zone 11, _____ mE/ 4931 mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) _____

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

A low, wide-gabled roof running front to back (north to south) tops this rectangular single-story cottage. Narrow clapboard siding sheaths the house. Double-hung wood-sash windows are used throughout, including next to the front door in the front (north) facade. A small, gable-roofed porch shelters the front door which features sidelights. A vertical lath vent trims the gable peak of the home.

*P3b. Resource Attributes: (List attributes and codes) Craftsman bungalow

*P4. Resources Present: Building Structure Object Site District Element of District Other (Isolates, etc.)



P5b. Description of Photo:
(view, date, accession #) Front of building June 2016

*P6. Date Constructed/Age and Source:
 Historic Prehistoric Both
c1910 from 1990 Historic Resources Inventory

*P7. Owner and Address: Lori Hatley
POB 912 Escondido, CA 92033

*P8. Recorded by:
(Name, affiliation, and address)
Ernest J. Dronenburg County of San Diego
POB 121750, San Diego, CA 92112

*P9. Date Recorded: August 2, 2016

*P10. Survey Type: (Describe) _____

*P11. Report Citation: (Cite survey report and other sources, or enter "none.") none

*Attachments: NONE Location Map Continuation Sheet Building, Structure, and Object Record
 Archaeological Record District Record Linear Feature Record Milling Station Record Rock Art Record
 Artifact Record Photograph Record Other (List): List of deeded owners/ Legal description

B1. Historic Name: _____

B2. Common Name: _____

B3. Original Use: Single family home

B4. Present Use: Single family home

*B5. Architectural Style: California bungalow

*B6. Construction History: (Construction date, alterations, and date of alterations)

Structure was built approx. 1910. Unknown if structure was built on site or moved to site at a later date. Major renovations to interior by John and Lisa DiGiacomo in 2016. Front of home restored to original craftsman bungalow style appearance.

*B7. Moved? No Yes Unknown Date: _____ Original Location: _____

*B8. Related Features:

453 E. 6th Ave was at one point the same parcel as 447 E. 6th Ave and had parcel # 233-283-26 or #233-283-1000. John and Lisa DiGiacomo split the parcel and two separate parcel numbers were assigned in Dec. of 2015: 233-283-29-00 (447 E. 6th) and 233-283-30-00 (453 E. 6th)

B9a. Architect: Heckel Hosokawa Architects, Escondido (2016 rmdl) b. Builder: Unk

*B10. Significance: Theme Craftsman Bungalow Area: Historic Olde Escondido

Period of Significance: Early California Property Type: single family home Applicable Criteria: _____

(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

- 1) The existing Craftsman Bungalow is mostly as it was when built circa 1910.
- 2) The structure was originally built in 1910 and is currently 105 years old.
- 3) This residence is located on East 6th Avenue between South Juniper and South Hickory Streets. Within this block are 17 properties. Fourteen of these contain residences of a similar era found in the City's 1990 Historic Survey, ten of those are on the Local Register, and two of those have Mills Act contracts.

B11. Additional Resource Attributes: (List attributes and codes) _____

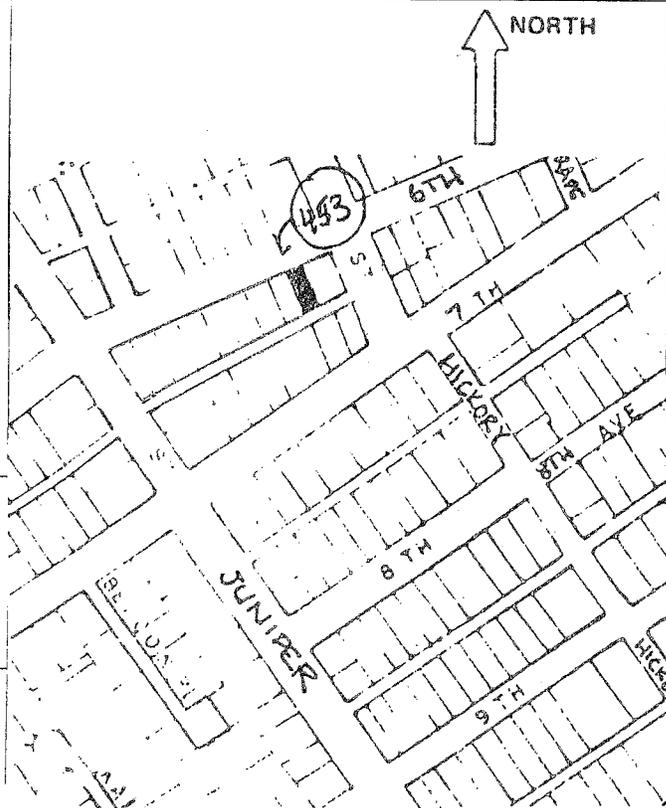
*B12. References:
 1990 City of Escondido Historic Resources Inventory
 2015 Escondido Historic Preservation Commission
 Chain of Title, County of San Diego

B13. Remarks:

*B14. Evaluator:
 1990 City of Escondido
 2015 Escondido Historic Preservation Commission

*Date of Evaluation: 1990 and October 6, 2015

(This space reserved for official comments)



State of California -- The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 3 of 3 *Resource Name or #: (Assigned by recorder) _____

Recorded by: _____ Date: _____

Continuation Update

6/7/1937 A.H. Honnold to Marguerita V. Honnold

11/16/44 Marguerita V. Honnold to Ralph O. Peters and Gail Peters

11/14/46 Ralph O. Peters and Gail Peters to Frank L. Barnum and Mary S. Barnum

12/3/49 Ralph O. Peters to wife Gail Peters

6/1/50 A.F. Andreasen and Christina Andreasen to Union Title Insurance and Trust Company

6/16/50 Gail Peters to Union Title Ins.

7/13/50 Frank L. Barnum and Mary S. Barnum to Union Title Ins.

7/17/50 Union Title Ins. to Gail Peters

7/17/50 Union Title Ins. to Frank L. Barnum and Mary S. Barnum

7/17/50 Union Title Ins. to Mary S. Barnum

7/17/50 Union Title Ins. to Porter S. Hamrick and Anna May Hamrick

8/4/50 Gail Peters to William R. Garrett and Edna Garrett

8/15/51 Anna May Hamrick and Annamae Hamrick to Anna May Hamrick

8/13/52 Frank L. Barnum quitclaim to Mary S. Barnum

12/2/53 Mary S. Barnum to Dave Rasco and Sarah Elizabeth Rasco

1/29/59 Edna C. Garrett to Elza Bell and Mildred E. Bell

6/14/62 Ray E. Schafer and Mary R. Schafer to Quentin H. Thompson and Marcia H. Thompson

7/7/65 Mildred E. Bell to Monte W. Lefton

7/8/65 Sylvia D. Lefton to Monte W. Lefton

7/28/78 Santo J. Stacco and Adele Stacco to E. Mission Partnership

7/28/78 E. Mission Partnership to Alfred R. and Emilia Switgall

4/9/79 Santo J. and Adele Stacco to Alfred R. and Emilia Switgall

11/9/83 Alfred R. and Emilia Switgall to the Switgall Family Trust

9/30/96 Switgall Trust to Emilia S. Switgall

9/30/96 Emilia S. Switgall quitclaim to ESS Realty

12/21/99 ESS Realty to Jamie D. Crawford

3/30/05 Jamie D. Crawford to Jamie D. Crawford, sole and sep. prop.

6/1/05 Jamie D. Crawford quitclaim to Newton D. Crawford

6/15/05 Newton D. Crawford to Jamie D. Crawford

11/2/07 Joel T. Sykes to Jamie D. Crawford sole and separate property

10/30/13 Jamie D. Crawford to John DiGiacomo and Lisa DiGiacomo

8/2/16 John DiGiacomo and Lisa DiGiacomo to Lorene I. Hatley

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Escondido
201 N. Broadway
Escondido, CA 92025

THIS SPACE FOR RECORDER'S USE ONLY

HISTORIC PROPERTY PRESERVATION AGREEMENT

This Agreement is made and entered into by and between the CITY OF ESCONDIDO, a municipal corporation (hereinafter referred to as "the CITY") and [Insert Owner's Name] (hereinafter referred to as "the OWNER").

Recitals

1. WHEREAS, the OWNER possesses and owns real property located within the City of Escondido, which property is more fully described in Attachment "A" to this Agreement (hereinafter "the PROPERTY"); and

2. WHEREAS, the PROPERTY is a qualified historical property in that it is privately owned, it is not exempt from property taxation, and it is listed in the Local Register of Historic Places; and

3. WHEREAS, both the CITY and the OWNER desire to carry out the purposes of Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code; and

4. WHEREAS, both the CITY and the OWNER desire to limit the use of the PROPERTY and to preserve the PROPERTY so as to retain its characteristics as a property of cultural, architectural, and historical significance.

Agreement

NOW THEREFORE, both the CITY and the OWNER, in consideration of the mutual promises, covenants, and conditions contained herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. Applicability of Government Code and Revenue and Taxation Code. This Agreement is made pursuant to Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code and is subject to all of the provisions of these statutes.

2. Preservation/Rehabilitation and Maintenance of Property. During the term of this Agreement, the PROPERTY shall be subject to the following conditions, requirements, and restrictions:

a. The OWNER agrees to preserve/rehabilitate and maintain the cultural, historical, and architectural characteristics of the PROPERTY during the term of this Agreement as set forth in the attached schedule of improvements identified as Attachment B.

b. The OWNER shall maintain all buildings, structures, yards, and other improvements in a manner which does not detract from the appearance of the immediate neighborhood. Prohibited property conditions include, but are not limited to:

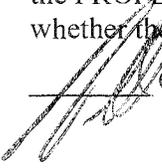
- i. Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, and windows;
- ii. Scrap lumber, junk, trash, or debris;
- iii. Abandoned, discarded, or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
- iv. Stagnant water or excavations, including swimming pools or spas; and
- v. Any device, decoration, design, or structure, or vegetation which a reasonable person would determine to be unsightly by reason of its height, condition, or its inappropriate location.

c. All improvements and work performed on the PROPERTY shall meet, at a minimum, the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, the State Historical Building Code, and the applicable development codes of the City of Escondido.

d. If a code enforcement action has been instituted by the CITY, the CITY may request, and the OWNER shall submit within thirty (30) days, documentation of expenditures incurred and work performed by the OWNER within the last 24 months to accomplish items from the list of scheduled improvements for the PROPERTY as set forth in Attachment B of this Historic Property Preservation (Mills Act) Agreement. If the OWNER performs work on

the PROPERTY, rather than contracting with a third-party, the value of his/her labor shall be calculated at the market rate for such work performed. The OWNER shall be in substantial compliance with the scheduled improvements set forth in Attachment B when the expenditures incurred and work performed to accomplish the improvements are equal to or greater than the OWNER'S annual property tax savings for the last 24 months, as determined by the CITY, based upon the County Tax Assessor's valuation of the PROPERTY using the process set forth in Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

e. OWNER shall, within thirty (30) days after written notice from the CITY, furnish the CITY with any information the CITY shall require to enable the CITY to determine (i) the PROPERTY'S present state; (ii) the PROPERTY'S continued eligibility as a qualified historic property; and (iii) whether the OWNER is in compliance with this Agreement.

 OWNER'S INITIALS

3. Inspections. The OWNER agrees to permit periodic examinations/inspections of the interior and exterior of the PROPERTY by the CITY, the County Assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the OWNER'S compliance with this Agreement.

 OWNER'S INITIALS

4. Term of Agreement. This Agreement shall be effective and shall commence on January 1st of the year following the successful recordation of this document by the County Recorder's Office and shall remain in effect for a period of ten (10) years thereafter.

5. Automatic Renewal. On the tenth (10th) anniversary of this Agreement and on each successive anniversary date (hereinafter referred to as "the RENEWAL DATE"), one (1) year shall automatically be added to the initial term of this Agreement unless notice of nonrenewal is given as provided in Paragraph 6 below.

6. Notice of Nonrenewal. If, in any year, either the CITY or the OWNER desires not to renew this Agreement, that party shall serve a written notice of nonrenewal on the other party. If the OWNER elects to serve a notice of nonrenewal, the notice must be served on the CITY at least ninety (90) days prior to the RENEWAL DATE, otherwise one (1) additional year shall automatically be added to the term of this Agreement. Conversely, if the CITY elects to serve a notice of nonrenewal, the notice must be served on the OWNER at least sixty (60) days prior to the RENEWAL DATE, otherwise one (1) additional year shall

automatically be added to the term of this Agreement. The CITY may issue a notice of nonrenewal if the CITY determines improvements, maintenance, rehabilitation, renovation, and/or restoration of the PROPERTY is required for the PROPERTY'S continued eligibility as a qualified historic property. Upon receipt by the OWNER of a notice of nonrenewal from the CITY, the OWNER may make a written protest of the nonrenewal. The CITY may, at any time prior to the RENEWAL DATE, withdraw its notice of nonrenewal.

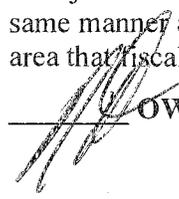
7. Effect of Notice of Nonrenewal. If, in any year, either party serves a notice of nonrenewal as provided in Paragraph 6 above, this Agreement shall remain in effect for: (1) the balance of the period remaining under the initial term of this Agreement; or (2) the balance of the period remaining since the last automatic renewal, whichever the case may be.

8. Cancellation. The CITY may cancel this Agreement if the CITY determines the OWNER: (a) has breached any of the conditions or covenants of this Agreement; (b) has allowed the PROPERTY to deteriorate to the point that it no longer meets the standards of a qualified historical property as defined in California Government Code section 50280.1; or (c) if the OWNER has failed to restore or rehabilitate the PROPERTY in the manner specified in Paragraph 2 of this Agreement.


OWNER'S INITIALS

9. Notice of Cancellation. Notwithstanding the above, this Agreement cannot be cancelled until after the CITY has given notice and has held a public hearing as required by California Government Code section 50285.

10. Cancellation Fee. If the CITY cancels this Agreement in accordance with Paragraph 8, the OWNER shall pay those cancellation fees set forth in California Government Code sections 50280 et seq., described herein. Upon cancellation, the OWNER shall pay a cancellation fee of twelve and one-half percent (12-1/2%) of the current fair market value of the PROPERTY, which is to be determined by the County Assessor as though the PROPERTY were free and clear of any of the restrictions pursuant to this Agreement. The cancellation fee shall be paid to the County Auditor at the time and in the manner that the County Auditor shall prescribe and shall be allocated by the County Auditor to each jurisdiction in the tax rate area in which the PROPERTY is located in the same manner as the County Auditor allocates the annual tax increment in that tax area that fiscal year.


OWNER'S INITIALS

11. No Compensation. The OWNER shall not receive any payment from the CITY in consideration for the obligations imposed under this

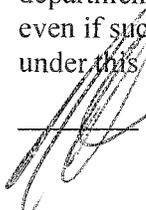
Agreement. The parties recognize and agree that the consideration for the execution of this Agreement is the substantial public benefit to be derived therefrom and the advantage that will accrue to the OWNER as a result of assessed value of the PROPERTY because of the restrictions this Agreement imposes on the use and preservation of the PROPERTY.

12. Enforcement of Agreement. As an alternative to cancellation of the Agreement for breach of any condition as provided in Paragraph 8, the CITY may, in its sole discretion, specifically enforce, or enjoin the breach of the terms of this Agreement. In the event of a default, under the provisions of this Agreement by the OWNER, the City shall give written notice to the OWNER by registered or certified mail. If such violation is not corrected to the reasonable satisfaction of CITY within thirty (30) calendar days after the date of notice of violation, or within such reasonable time as may be required to cure the violation (provided the acts to cure the violation are commenced within thirty (30) calendar days and thereafter diligently pursued to completion), the CITY may, without further notice, declare the OWNER to be in breach under the terms of this Agreement, and may bring any action necessary to specifically enforce the obligations of the OWNER growing out of the terms of this Agreement or apply for such other relief as may be appropriate under local, state, or federal law.

13. Indemnification. OWNER shall indemnify, defend (with counsel reasonably acceptable to CITY) and hold harmless the City of Escondido, and all of its boards, commissions, departments, agencies, agents, officers, and employees from and against any and all actions, causes of actions, liabilities, losses, costs, claims, judgments, settlements, damages, liens, fines, penalties and expenses (collectively the "Claims") incurred in connection with or arising in whole or in part from this Agreement, including without limitations:

- a. any accident, injury to or death of a person, loss of or damage to property incurring in or about the PROPERTY;
- b. the use or occupancy of the PROPERTY by the OWNER, their agents or invitees;
- c. the condition of the PROPERTY;
- d. any construction or other work undertaken by the OWNER of the PROPERTY.

This indemnification shall include, without limitation, reasonable fees for attorneys, consultants, experts and the CITY'S cost for investigating any Claims. The OWNER shall defend the CITY and all of its boards, commissions, departments, agencies, agents, officers, and employees from any and all Claims even if such Claim is groundless, fraudulent, or false. The OWNER'S obligations under this Paragraph shall survive termination of this Agreement.

 OWNER'S INITIALS

14. Remedy If Agreement Not An Enforceable Restriction. In the event it is finally determined by a court of competent jurisdiction that this Agreement does not constitute an enforceable restriction within the meaning of the applicable provisions of the California Government Code and the California Revenue and Taxation Code, except for an unenforceability arising from the cancellation or nonrenewal of this Agreement, for any tax year during the life of this Agreement, then this Agreement shall be null and void and without further effect and the PROPERTY shall from that time forward be free from any restriction whatsoever under this Agreement without any payment or further act by the parties.

15. Condemnation Proceedings. If condemnation proceedings are filed against the PROPERTY, or if the PROPERTY is acquired by a public agency in lieu of condemnation proceedings, this Agreement shall be null and void. If the condemnation proceedings are subsequently abandoned or the acquisition rescinded, this Agreement shall be reactivated retroactively and shall be in full force and effect without the need for any further act by the parties.

16. Destruction of Property; Eminent Domain. If the PROPERTY is destroyed by fire or other natural disaster such that in the opinion of the CITY the historic value of the structure has been lost and a majority of the structure must be replaced, this Agreement will be cancelled. If the PROPERTY is acquired in whole or in part by eminent domain or other acquisition by an entity authorized to exercise the power of eminent domain, and the acquisition is determined by the CITY to frustrate the purpose of the Agreement, this Agreement shall be cancelled. No cancellation fee as set forth in Paragraph 10 above and pursuant to California Government Code sections 50280 et seq. shall be imposed if the Agreement is cancelled pursuant to this Paragraph.

17. Entire Agreement. This instrument and its attachments constitute the entire agreement between the parties. The parties shall not be bound by any terms, conditions, statements, or representations, oral or written, not contained in this Agreement. Each party hereby acknowledges that in executing this Agreement, the party has not been induced, persuaded, or motivated by any promise or representation made by the other parties, unless expressly set forth in this Agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument and are of no force and effect.

18. Attorney's Fees. In the event legal proceedings are brought by any party or parties hereto, to enforce or restrain a violation of any of the covenants, reservations, or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover its

reasonable attorney's fees in addition to court costs and other relief ordered by the court.

19. Modification. No modification of this Agreement shall be valid or binding unless the modification is in writing, signed by all parties, and recorded with the County Recorder for the County of San Diego.

20. Binding Effect. This Agreement shall be binding on and inure to the benefit of all parties herein, their heirs, successors-in-interest, legal representatives, assigns and all persons acquiring any part or portion of the PROPERTY, whether by operation of law or otherwise, and that any such person(s) shall have the same rights and obligations under this Agreement.

21. Choice of Law and Forum. This Agreement and the legal relations between the parties shall be governed by and construed in accordance with the laws of the State of California. Any action or proceeding to enforce any provision of this Agreement shall be brought in the San Diego Superior Court, North County Division.

22. Sale. If the PROPERTY is sold, the OWNERS shall notify the CITY of the sale and present to the CITY a signed statement from the new owners indicating that a copy of this Agreement, the list of scheduled improvements for the PROPERTY as set forth in Attachment B of this Agreement, and any amendments to this Agreement were provided to them.

23. Headings. The headings of the paragraphs of this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

24. Waiver. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

25. Severability. The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.

26. Notices. Any notice, delivery or other communication pursuant to this Agreement shall be in writing and shall be given to:

CITY: City Clerk
City of Escondido
201 N. Broadway
Escondido, CA 92025

OWNER: [Insert Owner's Name & Mailing Address]

Any party may change his/her/its address by giving written notice to the other parties in the manner provided in this paragraph. Any notice, delivery, or other communication shall be effective and shall be deemed to be received by the other parties within five (5) business days after the notice has been deposited in the United States mail, duly registered or certified, with postage prepaid, and addressed as set forth above.

27. Notice to Office of Historic Preservation. The OWNER or an agent of the OWNER shall provide written notice of this Agreement to the Office of Historic Preservation within six months of entering into this Agreement. A copy of this notice shall also be provided to the CITY.

(Remainder of page left intentionally blank.)

28. Counterparts. This Agreement may be executed in any number of counterparts or by facsimile transmission, each of which will be deemed an original with the same effect as if all signatures were on the same instrument.

IN WITNESS WHEREOF, the CITY and the OWNER have executed this Agreement as of the date set forth below.

CITY OF ESCONDIDO

Dated: _____

By: _____
Mayor

Dated: _____

By: _____
City Clerk

OWNER

Dated: _____

By: _____
[Insert Owner's Name]
(This signature must be notarized.)

Dated: _____

By: _____
[Insert Owner's Name]
(This signature must be notarized.)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
JEFFREY R. EPP, City Attorney

By: _____



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

Notice of Exemption

To: San Diego County Recorder's Office
Attn: Chief Deputy Recorder Clerk
1600 Pacific Highway, Room 260
San Diego, CA 92101

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

Project Title/Case No.: HP 15-0001

Project Location - specific: Addressed as 447 & 453 East Sixth Avenue (APN 233-283-2600), located west of the intersection of South Hickory Street and East Sixth Avenue on the south side of East Sixth Avenue.

Project Location - City: Escondido, **Project Location - County:** San Diego

Description of Project:

To approve listing the .184-acre subject property on the City's Local Register of Historic Places and entering into a Mills Act Contract in the R-1-6 (Single-Family Residential, 6,000 SF minimum lot size) zone, located in the U1 (Urban I) land use designation of the General Plan.

Name of Public Agency Approving Project: City of Escondido

Name(s) of Person or Agency Carrying Out Project:

Names: John & Lisa DiGiacomo
Address: 3471 Jefferson Street, Carlsbad, CA 92008

Telephone: (818) 601-9558

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

Exempt Status:

Categorical Exemption: Section 15331, Class 31. "Historic Resource Restoration/Rehabilitation"

Reasons why project is exempt:

1. The project is within the R-1-6 zone, U1 General Plan land use designation and no variances are required.
2. The project will be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings.
3. The project will not be limited by the factors in section 15300.2 and will not adversely change the significance of a historical resource.

Lead Agency Contact Person: Paul K. Bingham

Area Code/Telephone/Extension (760) 839-4306

Signature: Paul K. Bingham
Assistant Planner

Oct. 5, 2015
Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

RESOLUTION NO. 2016-155

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, LISTING THE RESIDENTIAL STRUCTURE ON THE PROPERTY ADDRESSED AS 453 EAST SIXTH AVENUE ON THE CITY'S LOCAL REGISTER OF HISTORIC PLACES AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A MILLS ACT CONTRACT, AKA AN HISTORIC PROPERTY PRESERVATION AGREEMENT, WITH LORENE I. HATLEY FOR THE PROPERTY LOCATED AT 453 EAST SIXTH AVENUE

(Case No. HP-16-0008)

WHEREAS, the City's Historic Resources Ordinance identifies seven criteria for properties to be listed on the City's Local Register of Historic Places; and

WHEREAS, properties eligible for listing on the Local Register must meet at least two of the seven criteria identified in the Ordinance; and

WHEREAS, the property located at 453 East 6th Avenue has been evaluated against the criteria and has been found to be eligible for listing on the Local Register; and

WHEREAS, the Mills Act is a state law enabling owners of designated historic properties to enter into an historic property preservation contract with their local legislative body and receive a property tax reduction; and

WHEREAS, Lorene I. Hatley has submitted a request to enter into a Historic Property Preservation Agreement ("Agreement") with the City for property located at 453 East 6th Avenue (APN 233-283-3000 and a portion of APN 233-283-2900); and

WHEREAS, this property qualifies for a Mills Act Contract since it was recommended by the Historic Preservation Commission to be listed in the Local Register of Historic Resources on October 6, 2015; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to list the historic residence located at 453 East 6th Avenue on the City's Local Register of Historic Places and approve the Agreement for the property, as recommended by the Historic Preservation Commission on October 6, 2015.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.
2. That the Mayor and City Clerk are hereby authorized to list the property on the City's Local Register of Historic Places and to execute, on behalf of the City, an Agreement with Lorene I. Hatley for the property located at 453 East 6th Avenue. A copy of the Agreement is attached as Exhibit "A" and is incorporated by this reference.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Escondido
201 N. Broadway
Escondido, CA 92025

Resolution No. 2016-155
Exhibit A
Page 1 of 11

THIS SPACE FOR RECORDER'S USE ONLY

HISTORIC PROPERTY PRESERVATION AGREEMENT

This Agreement is made and entered into by and between the CITY OF ESCONDIDO, a municipal corporation (hereinafter referred to as "the CITY") and Lorene I. Hatley (hereinafter referred to as "the OWNER").

Recitals

1. WHEREAS, the OWNER possesses and owns real property located within the City of Escondido, which property is more fully described in Attachment "A" to this Agreement (hereinafter "the PROPERTY"); and
2. WHEREAS, the PROPERTY is a qualified historical property in that it is privately owned, it is not exempt from property taxation, and it is listed in the Local Register of Historic Places; and
3. WHEREAS, both the CITY and the OWNER desire to carry out the purposes of Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code; and
4. WHEREAS, both the CITY and the OWNER desire to limit the use of the PROPERTY and to preserve the PROPERTY so as to retain its characteristics as a property of cultural, architectural, and historical significance.

Agreement

NOW THEREFORE, both the CITY and the OWNER, in consideration of the mutual promises, covenants, and conditions contained herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. Applicability of Government Code and Revenue and Taxation Code. This Agreement is made pursuant to Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code and is subject to all of the provisions of these statutes.

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the PROPERTY, rather than contracting with a third-party, the value of his/her labor shall be calculated at the market rate for such work performed. The OWNER shall be in substantial compliance with the scheduled improvements set forth in Attachment B when the expenditures incurred and work performed to accomplish the improvements are equal to or greater than the OWNER'S annual property tax savings for the last 24 months, as determined by the CITY, based upon the County Tax Assessor's valuation of the PROPERTY using the process set forth in Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

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_____ OWNER'S INITIALS

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_____ **OWNER'S INITIALS**

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Agreement. The parties recognize and agree that the consideration for the execution of this Agreement is the substantial public benefit to be derived therefrom and the advantage that will accrue to the OWNER as a result of assessed value of the PROPERTY because of the restrictions this Agreement imposes on the use and preservation of the PROPERTY.

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- a. any accident, injury to or death of a person, loss of or damage to property incurring in or about the PROPERTY;
- b. the use or occupancy of the PROPERTY by the OWNER, their agents or invitees;
- c. the condition of the PROPERTY;
- d. any construction or other work undertaken by the OWNER of the PROPERTY.

This indemnification shall include, without limitation, reasonable fees for attorneys, consultants, experts and the CITY'S cost for investigating any Claims. The OWNER shall defend the CITY and all of its boards, commissions, departments, agencies, agents, officers, and employees from any and all Claims even if such Claim is groundless, fraudulent, or false. The OWNER'S obligations under this Paragraph shall survive termination of this Agreement.

_____ **OWNER'S INITIALS**

14. Remedy If Agreement Not An Enforceable Restriction. In the event it is finally determined by a court of competent jurisdiction that this Agreement does not constitute an enforceable restriction within the meaning of the applicable provisions of the California Government Code and the California Revenue and Taxation Code, except for an unenforceability arising from the cancellation or nonrenewal of this Agreement, for any tax year during the life of this Agreement, then this Agreement shall be null and void and without further effect and the PROPERTY shall from that time forward be free from any restriction whatsoever under this Agreement without any payment or further act by the parties.

15. Condemnation Proceedings. If condemnation proceedings are filed against the PROPERTY, or if the PROPERTY is acquired by a public agency in lieu of condemnation proceedings, this Agreement shall be null and void. If the condemnation proceedings are subsequently abandoned or the acquisition rescinded, this Agreement shall be reactivated retroactively and shall be in full force and effect without the need for any further act by the parties.

16. Destruction of Property; Eminent Domain. If the PROPERTY is destroyed by fire or other natural disaster such that in the opinion of the CITY the historic value of the structure has been lost and a majority of the structure must be replaced, this Agreement will be cancelled. If the PROPERTY is acquired in whole or in part by eminent domain or other acquisition by an entity authorized to exercise the power of eminent domain, and the acquisition is determined by the CITY to frustrate the purpose of the Agreement, this Agreement shall be cancelled. No cancellation fee as set forth in Paragraph 10 above and pursuant to California Government Code sections 50280 et seq. shall be imposed if the Agreement is cancelled pursuant to this Paragraph.

17. Entire Agreement. This instrument and its attachments constitute the entire agreement between the parties. The parties shall not be bound by any terms, conditions, statements, or representations, oral or written, not contained in this Agreement. Each party hereby acknowledges that in executing this Agreement, the party has not been induced, persuaded, or motivated by any promise or representation made by the other parties, unless expressly set forth in this Agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument and are of no force and effect.

18. Attorney's Fees. In the event legal proceedings are brought by any party or parties hereto, to enforce or restrain a violation of any of the covenants, reservations, or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover its

reasonable attorney's fees in addition to court costs and other relief ordered by the court.

19. Modification. No modification of this Agreement shall be valid or binding unless the modification is in writing, signed by all parties, and recorded with the County Recorder for the County of San Diego.

20. Binding Effect. This Agreement shall be binding on and inure to the benefit of all parties herein, their heirs, successors-in-interest, legal representatives, assigns and all persons acquiring any part or portion of the PROPERTY, whether by operation of law or otherwise, and that any such person(s) shall have the same rights and obligations under this Agreement.

21. Choice of Law and Forum. This Agreement and the legal relations between the parties shall be governed by and construed in accordance with the laws of the State of California. Any action or proceeding to enforce any provision of this Agreement shall be brought in the San Diego Superior Court, North County Division.

22. Sale. If the PROPERTY is sold, the OWNERS shall notify the CITY of the sale and present to the CITY a signed statement from the new owners indicating that a copy of this Agreement, the list of scheduled improvements for the PROPERTY as set forth in Attachment B of this Agreement, and any amendments to this Agreement were provided to them.

23. Headings. The headings of the paragraphs of this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

24. Waiver. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

25. Severability. The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.

26. Notices. Any notice, delivery or other communication pursuant to this Agreement shall be in writing and shall be given to:

CITY: City Clerk
City of Escondido
201 N. Broadway
Escondido, CA 92025

OWNER: Lorene I. Hatley
Mailing Address:
2418 Stevens Place
Escondido, CA 92027

Any party may change his/her/its address by giving written notice to the other parties in the manner provided in this paragraph. Any notice, delivery, or other communication shall be effective and shall be deemed to be received by the other parties within five (5) business days after the notice has been deposited in the United States mail, duly registered or certified, with postage prepaid, and addressed as set forth above.

27. Notice to Office of Historic Preservation. The OWNER or an agent of the OWNER shall provide written notice of this Agreement to the Office of Historic Preservation within six months of entering into this Agreement. A copy of this notice shall also be provided to the CITY.

(Remainder of page left intentionally blank.)

28. Counterparts. This Agreement may be executed in any number of counterparts or by facsimile transmission, each of which will be deemed an original with the same effect as if all signatures were on the same instrument.

IN WITNESS WHEREOF, the CITY and the OWNER have executed this Agreement as of the date set forth below.

CITY OF ESCONDIDO

Dated: _____

By: _____
Sam Abed, Mayor
(This signature must be notarized.)

Dated: _____

By: _____
Diane Halverson, City Clerk
(This signature must be notarized.)

OWNER

Dated: _____

By: _____
Lorene I. Hatley
(This signature must be notarized.)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
JEFFREY R. EPP, City Attorney

By: _____

ATTACHMENT "A"

**LEGAL
DESCRIPTION**

Those portions of the resurvey of Block "J" of Escondido, in the City of Escondido, County of San Diego, State of California, according to the Map thereof No. 722, filed in the Office of the County Recorder on August 13, 1892, being more particularly described as follows:

PARCEL B:

BEGINNING at a point in the Northwesterly line of said Block "J", distant South 69° 41' 15" West, 74.74 feet from the Northeasterly corner of said Block "J"; said point also being the Northeasterly corner of Parcel 2 as described per Grant Deed recorded on November 20, 2013, as File No. 2013-0685564, of Official Records; thence along the said Northwesterly line of Block "J", South 69° 41' 15" West, 33.00 feet to a point distant North 69° 41' 15" East; 42.00 feet from the Northwesterly corner of Parcel 1 of said Grant Deed; thence leaving said Northwesterly line, South 19° 19' 48" East, 100.05 feet to the Southeasterly line of said Parcel 1, said point being distant North 64° 41' 20" East, 41.40 feet from the Southwesterly corner of said Parcel 1; thence along said Southeasterly line, North 64° 41' 20" East, 33.80 feet to the Southeasterly corner of said Parcel 2; thence along the Northeasterly line of said Parcel 2, North 20° 10' 14" West, 97.10 feet to the POINT OF BEGINNING.

Together with that portion of the Southeasterly half of Sixth Avenue adjoining said Block "J" on the Northwest and that portion of the Northwesterly half of the alley in said Block "J" that lies between the Northwesterly and Southeasterly extension of the Northeasterly and Southwesterly lines of the above described land.

Parcel Number 233-283-30-00 and a Portion of Parcel Number 233-283-29-00

ATTACHMENT "B"

Mills Act List of Improvements

Property Address: 453 East Sixth Avenue
Property Owner: Lorene I. Hatley

1. Restoration of original exterior windows.
2. Replacement of non-original windows with period-correct materials and architectural styles.
3. Restoration of original exterior doors.
4. Replacement of non-original doors with period-correct materials and architectural styles.
5. Installation of period-correct fencing.
6. Repainting of structures with period-correct color palette.
7. Addition of "carriage house" design style elements to existing garage.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 13
Date: October 19, 2016

TO: Honorable Mayor and Members of the City Council
FROM: Bill Martin, Director of Community Development
SUBJECT: Zoning Code Amendments to Restructure and Streamline Development Review Processes (AZ16-0006)

STAFF RECOMMENDATION:

It is requested that City Council introduce Ordinance No. 2016-15, approving amendments to Zoning Code Articles 10, 12, 13, 14, 26, 40, 55, 57, 63, 65, 66, and 70, and approving the environmental determination.

PROJECT DESCRIPTION:

The proposed amendments to the Escondido Zoning Code (EZC) would streamline various review processes to change the reviewing authority and eliminate some public hearings for conditional use permits (CUPs) and other applications, including small lot developments, back-up/emergency generators, second dwelling units in the Old Escondido Neighborhood, easement access, animal boarding, hotels/motels, grading exemptions, listing properties on the local register of historic resources, and certain signs. Changes are proposed to EZC Articles 10, 12, 13, 14, 26, 40, 55, 57, 63, 65, 66 and 70, as shown in Exhibit "A". No development project is proposed.

LOCATION:

Citywide

FISCAL ANALYSIS:

None

COUNCIL ACTION PLAN:

The 2015-2016 City Council Action Plan for Economic Development adopted a strategy to implement the "Working Together to Get to Yes!" program (YES Program). Staff was directed to revamp and clean up policies practices and standards associated with the development entitlement process to increase efficiencies by eliminating outdated and burdensome processes and reduce project timeframes and costs through the implementation of streamlined review processes. This code amendment focuses on the conditional use permit processes for various types of projects and eliminates steps in the approval process and/or reduces some reviews to administrative levels.

GENERAL PLAN ANALYSIS:

The proposed code amendment is consistent with the General Plan Land Use Zoning Goal 2 (page II-95) to establish regulations that clearly and effectively implement land use development goals and objectives. The streamlining of the subject development review processes directly support and attract both residential and commercial development projects by reducing costs and processing times for applicants.

ENVIRONMENTAL REVIEW:

A Notice of Exemption pursuant to CEQA Section 15061(b)(3), "General Rule" was prepared on September 22, 2016. The proposed code amendment will not impact the environment since no physical improvements are involved. Future development applications will be subject to separate CEQA review.

PLANNING COMMISSION RECOMMENDATION:

The Planning commission recommended approval of the proposed amendments on September 27, 2016 (5-0-0; Vice Chair McQuead absent; 1 vacancy). Chairman Weber noted the proposals would be beneficial to project applicants, but also was concerned that several of the proposed changes could reduce public awareness of certain applications and the public's ability to comment on them. Staff clarified the notification procedures and has included additional information in the analysis section of this report regarding the proposed changes to public notifications and participation. Two members of the public spoke at the hearing. One person clarified that references to "the director" meant the Director of Community Development. This is currently defined in EZC section 33-8. The second person voiced his support for the amendment based on his personal experience in processing development entitlements in Escondido.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION:

The Historic Preservation Commission recommended approval of the proposed amendments on October 4, 2016 (5-0-0; Commissioners Danskin and Breitenfeld absent). The Commissioners focused their review on the three items that affected the Historic Preservation Commission; Items #6, #7 and #9. Several commissioners mentioned that streamlining review processes was a good idea. Chair Rea was concerned that some of the other changes would reduce "citizen review via the Planning Commission." No one from the public spoke on this item.

PUBLIC COMMENTS:

Staff has received no comments on the proposed code changes aside from those presented by speakers at the Planning Commission hearing.

PREVIOUS ACTION:

In 2014, the YES Program was launched to streamline business and development approval processes to create a conducive and enticing environment for private sector investment in the community. Several of the city's standards, policies and practices have already been updated, including aligning CEQA thresholds with regional standards, outsourcing production of draft CEQA documents, adoption of Rural Road Standards and adding staff discretion to reduce commercial parking standards.

BACKGROUND:

The proposed Zoning Code amendment would update several planning processes and conditionally permitted land uses. This first group of updates focuses on practices where the value added by the current Planning Commission or City Council review process is negligible and results in unnecessary additional time and expense to project applicants. In most instances, review authority is shifted to the Director of Community Development or city staff at an administrative level. There are nine separate items proposed (Exhibit "A"). Several of the items require the modification of more than one Article of the Zoning Code. These related amendments are listed as sub-items. Many of the items involve requests/applications for a use that already has established development standards. In these instances, requests are evaluated against the standards, which can be done by the city's professional staff. If a question as to conformance with the standards arose, staff would refer the item to the next higher review authority.

Several proposed amendments would replace the public hearing requirement with the Notice of Intended Decision process. Zoning Code Article 61, Division 6, establishes the standards for public hearing notices, notices of intended decision and appeals of administrative and discretionary actions. The Notice of Intended Decision (NOID) is a public notice that the Director of Community Development intends to approve a certain administrative project. It describes the project and location, other information about the property and proposed action, lists the dates of a 10-day public review period and includes the project planner's contact information. The notice is published in the newspaper, mailed to property owners within 500' of the site and a notice sign is posted on the property, similar to the distribution and posting of notices for projects requiring public hearings. Neighbors may meet with the project planner to review the project and discuss their concerns. Further revisions to the project or an appeal of the Director's decision may result from the meeting. Appeals of administrative actions are heard by the Planning Commission. Appeals of Planning Commission actions are forwarded to the City Council.

ANALYSIS:

The proposed amendment would result in a more efficient and streamlined review process for six types of Conditional Use Permit applications, Grading Exemptions, a Local Register Listing and design review for certain sign types, as detailed in the Summary Table. Seven of the nine items must be determined consistent with established standards, criteria and/or guidelines in the Zoning Code. Staff is confident that the proposed reviewing authorities would make appropriate determinations

regarding conformance with the standards, resulting in a reduction of duplicative efforts in some cases, and time savings to project applicants and staff. Eliminating the need for some applications, such as a Grading Exemption application for a custom single-family residence and reviewing the request through the grading plan check, would also result in a cost savings to the applicant.

While the chairs of the Planning Commission and the Historic Preservation Commission mentioned concerns with a potential reduction in "citizen review" of some of the CUP's that are proposed to become administrative reviews, the Summary Table of the proposed changes to review authority also summarizes noticing and public participation for each item. Neighbors of a project, and the general public, would be notified of a public review period and the opportunity to comment for the administrative projects identified in the Summary Table as being subject to the NOID process. Also, the posting of commission agendas provides another form of public notification.

The proposed changes for the review of animal boarding and emergency generators from CUPs to administrative review, are the only items that would result in no public notice. Animal boarding is proposed as a permitted use in the Light and General Industrial zones (M-1 & M-2) with the concurrent adoption of development standards for the use. Review of the tenant improvement plans for conformance with the standards would be handled by planning staff with the application for a building permit. Emergency generators include backup generators for wireless facilities and facilities with critical medical equipment. While emergency generators would be restricted to supplying power only to the on-site facilities during a community power outage, they would still be subject to meeting required setbacks, screening, noise levels at the property line(s) and APCD standards. Review for code conformance would be handled by staff during building permit application plan check.

SUMMARY TABLE
 Proposed Changes to Review Authority and Public Notice

Item #	Review Authority		Public Notice	
	From	To	From	To
#1-Easement Access in R-1 Zones	TPM: PC via CUP	Admin via TPM	Public Hearing	TPM – NOID
	TSM: PC via CUP	PC via TSM	Public Hearing	TSM – Public Hearing Notice
#2-Small Lot Development in Multi-Family Zones	TPM: PC via CUP	Admin via TPM	Public Hearing	TPM – NOID
	TSM: PC via CUP	PC via TSM <i>(existing standards)</i>	Public Hearing	TSM – Public Hearing Notice
#3-Animal Boarding Facilities in M1/M2 Zones	PC via CUP	Admin via Permitted Use & TI's	Public Hearing	None Permitted Use <i>(proposed standards)</i>
#4- Stand-alone Grading Exemptions & GEs as part of an Administrative Application	PC via GE	Admin via grading plan review <i>(existing standards & guidelines)</i>	Public Hearing	NOID
#5- Emergency/ Back-up Generators	PC via CUP	Admin via building plan review <i>(existing standards)</i>	Public Hearing	None Permitted Accessory facility
#6-2 nd D/U in OEN	PC via CUP	Admin via Plot Plan application with design review by the HPC <i>(existing standards)</i>	Public Hearing.	Posting of HPC agenda

Summary Table continued on next page

CC = City Council PC = Planning Commission HPC = Historic Preservation Commission
 Admin = Director of Community Development or designee
 TPM = Tentative Parcel Map (administrative) TSM = Tentative Subdivision Map Plot Plan = administrative application
 CUP = Conditional Use Permit NOID = Notice of Intended Decision (public notice in paper, mailed to 500' radius & posted on site)

SUMMARY TABLE –cont.

Item #	Review Authority		Public Notice	
	From	To	From	To
#7- Local Register Listings	CC with HPC recommendation via 2 Public Hearings	HPC as Current Business <i>(existing criteria)</i>	2 Public Hearings	Posting of HPC agenda
#8- Hotel/Motels	CC with PC recommendation via CUP & 2 Public Hearings	PC via CUP <i>(existing guidelines)</i>	2 Public Hearings	1 Public Hearing Notice
#9- Larger Signs (Col. B), Freeway oriented signs, & super-graphic signs	PC Design Review	Admin Design Review <i>(existing standards & guidelines)</i>	Posting of PC agenda	None
Approval of sign deviations for historic bldgs. & historic advertising structures	PC Design Review	HPC Design Review	Posting of PC Agenda	Posting of HPC Agenda

CC = City Council PC = Planning Commission HPC = Historic Preservation Commission
 Admin = Director of Community Development or designee
 TPM = Tentative Parcel Map (administrative) TSM = Tentative Subdivision Map Plot Plan = administrative application
 CUP = Conditional Use Permit NOID = Notice of Intended Decision (public notice in paper, mailed to 500' radius & posted on site)

SUMMARY:

Staff recommends approval of the proposed code changes since they would support the City's goal to streamline the development permit process, encourage residential development and facilitate business activity. As proposed, the amendment retains a balance between public notice of pending projects and efficient development reviews.

Respectfully submitted,



Bill Martin
Director of Community Development



Rozanne Cherry
Principal Planner

EXHIBIT "A"
STREAMLINING CUP PROCESSES
New text /deleted text
 City Council Draft

ITEM #1

EASEMENT ACCESS R-1 ZONES – Article 10

Change to staff review with the parcel/subdivision map application.

Sec. 33-166(c)(1)

(c) Lot frontage. Each lot or parcel of land in an R-1 zone shall abut a public street for a minimum of thirty-five (35) feet, on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement.

Exception: Access to lots or parcels may be provided by private road easement conforming to the following standards and subject to approval of ~~a conditional use permit~~ the city engineer and fire marshal:

(1) The ~~minimum~~ easement width shall be ~~twenty to twenty-two~~ four (224) feet. ~~A minimum twenty (20) foot easement width may be permitted subject to approval as determined by the engineering department~~ city engineer and fire marshal, and upon approval of an administrative adjustment filed in conjunction with the conditional use permit;

ITEM #2

SMALL LOT DEVELOPMENTS IN R-2, R-3 & R-4 ZONES –Articles 12, 13 & 14

Change to staff review concurrently with parcel/subdivision map

SUBITEM #2A: R-2 ZONE – Article 12

Add (a) & (b) to sec. 33-211; delete (d) of sec. 33-213; and revise sec. 33-229 as shown below.

Sec. 33-211. Permitted principal uses and structures.

The following principal uses and structures are permitted in an R-2 zone:

(a) Uses as listed below:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six (6) or fewer persons and transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1120	Two-family dwellings including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)

Use No.	Use Title
1130	Multiple-family dwellings, including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
5995	Arts and crafts shows as defined in section 33-8 (with permit as required by section 33-1119 of Article 57 of this chapter)
6815	Small family day care centers as defined in section 33-8 of Article 1 of this chapter; large family day care centers as defined in section 33-8 of Article 1 of this chapter (with permit as required by section 33-1104 of Article 57 of this chapter)

(b) Small lot developments pursuant to the provisions of section 33-229 of this article.

Sec. 33-213. Conditional uses and structures.

-) ~~(d) Small lot zoning provisions of section 33-229 of this article;~~
- (de) Senior housing projects conforming to the provisions of Article XLI of this chapter.

Sec. 33-229. Small lot ~~planned~~ development.

- (a) Purpose. Development and recycling opportunity in the certain multi-family zones area and of the city.
- (b) Development standards. Development under this provision shall comply with the following requirements:
 - (1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;
 - (2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;
 - (3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;
 - (4) Densities per acre shall not exceed that allowed by the zone classification ~~or~~ and the general plan;
 - (5) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;
 - (6) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;
 - (7) Process. All requests for a small lot ~~planned~~ development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application. ~~file an application for a conditional use permit pursuant to Article 61, Division 1.~~

SUBITEM #2B: R-3 ZONE – Article 13

Add (a) & (b) to sec. 33-241; delete (d) of sec. 33-243; and revise sec. 33-259 as shown below.

Sec. 33-241. Principal permitted uses and structures.

The following principal uses and structures are permitted in an R-3 zone:

(a) Uses as listed below:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six (6) or fewer persons and transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1120	Two-family dwellings including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1130	Multiple-family dwellings, including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
5995	Arts and crafts shows as defined in section 33-8 (with permit as required by section 33-1119 of Article 57 of this chapter)
6815	Small family day care centers as defined in section 33-8 of Article 1 of this chapter; large family day care centers as defined in section 33-8 (with permit as required by section 33-1104 of Article 57 of this chapter)

(b) Small lot developments pursuant to the provisions of section 33-259 of this article.

Sec. 33-243. Conditional uses and structures.

~~—(d) Small lot zoning provisions of section 33-259;~~

(de) Senior housing projects conforming to the provisions of Article 41 of this chapter.

Sec. 33-259. Small lot ~~planned~~ development.

(a) Purpose. Development and recycling opportunity in ~~the area and of the city~~ certain multi-family zones.

(b) Development standards. Development under this provision shall comply with the following requirements:

(1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;

(2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;

(3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;

(4) Densities per acre shall not exceed that allowed by the zone classification ~~or~~ and the general plan;

(5) A minimum density of seventy (70) percent of the maximum permitted density of the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan.

(56) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;

(67) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;

(78) Process. All requests for a small lot ~~planned~~ development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application.~~file an application for a conditional use permit pursuant to Article 61, Division 1.~~

SUBITEM #2C: R-4 ZONE – Article 14

Add (a) & (b) to sec. 33-271; delete (d) of sec. 33-273; and revise sec. 33-290 as shown below.

Sec. 33-271. Permitted principal uses and structures.

The following principal uses and structures are permitted in an R-4 zone:

(a) Uses as listed below:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six (6) or fewer persons and transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1120	Two-family dwellings including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1130	Multiple-family dwellings, including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
5995	Arts and crafts shows as defined in section 33-8 (with permit as required by section 33-1119 of Article 57 of this chapter)
6815	Small family day care centers as defined in section 33-8; large family day care centers as defined in section 33-8 (with permit as required by section 33-1104 of Article 57 of this chapter)

(b) Small lot developments pursuant to the provisions of section 33-290 of this article.

Sec. 33-273. Conditional uses and structures.

~~(d) Small lot zoning provisions of section 33-290 of this article;~~

(de) Senior housing projects conforming to the provisions of Article 41 of this chapter.

Sec. 33-290. Small lot ~~planned~~ development.

(a) Purpose. Development and recycling opportunity in the ~~area and of the city~~certain multi-family zones.

(b) Development standards. Development under this provision shall comply with the following requirements:

- (1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;
- (2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;
- (3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;
- (4) Densities per acre shall not exceed that allowed by the zone classification ~~or~~ and the general plan;
- (5) A minimum density of seventy (70) percent of the maximum permitted density in the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan.
- (56) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;
- (67) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;
- (78) Process. All requests for a small lot ~~planned~~ development shall ~~file an application for a conditional use permit pursuant to Article 61, Division 1b~~ be included in the project description and plans of the associated tentative parcel map or subdivision map application.

ITEM #3:

ANIMAL BOARDING FACILITIES IN INDUSTRIAL ZONES – Article 26

Change from a CUP to Permitted Use in the M-1 and M-2 Zones by deleting dog and cat boarding and adding animal boarding and footnote 2 in Table 33-564; and adding section 33-576.

**Table 33-564
PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

Use Title	I-O	M-1	M-2	I-P
<u>Animal boarding (indoor boarding only) and training, feeding, care, grooming and “daycare”². Does not include animal shelters*****, sales or breeding.</u>		P	P	
<u>Dog and cat boarding (indoor boarding only). Dog training, feeding and care, animal grooming and “dog daycare” also allowed. Does not include dog shelters, *****, animal sales or breeding.</u>		E	E	

**** = Dog shelters generally means an establishment, especially one supported by charitable contributions, that provides a temporary home for dogs, cats and other animals that are offered for adoption.

² = Pursuant to section 33-576 of this Article (animal boarding and daycare)

Sec. 33-576. Animal boarding and day care.

The indoor boarding of animals and animal day care shall be subject to the following standards:

- (a) Outdoor boarding of animals shall not be allowed.
- (b) All animals must be kept within the enclosed building(s), except for supervised walks. A plot plan application submitted to the planning division for review is required to establish any on-site supervised outdoor animal day care activity area or training area. The submittal shall include a site plan of the entire site showing fencing, any permanent improvements in the outdoor area, parking, circulation, etc.
- (c) The site shall be maintained in a neat, orderly and sanitary condition.
- (d) Shelter and care of the animals may be on a daily or overnight basis and include feeding, grooming, training and other associated activities.
- (e) The overnight boarding area shall be a separate and secure interior space.
- (f) The overnight boarding area shall incorporate sound attenuation measures to reduce potential noise impacts to adjacent businesses.
- (g) On-site supervision and/or remote camera monitoring of the overnight boarding area shall be provided when the business closes for the evening.

Sec. 33-577 – 33-589. Reserved.

ITEM #4:

GRADING EXEMPTIONS – Article 55

Change grading exemptions from separate hearing to concurrent review with associated administrative or discretionary development application, both with public notice, by revising subsections 33-1066(b)(2); (c); and (d).

Sec. 33-1066. Design criteria.

(b) Slope heights. Slope heights should be limited to minimize impact on adjoining properties. The height of retaining walls incorporated in grading designs shall be included in calculating the overall slope height. Grading designers should strive to conform to the following criteria:

(1) Fill slopes within fifty (50) feet of the property line should be limited to five (5) feet in height. Fill slopes in this location between five (5) and ten (10) feet in height may be allowed, subject to the approval of the director;

(2) Fill slopes beyond fifty (50) feet from the property line should be limited to twenty (20) feet in height;

(3) Fill slopes adjacent to existing public and private streets should be limited to ten (10) feet in height;

(4) Cut slopes within fifty (50) feet of the property line should be limited to twenty (20) feet in height;

(c) ~~Grading exemption discretionary permit~~ Specific review by the planning commission for discretionary project applications or by the director for administrative project applications is required. Planning commission approval will be required for the following slopes:

(1) Any fill slope within fifty (50) feet of the property line which is in excess of ten (10) feet in height;

(2) Any fill slope beyond fifty (50) feet of the property line which is in excess of twenty (20) feet in height;

(3) Any cut slope in excess of twenty (20) feet in height;

(4) Any cut slope steeper than two to one (2:1) determined by the director to impact adjacent properties.

(d) ~~Submittal requirements. Application Requests~~ for approval of slopes in subsection (c) above shall be included in the project description and identified on the project plans, ~~made on the forms provided by the planning division and submitted with a filing fee, the amount of which shall be determined by the city council.~~ A statement of justification for each slope shall also be included. For those slopes which are proposed as part of an administrative request, fees for the legal notice and mailing list shall be submitted and a public notice of intended decision shall be issued pursuant to Article 61, Division 6, of this Chapter. ~~another project requiring a public hearing, no~~ For a discretionary project, no separate application or filing fee will be required. When judging such requests, the planning commission or the director shall consider:

- (1) The criteria contained within section 33-1066;
- (2) The stability of the slope;
- (3) The impact of the slope on surrounding properties;
- (4) The reason for the slope; and
- (5) Whether reasonable alternatives to the proposed design are available.

ITEM #5:

EMERGENCY GENERATORS – ARTICLE 57

Specify staff level of review for emergency /back-up /standby generators by revising sec. 33-1122 as shown below and adding (c).

Sec. 33-1122. Electric generating facilities.

(a) Definition. As used in this section, an electric generating facility means a structure, apparatus or feature incorporating machinery or equipment, designed to produce electricity for power consumption.

(b) Permit requirements. Except where the city's land-use-permit authority is preempted by state law, the land use permit required to ~~authorize a proposed land use of this type is determined by the amount of electricity generated by the type of facility,~~ as follows:

(1) A conditional use permit is required for commercial electric generating facilities proposed for the primary purpose of providing electricity to the power grid. ~~is required for facilities with more than a maximum production capability of five (5) kilowatts of power.~~ Solar-energy systems are exempt from this requirement and design review unless the building official determines the solar-energy system would have a specific, adverse impact upon the public health and safety and there is no feasible method to avoid the specific adverse impact. Decisions of the building official may be appealed to the planning commission by filing a written request with any required fee, with the department of community development not more than ten (10) days following the final decision of the building official. The appeal shall state the reasons why the determination is contested and which findings, the appellant believes, were made in error. Decisions of the planning commission may be appealed to the city council pursuant to Article 61, Division 6 of the Zoning Code. Facilities shall conform to the following criteria:

- (A) All buildings, structures and landscaping should be compatible with surrounding development;
- (B) Facilities shall involve combined cycle technology as appropriate;
- (C) Facilities shall utilize most efficient, state-of-the-art technology that is reasonably available.

~~Applications for standby, diesel generators shall demonstrate that the best available technology is being utilized;~~

- (D) All feasible measures shall be incorporated to minimize pollutants generated by the facility;
- (E) Fuel used to generate electricity shall be limited to natural gas, solar, wind or other renewable energy resources. ~~Standby, emergency generators may utilize diesel fuel;~~
- (F) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on twenty-four (24) hour operation;
- (G) Transmission lines and components shall be under grounded to the maximum extent feasible;
- (H) ~~Facilities, except standby diesel generators, shall meet the provisions for reducing NOx in section 33-1122(7);~~

~~—(I) Standby, emergency generators may operate for no more than fifty-two (52) hours per year, except in an emergency situation where the primary power is unavailable in the community;~~

~~—(J) Testing and maintenance of standby, diesel generators may only occur between the hours of 7:00 a.m. and 5:00 p.m.~~

(2) A plot plan application shall be required for facilities that retrofit operations to incorporate co-generation, electric production involving any amount of electricity, ~~or for facilities with a maximum production capability of five (5) kilowatts of power through non-co-generation electric production.~~ The application shall include the following:

- (A) All buildings, structures and landscaping should be compatible with surrounding development;
- (B) Pollutants generated in producing electricity by the facility shall be demonstrated to constitute the lowest available emission rates;
- (C) The energy generated is intended to serve facilities on-site;
- (D) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on twenty-four (24) hour operation.

(c) Standby/emergency/back-up generators. Emergency back-up generators, including those proposed for previously approved discretionary projects, and portable generators associated with a temporary event shall conform to the following criteria:

(1) The energy generated is intended to serve facilities on-site during outages of the primary power or during a temporary event;

(2) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on twenty-four (24) hour operation;

(3) All buildings, structures and landscaping should be compatible with surrounding development;

(4) Standby, diesel generators shall demonstrate that the best available technology is being utilized;

(5) Standby, emergency generators may operate for no more than fifty-two (52) hours per year, except in an emergency situation where the primary power is unavailable in the community;

(6) Testing and maintenance of standby, diesel generators may only occur between the hours of 7:00 a.m. and 5:00 p.m.

ITEM #6:

SECOND DWELLING UNITS IN OLD ESCONDIDO NEIGHBORHOOD HISTORIC DISTRICT – Articles 65 and 70

To change to staff review via Plot Plan application with design review by the HPC.

SUBITEM #6A - Article 65 –Old Escondido Neighborhood

Add as a permitted accessory use in sec. 33-1373 and delete as a conditional use in sec. 33-1374(c) & (e).

Sec. 33-1373. Permitted accessory uses and structures.

- (a) Accessory uses and structures are permitted in the Old Escondido Neighborhood, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure (i.e., garage, storage, shed, etc.). Accessory uses and structures are permitted according to section 33-162 (R-1 zone) of this zoning code.
- (b) Second dwelling units as defined in section 33-8, are permitted subject to a second dwelling unit permit in conformance with Article 70 of this chapter.

Sec. 33-1374. Conditional uses.

(c) No new structures shall be permitted for any conditional uses, ~~with the exception of second dwelling units as defined in section 33-8 and pursuant to section 33-1374(e).~~ All signs must conform to section 33-1379 of this article. Any use or structure permitted or conditionally permitted by this zone and involving hazardous materials is subject to the conditional use permit requirements of Article 30 of this chapter.

~~(e) Second dwelling units shall be permitted with the approval of a conditional use permit and shall conform to sections 33-1470 through 33-1476 of this chapter.~~

SUBITEM #6B: Article 70 – Second Dwelling Units

Add an exception for the OEN in sec. 33-1471; sec 33-1472; and 33-1474(c) to allow detached second dwelling units.

Sec. 33-1471. Definition.

Second dwelling unit means a secondary, but independent living facility which is located or established on the same lot as an existing single family residence (for purposes of this article this existing residence shall be termed “the primary residence”). It includes permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling must be attached to the primary residence; except in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

Outside the Old Escondido Neighborhood historic district, a second dwelling unit shall be attached to the existing dwelling unit by a contiguous, shared wall and shall also have access from the living area of the primary structure.

For purposes of this article, living area means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

Sec. 33-1472. Permitted zones.

Second dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of a second dwelling unit permit. Second dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions and new structures in that neighborhood. Second dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size.

Sec. 33-1474. Development standards.

(c) Location on lot. Second dwelling units must be physically attached to the primary structure by a substantial contiguous wall and shall also have access from the primary structure; except for second dwelling units proposed in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

ITEM #7:

LOCAL REGISTER PROPERTIES – Article 40

Streamline designation of local register properties to the HPC by revising sec. 33-794(b)(3) and (d); deleting subsection (c); and revising sec. 33-795 as shown below.

Sec. 33-794(b). Procedure and criteria for local register listing or local landmark designation.

(3) ~~The HPC and city council shall each hold a duly noticed public hearing meeting.~~ In their review of the request for local register listing or local landmark designation, the HPC ~~and the city council~~ shall consider the criteria listed in this section.

~~(c) Notification of action. No later than five (5) working days following the city council's action, the decision of the city council shall be filed with the city clerk and a notice thereof shall be mailed to the applicant at the address shown on the application.~~

(~~c~~) Criteria. Prior to granting a resource local register or historical landmark status, the ~~city council~~ HPC shall consider the definitions for historical resources and historical districts and shall find that the resource conforms to one (1) or more of the criteria listed in this section. A structural resource proposed for the local register shall be evaluated against criteria number one (1) through seven (7) and must meet at least two (2) of the criteria. Signs proposed for the local register shall meet at least one (1) of the criteria numbered eight (8) through ten (10). Landscape features proposed for the local register shall meet criterion number eleven (11). Archaeological resources shall meet criterion number twelve (12). Local register resources proposed for local landmark designation shall be evaluated against criterion number thirteen (13). The criteria are as follows:

(1) Escondido historical resources that are strongly identified with a person or persons who significantly contributed to the culture, history, prehistory, or development of the City of Escondido, region, state or nation;

(2) Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered;

(3) Escondido historical resources that are connected with a business or use that was once common but is now rare;

- (4) Escondido historical resources that are the sites of significant historic events;
- (5) Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past fifty (50) years;
- (6) Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district;
- (7) Escondido historical building that is one of the few remaining examples in the city possessing distinguishing characteristics of an architectural type;
- (8) Sign that is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historical sign materials and is not significantly altered;
- (9) Sign that is integrated into the architecture of the building, such as the sign pylons on buildings constructed in the Modern style and later styles;
- (10) Sign that demonstrates extraordinary aesthetic quality, creativity, or innovation;
- (11) Escondido landscape feature that is associated with an event or person of historical significance to the community or warrants special recognition due to size, condition, uniqueness or aesthetic qualities;
- (12) Escondido archaeological site that has yielded, or may be likely to yield, information important in prehistory;
- (13) Escondido significant historical resource that has an outstanding rating of the criteria used to evaluate local register requests.

Sec. 33-795. Procedure and criteria for rescinding local register or landmark status.

(a) Submittal. Any person may submit a written request to the planning division to remove his or her resource from the local register or to rescind a local landmark designation. The application shall be made on forms provided by the city.

(b) Review. ~~The HPC and city council shall each hold a duly noticed public hearing meeting.~~ In their review of the request to remove a local register or landmark designation, the HPC and the city council shall consider the criteria listed in this section. Upon rescission, any associated Historic Property Preservation Agreement (Mills Act agreement) will be cancelled.

~~(c) Notification of Action. No later than five (5) working days following the city council action, the decision of the city council shall be filed with the city clerk and a notice thereof shall be mailed to the applicant at the address shown on the application.~~

(d) Criteria. The criteria listed in this section shall be used to determine whether to remove a resource from the local register or to rescind its local landmark designation.

(1) New documentation has been presented disproving the information upon which the resource was placed on the local register or given landmark status;

(2) Evidence has been presented showing that modifications and alterations to the resource have eliminated the distinctive architectural features that warranted its placement on the local register or its designation as a local landmark.

ITEM #8:

TRANSIENT LODGINGS – ARTICLE 63

To streamline the public hearing review to Planning Commission only and minor cleanup of references.

Sec. 33-1342. Permitted zones.

~~Transient lodging facilities shall be permitted or conditionally permitted in the CG, CT and CBD commercial zones according to sec. 33-332 of Article 16 of this Chapter subject to a conditional use permit approved by the city council upon recommendation from the planning commission. Transient lodging facilities shall also be allowed within adopted specific plans subject to the language of the applicable specific plan, pursuant to a conditional use permit approved by the city council upon recommendation from the planning commission. The development criteria shall also apply to transient lodging proposals in the PD zones; however, no formal CUP application need be processed concurrently with the planned development application.~~

Sec. 33-1343. Market analysis.

As part of the CUP application, a market analysis shall be submitted to the city. In order that sufficient data suitable for review is presented, the planning department shall establish a region to be encompassed by the market analysis. The market analysis shall address existing facilities, including the number and type of rooms and types of amenities; the proposed facility, including the number and type of rooms and proposed amenities; and the expected market from which the new facility will draw. In addition, the market analysis shall discuss the vacancy rates of existing facilities and the expected effect the proposed facility will have on the existing market. The market analysis shall be prepared by a qualified individual such as a fiscal or marketing consultant, to the satisfaction of the director of ~~planning and building~~. The intent of the market analysis is to establish the need for the type of transient lodging being proposed and to give the city some type of assurance that the additional rooms will be absorbed by the market.

Sec. 33-1344. Design guidelines.

Proposals for transient lodging facilities shall comply with the design guidelines for transient lodging facilities, set forth as in this section, as well as the design review guidelines which have been established for all commercial projects.

DESIGN GUIDELINES FOR TRANSIENT LODGING FACILITIES

These design guidelines are prepared as a checklist of items that affect the physical aspect of hotel/motel developments. They are not intended to restrict creativity or to limit imagination in proposals, but rather, to assist both developers and staff in preparing and reviewing projects for satisfactory design and aesthetics. ~~Please refer to Zoning Ordinance Section 1070A~~ the underlying zone for zone restrictions development standards and application requirements.

The overall appearance of a transient lodging facility is a product of the site design and the features offered, the relation of the site to surrounding areas, the relation of the buildings on-site and the bulk and scale of those buildings, the landscaping, lighting and signage of the facility as well as the materials and

colors used and the design and location of the parking areas. Often, a creative solution to site-specific constraints results in a project highlight and a benefit to surrounding properties.

Sec. 33-1344 – I. TYPES OF TRANSIENT LODGING FACILITIES –Sec. B

B. Minimum Parcel Size. The site for a proposed facility ~~shall~~ shall meet the minimum lot size requirement for the underlying zone. Refer to the Zoning Ordinance for the minimum setback, height and floor area ratio requirements.

Sec. 33-1344 - VII. PARKING AREAS AND ACCESS (Refer to ~~Zoning Ordinance Section 1077~~ Article 39 of this Chapter for specific parking regulations.)

Sec. 33-1344 - VIII. LIGHTING DETAILS (Refer to ~~Zoning Ordinance Section 1072~~ Article 35 of this Chapter for specific outdoor lighting regulations.)

Sec. 33-1344 - XII. ~~CIVIC DEVELOPMENT SUFFIX~~ DOWNTOWN SPECIFIC PLAN PROJECTS

Proposals for facilities in ~~any zone modified by the CD (Civic Development) suffix~~ the Downtown Specific Plan Area shall consider the following:

A. Consider providing a full service type of facility, capable of accommodating meetings and conventions; that may from time to time be associated with the civic center of the City.

B. Relate the design of the site and buildings to the surrounding built environment, to be compatible with the architecture, scale and color of the civic core.

Sec. 33-1345. Threshold standards for existing facilities.

(a) The requirements for a conditional use permit under this section shall apply to existing facilities when one of the following occurs:

- (1) A facility is remodeled by more than twenty-five (25) percent of the replacement costs as determined by a building department official;
- (2) The number of rooms is altered or uses changed;
- (3) There is an increase of more than three thousand (3,000) square feet or more than a ten (10) percent increase for hotels larger than thirty thousand (30,000) square feet.

(b) Upon written application, the requirement for a CUP and/or market analysis for modification to existing facilities may be waived if the director ~~of planning and building~~ finds:

- (1) That it can be seen with certainty that the proposed renovations will not have a negative effect on the community or area plan for the area in which the facility is located;
- (2) That the proposed renovations are consistent with the goals and policies of the adopted general plan;
- (3) That the proposed renovations are so minor in nature that to require a CUP and/or a market analysis would be unduly burdensome in relationship to the scale of the project;
- (4) That it can be seen with certainty that the proposed renovations will have a negligible effect on the existing market for the type of rooms provided; or
- (5) It can be demonstrated that modifications are necessary to maintain health and safety standards pursuant to city, county and state regulations.

Sec. 33-1346. Required findings.

In addition to findings required for conditional use permits by section 33-1203 of Article 61 of this chapter, before any conditional use permit for transient lodgings can be granted or modified, the following findings shall be made:

- (a) The proposed transient lodging facility will not in itself or in combination with others significantly affect the city’s ability to achieve a balanced range of transient lodging facilities;
- (b) The site is appropriate for transient lodging uses in that it is sufficiently accessible, is compatible with surrounding uses and is large enough to incorporate sufficient buffers and appropriate amenities;
- (c) The amenities and design features are appropriate for both the location and target population;
- (d) The facility conforms with any applicable specific plan and area plan criteria;
- (e) The location does not create problems which would adversely affect the city’s objectives of maintaining a balanced range of lodging facilities; and
- (f) The project design incorporates the design guidelines established for transient lodging facilities.

ITEM #9

SIGNS – ARTICLE 66

To reduce design review of certain signs to staff level by revising sec. 33-1395.2(a) and putting information in a table; and revising several other sections as shown below.

Sec. 33-1395.2. Sign standards—Freestanding signs—CG and CN zones.

(a) Size. The maximum size of freestanding signs shall be determined by the size of the lot or commercial center according to the following chart:

Lot/Center Size	Column A		Column B	
	Maximum size without design review		Maximum size with staff design review	
	Area	Height	Area	Height
a. Up to 7,000 SF (.16 ac)	10 SF	4’*	20 SF	15’
b. 7,001 - 10,000 SF (.23 ac)	20 SF	4’*	40 SF	15’
c. 10,001 - 25,000 SF (.57 ac)	30 SF	6’	60 SF	15’
d. 25,001 - 43,560 SF (1 ac)	30 SF	6’	80 SF	15’
e. 1+ ac - 3 ac	30 SF	6’	100 SF	15’
f. 3+ ac - 7 ac	30 SF	6’	125 SF	20’
g. 7+ ac	30 SF	6’	150 SF	30’

Permitted Freestanding Signs (CG and CN)

Column A: Maximum Size With Staff Review

Lot/Center Size	Area	Height
a. Up to 7,000 SF (.16 ac)	10 SF	4’*

Lot/Center Size	Area	Height
b. 7,001—10,000 SF (.23 ac)	20 SF	4'*
e. 10,001—25,000 SF (.57 ac)	30 SF	6'
d. 25,001—43,560 SF (1 ac)	30 SF	6'
e. 1+ ac—3 ac	30 SF	6'
f. 3+ ac—7 ac	30 SF	6'
g. 7+ ac	30 SF	6'

**Column B: Maximum Size With
Planning Commission Review**

Lot/Center Size	Area	Height
a. Up to 7,000 SF (.16 ac)	20 SF	15'
b. 7,001—10,000 SF (.23 ac)	40 SF	15'
e. 10,001—25,000 SF (.57 ac)	60 SF	15'
d. 25,001—43,560 SF (1 ac)	80 SF	15'
e. 1+ ac—3 ac	100 SF	15'
f. 3+ ac—7 ac	125 SF	20'
g. 7+ ac	150 SF	30'

* Signs with appropriately designed bases may be up to five (5) feet high.

Individual signs which do not exceed the maximum sign area and height indicated in column A and column B of the chart in this subsection for the appropriate lot/center size category, and which are consistent with the sign design guidelines, may be approved administratively.

Sec. 33-1395.3. Sign standards—Freeway-oriented signs—CG and CN zones.

(b) Type of sign. Freeway-oriented signs may be freestanding pole or monument type signs, wall signs, structures, or other building signs which are determined by the director planning commission to be consistent with the design guidelines and appropriate for the specific site and development.

(d) Size. The area of the sign shall comply with the corresponding lot center size indicated in the permitted freestanding sign chart in section 33-1395.2(a). For lots/centers twenty-five thousand (25,000) square feet or less in area, larger signs up to a maximum of eighty (80) square feet may be approved by the director planning commission based on specific site characteristics, the visibility of the sign, and the demonstration of the need for a larger sign to achieve the least obtrusive design solution which provides the necessary visibility.

Sec. 33-1395.5. Sign Standards—Freestanding signs—CP and HP zones.

(b) Size. The maximum size of any freestanding sign shall be determined by the size of the lot or professional center according to the following chart:

Lot/Center Size	Column A		Column B	
	Max. Maximum Size Without DRB Design Review		Max. Maximum Size With DRB Staff Design Review	
	Area	Height	Area	Height
a. Up to 21,000 SF	10 SF	4'	25 SF	8'
b. 21,001 SF – 3 ac	20 SF	6'	50 SF	8'
c. 3+ ac	30 SF	8'	60 SF	12'

* Signs with appropriately designed bases may be up to five (5) feet high.

Multishingle/panel signs are encouraged in the CP and HP zones (see definition).

Individual signs which do not exceed the maximum sign area and height indicated in column A and column B of the chart in this subsection for the appropriate lot/center size category, and which are consistent with the sign design guidelines, may be approved administratively.

Sec. 33-1395.11. Sign standards—Super-graphic signs—CG, CN, CP, HP and P-D-C zones.

(d) If deemed appropriate by the ~~planning commission~~ director, a super-graphic sign may extend above the primary wall line or parapet.

Sec. 33-1395.12. Sign standards—Signs related to historic buildings and historic signs.

(a) Historic buildings. Signs for buildings listed in the Escondido historic/cultural resource inventory or on the local register of historic places may deviate from the standards and from the design guidelines if the request is deemed historically appropriate for the significant architectural style of the building and consistent with the historic preservation incentives program. The ~~planning~~ historic preservation commission shall consider each request on a case-by-case basis.

(b) Advertising structures and signs identified by the historic preservation commission/~~planning commission~~ as having historic cultural significance may be maintained pursuant to the historic preservation incentives program. The ~~planning~~ historic preservation commission shall consider each request on a case-by-case basis.

CITY OF ESCONDIDO
MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION

September 27, 2016

The meeting of the Escondido Planning Commission Meeting was called to order at 7:03 p.m. by Chairman Weber in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: Jeffery Weber, Chairman; Michael Cohen, Commissioner; Don Romo, Commissioner; James Spann, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: Bob McQuead, Vice-Chair

Staff present: Bill Martin, Director of Community Development; Paul K. Bingham, Assistant Planner II; Jay Paul, Associate Planner; Rozanne Cherry, Principal Planner; Homi Namdari, Assistant City Engineer; Adam Phillips, Deputy City Attorney; and Eva Heter, Assistant City Clerk.

MINUTES:

Moved by Commissioner Weiler, seconded by Commissioner Spann, to approve the minutes of the September 13, 2016, meeting. Motion carried. Ayes: Cohen, Romo, Spann, and Weiler. Noes: None. Abstain: Weber. (4-0-1)

WRITTEN COMMUNICATIONS – None.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

I. CONDITIONAL USE PERMIT – PHG 16-0011:

~~REQUEST: A Conditional Use Permit to allow the expansion of an existing gas station (Arco AM/PM) from four (4) to six (6) pumps, including the replacement of the existing 37' x 52' fueling canopy with a larger 61' x 52' fueling canopy, and the reduction in width of the easterly driveway on E. Valley Parkway. The Conditional Use Permit is required since the existing convenience store sells beer and wine and would continue to do so. (Concurrent sales of fuel and alcoholic beverages requires a Conditional Use Permit for stations with five or more pumps.) The~~

proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: 2015 East Valley Parkway (APN 231-092-01-00) totaling 0.68 acre and located on the southeastern corner of East Valley Parkway and North Midway Drive.

ENVIRONMENTAL STATUS: The project is exempt from environmental review in conformance with the California Environmental Quality Act's section 15303 "New Construction or Conversion of Small Structures."

Paul K. Bingham, Assistant Planner II, presented the staff report, utilizing a PowerPoint presentation. Suitability of the proposed project was reviewed for land use and zoning compatibility with surrounding development. Originally the site was developed as an automotive service and gasoline station in 1971. The site currently includes a 1,924 SF canopy with four gasoline pump islands, which includes eight pumps. The applicant has proposed six pump islands (12 pumps) with an enlarged canopy. The site has adequate area for the added pumps. The driveway plan was reviewed and requires modifications. Engineering has suggested that the driveway plan include modifications to the existing easterly driveway approach on Valley Parkway by maintaining the west side of the driveway and reconstructing the east side to provide for a 30-foot-wide alley-type driveway. The conditions of approval included with the staff report, reflect the required changes and have been provided as condition number twenty-four. The proposal includes the continuing sale of alcohol. The proposed uses are allowed by the General Plan and Zoning Code. Gas stations with more than four pumps require a Condition Use Permit (CUP). Public review and comment for PHG16-0011 is required. The location currently has no CUP. Additionally, City approvals for projects requiring ABC licensing, require that applications submitted must include the necessary documentation for review of the ABC licensing. Plans were routed to City Departments. Operational conditions will be applied to reduce adverse neighborhood affects. Staff recommends approval for the project.

Commissioner Spann: expressed concerns with the traffic backing up along Valley Parkway as traffic gains access to the site.

Chairman Weber questioned the need for a solid cover over the trash enclosure. Mr. Bingham noted that condition number 6 addresses the need for the existing trash enclosures cover.

Chairman Weber Opened the Public Hearing: 7:15 p.m.

Fred Cohen, CJC Design, Applicant, thanked staff. He noted that the addition of the new pumps wouldn't add to the traffic congestion, it would simply provide more rapid fueling to help alleviate the traffic.

Chairman Weber inquired about additional striping at the location (from West to East), and expressed concerns with the fuel tanker not being able to gain access to the site during fuel deliveries; he noted that during his site visit he observed the fuel tanker having to remain partially in the street while delivering fuel, due to traffic congestion. He further questioned if fuel deliveries could be scheduled for off-peak hours. Mr. Fred Cohen stated that if striping was included as a condition, the location would be striped. Mr. Fred Cohen also noted that he was hoping to alleviate the traffic congestion issues, and limit the time and number of deliveries required for fuel delivery by utilizing a new blender type tank, which holds approximately ten thousand gallons.

Commissioner Weiler questioned if the proposed additional pumps would alleviate traffic congestion, and if the reduction of congestion had been experienced with previous projects. Mr. Fred Cohen stated that the reduction of traffic congestion had been experienced with other project, he gave an example of his project in Rialto.

Commissioner Spann expressed concerns about parking when fuel dispensing is occurring and questioned the measurement of 25 feet center-to-center on the pump remaining the same at the site. Mr. Bingham reviewed the standard parking measurement requirements.

Commissioner Romo questioned the expected percentage increase in processing/use. Mr. Fred Cohen stated that processing/use would be 40% faster, based on his experience at other locations.

Commissioner Weiler questioned if there was a way to speed the flow of traffic by increasing the speed of the flow from the pump. Mr. Fred Cohen stated that the pump flow is regulated by the State.

Chairman Weber closed the Public Hearing: 7:23 p.m.

Commissioner Spann expressed concerns with no additional speed of processing/use, the added business would impact traffic flow.

Chairman Weber expressed concerns with the badly impacted site, stating that during his site visit the truck for tank filling blocked all parking and stuck out into Midway. All parking was blocked on the Midway side. He also expressed concerns with the ability to process payments faster.

Commissioner Weiler expressed similar concerns with traffic congestion, stating that adding two more pumps would allow more people to utilize the pump. The consumer will determine the time it takes to process payment. Existing consumers will be able to be moved through quicker.

Commissioner Cohen stated that additional pumps will allow consumers to be pushed through quicker and alleviate traffic concerns that currently exist. Adding the two pumps is a step in the right direction.

Commissioner Romo: expressed that the additional pumps would not alleviate the traffic congestion, it would allow the owner to service more customers. He questioned the number of pumps at the station across the street. Mr. Fred Cohen stated that there are six pumps at the station across the street.

Chairman Weber expressed that he would like to see a restriction on the time the delivery tanker can be onsite, restricting delivery times between the hours of 4:00 p.m. – 7:00 p.m.

ACTION:

Moved by Chairman Weber and seconded by Commissioner Weiler, to approve Conditional Use Permit PHG 16-0011, with the added condition to prohibit fuel deliveries between the hours of 4 p.m. – 7 p.m. Motion carried. Ayes: Cohen, Romo, Spann, Weber, and Weiler. Noes: None. Abstain: None. (5-0-0)

2. ZONING CODE AMENDMENT – AZ 16-0006:

REQUEST: An amendment of the Escondido Zoning Code (EZC) to streamline various review processes to change the reviewing authority and eliminate some public hearings for conditional use permits (CUPs) and other applications, including small lot developments, back-up/emergency generators, second dwelling units in the Old Escondido Neighborhood, easement access, animal boarding, hotels/motels, grading exemptions, listing properties on the local register of historic resources, and certain signs. Changes are proposed to EZC Articles 10, 12, 13, 14, 26, 40, 55, 57, 63, 65, 66, and 70. The proposal also includes the adoption of the environmental determination prepared for the project. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under the General Rule, CEQA Section 15061(b)(3).

Rozanne Cherry, Principal Planner, presented the staff report, utilizing a PowerPoint presentation. The proposed amendments to the Zoning Code implement a portion of the "Working Together to Get to Yes!" program, which is part of the City Council's 2016-2017 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards associated with the development entitlement process." The proposed amendment is the first of several. Revisions to nine separate items were reviewed. Many of the items involved requests or applications for a use that already has established development standards, guidelines and/or criteria. The proposed streamlining of review processes would result in reduced processing times and cost savings for applicants and staff. The value of some processes is no longer balanced with the time delay imposed upon project applicants. Staff recommended approval.

Commissioner Weiler was in favor of the code amendment and streamlining the process to help the applicants. He questioned if the items requiring a Notice of Intended Decision (NOID) would still be noticed. Rozanne Cherry noted that all items requiring a public hearing would receive the normal notices and that the NOID was the form of notice used for administrative applications. However, items 3, 5, 6, 7, and 9, as proposed, would not require public notice.

Chairman Weber questioned if the NOID can be appealed and, if so, should language be added to inform neighbors of their right to appeal. Rozanne Cherry noted that the NOID identifies to the neighbors that they have the right to appeal. Bill Martin confirmed that the language already exists in the ordinance and that staff would add more information about public notices and the NOID in the City Council staff report.

Chairman Weber Opened the Public Hearing: 7:52 p.m.

Randal Roberts, Escondido, requested the definition of staff, indicated in column "to." Bill Martin, noted that "staff" refers to the Director of Community Development or the Director's Designee. He further noted that the language would be clarified.

Randal Roberts, Escondido, requested clarification on when the NOID notices are mailed out. Bill Martin noted that the notices would be sent out at least 10 days prior to the effective date of the decision.

Carlos Bonilla, Escondido, spoke in favor of the item.

Chairman Weber Closed the Public Hearing: 7:56 p.m.

Chairman Weber expressed concerns with the changes being in the best interest of the community, and questioned if the applicant can appeal administrative

decisions. Rozanne Cherry noted that the applicant can appeal the administrative decision.

ACTION:

Moved by Commissioner Weiler and seconded by Commissioner Cohen, to approve Zoning Code Amendment– AZ 16-0006. Motion carried. Ayes: Cohen, Romo, Spann, Weber, and Weiler. Noes: None. Abstain: None. (5-0-0)

CURRENT BUSINESS:

- 1. Precise Development Plan to remodel an existing drive-through restaurant for a new El Pollo Loco drive-through restaurant (Case No. PHG 16-0013):**

PROJECT DESCRIPTION: A Precise Development Plan to remodel an existing restaurant building with drive-through on an outpad site within the Del Norte Plaza Commercial Shopping Center for a new El Pollo Loco restaurant.

GENERAL PLAN DESIGNATION/ZONING: Planned Commercial (PC) and Planned Development Commercial (PD-C)

LOCATION: Del Norte Plaza Shopping Center, 350 W. El Norte Parkway, Suite A

Jay Paul, Associate Planner, presented the staff report, utilizing a PowerPoint presentation. The site review of the location included allowing flexibility and more variety for the out pad buildings and the appropriateness of the proposed design for El Pollo Loco. The site design could provide limited outdoor seating opportunities. The western elevation design incorporates a signature metal grill feature that is backlit with red light. In conformance with the new storm water requirements, the existing trash enclosure would be upgraded to include a solid roof structure and new solid gates. The appropriateness of the proposed signage is subject to conformance with the Centers' sign program and the City's sign code. A variety of sign elevations were presented, and staff recommended the location for the new monument sign be located in the same general proximity to the previous Arby's monument sign in order to avoid any sight line issues and conflicts with utilities at the El Norte Parkway driveway entrance, as well as impacts to the existing landscaping at the entrance. Staff recommended approval.

Commissioner Weiler questioned the colors on the photos being more representative of the color scheme, versus the colors presented on the renditions. He expressed that the colors presented on the renditions were too bold. Mr. Paul

Noted that the colors presented in the photos were more representative of the color scheme.

Chairman Weber questioned if any comments had been received from the Del Norte Plaza management. He further questioned the location and grade for the monument sign. Mr. Paul reviewed two potential locations for the sign, noting that the new signage is conditioned to be located within the same general proximity as the previous signage.

Gabriela Marks, Architect, thanked planning staff for working closely on the project with her, and made herself available for questions.

Commissioner Weiler questioned the bold colors presented on the elevations versus the photos.

Gabriela Marks, Architect, noted that the color scheme presented in the photos is more representative of the color scheme.

Commissioner Cohen questioned if the proposed signage is within the limitations of the code. Mr. Paul noted that the proposed signage was within the limitations of the Center's sign program and zoning code.

ACTION:

Moved by Commissioner Romo and seconded by Chairman Weber, to approve the remodel of existing drive-through restaurant for a new El Pollo Loco drive-through restaurant – Case No. PHG 16-0013 Motion carried. Ayes: Cohen, Romo, Spann, Weber, and Weiler. Noes: None. Abstain: None. (5-0-0)

ORAL COMMUNICATIONS – None.

PLANNING COMMISSIONERS – None.

ADJOURNMENT:

Commissioner Weber adjourned the meeting at 8:19 p.m. The next meeting was scheduled for October 25, 2016, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

Bill Martin, Secretary to the Escondido
Planning Commissioner

Eva Heter, Assistant City Clerk

PLANNING COMMISSION

Agenda Item No.: 6.2
Date: **September 27, 2016**

CASE NUMBER: AZ 16-0006
APPLICANT: City of Escondido
LOCATION: Citywide
TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: An amendment of the Escondido Zoning Code (EZC) to streamline various review processes to change the reviewing authority and eliminate some public hearings for conditional use permits (CUPs) and other applications, including small lot developments, back-up/emergency generators, second dwelling units in the Old Escondido Neighborhood, easement access, animal boarding, hotels/motels, grading exemptions, listing properties on the local register of historic resources, and certain signs. Changes are proposed to EZC Articles 10, 12, 13, 14, 26, 40, 55, 57, 63, 65, 66, and 70. No development project is proposed.

STAFF RECOMMENDATION: Approval

BACKGROUND/SUMMARY OF ISSUES:

In 2014 the City launched the "Working Together to Get to YES!" program (YES Program) in an effort to streamline business and development approval processes. Since its inception, the City has made progress in implementing key elements of the program. The YES Program demonstrates the City's intent to create a conducive and enticing environment for private sector investment in the community. Ultimately, the YES Program seeks to align policies and codes with City Council priorities, increase administrative discretion in approving projects, enhance internal and external communication, and eliminate steps in the approval process.

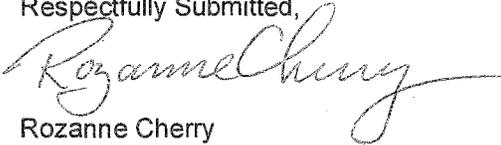
The City Council's 2015-2016 Action Plan for Economic Development adopted a strategy to implement the Yes Program. Staff was directed to revamp and clean up policies, practices and standards associated with the development entitlement process to increase efficiencies by eliminating outdated and burdensome processes and reduce project timeframes and costs through the implementation of streamlined review processes. Several of the city's standards, policies and practices have already been updated since the adoption of the Action Plan including a reduction in CEQA thresholds, outsourcing production of draft CEQA documents, adoption of Rural Road Standards and adding staff discretion to reduce commercial parking standards.

The proposed amendment to the Escondido Zoning Code would revamp and update several planning processes and conditionally permitted land uses. This first phase of the Zoning Code update primarily focuses on practices where the value added by the current Planning Commission or City Council review process is negligible and results in unnecessary additional time and expense to project applicants. In most cases, review authority is downgraded to the Community Development Director or staff level (administrative review) to advance the goal of project streamlining. There are nine separate items proposed. Several of the items require the modification of more than one Article of the Zoning Code. These related amendments are listed as subitems. Generally the items involve requests/applications for a use that already has established development standards. In these instances, requests are evaluated against the standards, which can be done by the city's professional staff. Whenever there was a question as to conformance with the standards, staff would refer the item to the next higher review authority.

REASONS FOR STAFF RECOMMENDATION:

1. The proposed amendments to the Zoning Code implement a portion of the "Working Together to Get to Yes!" program associated with the City Council's 2015-2016 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development."
2. The proposed amendments to the Zoning Code would streamline existing development review processes by eliminating longstanding public hearing requirements for certain applications where the value added by the process has not balanced with the time delay imposed upon project applicants. Public hearings for the affected applications generally are sparsely attended and typically generate minimal discussion by the hearing body. Lowering project review down to the administrative level results in cost savings and reduced processing times for both the project applicant and staff. Several of these items can also be addressed during the review of associated applications without relying on a separate public hearing or permit process.
3. Streamlining existing development review processes as proposed would increase efficiencies by changing some reviews from two public hearings to one hearing; a public hearing to administrative review (some with public notice); and changing several conditionally permitted uses to permitted uses subject to development standards.

Respectfully Submitted,



Rozanne Cherry
Principal Planner

SUMMARY
 Proposed Changes to Review Authority

Item #		From	To
1	Easement access in R-1 zones	PC – hrg	Staff with map review TPM – NOID TSM – PC hearing
2	Small Lot Developments in multi-family zones	PC - hrg	Staff with map review TPM – NOID TSM – PC hearing
3	Animal (Dog) boarding facilities in M1/M2 zones	PC – hrg	Permitted Use with standards
4	Stand-alone Grading Exemptions & GEs part of an administrative application	PC - hrg	Staff with NOID
5	Emergency/Back-up generators	PC - hrg	Staff
6	2 nd D/U in OEN	PC - hrg	Staff PPL with HPC design review
7	Local Register Listings	CC & HPC - hrgs	HPC – current business
8	Hotel/Motels	CC & PC - hrgs	PC hrg only
9	Larger Signs (Col. B), Freeway oriented signs, & super-graphic signs	PC – design review	Staff design review
	Approval of sign deviations for historic bldgs. & historic advertising structures	PC –design review	HPC – design review

CC = City Council PC = Planning Commission HPC = Historic Preservation Commission
 TPM = Tentative Parcel Map (administrative) TSM = Tentative Subdivision Map PPL = Plot Plan (administrative)
 hrg = hearing NOID = Notice of Intended Decision (public notice in paper, mailed to 500' radius & posted on site)

ANALYSIS

A. ENVIRONMENTAL STATUS

The proposed code amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.

B. ANALYSIS – See attached Exhibit “B” for specific text changes for each item.

Item 1- Easement Access in R-1 Zones – Article 10

A request for private easement road access to a new residential lot proposed by a Tentative Parcel Map (TPM) or Tentative Subdivision Map (TSM) in the R-1 zone, currently requires a separate application for a Conditional Use Permit (CUP). This process automatically elevates affected TPM's from an administrative level of approval to a public hearing by the Planning Commission. The proposed amendment would eliminate the need for a CUP and require the applicant to include the request in the project description for the subdivision or parcel map. The easement access would be evaluated concurrently with the review of the tentative map and the appropriate width and alignment would be determined by the Fire Marshal and City Engineer. A tentative subdivision map with easement access would still be reviewed by the Planning Commission at a public hearing. For a tentative parcel map with easement access, a Notice of Intended Decision would still be mailed to property owners within 500-feet, providing neighbors notice of the project and the proposed easement access and the opportunity to discuss the project with a planner and appeal the intended decision to the planning commission, if they felt it was necessary.

Item 2 – Small Lot Developments: Subitem 2A – R-2 Zone, Article 12; Subitem 2B – R-3 Zone, Article 13; and Subitem 2C – R-4 Zone, Article 14

Currently, “Small Lot Planned Developments” are permitted in the multi-family R-2, R-3 and R-4 zones with a CUP application filed in conjunction with a TPM or TSM. Staff acknowledges there is confusion about the review process because the name includes “planned development”. The proposed amendment would rename the process to “Small Lot Development” and eliminate the CUP requirement. The project description will include the request for a small lot development and the project plans will show the layout and conformance with the standards spelled out in each of the multi-family zones. A TSM would be considered by the planning commission at a noticed public hearing. Review of a small lot development in conjunction with a TPM would stay at the administrative level. Neighbors would be informed about the proposed small lot development with a TPM by the Notice of Intended Decision that would be mailed to owners within 500-feet.

Item 3 – Animal Boarding Facilities in Industrial Zones – Article 26

In April 2015, City Council approved a code amendment, upon the recommendation of the planning commission, to add indoor dog boarding, training, feeding, care, grooming and “daycare” as a conditionally permitted use in the M-1 and M-2 zones. An associated CUP for a proposed dog boarding facility was also approved (PHG 14-0029) with conditions to ensure that the facility would be a good neighbor. Staff proposes to add those conditions to the zoning code as development standards for future boarding facilities. Concurrent with the adoption of the development standards, staff proposes that the use be generalized to “Animal Boarding” and changed to a permitted use in the M-1 and M-2 zones, eliminating the CUP requirement. “Animal” boarding would provide flexibility should there be a request for a “pet hotel” or other boarding facility that would accommodate cats, birds, reptiles and/or other types of pets. A boarding facility

proposed entirely within an enclosed building would be reviewed for conformance with the development standards during the review of the building plans for the tenant improvements. Since the boarding facilities are only allowed in the industrial zones, a supervised outdoor exercise area could be determined to be compatible with the industrial neighbors upon approval or conditional approval of an administrative plot plan application.

Item 4- Grading Exemptions – Article 55

Currently, requests for a grading exemption for slope heights and/or slope inclinations require a separate application and public hearing at the Planning Commission, whether they are associated with a single-family residence or a larger development project. The determination as to the appropriateness of the requested slope heights and inclinations is based on the geotechnical report prepared for the project, if needed, and the design guidelines of EZC Article 55, Section 33-1066. The proposed amendment would simplify the review process to staff level using the same reports and guidelines for the determination. For projects that do not require a public hearing, a Notice of Intended Decision would be mailed to property owners within 500 feet of the project site. This notice would give neighbors time to review the proposed plans at the Planning Division and discuss any issues with staff before the decision became effective. With these changes the application process is streamlined utilizing existing standards and guidelines and a more efficient review is established while maintaining public notification.

Item 5- Emergency Generators – Article 57

This proposed code change implements the Planning Commission's desire to have staff review requests for emergency/backup generators, such as for wireless and essential medical facilities. The changes would allow staff to review these requests, including those proposed for previously approved discretionary projects and portable generators associated with temporary events, as part of building permit applications. The standards for standby, diesel generators that are currently scattered throughout the code section would be consolidated under the new section 33-1122(c). With the standards in place and the existing noise ordinance, a CUP is not necessary. The current CUP and administrative Plot Plan processes for commercial electric generating facilities providing electricity to the power grid (CUP) and co-generation requests (Plot Plan) would continue to be required.

Item 6- Second Dwelling Units in Old Escondido Neighborhood Historic District – Articles 65 & 70

Currently, a CUP is required only for second dwelling units (2ndDU) proposed in the Old Escondido Neighborhood (OEN) historic district. Outside the district an administrative Plot Plan is required. This code amendment would make the review of 2ndDU's in the OEN consistent with the process used throughout the rest of the city. The Historic Preservation Commission (HPC) discussed this at the October 2015 meeting. The HPC supported the processing change and recommended that staff also allow 2ndDU's to be detached when access was available from an alley or when the unit was proposed above an existing garage, since there are many existing historic alley houses behind a principal residence in the OEN. In the City's early years, alley units were common. Allowing 2ndDU's to be constructed over detached garages would be in keeping with past practices while maintaining the primary residences in a more original form. Proposals would still be subject to the Secretary of the Interior Standards for Historic Properties and design review by the HPC or staff according to Article 40 standards.

Item 7- Local Register Properties – Article 40

The City is designated as a Certified Local Government (CLG) under an historic preservation program administered by the CA Office of Historic Preservation (OHP). This program requires the City to have a process for designating eligible properties as a Local Register or Local Landmark historic resource, but does not dictate the review process. The current review process requires a public hearing at both the HPC and the City Council, where each body determines if the property meets the criteria established in EZC section 33-794. Requests for Local Register/Landmark designations are submitted by the property owner or by another with the property owner's permission. As there are no potential physical impacts to neighboring properties as a result of a listing, staff recommends that the listing process be handled by the HPC as a current business item. Many times listing a property actually increases the property value and benefits the immediate neighbors.

Item 8- Transient Lodgings – Article 63

Currently, hotels/motels proposed in the CG (General Commercial) zone require CUP hearings at the Planning Commission and the City Council. Extensive guidelines for the development of lodging facilities are included in EZC Article 63. With these established guidelines, the review process can be streamlined by eliminating the second public hearing and relying on the land use decision of the Planning Commission. Should there be continuing concerns about a project, the determination of the PC could be referred to or appealed to the City Council under the existing procedures listed in EZC Article 61. Staff is also recommending additional revisions to cleanup outdated references.

Item 9- Signs – Article 66

When the Design Review Board was disbanded, design review duties were assigned to the Planning Commission, including the review of certain signs. Experience with these reviews has demonstrated that proposals following the standards and design guidelines of Article 66 (Sign Ordinance) result in pleasing and appropriately scaled freestanding commercial signs, freeway-oriented signs, and super-graphic signs. Staff recommends that design review of these signs be handled at the staff level to expedite the review of the sign permit applications. Other changes include moving commercial sign thresholds into a table format and changing the design review of requests for deviations from the sign standards for signs related to historic buildings and historic signs to the Historic Preservation Commission.

EXHIBIT "A"

**FACTORS TO BE CONSIDERED
AZ16-0006**

Zoning Code Amendment

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code amendments. Pursuant to California Government Code Section 65100, the legislative body of a city shall assign the functions of a planning agency to a planning department, one or more planning commissions, administrative bodies or hearing officers, the legislative body itself, or any combination thereof, as it deems appropriate and necessary. The proposed amendments to the Zoning Code would only streamline the existing review processes by authorizing a different advisory commission or administrative body to approve, conditionally approve or deny the various project applications.
2. The proposed zoning code amendments would not conflict with any State law or be detrimental to surrounding properties because the amendments involve existing development application types and existing development standards. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this code amendment.
3. The proposed zoning code amendment to streamline project review processes would be consistent with the goals and policies of the General Plan because it would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources. In addition, the amendment would implement a portion of the "Working Together to Get to Yes!" program associated with the City Council's 2015-2016 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development."
4. The proposed zoning code amendment would not affect any specific plans.

EXHIBIT "B"
STREAMLINING CUP PROCESSES

New text /deleted text
 Planning Commission Draft

ITEM #1

EASEMENT ACCESS R-1 ZONES – Article 10

Change to staff review with the parcel/subdivision map application.

Sec. 33-166(c)(1)

(c) Lot frontage. Each lot or parcel of land in an R-1 zone shall abut a public street for a minimum of thirty-five (35) feet, on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement.

Exception: Access to lots or parcels may be provided by private road easement conforming to the following standards and subject to approval of ~~a conditional use permit~~ the city engineer and fire marshal:

(1) The ~~minimum~~ easement width shall be ~~twenty to twenty-two~~ four (2224) feet. ~~A minimum twenty (20) foot easement width may be permitted subject to approval as determined by the engineering department and fire marshal, and upon approval of an administrative adjustment filed in conjunction with the conditional use permit;~~

ITEM #2

SMALL LOT DEVELOPMENTS IN R-2, R-3 & R-4 ZONES –Articles 12, 13 & 14

Change to staff review concurrently with parcel/subdivision map

SUBITEM #2A: R-2 ZONE – Article 12

Add (a) & (b) to sec. 33-211; delete (d) of sec. 33-213; and revise sec. 33-229 as shown below.

Sec. 33-211. Permitted principal uses and structures.

The following principal uses and structures are permitted in an R-2 zone:

(a) Uses as listed below:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six (6) or fewer persons and transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1120	Two-family dwellings including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)

Use No.	Use Title
1130	Multiple-family dwellings, including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
5995	Arts and crafts shows as defined in section 33-8 (with permit as required by section 33-1119 of Article 57 of this chapter)
6815	Small family day care centers as defined in section 33-8 of Article 1 of this chapter; large family day care centers as defined in section 33-8 of Article 1 of this chapter (with permit as required by section 33-1104 of Article 57 of this chapter)

(b) Small lot developments pursuant to the provisions of section 33-229 of this article.

Sec. 33-213. Conditional uses and structures.

-) ~~(d) Small lot zoning provisions of section 33-229 of this article;~~
- (de) Senior housing projects conforming to the provisions of Article XLI of this chapter.

Sec. 33-229. Small lot ~~planned development.~~

(a) Purpose. Development and recycling opportunity in ~~the certain multi-family zones area and of the city.~~

(b) Development standards. Development under this provision shall comply with the following requirements:

- (1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;
- (2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;
- (3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;
- (4) Densities per acre shall not exceed that allowed by the zone classification ~~or~~ and the general plan;
- (5) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;
- (6) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;
- (7) Process. All requests for a small lot ~~planned development~~ shall be included in the project description and plans of the associated tentative parcel map or subdivision map application file ~~an application for a conditional use permit pursuant to Article 61, Division 1.~~

SUBITEM #2B: R-3 ZONE – Article 13

Add (a) & (b) to sec. 33-241; delete (d) of sec. 33-243; and revise sec. 33-259 as shown below.

Sec. 33-241. Principal permitted uses and structures.

The following principal uses and structures are permitted in an R-3 zone:

(a) Uses as listed below:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six (6) or fewer persons and transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1120	Two-family dwellings including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1130	Multiple-family dwellings, including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
5995	Arts and crafts shows as defined in section 33-8 (with permit as required by section 33-1119 of Article 57 of this chapter)
6815	Small family day care centers as defined in section 33-8 of Article 1 of this chapter; large family day care centers as defined in section 33-8 (with permit as required by section 33-1104 of Article 57 of this chapter)

(b) Small lot developments pursuant to the provisions of section 33-259 of this article.

Sec. 33-243. Conditional uses and structures.

~~(d) Small lot zoning provisions of section 33-259;~~

(de) Senior housing projects conforming to the provisions of Article 41 of this chapter.

Sec. 33-259. Small lot planned development.

(a) Purpose. Development and recycling opportunity ~~in the area and of the city~~ certain multi-family zones.

(b) Development standards. Development under this provision shall comply with the following requirements:

(1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;

(2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;

(3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;

(4) Densities per acre shall not exceed that allowed by the zone classification ~~or~~ and the general plan;

(5) A minimum density of seventy (70) percent of the maximum permitted density of the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan.

(56) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;

(67) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;

(78) Process. All requests for a small lot ~~planned~~ development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application file ~~an application for a conditional use permit pursuant to Article 61, Division 1.~~

SUBITEM #2C: R-4 ZONE – Article 14

Add (a) & (b) to sec. 33-271; delete (d) of sec. 33-273; and revise sec. 33-290 as shown below.

Sec. 33-271. Permitted principal uses and structures.

The following principal uses and structures are permitted in an R-4 zone:

(a) Uses as listed below:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six (6) or fewer persons and transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1120	Two-family dwellings including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1130	Multiple-family dwellings, including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
5995	Arts and crafts shows as defined in section 33-8 (with permit as required by section 33-1119 of Article 57 of this chapter)
6815	Small family day care centers as defined in section 33-8; large family day care centers as defined in section 33-8 (with permit as required by section 33-1104 of Article 57 of this chapter)

(b) Small lot developments pursuant to the provisions of section 33-290 of this article.

Sec. 33-273. Conditional uses and structures.

~~(d) Small lot zoning provisions of section 33-290 of this article;~~

(de) Senior housing projects conforming to the provisions of Article 41 of this chapter.

Sec. 33-290. Small lot ~~planned~~ development.

(a) Purpose. Development and recycling opportunity in the area and of the city in certain multi-family zones.

(b) Development standards. Development under this provision shall comply with the following requirements:

(1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;

(2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;

(3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;

(4) Densities per acre shall not exceed that allowed by the zone classification ~~or~~ and the general plan;

(5) A minimum density of seventy (70) percent of the maximum permitted density in the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan.

~~(56)~~ Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;

~~(67)~~ The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;

~~(78)~~ Process. All requests for a small lot ~~planned~~ development shall ~~file an application for a conditional use permit pursuant to Article 61, Division 1~~ be included in the project description and plans of the associated tentative parcel map or subdivision map application. (Zoning Code, Ch. 103, § 1037.39.10; Ord. No. 2006-41, § 4, 12-20-06; Ord. No. 2011-19R, § 5, 1-11-12)

ITEM #3:

ANIMAL BOARDING FACILITIES IN INDUSTRIAL ZONES – Article 26

Change from a CUP to Permitted Use in the M-1 and M-2 Zones by deleting dog and cat boarding and adding animal boarding and footnote 2 in Table 33-564; and adding section 33-576.

Table 33-564

PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Use Title	I-O	M-1	M-2	I-P
<u>Animal boarding (indoor boarding only) and training, feeding, care, grooming and “daycare”². Does not include animal shelters****, sales or breeding.</u>		<u>P</u>	<u>P</u>	
<u>Dog and cat boarding (indoor boarding only). Dog training, feeding and care, animal grooming and “dog daycare” also allowed. Does not include dog shelters,**** animal sales or breeding.</u>		<u>€</u>	<u>€</u>	

**** = Dog shelters generally means an establishment, especially one supported by charitable contributions, that provides a temporary home for dogs, cats and other animals that are offered for adoption.

² = Pursuant to section 33-576 of this Article (animal boarding and daycare)

Sec. 33-576. Animal boarding and day care.

The indoor boarding of animals and animal day care shall be subject to the following standards:

- (a) Outdoor boarding of animals shall not be allowed.
- (b) All animals must be kept within the enclosed building(s), except for supervised walks. A plot plan application submitted to the planning division for review is required to establish any on-site supervised outdoor animal day care activity area or training area. The submittal shall include a site plan of the entire site showing fencing, any permanent improvements in the outdoor area, parking, circulation, etc.
- (c) The site shall be maintained in a neat, orderly and sanitary condition.
- (d) Shelter and care of the animals may be on a daily or overnight basis and include feeding, grooming, training and other associated activities.
- (e) The overnight boarding area shall be a separate and secure interior space.
- (f) The overnight boarding area shall incorporate sound attenuation measures to reduce potential noise impacts to adjacent businesses.
- (g) On-site supervision and/or remote camera monitoring of the overnight boarding area shall be provided when the business closes for the evening.

Sec. 33-577 – 33-589. Reserved.

ITEM #4:

GRADING EXEMPTIONS – Article 55

Change grading exemptions from separate hearing to concurrent review with associated administrative or discretionary development application, both with public notice, by revising subsections 33-1066(b)(2); (c); and (d).

Sec. 33-1066. Design criteria.

(b) Slope heights. Slope heights should be limited to minimize impact on adjoining properties. The height of retaining walls incorporated in grading designs shall be included in calculating the overall slope height. Grading designers should strive to conform to the following criteria:

(1) Fill slopes within fifty (50) feet of the property line should be limited to five (5) feet in height. Fill slopes in this location between five (5) and ten (10) feet in height may be allowed, subject to the approval of the director;

(2) Fill slopes beyond fifty (50) feet from the property line should be limited to twenty (20) feet in height;

(3) Fill slopes adjacent to existing public and private streets should be limited to ten (10) feet in height;

(4) Cut slopes within fifty (50) feet of the property line should be limited to twenty (20) feet in height;

(c) ~~Grading exemption discretionary permit~~ Specific review by the project approval authority is required. Planning commission approval will be required for the following slopes:

(1) Any fill slope within fifty (50) feet of the property line which is in excess of ten (10) feet in height;

(2) Any fill slope beyond fifty (50) feet of the property line which is in excess of twenty (20) feet in height;

(3) Any cut slope in excess of twenty (20) feet in height;

(4) Any cut slope steeper than two to one (2:1) determined by the director to impact adjacent properties.

~~(d) Submittal requirements. Application Requests for approval of slopes in subsection (c) above shall be included in the project description and identified on the project plans, made on the forms provided by the planning division and submitted with a filing fee, the amount of which shall be determined by the city council. A statement of justification for each slope shall also be included. For those slopes which are proposed as part of an administrative request, fees for the legal notice and mailing list shall be submitted and a public Notice of Intended Decision shall be issued pursuant to Article 61, Division 6, of this Chapter, another project requiring a public hearing, no For a discretionary project, no separate application or filing fee will be required. When judging such requests, the planning commission approval authority shall consider:~~

- (1) The criteria contained within section 33-1066;
- (2) The stability of the slope;
- (3) The impact of the slope on surrounding properties;
- (4) The reason for the slope; and
- (5) Whether reasonable alternatives to the proposed design are available.

ITEM #5:

EMERGENCY GENERATORS – ARTICLE 57

Specify staff level of review for emergency /back-up /standby generators by revising sec. 33-1122 as shown below and adding (c).

Sec. 33-1122. Electric generating facilities.

(a) Definition. As used in this section, an electric generating facility means a structure, apparatus or feature incorporating machinery or equipment, designed to produce electricity for power consumption.

(b) Permit requirements. Except where the city's land-use-permit authority is preempted by state law, the land use permit required to authorize a proposed land use of this type is determined by the amount of electricity generated by the type of facility, as follows:

(1) ~~A conditional use permit is required for commercial electric generating facilities proposed for the primary purpose of providing electricity to the power grid. is required for facilities with more than a maximum production capability of five (5) kilowatts of power.~~ Solar-energy systems are exempt from this requirement and design review unless the building official determines the solar-energy system would have a specific, adverse impact upon the public health and safety and there is no feasible method to avoid the specific adverse impact. Decisions of the building official may be appealed to the planning commission by filing a written request with any required fee, with the department of community development not more than ten (10) days following the final decision of the building official. The appeal shall state the reasons why the determination is contested and which findings, the appellant believes, were made in error. Decisions of the planning commission may be appealed to the city council pursuant to Article 61, Division 6 of the Zoning Code. Facilities shall conform to the following criteria:

- (A) All buildings, structures and landscaping should be compatible with surrounding development;
- (B) Facilities shall involve combined cycle technology as appropriate;
- (C) Facilities shall utilize most efficient, state-of-the-art technology that is reasonably available.

~~Applications for standby, diesel generators shall demonstrate that the best available technology is being utilized;~~

- (D) All feasible measures shall be incorporated to minimize pollutants generated by the facility;
- (E) Fuel used to generate electricity shall be limited to natural gas, solar, wind or other renewable energy resources. ~~Standby, emergency generators may utilize diesel fuel;~~
- (F) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on twenty-four (24) hour operation;
- (G) Transmission lines and components shall be under grounded to the maximum extent feasible;
- (H) ~~Facilities, except standby diesel generators, shall meet the provisions for reducing NOx in section 33-1122(7);~~
- ~~(I) Standby, emergency generators may operate for no more than fifty-two (52) hours per year, except in an emergency situation where the primary power is unavailable in the community;~~
- ~~(J) Testing and maintenance of standby, diesel generators may only occur between the hours of 7:00 a.m. and 5:00 p.m.~~

(2) A plot plan shall be required for facilities that retrofit operations to incorporate co-generation, electric production involving any amount of electricity, ~~or for facilities with a maximum production capability of five (5) kilowatts of power through non-co-generation electric production.~~ The application shall include the following:

- (A) All buildings, structures and landscaping should be compatible with surrounding development;
- (B) Pollutants generated in producing electricity by the facility shall be demonstrated to constitute the lowest available emission rates;
- (C) The energy generated is intended to serve facilities on-site;
- (D) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on twenty-four (24) hour operation.

(c) Standby/emergency/back-up generators, including those proposed for previously approved discretionary projects, and portable generators associated with a temporary event shall conform to the following criteria:

- (A) The energy generated is intended to serve facilities on-site during outages of the primary power or during a temporary event;
- (B) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on twenty-four (24) hour operation;
- (C) All buildings, structures and landscaping should be compatible with surrounding development;
- (D) Standby, diesel generators shall demonstrate that the best available technology is being utilized;
- (E) Standby, emergency generators may operate for no more than fifty-two (52) hours per year, except in an emergency situation where the primary power is unavailable in the community;
- (F) Testing and maintenance of standby, diesel generators may only occur between the hours of 7:00 a.m. and 5:00 p.m.

ITEM #6:

SECOND DWELLING UNITS IN OLD ESCONDIDO NEIGHBORHOOD HISTORIC DISTRICT – Articles 65 and 70

To change to staff review via Plot Plan application with design review by the HPC.

SUBITEM #6A - Article 65 –Old Escondido Neighborhood

Add as a permitted accessory use in sec. 33-1373 and delete as a conditional use in sec. 33-1374(c) & (e).

Sec. 33-1373. Permitted accessory uses and structures.

- (a) Accessory uses and structures are permitted in the Old Escondido Neighborhood, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure (i.e., garage, storage, shed, etc.). Accessory uses and structures are permitted according to section 33-162 (R-1 zone) of this zoning code.
- (b) Second dwelling units as defined in section 33-8, subject to plot plan review in conformance with Article 70 of this chapter.

Sec. 33-1374. Conditional uses.

(c) No new structures shall be permitted for any conditional uses, ~~with the exception of second dwelling units as defined in section 33-8 and pursuant to section 33-1374(e).~~ All signs must conform to section 33-1379 of this article. Any use or structure permitted or conditionally permitted by this zone and involving hazardous materials is subject to the conditional use permit requirements of Article 30 of this chapter.

~~(e) Second dwelling units shall be permitted with the approval of a conditional use permit and shall conform to sections 33-1470 through 33-1476 of this chapter.~~

SUBITEM #6B: Article 70 – Second Dwelling Units

Add an exception for the OEN in sec. 33-1471; sec 33-1472; and 33-1474(c) to allow detached second dwelling units.

Sec. 33-1471. Definition.

Second dwelling unit means a secondary, but independent living facility which is located or established on the same lot as an existing single family residence (for purposes of this article this existing residence shall be termed “the primary residence”). It includes permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling must be attached to the primary residence; except in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

Outside the Old Escondido Neighborhood historic district, aA second dwelling unit shall be attached to the existing dwelling unit by a contiguous, shared wall and shall also have access from the living area of the primary structure.

For purposes of this article, living area means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

Sec. 33-1472. Permitted zones.

Second dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of a second dwelling unit permit. Second dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions and new structures in that neighborhood. Second dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size.

Sec. 33-1474. Development standards.

(c) Location on lot. Second dwelling units must be physically attached to the primary structure by a substantial contiguous wall and shall also have access from the primary structure; except for second dwelling units proposed in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

ITEM #7:

LOCAL REGISTER PROPERTIES – Article 40

Streamline designation of local register properties to the HPC by revising sec. 33-794(b)(3) and (d); deleting subsection (c); and revising sec. 33-795 as shown below.

Sec. 33-794(b). Procedure and criteria for local register listing or local landmark designation.

(3) ~~The HPC and city council shall each hold a duly noticed public hearing meeting.~~ In their review of the request for local register listing or local landmark designation, the HPC ~~and the city council shall~~ consider the criteria listed in this section.

~~(c) Notification of action. No later than five (5) working days following the city council's action, the decision of the city council shall be filed with the city clerk and a notice thereof shall be mailed to the applicant at the address shown on the application.~~

~~(c)~~ Criteria. Prior to granting a resource local register or historical landmark status, the ~~city council~~ HPC shall consider the definitions for historical resources and historical districts and shall find that the resource conforms to one (1) or more of the criteria listed in this section. A structural resource proposed for the local register shall be evaluated against criteria number one (1) through seven (7) and must meet at least two (2) of the criteria. Signs proposed for the local register shall meet at least one (1) of the criteria numbered eight (8) through ten (10). Landscape features proposed for the local register shall meet criterion number eleven (11). Archaeological resources shall meet criterion number twelve (12). Local register resources proposed for local landmark designation shall be evaluated against criterion number thirteen (13). The criteria are as follows:

(1) Escondido historical resources that are strongly identified with a person or persons who significantly contributed to the culture, history, prehistory, or development of the City of Escondido, region, state or nation;

(2) Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered;

(3) Escondido historical resources that are connected with a business or use that was once common but is now rare;

- (4) Escondido historical resources that are the sites of significant historic events;
- (5) Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past fifty (50) years;
- (6) Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district;
- (7) Escondido historical building that is one of the few remaining examples in the city possessing distinguishing characteristics of an architectural type;
- (8) Sign that is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historical sign materials and is not significantly altered;
- (9) Sign that is integrated into the architecture of the building, such as the sign pylons on buildings constructed in the Modern style and later styles;
- (10) Sign that demonstrates extraordinary aesthetic quality, creativity, or innovation;
- (11) Escondido landscape feature that is associated with an event or person of historical significance to the community or warrants special recognition due to size, condition, uniqueness or aesthetic qualities;
- (12) Escondido archaeological site that has yielded, or may be likely to yield, information important in prehistory;
- (13) Escondido significant historical resource that has an outstanding rating of the criteria used to evaluate local register requests. (Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

Sec. 33-795. Procedure and criteria for rescinding local register or landmark status.

(a) Submittal. Any person may submit a written request to the planning division to remove his or her resource from the local register or to rescind a local landmark designation. The application shall be made on forms provided by the city.

(b) Review. ~~The HPC and city council shall each hold a duly noticed public hearing meeting.~~ In their review of the request to remove a local register or landmark designation, the HPC and the city council shall consider the criteria listed in this section. Upon rescission, any associated Historic Property Preservation Agreement (Mills Act agreement) will be cancelled.

~~(c) Notification of Action. No later than five (5) working days following the city council action, the decision of the city council shall be filed with the city clerk and a notice thereof shall be mailed to the applicant at the address shown on the application.~~

(d) Criteria. The criteria listed in this section shall be used to determine whether to remove a resource from the local register or to rescind its local landmark designation.

(1) New documentation has been presented disproving the information upon which the resource was placed on the local register or given landmark status;

(2) Evidence has been presented showing that modifications and alterations to the resource have eliminated the distinctive architectural features that warranted its placement on the local register or its designation as a local landmark. (Ord. No. 2000-23, § 4, 9-13-00; Ord. No. 2008-16, § 4, 7-16-08)

ITEM #8:

TRANSIENT LODGINGS – ARTICLE 63

To streamline the public hearing review to Planning Commission only and minor cleanup of references.

Sec. 33-1342. Permitted zones.

~~Transient lodging facilities shall be permitted or conditionally permitted in the CG, CT and CBD commercial zones according to sec. 33-332 of Article 16 of this Chapter subject to a conditional use permit approved by the city council upon recommendation from the planning commission. Transient lodging facilities shall also be allowed within adopted specific plans subject to the language of the applicable specific plan, pursuant to a conditional use permit approved by the city council upon recommendation from the planning commission. The development criteria shall also apply to transient lodging proposals in the PD zones; however, no formal CUP application need be processed concurrently with the planned development application.~~

Sec. 33-1343. Market analysis.

As part of the CUP application, a market analysis shall be submitted to the city. In order that sufficient data suitable for review is presented, the planning department shall establish a region to be encompassed by the market analysis. The market analysis shall address existing facilities, including the number and type of rooms and types of amenities; the proposed facility, including the number and type of rooms and proposed amenities; and the expected market from which the new facility will draw. In addition, the market analysis shall discuss the vacancy rates of existing facilities and the expected effect the proposed facility will have on the existing market. The market analysis shall be prepared by a qualified individual such as a fiscal or marketing consultant, to the satisfaction of the director of planning and building. The intent of the market analysis is to establish the need for the type of transient lodging being proposed and to give the city some type of assurance that the additional rooms will be absorbed by the market.

Sec. 33-1344. Design guidelines.

Proposals for transient lodging facilities shall comply with the design guidelines for transient lodging facilities, set forth as in this section, as well as the design review guidelines which have been established for all commercial projects.

DESIGN GUIDELINES
FOR
TRANSIENT LODGING FACILITIES

These design guidelines are prepared as a checklist of items that affect the physical aspect of hotel/motel developments. They are not intended to restrict creativity or to limit imagination in proposals, but rather, to assist both developers and staff in preparing and reviewing projects for satisfactory design and aesthetics. ~~Please refer to Zoning Ordinance Section 1070A for zone restrictions and application requirements.~~

The overall appearance of a transient lodging facility is a product of the site design and the features offered, the relation of the site to surrounding areas, the relation of the buildings on-site and the bulk and scale of those buildings, the landscaping, lighting and signage of the facility as well as the materials and colors used and the design and location of the parking areas. Often, a creative solution to site-specific constraints results in a project highlight and a benefit to surrounding properties.

Sec. 33-1344 – I. TYPES OF TRANSIENT LODGING FACILITIES –Sec. B

B. Minimum Parcel Size. The site for a proposed facility ~~shall~~ shall meet the minimum lot size requirement for the underlying zone. Refer to the Zoning Ordinance for the minimum setback, height and floor area ratio requirements.

Sec. 33-1344 - VII. PARKING AREAS AND ACCESS (Refer to ~~Zoning Ordinance Section 1077~~ Article 39 of this Chapter for specific parking regulations.)

Sec. 33-1344 - VIII. LIGHTING DETAILS (Refer to ~~Zoning Ordinance Section 1072~~ Article 35 of this Chapter for specific outdoor lighting regulations.)

Sec. 33-1344 - XII. ~~CIVIC DEVELOPMENT SUFFIX~~ DOWNTOWN SPECIFIC PLAN PROJECTS

Proposals for facilities in any zone ~~modified by the CD (Civic Development) suffix~~ the Downtown Specific Plan Area shall consider the following:

- A. Consider providing a full service type of facility, capable of accommodating meetings and conventions; that may from time to time be associated with the civic center of the City.
- B. Relate the design of the site and buildings to the surrounding built environment, to be compatible with the architecture, scale and color of the civic core.

Sec. 33-1345. Threshold standards for existing facilities.

(a) The requirements for a conditional use permit under this section shall apply to existing facilities when one of the following occurs:

- (1) A facility is remodeled by more than twenty-five (25) percent of the replacement costs as determined by a building department official;
- (2) The number of rooms is altered or uses changed;
- (3) There is an increase of more than three thousand (3,000) square feet or more than a ten (10) percent increase for hotels larger than thirty thousand (30,000) square feet.

(b) Upon written application, the requirement for a CUP and/or market analysis for modification to existing facilities may be waived if the director ~~of planning and building~~ finds:

- (1) That it can be seen with certainty that the proposed renovations will not have a negative effect on the community or area plan for the area in which the facility is located;
- (2) That the proposed renovations are consistent with the goals and policies of the adopted general plan;
- (3) That the proposed renovations are so minor in nature that to require a CUP and/or a market analysis would be unduly burdensome in relationship to the scale of the project;
- (4) That it can be seen with certainty that the proposed renovations will have a negligible effect on the existing market for the type of rooms provided; or
- (5) It can be demonstrated that modifications are necessary to maintain health and safety standards pursuant to city, county and state regulations.

Sec. 33-1346. Required findings.

In addition to findings required for conditional use permits by section 33-1203 of Article 61 of this chapter, before any conditional use permit for transient lodgings can be granted or modified, the following findings shall be made:

- (a) The proposed transient lodging facility will not in itself or in combination with others significantly affect the city’s ability to achieve a balanced range of transient lodging facilities;
- (b) The site is appropriate for transient lodging uses in that it is sufficiently accessible, is compatible with surrounding uses and is large enough to incorporate sufficient buffers and appropriate amenities;
- (c) The amenities and design features are appropriate for both the location and target population;
- (d) The facility conforms with any applicable specific plan and area plan criteria;
- (e) The location does not create problems which would adversely affect the city’s objectives of maintaining a balanced range of lodging facilities; and
- (f) The project design incorporates the design guidelines established for transient lodging facilities.

ITEM #9

SIGNS – ARTICLE 66

To reduce design review of certain signs to staff level by revising sec. 33-1395.2(a) and putting information in a table; and revising several other sections as shown below.

Sec. 33-1395.2. Sign standards—Freestanding signs—CG and CN zones.

(a) Size. The maximum size of freestanding signs shall be determined by the size of the lot or commercial center according to the following chart:

	<u>Column A</u>		<u>Column B</u>	
	<u>Maximum size without design review</u>		<u>Maximum size with staff design review</u>	
<u>Lot/Center Size</u>	<u>Area</u>	<u>Height</u>	<u>Area</u>	<u>Height</u>
a. Up to 7,000 SF (.16 ac)	10 SF	4’*	20 SF	15’
b. 7,001 - 10,000 SF (.23 ac)	20 SF	4’*	40 SF	15’
c. 10,001 - 25,000 SF (.57 ac)	30 SF	6’	60 SF	15’
d. 25,001 - 43,560 SF (1 ac)	30 SF	6’	80 SF	15’
e. 1+ ac - 3 ac	30 SF	6’	100 SF	15’
f. 3+ ac - 7 ac	30 SF	6’	125 SF	20’
g. 7+ ac	30 SF	6’	150 SF	30’

Permitted Freestanding Signs (CG and CN)

Column A: Maximum Size With Staff Review

<u>Lot/Center Size</u>	<u>Area</u>	<u>Height</u>
a. Up to 7,000 SF (.16 ac)	10 SF	4’*
b. 7,001 - 10,000 SF (.23 ac)	20 SF	4’*

Lot/Center Size	Area	Height
e. 10,0001—25,000 SF (.57 ac)	30 SF	6'
d. 25,001—43,560 SF (1 ac)	30 SF	6'
e. 1+ ac—3 ac	30 SF	6'
f. 3+ ac—7 ac	30 SF	6'
g. 7+ ac	30 SF	6'

**Column B: Maximum Size With
Planning Commission Review**

Lot/Center Size	Area	Height
a. Up to 7,000 SF (.16 ac)	20 SF	15'
b. 7,001—10,000 SF (.23 ac)	40 SF	15'
e. 10,0001—25,000 SF (.57 ac)	60 SF	15'
d. 25,001—43,560 SF (1 ac)	80 SF	15'
e. 1+ ac—3 ac	100 SF	15'
f. 3+ ac—7 ac	125 SF	20'
g. 7+ ac	150 SF	30'

* Signs with appropriately designed bases may be up to five (5) feet high.

Individual signs which do not exceed the maximum sign area and height indicated in column A and column B of the chart in this subsection for the appropriate lot/center size category, and which are consistent with the sign design guidelines, may be approved administratively.

Sec. 33-1395.3. Sign standards—Freeway-oriented signs—CG and CN zones.

(b) Type of sign. Freeway-oriented signs may be freestanding pole or monument type signs, wall signs, structures, or other building signs which are determined by the planning commission staff to be consistent with the design guidelines and appropriate for the specific site and development.

(d) Size. The area of the sign shall comply with the corresponding lot center size indicated in the permitted freestanding sign chart in section 33-1395.2(a). For lots/centers twenty-five thousand (25,000) square feet or less in area, larger signs up to a maximum of eighty (80) square feet may be approved by the planning commission staff based on specific site characteristics, the visibility of the sign, and the demonstration of the need for a larger sign to achieve the least obtrusive design solution which provides the necessary visibility.

Sec. 33-1395.5. Sign Standards—Freestanding signs—CP and HP-zones.

(b) Size. The maximum size of any freestanding sign shall be determined by the size of the lot or professional center according to the following chart:

Lot/Center Size	Column A		Column B	
	Max. Maximum Size Without DRB Design Review		Max. Maximum Size With DRB Staff Design Review	
	Area	Height	Area	Height
a. Up to 21,000 SF	10 SF	4’*	25 SF	8’
b. 21,001 SF – 3 ac	20 SF	6’	50 SF	8’
c. 3+ ac	30 SF	8’	60 SF	12’

* Signs with appropriately designed bases may be up to five (5) feet high.

Multishingle/panel signs are encouraged in the CP and HP-zones (see definition).

Individual signs which do not exceed the maximum sign area and height indicated in column A and column B of the chart in this subsection for the appropriate lot/center size category, and which are consistent with the sign design guidelines, may be approved administratively.

Sec. 33-1395.11. Sign standards—Super-graphic signs—CG, CN, CP, HP and P-D-C zones.

(d) If deemed appropriate by the ~~planning commission~~director, a super-graphic sign may extend above the primary wall line or parapet.

Sec. 33-1395.12. Sign standards—Signs related to historic buildings and historic signs.

(a) Historic buildings. Signs for buildings listed in the Escondido historic/cultural resource inventory or on the local register of historic places may deviate from the standards and from the design guidelines if the request is deemed historically appropriate for the significant architectural style of the building and consistent with the historic preservation incentives program. The ~~planning~~historic preservation commission shall consider each request on a case-by-case basis.

(b) Advertising structures and signs identified by the historic preservation commission/~~planning commission~~ as having historic cultural significance may be maintained pursuant to the historic preservation incentives program. The ~~planning~~historic preservation commission shall consider each request on a case-by-case basis.



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

Notice of Exemption

To: San Diego County Recorder's Office
Attn: Chief Deputy Recorder Clerk
1600 Pacific Hwy, Room 260
San Diego, CA 92101

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

Project Title/Case No.: Zoning Code Amendment / AZ 16-0006

Project Applicant: City of Escondido

Project Location - Specific: Citywide

Project Location - City: Escondido

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

An amendment of the Escondido Zoning Code (EZC) to streamline various review processes to change the reviewing authority and eliminate some public hearings for conditional use permits (CUPs) and other applications, including small lot developments, back-up/emergency generators, second dwelling units in the Old Escondido Neighborhood, easement access, animal boarding, hotels/motels, grading exemptions, listing properties on the local register of historic resources, and certain signs. Changes are proposed to EZC Articles 10, 12, 13, 14, 26, 40, 55, 57, 63, 65, 66, and 70. No development project is proposed.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project: Rozanne Cherry, Principle Planner, City of Escondido
Telephone: (760) 839-4536 Address: 201 N. Broadway, Escondido, CA 92025

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

Exempt Status:

Exemption. CEQA Section 15061(b)(3) "General Rule".

Reasons why project is exempt:

1. The proposed zoning code amendment consists of text changes and does not involve any physical modifications or lead to any physical improvements beyond those typically exempt. The amendment involves only changes to several review processes for existing types of applications and would not have the potential for causing a significant effect on the environment.
2. Future development applications will include environmental review and the preparation of appropriate individual CEQA documents.
3. In staff's opinion, the proposed code amendments would have no impact on fish and wildlife resources, sensitive species or habitat, or affect any cultural or historic resources, since there is no physical development project associated with the code changes.

Lead Agency Contact Person: Rozanne Cherry

Area Code/Telephone/Extension (760) 839-4536
Email: rcherry@escondido.org

Signature: _____

Rozanne Cherry

Rozanne Cherry, Principal Planner

9/22/16

Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

ORDINANCE NO. 2016-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ESCONDIDO ZONING CODE, ARTICLES 10, 12, 13, 14, 26, 40, 55, 57, 63, 65, 66 AND 70 TO STREAMLINE VARIOUS DISCRETIONARY AND ADMINISTRATIVE REVIEW PROCESSES RELATED TO CONDITIONAL USE PERMITS FOR SMALL LOT DEVELOPMENTS, BACKUP/EMERGENCY GENERATORS, SECOND DWELLING UNITS IN THE OLD ESCONDIDO NEIGHBORHOOD, EASEMENT ACCESS, ANIMAL BOARDING, AND HOTELS/MOTELS; GRADING EXEMPTIONS; LISTING PROPERTIES ON THE LOCAL REGISTER OF HISTORIC RESOURCES; AND DESIGN REVIEW FOR CERTAIN SIGNS

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 16-0006

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. That the City council has reviewed and considered the Notice of Exemption prepared for this project and issued on September 22, 2016, in conformance with Title 14 California Code of Regulation, California Environmental Quality Act ("CEQA") Section 15061(b)(3) "General Rule", and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving these code amendments.

SECTION 3. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the Factors to be Considered set forth in Exhibit "A" to this Ordinance and incorporated by this reference, this City Council finds the Zoning Code Amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That the specified sections of the Escondido Zoning Code Articles 10, 12, 13, 14, 26, 40, 55, 57, 63, 65, 66 and 70 are amended as set forth in Exhibit "B" to this Ordinance and incorporated by this reference.

SECTION 5. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido

EXHIBIT "A"

**FACTORS TO BE CONSIDERED
AZ16-0006**

Zoning Code Amendment

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code amendments. Pursuant to California Government Code Section 65100, the legislative body of a city shall assign the functions of a planning agency to a planning department, one or more planning commissions, administrative bodies or hearing officers, the legislative body itself, or any combination thereof, as it deems appropriate and necessary. The proposed amendments to the Zoning Code would only streamline the existing review processes by authorizing a different advisory commission or administrative body to approve, conditionally approve or deny the various project applications.
2. The proposed zoning code amendments would not conflict with any State law or be detrimental to surrounding properties because the amendments involve existing development application types and existing development standards. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this code amendment.
3. The proposed zoning code amendment to streamline project review processes would be consistent with the goals and policies of the General Plan because it would not diminish the Quality of Life Standards of the General Plan, nor adversely impact the community health or natural resources. In addition, the amendment would implement a portion of the "Working Together to Get to Yes!" program associated with the City Council's 2015-2016 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development."
4. The proposed zoning code amendment would not affect any specific plans.

EXHIBIT "B"
Case No. AZ-2016-0006

Amend the various zoning code sections to read as specified below.

ARTICLE 10

Revise section 33-166(c) as set forth below.

(c) Lot frontage. Each lot or parcel of land in an R-1 zone shall abut a public street for a minimum of thirty-five (35) feet, on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement.

Exception: Access to lots or parcels may be provided by private road easement conforming to the following standards and subject to approval of the city engineer and fire marshal:

Revise section 33-166(c)(1) as set forth below.

(1) The easement width shall be twenty to twenty-four (24) feet as determined by the city engineer and fire marshal;

ARTICLE 12

Revise section 33-211 to add sub-sections (a) and (b) all as set forth below.

Sec. 33-211. Permitted principal uses and structures.

The following principal uses and structures are permitted in an R-2 zone:

(a) Uses as listed below:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six (6) or fewer persons and transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1120	Two-family dwellings including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1130	Multiple-family dwellings, including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)

Use No.	Use Title
5995	Arts and crafts shows as defined in section 33-8 (with permit as required by section 33-1119 of Article 57 of this chapter)
6815	Small family day care centers as defined in section 33-8 of Article 1 of this chapter; large family day care centers as defined in section 33-8 of Article 1 of this chapter (with permit as required by section 33-1104 of Article 57 of this chapter)

(b) Small lot developments pursuant to the provisions of section 33-229 of this article.

Revise section 33-213 by only deleting subsection (d) and renumbering subsection (e) to be (d), as set forth below.

(d) Senior housing projects conforming to the provisions of Article 41 of this chapter.

Revise section 33-229 to read as set forth below.

Sec. 33-229. Small lot development.

- (a) Purpose. Development and recycling opportunity in certain multi-family zones.
- (b) Development standards. Development under this provision shall comply with the following requirements:
 - (1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;
 - (2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;
 - (3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;
 - (4) Densities per acre shall not exceed that allowed by the zone classification and the general plan;
 - (5) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;
 - (6) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;
 - (7) Process. All requests for a small lot development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application.

ARTICLE 13

Revise section 33-241 to add subsections (a) and (b) all as set forth below.

Sec. 33-241. Principal permitted uses and structures.

The following principal uses and structures are permitted in an R-3 zone:

(a) Uses as listed below:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six (6) or fewer persons and transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1120	Two-family dwellings including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1130	Multiple-family dwellings, including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
5995	Arts and crafts shows as defined in section 33-8 (with permit as required by section 33-1119 of Article 57 of this chapter)
6815	Small family day care centers as defined in section 33-8 of Article 1 of this chapter; large family day care centers as defined in section 33-8 (with permit as required by section 33-1104 of Article 57 of this chapter)

(b) Small lot developments pursuant to the provisions of section 33-259 of this article.

Revise section 33-243 by only deleting subsection (d) and renumbering subsection (e) to be (d) all as set forth below

(d) Senior housing projects conforming to the provisions of Article 41 of this chapter.

Revise section 33.259 to read as set forth below.

Sec. 33-259. Small lot development.

(a) Purpose. Development and recycling opportunity in certain multi-family zones.

(b) Development standards. Development under this provision shall comply with the following requirements:

(1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;

(2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;

(3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;

(4) Densities per acre shall not exceed that allowed by the zone classification and the general plan;

(5) A minimum density of seventy (70) percent of the maximum permitted density of the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan.

(6) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;

(7) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;

(8) Process. All requests for a small lot development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application.

ARTICLE 14

Revise section 33-271 to add subsections (a) and (b) as set forth below.

Sec. 33-271. Permitted principal uses and structures.

The following principal uses and structures are permitted in an R-4 zone:

(a) Uses as listed below:

Use No.	Use Title
1111	Single-family dwellings, detached, including licensed residential care facilities for six (6) or fewer persons and transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
1120	Two-family dwellings including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)

Use No.	Use Title
1130	Multiple-family dwellings, including transitional housing as defined in section 33-8 (subject to transitional housing criteria as specified by section 33-1121)
5995	Arts and crafts shows as defined in section 33-8 (with permit as required by section 33-1119 of Article 57 of this chapter)
6815	Small family day care centers as defined in section 33-8; large family day care centers as defined in section 33-8 (with permit as required by section 33-1104 of Article 57 of this chapter)

(b) Small lot developments pursuant to the provisions of section 33-290 of this article.

Revise section 33-273 to only delete subsection (d) and renumber subsection (e) to (d) as set forth below.

(d) Senior housing projects conforming to the provisions of Article 41 of this chapter.

Revise section 33-290 all as set forth below.

Sec. 33-290. Small lot development.

(a) Purpose. Development and recycling opportunity in certain multi-family zones.

(b) Development standards. Development under this provision shall comply with the following requirements:

(1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;

(2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;

(3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided;

(4) Densities per acre shall not exceed that allowed by the zone classification and the general plan;

(5) A minimum density of seventy (70) percent of the maximum permitted density in the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan.

(6) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire marshal and city engineer; additional easement width may be required by the fire marshal and/or city engineer based on the number of lots served and the specific project design;

(7) The development shall be comprehensively designed to incorporate appropriate and attractive architectural elements and site features that create a quality residential environment;

(8) Process. All requests for a small lot development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application.

ARTICLE 26

Revise Table 33-564-Permitted and Conditionally Permitted Principal Uses, by deleting the entry for “Dog and cat boarding”; and adding the entry for “Animal boarding” in alphabetical order and adding footnote ², and as set forth below.

Use Title	I-O	M-1	M-2	I-P
Animal boarding (indoor boarding only) and training, feeding, care, grooming and “daycare” ² . Does not include animal shelters*****, sales or breeding.		P	P	

²= Pursuant to section 33-576 of this Article (animal boarding and daycare)

Add section 33-576 as set forth below.

Sec. 33-576. Animal boarding and day care.

The indoor boarding of animals and animal day care shall be subject to the following standards:

- (a) Outdoor boarding of animals shall not be allowed.
- (b) All animals must be kept within the enclosed building(s), except for supervised walks. A plot plan application submitted to the planning division for review is required to establish any on-site supervised outdoor animal day care activity area or training area. The submittal shall include a site plan of the entire site showing fencing, any permanent improvements in the outdoor area, parking, circulation, etc.
- (c) The site shall be maintained in a neat, orderly and sanitary condition.
- (d) Shelter and care of the animals may be on a daily or overnight basis and include feeding, grooming, training and other associated activities.
- (e) The overnight boarding area shall be a separate and secure interior space.
- (f) The overnight boarding area shall incorporate sound attenuation measures to reduce potential noise impacts to adjacent businesses.
- (g) On-site supervision and/or remote camera monitoring of the overnight boarding area shall be provided when the business closes for the evening.

Sec. 33-577 – 33-589. Reserved.

ARTICLE 55:

Revise subsection 33-1066(b)(2) as set forth below.

- (2) Fill slopes beyond fifty (50) feet from the property line should be limited to twenty (20) feet in height;

Revise section 33-1066(c) as set forth below.

- (c) Specific review by the planning commission for discretionary project applications or by the director for administrative project applications is required for the following slopes:
 - (1) Any fill slope within fifty (50) feet of the property line which is in excess of ten (10) feet in height;
 - (2) Any fill slope beyond fifty (50) feet of the property line which is in excess of twenty (20) feet in height;
 - (3) Any cut slope in excess of twenty (20) feet in height;
 - (4) Any cut slope steeper than two to one (2:1) determined by the director to impact adjacent properties.

Revise section 33-1066(d) as set forth below.

- (d) Requests for approval of slopes in subsection (c) above shall be included in the project description and identified on the project plans. A statement of justification for each slope shall also be included. For those slopes which are proposed as part of an administrative request, fees for the legal notice and mailing list shall be submitted and a public notice of intended decision shall be issued pursuant to Article 61, Division 6, of this Chapter. For a discretionary project, no separate application or filing fee will be required. When judging such requests, the planning commission or the director shall consider:
 - (1) The criteria contained within section 33-1066;
 - (2) The stability of the slope;
 - (3) The impact of the slope on surrounding properties;
 - (4) The reason for the slope; and
 - (5) Whether reasonable alternatives to the proposed design are available.

ARTICLE 57:

Revise sec. 33-1122(b) as set forth below.

- (b) Permit requirements. Except where the city's land-use-permit authority is preempted by state law, the land use permit required is determined by the type of facility, as follows:
 - (1) A conditional use permit is required for commercial electric generating facilities proposed for the primary purpose of providing electricity to the power grid. Solar-energy systems are exempt from this requirement and design review unless the building official

determines the solar-energy system would have a specific, adverse impact upon the public health and safety and there is no feasible method to avoid the specific adverse impact. Decisions of the building official may be appealed to the planning commission by filing a written request with any required fee, with the department of community development not more than ten (10) days following the final decision of the building official. The appeal shall state the reasons why the determination is contested and which findings, the appellant believes, were made in error. Decisions of the planning commission may be appealed to the city council pursuant to Article 61, Division 6 of the Zoning Code. Facilities shall conform to the following criteria:

- (A) All buildings, structures and landscaping should be compatible with surrounding development;
- (B) Facilities shall involve combined cycle technology as appropriate;
- (C) Facilities shall utilize most efficient, state-of-the-art technology that is reasonably available;
- (D) All feasible measures shall be incorporated to minimize pollutants generated by the facility;
- (E) Fuel used to generate electricity shall be limited to natural gas, solar, wind or other renewable energy resources.;
- (F) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on twenty-four (24) hour operation;
- (G) Transmission lines and components shall be under grounded to the maximum extent feasible;
- (H) Facilities shall meet the provisions for reducing NO_x in section 33-1122(7);
- (2) A plot plan application shall be required for facilities that retrofit operations to incorporate co-generation, electric production involving any amount of electricity. The application shall include the following:
 - (A) All buildings, structures and landscaping should be compatible with surrounding development;
 - (B) Pollutants generated in producing electricity by the facility shall be demonstrated to constitute the lowest available emission rates;
 - (C) The energy generated is intended to serve facilities on-site;
 - (D) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on twenty-four (24) hour operation.

Revise section 33-1122 by adding subsection (c) as set forth below.

- (c) Standby/emergency/back-up generators. Emergency back-up generators, including those proposed for previously approved discretionary projects, and portable generators associated with a temporary event shall conform to the following criteria:
 - (1) The energy generated is intended to serve facilities on-site during outages of the primary power or during a temporary event;
 - (2) Noise levels produced by the generator shall comply with noise ordinance standards for the zone based on twenty-four (24) hour operation;
 - (3) All buildings, structures and landscaping should be compatible with surrounding development;

(4) Standby, diesel generators shall demonstrate that the best available technology is being utilized;

(5) Standby, emergency generators may operate for no more than fifty-two (52) hours per year, except in an emergency situation where the primary power is unavailable in the community;

(6) Testing and maintenance of standby, diesel generators may only occur between the hours of 7:00 a.m. and 5:00 p.m.

ARTICLE 65:

Revise section 33-1373 as set forth below.

Sec. 33-1373. Permitted accessory uses and structures.

- (a) Accessory uses and structures are permitted in the Old Escondido Neighborhood, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure (i.e., garage, storage, shed, etc.). Accessory uses and structures are permitted according to section 33-162 (R-1 zone) of this zoning code.
- (b) Second dwelling units as defined in section 33-8, are permitted subject to a second dwelling unit permit in conformance with Article 70 of this chapter.

Revise section 33-1374(c) as set forth below.

(c) No new structures shall be permitted for any conditional uses. All signs must conform to section 33-1379 of this article. Any use or structure permitted or conditionally permitted by this zone and involving hazardous materials is subject to the conditional use permit requirements of Article 30 of this chapter.

Delete section 33-1374(e).

ARTICLE 70:

Revise section 33-1471 as set forth below.

Sec. 33-1471. Definition.

Second dwelling unit means a secondary, but independent living facility which is located or established on the same lot as an existing single family residence (for purposes of this article this existing residence shall be termed "the primary residence"). It includes permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling must be attached to the primary residence; except in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

Outside the Old Escondido Neighborhood historic district, a second dwelling unit shall be attached to the existing dwelling unit by a contiguous, shared wall and shall also have access from the living area of the primary structure.

For purposes of this article, living area means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.

Revise section 33-1472 as set forth below.

Sec. 33-1472. Permitted zones.

Second dwelling units shall be permitted in the RA, RE, R1, R2, R3 and R4 zones on properties with only one (1) single-family residence on the lot, subject to the approval of a second dwelling unit permit. Second dwelling units within the Old Escondido Neighborhood shall observe the same standards and review procedures required of similar building expansions and new structures in that neighborhood. Second dwelling units shall not be permitted on property developed in a planned development zone or as a part of a planned unit approval, unless approved as a part of the original PD or PUA and the subject lot is not less than six thousand (6,000) square feet in size.

Revise section 33-1474(c) as set forth below.

(c) Location on lot. Second dwelling units must be physically attached to the primary structure by a substantial contiguous wall and shall also have access from the primary structure; except for second dwelling units proposed in the Old Escondido Neighborhood historic district where second dwelling units may be detached when the unit is accessed from an alley or located over a detached garage.

ARTICLE 40:

Revise section 33-794(b)(3) as set forth below.

(3) The HPC shall hold a public meeting. In their review of the request for local register listing or local landmark designation, the HPC shall consider the criteria listed in this section.

Delete section 33-794(c).

Revise section 33-794(d) and renumber as (c), as set forth below.

(c) Criteria. Prior to granting a resource local register or historical landmark status, the HPC shall consider the definitions for historical resources and historical districts and shall find that the resource conforms to one (1) or more of the criteria listed in this section. A structural resource proposed for the local register shall be evaluated against criteria number

one (1) through seven (7) and must meet at least two (2) of the criteria. Signs proposed for the local register shall meet at least one (1) of the criteria numbered eight (8) through ten (10). Landscape features proposed for the local register shall meet criterion number eleven (11). Archaeological resources shall meet criterion number twelve (12). Local register resources proposed for local landmark designation shall be evaluated against criterion number thirteen (13). The criteria are as follows:

(1) Escondido historical resources that are strongly identified with a person or persons who significantly contributed to the culture, history, prehistory, or development of the City of Escondido, region, state or nation;

(2) Escondido building or buildings that embody distinguishing characteristics of an architectural type, specimen, or are representative of a recognized architect's work and are not substantially altered;

(3) Escondido historical resources that are connected with a business or use that was once common but is now rare;

(4) Escondido historical resources that are the sites of significant historic events;

(5) Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past fifty (50) years;

(6) Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district;

(7) Escondido historical building that is one of the few remaining examples in the city possessing distinguishing characteristics of an architectural type;

(8) Sign that is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historical sign materials and is not significantly altered;

(9) Sign that is integrated into the architecture of the building, such as the sign pylons on buildings constructed in the Modern style and later styles;

(10) Sign that demonstrates extraordinary aesthetic quality, creativity, or innovation;

(11) Escondido landscape feature that is associated with an event or person of historical significance to the community or warrants special recognition due to size, condition, uniqueness or aesthetic qualities;

(12) Escondido archaeological site that has yielded, or may be likely to yield, information important in prehistory;

(13) Escondido significant historical resource that has an outstanding rating of the criteria used to evaluate local register requests.

Revise section 33-795 as set forth below.

Sec. 33-795. Procedure and criteria for rescinding local register or landmark status.

(a) Submittal. Any person may submit a written request to the planning division to remove his or her resource from the local register or to rescind a local landmark designation. The application shall be made on forms provided by the city.

(b) Review. The HPC shall hold a public meeting. In their review of the request to remove a local register or landmark designation, the HPC shall consider the criteria listed

in this section. Upon rescission, any associated Historic Property Preservation Agreement (Mills Act agreement) will be cancelled.

(c) Criteria. The criteria listed in this section shall be used to determine whether to remove a resource from the local register or to rescind its local landmark designation.

(1) New documentation has been presented disproving the information upon which the resource was placed on the local register or given landmark status;

(2) Evidence has been presented showing that modifications and alterations to the resource have eliminated the distinctive architectural features that warranted its placement on the local register or its designation as a local landmark.

ARTICLE 63:

Revise section 33-1342 as set forth below.

Sec. 33-1342. Permitted zones.

Transient lodging facilities shall be permitted or conditionally permitted in commercial zones according to sec. 33-332 of Article 16 of this Chapter. Transient lodging facilities shall also be allowed within adopted specific plans subject to the language of the applicable specific plan.

Revise section 33-1343 as set forth below.

Sec. 33-1343. Market analysis.

As part of the CUP application, a market analysis shall be submitted to the city. In order that sufficient data suitable for review is presented, the planning department shall establish a region to be encompassed by the market analysis. The market analysis shall address existing facilities, including the number and type of rooms and types of amenities; the proposed facility, including the number and type of rooms and proposed amenities; and the expected market from which the new facility will draw. In addition, the market analysis shall discuss the vacancy rates of existing facilities and the expected effect the proposed facility will have on the existing market. The market analysis shall be prepared by a qualified individual such as a fiscal or marketing consultant, to the satisfaction of the director. The intent of the market analysis is to establish the need for the type of transient lodging being proposed and to give the city some type of assurance that the additional rooms will be absorbed by the market.

Revise the first three paragraphs of section 33-1344 as set forth below.

Sec. 33-1344. Design guidelines.

Proposals for transient lodging facilities shall comply with the design guidelines for transient lodging facilities, set forth as in this section, as well as the design review guidelines which have been established for all commercial projects.

DESIGN GUIDELINES
FOR
TRANSIENT LODGING FACILITIES

These design guidelines are prepared as a checklist of items that affect the physical aspect of hotel/motel developments. They are not intended to restrict creativity or to limit imagination in proposals, but rather, to assist both developers and staff in preparing and reviewing projects for satisfactory design and aesthetics. Refer to the underlying zone for development standards and application requirements.

The overall appearance of a transient lodging facility is a product of the site design and the features offered, the relation of the site to surrounding areas, the relation of the buildings on-site and the bulk and scale of those buildings, the landscaping, lighting and signage of the facility as well as the materials and colors used and the design and location of the parking areas. Often, a creative solution to site-specific constraints results in a project highlight and a benefit to surrounding properties.

Revise Sec. 33-1344 – I. TYPES OF TRANSIENT LODGING FACILITIES – Subsection B as set forth below.

B. Minimum Parcel Size. The site for a proposed facility shall meet the minimum lot size requirement for the underlying zone. Refer to the Zoning Ordinance for the minimum setback, height and floor area ratio requirements.

Revise Sec. 33-1344 - VII. PARKING AREAS AND ACCESS parenthetical clause only as set forth below.

(Refer to Article 39 of this Chapter for specific parking regulations.)

Revise Sec. 33-1344 - VIII. LIGHTING DETAILS parenthetical clause only as set forth below.

(Refer to Article 35 of this Chapter for specific outdoor lighting regulations.)

Revise Sec. 33-1344 - XII. CIVIC DEVELOPMENT SUFFIX PROJECTS as set forth below.

XII. DOWNTOWN SPECIFIC PLAN PROJECTS

Proposals for facilities in the Downtown Specific Plan Area shall consider the following:

- A. Consider providing a full service type of facility, capable of accommodating meetings and conventions that may from time to time be associated with the civic center of the City.
- B. Relate the design of the site and buildings to the surrounding built environment, to be compatible with the architecture, scale and color of the civic core.

Revise section 33-1345(b) as set forth below.

- (b) Upon written application, the requirement for a CUP and/or market analysis for modification to existing facilities may be waived if the director finds:
 - (1) That it can be seen with certainty that the proposed renovations will not have a negative effect on the community or area plan for the area in which the facility is located;
 - (2) That the proposed renovations are consistent with the goals and policies of the adopted general plan;
 - (3) That the proposed renovations are so minor in nature that to require a CUP and/or a market analysis would be unduly burdensome in relationship to the scale of the project;
 - (4) That it can be seen with certainty that the proposed renovations will have a negligible effect on the existing market for the type of rooms provided; or
 - (5) It can be demonstrated that modifications are necessary to maintain health and safety standards pursuant to city, county and state regulations.

Revise section 33-1346(a) as set forth below.

- (a) The proposed transient lodging facility will not in itself or in combination with others significantly affect the city's ability to achieve a balanced range of transient lodging facilities;

ARTICLE 66:

Revise section 33-1395.2(a) as set forth below.

(a) Size. The maximum size of freestanding signs shall be determined by the size of the lot or commercial center according to the following chart:

Lot/Center Size	Column A		Column B	
	Maximum size without design review		Maximum size with staff design review	
	Area	Height	Area	Height
a. Up to 7,000 SF (.16 ac)	10 SF	4'	20 SF	15'
b. 7,001 - 10,000 SF (.23 ac)	20 SF	4'	40 SF	15'
c. 10,001 - 25,000 SF (.57 ac)	30 SF	6'	60 SF	15'
d. 25,001 - 43,560 SF (1 ac)	30 SF	6'	80 SF	15'
e. 1+ ac - 3 ac	30 SF	6'	100 SF	15'
f. 3+ ac - 7 ac	30 SF	6'	125 SF	20'
g. 7+ ac	30 SF	6'	150 SF	30'

* Signs with appropriately designed bases may be up to five (5) feet high.

Individual signs which do not exceed the maximum sign area and height indicated in column A and column B of the chart in this subsection for the appropriate lot/center size category, and which are consistent with the sign design guidelines, may be approved administratively.

Revise section 33-1395.3(b) as set forth below.

(b) Type of sign. Freeway-oriented signs may be freestanding pole or monument type signs, wall signs, structures, or other building signs which are determined by the director to be consistent with the design guidelines and appropriate for the specific site and development.

Revise section 33-1395.3(d) as set forth below.

(d) Size. The area of the sign shall comply with the corresponding lot center size indicated in the permitted freestanding sign chart in section 33-1395.2(a). For lots/centers twenty-five thousand (25,000) square feet or less in area, larger signs up to a maximum of eighty (80) square feet may be approved by the director based on specific site characteristics, the visibility of the sign, and the demonstration of the need for a larger sign to achieve the least obtrusive design solution which provides the necessary visibility.

Revise the heading of section 33-1395.5 as set forth below.

Sec. 33-1395.5. Sign Standards—Freestanding signs—CP zone.

Revise section 33-1395.5(b) as set forth below.

(b) Size. The maximum size of any freestanding sign shall be determined by the size of the lot or professional center according to the following chart:

Lot/Center Size	Column A		Column B	
	Maximum Size Without Design Review		Maximum Size With Staff Design Review	
	Area	Height	Area	Height
a. Up to 21,000 SF	10 SF	4'*	25 SF	8'
b. 21,001 SF – 3 ac	20 SF	6'	50 SF	8'
c. 3+ ac	30 SF	8'	60 SF	12'

* Signs with appropriately designed bases may be up to five (5) feet high.

Multishingle/panel signs are encouraged in the CP zone (see definition).

Individual signs which do not exceed the maximum sign area and height indicated in column A and column B of the chart in this subsection for the appropriate lot/center size category, and which are consistent with the sign design guidelines, may be approved administratively.

Revise the heading for section 33-1395.11 as set forth below.

Sec. 33-1395.11. Sign standards—Super-graphic signs—CG, CN, CP, and P-D-C zones.

Revise section 33-1395.11(d) as set forth below.

(d) If deemed appropriate by the director, a super-graphic sign may extend above the primary wall line or parapet.

Revise section 33-1395.12(a) as set forth below

(a) Historic buildings. Signs for buildings listed in the Escondido historic/cultural resource inventory or on the local register of historic places may deviate from the standards and from the design guidelines if the request is deemed historically appropriate for the

significant architectural style of the building and consistent with the historic preservation incentives program. The historic preservation commission shall consider each request on a case-by-case basis.

Revise section 33-1395.12(b) as set forth below.

(b) Advertising structures and signs identified by the historic preservation commission as having historic cultural significance may be maintained pursuant to the historic preservation incentives program. The historic preservation commission shall consider each request on a case-by-case basis.

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 14
Date: October 19, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Bill Martin, Community Development Director
Edward N. Domingue, Public Works Director/City Engineer

SUBJECT: First Amendment to Development Agreement for Henry Ranch Subdivision,
Tract 920 (PHG 14-0026)

STAFF RECOMMENDATION:

It is requested that the City Council adopt Ordinance No. 2016-18, approving the First Amendment to the Development Agreement between Henry Ranch Partnership/Farms, LLC, ("Developer") and the City of Escondido ("City") for the Henry Ranch Subdivision, Escondido Tract 920.

LOCATION:

The 74.35-acre site for Escondido Tract 920 is located on the northern side of El Norte Parkway at Lincoln Avenue, east of La Honda Drive, addressed as 2355 E. Lincoln Avenue (APNs 225-040-68 and 69, 225-041-02, 03, 04, 06, 07 and 09, and 225-270-36) known as the Henry Avocado Ranch.

FISCAL ANALYSIS:

The proposed amendment to the Development Agreement eliminates fee freezes and simplifies cost sharing for construction of necessary off-site storm-drain improvements. Provisions for a drainage study to evaluate the off-site storm-drain to ensure implementation of the most efficient design has been added.

PREVIOUS ACTION:

Escondido Tract 920 was approved by the Planning Commission on September 26, 2006, and by the City Council on December 13, 2006. The City Council approved the Development Agreement (2006-62-DA) on July 11, 2007.

ENVIRONMENTAL REVIEW:

A Mitigated Negative Declaration (City Log No. ER 2005-19) was adopted for the project by the City Council on December 13, 2006. Pursuant to CEQA Section 15162, no additional

environmental review need be prepared for the subsequent changes proposed by the proposed amendment to the Development Agreement, since there are no substantial changes in the project that require major revisions to the previous environmental document, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

BACKGROUND:

Tract 920 is a 98-unit single family residential subdivision previously approved on the site of the Henry Avocado Ranch. The original Development Agreement, which will expire on September 7, 2017, was for a ten year period. The property owner has requested a five year extension to the Development Agreement.

The original entitlement required construction of offsite drainage facilities of regional benefit, consistent with the City's Drainage Master Plan. Due to a deficiency in the storm drain system, storm water overflows the existing storm drains during peak events creating flooding on El Norte Parkway at the entry to the proposed subdivision. In order for the project to proceed, the drainage deficiency needs to be corrected, which requires the improvement of the drainage system in accordance with the City's Drainage Mater Plan. Therefore, the project is required (via project conditions and environmental mitigation measures) to install off-site storm drain improvements extending along a portion of La Honda Drive and across El Norte Parkway, through a public utility easement and along Nightingale Place.

The following terms set forth the key provisions of the current (2007) development agreement:

1. City fees (including wastewater and water connection fees) were to be fixed as of December 13, 2006, for a term of five years. After the five-year term, any fee increases approved by the City Council would apply to the project, but the Developer would retain the five-year savings.
2. The Developer is obligated to construct the La Honda/El Norte/Lincoln drainage facilities shown on plans. The Developer and City agreed that the project could cost \$2.62 million by 2012, which included predicted cost escalation of more than 30 percent.
3. The following City fees were to be credited or refunded for completion of the drainage improvements, for a total City share of 65-percent of the five year cost:
 - Five years of fee freezes (assuming five percent annual increases):
 - Cash payment from City Drainage Facilities funds
 - Drainage Facility Fee Credit for 97 units

- Traffic Impact Fee Credits (partial credit)
- Infrastructure Fee Credits for 97 units (\$1,500 per unit)
- Developer eligible for up to \$1-Million in reimbursement City's Drainage Reimbursement Program
(to be repaid as drainage fees are collected over extended period)

The terms anticipate a 65-percent City / 35-percent Developer cost sharing.

ANALYSIS:

Proposed Development Agreement Provisions:

The following terms set forth the key provisions of the proposed development agreement:

1. Extends the Agreement term by five years to September 7, 2022.
2. The developer is obligated to pay fees in effect at the time development occurs (eliminates fee freezes).
3. As envisioned in the original agreement, the City will remain responsible for 65-percent of the cost of the required drainage improvements. To satisfy the terms of the amended development agreement, the City will use the following sources of funds.

• Cash payment from City Drainage Facility funds:	\$200,000
• Drainage Facility Fee Credits for 97-units	\$103,887
• Local Traffic Fee Credit for 97-units	\$ 82,450
• Remaining City share to be reimbursed within six years (estimated) from future Drainage Facility Fees	\$330,000

The provision to study the drainage has been added to ensure the most efficient design is implemented. It is estimated that use of a single culvert, instead of realigning and installing parallel facilities as originally planned, will lower the cost to \$1.10-Million, thereby substantially reducing both the City's and the developer's costs.

The proposed amendment supports the Developer's needs while reducing the financial exposure of the City. When first approved, both the City and the Developer recognized the risks associated with a project that had yet to be designed and the agreement sought to share the financial risks of increasing project scope and cost. City staff have reviewed the basic assumptions of the 2007 agreement and believe the Developer can appropriately address the City's drainage requirements at a lower cost than envisioned in 2007 through a

more efficient single culvert alignment. As a result, the City can fund its share of the project without resorting to using fee freezes and a long term drainage reimbursement fund effort.

While the Agreement allows the City to determine the fund source for the reimbursement (estimated at \$330,000), it is expected that the funds from the Drainage Facility Fees could be budgeted over the next six year period as annual revenues have typically ranged from \$150,000 to \$300,000.

Developer will pay current development fees at the time of issuance of the building permit and will be required to meet current state storm water requirements.

While the improvements are required in order for the development to proceed, the amended development agreement continues to provide a partnership opportunity incorporating an incentive to expedite construction of improvements to correct an existing regional deficiency which is not currently scheduled under the City's CIP program. Staff feels that a credit of local traffic fees is appropriate since the solution to existing flooding issues results in certain street improvements. Therefore, staff feels the proposed terms reflect an appropriate cost sharing solution to local traffic and drainage issues and the amendment to the development agreement appropriately provides the necessary public facilities to support the public health, welfare and safety.

APPLICANT'S PERSPECTIVE:

Henry Avocado has been operating in Escondido since 1925. Total annual sales last year exceeded \$30,000,000. The company has 150 full-time equivalent employees, with an annual payroll of approximately \$5,000,000. Additionally, they buy about \$1,500,000 of goods and services from other Escondido companies every year. Due to its deep ties to the Escondido community, Henry Avocado strongly wants to remain in Escondido. After a long search the company has found a new location on Harmony Grove Road. Although Henry Avocado has been able to acquire the site, the site will not be available for occupation until at least July 2018, after the expiration of the current Development Agreement. Given the additional time it will take to convert the premises and relocate the existing facilities and personnel, a five-year extension of the current Development Agreement is necessary so that Henry Avocado can remain in Escondido and still have a viable development alternative for their current site.

Respectfully Submitted,



Bill Martin
Director of Community Development



Edward N. Domingue, P.E.
Director of Public Works/ City Engineer

ORDINANCE NO. 2016-18

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A FIRST AMENDMENT TO THE
DEVELOPMENT AGREEMENT TRACT 920
BETWEEN THE CITY OF ESCONDIDO AND
HENRY FARMS, LLC / HENRY RANCH,
PARTNERSHIP

Planning Case No.: 2006-62-DA
Related Case TR920, 2005-27-CZ/GE/
CUP and ER 2005-19

The City Council of the City of Escondido, California, DOES HEREBY ORDAIN
as follows:

SECTION 1. That proper notices of a public hearing have been given and public
hearings have been held before the Planning Commission in June 2007 and the City
Council on this issue.

SECTION 2. That the City Council has reviewed and considered the Mitigated
Negative Declaration (ER 2005-19) originally prepared for this project and has
determined that all environmental issues associated with the project have been
addressed and no significant environmental impacts will result from approving this
agreement.

SECTION 3. That upon consideration of the staff report, and all public testimony
presented at the hearing held on this agreement, this City Council finds that the
Development Agreement remains consistent with the Escondido General Plan and the
Growth Management Ordinance (Article 68) of the Zoning Code.

SECTION 4. That the City Council desires at this time and deems it to be in the best public interest to approve the Amendment to the Development Agreement for Tract 920 attached as Exhibit "A" and incorporated by this reference.

SECTION 5. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

RECORDING REQUESTED BY:

CITY CLERK, CITY OF
ESCONDIDO

WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF ESCONDIDO
201 N. BROADWAY
ESCONDIDO, CA 92025

THIS SPACE FOR RECORDER'S USE ONLY

APN: 225-040-68, 69, 225-041-02, -03, -04, -06, -07 and -09, and 225-270-36

RECORDING FEES EXEMPT PER GOVERNMENT CODE SECTION 27383

**AMENDMENT TO DEVELOPMENT AGREEMENT (Tract 920) between CITY OF
ESCONDIDO and Henry Farms, LLC and HENRY RANCH ESCONDIDO, LP**

This Amendment to Development Agreement ("Amendment") is made and entered into this ___ day of _____, 2016 by and between HENRY FARMS, LLC, a California limited liability company and HENRY RANCH ESCONDIDO, LP, a California limited partnership (collectively, the "Owner") and the CITY OF ESCONDIDO, a municipal corporation ("City").

Recitals

1. Whereas, Owner is the legal and/or equitable owner of certain real property totaling approximately 74.35 acres (Tract 920), located along El Norte Parkway, at 2355 East Lincoln Avenue, in the City of Escondido, County of San Diego, State of California, currently known as APNs 225-040-68, 69, 225-041-02, -03, -04, -06, -07 and -09, and 225-270-36 (the "Property"). Owner intends to subdivide the Property into Ninety Eight (98) lots for single-family residential units and to construct such other improvements as are required by the conditions of approval and the Agreement (collectively, the "Project").

2. Whereas, HENRY FARMS, LLC, a California limited liability company and HENRY RANCH, a California general partnership and City entered into that certain Development Agreement recorded as document number 2010-0244053, superseding and replacing the one previously recorded as Document number 2007-0659017 ("Agreement") for the Property.

3. Whereas, on January 1, 2010 Henry Ranch Escondido, LP, a California Limited Partnership became the successor in interest to Henry Ranch, a California General Partnership, as shown on the Certificate of Limited Partnership Conversion filed with the California Secretary of State on January 4, 2010.

4. Whereas the Term of the Agreement is defined in Article III, Section 1 as commencing on September 7, 2007 to continue until the Tenth (10th) anniversary thereof, unless terminated, modified or extended as permitted by the Agreement.

5. Whereas, Owner's existing use of the Property includes, but is not limited to, fruit grove maintenance, processing, storage, sales and distribution (the "Business"). Owner is moving its Business to another location in Escondido but the new location will not become available during the existing Term of the Agreement.

6. Whereas, it is in the best interest of City that the Property be developed pursuant to the Agreement and that the Business remain in Escondido as a significant source of employment and tax revenue.

7. Whereas, the Parties now desire to extend the Term of the Agreement as provided herein.

8. Whereas, the terms defined in the Agreement shall have the same meaning in this Amendment, unless otherwise specified herein.

NOW, THEREFORE, City and Owner agree as follows:

1. Article I, Section 6. of the Agreement is hereby deleted in its entirety and replaced with the following:

The Parties enter into this Agreement to establish their respective participation in the cost of certain off-site improvements as described herein. Owner's willingness to construct said improvements is contingent upon City's agreement to share in the cost of constructing the improvements and extending the term of the Project's tentative map to Fifteen (15) years as described in this Amendment.

2. Article III, Section 1. of the Agreement is hereby deleted in its entirety and replaced with the following:

Term of Agreement. The term of the Agreement (the "Term") shall commence on September 7, 2007 and shall continue until September 7, 2022 thereof, unless terminated, modified, or extended as permitted by the Agreement. Following the expiration of the Term, the Agreement shall be deemed terminated and of no further force or effect; provided, however, such termination shall not affect any right or duty arising from City approvals, including, without limitation, the Entitlements, the Future Entitlements and any reimbursement agreement that may be entered into pursuant to the terms of the Existing Laws or the Agreement. The Agreement shall terminate with respect to any lot and such lot shall be released and no longer is subject to the Agreement, without the execution or recordation of any further document, when a certificate of occupancy has been issued for the building(s) on the lot.

3. The definition of "Term" throughout the Development Agreement shall refer to Article III, Section I as amended by this Amendment.

4. Article IV, Section 6 of the Agreement shall be amended by deleting all text and by replacing the deleted text with the following:

"Permitted Fees. In return for Owner's construction of the Public Benefits described in Exhibit C (R), as amended herein, the City will waive certain fees as described in Exhibit C (R). Owner agrees to pay the City the contributions for City Capital Improvement Projects in accordance with Exhibit C (R), as amended herein."

6. **Exhibit C**, to the Agreement shall be deleted and replaced in its entirety with a new exhibit as attached hereto as **Exhibit C (R)**:

7. Except to the extent the Agreement is modified by this Amendment, the remaining terms and conditions of the Agreement shall remain unmodified and in full force and effect. All capitalized terms used herein shall have the same meanings as set forth in the Agreement, except to the extent the meaning is modified by this Amendment.

8. This Amendment may be executed in one or more counterparts, all of which, taken together, shall constitute the same Amendment.

This Amendment has been executed by the Parties as of the dates set forth below:

CITY OF ESCONDIDO,

By: _____
Its: Mayor

By: _____
Its: Clerk

OWNER,

HENRY FARMS, LLC
a California limited liability company

HENRY RANCH ESCONDIDO, LP
a California limited partnership

By: _____
Its: _____

APPROVED AS TO FORM AND CONTENT:

CITY OF ESCONDIDO

OWNER

LOUNSBERY FERGUSON ALTONA &
PEAK, LLP

By: _____
Jeffrey R. Epp, Esq.
Its: City Attorney

By: _____
David W. Ferguson, Esq.
Attorneys for Owner

EXHIBIT C (R)

PUBLIC BENEFITS

Owner shall provide to the City the following Drainage Improvements (the "Drainage Improvements") pursuant to the City standards in effect on December 13,2006, as described below and depicted in the improvement plan (on the following page):

The Preliminary Plans for La Honda Drive Storm Drain system prepared by BHA, Inc., including new curb inlets approximately 1,700 If north of the intersection of La Honda Drive and El Norte Parkway, new curb inlets on the north side of the intersection of La Honda Drive and El Norte Parkway, a new storm drain system beginning at the intersection of La Honda Drive and El Norte Parkway traveling southeast to Nightingale Place, and connecting to the existing storm drain at the intersection of Nightingale Place and Lincoln Avenue, and construction of street improvements along the east side of La Honda Drive, north of the El Norte intersection, to collect the water in the street up to the intersection. Plans for the La Honda storm Drain are based on the City's Drainage Master Plan dated November 1995, and those preliminary plans prepared by BHA, Inc. (see attached copy).

The La Honda Storm Drain plans are preliminary, and require extensive design work before they can be considered complete. The City reserves the right to initiate, or to require the Owner to initiate, additional enhancements or redesigns to the Drainage Improvements shown in said preliminary plans prepared by BHA, Inc.

Prior to construction, Owner shall submit a bid for the Drainage Improvements for City approval. Upon completion, the City shall reimburse Owner for sixty-five percent (65%) of the cost of the Drainage Improvements. The cost of the Drainage Improvements shall include the cost of the design work required to complete the plans. The City's reimbursement cost shall be based upon the lowest bid received after a completion of a formal competitive bidding process that results in at least three sealed bids. Reimbursement shall be in the form of cash and fee credits, in such combination as the City, in its sole discretion, selects. If City's share of the costs to reimburse Owner for the Drainage Improvements exceeds \$400,000, City shall have six (6) years from the date of payment of the \$400,000 to reimburse Owner for the remaining balance.

If the City chooses to conduct a drainage study that can be used for the final design and cost estimate for the required drainage improvements, the Developer shall reimburse the City for thirty-five percent of the cost of the study at the same time as the \$400,000 City reimbursement to the Developer is paid.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 15
Date: October 19, 2016

TO: Honorable Mayor and Members of the City Council

FROM: Graham Mitchell, City Manager
Loretta McKinney, Director of Library and Community Services

SUBJECT: Escondido Public Library Relocation Feasibility Report

RECOMMENDATION:

It is requested that the City Council provide input and direction regarding the potential relocation and expansion of the Escondido Public Library to one of two possible sites—one within the current Grape Day Park boundary and the other in an envisioned expansion of Grape Day Park.

FISCAL ANALYSIS:

The 2015/2016 Capital Improvement Program (Library Expansion Project) has a balance of \$232,294.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Action Plan regarding Neighborhood Improvement: Library Master Plan.

PREVIOUS ACTION:

Staff has worked on this project since 2010, which include the following milestones:

On February 28, 2010, the City Council received a concept presentation for a phased approach to the development of a new, modern state-of-the-art library for Escondido by the Escondido Library Board of Trustees and the Escondido Library Endowment Foundation.

At the June 16, 2010, City Council Meeting, \$200,000 was approved as part of the Capital Improvement Program to move forward with additional studies and a conceptual plan.

On February 16, 2011, the City Council adopted Resolution No. 2011-28 approving a consultant agreement with Group 4 Architecture, Research + Planning, Inc. in the amount of \$188,555 for the conceptual design of Phase I for the Escondido Public Library expansion.

On October 16, 2013, the City Council received the Library Conceptual Design, presented by Group 4 Architecture, Research + Planning, Inc., as Phase I of the Escondido Public Library expansion. As a result of the presentation, the City Council directed staff to explore funding sources for the project.

On June 18, 2014, the City Council adopted the Five-Year Capital Improvement Program, which approved adding \$257,000 to the existing Library Expansion project account.

At the August 18, 2015 City Council Meeting, the City Council provided direction to staff to explore a general obligation bond measure, including the hiring of consultants to provide strategic planning and polling, while exploring joint development partnership opportunities.

On March 23, 2016, staff presented a report to the City Council to provide the results of a Library expansion bond survey and to request further direction. The City Council directed staff to study the feasibility of a plan to build a new library in Grape Day Park.

BACKGROUND:

Following is a brief background about the existing library and a description of the previously proposed library expansion project at its current site.

The existing library is made up of three primary buildings totaling 47,000 square feet (the main library, the Literacy Learning Center at the corner of Broadway and 2nd Avenue, and the Pioneer Room located in the Mathes Center). The main library building was built in 1981 when Escondido's population was approximately 64,400 residents. As a comparative tool, in 1981, the City offered 0.73 square feet of library space per resident. The community has grown by nearly 86,000 residents since 1981, and in the next 20 years is expected to increase its population by another 18,000.

Also, library space needs have significantly changed since the existing library was built in 1981. For example, in 1981, none of the floor space was devoted to computers. Today, 5,280 square feet is allocated for computers—this makes up 13 percent of the main library's floor area.

Six years ago, the City Council directed staff to begin community outreach and design work for a library expansion project. The result of that effort included:

- An evaluation of library space needs,
- Strategies to add a 30,000 square foot new library wing to the existing library building,
- A plan in which the existing library would eventually be replaced with a second phase,
- A conceptual design and cost estimate to construct the new wing and rehabilitate the existing 35-year old building.

The study proposed 77,000 square feet of library space after the completion of the expansion project. The study determined the total cost of the expansion and rehabilitation project to be \$39 million (using current dollar value).

LIBRARY RELOCATION FEASIBILITY ANALYSIS:

Relying on an internal task force, staff conducted an initial feasibility study to evaluate options for relocating and expanding the library—one within the current Grape Day Park and the other in an envisioned expansion of Grape Day Park. The following information addresses the framework in which the analysis was conducted, identifies the two potential library sites, and addresses feasibility criteria.

Framework

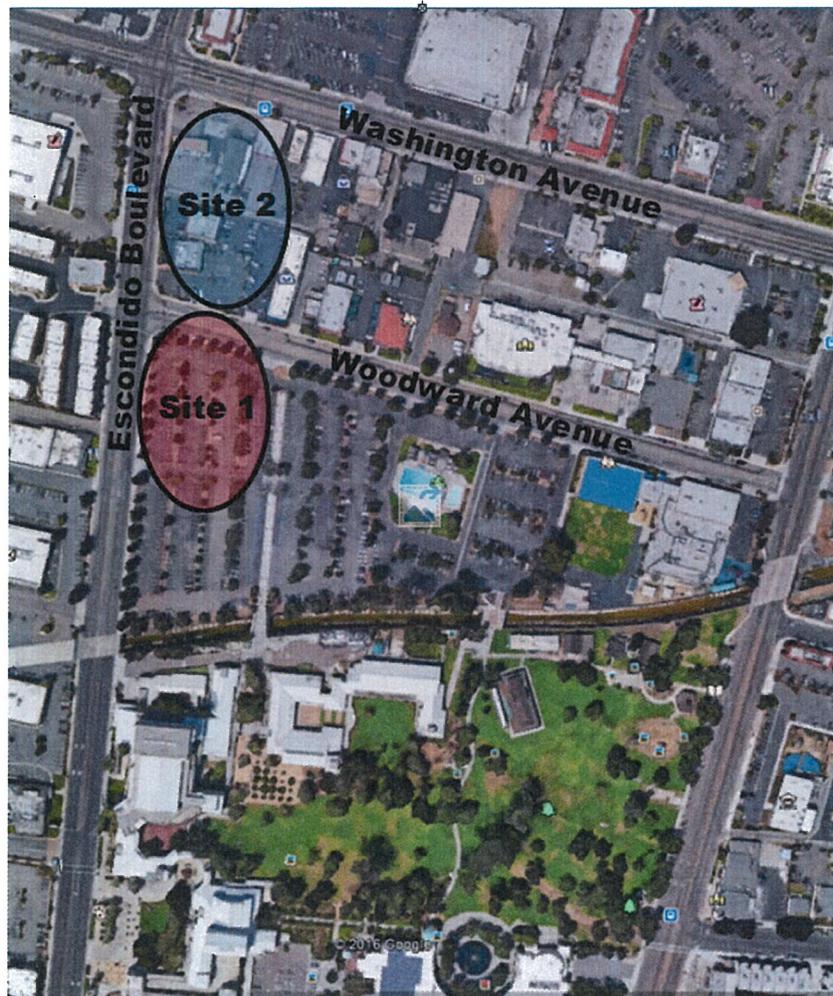
In preparing a feasibility analysis to relocate the library to Grape Day Park, staff:

- 1) Identified two possible sites,
- 2) Conducted a preliminary environmental feasibility review,
- 3) Conducted a geotechnical study, and
- 4) Prepared a fiscal analysis.

As part of the fiscal analysis, staff revisited the size of a future library. In doing so, staff engaged with library stakeholders and conducted three focus groups—one consisting of 24 high school students, a second made up of 16 college-age students, and a third group that consisted of representatives of the five library support groups, including the Library Board of Trustees. Staff also spoke with two library architect firms, and members of the development community.

Possible Sites

Staff identified two possible library sites. The first site is located within the existing Grape Day Park boundary; the second location is currently outside of Grape Day Park, but within a proposed expanded area of the park as identified in the General Plan and Downtown Specific Plan. The first site is located along Escondido Boulevard and situated within the Woodward Avenue right-of-way and a portion of the parking lot south of Woodward Avenue. The second library site is generally located at the southeastern corner of Escondido Boulevard and Washington Avenue. The aerial view below shows the two studied site locations.



The primary advantage of Site 1 is that there are no incurred land acquisition costs in order to relocate the library. The primary advantages of Site 2 is that it has the potential to stimulate economic development activity on the north side of Washington Avenue, it becomes the project that triggers an expansion of Grape Day Park to Washington Avenue, and it serves as a third “anchor” on the block with City Hall and the California Center for the Arts Escondido (CCAЕ) serving as the other two anchors. Other advantages and disadvantages for the two sites will be identified in the feasibility analysis described in subsequent sections of the staff report.

Environmental & Geotechnical Feasibility

Staff considered environmental and geotechnical constraints at each of the two potential library sites. Environmentally, Site 1 has fewer challenges than Site 2. Although Site 1 was the location of a former gas station, the tanks were removed, and soil with highest level of contamination was removed. An initial review of Site 2 revealed the potential for soil contamination from two sources. Site 2 has an existing gas station with a recently closed leaking underground tank case. Upstream of Site 2 is an unassessed, open leaking underground storage tank case with a dissolved fuel hydrocarbon plume that may be migrating toward or across the site. Although both sites are suitable for development, Site 2 will require remediation, these costs are estimated in the fiscal analysis.

Staff also performed geotechnical feasibility studies on both sites. Based on the analysis, both sites are suitable for development and can sustain at least one level of underground under parking and three levels of above grade development.

Fiscal Analysis

Prior to estimating costs, it was important for staff to identify a recommended library building size. With a determined building size, staff could calculate cost for building construction, site preparation, furniture/equipment, and soft costs. Staff based construction cost estimates on the 2013 study and after consulting two library architect firms.

The 2013 library study identified a 77,000 square foot building, which allocated space to various library uses. Relying on information gathered during the focus groups and stakeholder meetings, staff modified the 2013 study’s recommendation by reducing the square footage by 7,000 square feet—a 9 percent reduction. For purposes of the analysis, staff assumed a library building totaling approximately 70,000 square feet.

Staff determined that book shelf space for the adult collections could be reduced from what the 2013 study recommended. However, in staff’s opinion, the 2013 study did not provide sufficient space for highly desired amenities identified through the focus group discussions. These amenities include open flexible space, study rooms, “maker space” for group projects and audio/video productions, outdoor reading areas, and a café. Staff believes that the ultimate library footprint can increase by more effectively using outdoor space without increasing the size of the building—the 2013 design did not utilize outdoor space to increase the library’s overall usable space.

The table below compares Site 1 and Site 2 library development costs. Site 1 requires a parking structure, while Site 2 could rely on shared parking with the CCAE for the short-term.

	SITE 1	SITE 2
Land Acquisition/Relocation (2.9 Acres)	\$0	\$9,200,000
Building Demolition & Tank Removal*	0	800,000
Construction & Site Development (\$470/SF)	32,900,000	32,900,000
Furniture, Equipment & Technology (\$45/SF)	3,150,000	3,150,000
Parking Structure (\$45,000 per space)	8,600,000	0
Soft Costs (30% of construction costs)	9,870,000	9,870,000
TOTAL	\$54,520,000	\$55,920,000

*assumes no significant soil remediation and testing (remediation and monitoring could cost up to \$1.5 million)

Based on these cost estimates, the estimated range of construction, depending on location of the library and incorporation of a parking structure, is between approximately \$54.5 million and \$56 million.

Staff also identified several financing sources to construct a new library at Grape Day Park. These sources include:

SOURCE	REVENUE
Sale of existing library parcel	\$2,500,000
New Market Tax Credits	10,000,000
Solar Savings (over 20 years or PPA)	2,500,000
Bond proceeds	up to 41,000,000
TOTAL	\$56,000,000

Staff believes that the parking structure (estimated cost of \$8.6 million) could potentially be built as a joint project with a private developer, adding \$2 to \$3 million as a funding source. Also, through initial discussion, staff believes that there is a potential to build additional space at the library for a long-term school lease and retail (café) space, generating annual revenue. This revenue would be used to defray bond debt service payments.

Staff's analysis shows that the potential bond financing requirement may be similar to the bond amount needed for the expansion project at the existing site, based on the 2013 library study.

Pros, Cons, and Other Considerations

As part of its analysis, staff identified pros and cons of the two sites. In addition, staff introduces other considerations for the City Council.

Site 1 (Woodward Avenue & Escondido Boulevard) – the primary positive for selecting this site is that the City owns the property. This requires the least amount of bond financing and gives the City more control over timing and cost variables. The primary drawback is that locating the library at this site does not facilitate the same economic impact as the Site 2 option does. Also, it does not facilitate the land expansion opportunity of Grape Day Park, an identified objective in the General Plan and Downtown Specific Plan.

Site 2 (Washington Avenue & Escondido Boulevard) – locating the library at the southeastern corner of Washington Avenue and Escondido Boulevard establishes a significant presence for the library. At this site, the library has the opportunity to serve as an anchor for an expanded Grape Day Park that extends north to Washington Avenue. Staff believes that an infusion of public funds at this corner could facilitate redevelopment in the surrounding areas. The obvious drawback is the need to acquire property and several unknowns related to underground storage tanks—these two drawbacks entail costs. Ultimately, the cost to develop Site 2 (assuming land value calculations are accurate and environmental cleanup minimal) is only \$1.4 million more than developing on Site 1.

Other Considerations – in preparing this analysis, staff’s research exposed them to 21st Century library concepts from around the world, resulted in conversations with various stake holder groups, and required a review of planning documents. The following is a list of important considerations in moving forward with a library relocation project:

- 1) City Planning Issues – there are four planning policies that are important to consider:
 - General Plan Parks and Recreation Policy 2.10 states that the City should prioritize park acquisition in areas with the greatest need, including the northern expansion of Grape Day Park, and in urban areas within a reasonable walking distance from transit.
 - General Plan Library Services Policy 3.7 states that the City should consider incorporating other uses such as parks, schools, business district, and coffee shops with library facilities.
 - Downtown Specific Plan Parkview District Vision includes the statement “The long term vision . . . includes extending fingers of Grape Day Park north of Woodward Avenue to provide park access from Washington Avenue.”
 - There are voter approved land use restrictions in Grape Day Park that currently significantly limit public private partnership opportunities. If the City were to pursue a public private venture, the voters would need to amend those restrictions.
- 2) Loss of Revenue – the existing library property includes rental properties that generate approximately \$72,000 in annual General Fund revenue. It should be noted that the library expansion project at the current site would also eliminate this revenue.

- 3) Compatibility with the CCAE – the CCAE facility offers meeting and rental space. As a library is designed, it will be important to consider potential meeting space and provide different types of space to meet community needs that may not be met by the CCAE amenities.
- 4) Partnership Opportunities – building a stand-alone library is a 20th Century model. Today, new successful libraries are integrated with other uses and activities that meet the community’s needs. As the City explores a possible library expansion, joint venturing, public-private partnerships, and mixed-use library models need to be considered.
- 5) Grape Day Park Expansion Vision – during the feasibility analysis, staff consulted with a community interest group with the vision to expand Grape Day Park. The following summarizes this expanded vision upon the completion of the project:
 - o Library would be located at the southeastern corner of Washington Avenue and Escondido Boulevard,
 - o Surface parking in the entire expanded park area would be eliminated and replaced with parking structures,
 - o Swimming pool would be relocated and would include a gymnasium to serve community and local school needs,
 - o Boys & Girls Club would remain at its existing site, and
 - o Escondido Creek would be restored to a more naturalized condition.

The plan, although bold, could be completed in phases and through the use of public-private partnerships and the collection of future Developer Impact Fees. The construction of a library could be the first step in this City-altering project.

RECOMMENDATION & NEXT STEPS:

Based on its initial analysis, staff believes that locating the library at a site in Grape Day Park is feasible. After considering the City’s planning documents and studying examples of how park expansion and revitalization projects can have an economic impact on a city, staff believes that the library can serve as the catalyst to the bigger project of expanding Grape Day Park to Washington Avenue.

Regardless of which direction the City Council wishes to take, staff presents several recommended next steps for consideration.

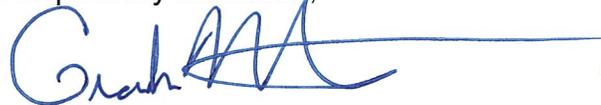
If the City Council wishes to further explore developing Site 1, staff recommends hiring a design firm to develop a conceptual plan, design, and cost estimate. Staff would explore the opportunity of a public private partnership for the construction of the parking structure. Once those two tasks were completed, the City would need to engage a firm to assist with preparing for a library bond measure.

If the City Council wishes to focus on just a library project at Site 2, staff recommends hiring a design firm to develop a conceptual plan, design, and cost estimate for the library and directing staff to initiate property acquisition. This does not preclude the City also beginning a study of the expansion of Grape Day Park.

Alternatively to all of the options presented, the City Council could direct staff to prepare a Request for Qualifications (RFQ) to select a firm that specializes in public private partnerships and New Market Tax Credits. The RFQ process would allow the market to determine the feasibility of the project and how to best maximize land values while meeting City Council objectives (e.g. build a library, maximize development of the former library site, create maximum green space at Grape Day Park, expand Grape Day Park, etc.). Once completed, the City Council could consider whether or not to commission an economic feasibility study to determine the overall impact of this large, multi-year project.

In summary, the City Council directed staff to study the feasibility of relocating the Escondido Public Library to a site in Grape Day Park. Based on the information offered in this report, staff completed an initial feasibility study and is prepared to follow the next directive provided by the City Council.

Respectfully submitted,



Graham Mitchell
City Manager



Loretta McKinney
Director of Library and Community Services



FUTURE CITY COUNCIL AGENDA ITEMS
October 12, 2016

AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE. CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617

October 26, 2016
4:30 p.m.

CONSENT CALENDAR

Notice of Completion: SUB 13-0009 Located at 2412 South Escondido Boulevard
(E. Domingue)

SUB 13-0009 is a 76-unit residential condominium development located at 2412 South Escondido Boulevard. The project included construction of new sidewalks, curb and gutter, pedestrian ramps, water and sewer lines, one new street light, an onsite bio retention basin, and water storage and reuse cisterns.

Resolution Authorizing a Consulting Agreement with Willis Towers Watson for Employee Benefits Insurance Broker Services
(S. Bennett)

The City released a request for proposal (RFP), soliciting proposals from broker firms to perform full range of employee benefits insurance consulting services related to group health, dental, vision, life insurance, disability, and ancillary benefits for employees and dependents. Following a lengthy RFP selection process, the incumbent broker (Willis Towers Watson) was selected to continue as the City's broker of record.

Mills Act Agreement, and CEQA Exemption (HP 16-0009)
(B. Martin)

The current owners of the Local Register Property at 178 Howell Heights Drive wish to enter into a Mills Act agreement with the City.

PUBLIC HEARINGS

Local Register Historic Listing, Mills Act Agreement, and CEQA Exemption (HP 16-0005)
(B. Martin)

To add an Old Escondido Neighborhood one-story Storybook Ranch built in 1953 to the City's Local Register of Historic Places. The current owner of the property also wishes to enter into a Mills Act agreement with the City.

Local Register Historic Listing, Mills Act Agreement, and CEQA Exemption (HP 16-0006)
(B. Martin)

To add an Old Escondido Neighborhood one-story Queen Anne/Craftsman built in 1906 to the City's Local Register of Historic Places. The current owner of the property also wishes to enter into a Mills Act agreement with the City.

October 26, 2016
Continued

PUBLIC HEARINGS Continued

Local Register Historic Listing, Mills Act Agreement, and CEQA Exemption (HP 16-0007)

(B. Martin)

To add an Old Escondido Neighborhood one-story Craftsman built in 1927 to the City's Local Register of Historic Places. The current owners of the property also wish to enter into a Mills Act agreement with the City.

CURRENT BUSINESS

Financial Report for the Quarter Ending June 30, 2016

(S. Bennett)

Quarterly financial records present written financial update to the City Council concerning certain funds of the City based on the most recent financial information available. These quarterly financial reports include budgetary information along with the actual resources received to date and the use of these resources in fulfilling each fund's financial plan. The report provides information for the General Fund, Recreation Fund, Reidy Creek, Successor Agency, Water, and Wastewater Funds.

Adoption of Proposed Changes to Annual Inventory of City Fees

(S. Bennett)

Departments have reviewed the existing fee schedule and are proposing new fees or fee changes designed to recoup costs associated with the services being delivered.

Future Agenda Items (D. Halverson)

November 2, 2016
4:30 p.m.

CONSENT CALENDAR

Adoption of the 2016 Fire, California Building, Residential, Electrical, Plumbing, Mechanical, and Energy Codes, Green Building Standards, and the 2015 International Property Maintenance Codes with Local Amendments

(B. Martin and R. Knowles)

The 2016 California Building Standards Code and Fire Code will become effective statewide on January 1, 2017. Local adoption of code amendments is required. The Community Development Department also is requesting adoption of the 2015 International Property Maintenance Code (with local amendments) as a new tool to enhance code enforcement services.

Adoption of Final Environmental Assessment/Mitigated Negative Declaration for the San Pasqual Undergrounding Project (ENV 15-0016)

(B. Martin)

Escondido, VID and the Bureau of Indian Affairs have jointly completed this EA/MND to provide environmental clearance for the San Pasqual Undergrounding Project that would remove about two miles of the Escondido Canal and is an integral part of the San Luis Rey Indian Water Rights Settlement Agreement (January 30, 2015), which includes federal, tribal, and local entities.

PUBLIC HEARINGS

CURRENT BUSINESS

Future Agenda Items (D. Halverson)



City Manager's **WEEKLY UPDATE** to City Council

October 12, 2016

ECONOMIC DEVELOPMENT

Triple Crown will be hosting the Monster Mash youth girls fast pitch softball tournament this weekend in Kit Carson Park. There will be teams from all over the Western Region of the country attending this tournament. They have 202 teams in the 14u, 16u, & 18u division playing and an estimated amount of 6,200 players and spectators. New this year, they will be hosting a youth softball clinic for players attending the tournament on Saturday October 15th from 8am to 4pm. The clinic will be coached and lead by Janie Takeda from the US National Women's softball team and 4 year starter at University of Oregon. Also helping is Biola and UCLA Softball members. Teams will be shopping, dining, and lodging in the Escondido area from Friday, October 14th to Sunday, October 16th. Kit Carson Park will be very full with the tournament and the many other everyday activities.

SPECIAL EVENTS

- **Grand Avenue Festival**
Sunday, October 16, 9:30 am – 5:30 p.m.
Downtown Escondido

Formally known as the Escondido Street Faire, The Grand Ave Festival is bigger and better than ever! Over 500 vendors, live entertainment, and food from around the world have combined to make the Grand Ave Festival the 2nd largest street fair in California and a family tradition since 1989. Every 3rd Sunday in May and October... come out and support Escondido. The Festival runs all day Sunday from 9:30 a.m. to 5:30 p.m. covering Grand Avenue from Centre City Parkway to Juniper Street. Fun rides, games, entertainment, food, art, and shopping for everyone. Bring your Christmas list to get some early shopping done. Presented every third Sunday in October and May by the Escondido Chamber of Commerce. For more information, call (760) 745-2125, or go to: www.EscondidoChamber.org

- **We the People**
Sunday, October 16, 5:00 p.m.
Grape Day Park

Join your inland community members and church leaders for an inspirational evening of music and worship celebrating the community's first responders, city council, hospital workers, doctors, pastors and elected officials.

- For information about other activities taking place in Escondido, please visit www.visitescondido.com



City Manager's **WEEKLY UPDATE** to City Council

COMMUNITY DEVELOPMENT

Major Projects Update

Commercial / Office:

1. Escondido Research and Technology Center – East (ERTC) (Developer: James McCann) – *No change from the following update reported last week:* This is a 72,000 square foot medical office building proposed on the east side of Citracado Parkway across from Palomar Medical Center located at 2130 Citracado Parkway. A grading permit has been issued by the Engineering Division. Building plans have been submitted for plan check. The applicant has recently requested to install a temporary paved parking lot in this area to serve the hospital. A grading plan for the temporary parking lot was approved June 13, 2016.
2. Escondido Research and Technology Center – West (ERTC) (Developer: James McCann) – This is a 144,000 sq. ft. development involving two medical office buildings proposed on the west side of Citracado Parkway across from Palomar Medical Center located at 2097 – 2175 Citracado Parkway. A grading permit has been issued by the Engineering Division. Esgil and the Planning Division have approved the building plans. A fee deferral agreement has been signed and the building permit was issued June 23, 2016. A tentative parcel map (TPM) for office condominiums was approved on July 12, 2016. A Final Parcel Map was submitted by the applicant on July 25, 2016, and is currently being reviewed by Planning and Engineering.
3. Centerpointe 78 Commercial (Developer: Lars Andersen, Pacific Development) – This project is a 45,650 sq. ft. supermarket and restaurant located at 925 N. Broadway. The project was approved by the City Council on December 9, 2015. Demolition of the former auto dealership has been completed down to the foundation. Grading plans have been submitted to Engineering and Planning for review. Building plans for the supermarket were submitted to the Building Division on September 14, 2016, and are being reviewed by Building and Planning staff. A boundary adjustment application to place the two buildings on separate parcels is expected to be submitted soon.
4. Westfield Theater (Developer: Kim Brewer, Westfield) – *No change from the following update reported last week:* This project is a 10-auditorium movie theater totaling 57,600 sq. ft. located on the north side of the Westfield Mall. The project was approved by the City Council on November 4, 2015.
5. Felicita Development, LLC (Developer: Katherine Park, Creative Design Associates) – *No change from the following update reported last week:* This project is a 140-unit hotel, and a gas station or office/residential care facility at the southeast corner of Felicita Rd. and Gamble Lane. The applicant and staff met with the architect to discuss building elevations, 5-story height limitations and site design issues given the existing wetland constraints on the

City Manager's WEEKLY UPDATE to City Council

property. Additional technical analysis and coordination is needed to address traffic, biology, water and sewer service, geotechnical and storm water concerns, along with a market study for the proposed uses. The applicant met with the wild life agencies and is responding to technical studies needed to complete the application. Tribal consultations are underway.

6. Springhill Suites (Developer: Raj Patel, San Bernardino Hospitality LLC) – *No change from the following update reported last week:* This project is a 4-story, 105-suite hotel totaling 73,300 sq. ft. located at 200 La Terraza Drive. The hotel includes a small conference room and an enlarged lobby for serving continental breakfast. A revised set of grading plans has been approved since February and grading for the hotel site has now started. Building plans have been approved by Esgil, Fire, Planning and Engineering. The building permit is ready to be issued.
7. Escondido Auto Park Association (Developer: Tim Brecht, Escondido Auto Park Association) – *No change from the following update reported last week:* The association is proposing to upgrade the existing electronic message sign along I-15. An application for a new regional market sign and an amendment to the Sign Ordinance to increase the allowable display area for a regional market sign was submitted to the Planning Division on May 6, 2016. The proposed sign would be located in the same location as the existing sign at a slightly lower height (73.5 feet) with approximately the same overall dimensions. The Planning Commission recommended approval of the new regional market sign and amendment to the Sign Ordinance on July 12, 2016. The City Council approved the new regional market sign and amendment to the Sign Ordinance on August 17, 2016. The contractor is expected to submit the structural plans into plan check for a building permit this week.
8. Ford-Hyundai Dealership Expansion (Developer: Neil E. Sander, Dynamic Engineering) – An expansion involving approximately 13,000 sq. ft. of showroom buildings and 6,700 sq. ft. wash/detail building at 1717-1919 Auto Park Way was approved by the Planning Commission on June 23, 2015. Construction on the new Ford dealership building is underway.
9. Trafalgar Square – Aldi Market (Developer: Charlie Mallon) – *No change from the following update reported last week:* This renovation of the Trafalgar Square shopping center includes demolition of the northern shop building and the northern portion of the western building to prepare a site for the construction of an 18,088 square foot, freestanding building for Aldi Market (1330 East Valley Parkway). The plot plan was approved by the Planning Division in June of 2015. A Building permit was issued on June 22, 2016, and the project is under construction. The sign contractor is now working on a final sign package that should be submitted to Planning soon.

Industrial

1. Escondido Disposal Inc. (Developer: Steve South, EDI) – *No change from the following update reported last week:* The CUP modification to expand the existing facility was

City Manager's **WEEKLY UPDATE** to City Council

approved by the Planning Commission on August 25, 2015. Revisions to the grading plan have been approved by Engineering and a building permit has been issued. Construction is now underway.

2. StorQuest (Developer: The William Warren Group, Inc.) – *No change from the following update reported last week:* This proposed project at 220 W. Mission Avenue involves a 102,500 sq. ft., four-story self-storage facility development with three in-line shops and a small office. The Planning Commission voted to recommend approval of the proposed General Plan Amendment, Planned Development and Zone Change on August 9, 2016. The project was approved by the City Council on September 14, 2016.
3. Victory Industrial Development (Developer: Scott Merry, Badiee Development) – *No change from the following update reported last week:* This project involves two industrial buildings totaling 91,000 sq. ft. (one building 55,500 sq. ft., second building 35,500 sq. ft.) located at 2005 Harmony Grove Road and a zone change from residential to Planned Industrial consistent with the updated General Plan. The Planning Commission voted to recommend approval of the proposed General Plan Amendment, Planned Development and Zone Change on August 9, 2016. It was approved by the City Council on September 14, 2016. Building plans were submitted into plan check the following day and are now being reviewed by staff.
4. Micro-Filtration Reverse Osmosis (Developer: City of Escondido Utilities Department) – The proposed project involves a Conditional Use Permit (CUP) for the development of a new city facility to provide advanced treatment for recycled water produced at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF) for agricultural uses with the capacity for future treatment for indirect potable reuse. The facility would be sized for a total production capacity of 2.0 million gallons per day (mgd). A previous proposal for development of the facility at 2512 East Washington Avenue has now been shelved while staff pursues development of the facility on an alternative site located on the southeastern corner of Washington Avenue and Ash Street. On July 20, 2016, the City Council approved a first-phase design contract with Black and Veatch for the design effort need to bring the new site design to the Planning Commission for CUP consideration in December 2016. If the Planning Commission approves the CUP, a contract for the remaining design work will be brought forward to the City Council. Site and building design concepts are being developed now and staff will be attending neighborhood meetings to present the project to neighbors.
5. Wastewater Collections Yard Expansion (Developer: City of Escondido Utilities Department) – *No change from the following update reported last week:* The project involves development of 1.8 acres of a larger, approximately 15.4-acre site for the construction of a new wastewater collections yard and maintenance facility for the City's Hale Avenue Resource Recovery Facility (HARRF) at 1521 S. Hale Avenue. The proposed facilities will consist of three separate pre-fabricated metal buildings 3,735 sq. ft. - 5,670 sq. ft. for collections; work bays and workshops for regular maintenance of vehicles and equipment.

City Manager's WEEKLY UPDATE to City Council

The project would require the processing of a Conditional Use Permit (CUP) and rezone. The Planning Commission held a public hearing and recommended approval on May 10, 2016. It was approved by the City Council on June 15, 2016.

6. Escondido Self-Storage Facility (Developer: Brandywine Homes, Inc.) – A modification to a Master and Precise Development Plan for revisions to the design of a previously approved, but not yet constructed, self-storage facility with direct access to Brotherton Road near the intersection with Cranston Drive. The proposed project was submitted on May 11, 2016, and proposes approximately 77,500 SF of storage area in two buildings. The larger building is two stories over a basement with all interior loading. The smaller building is one-story with some exterior roll-up doors. The project site is also part of a five-lot Tentative Map for four residential lots and one commercial lot (Tract 900) that is concurrently being processed for an extension of time. Planning staff approved the environmental technical studies needed for the update of the previous environmental review on July 12. Architecture was approved by staff Design Review on July 14 and an addendum to the previous MND has been prepared. The project was recommended for approval by the Planning Commission on September 13, 2016, and the City Council approved the project on October 12, 2016.

Institutional

1. John Paul the Great Catholic University (Developer: Kevin Meziere, John Paul the Great Catholic University) – *No change from the following update reported last week:* A Conditional Use Permit to expand the campus and student enrollment at 155 W. Grand Avenue was approved by the Planning Commission on December 8, 2015. The proposal includes improvements to the former H. Johnson site at 131 S. Broadway for studio and classroom space, and the former bank at 200 W. Grand Avenue for administrative offices and a student resource center. The proposed expansion would also increase the student enrollment from 300 to 1,200 students over the next several years.
2. Escondido United Reformed Church (Developer: Brent Cooper) – *No change from the following update reported last week:* The project is an expansion for a phased, multi-year, master construction/development plan for a new 12,250 SF two-story sanctuary, conversion of existing buildings to a social hall, demolition of an existing social hall/classroom building (approx. 4,620 SF) and construction of approximately 5,250 SF for a nursery, multi-purpose room, classrooms for Sunday school at 1864 N. Broadway. Revised architectural plans were unanimously approved by the Planning Commission on June 14, 2016. The grading plans are now in plan check.
3. Emmanuel Faith Community Church (Developer: Jim North, EFCC) – *No change from the following update reported last week:* The project is a phased, multi-year construction and renovation program for the Emmanuel Faith campus that includes demolishing the existing children's rooms and constructing a new nursery and children's building for up to 200 children, construction of a two-story training center/youth complex, renovation of the existing high school/college building, conversion of the existing education center into an office and

City Manager's WEEKLY UPDATE to City Council

meeting room building, demolition of the existing café and construction of a new café, demolition and construction of a new maintenance building, construction of a new gathering plaza with baptismal outdoor water feature, and reconstruction and expansion of the existing worship center from 1,600 seats to 2,000 seats. The Planning Commission approved the proposed modification to the Conditional Use Permit for the campus on June 9, 2015. Grading, building and landscape plans for the first phase (45,414 square foot new children's building) were submitted on July 6, 2016, and are being reviewed by staff and Esgil.

Residential

1. Oak Creek (Developer: Jason Han, New Urban West) – *No change from the following update reported last week:* This project is a 65-unit single family development located at the southeastern corner of Felicita Road and Hamilton Lane approved by the City Council in 2015. The LAFCO Board unanimously approved the annexation on October 5, 2015, and the annexation has been recorded. No grading or improvement plans have been submitted by the developer at this time.
2. Amanda Estates (Developer: Jason Han, New Urban West) – *No change from the following update reported last week:* This project is a 22-unit single family development on Amanda Lane approved by the City Council in 2015. The LAFCO Board approved the reorganization (annexation) at their meeting on August 3, 2015, and the annexation has been recorded. No grading or improvement plans have been submitted by the developer at this time.
3. Pradera (Developer: Moses Kim, Lennar Homes) – *No change from the following update reported last week:* This project consists of a 70-unit single family development located at the northeastern corner of Ash Street and Lehner Avenue. The developer has obtained building permits for five phases involving 44 homes and those phases are under construction. Homebuyer interest in the product remains high and sales are progressing. All five final maps in the project have now recorded. Precise grading plans for all phases have now been approved.
4. Lexington (Zenner) (Developer: Eric Johnston, KB Homes) – *No change from the following update reported last week:* The project is a 40-unit, single-family development at the northeastern corner of Lehner Avenue and Vista Avenue. The three model homes on the eastern side of Ash Street are now open and sales are progressing as expected. A rough grading permit was issued for the project site on August 18, 2016 and grading is underway.
5. Stella Park Condominiums (Developer: Edward Kaen, ETP, LLC) – *No change from the following update reported last week:* This project is a 65-unit, three-story townhome Planned Development located at 2516 S. Escondido Blvd. The project includes three separate recreation areas for residents. The City Council approved the project on April 27, 2016. No grading or improvement plans have been submitted by the developer at this time.

City Manager's WEEKLY UPDATE to City Council

6. Wohlford (Developer: Jack Henthorne) – *No change from the following update reported last week:* This project is a 55-unit single family development located on Bear Valley Parkway east of Encino Drive. A Specific Alignment Plan for Bear Valley Parkway detailing the proposed roadway design is under review. The EIR consultant and staff have reviewed the applicant's technical reports and provided comments for revisions. Bi-weekly status meetings have commenced as the Draft EIR gets underway.
7. Latitude II (Developer: Peter Zak, Lyon/NCA) – *No change from the following update reported last week:* This project is a 112-unit multi-family development, located at the northeastern corner of Centre City Parkway and Washington Avenue, and approved by the City Council on August 19, 2015. A Final Subdivision Map has been submitted for review and is awaiting approval of a boundary adjustment for a property exchange with the adjacent motel owner. Grading and building plans are nearing approval.
8. Canyon Grove Estates Tract 932 (Developer: John Vance, Shea Homes) – *No change from the following update reported last week:* This project is a 179-lot single family residential development on the north side of Vista Avenue east of Conway Drive. The final architectural design and landscaping plans for the Precise Plan application were approved by the Planning Commission on June 14, 2016. A rough grading permit has been issued and grading is underway. The Final Map is scheduled to go to City Council for approval on October 19. Building plans for the construction of eight model homes were submitted on May 18, 2016 and are being reviewed by staff. Precise grading plans for the model complex and a model home permit have been approved. The applicant is coordinating the plan review for off-site street improvements on Ash Street with the County's Department of Public Works.
9. Safari Highlands Ranch (SHR) (Developer: Jeb Hall, Concordia Homes) – *No change from the following update reported last week:* This project is a 550-unit single family development located east of the Rancho San Pasqual community and north of the San Diego Safari Park. The project involves 1,100 acres including annexation and a Sphere of Influence update for a master planned community with parks, trails, recreation center, fire station and open space. Planning and Engineering extensions of staff have been funded by the applicant and retained to assist the city in processing the project. The City Council approved the consultant contract for preparing the EIR on March 23, 2016. The contract planner has been meeting with the consultant, Michael Baker International (MBI), and has started review of first draft sections of the EIR. While the EIR is generally on schedule, there have been some changes to the site plan, which will affect the EIR schedule. The changes include the elimination of the "water factory" for wastewater treatment, elimination of the public park, changes to the entry road which would now be private instead of public, and relocation of the fire station to the former public park site. These changes will require the applicant's civil engineer to make a number of revisions to the tentative map, but are not anticipated to affect the proposed development envelope or the number of proposed lots. A revised tentative map submittal is expected to arrive next week.

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10. High Pointe Tract 693-J (Developer: Russell Schaeffer, True Life Communities) – *No change from the following update reported last week:* This project is a custom-home development with 39 estate lots accessed from Mesa Rock Road. Staff has prepared a bond and fee letter based on the proposed grading and landscape plans, and has sent it to the applicant.
11. Del Prado (Developer: Kerry Garza, Touchstone Communities) – *No change from the following update reported last week:* This project is a 113-unit townhome-style Planned Development located at the southwestern corner of Brotherton Road and the Centre City Parkway frontage road. The project includes a recreational facility, pool, and open space areas. Staff worked through various site design and utility issues with the applicant prior to scheduling the project for a public hearing. The City Council approved the project on May 11, 2016. No grading or improvement plans have been submitted by the developer at this time.
12. Solutions for Change (Developer: Solutions for Change) – *No change from the following update reported last week:* This project is a Planned Development application for 33 multi-family units of affordable housing. It was approved by the City Council on November 18, 2015. Building plans have been approved and the building permit has been issued. A groundbreaking event was held June 28, 2016. Foundation work for the project is under construction.
13. 701 San Pasqual Valley Rd (Developer: Bob Stewart) – *No change from the following update reported last week:* This project is a 19-unit single family development located at 701 San Pasqual Rd/1201 E. 5th Avenue (formerly Tract 898) on 7.2 acres. The application is under review and a letter detailing additional comments and submittal requirements was forwarded to the applicant. Additional information and revised plans were submitted to the Planning Division on June 13, 2016. Planning Division has reviewed the submittal and informed the applicant that it is still incomplete.
14. Veterans Village (Developer: Veterans Village of San Diego) – This project is a mixed-use development involving a 54-unit affordable multi-family residential apartment project for military veterans and their families. It includes on-site administration office, business center, club house and other support spaces for the residents; and a small commercial component to support training opportunities offered at the facility at 1556 S. Escondido Boulevard. Building plans have been submitted for review and comment; the grading plans and landscaping plans have been approved. A demolition permit for the historic structures on-site has been issued following completion of the required mitigation and work is expected to commence soon.
15. Escondido Gateway (Developer: Greg Waite, Integral Communities) – *No change from the following update reported last week:* This project is a mixed-use development involving 126 residential units within three, 4-5 story buildings with indoor and outdoor recreational areas and an opportunity for a small (1,000 sq. ft.) commercial/flex space on 2.6 acres (48 dwelling units/acre) located at 700 W. Grand Avenue (former Police Station) across the street from

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the Escondido Transit Center. Plans were submitted for the project involving a Specific Plan Amendment, Tentative Map, Planned Development and Development Agreement. The Draft Mitigated Negative Declaration has been issued and a 20-day public review period ended on July 12, 2016. Final terms and language for the Development Agreement are now being reviewed with the applicant for concurrence. On September 13, 2016, the Planning Commission recommended approval of the proposed development. A City Council hearing has been scheduled for October 12, 2016.

16. City Plaza (Developer: Charlie Zhang, Zion Enterprises) – This long-dormant, partially constructed mixed-use development at the southeastern corner of South Escondido Boulevard and Third Avenue now has new ownership. The project consists of a three-story building with 51,200 SF of residential area and 4,100 SF of commercial area and two levels of parking. Structural engineering information was submitted to the Building Division on May 8. On July 27, the Building Department reported that permits now have been issued to continue construction. Remediation work on the foundation is nearing completion which will allow new construction to commence. Architectural plan revisions were submitted to the Building Division on August 24, 2016, and are currently being reviewed by Building and Planning.

Building Division:

1. The Building Division issued 79 permits for the week with a total valuation of \$293,638. Permits were for tenant improvements, room additions, roofing, photovoltaics and miscellaneous.
2. 33 photovoltaic permits were issued for the week with 16 waiting to be processed. The Building Division has issued 991 solar permits this year compared to 990 issued for the same time last year.
3. Counter techs assisted, on average, 31 customers per day with 30 customers on Friday.
4. Building inspections averaged 27 inspections per day. 40 inspections were requested on Tuesday.
5. So far this year the Building Division has processed 2,979 permits, compared to 2,785 permits last year to date. Current building valuation for all issued permits to date is \$52,681,817 compared to \$39,336,823 for last year.
6. 57 new single-family dwellings permits have been issued this year compared with 13 issued same time last year.
7. The construction of the three-story mixed use building at 300 S Escondido Blvd is continuing and scaffolding for the podium slab has been ordered.

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8. The Solutions for Change affordable housing project at 1560 S Escondido Blvd has received foundation and masonry grout inspections.
9. The Meadowbrook three-story apartment building with underground garage at 2081 Garden Valley Glen has received inspections for the 2nd floor slab and the 3rd story walls are being framed.
10. The interior finishes are being installed at the new California Pizza Kitchen at the North County Mall.
11. SDG&E is completing a utilities upgrade at Greencrest Mobile Home Park at 541 W 15th and will be starting upgrades soon at Town and Country Mobile Home Park at 2280 E Valley Pkwy.
12. Escondido Disposal is receiving underground inspections for their conveyer pits associated with their large expansion and remodel.
13. Heller Ford in the Escondido Auto Park has received underground inspections for their extensive remodel of the facilities.
14. In house plan review is very busy and plans are averaging close to 30 days on the initial review and 10 to 15 days on resubmittals.
15. Building staff continue to review the new 2016 California Building Codes to identify major changes in anticipation of the new code adoption on 1/1/2017. Staff will be attending available training on the new codes.

Code Enforcement:

1. As of October 3, 2016, the total number of open code enforcement cases is 452 cases. During the prior week, 73 new cases were opened, and 43 cases were closed, with a backlog of an additional 48 cases not yet opened for assignment and investigation.
2. There were 105 illegal signs confiscated during the weekend.
3. Last week, the Business License Division issued 30 new licenses and received 36 new applications, in addition to 159 renewals.

PUBLIC WORKS/ENGINEERING

2015/2016 Street Rehabilitation and Maintenance Project:

The contractor is constructing concrete cross gutters along Auto Park Way this week in advance of next week's scheduled paving activities. For the week of October 17th the following major roadways will have night time paving operations: Auto Parkway between Hale Avenue



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to Andreasen Drive; Washington Avenue between Centre City Parkway; and Spruce Street and El Norte Parkway at Nutmeg Street. The contractor is continuing with the crack filling operation along El Norte Parkway between Ash Street and Washington Avenue this week.

Private development:

Bear Valley Parkway between Boyle Avenue and San Pasqual Valley Road (County Project): *No changes from the following update reported last week:* A punch list has been developed for all maintenance related items needing correction prior to final. The ribbon cutting ceremony was Thursday, September 19, 2016 at 10:00 a.m.

Pradera - Lennar Communities:

Water main construction is continuing along Stanley Avenue this week. Phase 4 has concrete improvements being installed, with release of the units expected next week along this section of the project. Phase 5 has slabs being installed with framing of new homes beginning.

Lexington Model Homes - KB Homes:

The hauling of material between project phases has been completed. The majority of the mass grading is now complete.

City Plaza: Escondido Boulevard @ 3rd Avenue

No changes from the following update reported last week: The project has a closure of the #2 lane of north bound Escondido Boulevard between 3rd and 4th Avenue which will be in place for 8 months. On site construction of the structural concrete building has begun with the setting of forms along Escondido Boulevard.

Tract 932 - Canyon Grove Shea Homes Community:

The contractor is continuing the mass grading for the 179 housing units. The Ash Street/ Vista Avenue improvements, which are in the jurisdiction of the San Diego County, are continuing with the construction of retaining walls along Ash Street. The next phase of construction is the concrete protection device for the Rincon del Diablo water main along Vista Avenue. The construction will require the closure of the west bound leg of Vista Avenue, between Ash Street and Lehner Avenue for a period of 10 days. Electronic message boards will be used to notify the neighborhood traffic and a detour route will be in place along Lehner Avenue.

Solutions Housing Project 1560 S. Escondido Boulevard:

Water lateral construction for the fire hydrant, fire sprinkler lateral and the main line is continuing. The water line siphons have passed all water quality tests. The tie in will be scheduled for next week during a night time operation.

Latitude II Condominiums by a Lyon Homes Partnership: Washington Avenue @ Centre City Parkway

Clear and grubbing is continuing on the site. The preconstruction meeting for the off-site water main on Washington Avenue is scheduled for Friday of this week.



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Westminster Theological Seminary Graduate Student Housing: Boyle Avenue @ Bear Valley Parkway

The grading contractor is continuing with the mass grading for the project.

Future capital improvements:

East Valley Pkwy/Valley Center Road Widening Project:

On September 21, 2016, the City received approval on the requested Authorization to Construct for this project. The last environmental permit has been acquired. Staff received SDG&E's plans to underground existing overhead cables on September 27. Upon staff review, some of SDG&E's proposed facilities are shown outside of the right of way. Staff will meet with SDG&E and other Utility agencies to make adjustments to the design to ensure all facilities lie within the right of way or easements and to coordinate further on construction.

HSIP Traffic Signals at El Norte Pkwy/Fig and E. Valley Pkwy/Date:

This project installs two high priority traffic signals, and is funded with Highway Safety Improvement Program (HSIP) funds. Staff submitted Authorization to Construct documentation to Caltrans for review and approval, and continues working with them to provide requested documentation to obtain this approval. Caltrans approval of the Authorization to Construct is needed before the project can bid.

Jim Stone Pool:

This project will remove existing plaster from the both pools, repair any leaks, rusting rebar, bring all pool elements up to current standards, re-plaster the pool, and replace any pool equipment (pumps, filters, etc.) that are undersized with the correct equipment. Staff's meeting with the project consultant to discuss timelines for completed contract documents was held September 29. The consultant has indicated that project documents will be submitted by October 14. Staff will complete one more review and request any required revisions before documents are deemed complete and ready to bid.

POLICE

Incidents

- On 10/2/16 at about 11:48 a.m., officers responded to the Via Rancho Pkwy. overpass at I-15 regarding a male who appeared ready to jump onto the northbound lanes of the freeway. Units arrived and found the male hanging on to the fence directly over the freeway. The male appeared intoxicated and expressed irrational thoughts and beliefs. The California Highway Patrol responded and shut down northbound I-15, and issued a SIG Alert. Several Officers negotiated with the man for about an hour, eventually convincing him to come down from the bridge unharmed. The man was taken to a local hospital for a mental health evaluation.

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- On 10/2/16 at about 4:15 p.m., an officer on routine patrol observed a vehicle in a ditch near the intersection of 4th Ave and Pine St. The Officer contacted a man standing outside of the still running vehicle who admitted to being the driver. During the investigation, the officer saw a handgun, in plain sight, on the floor board of the vehicle. Further investigation revealed the man was driving the vehicle while under the influence of an alcoholic beverage at the time of the accident. The officer also determined the handgun had been reported as stolen. The suspect was arrested and booked into the Vista Detention Facility.
- On 10/4/16 at 10:50 p.m., a two-vehicle collision occurred at the intersection of Mission Ave. and Ash St. resulting in minor injuries to one of the vehicle occupants. The driver of the other vehicle ran from the collision scene without exchanging information or attempting to render aid to the other involved motorist. While officers were investigating the collision, the male driver that fled returned to the scene and was identified by the other involved motorist and witnesses. The male suspect was determined to have a suspended driver's license. The suspect was arrested for hit and run and driving on a suspended license. The suspect was booked into the Vista Detention Facility.
- On 10/8/16 at about 1:57 a.m., officers responded to the intersection of Ash St and Valley Pkwy. to investigate the reports of a traffic collision involving a vehicle and a pedestrian. Officers arrived and found a single vehicle had struck a pedestrian just south of the intersection. The preliminary investigation revealed a 24 year old male was driving south on Ash St. in a green 1996 Volkswagen Golf when the vehicle struck a pedestrian in the roadway. After the collision, the vehicle came to rest on top of the pedestrian. It appears the pedestrian was in a prone position in the roadway prior to the collision. Fire personnel used special equipment to lift the vehicle off of the pedestrian and performed lifesaving measures. The pedestrian was pronounced dead at the scene despite the lifesaving efforts of police and fire personnel. The male driver of the Golf was not injured was not under the influence of alcohol or drugs. The traffic investigation is ongoing and is being conducted by Officer Mike Nelson of the Traffic Division. Witnesses are encouraged to call Officer Nelson at (760) 839-4407.

Events

- Nationally, the month of October has been designated to raise awareness for two important causes that affect many members of our community: Breast Cancer and Domestic Violence. Several members of the Escondido Police family have been directly affected by breast cancer, and the department lost an officer who was killed during a domestic violence incident. Chief Craig Carter has come up with a unique way to spark conversation on these topics. Chief Carter has developed a plan to raise awareness through an avenue that is constantly in the public eye: the patrol car. Special decals have been created under the Chief's direction that will be placed on the front doors of several police cars, changing the color of "Police" from blue to either pink or purple. There will also be a corresponding awareness ribbon displayed on the rear door of the car. The decals will be displayed on certain patrol cars for the entire month of October.

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Please visit www.nationalbreastcancer.org and www.sddvc.org for educational materials, training and resources to assist in combating these serious issues facing our community members.



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