



Council Meeting Agenda

JANUARY 14, 2015
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 | Clay Phillips |
| CITY CLERK | Diane Halverson |
| CITY ATTORNEY | Jeffrey Epp |
| DIRECTOR OF COMMUNITY DEVELOPMENT | Barbara Redlitz |
| 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

January 14, 2015
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 LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))

Case Name: Timothy Reiley v. City of Escondido
WCAB Nos: ADJ8565529; ADJ8565528; ADJ9256562
Claim Nos: 12491047; 10284870; 12491902

Case Name: Juana Mata Najera v. City of Escondido
Case No: 37-2013-00078115-CU-PO-NC

Case Name: Stuck In The Rough, LLC v. City of Escondido, et al.
Case No: 37-2013-00074375-CU-WM-NC

II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)

a. **Property:** 1750 West Citracado Parkway, Space 169
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Maria Crowder
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT



Council Meeting Agenda

**January 14, 2015
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. **PROPOSED AMENDMENT TO CHAPTER 2 OF THE ESCONDIDO MUNICIPAL CODE TO MOVE THE REGULAR CITY COUNCIL MEETING TIMES UP ONE HALF HOUR TO INCREASE THE EFFICIENCY OF CONDUCTING PUBLIC BUSINESS -**

Request Council approve adopting Ordinance 2015-06 amending Sections 2-21 of the Escondido Municipal Code pertaining to the time of City Council meetings.

Staff Recommendation: **None (City Council: Mayor Sam Abed and Councilmember Ed Gallo)**

ORDINANCE NO. 2015-06 (First Reading and Introduction)

5. **NOTICE OF COMPLETION FOR FISCAL YEAR 2013/2014 STREET MAINTENANCE PROJECT**

Request Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the FY 2013/2014 Street Maintenance Project.

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

6. **HOUSING-RELATED PARKS PROGRAM GRANT APPLICATION -**

Request Council approve authorizing the Public Works Director/City Engineer or his designee to submit an application to the California Department of Housing and Community Development (HCD) for a Housing-Related Parks (HRP) Program Grant and authorize the Public Works Director/City Engineer or his designee to enter into, execute and deliver a State of California Standard Agreement, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant.

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

RESOLUTION NO. 2015-16

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.)

7. **MUNICIPAL AND ZONING CODE AMENDMENTS PERTAINING TO MASSAGE ESTABLISHMENTS (AZ 14-0004) -**

Approved on January 7, 2015 with a vote of 5/0

ORDINANCE NO. 2015-01R (Second Reading and Adoption)

CURRENT BUSINESS

8. **AWARD OF CONSULTING AGREEMENT: CHANNEL MAINTENANCE REGIONAL GENERAL PERMIT - IMPLEMENTATION PHASE -**

Request Council approve authorizing the Mayor and City Clerk to execute a Consulting Agreement with AECOM to provide consultant services to implement channel maintenance.

Staff Recommendation: **Approval (Utilities Department: Christopher McKinney)**

RESOLUTION NO. 2015-11

FUTURE AGENDA

9. [FUTURE AGENDA -](#)

The purpose of this item is to identify issues presently known to staff or which members of the 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

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. Speakers are limited to only one opportunity to address the Council under Oral Communications.

ADJOURNMENT

UPCOMING MEETING SCHEDULE

| Date | Day | Time | Meeting Type | Location |
|-------------|-----------|------------------|---------------------|------------------|
| January 21 | - | - | No Meeting | - |
| January 28 | - | - | No Meeting | - |
| February 4 | Wednesday | 3:30 & 4:30 p.m. | Regular Meeting | Council Chambers |
| February 11 | Wednesday | 12:30 p.m. | Council Action Plan | Mitchell Room |

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: January 14, 2015

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey Epp, City Attorney

SUBJECT: Proposed Amendment to Chapter 2 of the Escondido Municipal Code to Move the Regular City Council Meeting Times up One Half Hour to Increase the Efficiency of Conducting Public Business

STAFF RECOMMENDATION:

It is recommended that the City Council adopt Ordinance 2015-06 amending Sections 2-21 of the Escondido Municipal Code pertaining to the time of City Council meetings.

BACKGROUND:

Each city council of a municipality must provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Cal. Gov't Code § 54954. Currently, the time and place for regular City Council meetings is found in Escondido Municipal Code Section 2-21(a). Ordinance 2015-06 would amend Section 2-21(a) to move the closed session items from 3:30 p.m. to 3:00 p.m. as well as move the regular public meetings from 4:30 p.m. to 4:00 p.m.

Respectfully submitted,



Jeffrey Epp
City Attorney

ORDINANCE NO. 2015-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ARTICLE 2, CHAPTER 2 OF THE ESCONDIDO MUNICIPAL CODE TO MOVE THE REGULAR CITY COUNCIL MEETING TIMES UP ONE HALF HOUR TO INCREASE THE EFFICIENCY OF CONDUCTING PUBLIC BUSINESS

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

SECTION 1. Subsection 2-21(a) of Article 2, Chapter 2 of the Escondido Municipal Code is hereby amended to read as follows:

Article 2 – City Council.

Sec. 2-21. Time, location of meetings.

(a) The regular meeting time for the Escondido City Council will be on the first four (4) Wednesdays of each month, commencing with closed session items at 3:00 p.m. and a regular public meeting at 4:00 p.m. Such meetings may be canceled from time to time depending on the number of agenda items, availability of council members or related circumstances. Unless publicly noticed otherwise, all meetings shall take place at Escondido City Hall, 201 North Broadway, Escondido, California.

SECTION 2. 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 3. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. 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.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5
Date: January 14, 2015

TO: Honorable Mayor and Members of the City Council
FROM: Edward N. Domingue, Public Works Director/City Engineer
Dan Higbee, Construction Project Manager
SUBJECT: Notice of Completion for FY 2013/2014 Street Maintenance Project

RECOMMENDATION:

It is requested that Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the FY 2013/2014 Street Maintenance Project.

FISCAL ANALYSIS:

The contract was awarded to All American Asphalt. The total cost of the project is \$1,691,175.58. \$1,687,390.96 was included in the FY 2014 Pavement Maintenance CIP budget. Additional work was completed to add extra cross walks, stop signs and traffic calming measures along Chestnut Street. These additional improvements were paid for using funds from the Transportation and Community/Safety Commission Budget.

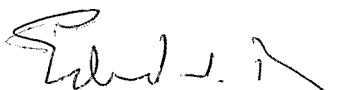
PREVIOUS ACTION:

Council awarded the contract to All American Asphalt on July 28, 2014. Council also approved a change order to the contract on September 24, 2014 in the amount of \$30,000.00.

BACKGROUND:

Construction began on July 28, 2014, and was completed on December 19, 2014. This project was the second part of a two-part annual pavement maintenance project. Work included placing surface treatments such as; ARAM, Scrub, and Slurry Seal.

Respectfully submitted,


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


Dan Higbee
Construction Project Manager

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6

Date: January 14, 2015

TO: Honorable Mayor and Members of the City Council

FROM: Edward N Domingue, Public Works Director/City Engineer
Loretta McKinney, Director of Library and Community Services
Karen Youel, Management Analyst

SUBJECT: Housing-Related Parks Program Grant Application

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2015-16 authorizing the Public Works Director/City Engineer or his designee to submit an application to the California Department of Housing and Community Development (HCD) for a Housing-Related Parks (HRP) Program Grant. It is additionally requested that if the application is approved, the Public Works Director/City Engineer or his designee be authorized to enter into, execute, and deliver a State of California Standard Agreement, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant.

FISCAL ANALYSIS:

The requested grant will provide up to \$600,000 to be used for park and recreation facility rehabilitation. No match is required.

PREVIOUS ACTION:

The City received \$251,750 in HRP funds in 2012. Funds have been reserved for improvements to Grape Day Park, Jim Stone Pool, and Washington Park.

The City received \$674,850 in HRP funds in 2014. Funds have been reserved for improvements to Jim Stone Pool, Washington Park Pool, and East Valley Community Center.

BACKGROUND:

The CA Department of Housing and Community Development (HCD) has released revised program guidelines (Guidelines) for funding through the Housing-Related Parks (HRP) Program (Program). The HRP Program is designed to encourage cities and counties to develop new residential housing by rewarding those jurisdictions that approve housing affordable to lower-income households. The

HRP Program was funded through Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006, Health and Safety Code Section 53545, subdivision (d) and originally established pursuant to Chapter 641, Statutes of 2008 (AB 2494, Caballero), at Chapter 8 of Part 2 of Division 31 of the Health and Safety Code (commencing with Section 50700) and subsequently amended pursuant to Chapter 779, Statutes 2012 (AB 1672, Torres).

The Program awards funds on a per-bedroom basis for each residential unit affordable to very low- and low-income households permitted during the designated Program year. Due to City investment in Sonoma Court and the NSP homebuyer program, as well as private investment in the Quince Avenue Apartments, the City is now able to apply for approximately \$600,000 in order to construct, rehabilitate, or acquire capital assets and/or costs incidental to park and recreation facility creation, development, or rehabilitation. The application does not obligate the City for any future activity but acknowledges past efforts.

Escondido has four parks and two community centers in low-moderate income, park deficient neighborhoods. As the grant can be used for renovations, staff recommends submitting the application indicating six projects – building rehabilitation at the Park Avenue Community Center, reroofing and painting the Train Depot at Grape Day Park, and painting and repairing facilities at the East Valley Community Center, Washington Pool, Jim Stone Pool, and Oak Valley Community Center.

Respectfully submitted,



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



Loretta McKinney
Director of Library and Community Service



Karen Youel
Management Analyst

RESOLUTION NO. 2015-16

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING APPLICATION FOR HOUSING
RELATED PARKS PROGRAM

WHEREAS, the State of California, Department of Housing and Community Development ("Department") has issued a Notice of Funding Availability dated December 10, 2014 ("NOFA"), under its Housing-Related Parks ("HRP") Program; and

WHEREAS, the City of Escondido ("Applicant") desires to apply for a HRP Program grant and submit the 2014 Designated Program Year Application Package released by the Department for the HRP Program; and

WHEREAS, the Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement.

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. Applicant is hereby authorized and directed to apply for and submit to the Department the HRP Program Application Package released December 2014 for the 2014 Designated Program Year in an amount not to exceed \$1,000,000. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement ("Standard Agreement")

in an amount not to exceed \$1,000,000, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the "HRP Grant Documents").

3. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit "A" of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

4. That the Public Works Director/City Engineer or his designee is hereby authorized to execute in the name of the Applicant the HRP Program Application Package and the HRP Grant Documents as required by the Department for participation in the HRP Program.

ORDINANCE NO. 2015-01R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REPEALING AND REPLACING ESCONDIDO MUNICIPAL CODE CHAPTER 16A, MASSAGE REGULATION; ADDING ARTICLE 38, MASSAGE ESTABLISHMENTS, TO ESCONDIDO ZONING CODE, CHAPTER 33; AND REPEALING AND REPLACING SEVERAL SECTIONS OF THE ESCONDIDO ZONING CODE AND THE EAST VALLEY PARKWAY AREA, SOUTH ESCONDIDO BOULEVARD AREA AND DOWNTOWN SPECIFIC PLANS TO ENSURE INTERNAL CONSISTENCY WITH ARTICLE 38, MASSAGE ESTABLISHMENTS

APPLICANT: City of Escondido
PLANNING CASE NO: AZ 14-0004

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 December 2, 2014, 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, extensive documentation and

evidence supporting the findings and all public testimony presented at the hearing held on this project, and all incorporated by these references, this City Council finds the Zoning and Municipal Code Amendments are consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That Escondido Municipal Code Chapter 16A, Massage Regulation, is repealed and replaced as set forth in Attachment "1" to this Ordinance and incorporated by this reference.

SECTION 5. That Article 38, Massage Establishments, is added to Chapter 33 of the Escondido Municipal Code as set forth in Attachment "2" to this Ordinance and incorporated by this reference.

SECTION 6. That Table 33-332, Permitted and Conditionally Permitted Principal Uses, found in Escondido Municipal Code, Chapter 33, Article 16, Commercial Zones, is repealed and replaced with Table 33-332 as set forth in Attachment "3" to this Ordinance and incorporated by this reference.

SECTION 7. That Escondido Municipal Code, Chapter 33, Article 39, Off-Street Parking, Section 33-765, is repealed and replaced as set forth in Attachment "4" to this Ordinance and incorporated by this reference.

SECTION 8. That Table 4-1, Permitted and Conditionally Permitted Principal Uses, of the East Valley Parkway Area Plan, is repealed and replaced as set forth in Attachment "5" to this Ordinance and incorporated by this reference.

SECTION 9. That Section 8, Conditional Use Permits, in the South Escondido Boulevard Area Plan is repealed and replaced as set forth in Attachment "6" to this Ordinance and incorporated by this reference.

SECTION 10 That Figure II-2, Permitted and Conditional Uses, in the Downtown Specific Plan is repealed and replaced as set forth in Attachment "7" to this Ordinance and incorporated by this reference.

SECTION 11. 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.

SECTION 12. That if any section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by a 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 13. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Chapter 16A MASSAGE REGULATION

ARTICLE 1. GENERAL

Sec. 16A-1. Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(a) *California Massage Therapy Council (CAMTC)* shall mean the state organized non-profit organization created to regulate the massage industry set forth in Chapter 10.5 of Division 2 of the Business and Professions Code of the state (commencing with Section 4600).

(b) *CAMTC certificate* shall mean a current and valid certificate issued by the California Massage Therapy Council to a massage technician.

(c) *City* shall mean the City of Escondido.

(d) *Hearing Officer* shall mean any person appointed by the city manager to preside over the administrative hearings provided by this code.

(e) *Massage* shall mean any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the body with the hands or the other parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances or with or without such supplementary aids as rubbing alcohol, liniments, antiseptic, oils, powder, creams, lotions, ointments, or other preparations commonly used in this practice. It does not include contact with specified anatomical areas, as defined herein, which is prohibited by this chapter and by Chapter 16E of the Escondido Municipal Code.

(f) *Massage establishment* shall mean a business or organization where an individual, firm, association, partnership, corporation, or other combination of individuals provide, offer, sell, deliver, or dispense massage as a distinct service for compensation.

(g) *Massage establishment permit* shall mean a regulatory license issued by the Chief of Police upon submission of satisfactory evidence as required that a massage business employs or uses only certified massage therapists or practitioners possessing valid and current state certifications and has satisfied all other requirements pursuant to the provisions of this chapter.

(h) *Massage technician* shall mean any person who gives or administers to another person, for any form of consideration whatsoever, a massage as defined in this chapter. The terms "massage therapist," "massage practitioner," or any other terms used within the massage industry are included within this definition for the purposes of this chapter.

(i) *Operator* shall mean any person who supervises, manages, directs, organizes, controls, or in any other way is responsible for or in charge of the daily operation, conduct, or activities of a massage establishment.

(j) *Owner* shall mean any of the following individuals:

(1) The sole practitioner of a sole proprietorship operating a massage establishment.

(2) Any general partner of a general or limited partnership that owns a massage establishment.

(3) Any person who has ten (10) percent or greater ownership interest in a corporation that owns a massage establishment.

(4) Any person who is a member of a limited liability company that owns a massage establishment.

(5) All owners of any other type of business entity that owns a massage establishment.

(6) Any person identified as an owner on the massage establishment permit.

(k) Person shall mean any individual, firm, association, business, trust, organization, corporation, partnership, company, or any other entity which is recognized by law as the subject of rights or duties.

(l) Specified anatomical areas shall mean any of the following areas of the human body: pubic region, human genitals, perineum, anal region, and the areas of the female breasts that include the areola and the nipple.

Sec. 16A-2. Exemptions.

This chapter does not apply to the following:

(a) State-licensed professionals while engaged in the performance of the duties of their respective professions and while limited to the scope of their California state licenses including acupuncturists, aestheticians, barbers, chiropractors, cosmetologists, exercise physiologists, manicurists, nurses, naturopathic doctors, occupational therapists, osteopaths, physical therapists, and physicians.

(b) Trainers of any semiprofessional or professional athlete or athletic team, or athletic trainers hired by a local, state or federal government agency.

(c) Any educational institution regulated by the State of California, including any portion of the institution providing massage services, such as student clinics and work study programs, regulated under such state license.

Sec. 16A-3 – 16A-5. Reserved.

ARTICLE 2. MASSAGE CERTIFICATION AND OPERATION

Sec. 16A-6. Massage certification required.

It is unlawful for any person to engage in, conduct or carry on, in or upon any premises within the city the business of providing massage, for any compensation without being in possession of a valid CAMTC certificate.

Sec. 16A-7. Owner and operator requirements.

(a) It is unlawful for any person to own, manage, or operate in or upon any premises within the city a massage establishment in the absence of a massage establishment permit as provided issued pursuant to this chapter.

(b) It is unlawful for the owner or operator of any massage establishment to allow any person to perform massage at the massage establishment while committing any violation of this chapter.

(c) It is unlawful for the owner or operator of any massage establishment to offer or provide massage services unless the owner or a designated on-site operator is present at the massage establishment.

(d) It is unlawful for a person to own or operate a massage establishment that does not meet one of the following conditions:

(1) The massage establishment is a sole proprietorship and the sole proprietor possesses a valid CAMTC certificate; or

(2) The massage establishment only employs or uses massage technicians who possess a valid CAMTC certificate.

(e) It is unlawful for an owner or operator to fail to properly supervise any employee or independent contractor working in their massage establishment. Owners and operators are responsible for the conduct of their massage technicians at the massage establishment. A violation of any regulation by a massage technician contained in this chapter shall be prima facie evidence of the failure to supervise.

(f) It is unlawful for an owner or operator to operate a massage establishment without posting a list of services and the name of the on-site operator on the wall closest to the main entrance in the massage establishment.

(g) It is unlawful for an owner or operator to operate a massage establishment unless the CAMTC certificate for each massage technician is posted in public view or maintained in a clearly labeled and identifiable binder that is kept in the immediate vicinity of the cash register.

(h) It is unlawful for an owner or operator to allow or permit a massage technician to provide any services not specifically provided on the posted list of services as required in subsection (f) or for an owner or operator to receive any compensation for additional services not specifically included on the posted list of services.

(i) It is unlawful for an owner or operator to allow a massage technician to lock any door or doors leading to a room used to provide massage. This provision shall not apply when there is no staff available to ensure the security for clients and staff who are behind closed doors. A patron may lock any door when alone in any room at any time.

(j) It is unlawful for an owner or operator to fail to maintain a record of services provided for each treatment. The record of treatment shall include the name and address of the patron, the name of the massage technician, the name of the operator, the type of service provided, and the time the service began and ended.

(k) It is unlawful for the owner or operator to provide any massage between the hours of 10:00 p.m. and 7:00 a.m. or to remain open and provide any other services between the same hours.

(l) It is unlawful for an owner or operator to fail to provide to all patrons clean and sanitary towels, and opaque coverings capable of covering the patron's specified anatomical areas. Such coverings shall be used for one customer and shall not be reused without first being cleaned.

(m) It is unlawful for an owner or operator to fail to provide or use disinfecting agents and sterilizing equipment sufficient to assure cleanliness.

(n) It is unlawful for an owner or operator to fail to provide or use disposable or washable protective coverings on massage tables and all massage tables shall be covered with durable, washable plastic, or other waterproof material.

(o) It is unlawful for an owner or operator to fail to keep or maintain on file and ready for inspection a statement designating the individual operator(s) responsible for the day-to-day operations when the massage establishment owner is not on the premises.

(p) It is unlawful for an owner or operator to not have a designated owner or operator on the premises at all times the massage establishment is open.

(q) It is unlawful for an owner or operator to engage in, conduct or carry on business of a massage establishment unless they have a policy of insurance issued by an insurance company authorized to do business in the State of California evidencing that the person is insured under a liability insurance policy providing minimum coverage of one million dollars (\$1,000,000.00) for injury or death to any person arising out of the operation of any massage establishment and the administration of a massage. Evidence of such a policy should be available at inspection upon request.

(r) It is unlawful for an owner or operator to operate a massage establishment if the main entrance to a massage establishment is locked during posted business hours. An owner or operator shall ensure at least one (1) employee or independent contractor directly observes the entrance, without use of camera surveillance equipment, to ensure access to the main entrance and to ensure the security of all patrons.

(s) It is unlawful for an owner or operator to operate a massage establishment if any external door is locked, unless the business is owned by one individual with one or no employees or independent contractors.

(t) It is unlawful for an owner or operator to operate a massage establishment unless every employee or independent contractor of a massage establishment wears a uniform consistent with the service provided. The uniform shall be made of non-transparent material and may not expose any specified anatomical area. Swimwear, lingerie, and undergarments may not be used as a uniform or displayed as part of a uniform.

(u) It is unlawful for an owner or operator to operate a massage establishment which is used for residential or sleeping purposes.

(v) It is unlawful for an owner or operator to fail to notify the Chief of Police in writing of any changes in massage technicians, including proof of CAMTC certificate, or of a change in ownership interest or designated operator within seven calendar days of such change.

(w) It is unlawful for an owner or operator to operate a massage establishment in which any unprofessional conduct occurs as defined by Business & Professions Code section 4609.

Sec. 16A-8. Inspection by officials.

The investigating officials of the city shall have the right as otherwise provided for by law to enter the premises of a massage establishment from time to time during regular business hours for the purpose of making a reasonable inspection to enforce compliance with this chapter.

Sec. 16A-9. Massage technician requirements.

(a) It is unlawful for any person to give, provide, or administer to another person for any form of consideration a massage as defined in this chapter at a massage establishment or any location removed from a massage establishment within the city without a valid CAMTC certificate.

(b) It is unlawful for a massage technician to practice massage for any form of consideration within the city without providing their CAMTC certificate to the department of community development as part of the business licensing process. The registration application shall include the: (1) massage technician's name, residence address and telephone number; (2) the employer name, work addresses and telephone number; and (3) a copy of the massage technician's CAMTC certificate.

(c) It is unlawful for any person to give, provide, or administer to another person for any form of compensation whatsoever a massage as defined in this chapter at a massage establishment or any location from a massage establishment within the city in the absence of a valid business license pursuant to Chapter 16 of the Escondido Municipal Code. A separate business license is required for each location if a massage technician works at multiple massage establishments.

(d) It is unlawful for a massage technician to provide any service not specifically listed on the massage establishment's posted list of services.

(e) It is unlawful for a massage technician to remove any article of the massage establishment uniform or other article of clothing while providing any massage service.

(f) It is unlawful for a massage technician to provide massage when any specified anatomical areas of either patron or massage technician are exposed.

(g) It is unlawful for a massage technician to touch the specified anatomical area of a patron.

(h) It is unlawful for a massage technician to lock the door to the room where massage is provided or to provide massage unless no staff is available to ensure security for clients and massage staff.

(i) It is unlawful for a massage technician (other than a sole practitioner of a sole proprietorship) to accept direct payment or gratuity from any patron.

(h) It is unlawful for a massage technician to engage in any unprofessional conduct as defined by Business & Professions Code section 4609.

Sec. 16A-10 – 16A-15. Reserved.

ARTICLE 3. ENFORCEMENT

Sec. 16A-16. Violations.

Violation of any provisions of this chapter shall be treated as a strict liability offense, regardless of intent. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in an amount not to exceed one thousand dollars (\$1,000.00), or imprisonment in the county jail not to exceed six (6) months, or both. Any violation may also be subject to civil penalties and any other legal remedy provided in this code or state law. Each violation described in this chapter may be charged as a separate count for each day the violation occurs.

Sec. 16A-17. Unlawful operation declared a nuisance.

In addition to the legal remedies provided for in this code, the violation of any provision of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings for abatement, removal or injunction thereof, in the manner provided by law. The City Attorney shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as shall abate or remove such massage establishment and restrain and enjoin any person from operating, conducting or maintaining a massage establishment contrary to the provisions of this chapter.

Sec. 16A-18. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The council hereby declares that it would have adopted the division and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid.

Sec. 16A-19—16A-24. Reserved.

ARTICLE 4. Massage Establishments

Sec. 16A-25. Massage establishment permit.

No person may own or operate a massage establishment without an annual permit issued by the Chief of Police. The Chief of Police, or designee, shall have the power and authority to promulgate rules, regulations and requirements that are consistent with the provisions of this Chapter and applicable state law to investigate, issue, suspend or revoke massage establishment permits. The Chief of Police shall collect a non-refundable fee, as established by city council resolution, to recoup all investigative costs. A massage establishment permit is not transferrable. A business providing massage services by certified massage technicians as an incidental use to their primary

business, as authorized by the Escondido Zoning Code, are exempt from the requirements of this article.

Sec. 16A-26. Massage establishment registration certificate expiration and renewal

A massage establishment registration certificate shall be valid for one year, coinciding with the city business license effective and expiration dates.

Sec. 16A-27. Permit application.

(a) An application for a massage establishment permit shall be filed by an Owner on a form provided by the City submitted under penalty of perjury and shall include the following information:

(1) The full, true name under which the business will be conducted and proposed location.

(2) A complete description of all services to be provided at the proposed massage establishment.

(3) The full, true name, residential address, telephone number and date of birth of the massage establishment owner(s). Each corporate officer or partner of a massage establishment shall provide their individual information as required on the application.

(4) A valid and current driver's license and/or identification card issued by a state or federal government agency or other photographic identification bearing a bona fide seal by a foreign government.

(5) If the owner is a domestic stock, domestic nonprofit and qualified foreign corporations, limited liability company, general partnership and limited partnership information of record with the California Secretary of State, then the owner shall include copies of the following:

a. A Business Entity Status Report, issued by the California Secretary of State.

b. Articles of incorporation, charter, articles of association, statement of partnership authority, certificate of limited partnership or similar foundational document.

c. Residential and business addresses of each person with more than a 5 percent ownership interest in the massage establishment business entity.

(6) Two passport size photographs of the owner or the designated officer or partner authorized to apply for the massage establishment permit.

(7) Tax identification number.

(8) The name, address and telephone number of the real property owner and a copy of lease or rental agreement, if applicable.

(9) The original valid and current state certificate issued by CAMTC for each massage technician who will work in the massage establishment.

(10) The name and address of any massage business or other similar business providing massage services owned or operated by any person whose name is required

to be given pursuant to this section for the five (5) years immediately preceding this filing of the application.

(11) A complete statement listing and explaining any and all aliases and fictitious names used by the owner(s) within the last five (5) years.

(12) A signed statement authorizing the City, its officers, agents and employees, to conduct a background check of the owner(s), to seek information and conduct an investigation into the trust of the statements set forth in the application and to ensure continual compliance with all applicable provisions of law.

(13) Completed fingerprinting and background check for the owner(s) applying for an establishment permit unless otherwise certified by CAMTC.

(14) Proof of liability insurance.

(15) Any other information as may be reasonably required by the Chief of Police to identify the business owner, applicant and business entity, and to ensure compliance with all applicable laws and regulations.

(b) If the owner is a legal entity other than a natural person, the legal entity shall authorize, in writing, at least one of its officers or partners to act as its behalf. The owner(s) or designated officer or partner shall complete and sign all application forms required of an individual applicant under this chapter. The legal entity's representative must, at all times, meet all of the requirements set by this chapter or the massage establishment permit shall be suspended or revoked.

(c) The owner(s) shall acknowledge responsibility for the conduct of all employees or independent contractors working on the premises of the business and acknowledging that failure to comply with the California Business and Professions Code section 4600 et seq. with any local, state or federal law, or with the provisions of this chapter may result in the suspension or revocation of the massage establishment permit.

(d) Upon receipt of the completed application, the Chief of Police, or designee, may refer the application to other city department that may inspect the premises proposed to be used as a massage business and shall make a written recommendation to the Police Chief or designee concerning compliance with the respective requirements. The Police Chief or designee shall have up to 30 days after the submission of all required information to complete an investigation.

Sec. 16A-28. Approval or denial of massage establishment permit.

A massage establishment regulatory license shall be issued by the Chief of Police, or designee, to any massage establishment that demonstrates all of the following:

(a) The operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including, but not limited to, the City's building, zoning, business license, and health regulations and all requirements listed in this chapter;

(b) The massage establishment employs or uses only massage practitioners with CAMTC state certificates whose certifications are valid and current and that owners of the state certificates are the same persons who whom CAMTC issued valid and current identification cards; and

(c) The applicant has provided all information, assurances, or documentation required by this chapter, has not failed to reveal any fact material to qualification, and has not supplied information that is untrue or misleading as to a material fact pertaining to the qualification criteria.

(d) The background check for any applicant/owner authorized by the chapter shows that such person has not been required to register under the provisions of Section 290 of the California Penal Code; there exists no probable cause to believe a violation of the crimes indicated in this Article or California Penal Code section 415; has not had an individual or business permit or license with any agency, board, city, county, territory, or state denied, revoked, restricted, or suspended within the last five (5) years; and has not been subject to an injunction for nuisance under Penal Code section 11225 through 11235 within the last five years.

Sec. 16A-29. Massage establishment permit suspension or revocation.

(a) An establishment permit may be suspended or revoked upon any of the following grounds:

(1) There is cause to believe an owner or operator has committed a violation that could have caused denial of the massage establishment regulatory license.

(2) There is cause to believe an owner has made a material misrepresentation on the application for a massage establishment regulatory license or renewal.

(3) There is cause to believe the owner or operator or massage technician has engaged in conduct in a manner which violates any of the provisions of this chapter, any conditions of the massage establishment permit, or any of the laws which would have been grounds for denial of the massage establishment regulatory license.

(4) Violations of this chapter or of California Business and Professions Code section 4600 et seq. have occurred on the business premises.

(5) The owner or operator has failed to comply with one or more of the owner and operation requirements under this chapter.

(6) The registered license holder has engaged in fraud, misrepresentation, or false statements in obtaining an establishment registration certificate.

(b) Any repeat violations or any arrests that result in criminal charges shall provide a prima facie basis for revocation.

Sec. 16A-30. Appeals.

(a) Notice of Permit Denial, Suspension or Revocation shall contain a statement of the violation(s) which constitute the basis for the suspension or revocation and information about the right to appeal. Notice of the Suspension or Revocation shall be given by first class mail to the owner and real property owner at the addresses shown on the massage establishment permit. Service shall be deemed complete when the Notice is mailed by first class mail. The owner shall have ten (10) calendar days from the date the Notice is served to appeal to the City Manager in writing and upon payment of an administrative decision appeal fee. Upon issuance of a Notice of Suspension or

Revocation, the massage establishment permit shall be surrendered and no massage activity may occur while any appeal proceeds.

(b) Upon receipt of an appeal, the City Manager shall appoint a hearing officer. A hearing shall be scheduled upon not less than ten (10) calendar days and not more than 30 days, unless extended by mutual agreement. Notice of the hearing shall be given by first class mail to the owner and real property owner at the addresses shown on the massage establishment permit. Service shall be deemed complete when the Notice is mailed.

(c) The hearing officer's jurisdiction is limited to determining whether evidence exists to provide grounds for the massage establishment permit denial, suspension or revocation.

(d) The City shall provide proof of any violations by a preponderance of the evidence. Formal rules of evidence shall not apply to the hearing.

(e) The hearing officer shall:

(1) Receive evidence regarding the proposed suspension, revocation or permit denial.

(2) Maintain a record of all evidence introduced.

(3) Record the hearing.

(4) Consider the nature, volume, severity, and frequency of any violations.

(5) Decide whether grounds exist of the suspension or revocation or denial.

(6) Issue a written decision within 7 days of the hearing that includes the factual and legal basis of the decision and a notice of the appeal rights contained in this chapter.

(f) The hearing officer's decision shall be final upon mailing by first class mail to the owner and real property owner at the addresses listed on the massage establishment permit application.

(g) The hearing officer's decision is subject to review pursuant to California Code of Civil Procedure section 1094.6.

Sec. 16A-31. Reapplication after denial of massage establishment permit.

If a massage establishment permit is revoked, or not renewed as a result of violations, no massage establishment permit may be issued at that location for a period of five years from the date of revocation or non-renewal.

ARTICLE 38. MASSAGE ESTABLISHMENTS

Sec. 33-750. Purpose.

It is the purpose and intent of this chapter to regulate the operations of massage establishments, which tend to have judicially recognized adverse secondary effects on the community, including, but not limited to, increases in crime in the vicinity of massage establishments; decreases in property values in the vicinity of massage establishments; increases in vacancies in residential and commercial areas in the vicinity of massage establishments; interference with residential property owners' enjoyment of their properties when such properties are located in the vicinity of massage establishments as a result of increases in crime, litter, noise, and vandalism; and the deterioration of neighborhoods. Special regulation of these businesses is necessary to prevent these adverse secondary effects and the blighting or degradation of the neighborhoods in the vicinity of massage establishments.

Sec. 33-751. Definitions.

In addition to any other definitions contained in the municipal code, all words and phrases included in this chapter pertaining to massage establishments shall be consistent with the definitions in Chapter 16A, Article 1, section 16A-1, unless it is clearly apparent from the context that another meaning is intended.

Businesses, including day spas, salons, beauty parlors, barber shops etc., that provide up to 15% of their gross floor area for massage activities are not considered massage establishments, however, persons administering massages at said establishments shall comply with all state and local licensing provisions.

Sec. 33-752. Location of massage establishments.

(a) Massage establishments, as defined in Chapter 16A, Article 1, section 16A-1 of this code, shall be a permitted use only in certain commercial shopping centers listed below:

| Center Name | Address |
|------------------------------|-------------------------------------|
| Civic Center Plaza | 311 - 445 N. Escondido Boulevard |
| Del Norte Plaza | 302 - 358 W. El Norte Parkway |
| El Norte Parkway Plaza | 1000 W. El Norte Parkway |
| Escondido Gateway | 810 - 860 W. Valley Parkway |
| Escondido Promenade Center | 1200 - 1290 Auto Parkway |
| Ferrara Plaza | 2401 - 2447 E. Valley Parkway |
| Major Market Shopping Center | 1805 - 1895. S. Centre City Parkway |
| Plaza las Palmas | 970 - 1138 W. Valley Parkway |
| Westfield North County | 200 - 298 E. Via Rancho Parkway |

(b) Massage establishments, as defined in Chapter 16A, Article 1, section 16A-1 of this code, not located within commercial shopping centers listed in sec. 33-752(a) shall be permitted in the General Commercial (CG) zone subject to a conditional use permit pursuant to Article 61 unless otherwise prohibited.

(c) A massage establishment legally established prior to the adoption of this ordinance operating with a valid business license and other appropriate approvals that does not comply with sec. 33-752 (a) or (b) shall be considered a legal non-conforming use pursuant to Article 61, Division 3.

(d) Any person violating or causing the violation of any locational provisions regulating massage establishments pursuant to sec. 33-752 shall be subject to the remedies of section 33-753 of this article.

(e) The requirements of subsections (a), (b), and (c) of this section shall be in addition to any other relevant provisions of this code.

Sec. 33-753. Violations.

(a) Any person operating or causing the operation of a massage establishment on any parcel in which no application for a massage establishment permit under Chapter 16A has been granted, or any person violating or causing the violation of any of the locational provisions regulating massage establishments shall be subject to license revocation/suspension pursuant to section 16A-16, a fine of not more than one thousand dollars (\$1,000.00) pursuant to Government Code Sections 36900 and 36901, and any and all other civil remedies. All remedies provided herein shall be cumulative and not exclusive. Any violation of these provisions shall constitute a separate violation for each and every day during which such violation is committed or continued.

(b) In addition to the remedies set forth in sec. 33-753(a), any violation of any of the locational provisions pursuant to sec. 33-752 regulating massage establishments is hereby declared to constitute a public nuisance and may be abated or enjoined.

(c) If a massage establishment permit is revoked, or not renewed as a result of violations, no massage establishment permit may be issued at that location for a period of five years from the date of revocation or non-renewal.

Sec. 33-754. Regulations Nonexclusive.

The provisions of this chapter regulating massage establishments are not intended to be exclusive, and compliance therewith shall not excuse noncompliance with any other provisions of the municipal code and/or any other regulations pertaining to the operation of businesses as adopted by the city council of the City of Escondido.

Sec. 33-755. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter and the ordinance to which it is a part, or any part thereof is held for any reason to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, the remaining sections, subsections, paragraphs, sentences, clauses, and phrases shall not be affected thereby. The city council hereby declares that it would have adopted this chapter and the ordinance to which it is a part regardless of the fact that one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be determined to be unconstitutional, invalid, or ineffective.

Secs. 33-756—33-759. Reserved.

ATTACHMENT 3

**Table 33-332
PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES**

The conversion of existing or vacant automobile dealerships to a new, substantially different, use shall require plot plan review pursuant to section 33-344 of this article.

| Use Title | CG | CN | CP |
|--|----|----|----|
| Residential and Lodging | | | |
| Bed and breakfast* (Article 32) | C | | |
| Hotels and motels* (Article 63) | C | | |
| Mobilehome parks or travel trailer parks* (Articles 45 & 46) | C | | |
| Manufacturing, Wholesale Trade, and Storage | | | |
| Mini-warehouse storage facilities* (section 33-339) | C | | |
| Newspaper printing and publishing | P | | |
| Retail Trade | | | |
| Automotive and marine craft | | | |
| Sales lots and parts and accessories sale and supply (including autos, motorcycles, trailers, campers, recreational vehicles and marine craft vehicles excluding farm and construction vehicles, three-axle trucks, and buses) | P | | |
| Gasoline service stations including concurrent sale of alcoholic beverages and motor vehicle fuel* (Articles 57 and Council Resolution #5002) | | | |
| With facilities to dispense gasoline to 4 or fewer vehicles at a time | P | | |
| With facilities to dispense gasoline to 5 or more vehicles at a time | C | | |
| Food and liquor | | | |
| Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc.), off-sale beer and wine, off-sale general license excluding concurrent sale | P | P | |
| With facilities to dispense gasoline to 4 or fewer vehicles at a time* (Article 57) | P | | |
| With facilities to dispense gasoline to 5 or more vehicles at a time* (Article 57) | C | | |
| Liquor stores, packaged (off-sale) | P | P | |
| General retail | | | |
| Building materials and supplies including lumber, heating, plumbing, and electrical equipment, etc. (outdoor storage or sale subject to CUP) | P | | |
| Drugstores | P | P | P |
| Pharmacies | P | P | P |
| Florists, gifts, cards, newspapers and magazines | P | P | P |
| Furniture, home and office furnishing and equipment, electrical appliances, and office machines and supplies | P | | |
| General retail, NEC (as determined by the director of community development, based on conformance with the purpose of the specific zone, interaction with customers, the appearance of the building, the general operating characteristics, and the type of vehicles and equipment associated with the use, and including incidental assembling of customized items) | P | P | |
| Hospital/medical equipment sales | P | | P |

| Use Title | CG | CN | CP |
|---|-----|----|----|
| Nurseries and garden supply stores | P | P | |
| Outdoor retail, NEC (as a principal use) | C | | |
| Sporting goods (includes ammunition and firearms, fishing, hunting, golf, playground equipment, etc.) | P | | |
| Temporary seasonal sales such as Christmas tree and wreath sales, pumpkin sales, etc., on vacant lots subject to site plan approval | P | P | P |
| Eating and Drinking Establishments | | | |
| Cabarets and nightclubs (with or without alcoholic beverages, including comedy clubs, magic clubs, etc.) | C | | |
| Drinking places—alcoholic beverages (on-sale beer and wine and on-sale general licenses and public premises) includes bars and taverns, does not include restaurants serving alcoholic beverages | C | | |
| Restaurants, cafés, delicatessens, sandwich shops, etc. | | | |
| Without alcoholic beverages | P | P | P |
| With on-sale beer and wine and on-sale general licenses | P | C | C |
| Auto oriented (drive-in,* drive-through*) (section 33-341) | P | | |
| Specialized food sales from pushcart facilities* (section 33-342) | P | P | P |
| Services | | | |
| Animal care (excluding kennels) | P | P | |
| Automotive services (including motorcycles, marine craft and recreational vehicles) | | | |
| Car-wash, polishing, detailing | P | | |
| Rental and leasing* (Article 57 and Council Resolution #73-264-R) with or without drivers, taxicab service | P | | |
| Repair and related services, except tire retreading and auto body | P | | |
| Auto body | C | | |
| Miscellaneous auto service, except repair and wash (includes motor clinics, auto towing service only) | P | | |
| Educational services | | | |
| Day nurseries, child care centers* (Article 57) | P | C | C |
| Schools, including kindergarten, elementary, junior, and senior high schools* (Article 57) | P | | C |
| University, college, junior college, and professional schools | P | | C |
| Vocational and trade schools | P | | C |
| Other special training (including art, music, drama, dance, language, etc.) | P | P | |
| Special needs education | P | P | P |
| Government services | | | |
| Administrative centers and courts | P | C | P |
| Other government services NEC excluding correctional institutions | C | | C |
| Police and fire stations | C | C | C |
| Financial services and institutions (including banks, securities brokers, credit offices, real estate services) | | | |
| Insurance | P | P | P |
| Hospital and medical service organizations (including Blue Cross, Blue Shield, etc.) | P | | P |
| Medical, dental and related health services | | | |
| Hospitals, excluding small medical clinics | C | | C |
| <i>Massage Establishments*</i> (Article 38) | P/C | | |
| Medical, dental and optical laboratories | P | | P |

| Use Title | CG | CN | CP |
|---|----|----|----|
| Medical clinics and blood banks | P | | P |
| Medical, dental, optical, and other health care offices | P | P | P |
| Other medical and health services NEC | P | | P |
| Sanitariums, convalescent and licensed residential care facilities Sanitariums, convalescent and residential care facilities approved prior to the effective date of Ordinance 2014-15 are exempt from voluntary work limitations identified in section 33-1243 (Exceptions to nonconforming use provisions). Expansions and/or intensification of said facilities shall require a conditional use permit subject to Article 61. | C | | C |
| Offices and business services, except medical | | | |
| General business services (including advertising, credit reporting, building services, news syndicate, employment services, computer services, drafting, detective/protective services, etc.) | P | P | P |
| General office use (includes professional offices) | P | P | P |
| Mailing, accounting and office services | P | P | P |
| Travel agencies and services | P | P | P |
| Repair services, except automotive | | | |
| Apparel and shoe repair and alteration | P | P | |
| Bicycle repair | P | P | |
| Locksmiths and key shops | P | P | P |
| Miscellaneous repair services (excluding machine shops and welding services) | P | | |
| Small appliance repair and services (including TV, radio, small electronics, computers, household appliances, etc.) | P | P | |
| Watch, clock, and jewelry repair | P | P | P |
| Social, professional, and religious organizations and services | | | |
| Churches, synagogues, temples, missions, religious reading rooms, and other religious activities* including columbariums and mausoleums* as an incidental use (Article 57) Religious establishments listed above and/or assembly uses on property designated Planned Office in the general plan: Existing churches may operate subject to their approved conditional use permits. Expansions may occur subject to Article 57 that do not increase the boundary of the conditional use permit, including parking areas within the Planned Office designation. No new religious establishments and/or assembly uses are permitted on land in the general plan designated Planned Office. | P | C | C |
| Social and professional organizations (political membership, veterans, civic, labor, charitable and similar organizations, etc.) | P | C | P |
| Youth organizations* (Article 57) | P | C | |
| Other services | | | |
| Assembly halls, fraternities, sororities, lodges, etc. | C | | |
| Barber, beauty, nail, and tanning services | P | P | P |
| Equipment rental and leasing service* (Article 57 and Council Resolution #73-264-R) (includes airplanes, business equipment, furniture, construction equipment, sanitation units, sports equipment, etc.) | P | | |
| Mortuary (excluding crematories and mausoleums) | P | | |
| Hospital/medical equipment rental and leasing | P | | P |

| Use Title | CG | CN | CP |
|---|----|----|----|
| Laundry and dry cleaning services | | | |
| Self-service, coin-operated | P | P | |
| Pick-up service only | P | P | P |
| Dry cleaning, laundering, pressing and dyeing for on-site retail customers only | P | | |
| Personal services, NEC (including clothing and costume rental, tattooing, marriage bureaus, baby-sitting services, etc.) | P | | |
| Photographic and duplicating services: | | | |
| Blueprinting | P | | P |
| Photocopying | P | P | P |
| Studios, developing, printing, and similar services, except commercial photography | P | P | P |
| Commercial photography, including aerial photographs and mapping services | P | | P |
| Picture framing, assembly only | P | P | |
| Recycling services* (Article 33): | | | |
| Reverse vending machines occupying a total of 50 square feet or less | P | P | P |
| Small collection facilities occupying a total of 500 square feet or less | P | P | P |
| Aluminum can and newspaper redemption center without can crushing facilities | C | | |
| Cultural Entertainment and Recreation | | | |
| Adult entertainment establishments* (Article 42) | P | | |
| Cultural, including museums, art galleries, etc. | P | | C |
| Entertainment assembly, amphitheater, concert halls, exhibit halls | C | | |
| Health and fitness facilities, including gymnasiums, athletic clubs, body building studios, dance studios, martial arts schools, etc. | P | P | C |
| Swimming schools and pools | C | C | |
| Libraries | P | P | C |
| Parks | P | P | P |
| Sports and recreation facilities, including bowling alleys, billiards, indoor and outdoor skating facilities, batting cages, riding schools and stables, etc. | C | | |
| Theaters, indoor motion picture | P | | |
| Transportation, Communications and Utilities | | | |
| Transportation | | | |
| Ambulance and paramedic | C | | C |
| Bus and train depots | P | | |
| Helipad (as an incidental use only)* (Article 57) | C | | C |
| Park-and-ride facilities | P | P | P |
| Parking lots and parking structures (short-term) | P | | P |
| Taxicab stand | P | | P |
| Communications (telephone, telegraph, radio, TV, etc.) | | | |
| Broadcasting (radio and/or television), recording, and/or sound studios | P | | P |
| Personal wireless service facilities* (subject to Article 34) | | | |
| Roof-mounted or building-mounted facilities incorporating stealthy designs and/or screened from public ways or significant views | P | P | P |
| Pole-mounted or ground-mounted facilities that incorporate | P | P | P |

| Use Title | CG | CN | CP |
|---|----|----|----|
| stealthy designs and do not exceed 35' in height | | | |
| Pole-mounted or ground-mounted facilities that exceed 35' in height or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy | C | C | C |
| Other communications, NEC | C | | C |
| Radio and television transmitting towers | C | | C |
| Telephone exchange stations and telegraph message centers | P | P | P |
| Utilities (electric, gas, water, sewage, etc.) | | | |
| Central processing, regulating, generating, control, collection, storage facilities and substations | C | C | C |
| Distribution facilities | P | P | P |

- a) * = Subject to special regulations—see Article in parentheses.
- b) P = Permitted use;
- c) C = Conditionally Permitted Use [subject to a Conditional Use Permit (CUP)] pursuant to section 33-1200 et seq.
- d) NEC = Not Elsewhere Categorized.

ATTACHMENT 4

Sec. 33-765. Parking spaces required.

Except as specifically required in applicable zoning regulations, specific plans, or in section 33-782, Parking for historic structures, the number of off-street parking spaces shall be not less than that specified below. When an addition is made to an existing building, only the square footage in such addition need be used in computing the required off-street parking.

| Use | Parking Spaces Required |
|--|--|
| Residential | |
| Single-family and two (2) family residences | Two (2) car garage or carport for each unit. |
| Bed and breakfast | One (1) parking space for each sleeping room available for rent, in addition to those spaces required by this section for the primary residential use. All spaces shall be located on-site. |
| Second dwelling units | One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use. All spaces shall be located on-site. |
| Multiple Dwellings | |
| Bachelor | One (1) parking space per unit. |
| One (1) bedroom | One and one-half (1 1/2) parking space per unit. |
| Two (2) bedroom | One and three-quarter (1 3/4) parking space per unit. |
| Three (3) or more bedrooms | Two (2) parking spaces per unit. |
| | Each unit shall have a minimum of one (1) covered parking space. In addition, there shall be provided a guest parking space for each four (4) units or fraction thereof. On-street parking spaces, when approved by the staff development committee, may be counted toward fulfilling this requirement. Street frontages abutting the subject property and which are included in the circulation element of the general plan shall not be included in fulfilling this requirement. |
| Mobilehome parks | Two (2) parking spaces for each site. Parking may be in tandem. In addition, one (1) space for each ten (10) sites for the laundry and recreation facilities. |
| Rooming houses, lodging houses, clubs and fraternities having sleeping rooms | One (1) parking space for each two (2) sleeping rooms. |
| Sanitariums, children's homes, homes for the aged, asylums, nursing homes | One (1) parking space for each three (3) beds. |
| Commercial | |
| Automobile accessory shops | One (1) parking space for each six hundred (600) square feet of gross floor area. |
| Automobile service stations | One (1) parking space for each service stall. |

| Use | Parking Spaces Required |
|---|--|
| Banks, and savings and loans | One (1) parking space for each two hundred (200) square feet of gross floor area. |
| Barber shops and beauty salons | One (1) parking space for every six hundred (600) square feet of gross floor area. |
| Furniture, large appliance stores and personal computer stores | One (1) parking space for each eight hundred (800) square feet of gross floor area. |
| Hotel, motel, and bed and breakfast facility | One (1) parking space for each sleeping unit, plus one (1) parking space for the resident manager, plus one (1) loading space, minimum size ten (10) feet wide, thirty-five (35) feet long and fourteen (14) feet high for each twenty thousand (20,000) square feet of commercial use included in the facility (restaurant, bar, store, etc.), one (1) parking space for each one hundred (100) square feet of restaurant gross floor area, one (1) parking space for each one hundred (100) square feet of assembly area (meeting halls, auditoriums, conference rooms, etc.). |
| Motor vehicle, machinery sales and repair garages (excluding motorcycles) | One (1) parking space for each one thousand (1,000) square feet of display floor area, one (1) space for each eight hundred (800) square feet of storage area, one (1) space for each two hundred fifty (250) square feet of garage floor area. |
| Truck or motor home repair vehicles twenty-five (25) feet or longer | One (1) space for every one thousand (1,000) square feet. |
| Motorcycle sales and repair | One (1) parking space for each two hundred fifty (250) square feet of gross floor area. |
| Pushcart food sales | No parking shall be required for pushcart food sales facilities except as required on a case-by-case basis as determined by the community development director as part of plot plan review procedure. |
| Offices | |
| General business and professional | Four (4) parking spaces or one (1) parking space for each three hundred (300) square feet of gross floor area, whichever is greater. For offices in the industrial park zone or industrial park overlay, the requirement shall be one (1) parking space for each two hundred fifty (250) square feet of gross floor area. |
| Medical, dental and clinics | One (1) parking space for each two hundred (200) square feet of gross floor area. |
| Massage Establishments | One (1) space per one hundred (100) square feet. |
| Restaurants/Food | |
| Restaurants, bars, night clubs and others | |
| Having less than four thousand (4,000) square feet | One (1) parking space for each one hundred (100) square feet of gross floor area. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter. |

| Use | Parking Spaces Required |
|--|--|
| Having four thousand (4,000) square feet | Forty (40) parking spaces plus one (1) for each fifty (50) square feet of gross floor area over four thousand (4,000) square feet. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter. |
| Drive-in, drive-up, drive-thru | Twenty (20) parking spaces plus one (1) for each one hundred (100) square feet of gross floor area over four thousand (4,000) square feet. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter. |
| Product specialty, donuts, ice cream, bakery, etc. | One (1) parking space for each one hundred fifty (150) square feet. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter. |
| Retail | |
| General retail, except as otherwise specified herein | One (1) parking space for each two hundred fifty (250) square feet of gross floor area. |
| Coin operated laundry | One (1) space per two hundred fifty (250) square feet. |
| Open retail, nurseries and vehicle sales lots not otherwise specified | One (1) parking space for each one thousand (1,000) square feet of lot area. |
| Trailer and boat sales lots | One (1) space per two thousand (2,000) square feet of lot supplies. |
| Shopping center (for the purpose of this article, a shopping center shall have a minimum lot area of three (3) acres and have multiple uses) | One (1) parking space for each two hundred (200) square feet of gross floor area. |
| Stamp redemption centers | One (1) space. |
| Tailor shops, shoe repair | Three (3) parking spaces or one (1) parking space for each six hundred (600) square feet of gross floor area, whichever is greater. |
| Recreational | |
| Auditoriums and other places of public assembly and clubs, lodges having no sleeping facilities | One (1) parking space for each five (5) seats and one (1) for each one hundred (100) square feet of assembly area not having fixed seats. |
| Bowling alleys | Four (4) parking spaces for each alley. In addition, spaces for incidental uses shall be provided in accordance with standards specified for the particular use. |
| Game and athletic courts | Two (2) parking spaces for each court. |
| Gymnasium, skating rinks, billiard halls, dance schools, karate schools | One (1) parking space for each five (5) seats plus one (1) for each two hundred (200) square feet of recreation floor area. |
| Golf driving ranges | One (1) parking space for each driving tee. |

| Use | Parking Spaces Required | |
|--|--|---------------|
| Miniature or pitch and putt golf courses | Three (3) parking spaces for each hole or two (2) for each hole plus the requirement for the accessory uses, whichever is greater. | |
| Swimming pools | One (1) parking space for each one hundred fifty (150) square feet of gross water surface area. | |
| Theaters and auctions | One (1) parking space for each five (5) seats or one (1) parking space for each thirty-five (35) square feet of assembly area. | |
| Industrial | | |
| Kennels, veterinary hospitals and veterinary offices | One (1) parking space for each two hundred (200) square feet of examining and operating areas, plus one (1) parking space for each four hundred (400) square feet of additional floor area. | |
| Recycling facility | One (1) space for each five hundred (500) square feet of material processing area; one (1) space for each five thousand (5,000) square feet of outdoor storage area; one (1) space for each scale or bin plus one (1) space (for waiting) per two (2) scales or bins for customer parking. | |
| Manufacturing uses, research and testing laboratories, food processing, printing and engraving shops and contractors | A. Parking standards for the M-1 and M-2 zones. One (1) space for each vehicle used in conjunction with the business, plus one (1) parking space for each five hundred (500) square feet of open or enclosed area devoted to the primary use, except contractors' open storage yards one (1) space per one thousand (1,000) square foot lot. | |
| | B. Parking standards for the IP and IP-O zones. | |
| | Suite Size | Space/Sq. Ft. |
| | <5,000 sq. ft. | 1/400 |
| | 5,000 to 9,999 sq. ft. | 1/500 |
| | 10,000 to 19,999 sq. ft. | 1/575 |
| | >20,000 sq. ft. | 1/650 |
| Plus one (1) space per one thousand (1,000) square foot lot for contractors' open storage yards. | | |
| Salvage yard, junk yards, auto wrecking, storage yards, lumber yards and similar uses | One (1) parking space per employee on the largest shift or one (1) space per five thousand (5,000) square feet of lot area, whichever is greater. | |
| Truck terminals | One (1) parking space for each three thousand (3,000) square feet of lot area. | |
| Warehouse and wholesale business and mini-storage | A. Parking standards for the M-1 and M-2 zones. One (1) parking space for each eight hundred (800) square feet of gross floor area. One (1) space per five thousand (5,000) square feet of floor area and storage lot for mini-storage. | |
| | B. Parking standards for the IP and IP-O zones. | |
| | Suite Size | Space/Sq. Ft. |
| | <5,000 sq. ft. | 1/500 |
| | 5,000 to 9,999 sq. ft. | 1/600 |
| | 10,000 to 19,999 sq. ft. | 1/700 |
| | >20,000 sq. ft. | 1/800 |

| Use | Parking Spaces Required | |
|--|--|---|
| | One (1) parking space per five thousand (5,000) square feet of floor area and storage lot for mini-storage. | |
| Miscellaneous | | |
| Churches, chapels, religious meeting halls and their accessory uses | One (1) parking space for each five (5) seats or one (1) parking space for every one hundred (100) square feet of gross floor area for assembly areas without fixed seating (twenty-two (22) inches of linear bench constitutes one (1) seat). | |
| Hospitals | One and one-quarter (1 1/4) parking spaces for each bed. | |
| Libraries, museums and library stations | One (1) parking space for each two hundred fifty (250) square feet of gross floor area. | |
| Mortuaries | One (1) parking space for every fifty (50) square feet of gross assembly floor area. | |
| Schools, private and public: | | |
| | Grade schools, elementary and junior high schools | One (1) parking space for each employee and faculty member. |
| | Senior high schools | One (1) parking space for each employee and one (1) for each three (3) students for which the facility is designed. |
| | Trade schools, business colleges and commercial schools | One (1) parking space for each one and one-half (1 1/2) students of the maximum capacity of the classroom plus one (1) space for each faculty member. |
| Emergency shelters | One (1) parking space for each employee, volunteer, service provider and non-client who will be on-site during peak periods, plus one (1) space per three (3) beds. | |
| Transportation terminals and facilities, public utilities, colleges, stadiums, sport arenas and golf courses | Adequate number as determined by the planning commission after special study has been performed. | |

EAST VALLEY PARKWAY AREA PLAN

Table 4.1

PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

| USE TITLE | CG | CP | HP |
|--|---------------------------|--------|----|
| RESIDENTIAL AND LODGING: <ul style="list-style-type: none"> • Bed and Breakfast (Article 32*) • Hotels and Motels (Article 63*) • Lodging for organization members only • Mobile home or travel trailer parks (Articles 45 & 46*) • Multi-family residential as part of a mixed-use project | C* C* C C* PD | | C* |
| MANUFACTURING, WHOLESALE TRADE, AND STORAGE: <ul style="list-style-type: none"> • Any use or structure permitted or conditionally permitted in a zone and involving hazardous materials (Section 33-666*) • Mini-warehouse storage facilities (Section 33-339*) • Newspaper printing and publishing | C* C* P | C* | C* |
| RETAIL TRADE: | | | |
| Automotive and marine craft <ul style="list-style-type: none"> • Automotive parts and accessories sales with no repair or installation • Gasoline service stations including concurrent sale of alcoholic beverages and motor vehicle fuel (Article 57* and Council Resolution #5002*) | P C* | | |
| Food Sales <ul style="list-style-type: none"> • Food stores (grocery, produce, candy, baked goods, meat, delicatessen, etc.), excluding sale of liquor, tobacco and smoking-related products as primary use) <ul style="list-style-type: none"> • With facilities to dispense gasoline (Article 57*) | P C* | | |
| General Retail <ul style="list-style-type: none"> • Antique and Consignment stores • Building materials and supplies including lumber, heating, plumbing, and electrical equipment, etc. (Outdoor storage or sale subject to CUP) • Drugstores • Florists, gifts, cards, newspapers and magazines • Furniture, home and office furnishing and equipment, electrical appliances, and office machines and supplies | P P P P P | P P | P |
| <ul style="list-style-type: none"> • General retail of new merchandise, NEC (as determined by the Director of Community Development, based on conformance with the | P | | |

| USE TITLE | CG | CP | HP |
|--|--|-----------|----------------|
| <p>purpose of the specific zone, interaction with customers, the appearance of the building, the general operating characteristics, the type of vehicles and equipment associated with the use, and including incidental assembling of customized items);</p> <ul style="list-style-type: none"> • Hospital/medical equipment sales • Nurseries and garden supply stores • Outdoor retail, NEC (as a principal use) • Pharmacies • Sporting goods (includes ammunition and firearms, fishing, hunting, golf, playground equipment, etc.) • Temporary seasonal sales such as Christmas tree and wreath sales, pumpkin sales, etc., on vacant lots subject to site plan approval | <p>P P C P P P</p> | <p>P</p> | <p>P P</p> |
| <p>EATING AND DRINKING ESTABLISHMENTS:</p> | | | |
| <p>Cabarets and nightclubs (with or without alcoholic beverages, including comedy clubs, magic clubs, etc.)</p> | <p>C</p> | | |
| <p>Drinking places-alcoholic beverages (on-sale beer and wine and on-sale general licenses and public premises) includes bars and taverns, does not include restaurants serving alcoholic beverages.</p> | <p>C</p> | | |
| <p>Restaurants, cafes, delicatessens, sandwich shops, etc. without alcoholic beverages</p> | <p>P</p> | <p>P</p> | <p>P</p> |
| <ul style="list-style-type: none"> • With on-sale beer and wine and on-sale general licenses | <p>P</p> | | |
| <ul style="list-style-type: none"> • Auto oriented drive-in, drive-through (Section 33-341*) | <p>P*</p> | | |
| <ul style="list-style-type: none"> • Specialized food sales from pushcart facilities (Section 33-342*) | <p>P*</p> | <p>P*</p> | <p>P*</p> |
| <p>SERVICES:</p> | | | |
| <p>Animal Care (excluding kennels)</p> | <p>P</p> | | |
| <p>Automotive services (including motorcycles, motorized vehicles, marine craft and recreational vehicles)</p> | | | |
| <ul style="list-style-type: none"> • Auto repair and service in freestanding or single tenant building | <p>C</p> | | |
| <ul style="list-style-type: none"> • Auto repair and service in multi-tenant centers which were comprehensively designed and approved for automotive repair prior to Area Plan | <p>P</p> | | |
| <ul style="list-style-type: none"> • Car-wash, polishing, detailing as primary use | <p>C</p> | | |
| <p>Educational services</p> | | | |
| <ul style="list-style-type: none"> • Day nurseries, child care centers (Article 57*) | <p>C*</p> | <p>C*</p> | <p>C*</p> |

| USE TITLE | CG | CP | HP |
|---|------------|----|----|
| <ul style="list-style-type: none"> Schools, including kindergarten, elementary, junior, and senior high schools (Article 57*) | P* | | C* |
| <ul style="list-style-type: none"> Special needs education | P | P | P |
| <ul style="list-style-type: none"> University, college, junior college, and professional schools | P | P | C |
| <ul style="list-style-type: none"> Vocational and trade schools | P | P | |
| <ul style="list-style-type: none"> Other special training (including art, music, drama, dance, language, etc.) | P | | |
| Government services | | | |
| <ul style="list-style-type: none"> Administrative centers and courts | P | P | C |
| <ul style="list-style-type: none"> Employment and training services | P | P | P |
| <ul style="list-style-type: none"> Operation Centers | C | C | C |
| <ul style="list-style-type: none"> Police and fire stations | C | C | C |
| <ul style="list-style-type: none"> Postal services | P | P | P |
| Financial services and institutions | | | |
| <ul style="list-style-type: none"> Banks, securities brokers, credit offices (excluding check cashing as a primary use) | P | P | |
| <ul style="list-style-type: none"> Insurance | P | P | P |
| Medical, dental and related health services | | | |
| <ul style="list-style-type: none"> Counseling services | C | C | C |
| <ul style="list-style-type: none"> Hospitals, excluding small medical clinics | C | C | C |
| <ul style="list-style-type: none"> Medical clinics and blood banks | P | | P |
| <ul style="list-style-type: none"> Medical, dental, optical, and other health care offices and laboratories | P | P | P |
| <ul style="list-style-type: none"> Sanitariums, convalescent and residential care facilities | C | | C |
| <ul style="list-style-type: none"> Other medical and health services NEC | C | C | C |
| <ul style="list-style-type: none"> Massage Establishments (Article 38*) | <u>P/C</u> | | |
| Offices and business services, except medical | | | |
| <ul style="list-style-type: none"> Call centers and telemarketing services | C | C | C |
| <ul style="list-style-type: none"> General business services (including advertising, building services, credit reporting, detective/protective services, drafting, employment services, news syndicate, computer services, etc.) | P | P | P |
| <ul style="list-style-type: none"> General office use (includes professional offices, legal services) | P | P | P |
| <ul style="list-style-type: none"> Mailing, stenographic, accounting and office services | P | P | P |
| <ul style="list-style-type: none"> Messenger services | P | P | P |
| <ul style="list-style-type: none"> Real estate services | P | P | |
| <ul style="list-style-type: none"> Travel agencies and services | P | P | |
| Repair services, except automotive | | | |
| <ul style="list-style-type: none"> Apparel and shoe repair and alteration | P | | |

| USE TITLE | CG | CP | HP |
|--|-----------------------|--------|--------|
| <ul style="list-style-type: none"> • Bicycle repair • Locksmiths and key shops • Miscellaneous repair services (excluding machine shops and welding services) • Small appliance repair and services (including TV, radio, VCR, computers, household appliances, etc.) • Watch, clock, and jewelry repair | P P P P P | P | |
| <p>Social, professional, and religious organizations and services</p> | | | |
| <ul style="list-style-type: none"> • Churches, synagogues, temples, missions, religious reading rooms, and other religious activities including columbaria and mausoleums as an incidental use (Article 57*) | C* | C* | C* |
| <ul style="list-style-type: none"> • Professional organizations (political membership, veterans, civic, labor, and similar organizations, etc.) | P | P | P |
| <ul style="list-style-type: none"> • Social services and charitable organizations including only office and administrative activities, and excluding direct distribution of goods or services to the ultimate client at this location | P | P | P |
| <ul style="list-style-type: none"> • Youth Organizations (Article 57*) | C* | | |
| <p>Other services</p> | | | |
| <ul style="list-style-type: none"> • Assembly halls, fraternities, sororities, lodges, etc. | C | | |
| <ul style="list-style-type: none"> • Barber, beauty, nail, and tanning services, excluding tattoo parlors | P | P | P |
| <ul style="list-style-type: none"> • Hospital/medical equipment rental and leasing | P | | P |
| <ul style="list-style-type: none"> • Laundry and dry cleaning services: <ul style="list-style-type: none"> • Self-service, coin-operated • Pick-up service only • Dry cleaning, laundering, pressing and dying for on-site retail customers only | P P P | P | |
| <ul style="list-style-type: none"> • Mortuary (excluding crematories and mausoleums) | P | | P |
| <ul style="list-style-type: none"> • Personal services, NEC (including clothing and costume rental, marriage bureaus, baby-sitting services, etc.) | P | | |
| <ul style="list-style-type: none"> • Photographic and duplicating services: <ul style="list-style-type: none"> • Blueprinting and photocopying • Studios, developing, printing, and similar services, except commercial photography • Commercial photography, including aerial photographs and mapping services | P P P | P P | P P |
| <ul style="list-style-type: none"> • Picture framing, assembly only | P | | |
| <ul style="list-style-type: none"> • Recycling Services <ul style="list-style-type: none"> • Reverse vending machines occupying a total of | P* | P* | P* |

| USE TITLE | CG | CP | HP |
|---|----|----|----|
| fifty (50) square feet or less (Article 33*): | | | |
| <ul style="list-style-type: none"> Small collection facilities occupying a total of five hundred (500) square feet or less (Article 33*): | P* | P* | P* |
| <ul style="list-style-type: none"> Aluminum can and newspaper redemption center without can crushing facilities (Article 33*): | C* | | |
| CULTURAL ENTERTAINMENT AND RECREATION: | | | |
| <ul style="list-style-type: none"> Adult entertainment establishments (Article 42*) | P* | | |
| <ul style="list-style-type: none"> Amusement assembly, including amusement parks, arcades, dance halls, drive-in movie theaters, miniature golf, go-carts, electronic game centers, etc. | C | | |
| <ul style="list-style-type: none"> Cultural, including museums, art galleries, etc. | P | P | |
| <ul style="list-style-type: none"> Entertainment assembly, including gymnasiums, athletic clubs, body building studios, dance studios, martial arts schools, etc. | C | | |
| <ul style="list-style-type: none"> Health and fitness facilities, including gymnasiums, athletic clubs, body building studios, dance studios, martial arts schools, etc. | P | C | C |
| <ul style="list-style-type: none"> Libraries | P | P | C |
| <ul style="list-style-type: none"> Parks | P | P | P |
| <ul style="list-style-type: none"> Sports and recreation facilities, including bowling alleys, billiards, indoor and outdoor skating facilities, batting cages, riding schools and stables, etc. | C | | |
| <ul style="list-style-type: none"> Swimming schools and pools | C | | |
| <ul style="list-style-type: none"> Theaters, indoor motion picture and legitimate | P | | |
| TRANSPORTATION, COMMUNICATIONS AND UTILITIES: | | | |
| Transportation | | | |
| <ul style="list-style-type: none"> Ambulance and paramedic | C | | C |
| <ul style="list-style-type: none"> Bus and train depots | P | | |
| <ul style="list-style-type: none"> Park-and-ride facilities | P | P | P |
| <ul style="list-style-type: none"> Parking lots and parking structures (short term) | P | P | P |
| <ul style="list-style-type: none"> Taxicab stand | P | | P |
| Communications (telephone, telegraph, radio, TV, etc.) | | | |
| <ul style="list-style-type: none"> Broadcasting (radio and/or television), recording, and/or sound studios | P | P | |
| <ul style="list-style-type: none"> Personal wireless service facilities | | | |
| <ul style="list-style-type: none"> roof-mounted or building-mounted facilities incorporating stealthy designs and/or screened from public ways or significant views (Article 34*) | P* | P* | P* |
| <ul style="list-style-type: none"> pole-mounted or ground-mounted facilities that incorporate stealthy designs and do not exceed 35' in height (Article 34*) | P* | P* | P* |

| USE TITLE | CG | CP | HP |
|---|----|----|----|
| <ul style="list-style-type: none"> • pole-mounted or ground-mounted facilities that exceed 35' in height or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy (Article 34*) | C* | C* | C* |
| <ul style="list-style-type: none"> • Other communications, NEC | C | C | |
| <ul style="list-style-type: none"> • Radio and television transmitting towers | C | C | |
| <ul style="list-style-type: none"> • Telephone exchange stations and telegraph message centers | P | P | |
| <p>Utilities (electric, gas, water, sewage, etc.)</p> | | | |
| <ul style="list-style-type: none"> • Central processing, regulating, generating, control, collection, storage facilities and substations | C | C | C |
| <ul style="list-style-type: none"> • Distribution facilities | P | P | P |

* = Subject to special regulations –see Zoning Code Article in parentheses
 NEC = Not Elsewhere Categorized

ATTACHMENT 6

South Escondido Boulevard Area Plan Section 8. Conditional Use Permits.

(a) The uses which are normally allowed by right in the CG or CT zones and are not listed as permitted uses within this ordinance shall require a conditional use permit and are subject to Section 33-1203 of Article 61 of the Zoning Code. Such conditional uses include, but are not limited to, those which special emphases are listed below:

| <u>Use No.</u> | <u>Use Title</u> |
|----------------|---|
| 1400 | Mobile home Parks |
| 1500 | Transient lodgings (requires Planning Commission consideration and City Council approval) (pursuant to Ord. 87-28; 8/7/87, and Ord. 91-5; 4/3/91) (See also (c) and (d) of this section) |
| 4753 | Satellite dish antennas pursuant to Article 34 |
| 5210 | Lumber and other building material |
| 5410 | Groceries to include concurrent sale of alcoholic beverages and motor vehicle fuel, and convenience stores (See Sec. 8(g)) (Ord. 87-69; 2/6/88) |
| 5511 | Auto sales – new and used |
| 5512 | Auto sales – used |
| 5520 | Tires, batteries and accessories (excluding recapping and vulcanizing) |
| 5530 | Gasoline service stations (in accordance with Section 33-1115 (to include concurrent sale of alcoholic beverages and motor vehicle fuel with four or fewer pumps) (Ord. 87-69; 2/6/88) |
| 5820 | Drinking places – alcoholic beverages |
| 6100 | Finance services with drive-thru tellers |
| 6296 | Massage Establishments pursuant to Article 38 |
| 6397 | Auto, truck and trailer rental (Area B only) |
| 6411 | Automobile repair (except body shop) (Area A) |
| 6412 | Tire rethreading and recapping (Area A) |
| 6416 | Automated Carwashes (Area B only) |
| 6416-6417 | Carwash Facilities (within Area "A" only on properties where automotive businesses [a gas station, car lots, auto sales and/or service, etc.] have been previously located and permitted) |
| 6419 | Other automobile services, except repair and wash, NEC |
| 6513-6516 | Sanitariums, convalescent and rest home facilities (Area A) (Permitted in Area B) |
| 6910 | Religious activities |

(b) An existing Conditional Use Permit may be expanded by ten percent or 1,000 SF, whichever is less and may be exempted by the Director of Planning and Building from Conditional Use Permit processing requirements. Expansion beyond the established thresholds shall conform to this Article.

(c) Transient lodging existing at the time of adoption of this ordinance may continue to operate and shall be subject to Ord. 91-5. 4/3/91, and Ord. 89-36. 8/2/89.

(d) Existing transient lodging whereby the average length of stay exceeds the 30 day limit requirement established in Ord. 91-05 may be exempt from those provisions, as determined by the Director of Planning and Building, provided the following findings are made:

1) The property has been historically used for transient lodging in which the average stay exceeds 30 days.

2) The structures do not threaten the public health, safety and welfare.

3) Smoke detectors have been provided in each unit and inspections of heating and ventilation systems shall be performed biyearly and evidence of these inspections are submitted to the satisfaction of the Planning and Building Department.

(f) All drive-through facilities such as drive-through restaurants, drive-through dairies, drive-through grocery stores, and drive-through banks which are either an incidental use to the primary use or constitute the primary use require a conditional use permit.

(g) A convenience market includes the retail sales of food, beverages and small convenience items primarily for off-premises consumption and typically found in establishments with long or late hours of operation and a relatively small building. This definition excludes delicatessens and other specialty food shops and establishments having a sizeable assortment of fresh fruits and vegetables and fresh cut meat.

**Downtown Specific Plan
FIGURE II-2
PERMITTED AND CONDITIONAL USES
(Page 1 of 6)**

| LAND USE | HD* | PV | CCU | GT | M | SG* | CN |
|---|--------|--------|-----|----|----|-----|----|
| RESIDENTIAL AND LODGING (in accordance with Figure II-3A) | | | | | | | |
| Bed-and-breakfast establishments (subject to regulations of Article 32 of the Zoning Code) | | | | | | C | C |
| Residential-care facilities | | | | | | C | C |
| Hotels and Motels (subject to regulations of Article 63 of the Zoning Code) | C | C | C | C | C | C3 | |
| Residential above ground floor in specified areas, in conjunction with permitted non-residential use on ground floor (refer to Figure II-3 for appropriate locations and housing types) | P | P9 | P | P | P | P | P |
| Residential, on ground floor in specified areas (refer to Figures II-3 and II-4 for appropriate locations and housing types) | P7, P8 | P8, P9 | P8 | P8 | P8 | P8 | P |
| Home Occupations (subject to regulations of Article 44 of the Zoning Code) | P5 | P5 | P5 | P5 | P5 | P5 | P5 |
| GENERAL RETAIL | | | | | | | |
| New merchandise sold in department stores, drugstores, pharmacies, and retail establishments selling toys, flowers, gifts, stationery, jewelry, leather, apparel, shoes (including repair), china, glassware, pottery, crafts, cigars, yardage goods, pets, hobbies, art supplies, automobile supply stores (without installation), video sales and rental, music (including incidental recording, instruction and instrument repair), books / magazines / newspapers, sporting goods, bicycles / cameras / electronics / office business / small household appliance sales and service, and other similar retail goods and incidental services NEC. Prohibited uses include retail uses with across the board maximum pricing or "everything under" pricing and surplus goods. | P | P | P | P | P | P3 | P6 |
| Previously owned goods and merchandise including antiques, collectibles, coins, consignment and stamps, excluding pawn shops, second hand and thrift stores. | | | | | | | |
| Automobile supply stores with incidental installation | | | | | | P | P3 |

NOTES:

P = Permitted C = Conditional Use Permit required

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- 2 Within Grand Avenue's "retail-core area" use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more. Primary entrance to this use must be from the alley. No signage facing Grand Avenue is permitted.
- 3 Only permitted on Escondido Boulevard.
- 4 Only permitted within a multi-tenant building, and shall not occupy more than 30% of the gross floor area.
- 5 Only in conjunction with an approved residential project.
- 6 Not allowed along Grand Avenue and the north side of Valley Parkway between Kalmia and Ivy Streets.
- 7 Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 19 of the Zoning Code.
- 8 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- 9 Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- 10 Permitted on Local Historic Register properties.
- 11 Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.

DOWNTOWN DISTRICTS:

- | | |
|-----|------------------------|
| HD | Historic Downtown |
| PV | Park View |
| CCU | Centre City Urban |
| GT | Gateway Transit |
| M | Mercado |
| SG | Southern Gateway |
| CN | Creekside Neighborhood |

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

FIGURE II-2
PERMITTED AND CONDITIONAL USES
(Page 2 of 6)

| LAND USE | | HD* | PV | CCU | GT | M | SG* | CN |
|---|--|-----|----|-----|----|----|---------|----|
| GENERAL RETAIL (continued) | | | | | | | | |
| Carpet and floor covering and installations | | P6 | | | P | | P3 | P6 |
| Large appliance sales | | P7 | P | P | P | P1 | P3 | P6 |
| Home Furnishings with retail display (not including "mattress only", carpet, and discount furniture stores) | | P | P | P | P | P1 | P3 | P6 |
| Hardware, paint, glass, tools, home improvement | | P | P | P | P | P1 | P1, P3 | P6 |
| Medical equipment sales/rentals and supplies | | P7 | | P | P | P1 | P3 | P6 |
| Outdoor vending machines | | | P | | | | | |
| EATING AND DRINKING ESTABLISHMENTS | | | | | | | | |
| All types of eating establishments providing meal service from an on-site operating commercial-grade kitchen, and / or dessert service from an on-site operating commercial-grade freezer / refrigerator facility with, or without, incidental sale of alcohol (including micro-breweries and outdoor dining, but with no drive-through), with no live amplified entertainment or dancing | | P | P | P | P | P | P3, P11 | |
| Eating establishments (as defined above) with indoor amplified entertainment and/or dancing | | P | P | P | P | P | C3 | |
| Wine- and beer-tasting establishments (only with retail sales involving related merchandise that includes a significant portion of the sales area) | | P | P | P | P | P | P3 | |
| Drinking establishments, bars and nightclubs serving alcohol with or without live entertainment and / or dance | | C | C | C | C | C | C3 | |

NOTES:

P = Permitted C = Conditional Use Permit required

- 1 Under 3,000 square feet.
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- 3 Only permitted on Escondido Boulevard.
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- 5 Only in conjunction with an approved residential project.
- 6 Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kaimia and Ivy Streets.
- 7 Not allowed along Grand Avenue on ground floor within the "retail core area."
- 8 Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 19 of the Zoning Code.
- 9 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- 10 Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- 11 Permitted on Local Historic Register properties.
- * Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

NOTE: Should a conflict arise between this matrix and the land-use district text, the land use district text discussion shall take precedence in determining the appropriateness of the land use.

FIGURE II-2
PERMITTED AND CONDITIONAL USES
(Page 3 of 6)

| LAND USE | HD* | PV | CCU | GT | M | SG* | CN |
|--|-----|----|-----|----|---|-----|----|
| FOOD AND LIQUOR SALES (excluding convenience and package stores) | | | | | | | |
| General grocery stores less than 7,000 SF and specialty foods, including imported and/or unique food products, produce, candy, baked goods, meat, etc., specialty liquor sales involving off-sale unique brands of beer, wine, and distilled spirits | P | P | P | P | P | P3 | P6 |
| General grocery stores exceeding 7,000 SF of sales area with, or without, alcohol sales | P7 | P | P | | P | P3 | P6 |
| Convenience markets, excluding package stores | | C | C | C | | | |
| GENERAL OFFICE AND FINANCIAL SERVICES | | | | | | | |
| Administrative, business and professional offices, employment agencies, secretarial services, realtors/real estate offices and counseling services, travel and ticket agencies | P2 | P | P | P | P | P | P6 |
| Short-term political campaign offices with a maximum duration of six months | P | P | P | P | P | P | P6 |
| Financial institutions, banks, savings and loans (excluding check cashing and/or payday loans as a primary use), visitor and information center (including Downtown Business Association), governmental services, police and fire stations, etc. that provide direct contact with the public | P | P | P | P | P | P | P6 |
| Off-site sales and call centers | P10 | | | | | P | P6 |
| HEALTH AND PERSONAL SERVICES | | | | | | | |
| Medical/dental/optical/offices, clinics and laboratories, licensed alternative health-care establishments, day spas, excluding acupuncture and massage establishments as primary uses. | P2 | P | P | P | P | P | P6 |
| Barber, beauty salons including cosmetology involving ear piercing, permanent eye and lip lining, excluding other body piercing, body art, and inking parlors | P | P | P | P | P | P3 | P6 |
| Massage Establishments (permitted in centers pursuant to Article 38) | | | | | | | |

NOTES:

- 1 P = Permitted C = Conditional Use Permit required
- 2 Under 3,000 square feet.
- 3 Within Grand Avenue's "retail-core area" use is not permitted on ground floor facing Grand Avenue unless located behind a solid wall, and such wall shall be located at least 25% of the building depth back from the front, with a minimum of 25 feet of front retail depth, whichever is more.
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- 7 Only in conjunction with an approved residential project.
- 8 Only permitted on Pennsylvania Avenue and the north side of Valley Parkway between Kalmia and Ivy Streets.
- 9 Not allowed along Grand Avenue on ground floor within the "retail core area."
- 10 Residential and mixed-use projects are permitted in specified areas, subject to a Planned Development approval in Article 19 of the Zoning Code.
- 11 No residential uses permitted between Woodward Avenue, Washington Avenue, Escondido Boulevard and Broadway.
- 12 Not allowed along Grand Avenue on ground floor between Grand and adjacent alleys.
- 13 Permitted on Local Historic Register properties.
- 14 Existing automobile dealerships are a non-conforming use. Conversion of these sites to a new and substantially different use shall require plot plan review or a Conditional Use Permit subject to the provisions in the Permitted Use Matrix.

DOWNTOWN DISTRICTS:

- HD Historic Downtown
- PV Park View
- CCU Centre City Urban
- GT Gateway Transit
- M Mercado
- SG Southern Gateway
- CN Creekside Neighborhood

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**FIGURE II-2
 PERMITTED AND CONDITIONAL USES
 (Page 4 of 6)**

| LAND USE | HD* | PV | CCU | GT | M | SG* | CN |
|---|-----|----|-----|----|---|-------|----------|
| SPECIALTY SERVICES (includes similar ancillary uses NEC) | | | | | | | |
| Animal services (indoor only) to include pet training, boarding, pet spas, pet day care and veterinary clinics, excluding kennels | P7 | | P | P | P | P3 | P6 |
| Photographic developing and photocopy services, watch and clock repair, locksmiths | P | P | P | P | P | P | P6 |
| Music recording/practice studios | P2 | P4 | P | P | P | P4 | P1, 6 |
| Custom-furniture upholstery and repair | P7 | | | | | P3 | P6 |
| Picture framing shops | P | P4 | P | P | P | P3 | P6 |
| Postal services including parcel delivery (public/private) | P2 | P | P | P | P | P | P |
| Cleaning and laundering services without on-site cleaning | P7 | P1 | P1 | P1 | | P1, 4 | P1, 5, 6 |
| Cleaning establishments and laundries, self-service or coin operated | P10 | P | | | | C | P1, 5, 6 |
| Mortuaries | C10 | C | | | | C | C6 |
| Tailors and dressmakers and alterations | P2 | P | P | P | P | P | P5, 6 |
| ENTERTAINMENT, RECREATION AND CULTURAL | | | | | | | |
| Dance facilities, pinball and electronic game arcades | C | | C | | C | | |
| Athletic clubs, health studios, yoga, jazzercise, aerobics, zumba and similar programs | P7 | P | P | P | P | P3 | P6 |

NOTES:

P = Permitted C = Conditional Use Permit required

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DOWNTOWN DISTRICTS:

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- GT Gateway Transit
- M Mercado
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- CN Creekside Neighborhood

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FIGURE II-2
 PERMITTED AND CONDITIONAL USES
 (Page 5 of 6)

| LAND USE | HD* | PV | CCU | GT | M | SG* | CN |
|---|-----|----|-----|----|---|-----|----|
| ENTERTAINMENT AND RECREATION (continued) | | | | | | | |
| Galleries and studios pertaining to artists, craft workers and photographers (including incidental developing and printing), libraries, museums, etc., including incidental sale of merchandise pertaining to the primary use | P | P | P | P | P | P | P6 |
| Dance studios and schools | P | P | P | P | P | P3 | P6 |
| Marital arts schools and training facilities | P10 | | P | P | P | P3 | P6 |
| Entertainment establishments (including internet cafes) with incidental sale of food or alcohol (excluding incidental entertainment in restaurants) | C | C | C | C | C | C3 | C6 |
| Parks - general recreation | P | P | P | P | P | P | P |
| Roller-skating and bowling alleys and similar indoor arena sports | | | P | P | C | | |
| Swimming pools and schools | | P | | | | | P6 |
| Theater, live and motion picture | P | P | P | P | | | |
| SOCIAL, PROFESSIONAL, RELIGIOUS ORGANIZATIONS | | | | | | | |
| Churches, synagogues, temples, missions, religious reading rooms, and other religious activities (not allowed within Grand Avenue "historic retail core area") | C7 | C | C | C | C | C | C |
| Social and professional organizations that conduct group and/or membership meetings on the premises, including political, veterans, civic, labor, charitable and similar organizations | C2 | C | C | C | C | C | C |
| Youth Organizations | | C | C | C | C | C | C |

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FIGURE II-2
PERMITTED AND CONDITIONAL USES
(Page 6 of 6)

| LAND USE | HD* | PV | CCU | GT | M | SG* | CN |
|---|-----|----|-----|----|----|-----|----|
| EDUCATION | | | | | | | |
| Educational facilities for adults | C | P | C | P | P | P | C6 |
| Daycare facilities | C10 | C | C | C | C | C | C6 |
| Schools-(primary education) | | C | | C | C | C | C |
| Schools-(secondary education) | C6 | C | | C | C | C | C |
| COMMUNICATIONS (wireless facilities subject to Article 34) | | | | | | | |
| Broadcasting (radio and/or television stations) | C7 | C | C | C | P | C | C6 |
| Newspaper, printing and publishing | C7 | | C1 | C1 | C1 | C1 | C6 |
| TRANSPORTATION AND MISCELLANEOUS SERVICES | | | | | | | |
| Car-rental services, excluding maintenance and repair of vehicles | | | C | C | | | |
| Parking lots (municipal) | P | P | P | P | P | P | P |
| Parking lots (private full fee) | C | C | C | C | C | C | C |
| Taxicab, trolley, shuttle and pedicab stands | P | P | P | P | P | P | P |
| Transit stations and car-rental services, including maintenance and repair | | | | P | | | |
| Seasonal sales not exceeding 30 days, (including pumpkin, Christmas tree and wreath sales between October 1 and December 31, both dates inclusive, to the extent permitted by other statutory and ordinance provisions). Structures and materials used for seasonal sales shall be removed from the premises immediately after December 31 and the property shall be restored to a neat condition | P | P | P | P | P | P | P |
| Miscellaneous Government Operations that do not provide direct contact with the public | C | C | C | C | C | C | C |

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CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8
Date: January 14, 2015

TO: Honorable Mayor and Members of the City Council
FROM: Helen Davies, Environmental Programs Manager, Utilities
SUBJECT: Award of Consulting Agreement: Channel Maintenance Regional General Permit – Implementation Phase

RECOMMENDATION:

The Utilities Department requests that Council adopt Resolution No. 2015-11 authorizing the Mayor and the City Clerk to execute a Consulting Agreement with AECOM to provide consultant services to implement channel maintenance.

FISCAL ANALYSIS:

The contract is for the sum of \$535,633 over a two-year period ending in December 2016. Funds have been budgeted in CIP Project No. 807502.

COUNCIL ACTION PLAN:

None

PREVIOUS ACTION:

The City Council approved a contract and a contract amendment for AECOM to provide consultant services during the application for a Regional General Permit for Channel Maintenance. Permits are close to being secured, and staff is planning to implement channel maintenance as soon as the permits are issued.

BACKGROUND:

During 2013 the City submitted applications for a Streambed Alteration Agreement to the California Department of Fish and Wildlife; a 401 permit with the Regional Water Quality Control Board; and a 404 permit with the Army Corps of Engineers. These permits are required to conduct channel maintenance activities. The Regional General Permit application addressed maintenance at 63 locations around the City that had been identified as priority areas. The permit application also requested the flexibility to add new locations. As the permit applies to multiple locations, it is referred to as a Regional General Permit.

Although substantial effort was invested in evaluating impacts to archaeological, paleontological, and ecological resources during the application process, the permits will require additional surveys in some areas where it was not possible to fully assess impacts (i.e., due to plant overgrowth). Some locations may also require cultural monitoring requiring the presence of a tribal monitor during maintenance activities. Depending on the time of year, surveys to assess the presence of nesting birds will be required at some locations.

Channel Maintenance Permit – Implementation Phase

January 14, 2015

Page 2

The Regional General Permit will remain in effect for five years, at which time the City may apply for renewal in a streamlined process. Prior to each year of implementation a workplan is required to inform the agencies of the proposed maintenance activities and schedule for the following year. The permits also require that maintenance activities, including all associated surveys, materials removed, and controls used to prevent discharges of sediment and other materials are documented in an annual report.

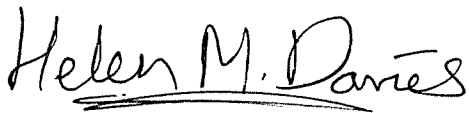
A condition of the permits also includes mitigation of the impacts to wetland resources in the areas to be maintained. This will be achieved through the implementation of a plan to mitigate an area of Kit Carson Park (0.91 acre), adjacent to another area mitigated for the sewer outfall project (RGP-87) and Sand Lake Projects. The City will also take credit for an additional 0.84 acres in this earlier mitigation area. This results in a total mitigation area of 1.75 acres being set aside for the channel maintenance permit.

Mitigation will include the removal of invasive species, including trees, and planting of native plants in the area. The location of the mitigation site will provide benefit for the former mitigation project (by eliminating a source of invasives) and add an amenity value to Kit Carson Park. The mitigation plan requires that the area be monitored and reported on for five years. It is required that the mitigation be maintained into perpetuity and that a deed restriction be placed on the mitigated area.

If the contract is approved, AECOM will provide support services to ensure that the permits are complied with through the provision of qualified specialists to conduct the required surveys; implementation of the required mitigation plan and the associated monitoring; and assistance with documenting the required items for the annual report. Cultural and paleontological monitoring at select sites will be addressed under separate contracts.

Environmental Programs staff will liaise with Public Works, which will be conducting the maintenance, and with AECOM to ensure that the work is coordinated and that the required notifications are made to the agencies. Environmental Programs staff will prepare the workplans and annual reports.

Respectfully submitted,

A handwritten signature in cursive script that reads "Helen M. Davies". The signature is written in black ink and is positioned above the typed name and title.

Helen M. Davies, M.S., CPSWQ
Environmental Programs Manager

RESOLUTION NO. 2015-11

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE MAYOR AND CITY
CLERK, TO EXECUTE, ON BEHALF OF THE
CITY, A CONSULTING AGREEMENT WITH
AECOM TO PROVIDE CONSULTANT
SERVICES TO IMPLEMENT CHANNEL
MAINTENANCE

WHEREAS, the City Council has allocated funds for the implementation of channel maintenance; and

WHEREAS, it is a condition of channel maintenance permits to implement pre-maintenance surveys prior to initial maintenance at certain locations; and

WHEREAS, it is also a condition of channel maintenance permits to implement a mitigation plan to offset wetland impacts from channel maintenance activities; and

WHEREAS, AECOM has the expertise and experience to provide the necessary services to assist the City with permit compliance; and

WHEREAS, the City Council deems it in the best public interest to award this contract to AECOM in the amount of \$535,633.

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

1. That the above recitations are true.
2. That the City Council authorizes the Mayor and City Clerk to execute, on behalf of the City, a Consulting Agreement with AECOM in substantially similar form to that which is attached and incorporated to this Resolution as Exhibit "1," and subject to final approval as to form by the City Attorney.



CITY OF ESCONDIDO
CONSULTING AGREEMENT

This Agreement is made this 14th day of January, 2015.

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Helen Davies
760-839-6315
("CITY")

And: AECOM
401 West A Street, Suite 1200
San Diego, CA 92101
Attn: Paula Jacks
(619) 610-7577
("CONSULTANT")

Witness that whereas:

- A. It has been determined to be in the CITY's best interest to retain the professional services of a consultant to implement the conditions of the Regional General Permits for Channel Maintenance. These conditions include the implementation of a mitigation plan and follow up monitoring and report on the mitigation; surveys for archaeological and biological resources; documentation of maintenance activities and associated surveys; and reporting.
- B. The CONSULTANT is considered competent to perform the necessary professional services for CITY;

NOW, THEREFORE, it is mutually agreed by and between CITY and CONSULTANT as follows:

- 1. Services. The CONSULTANT will furnish all of the services as described in "Attachment A" which is attached and incorporated by this reference.
- 2. Compensation. The CITY will pay the CONSULTANT in accordance with the conditions specified in "Attachment A," in the sum of \$535,633. Any breach of this Agreement will relieve CITY from the obligation to pay CONSULTANT, if CONSULTANT has not corrected the breach after CITY provides notice and a reasonable time to correct it. If this Agreement is amended at any time, additional compensation of CONSULTANT contained in subsequent amendment(s) shall not exceed a cumulative total of twenty-five percent (25%) of the maximum payment provided for in this Section 2.

3. Scope of Compensation. The CONSULTANT will be compensated for performance of tasks specified in "Attachment A" only. No compensation will be provided for any other tasks without specific prior written consent from the CITY.
4. Duties. CONSULTANT will be responsible for the professional quality, technical accuracy, timely completion, and coordination of all reports and other services furnished by the CONSULTANT under this Agreement, except that the CONSULTANT will not be responsible for the accuracy of information supplied by the CITY.
5. Personnel. The performance of services under this Agreement by certain professionals is significant to the CITY. CONSULTANT will assign the persons listed on "Attachment B," which is attached and incorporated by this reference, to perform the Services described in Paragraph 1, and will not add or remove persons from the list without the prior written consent of the CITY. If no designation is made, then CONSULTANT may not assign services without obtaining the advance written consent of the CITY. CONSULTANT will not subcontract any tasks under this Agreement without obtaining the advance written consent of the CITY.
6. Termination. Either CONSULTANT or the CITY may terminate this Agreement with thirty (30) days advance written notice.
7. City Property. All original documents, drawings, electronic media, and other material prepared by CONSULTANT under this Agreement immediately becomes the exclusive property of the CITY, and may not be used by CONSULTANT for any other purpose without prior written consent of the CITY.
8. Insurance.
 - a. The CONSULTANT shall secure and maintain at its own cost, for all operations, the following insurance coverage, unless reduced by the City Attorney:
 - (1) General liability insurance. Occurrence basis with minimum limits of \$1,000,000 each occurrence, \$2,000,000 General Aggregate, and \$1,000,000 Products/Completed Operations Aggregate; and
 - (2) Automobile liability insurance of \$1,000,000 combined single-limit per accident for bodily injury and property damage, unless waived as provided in 8(b) below; and
 - (3) Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship; and
 - (4) Errors and Omissions professional liability insurance with minimum coverage of \$1,000,000.
 - b. It is the parties' understanding that the use of a motor vehicle is not a primary subject of this Agreement. CONSULTANT acknowledges that operating a motor vehicle is outside the scope of this Agreement and occurs only at the convenience of the CONSULTANT. A waiver of automobile liability insurance is only effective if both sets of initials appear below, otherwise such insurance is required.

Acknowledged by CONSULTANT _____

Waiver appropriate by CITY _____

- c. Each insurance policy required above must be acceptable to the City Attorney.
 - (1) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A- rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.
 - (2) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
 - (3) Both the General Liability and the Automobile Liability policies must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The CITY includes its officials, employees, and volunteers. The endorsement must be ISO Form CG 20 10 11 85 edition or its equivalent for General Liability endorsements and CA 20 01 for Automobile Liability endorsements.
 - (4) The General Liability policy must include coverage for bodily injury and property damage arising from CONSULTANT's work, including its on-going operations and products-completed operations hazard.
 - (5) The General Liability policy must be primary and noncontributory and any insurance maintained by CITY is excess.
- c. In executing this Agreement, CONSULTANT agrees to have completed insurance documents on file with the CITY within fourteen (14) days after the date of execution. Failure to comply with insurance requirements under this Agreement will be a material breach of this Agreement, resulting in immediate termination at CITY's option.
9. Indemnification. CONSULTANT (which in this paragraph 9 includes its agents, employees and subcontractors, if any) agrees to indemnify, defend, and hold harmless the CITY from all claims, lawsuits, damages, judgments, loss, liability, or expenses, including attorneys' fees, for any of the following:
 - a. Any claim of liability arising out of the negligence or any acts or omissions of CONSULTANT in the performance of this Agreement;
 - b. Any personal injuries, property damage or death that CONSULTANT may sustain while using CITY-controlled property or equipment, while participating in any activity sponsored by the CITY, or from any dangerous condition of property; or
 - c. Any injury or death which results or increases by any action taken to medically treat CONSULTANT.
10. Anti-Assignment Clause. The CONSULTANT may not assign, delegate or transfer any interest or duty under this Agreement without advance written approval of the CITY, and any attempt to do so will immediately render this entire Agreement null and void. Unless CONSULTANT assigns this entire Agreement, including all rights and duties herein, to a third party with the CITY'S written consent, CONSULTANT shall be the sole payee under this Agreement. Any and all payments made pursuant to the terms of this Agreement are otherwise not assignable.
11. Costs and Attorney's Fees. In the event that legal action is required to enforce the terms and conditions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs.

12. Independent Contractor. CONSULTANT is an independent contractor and no agency or employment relationship, either express or implied, is created by the execution of this Agreement.
13. Merger Clause. This Agreement and its Attachments, if any, are the entire understanding of the parties, and there are no other terms or conditions, written or oral, controlling this matter. In the event of any conflict between the provisions of this Agreement and any of its Attachments, the provisions of this Agreement must prevail.
14. Anti-Waiver Clause. None of the provisions in this Agreement will be waived by CITY because of previous failure to insist upon strict performance, nor will any provision be waived by CITY because any other provision has been waived, in whole or in part.
15. 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.
16. Choice of Law. This Agreement is governed by the laws of the State of California. Venue for all actions arising from this Agreement must be exclusively in the state or federal courts located in San Diego County, California.
17. Multiple Copies of Agreement/Counterparts. Multiple copies and/or counterparts of this Agreement may be executed, including duplication by photocopy or by computerized scanning device. Each duplicate will be deemed an original with the same effect as if all the signatures were on the same instrument. However, the parties agree that the Agreement on file in the office of the Escondido City Clerk is the copy of the Agreement that shall take precedence should any differences exist among copies or counterparts of the document.
18. Provisions Cumulative. The foregoing provisions are cumulative and in addition to and not in limitation of any other rights or remedies available to the CITY.
19. Notices to Parties. Any statements, communications or notices to be provided pursuant to this Agreement must be sent to the attention of the persons indicated below. Each party agrees to promptly send notice of any changes of this information to the other party, at the address first above written.
20. Business License. The CONSULTANT is required to obtain a City of Escondido Business License prior to execution of this Agreement.
21. Compliance with Applicable Laws, Permits and Licenses. CONSULTANT shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules in effect during the term of this Agreement. CONSULTANT shall obtain any and all licenses, permits, and authorizations necessary to perform services set forth in this Agreement. Neither CITY, nor any elected nor appointed boards, officers, officials, employees, or agents of CITY shall be liable, at law or in equity, as a result of any failure of CONSULTANT to comply with this section.
22. Immigration Reform and Control Act of 1986. CONSULTANT shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONSULTANT affirms that as an employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will be employed on

this public project. CONSULTANT agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

IN WITNESS WHEREOF, the parties below are authorized to act on behalf of their organizations, and have executed this Agreement as of the date set forth below.

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

Diane Halverson
City Clerk

AECOM

Date: _____

Terri Fenner

Principal

(The above signature must be notarized)

APPROVED AS TO FORM:

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

By: _____

THE CITY OF ESCONDIDO DOES NOT DISCRIMINATE AGAINST QUALIFIED PERSONS WITH DISABILITIES.



AECOM
401 West A Street
Suite 1200
San Diego, CA 92101
www.aecom.com

619.610.7600 tel
619.610.7601 fax

December 11, 2014

Alicia Appel
Utilities Administration Division
City of Escondido
201 North Broadway
Escondido, California 92025

**Subject: Regional General Permit for Channel Maintenance Activities –
Implementation Phase**

Dear Ms. Appel:

The regulatory and habitat restoration professionals at AECOM Technical Services, Inc. (AECOM) are pleased to respond to your request to assist the City of Escondido (City) with activities that will be required following issuance of your Regional General Permit (RGP), 401 Water Quality Certification, and Streambed Alteration Agreement for channel maintenance activities. Issuance of these agency authorizations is anticipated by early January 2015, upon which the City must proceed with installation of a mitigation plan and may begin the maintenance activities authorized by the permits. Many of the activities will require monitoring for biological and/or cultural resources.

Our proposed scope of work is provided in Attachment 1, which includes a description of the services expected to be necessary within the 24-month period following permit issuance, including a data management support task that you requested.

- Task 1 - Project Management
- Task 2 - Wetland Mitigation Plan Implementation
- Task 3 - On-Call Pre-Activity Surveys
- Task 4 - Resource Monitoring during Channel Maintenance Activities
- Task 5 - Permit Compliance Support

The level of effort associated with each task is provided in detail in Attachment 2. All work will be billed on a time-and-materials basis. The rates shown in Attachment 2 are effective through December 2016.

We remain committed to providing the City with quality and timely support to meet your needs. Please call if you have any questions regarding this contract amendment.

Respectfully,

Teri Fenner
Principal

Paula Jacks
Project Manager

Attachments: 1 – Scope of Work
2 – Estimated Cost Detail

ATTACHMENT 1

**CITY OF ESCONDIDO
REGIONAL GENERAL PERMIT FOR CHANNEL MAINTENANCE ACTIVITIES
IMPLEMENTATION PHASE
December 2014**

The following scope of work pertains to services that will be required following issuance of the Regional General Permit (RGP), programmatic 401 Water Quality Certification, and Streambed Alteration Agreement for channel maintenance activities, from respectively, the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and the California Department of Fish and Wildlife (CDFW).

SCOPE OF WORK

Issuance of the RGP, the programmatic 401 Water Quality Certification, and the Streambed Alteration Agreement are all anticipated by early January 2015. Upon permit issuance, the City of Escondido (City) must proceed with installation of a mitigation plan and may begin the maintenance activities authorized by the permits. This scope of work includes project management services, wetland mitigation plan implementation, on-call pre-activity surveys, follow-up focused biological surveys, resource monitoring during maintenance activities, and permit compliance support. These services and associated assumptions are described below.

TASK 1 – PROJECT MANAGEMENT

The services described herein apply to a 24-month period following permit issuance. During this time period, project management services would include a minimum of monthly conference calls with the City, coordination for internal meetings, budget control, preparation of status reports, and other related project management activities.

Task 1 Assumptions:

- Up to two AECOM staff will participate in 24 monthly conference calls.
- AECOM's project manager and up to two specialists (resource or restoration) will attend one kick-off meeting with the City to discuss program implementation services.

TASK 2 – WETLAND MITIGATION PLAN IMPLEMENTATION

Following the anticipated permit issuance by early January 2015, implementation of the mitigation program would begin in 2015. Container plant procurement or propagation and seed procurement or collection can begin in early 2015. Exotic plant removal within the Kit Carson Park mitigation site would not proceed until late summer/fall of 2015 (after bird nesting season). To promote successful establishment of container plants and germination of seed, the planting phase should occur during cooler, moister weather in the fall/winter of 2015. Assuming the implementation phase planting and seeding work is completed in December 2015, Year 1 post-installation maintenance and monitoring would extend until December 2016.

The scope of work described below is for implementation of wetland/riparian mitigation within the designated 4.44-acre site in Kit Carson Park in accordance with the *Wetland/Riparian Mitigation and Monitoring Plan for the City of Escondido Channel Maintenance Activities*

(AECOM 2013) and post-installation maintenance and monitoring for Year 1 of the 5-year program required by USACE, RWQCB, and CDFW. This mitigation implementation scope is divided into four subtasks: (1) Exotic Plant Removal, (2) Native Plant Installation, (3) Year 1 Maintenance, and (4) Year 1 Monitoring and Reporting, as described below.

2.1 – Exotic Plant Removal (2015)

Invasive non-native monocots, shrubs and exotic trees must be removed from the 4.44 acre mitigation site. AECOM habitat restoration field personnel will remove arundo and other invasive exotics within designated restoration areas (approximately 0.6 acre), and scattered exotics within designated enhancement areas (approximately 3.84 acres) as specified in the mitigation plan. Initial removal will include above-ground cutting and follow-up treatment with herbicides for certain species. To maximize efficiency and safety, AECOM proposes a tree removal company subcontractor, Tree Barber Enterprises, Inc. (CA License #455993), to remove 48 exotic trees (eucalyptus, Mexican fan palm, and Canary Island palm) within the mitigation site. Exotic trees will be stump cut and root masses will be left in place. Work areas will be properly marked and monitored to ensure the public is notified of the temporary activities and kept outside work areas. Cut exotic plant debris, including trees, will be removed and properly disposed of off-site. This work will include temporary placement of dumpsters near the mitigation area for disposal of exotic plant material. It is anticipated this work will occur over a 1 to 2-month period.

2.2 – Native Plant Installation (2015 and 2016)

Once initial exotic plant removal is completed, AECOM will proceed in the fall/winter months (between December 2015 and January 2016) with container plant installation and seeding within the designated restoration areas that total 0.6 acre. AECOM will provide the plant and seed material specified in the mitigation plan. If a small excavator can be driven to the designated restoration areas and existing native plants can be adequately avoided in route, an excavator would be used to dig planting holes within the remaining arundo rhizomes/root mass. Otherwise, planting holes will be dug by hand. Since an automated irrigation system is purposefully not specified, AECOM will hand-water container plants during installation. Based on input from the City, AECOM will be able to coordinate with the City to obtain water at no cost from a point of connection within the park and AECOM will not be required to establish a new meter. The remaining 3.84 acres of the mitigation site where scattered exotics will be removed (i.e., enhancement mitigation areas) are not specified to receive container plants and seed.

The AECOM habitat restoration field team will typically include a crew of five staff members, including a crew lead. An AECOM restoration ecologist will inspect the site periodically, oversee implementation activities, and document the completion of specified activities. Once implementation has been successfully completed, AECOM will write an installation documentation letter report with as-built information (identifying any changes made from the plan) for submittal to the City and the three permitting agencies: USACE, RWQCB, and CDFW. The completion of installation will mark the beginning of the agency-required post-installation 5-year maintenance and monitoring program.

2.3 – Year 1 Maintenance (December 2015 through December 2016)

During post-installation Year 1 (anticipated between December 2015 and December 2016), AECOM will provide maintenance services including weed control, erosion control, trash and debris removal, container plant care, temporary irrigation, and replanting/reseeding to meet

project Year 1 success standards. AECOM will also assist with site protection including signage and temporary fencing (e.g., silt fencing) as needed. In accordance with the mitigation plan, a minimum of 12 maintenance visits will be conducted in Year 1.

Weed control will focus on treatment of invasive exotics (resprouts or new volunteers) within the 4.44-acre site and removing weeds within and adjacent to container plant basins. Weeds, including invasive exotics, will be hand-pulled, and cut and treated with herbicide or just treated with herbicide. Herbicides applied by AECOM will be done by our in-house licensed applicators under the supervision of our in-house licensed Pest Control Advisor, and will be used judiciously in accordance with label instructions and in compliance with County and state requirements. Weed debris will be properly disposed of off-site.

Hand-watering of container plants will be conducted to support their survival and establishment. The frequency and schedule of hand-watering will be adjusted during Year 1 depending on factors such as plant size and health, and weather conditions. This scope includes replanting and/or supplemental planting of container plants and application of additional seed to meet the Year 1 success standards of 100% container plant survival and at least 20% native cover in the restoration areas. Sediment transport from stream flows within a wetland/riparian system is a natural process; however, AECOM will address significant erosion problems (e.g., gullies) that may occur. Depending on an erosion problem, AECOM will primarily use organic, biodegradable fiber rolls, erosion control matting, and mulch.

2.4 – Year 1 Monitoring and Reporting (2016)

During post-installation Year 1, AECOM restoration ecologists will also conduct qualitative and quantitative monitoring, and reporting in accordance with the mitigation plan. Qualitative horticultural monitoring will focus on container plant health, seed germination rates, presence of native and nonnative (weed) species, any significant disease or pest problems, and erosion problems. An important component of this monitoring is coordination with the AECOM habitat restoration field crew to exchange information, provide feedback, and agree on priority maintenance items and remedial measures, if needed, during different times of the year. In accordance with the mitigation plan, qualitative monitoring will occur eight times during Year 1 (monthly the first 4 months and every other month during the last 8 months).

Quantitative botanical monitoring will include data collection along up to ten 10- to 20-meter point-intercept transects within the restoration areas to determine total cover and relative cover of individual species using the California Native Plant Society field sampling protocol, and annual container plant survival counts. Data collection along the transects will occur between May and June to record an accurate representation of perennial and annual herbaceous plants on-site. Photographic documentation of the habitat at each transect will also be conducted. Container plant survival counts will be performed in the summer/early fall, so time is available to obtain appropriate replacement plants and install them in the fall.

Also in accordance with the mitigation plan, a California Rapid Assessment Method (CRAM) survey will be conducted at the time of installation and at the end of post-installation Year 1 to assess the ecological condition of the mitigation site compared to a reference site in the park with good quality wetland/riparian habitat (the reference site will only receive one CRAM survey). CRAM is a rapid, scientifically defensible method to assess ecological attributes including biotic structure, physical structure, hydrology, and buffer and landscape context.

AECOM restoration ecologists will prepare succinct quarterly memorandums for submittal to the City that will review the primary maintenance and monitoring activities, site conditions, and any remedial measures. AECOM will also prepare the Year 1 annual monitoring report that will review qualitative and quantitative monitoring results, CRAM survey assessment scores, progress of the site relative to success standards, and any remedial measures. The report will also include permanent viewpoint photographs. AECOM will submit a draft of the report to the City for review. The final Year 1 report approved by the City will be submitted to the City and resource agencies.

Task 2 Assumptions:

- Dumpster costs and off-site disposal fees for biomass removal of the 48 exotic trees, arundo, and other invasive exotics are included in the proposal cost.
- The City will provide a water connection within the park and water at no cost to AECOM for the mitigation work.
- Year 2 through Year 5 post-installation maintenance and monitoring are not included in this scope of work.

TASK 3 – ON-CALL PRE-ACTIVITY SURVEYS (2015 and 2016)

Following issuance of the RGP, programmatic 401 Water Quality Certification, and Streambed Alteration Agreement for channel maintenance activities, AECOM will conduct pre-activity surveys as described below on an on-call basis during the proposed 24-month contract period.

3.1 – Pre-Activity Biological Surveys

AECOM will provide qualified biologists to conduct pre-activity surveys at up to 63 sites where the City plans to conduct maintenance activities. Pre-activity surveys will confirm site conditions, assess micro-habitat conditions for federally listed species (i.e., San Diego ambrosia, least Bell's vireo, and coastal California gnatcatcher), identify potential for nesting migratory birds and raptors, identify potential for roosting bats, document bankfull width and depth (for earthen channels), and identify and flag avoidance areas (e.g., if rare plant populations are detected). A pre-activity survey report (PSR) will be prepared for each site following the pre-activity survey to document results. The PSR will be brief (approximately 2 to 4 pages) and consistent with the format developed under Task 4 below, or as provided by the City.

Based on agency precedent, pre-activity survey results are generally valid for 30 days. Repeat pre-activity surveys may be required if the operations and maintenance (O&M) activity does not occur within 30 days from the date of the most recent pre-activity survey. This scope assumes that the majority of O&M activities can be conducted within 30 days of the pre-activity survey; thus, repeat pre-activity surveys would not be required for most sites. However, to account for unforeseen delays in the timely execution of all O&M activities, repeat pre-activity surveys at up to six sites are included in this scope of work. As needed, the PSR prepared for the original pre-activity survey will be updated.

3.2 – Focused San Diego Ambrosia Surveys (Typically April to October, 2015 or 2016)

Although the San Diego ambrosia has not been documented within or adjacent to known proposed maintenance areas, approximately 0.5 acre of potential ambrosia habitat (i.e., alkali seep, cismontane alkali marsh, coastal and valley freshwater marsh, disturbed wetland, and

disturbed habitat) has been mapped as occurring within maintenance sites. Per conditions that are included in the U.S. Fish and Wildlife Services' (USFWS) informal consultation letter for the project, if ambrosia is detected within maintenance footprints and cannot be avoided, O&M activities within that site would need to be postponed and consultation with USFWS reinitiated. To minimize such delays, this scope includes focused surveys at the 27 maintenance sites preliminarily identified to support suitable San Diego ambrosia habitat. Focused surveys will be conducted by a qualified botanist during this species' blooming period (generally April through October) to maximize detection. Per USFWS Guidelines, results of focused surveys for listed plant species are valid for 3 years. A brief (approximately 5 to 8 pages) botanical technical memorandum documenting the methodology employed and survey findings will be prepared for the City to include in its annual reporting required by the RGP.

3.3 – Focused Bird Surveys (Typically February 15 to September 15, 2015 or 2016)

Where suitable avian nesting habitat is present within maintenance limits and/or an adjacent 500-foot buffer and the O&M activity cannot be scheduled outside the avian breeding season (February 15 through September 15), then additional surveys would be required before maintenance activities may begin, including a nesting bird survey and/or focused surveys for listed bird species. This scope assumes that the majority of O&M activities can be scheduled to occur outside the avian breeding season; however, where this is not feasible, avian-specific pre-activity surveys would be required. The scope for these surveys is discussed below.

3.3.1 – Nesting Bird Surveys

Nesting bird surveys will be performed by a qualified ornithologist. The ornithologist will survey for active nests within suitable nesting habitat for migratory birds and raptors within maintenance limits and/or an adjacent 500-foot buffer. If an active nest is detected, the ornithologist will establish a buffer (approximately 300 feet for passerines and 500 feet for raptors) around the nest with flagging. No work would be permitted within the buffer until the nest is no longer active. Nesting bird surveys must be performed within 3 days prior to removing any vegetation or structures. A brief (approximately 2 pages) technical memorandum documenting the methodology employed and survey findings will be prepared for the City to include in its annual reporting required by the RGP.

3.3.2 – Listed Bird Surveys

Listed bird surveys will be performed by a qualified ornithologist where suitable nesting habitat for least Bell's vireo and coastal California gnatcatcher (as determined during the pre-activity survey) occurs within maintenance limits and/or an adjacent 500-foot buffer. The ornithologist will conduct focused surveys for listed bird species during three separate visits (on separate days), with the final visit being not more than 3 days prior to the maintenance activity. These three survey visits will supersede the pre-activity nest surveys described above. If listed bird species are detected, AECOM will assist the City in coordinating with USFWS (within 24 hours) to develop and implement appropriate avoidance and minimization measures (including potential avoidance of the breeding season). A brief (approximately 2 pages) technical memorandum documenting the methodology employed and survey findings will be prepared for the City to include in its annual reporting required by the RGP.

Task 3 Assumptions:

- Pre-activity surveys at up to 63 sites will be conducted.
- One qualified biologist will conduct each pre-activity survey. It is assumed that one qualified biologist will survey up to six facilities in one 9-hour day (including travel). Therefore, a total of 10 days (9-hour days) are assumed to conduct one pre-activity survey at each of the 63 facilities. Surveying multiple sites per day allows for mobilization efficiencies. Additional time is assumed for coordination, data organization, PSR preparation, and geographic information system (GIS) support (80 hours total).
- Due to unforeseen delays in the timely execution of all O&M activities, up to six repeat pre-activity surveys may be required. A total of six 5-hour days are assumed to conduct repeat pre-activity surveys at six different sites and update, as needed, the PSR.
- Focused San Diego ambrosia surveys will be conducted at up to 27 sites. It is assumed that one qualified botanist will survey approximately six facilities in one 9-hour day (including travel). Therefore, a total of 4 days (9-hour days) are assumed to conduct these surveys at 27 sites. Additional time is assumed for data organization, technical memorandum preparation, and GIS support (18 hours total).
- Nesting bird surveys will be required at up to 15 sites (roughly one-quarter of the 63 sites) where maintenance work could not be scheduled to avoid the avian breeding season. One (1) wildlife biologist will conduct each nesting bird survey. Four (4) hours are assumed for each nesting bird survey (including travel). Additional time is assumed for coordination, data organization, technical memorandum preparation, and GIS support (50 hours total).
- Focused surveys for listed bird species will be required at up to seven sites (roughly one-quarter of the 29 facilities with suitable habitat for least Bell's vireo and coastal California gnatcatcher) where maintenance work could not be scheduled to avoid the avian breeding season. One wildlife biologist will conduct each focused survey for listed bird species. Four (4) hours are assumed for each focused survey for listed bird species (including travel). Each site will require three separate focused surveys; thus, a total of 12 hours are assumed for each site (including travel). Additional time is assumed for coordination, data organization, technical memorandum preparation, and GIS support (28 hours total).

TASK 4 – RESOURCE MONITORING DURING CHANNEL MAINTENANCE ACTIVITIES (Various times 2015 and 2016)

AECOM will conduct as-needed resource monitoring during channel maintenance activities for both biological resources and cultural resources.

4.1 – Biological Monitoring

AECOM will provide a qualified biologist to oversee O&M activities at facilities where sensitive biological resources are present, as determined during pre-activity surveys (see Task 3.1). The qualified biologist will monitor the maintenance work and document compliance with conservation measures noted in agency authorizations (e.g., USFWS informal Section 7 consultation letter) and those identified in the City's Mitigation Monitoring and Reporting Program (MMRP). For each site, the qualified biologist will lead a brief environmental awareness program to educate workers on potentially occurring sensitive resources and

conservation measures applicable to each facility. Materials utilized for biological monitoring will consist of the site-specific forms and mapping previously prepared for permitting and pre-activity surveys. Other than the daily log (see below) no new materials will be prepared for monitoring work. The qualified biologist will maintain communications (in-person, email, and/or phone) with the appropriate personnel (project manager, resident engineer, project foreman) to apprise the City of monitoring schedule and ensure that issues relating to jurisdictional waters and other biological resources are appropriately and lawfully managed. The qualified biologist will maintain a daily log to document activities and compliance with permit or other conservation measures. Daily logs will be submitted to the City via email on a weekly basis for the City to include in its annual report to the agencies.

4.2 – Cultural Monitoring

AECOM will provide a qualified archaeologist meeting the Secretary of the Interior's Standards for professional archaeology to carry out all mitigation measures related to cultural resources for the maintenance activities authorized under the RGP. Under the supervision of the qualified archaeologist, an archaeological monitor will observe initial ground-disturbing activities for the 18 earthen facilities that were inaccessible and/or inadequately surveyed during pre-activity pedestrian survey efforts (Table 4.2-1). Monitoring will be conducted in accordance with the requirements and protocols outlined in the *Monitoring and Discovery Plan for the Escondido Regional General Permit Project* prepared by AECOM (September 2012). If no resources are found during initial monitoring efforts, this information will be submitted to the City and the facility will be released from future monitoring requirements. The qualified archaeologist will maintain a daily log to document activities. Daily logs will be submitted to the City via email on a weekly basis for the City to include in its annual report to the agencies.

**Table 4.2-1
 Facilities that Require Cultural Resources Monitoring**

| Facility ID | Structure Type | Maintenance Activities | Estimated Impacts (Acres) |
|-------------|----------------|--------------------------------|---------------------------|
| E-02 | Channel | Removal of silt and vegetation | 0.0419 |
| E-03 | Outlet | Removal of silt and vegetation | 0.0092 |
| E-05 | Outlet | Removal of silt and vegetation | 0.0496 |
| E-06 | Outlet | Removal of silt and vegetation | 0.0579 |
| E-12 | Culvert | Removal of silt and vegetation | 0.0615 |
| E-17 | Inlet | Removal of silt and vegetation | 0.2608 |
| E-18 | Outlet | Removal of silt and vegetation | 0.0799 |
| E-19 | Inlet | Removal of silt and vegetation | 0.1267 |
| E-20 | Channel | Removal of silt and vegetation | 0.6657 |
| E-21 | Channel | Removal of silt and vegetation | 0.0301 |
| E-29 | Outlet | Removal of silt and vegetation | 0.0523 |
| E-30 | Inlet | Removal of silt and vegetation | 0.0496 |
| E-40 | Channel | Removal of silt and vegetation | 0.0765 |
| H-08 | Outlet | Removal of silt and vegetation | 0.0367 |
| H-09 | Channel | Removal of silt and vegetation | 0.0824 |
| H-10 | Outlet | Removal of silt and vegetation | 0.0367 |

| Facility ID | Structure Type | Maintenance Activities | Estimated Impacts (Acres) |
|-------------|----------------|--------------------------------|---------------------------|
| H-11 | Inlet | Removal of silt and vegetation | 0.0367 |
| SM-03 | Channel | Removal of silt and vegetation | 0.0582 |

Task 4 Assumptions:

- Based on the developed conditions at 11 of the 63 facilities, this scope assumes that a qualified biologist will be required to oversee O&M activities at the remaining 52 facilities. It is assumed that most O&M activities can be completed within one a single day; however, to account for activities that span multiple days, this scope includes a total of 75 monitoring days by a qualified biologist (one biologist per day). The qualified biologist will remain on-site while activities are within or adjacent to natural habitats, and to monitor that work within jurisdiction waters remains within authorized limits. This scope assumes that the qualified biologist will require an average of 8 hours each day for monitoring services (including travel, data organization, and daily log preparation). Therefore, this scope includes up to 600 hours (8-hour day X 75 monitoring days) for biological monitoring.
- No more than 18 facilities (listed above) will require monitoring for cultural resources.
- Due to the need to have an archaeologist monitor all ground disturbance at the 18 facilities, 1 day of monitoring per facility is assumed (for up to 8 hours per facility).
- No cultural resources are anticipated to be found. Additional charges may apply if resources are discovered.
- Monitoring results will be summarized in a memorandum and submitted to the City via email with monitoring logs attached.
- No Native American monitor and/or coordination is included.

TASK 5 – PERMIT COMPLIANCE SUPPORT (2015 and 2016)

AECOM will support the City with permit compliance. AECOM will be advisory to the City (as needed) to ensure the City is fulfilling requirements listed in the permits. This may include reviewing reports, data tracking for the RGP, assessing new sites (in addition to the 63 sites identified in the permits), or other services requested by the City.

As part of the permit compliance support services, AECOM will assist the City in preparing an appropriate PSR format for use by AECOM and future contractors following pre-activity surveys. A standardized PSR format will facilitate annual reporting to the agencies and is expected to include site I.D., location, facility type, City points-of-contact, and fields for recording site-specific vegetative or other cover updates; micro-habitat conditions for federally listed species; potential for nesting migratory birds and raptors or roosting bats; earthen channel bankfull width and depth; relevant avoidance areas; and photo-documentation, among other information required by the permits.

Also as part of the permit compliance support services, AECOM will assist the City in evaluating new sites where O&M activities (similar in nature to activities to be authorized under the RGP) are determined necessary.

Task 5 Assumptions:

- Support services for data tracking and reporting have an estimated budget of approximately \$9,400; representative hours are shown in Attachment 2.
- Support services for the field evaluation of new sites will include a field delineation of jurisdictional waters, vegetation mapping, and habitat characterization. In addition, site-specific reporting consistent with the work that was conducted for each of the 63 known sites will be prepared, i.e., site form, a map of the resources within the maintenance limits and buffer, a minimum of two date-stamped digital photographs, and wetland delineation form. For the annual report to USACE, one preliminary jurisdictional determination (PJD) form will also be prepared. These services (labor) have an estimated budget of approximately \$20,696; representative hours for this budget are shown in Attachment 2. Representative expenses (travel) are also shown in Attachment 2.

PERIOD OF PERFORMANCE

A 24-month period of performance is associated with the services described herein. Work is anticipated to begin January 2015 and would extend through December 2016.

COST SUMMARY

The estimated cost to conduct all services described herein is summarized below.

| Task | Cost |
|---|------------------|
| 1 – Project Management | \$27,420 |
| 2 – Wetland Mitigation Plan Implementation | \$314,789 |
| 3 – On-Call Pre-Activity Surveys | \$64,120 |
| 4 – Resource Monitoring during Channel Maintenance Activities | \$98,484 |
| 5 – Permit Compliance Support | \$30,821 |
| Total: | \$535,633 |

The level of effort associated with each task is provided in detail in Attachment 2.

All work will be billed on a time-and-materials basis. Billing rates are valid through December 2016.

Attachment 2. Estimated Cost Detail (Other Direct Costs)

| Object Description | Unit | Unit Cost | TASK 1 - Project Management | | TASK 2 - Wetland Mitigation Plan Implementation | | TASK 3 - Critical Pre-Activity Surveys | | TASK 4 - Resource Monitoring During Channel Maintenance Activities | | TASK 5 - Permit Compliance Support | | Totals | |
|------------------------------------|------------|------------|-----------------------------|---------------------|---|------------------------|--|-----------------------|--|-----------------------|------------------------------------|------------------------|----------|----------------------|
| | | | Quantity | Total | Quantity | Total | Quantity | Total | Quantity | Total | Quantity | Total | Quantity | Total |
| Photocopying and Reproduction | LS | \$1.00 | 20 | \$20.00 | 10 | \$10.00 | 60 | \$60.00 | 12 | \$12.00 | | | 222 | \$222.00 |
| Rental Vehicle | Day | \$90.00 | 1 | \$90.00 | 12 | \$1,080.00 | 12 | \$1,080.00 | 93 | \$8,370.00 | 6 | \$540.00 | 238 | \$21,420.00 |
| Gas (RT to Escondido) | LS | \$20.00 | 1 | \$20.00 | 12 | \$240.00 | 20 | \$400.00 | 56 | \$1,120.00 | 6 | \$120.00 | 238 | \$4,760.00 |
| Equipment Rental | Day | | 5 | \$1,900.00 | | | | | | | | | 5 | \$1,900.00 |
| Erosion Control Wall | LS | \$30.00 | 30 | \$900.00 | 10 | \$300.00 | 8 | \$240.00 | | | | | 48 | \$1,440.00 |
| Container Plants | Gal | \$8.00 | | | 600 | \$4,800.00 | 120 | \$960.00 | | | | | 720 | \$5,760.00 |
| Compost/soil | Bag | | | | 120 | \$960.00 | 30 | \$240.00 | | | | | 150 | \$1,200.00 |
| Herbicides, Aggravants & Dye (gal) | Gal | \$75.00 | | | | | 24 | \$1,800.00 | | | | | 42 | \$3,150.00 |
| Dump fees/ Biomass removals | 40 yd Dump | \$600.00 | | | | | 2 | \$1,200.00 | | | | | 26 | \$15,600.00 |
| Excavator | LS | \$1,200.00 | | | 2 | \$2,400.00 | | | | | | | 2 | \$2,400.00 |
| Construction fencing/Silt fence | LS | \$1,000.00 | | | 1 | \$1,000.00 | | | | | | | 1 | \$1,000.00 |
| Seed (broadcast) | LS | \$1,000.00 | | | 1 | \$1,000.00 | 1 | \$500.00 | | | | | 2 | \$1,500.00 |
| 9% Markup | NA | | | \$10.40 | | \$943.20 | | \$112.00 | | \$619.36 | | \$52.80 | NA | \$4,796.16 |
| | | | | Subtotal = \$140.40 | | Subtotal = \$12,733.20 | | Subtotal = \$7,732.80 | | Subtotal = \$6,706.80 | | Subtotal = \$11,061.36 | | Subtotal = \$712.80 |
| | | | | | | | | | | | | | | Totals = \$47,431.16 |

ATTACHMENT B

**CITY OF ESCONDIDO
 REGIONAL GENERAL PERMIT FOR CHANNEL MAINTENANCE ACTIVITIES
 IMPLEMENTATION PHASE**

KEY STAFF

The following AECOM staff and the subcontractor identified below will support the City of Escondido for the tasks specified in Attachment A.

| AECOM | Role | Billing Category |
|---|--|---|
| Paula Jacks | Project Manager | Biologist V |
| Jim Prine | Senior Restoration Specialist | Biologist V |
| Christy Dolan | Director, Cultural Resources | Senior Director |
| Stephanie Jow | Senior Archaeologist/Architectural Historian | Archaeologist/Architectural Historian III |
| Collin Recksieck | Archaeologist/Architectural Historian | Archaeologist/Architectural Historian I |
| Mark Roll | Regulatory Specialist/Biologist | Biologist III |
| Julie Stout | Botanist/Biologist | Biologist III |
| Bonnie Hendricks Morgal | Botanist/Biologist | Biologist III |
| Fred Sproul | Botanist/Biologist | Biologist II |
| Andrew Fisher | Wildlife Biologist | Biologist II |
| Brennan Mulrooney | Wildlife Biologist | Biologist I |
| Jimmy McMorran | Wildlife Biologist | Biologist I |
| Aaron Andrews | Restoration Specialist | Biologist II |
| Julia Groebner | Restoration Specialist | Biologist II |
| Alonso Gonzalez Cabello | Restoration Specialist/Data Management | Biologist II |
| Scott Rose | Restoration Specialist | Biologist I |
| Roman Mendoza | Restoration Field Leader | Field Leader |
| Jean-Luc Brullot | Restoration Field Leader | Field Leader |
| Ramiro Delabra | Field Crew | Field Crew |
| Andrian Mendoza | Field Crew | Field Crew |
| Romoaldo Cardenas Romero | Field Crew | Field Crew |
| Peter Augello | GIS Specialist | GIS Specialist II |
| Justin Sorensen | GIS Specialist | GIS Specialist I |
| Therese Tempereau | Technical Editor | Technical Editor II |
| Robin Rice | Word Processor | Word Processor I |
| Shannon Race | Finance Administrator | Project Controls |
| Tree Barber Enterprises, Inc. (CA License #455993) | | |



FUTURE CITY COUNCIL AGENDA ITEMS
January 8, 2015

AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE. CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617

January 21, 2015
No Meeting (MLK Holiday)

January 28, 2015
No Meeting (SANDAG)



City Manager's **WEEKLY UPDATE** to City Council

January 7, 2015

SPECIAL EVENTS

No special events scheduled.

COMMUNITY DEVELOPMENT

Planning:

- Maple Street Plaza is highlighted in an interactive map prepared by SANDAG to showcase projects completed by the jurisdictions using Smart Growth Incentive and Active Transportation Grant Program funds: www.keepsandiegomoving.com/grants.
- Chick-Fil-A at 1290 Auto Park Way will hold a grand opening event on Jan. 14-15th. A description of their proposed activities is attached.
- Major Projects Update:
 - Oak Creek (NUW) – The consultant continues to prepare draft responses to comments on the Draft EIR, which are reviewed by staff as they become available. The Final EIR is anticipated to be submitted by the end of the week in anticipation of a tentative Planning Commission hearing date on January 27th.
 - Amanda Lane (NUW) – The Draft Mitigated Negative Declaration (MND) has been released for a 30-day public review period which ends on January 21, 2015; it can be reviewed at:
 - <http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/AmandaEstates/DraftMitigatedNegativeDeclaration.pdf>. The Planning Commission hearing is tentatively scheduled for February 24th.
 - Centerpointe 78 Commercial – The Draft EIR remains on hold at the applicant's request pending resolution of traffic mitigation requirements. The applicant is evaluating potential improvements negotiated with Caltrans regarding redesign of the Broadway/SR 78 intersection (within Caltrans jurisdiction) to avoid relocation of underground utility vaults along with improvements to accommodate pedestrian and bicycle movements.
 - North Broadway Deficiency Area Projects – The Pickering annexation is anticipated to be considered by LAFCO in March 2015. The application for the Zenner annexation and 40-unit subdivision remains incomplete pending resolution of potential condemnation issues, and the design of on and offsite utility improvements which need to be evaluated as part of the development agreement negotiations and associated environmental review. Staff is also working with the anticipated developer regarding a comprehensive grading plan and associated design changes with the

City Manager's **WEEKLY UPDATE** to City Council

goal of achieving substantial conformance with the approved tentative maps for the properties east of Ash Street, as anticipated in the development agreements. Staff design review comments have been provided for the proposed production homes.

- Zak Planned Development (2412 S. Escondido) – The applicant's engineer has submitted revised improvement plans for the approved 76-unit condominium project; the plans are under review. The fee estimate has been provided.
- Kaen Planned Development – The proposed application for 70-unit planned development at 2516 S. Escondido Blvd. remains incomplete pending resolution of design issues regarding fire standpipes, storm water, and utility improvements; a specific concern is the applicant's proposal to provide private onsite water and sewer lines to be maintained by an HOA (instead of public utilities). Other issues under discussion include the proposed relaxation of code standards through the PD process; area plan amendment to allow all residential use; quality of the architectural design and unit type; and adequacy of guest parking.

Building Division (December 21, 2014 – January 3, 2015):

- Attached is the monthly building report for December.
- The holiday slowdown hit the Building Division during the past two weeks. Only 63 permits were issued during this two week period for a total valuation of \$506,451. Of the 63 permits issued, 22 were residential roof top solar permits.
- Inspections and counter contacts were down this week with average daily inspections of 19 and average daily counter contacts of 19.
- Photovoltaic permits continue to dominate the permit activity for the two week period with 22 permits issued. Building issued 794 photovoltaic permits for the 2014 year compared to 456 issued in 2013.
- The Building Division has approved the plans for a new 76 unit condominium project at 2412 S. Escondido Blvd. Planning, Engineering and Fire approval needed prior to permit issuance.
- Construction activity and inspections are continuing at the Monticello assisted living facilities at 930 Monticello Dr.
- A demolition permit was issued for the former DC furniture store at 1107 E. Valley Parkway. Demolition is anticipated to be completed within a few days.

CAPITAL IMPROVEMENTS

The Jesmond Dene Ball Field Lights:

All of the product submittals have been completed and approved by the design engineer. The contractor confirmed the light poles are scheduled for a Monday, January 19, delivery.

2014/2015 Street Rehabilitation Project:



City Manager's **WEEKLY UPDATE** to City Council

The City received 5 sealed bids for the project on Thursday December 18; the contractor will have 55 days from the date specified in the Notice to Proceed. The project will be presented to council on Wednesday, January 7 for approval.

Maple Street Fountain:

Repairs have been completed on the fountain electrical system and the fountain has been reactivated this week. Adjustments are needed in the height of the water jets, the contractor should have these adjustments made in the coming days. The redesigned collection system to control water runoff is 100 percent successful.

Private Development

Bear Valley Parkway between Boyle Avenue and San Pasqual Road, County Project:

The construction of the city's new 24" water main has resumed between Idaho Avenue and San Pasqual Valley Road. Storm Drain and Dry Utility installation is continuing along Bear Valley Parkway between Boyle Avenue and Idaho Avenue.

PUBLIC SAFETY

Police:

The Facebook post of an Escondido police car covered in snow was viewed over 12,000 times and was their third most popular post on social media.

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CITY OF ESCONDIDO MONTHLY PERMIT ACTIVITY REPORT - DECEMBER 2014

| DESCRIPTION | MTD UNITS | MTD PERMITS | CURRENT YEAR MTD VALUE | PRIOR YEAR MTD VALUE | YTD UNITS | PRIOR YEAR YTD UNITS | YTD PERMITS | PRIOR YEAR YTD PERMITS | CURRENT YEAR YTD VALUE | PRIOR YEAR YTD VALUE |
|---------------------------------------|-----------|-------------|------------------------|----------------------|-----------|----------------------|-------------|------------------------|------------------------|----------------------|
| RESIDENTIAL | | | | | | | | | | |
| Single Family Dwelling | | | | | 15 | 8 | 15 | 8 | 2,642,255 | 1,722,102 |
| Townhouse | | | | 1,518,681 | 25 | 59 | 4 | 10 | 2,682,072 | 6,545,226 |
| Duplex | 1 | 1 | 254,294 | | 11 | 1 | 11 | 1 | 1,363,009 | 109,854 |
| Triplex | | | | | | | | | | |
| Four Units | | | | | | | | | | |
| Five or more Units | | | | | 1 | | 1 | | 6,572,596 | |
| Condominiums | | | | | | | | | | |
| Mobilehome Parks | | | | | | | | | | |
| TOTAL RESIDENTIAL | 1 | 1 | 254,294 | 1,518,681 | 52 | 68 | 31 | 19 | 13,259,932 | 8,377,182 |
| COMMERCIAL | | | | | | | | | | |
| Amusement & Recreation | | | | | | | | | | |
| Churches/Religious Buildings | | | | | | | | | | |
| Industrial Buildings | | | | | 1 | 1 | 1 | 1 | 50,000 | 30,625 |
| Parking Garages (Public) | | | | | | 1 | | 1 | | 11,200 |
| Service Stations & Repair Garages | | | | | 3 | | 3 | | 138,544 | |
| Hospitals & Other Institutions | | | | | | | | | | |
| Office, Bank & Professional Buildings | | | | | 1 | 2 | 1 | 2 | 10,260 | 1,366,092 |
| Schools | | | | | | 1 | | 1 | | 33,338 |
| Stores & Other Mercantile Buildings | | | | | 3 | 3 | 3 | 3 | 810,332 | 4,792,123 |
| Hotels, Motels | | | | | | | | | | |
| TOTAL COMMERCIAL | | | | | 8 | 8 | 8 | 8 | 1,009,136 | 6,233,378 |
| MISCELLANEOUS | | | | | | | | | | |
| Residential Alterations & Additions | | 26 | 131,811 | 221,903 | | | 402 | 383 | 4,724,912 | 2,917,542 |
| Commercial Alterations & Additions | | 13 | 1,023,242 | 1,121,889 | | | 186 | 223 | 21,700,733 | 17,053,691 |
| Mobilehome Awnings, etc | | 1 | | | | | 11 | 13 | | |
| Structures other than Buildings | | 7 | 67,535 | 221,635 | | | 165 | 180 | 2,004,132 | 1,438,337 |
| Demolition, Residential | | | | | | | 4 | 4 | | |
| Demolition, Other | | 6 | | | | | 9 | 5 | | |
| Detached Carports, Garages | | 2 | 9,156 | | | | 3 | 1 | 95,851 | 20,700 |
| Mobilehome Setups | | 4 | | | | | 31 | 30 | | |
| TOTAL MISCELLANEOUS | | 59 | 1,231,744 | 1,565,427 | | | 811 | 839 | 28,525,628 | 21,430,270 |
| GRAND TOTALS | 1 | 60 | 1,486,038 | 3,084,108 | 60 | 76 | 850 | 866 | 42,794,696 | 36,040,830 |



5200 Buffington Road
Atlanta, GA 30349

December 8, 2014

City of Escondido Special Event Permits

To Whom It May Concern:

I am writing you today in regard to the upcoming Grand Opening of Chick-fil-A at ⁽²⁹⁰ ~~1929~~ Auto Park Way in Escondido. We are very much looking forward to being a part of the Escondido community.

Since 2005, we have awarded our First 100 customers in line at our Grand Opening events with a Grand Prize of one Chick-fil-A Meal – Chicken Sandwich, Chick-fil-A Waffle Potato Fries and drink – per week for a year (equating to 52 meals). This 24 hour promotion is a family-friendly event that generates a great deal of positive media coverage for the local area.

Our restaurants always open on Thursdays. With this in mind, guests must arrive by 6am on Wednesday morning for a chance to participate in the event. If we have over 100 qualified individuals on-site at 6am on Wednesday morning, the First 100 participants are chosen using a drawing system. The first 100 individuals whose tickets are drawn are our "First 100" participants. We then draw 10 additional tickets for the individuals who will serve as our alternates should a participant be disqualified or drop out for any reason.

After our "First 100" and ten alternates have been selected, each individual then completes our registration process that includes signing a copy of our rules and waiver form and receiving a wristband. The wristbands identify our registered participants from those who have not registered. Anyone who has not registered is not allowed on the property. Without a wristband, these individuals can be quickly identified by a member of our staff and are promptly asked to leave. This helps to protect the safety of our participants. Upon completion of registration, participants are then given a designated parking space to set-up their camp chairs and tents for the night.

Throughout the day, we will serve breakfast and lunch to the participants in the parking lot. We will serve dinner inside the restaurant. Throughout the afternoon, we will play various games within our blockaded portion of the lot with the participants. The activities will take place each hour and will include activities such as a contained scavenger hunt, four-square, bingo, "Minute to Win It" type games, etc.

In the 9 years that we have been running the event, we have never had an incident. We carefully plan each event, taking into consideration the special needs of the local market. We will block all the parking spaces in the parking lot with tents for the First 100 Participants. There will be a lane open for the fire lane. There will be space made available at the front of the parking lot for the DJ from 5-9pm. We can limit the time he is there if necessary. We will also have a PA system throughout the event for announcements. The event will run from 6am Wednesday, January 14th to 6am Thursday, January 15th. Security will be provided from 10pm Tuesday, January 13th to 6am on Wednesday, January 14th and then again from 10pm Wednesday to 6am on Thursday January 15th. There will also be Chick-fil-A staff members on site throughout the full 24 hours.

I do understand that under these terms, we may be required to receive a permit for the event. I have attached our site plans, and if you need anything else please don't hesitate to contact me.

Sincerely,

McKenna Carter
Chick-fil-A Event Planner
803.206.5083

Sharon Myer
760-745-7752

Smyer@federalrealty.com