

# **Council Meeting Agenda**

OCTOBER 27, 2010
CITY COUNCIL CHAMBERS ~ 4:00 P.M. & 7:00 P.M. 201 N. Broadway, Escondido, CA 92025

MAYOR Lori Holt Pfeiler

MAYOR PRO TEM **Dick Daniels** 

COUNCIL MEMBERS Sam Abed
Olga Diaz

Marie Waldron

CITY MANAGER Clay Phillips

CITY CLERK Marsha Whalen

CITY ATTORNEY Jeffrey Epp

DIRECTOR OF COMMUNITY DEVELOPMENT Barbara Redlitz

DIRECTOR OF ENGINEERING SERVICES 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.



OCTOBER 27, 2010 4:00 p.m. Meeting

# **Escondido City Council Community Development Commission**

# **CALL TO ORDER**

**FLAG SALUTE** 

ROLL CALL: Abed, Daniels, Diaz, Waldron, Pfeiler

**PROCLAMATIONS:** Red Ribbon Day

Peace Day

Escondido Care Youth Project Women's Club 100 Year Anniversary Fullerton Civic Light Opera/Griff Duncan

# **ORAL COMMUNICATIONS**

At this time the public may comment on items not appearing on the agenda. 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.)

## **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/CDC/RRB)
- 2. APPROVAL OF WARRANT REGISTER (Council/CDC)
- 3. APPROVAL OF MINUTES: Regular Meeting of September 1, 2010 Regular Meeting of September 22, 2010
- 4. QUARTERLY FINANCIAL REPORT: FOURTH QUARTER ENDING JUNE 30, 2010

Staff Recommendation: Receive and file (Finance Department: Gil Rojas)

5. FISCAL YEAR 2010 JUSTICE AND MENTAL HEALTH COLLABORATION PROGRAM GRANT – Request Council authorize the Escondido Police Department to accept FY 2010 Justice and Mental Health Collaboration Program grant funds in the amount of \$200,000 from the U.S. Department of Justice; Authorize grant expenditures consistent with guidelines; and authorize the Chief of Police to submit and execute grant documents on behalf of the City; authorize staff to establish budgets to spend grant funds

Staff Recommendation: Approval (Police Department: Jim Maher)

6. BID AWARD FOR THE SPORTS CENTER OFFICE EXPANSION: GRADING/UTILITIES/CONSTRUCTION IMPROVEMENTS – Request Council authorize the Mayor and City Clerk to execute Public Improvement Agreement Try Kirtley General Engineering for \$93,328 for the Sports Center Office Expansion Grading/Utilities/Construction Improvements project

Staff Recommendation: Approval (Engineering Services: Robert Zaino)

RESOLUTION NO. 2010-159

7. FIRST AMENDMENT TO CONSULTANT AGREEMENT FOR REMEDIATION OF ORANGE GLEN MARKET SITE (SCS) - Request Council authorize the Mayor and City Clerk to execute a Second Amendment to the Consulting Agreement with SCS Engineers, in the amount of \$181,325, for continue engineering and construction support in the remediation of the Orange Glen Market site

Staff Recommendation: Approval (Engineering Services: Ed Domingue)

RESOLUTION NO. 2010-162

# **CONSENT CALENDAR**

8. LEASE OF CITY-OWNED OFFICE SPACE AT 201 NORTH BROADWAY (FORMER FIRE ADMINISTRATION OFFICE) TO THE ESCONDIDO CREDIT UNION — Request Council authorize the Mayor and City Clerk to execute a Lease Agreement with the Escondido Federal Credit Union for office space located at 201 North Broadway, for an approximate amount of \$2,750 per month

Staff Recommendation: Approval (City Manager's Office: Charles Grimm)

RESOLUTION NO. 2010-161

9. ACQUISITION OF PROPERTY ADDRESSED AS 480 NORTH SPRUCE STREET FOR REDEVELOPMENT PURPOSES – Request the Community Development Commission (CDC) authorize the Chair and Secretary to execute documents necessary to acquire property located at 480 North Spruce Street for redevelopment purposes

Staff Recommendation: Approval (City Manager's Office: Charles Grimm; and City Attorney: Jeffrey Epp)

RESOLUTION NO. CDC 2010-14

# CONSENT - RESOLUTIONS AND ORDINANCES (COUNCIL/CDC/RRB)

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

# **PUBLIC HEARINGS**

 STREET VACATION: A PORTION OF SPRUCE STREET ADJACENT TO APN NO. 233-111-16 - Request Council conduct a public hearing and approve the street vacation for a portion of Spruce Street

Staff Recommendation: Approval (Engineering Services: Ed Domingue)

RESOLUTION NO. 2010-160

## **PUBLIC HEARINGS**

11. ZONE CHANGE AND MASTER AND PRECISE DEVELOPMENT PLAN (PHG 10-0020) ADDRESSED AS 2165 VILLAGE ROAD – FORMER FIRE STATION NO. 3 PROPERTY – Zone Change from existing Planned Development Residential (PD-R) to Planned Development Commercial (PD-C) in conjunction with a Master and Precise Development Plan to convert vacant Fire Station No. 3 to an office use. The approximately 0.34-acre property is located on the western side of Village Road, south of Country Club Lane, addressed as 2165 Village Road

Staff Recommendation: Approval (Community Dev./Planning: Barbara Redlitz)

- **a.** RESOLUTION NO. 2010-149
- **b.** ORDINANCE NO. 2010-05 Introduction and first reading

## **CURRENT BUSINESS**

12. DECLARATION OF IMPASSE AFFECTING THE ESCONDIDO CITY EMPLOYEE'S ASSOCIATION, SUPERVISORY BARGAINING UNIT – Discussion of impasse options

Staff Recommendation: Receive the presentation and provide direction to the negotiation team (Human Resources: Sheryl Bennett)

RESOLUTION NO. 2010-153

13. DECLARATION OF IMPASSE AFFECTING THE ESCONDIDO CITY EMPLOYEE'S ASSOCIATION, ADMINISTRATIVE/CLERICAL/ENGINEERING (ACE) BARGAINING UNIT – Discussion of impasse options

Staff Recommendation: Receive the presentation and provide direction to the negotiation team (Human Resources: Sheryl Bennett)

RESOLUTION NO. 2010-152

# **BRIEFING (Staff)**

# **FUTURE AGENDA**

14. FUTURE AGENDA ITEMS - 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: Marsha Whalen)

# **ORAL COMMUNICATIONS**

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# **COUNCIL/COMMISSION/ MEMBERS COMMENTS**

## CLOSED SESSION: (COUNCIL/CDC/RRB)

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

**a.** Property: 475 N. Spruce Agency Negotiator: Clay Phillips

Negotiating parties: City of Escondido and JMI Sports Under negotiation: Price and terms of payment

**b.** Property: 2120 Harmony Grove Road

Agency Negotiators: Jerry Van Leeuwen

Negotiating parties: City and Ronald B. Reinhardt and Barbara A. Reinhardt

Under negotiation: Price and terms of purchase

# **ADJOURNMENT**



OCTOBER 27, 2010 7:00 p.m. Meeting

# **Escondido City Council Community Development Commission**

# **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: Abed, Daniels, Diaz, Waldron, Pfeiler

# **ORAL COMMUNICATIONS**

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# **WORKSHOP**

16. INFORMATIONAL WORKSHOP ON MINOR LEAGUE BASEBALL BALLPARK PROPOSAL –
Presentation of an informational report on the possible development of a minor league baseball ballpark in Escondido

Staff Recommendation: Receive report (City Manager's Office: Charles Grimm)

# **BRIEFING (Staff)**

# **ORAL COMMUNICATIONS**

At this time the public may comment on items not appearing on the agenda. 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.

# COUNCIL/COMMISSION/ MEMBERS COMMENTS

# **ADJOURNMENT**

UPCOMING MEETING SCHEDULE							
Date Day Time Meeting Type Location							
November 3	NO MEETING	-	-	-			
November 10	Wednesday	4pm & 7pm	Council Meeting	Council Chambers			
November 17	Wednesday	4pm & 7pm	Council Meeting	Council Chambers			
November 24	NO MEETING	-	-	-			

#### 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. 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.

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 <a href="http://www.ci.escondido.ca.us/government/agendas/PublishedMeetings.htm">http://www.ci.escondido.ca.us/government/agendas/PublishedMeetings.htm</a>
- 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 can be viewed the following Sunday and Monday evenings at 6:00 p.m. on Cox Cable The Council meetings are also available live via the Internet by accessing the City's website at <a href="https://www.escondido.org">www.escondido.org</a>, and selecting: City Council/broadcasts of City Council Meetings/live video streaming.

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 4:00 and 7:00 p.m. (Verify schedule with City Clerk's Office) Members of the Council also sit as the Community Development Commission and the Mobilehome Rent Review Board.

CITY HALL HOURS OF OPERATION Monday-Thursday 7:30 a.m. to 5:30 p.m.



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4641. 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.



TO:

Honorable Mayor and Members of the City Council

FROM:

Gilbert Rojas, Director of Finance

**SUBJECT:** Financial Status Report for Fiscal Year 2009-10

# **RECOMMENDATION:**

It is requested that Council receive and file the financial status report for fiscal year 2009-10.

# **FISCAL ANALYSIS:**

This report provides Council a written financial update of selected funds of the City during fiscal year 2009-10. The report provides a comparison of actual revenues and expenditures for fiscal year 2009-10 and fiscal year 2008-09 for the General Fund, the Redevelopment Agency the Water and Wastewater Enterprises, and the Reidy Creek Municipal Golf Course. The financial highlights for each of these funds is summarized below:

- The General Fund balanced the 2009-10 budget relying on employee compensation reductions, budget reductions and the use of \$7.1 million from the Economic Uncertainty Reserve. Because actual revenues came in over projections and planned compensation and budget reductions were achieved, the General Fund's projected use of Economic Uncertainty Reserve funds was less than anticipated by about \$.3 million.
- The Redevelopment Agency's fund balance increased by \$3.2 million for fiscal year 2009-10 which included an increase of \$4.6 million in the Housing Set Aside Fund that was offset by a decrease in fund balance in the Community Development Commission fund of \$1.4 million.
- The Water Fund and the Wastewater Fund ended the year with an increase to fund balance of \$5.4 million and \$7.6 million respectively. Income generated by these funds will be used to increase the capital and operating reserves to levels recommended by the most recent rate study following City Council policy.
- The Reidy Creek Golf Course ended the year with a slight increase to fund balance of about \$3,000 which agreed with budgetary projections for the year. Although revenue was down by 10% due to the economy and weather conditions expenses were reduced by 10% to offset this loss in revenue.

Financial Status Report Fiscal Year 2009-10 Page 2

# **PREVIOUS ACTION:**

On June 9, 2010, the City Council received and approved the third quarter financial report.

# **BACKGROUND:**

This year end financial status report presents a written financial update to Council concerning certain funds of the City and their year end financial information. This report includes budgetary information for selected funds, along with actual revenues and expenditures for the year. In addition, it provides Council a summary of each of these fund's financial plan and whether the plan was achieved during the year. The first week of December, Council will be receiving the Escondido Comprehensive Annual Financial Report (CAFR) which is prepared in accordance with generally accepted accounting principles (GAAP).

Respectfully submitted,

Gilbert Rojas

Director of Finance

# Financial Status Report

Prepared by the Finance Department



June 30, 2010

This report summarizes the City of Escondido's General Fund revenues and expenditures through June 30, 2010. It compares revenues and expenditures for fiscal year 2009-10 and fiscal year 2008-09. While the focus of this report is the General Fund, the financial status of the Redevelopment Agency (Community Development Commission), the Water and Wastewater Enterprises, and the Reidy Creek Municipal Golf Course are included. This report is for internal use only. The figures presented here are unaudited and have not been prepared in accordance with Generally Accepted Accounting Principles (GAAP).

# General Fund Balance

The City ended the fiscal year 2009-10 better than projected. The budget model the City used to balance the 2009-10 budget relied on employee reductions, budget compensation reductions and the use of \$7.1 million from the Economic Uncertainty Reserve. Actual Revenues and Transfers In totaled \$71 million or 1% over revised budget. Expenditures and Transfers Out were \$77.8 million or 1.7% under budget. Because actual revenues came in over projected and planned compensation and budget reductions were achieved, the City's projected use of Economic Uncertainty Reserve funds was less than anticipated. This is an improvement of \$0.3 million over our revised projections.

# GENERAL FUND FISCAL YEAR 2009-10 UNRESERVED- UNDESIGNATED FUND BALANCE (unaudited)

Actual on a Budgetary Basis

Unreserved - Undesignated Fund Balance 7/1/2009

Revenues/Transfers In\* 70,995,287

Expenditures/Encumbrances/Carryovers/Transfers Out (77,793,947)

Other Changes in Reserves\*\* (76,794)

Transfer from Economic Uncertainty Reserve 6,875,454

Unreserved - Undesignated Fund Balance 6/30/2010 \$ -

\*Interest income is shown on an amortized basis, and will be \$541,706 less when adjusted to

fair market value as required under GAAP for financial statement reporting.

\*\*Reserves include advances, notes receivables and prepaid expenses.

## General Fund Revenues

Sales Taxes (\$21.8 million) – For fiscal year 2009-10, sales tax revenues were \$3.6 million (or 14%) lower than last fiscal year. The good news is it appears the economy bottomed out in 2009, and for the second quarter in a row, Escondido experienced sales tax growth. A summary of the last four quarters of sales tax revenues during fiscal year 2009-10 showed a 16% drop in sales tax during the first quarter of the fiscal year, a 4% drop in sales tax during the second quarter fiscal year, a .1% increase in sales tax revenues during the third quarter fiscal year, and a 9.4% increase in sales tax revenue during the fourth quarter fiscal year. In lieu sales tax (Triple-Flip) payments were down 30% compared to the previous fiscal year; however 49% of this decrease was due to an overpayment of in lieu sales tax in fiscal year 2008-09. For sales occurring in fourth quarter fiscal year 2009-10, key gains could be seen in new auto sales, service stations and used auto sales. During the same period, key declines could be seen in building materials wholesale and



retail, leasing and miscellaneous retail. The largest economic segments in the City continue to be new auto sales (14.2%), building materials wholesale and retail (14%), auto parts/repair (10.4%) and service stations (9.5%). These segments generate 48% of the City's sales tax revenue.

9%

Property Taxes (\$20.8 million) - Property tax payments received by the City were down 8.7% over last year. This was due to a 7% decrease in total assessed value on all taxable property in Escondido for fiscal year 2009-10 as reported by the County of San Diego Assessor's Office. Decreases in assessed values are a direct reflection of the continued decline in residential values and activity due to the slow down in new construction, foreclosure activities, and assessment reductions under

Proposition 8. Assessed values in San Diego County also decreased by 2.3% during this same period. This represented the first time that the countywide assessed value has declined in the past 25 years.

While the 7% decrease in property assessed values in the City directly affected property tax payments received in fiscal 2009-10, there were other factors that affected the amount of property tax payments received for the year:

- Supplemental property taxes were down by \$209,000 due to the downturn in new home and existing home sales.
- Payments for previous years' taxes were down by \$131,000.
- Property tax in lieu of vehicle license fees was down by \$831,000 (or 7%) compared to last fiscal year. This
  revenue grows in proportion to the growth in the City's property assessed valuation so this decrease was
  expected.

15%

Franchise Fees (\$4.9 million) – Franchise fees are generated from privately owned utility companies and other businesses for the privilege of using City rights-of-way while conducting business within City limits. Businesses that are required to pay franchise fees to the City include: San Diego Gas and Electric (SDG&E) on gas and electric services, Cox Cable and AT&T for cables and video services, and Escondido Disposal for refuse collection services. Franchise fees were down \$861,000 compared to

last fiscal year due a decrease in the annual SDG&E franchise fee payment. This decrease was due to a significant decrease in the cost of natural gas.

7%

All Other Taxes (\$3.5 million) — All other taxes include transient occupancy tax (TOT), property transfer tax, transfer station fee and business licenses. TOT for the year reflected a decrease of \$0.2 million, 15% less than last fiscal year. Currently, there are 15 hotels in the City and almost all of these hotels showed declines in revenue due to lower occupancy rates and discounted room prices.

Business license revenues remained about the same compared to the previous year. The City expected a decrease in business license fees due to the down turn in the economy. However these decreases were offset by a 6.7% increase in the number of licensed businesses in Escondido. The property transfer tax is down about \$57,000 compared to last year. When real property is sold the Assessor's Office charges a transfer tax on the sale based on the selling price of the property. The City receives 50% of the transfer tax charged for sales within the City of Escondido. This revenue is down slightly due to the depressed real estate market in Escondido.



12%

Intergovernmental (\$2.7 million) — Intergovernmental revenues include vehicle license fees, the Rincon fire services agreement, state library grants, senior nutrition grants, P.O.S.T. reimbursement, and state mandated cost reimbursements. Revenues are down about \$0.4 million compared to last fiscal year. The majority of this decrease is due to the Rincon fire services fee. This revenue is a property tax based fee, so the decrease in this fee correlates with the decline in property assessed values.

Development-Related Revenues (\$1.6 million) — Development related revenues, which include building permits, planning fees, building department fees and engineering fees, reflected an increase for the year due to building permits that were paid on a large affordable housing project. Development-related revenues were down in fiscal year 2008-09 by 30% compared to the previous fiscal year and without this large housing project development related revenue would have been the fiscal year 2008-09.

flat in fiscal year 2009-10 compared to fiscal year 2008-09.

14%

Fines and Forfeitures (\$2.2 million) — Fines and forfeitures are collected by the City for red light photo citations, vehicle code fines, parking ticket fines, other court fines, library fines, code enforcement citations and impound fees. The City recognizes revenues when the citizen pays the fine or forfeiture as opposed to when the fine is imposed. For fiscal year 2009-10, fines and forfeitures were \$0.4 million (or 14%) lower than last fiscal year. This was the result of decreases in code enforcement citations, vehicle code fines and impounds.

Paramedic Fees (\$3.8 million) – Emergency medical service (paramedic) fees are charged to residents and non-residents to cover medical service costs, medical supplies, and transport costs to a health care facility. For fiscal year 2009-10, receipts from ambulance fees were up 10.7% compared to last fiscal year. The number of billable transported patients in fiscal year 2009-10 (9,158) versus fiscal year 2008-09 (8,709) increased coupled with a rate increase that went into effect on July 1, 2009 led to higher revenues for the year.

23%
Other Charges for Services (\$1.8 million)
In fiscal year 2009-10 the City only received \$0.5 million, however we also did not experience the related fire overtime costs associated with receiving this revenue.

Income from Interest and Property (\$3.4 million) — Income from interest and property includes rent received from leased City property and interest income on City investments. This revenue is down \$0.4 million compared to last fiscal year. All of this decrease can be attributed to investment earnings which are down due to a decline in the General Fund cash balance and the City's portfolio yield.



202%

Other Revenue (\$1.5 million) — Other revenue includes contributions to the City, NSF check charges, damages to City property, mobile home fees and other miscellaneous revenue. This revenue is up \$1 million due to a developer contribution from a large affordable housing project. The developer contributed \$1 million to the city for infrastructure costs.



<u>Transfers In (\$3 million)</u> — Fiscal year 2009-10 transfers in of \$2.7 million were the customary transfers in that were adopted with the original budget. An additional \$0.3 was transferred in from the Building Maintenance Fund and Fleet Services Fund as part of the budget modifications/reductions made in March 2010.

# **General Fund Expenditures**

Total General Fund expenditures for fiscal year 2009-10 were \$75.4 million. This amount was \$1.3 million less than the revised budget total of \$76.7 million. These savings have been used to offset the operating loss and use of the economic uncertainty reserve that, on June 9, 2010, was estimated to be \$7.1 million.

# Maintenance of Effort

During FY 2009-10 the City successfully met the maintenance of effort requirement (MOE) as set forth in the Street and Highways Code Section 2182.1(b). Total general fund expenditures related to street, roads, and highways exceeded our MOE requirement by about two hundred thousand. As a result, the City was eligible to maintain its Traffic Congestion Relief apportionment of 1.3 million dollars.

ECONOMIC UNCERTAINTY RESERVE				
COUNCIL DATE	DESCRIPTION	AMOUNT		
BEGINNING I	BALANCE, 7/1/09	\$11,281,760		
USES:		(4.70.000)		
6/29/2009	Center for the Arts-Loan Payoff	(1,704,960)		
	FY 09/10 Estimated Operating Loss	(6,875,454)		
TOTAL US	ES	(8,580,414)		
SOURCE:				
3/3/2010	Transfer from Economic Incentive Reserve	17,689,216		
AVAILABLE E	AVAILABLE BALANCE, 6/30/10			



# GENERAL FUND REVENUE COMPARISON

REVISED ESTIMATED REVENUE 2009-10	ACTUAL REVENUE 2008-09	ACTUAL REVENUE 2009-10	DIFFERENCE	%
634 004 400	¢3E 403 4E3	¢21 708 210	(\$3 605 243)	-14.2
			• •	-8.7
			• • • • • •	-15.0
		, , ,	• • • • • • • • • • • • • • • • • • • •	-0.3
	1 ' '		* * * * * * * * * * * * * * * * * * * *	-14.8
		·	•	-5.5
-			• • •	-12.8
				-11.6
51,008,200	57,042,287	30,333,007	(0,702,020)	
		*		
408 000	416.619	432,493	15,874	3.8
	1	· · · · · · · · · · · · · · · · · · ·	•	-16.4
		·	-	-18.2
	1 ' 1	· ·	· ·	-14.2
2,730,000	5,2,,,,,	_,,,,	,	
535,000	535,154	907,415	372,260	69.6
2,380,000	2,552,098	2,186,228	-365,870	-14.3
124 000	131,623	163.042	31,418	23.9
· · · · · · · · · · · · · · · · · · ·		·	· ·	10.6
			· ·	-12.5
	1		· ·	10.7
	1 ' ' 1	• •	1	2.0
			}	-19.5
1 1	1 1			-47.8
	1 ' ' 1	·	· ·	-2.3
3,030,200	0,,555	<b>5,5</b> ,	•	
3,608,000	3,840,265	3,395,062	-445,203	-11.6
474,325	504,308	1,524,986	1,020,678	202.4
2,711,600	2,723,420	2,991,600	268,180	9.8
\$69,957,325	\$77,448,115	\$70,995,286	(\$6,452,829)	-8.3
	\$21,904,400 20,843,800 5,400,000 1,555,000 935,000 687,000 343,000 51,668,200 408,000 1,700,000 642,000 2,750,000 2,380,000 124,000 219,000 275,000 3,400,000 1,152,200 255,000 405,000 5,830,200 474,325 2,711,600	### ACTUAL REVENUE 2009-10    \$21,904,400   \$25,403,452   22,732,310   5,400,000   1,524,134   935,000   687,534   343,000   57,642,287   1,700,000   6,406   2,750,000   1,700,000   2,056,934   642,000   2,056,934   642,000   2,056,934   642,000   2,056,934   642,000   2,056,934   642,000   2,056,934   642,000   2,056,934   642,000   2,056,934   642,000   3,172,995   335,154   2,380,000   131,623   219,000   196,406   275,000   3,28,464   3,400,000   1,152,200   2,55,295   405,000   1,053,421   255,000   405,000   1,051,628   5,830,200   6,477,588   3,608,000   3,840,265   474,325   504,308   2,723,420	ESTIMATED REVENUE 2009-10         ACTUAL REVENUE 2008-09         ACTUAL REVENUE 2009-10           \$21,904,400         \$25,403,452 20,759,812 20,759,812 30,400,000 5,730,837 4,870,014 1,555,000 1,524,134 1,520,069 935,000 687,534 650,004 343,000 443,861 387,087 51,668,200         \$57,642,287 50,939,667           408,000 1,700,000 642,000 2,056,934 642,000 2,056,934 642,000 2,750,000 3,172,995 2,723,826         \$35,000 535,154 907,415           2,380,000 2,552,098 2,186,228         \$2,186,228           124,000 131,623 163,042 219,000 275,000 328,464 287,467 3,400,000 3,460,750 3,829,596 405,000 1,053,421 1,074,577 255,000 255,295 205,496 405,000 1,051,628 549,023 5,830,200 6,477,588 6,326,503 3,608,000 3,840,265 3,395,062 474,325 504,308 1,524,986 2,711,600 2,723,420 2,991,600	ESTIMATED REVENUE 2009-10  \$21,904,400   \$25,403,452   \$21,798,210   \$3,605,243   20,843,800   5,730,837   4,870,014   (860,824)   1,555,000   1,524,134   1,520,069   (4,065)   935,000   687,534   650,004   (37,531)   343,000   57,642,287   50,939,667   (6,702,620)   1,700,000   2,056,934   1,719,123   -337,811   642,000   2,056,934   1,719,123   -337,811   642,000   3,172,995   2,723,826   -449,169   2,750,000   1,96,406   217,302   20,896   2,750,000   3,460,750   3,829,596   368,846   1,152,200   1,053,421   1,074,577   21,156   2,552,000   1,051,628   549,023   5,500,678   1,051,628   549,023   5,500,678   1,051,628   549,023   5,500,678   1,051,628   549,023   5,500,678   1,051,628   549,023   5,500,678   1,051,628   549,023   5,500,678   1,051,628   549,023   5,500,678   1,051,628   549,023   5,500,678   1,051,628   549,023   5,500,605   5,830,200   6,477,588   6,326,503   -151,085   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   268,180   1,020,678   2,711,600   2,723,420   2,991,600   2,991,600   2,991

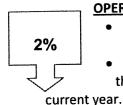


# GENERAL FUND EXPENDITURE STATUS BY DEPARTMENT

	FY 2009/10 REVISED BUDGET	06/30/2009 ACTUAL	UNDER/ (OVER) BUDGET	%
GENERAL GOVERNMENT			4	
CITY COUNCIL	\$251,910	\$249,993	\$1,917	0.8
CITY MANAGER	1,087,355	1,086,612	743	0.1
VIDEO SERVICES	30,165	18,934	11,231	37.2
CITY ATTORNEY	282,630	314,418	(31,788)	-11.2
CITY CLERK	505,245	472,087	33,158	6.6
CITY TREASURER	286,850	276,726	10,124	3.5
SUBTOTAL GENERAL GOVERNMENT	2,444,155	2,418,770	25,385	1.0
ADMINISTRATIVE SERVICES			45.540	
FINANCE	1,046,170	999,560	46,610	4.5
HUMAN RESOURCES	514,520	466,907	47,613	9.3
RISK MGMT	10,590	(35,321)		433.5
ADMIN	378,960	371,663	7,297	1.9
DATA PROCESSING	400,220	394,439	5,781	1.4
OFFICE AUTOMATION	1,074,675	1,060,778	13,897	1.3
GEOGRAPHIC	158,585	183,925	(25,340)	-16.0
SUBTOTAL ADMINISTRATIVE SERVICES	3,583,720	3,441,950	141,770	4.0
COMMUNITY SERVICES		2 242 402	22.401	1 "
LIBRARY	2,873,990	2,840,499	33,491	1.2
OLDER ADULT SERVICES	639,955	644,484	(4,529)	-0.7
HOUSING/NEIGHBORHOOD SER.	72,485	48,114	24,372	33.6
NUTRITION CENT.	249,550	234,589	14,961	6.0
BRANCH LIBRARY	504,310	493,236	11,074	2.2
OASIS	255,520	194,424	61,096	23.9
SUBTOTAL COMMUNITY SERVICES	4,595,810	4,455,345	140,465	3.1
COMMUNITY DEVELOPMENT			14.050	1.0
PLANNING	1,459,200	1,444,241	14,959	1.0
CODE ENFORCEMENT	1,114,375	1,065,574	48,801	4.4
BUILDING	753,840	652,002	101,838	13.5
SUBTOTAL COMMUNITY DEVELOPMENT	3,327,415	3,161,818	165,597	5.0
PUBLIC WORKS		1 010 050	107.107	<b>.</b>
ENGINEERING	2,053,965	1,948,860	105,105	5.1
STREETS	5,799,030	6,079,993	(280,963)	-4.8
PARKS	2,468,470	2,428,739	39,731	1.6
SUBTOTAL PUBLIC WORKS	10,321,465	10,457,592	(136,127)	-1.3
PUBLIC SAFETY		22 552 400	244 524	1 /
POLICE	33,898,030	33,553,499	344,531	1.0 0.1
FIRE	17,200,785	17,080,869	119,916	45.3
EMERGENCY MGT.	65,080	35,594	29,486	45.: 1.(
SUBTOTAL PUBLIC SAFETY	51,163,895	50,669,963	493,932	1.0
OTHER	242	494 340	450 300	48.
NON-DEPARTMENTAL	943,700	484,310	459,390 0	0.0
COMMUNITY RELATIONS	315,000	315,000	t ·	
SUBTOTAL OTHER	1,258,700	799,310	459,390	36.
TOTAL GENERAL FUND	\$76,695,160	\$75,404,747	\$1,290,413	1.7



# **Community Development Commission**



#### **OPERATING REVENUES**

- Tax Increment The decrease in tax increment revenue is due to a 6% decrease in assessed values as well as a decrease in supplemental taxes.
- Lease income Lease income is rental income earned on various mobile home lots owned by the CDC. The slight decrease in lease income is due to a few lots that were vacant during the
- Investment Income Investment income decreased as a result of the decrease in the overall investment portfolio yield from 3.14% to 2.48%.
- Intergovernmental In the current year, the CDC has received \$493,794 in Housing and Economic Recovery
  Act funds to be used for Neighborhood Stabilization Program activities. These funds were received from the
  California Department of Housing and Community Development, which were passed through from the U.S.
  Department of Housing and Urban Development.
- Other Revenues The Low/Mod housing fund received \$1.6 million from the County of San Diego as a result
  of the CDC suing the County for miscalculating their portion of tax increment revenue.



# **OPERATING EXPENDITURES**

- Community Development The outstanding loan receivable amount of \$3.8 million due from Trinity Housing Group 1, LLC was granted to the project in the prior year.
- Debt Expense The first principal payment of \$3.1 million was made in the current year on the \$56 million 2007 Lease Revenue Bond.
- Agency Tax Sharing Agreement A one time payment of \$1 million was made in the prior year to various tax sharing entities as a result of a revised and restated settlement agreement. Also, AB 1389 required that the CDC pay three years worth of tax sharing payments to eligible entities during fiscal year 2008/09 compared to an annual amount during fiscal year 2009/10, resulting in a \$351,000 decrease in the current year. In addition, the tax sharing amount due to San Diego County decreased by \$262,000. The calculation used to calculate the Counties portion of tax increment revenue is based on the amount of tax increment revenue received by the CDC, which decreased in the current year.
- Supplemental Educational Revenue Augmentation Funds (SERAF) The CDC was required to make a SERAF payment to the state in the amount of \$8.6 million during the current year.

Other sources of revenue in the prior year included two sales of CDC property: 466 E. Terrace Avenue and 935 Martin Drive.



# COMMUNITY DEVELOPMENT COMMISSION (CDC) LOW/MOD HOUSING, DEBT SERVICE & CAPITAL PROJECT FUNDS

	FY 2009/10 BUDGET	6/30/2009 ACTUALS	6/30/2010 ACTUALS	DIFFERENCE	%
REVENUES	·				
TAX INCREMENT	\$24,339,875	\$26,718,704	\$24,828,792	(\$1,889,912)	-7.1
LEASE INCOME	57,200	48,743	47,608	(1,135)	-2.3
INVESTMENT INCOME	595,000	1,705,489	994,252	(711,237)	-41.7
INTERGOVERNMENTAL	1,309,830	0	493,794	493,794	100.0
OTHER REVENUES	1,671,224	54,757	1,685,798	1,631,041	2,978.7
TOTAL OPERATING REVENUE	27,973,129	28,527,693	28,050,244	(477,449)	-1.7
EXPENDITURES					
COMMUNITY DEVELOPMENT	1,274,170	5,284,262	1,436,849	(3,847,413)	-72.8
DEBT EXPENSE	10,938,160	7,922,747	11,007,328	3,084,581	38.9
AGENCY TAX SHARING AGREEMENT	4,001,085	5,448,326	3,817,295	(1,631,031)	29.9
SERAF	8,556,226	0	8,556,226	8,556,226	100.0
TOTAL OPERATING EXPENDITURES	24,769,641	18,655,335	24,817,698	6,162,363	33.0
SALE OF CITY PROPERTY	0	638,989	0	(638,989)	-100.0
TOTAL REVENUES OVER EXPENDITURES	\$3,203,488	\$10,511,347	\$3,232,546	(\$7,278,801.00)	-69.2

# Water Enterprise Fund



8%

# **REVENUES**

- The slight decrease in water consumption revenues was the net result of a combination of a 12% decrease in the number of water units sold due to customer conservation and an average 8% increase in water rates.
- Water service charges increased 13% primarily due to rate increases and to increased meter installations.
- An increase in State and Federal Grants is due to a \$2.9 million American Recovery & Reinvestment grant that was awarded for the Alexander Road Phase II Water Project.
- Water connection fees and developer fees increased 113% and 172% largely due to a large residential subdivision in northeast Escondido which was substantially completed in 2010.
- A decrease of 18% in other revenues was largely due to a \$0.4 million decrease in electrical power sales generated by the Bear Valley Parkway power because there was less water available from Lake Henshaw to be diverted through the power plant in 2010.



4%

#### **EXPENSES**

- Staffing costs decreased 4% due to salary and benefits reductions.
- Although the amount of purchased water decreased from the prior year due to customer conservation, a 17.7% increase per acre foot from the SDCWA more than offset the

consumption decrease, resulting in a net 14% increase in purchased water costs.



Chemicals and other operating supplies decreased 12% due to customer conservation of water use.

Income generated by the Water Fund will be used primarily to increase the capital and operating reserves to levels following City Council policy of establishing reserve levels recommended by the most recent rate study.

	WATER ENTERP	RISE FUND			
	FY 2009-10 BUDGET	6/30/2009 ACTUALS	6/30/2010 ACTUALS	DIFFERENCE	%
Water Consumption Charges Water Service Charges State and Federal Grants Vista Irrigation Filtration & Other Charges Connection Fees Developer Fees Investment Income Other Revenues TOTAL REVENUE	\$31,977,300 8,747,000 2,899,400 1,261,400 375,000 - 200,000 1,358,470 46,818,570	\$26,806,416 8,340,276 301,875 2,014,876 500,657 1,006,672 658,200 2,499,501 42,128,473	\$26,785,572 9,383,622 1,478,688 1,793,388 1,064,626 2,736,323 252,902 2,053,549 <b>45,548,670</b>	(\$20,843) 1,043,346 1,176,813 (221,488) 563,969 1,729,651 (405,298) (445,952) 3,420,197	-0.1 12.5 389.8 -11.0 112.6 171.8 -61.6 -17.8
EXPENSES Staffing Purchased Water Administrative Expenses Chemicals & Operating Supplies Utilities Professional Services Depreciation Interest and Fiscal Charges Other Operating Expenses TOTAL EXPENSES	7,911,925 18,020,755 4,237,980 3,055,420 2,108,150 1,505,540  2,531,535 2,077,290 41,448,595	7,525,661 13,549,802 4,440,816 2,749,895 1,630,738 1,572,148 2,572,978 2,563,183 2,182,752	7,249,676 15,489,844 4,246,800 2,428,971 1,641,395 1,760,248 2,800,295 2,527,734 2,048,775 40,193,738	(275,985) 1,940,042 (194,016) (320,924) 10,657 188,100 227,317 (35,449) (133,977) <b>1,405,765</b>	-3.7 14.3 -4.4 -11.7 0.7 12.0 8.8 -1.4 -6.3
INCOME (LOSS)	\$5,369,975	\$3,340,500	\$5,354,932	\$2,014,432	60.

# Wastewater Enterprise Fund



0.5%

- Despite lower wastewater flows in 2010, sewer service charges increased by 13% primarily due to rate increases that went into effect in 2009.
- San Diego treatment charges increased 17% primarily due to true-up of prior year processing costs owed to the City.
- The decrease of 46% (\$955 thousand) in connection fees is due to higher fees in the prior year generated by the large development of the new Palomar Hospital.
- Developer contributions decreased 52% due to fewer large capital projects in 2010.



 Other Revenues decreased 52% (\$1.02 million) primarily due to a \$0.7 million lawsuit settlement that was received in 2009.

#### **EXPENSES**



- Decrease in staffing costs of 2% was due to salary and benefits reductions to help with the City's budget shortfall.
- Chemicals and operating supplies decreased 11% due to lower overall wastewater flows that were treated in 2010.
- Professional services decreased 9% due to less ocean outfall maintenance and biosolids handling due to lower wastewater flows.

Similar to the Water Fund, income generated by the Wastewater Fund will be used primarily to increase the capital and operating reserves to levels following City Council policy of establishing reserve levels recommended by the most recent rate study.

WASTEWATER ENTERPRISE FUND								
	FY 2009-10 BUDGET	6/30/2009 ACTUALS	6/30/2010 ACTUALS	DIFFERENCE	%			
REVENUES								
Sewer Service Charges	\$23,024,800	\$19,667,271	\$22,268,077	\$2,600,806	13.2			
Treatment Charges - San Diego	1,850,000	1,749,316	2,040,588	291,272	16.7			
Connection Fees	375,000	2,065,408	1,110,157	(955,251)	-46.2			
Developer Contributions		1,090,042	525,892	(564,150)	-51.8			
Recyclable Water Sales	3,000,000	2,546,879	2,683,701	136,822	5.4			
Stormwater Management Charges		1,244,976	1,404,027	159,051	12.8			
Investment Income	200,000	1,238,096	736,197	(501,899)	-40.5			
Other Revenues	620,700	1,946,183	925,652	(1,020,531)	-52.4			
TOTAL REVENUE	29,070,500	31,548,171	31,694,291	146,120	0.5			
EXPENSES								
Staffing	7,329,000	7,042,962	6,891,376	(151,586)	-2.2			
Administratove Expenses	2,431,600	2,704,113	2,426,863	(277,250)	-10.3			
Chemicals & Operating Supplies	2,167,800	1,436,610	1,277,768	(158,842)	-11.1			
Professional Services	3,114,450	2,820,630	2,558,757	(261,873)	-9.3			
Utilities	2,222,125	1,879,694	1,990,187	110,493	5.9			
Depreciation	-	4,633,687	4,736,832	103,145	2.2			
Interest and Fiscal Charges	2,108,225	2,153,058	2,102,736	(50,322)	-2.3			
Other Operating Expenses	2,014,950	2,058,624	2,121,330	62,706	3.0			
TOTAL EXPENSES	21,388,150	24,729,378	24,105,849	(623,529)	-2.5			
INCOME (LOSS)	\$7,682,350	\$6,818,793	\$7,588,442	\$769,649	11.3			



# Reidy Creek Golf Course Fund

# 10%

# **REVENUES**

- The decrease in Reidy Creek's green fees (8.6%) and cart rentals (12.6%) are attributed to both economic factors and weather conditions. Current economic conditions coupled with an increased amount of rainfall, have contributed to a decrease of 7% in the number of golf rounds played compared to the prior year.
- The 65% decrease in Reidy Creek's other revenue is due in large to one time insurance money received in November 2008 for the lost revenues due to the wildfires in 2007.



## **EXPENSES**

- JC Management and the City had several meetings over the course of the year at the first sight of the downfall of revenues and focused on reducing expenditures as much as possible in order to avoid an overall loss during the year.
- A 13.6% decrease in maintenance costs was due to the weather conditions, which reduced the amount of water, fertilizers and chemicals needed for the year.
- There was also a reduction of staff which resulted in a decrease in General and Administrative costs.

REIDY CREEK GOLF COURSE FUND								
	FY 2009-10 BUDGET	6/30/2009 ACTUALS	6/30/2010 ACTUALS	DIFFERENCE	%			
REVENUES								
Green Fees	\$471,655	\$455,663	\$416,620	(\$39,043)	-8.6			
Cart Rentals	201,620	192,334	168,042	(24,292)	-12.6			
Golf Merchandise Sales	42,765	33,143	35,111	1,968	5.9			
Food and Beverage Rent	9,000	9,463	8,468	(995)	-10.5			
Other Golf Revenue	2,220	16,968	5,943	(11,025)	-65.0			
TOTAL REVENUES	727,260	707,571	634,184	(73,387)	-10.4			
EXPENDITURES								
Management Fee	67,455	65,328	66,731	1,403	2.			
Golf Course Operations	194,280	190,241	184,331	(5,910)	-3.			
Golf Course Maintenance	357,260	332,004	287,017	(44,987)	-13.			
Administrative & General	66,075	74,559	62,404	(12,155)	-16.			
Golf Course Merchandise	28,120	25,300	21,033	(4,267)	-16.9			
Golf Cart Lease	4,515	4,470	4,509	39	0.9			
Insurance	7,200	5,229	4,891	(338)	-6.			
TOTAL EXPENDITURES	724,905	697,131	630,916	(66,215)	-9.			
TOTAL REVENUES OVER EXPENDITURES	\$2,355	\$10,440	\$3,268	(\$7,172)	-68.			

<b>ESCONDIDO</b> City of Choice	CITY COUNCIL	For City Clerk's Use:  APPROVED DENIED  Reso No. File No. Ord No
		Agenda Item No.: Date: October 27, 2010

TO:

Honorable Mayor and Members of the City Council

FROM:

Jim Maher, Chief of Police

SUBJECT: FY 2010 Justice and Mental Health Collaboration Program Grant

# **RECOMMENDATION**:

It is requested that Council authorize the Escondido Police Department to accept a FY 2010 Justice and Mental Health Collaboration Program Grant in the amount of \$200,000 from the U.S. Department of Justice. Approve grant expenditures consistent with guidelines and authorize the Chief of Police to submit and execute grant documents on behalf of the City. Authorize staff to establish budgets to spend grant funds.

## FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used for police officer training, software, and contract services.

# PREVIOUS ACTION:

None

## BACKGROUND:

The Escondido Police Department has received a \$200,000 Justice and Mental Health Collaboration Program Grant from the United States Department of Justice. Grant funds will be used to enhance the Escondido Community Sobering and Stabilization Program (ECSS). This program is a community partnership between the Escondido Police Department (EPD), Interfaith Community Services, Psychiatric Emergency Response Team (PERT) San Diego, and Neighborhood Healthcare.

Grant funds will allow for the expansion of community PERT presence, police officer awareness training, increased coordination with ECSS, and expanded behavioral health services at ECSS. Grant funds will be used to:

• Train Escondido police officers to better identify, respond to and refer mentally ill clients to treatment resources;

# FY 2010 Justice and Mental Health Collaboration Program Grant Page 2

- Purchase data management software for Interfaith Community Services and Neighborhood Healthcare to capture and manage client demographics, services rendered and client progress;
- Partially fund ECSS case managers at Interfaith Community Services and Neighborhood Healthcare:
- Partially fund psychiatric care at Interfaith Community Services and Neighborhood Healthcare;
- Partially fund substance abuse and mental health counseling at Interfaith Community Services and Neighborhood Healthcare; and
- Add two new part-time PERT clinicians to work in the field with Escondido Police Department patrol officers.

If approved by your action today, the collaboration between Escondido Community Sobering Services, Escondido Police Department, Interfaith Council and Neighborhood Healthcare will streamline the response to street inebriates and disturbances associated with public inebriation.

The grant requires a match of at least \$50,000. This amount would be shared by Interfaith Community Services, Psychiatric Emergency Response Team (PERT) Inc., Neighborhood Healthcare and the City of Escondido. The City of Escondido's portion of the match will include in-kind salaries for police officers who will be partnered with PERT clinicians.

Respectfully submitted,

Jim Maner Chief of Police



# CITY OF ESCONDIDO

# **BUDGET ADJUSTMENT REQUEST**

Date of Request: October 19, 2010				Fo	r Finance Use Only	
Department: Police				Log #		
Division: Administration				Fiscal Year		
Project/Budget Manager: Jim Maher/Susan Cervenka 4402 Name Extension  Council Date (if applicable): October 27, 2010 (attach copy of staff report)					Budget Balances General Fund Accts Revenue Interfund Transfers Fund Balance	
Project/Account Description	Account Numb	er	Amount of In	crease	Amount of Decrease	
Revenue	4128-451-New Projec	t Number	\$200,00	0		
Police Grants	451-New Project N	umber	\$200,00	0		
·			<u>.</u>			
Explanation of Request:		<u> </u>				
A budget adjustment is needed to	o spend grant funds for tra	ining, and cont	ract services.	/		
	, 0					
				•		
AMA	10 - 18 - 10	<u>OVALS</u>				
Department Head	Date [0]   q	City Manager			Date	
finance	Date	City Clerk			Date	

Distribution (after approval):

Original: Finance



Agenda Item No.: \_\_\_\_\_\_ Date: October 27, 2010

TO:

Honorable Mayor and Members of the City Council

FROM:

Edward N. Domingue, Director of Engineering Services

Robert J. Zaino, Deputy Director of Engineering Services

SUBJECT:

Bid Award for Grading, Utilities, and Construction Improvements for the

**Escondido Sports Center Project** 

# **RECOMMENDATION:**

It is requested that Council determine the bid from Whillock Contracting for \$88,980.21 to be non-responsive and accept the bid from Try Kirtley General Engineering for \$93,328.00 as the lowest responsive and responsible bid and adopt Resolution No. 2010-159 authorizing the Mayor and the City Clerk to execute a Public Improvement Agreement with Try Kirtley General Engineering in the amount of \$93,328.00 for the grading, utilities, and construction improvements for the Escondido Sports Center Project.

# **FISCAL ANALYSIS:**

This project is fully funded in the current year CIP budget with \$341,556 of Park Development funds.

# PREVIOUS ACTION:

The original consulting agreement with Matalon Architecture and Planning, Inc., in the amount of \$90,000, was approved by City Council on March 12, 2008, by adoption of Resolution No. 2008-41.

A project status report and conceptual plan was reviewed by City Council on August 20, 2008.

An amendment to the original consulting agreement, in the amount of \$14,582, for additional design services by Matalon Architecture and Planning, Inc., was approved by City Council on December 10, 2008, by adoption of Resolution No. 2008-220.

# **BACKGROUND:**

The Sports Center Office Expansion project is being developed as two separate bid packages. The grading, utilities, and construction improvements will provide a compacted, certified pad for the office expansion and the future multi-purpose room. Shortly after the first of the year, the office expansion will be advertised for construction bids as this grading work nears completion.

Bid Award, Grading/Utilities/Construction Improvements Sports Center Office Expansion October 27, 2010 Page 2

The design work is completed for the companion project, the Sports Center multi-purpose building, but the Park Development fund does not have sufficient resources to construct the community meeting room at this time.

The Engineer's estimate for the grading, utilities, and construction improvements project for the Escondido Sports Center is \$95,000.

On, September 30, 2010, the City of Escondido received nineteen sealed bids in response to its advertised request for bids on this project. The bids were opened by the City Clerk with the following bid results:

(1)	Whillock Contracting	\$88,980.21
(2)	Try Kirtley General Engineering	\$93,328.00
(3)	Scott Michael, Inc.	\$96,750.50
(4)	B&T Works, Inc.	\$96,825.00
( <del>5</del> )	Templeton Engineering, Inc.	\$103,699.00
(6)	Rocket Enterprises	\$106,005.00
(7)	Dennis Patrick Contracting	\$107,204.64
(8)	Palm Engineering Construction	\$109,720.00
(9)	Southland Paving, Inc	\$110,751.00
(10)	Blair Rasmussen Construction	\$111,242.87
(11)	TK Construction	\$116,479.50
(12)	Wagner Construction	\$124,930.53
(13)	Crest Equipment, Inc.	\$126,885.00
(14)	Accurate Underground & Grading, Inc.	\$128,994.00
(15)	M & E Construction	\$157,050.00
(16)	De La Fuente Construction	\$157,360.00
(17)	Advanced Building Electronic Control Systems, Inc.	\$159,604.60
(18)	New Century Construction, Inc.	\$159,935.00
(19)	Zondiros Corporation	\$175,375.00

Following the bid opening, staff reviewed the submitted bid proposals. The apparent low bidder, Whillock Contracting, did not submit an acceptable bid security. Failure to properly complete the bid documents per Instruction to Bidders 11.1 and the bid form itself renders this bid to be non-responsive.

When considering bids on past projects, staff has recommended and the City Council has rejected bids based on this same error. In light of public policy and the law concerning competitive bidding requirements, and based on the facts of this case, staff recommends the bid by Whillock Contracting

Bid Award, Grading/Utilities/Construction Improvements Sports Center Office Expansion October 27, 2010 Page 3

be rejected as non-responsive and the contract be awarded to Try Kirtley General Engineering in the amount of \$93,328.00.

Respectfully submitted,

Edward Domingue, F.E. Director of Engineering Services

Robert J. Zaino, P.E.

Deputy Director of Engineering Services

# RESOLUTION NO. 2010-159

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 PUBLIC IMPROVEMENT AGREEMENT WITH TRY KIRTLEY GENERAL ENGINEERING FOR THE GRADING, UTILITIES, AND CONSTRUCTION IMPROVEMENTS FOR ESCONDIDO SPORTS CENTER PROJECT

WHEREAS, the City Council has allocated funding to the grading, utilities, and construction Improvements for Escondido Sports Center Project; and

WHEREAS, a notice inviting bids for said improvement was duly published, and pursuant to said notice, Try Kirtley General Engineering submitted a bid; and

WHEREAS, the apparent low bid, submitted by Whillock Contracting was determined to be non-responsive and Try Kirtley General Engineering was determined to be the lowest responsive and responsible bidder; and

WHEREAS, the Director of Engineering Services recommends the execution of a Public Improvement Agreement with Try Kirtley General Engineering in the amount of \$93,328 for the grading, utilities, and construction Improvements for Escondido Sports Center Project.

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

- 1. That the above recitations are true.
- 2. That the City Council accepts the recommendation of the Director of Engineering Services.

3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, a Public Improvement Agreement ("Agreement") with Try Kirtley General Engineering for the Project. A copy of the Agreement is attached as Exhibit "A" and is incorporated by this reference.

## PUBLIC IMPROVEMENT AGREEMENT

This '	'Agreement",	dated the	day of			_, 20	_, in the Cou	inty of SAN
DIEG	O, State of C	alifornia, is by	and between	THE CITY	OF ESCO	NDIDO	hereinafter r	eferred to as
"CIT	("), and Try I	Kirtley Genera	l Engineering	(hereinafter	referred to a	s "CON"	ΓRACTOR").	

The CITY and the CONTRACTOR, for the consideration stated herein, agree as follows:

- 1. The complete contract includes all of the Project Documents described in the General Conditions, which are incorporated by reference. The Project Documents are complementary, and what is called for by any one shall be as binding as if called for by all.
- 2. CONTRACTOR shall perform, within the time set forth in Paragraph 4 of this Agreement, everything required and reasonably inferred to be performed, and shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services as described in the complete contract and required for construction of

# GRADING/UTILITIES/CONSTRUCTION IMPROVEMENTS FOR ESCONDIDO SPORTS CENTER PROJECT

All of said work to be performed and materials to be furnished shall be completed in a good workmanlike manner, free from defects, in strict accordance with the plans, drawings, specifications and all provisions of the complete contract as hereinabove defined. The CONTRACTOR shall be liable to the CITY for any damages and resulting costs, including consultants' costs, arising as a result of a failure to fully comply with this obligation, and the CONTRACTOR shall not be excused with respect to any failure to so comply by any act or omission of the Architect, Engineer, Inspector, or representative of any of them, unless such act or omission actually prevents the CONTRACTOR from fully complying with the requirements of the Project Documents, and unless the CONTRACTOR protests at the time of such alleged prevention that the act or omission is preventing the CONTRACTOR from fully complying with the Project documents. Such protest shall not be effective unless reduced to writing and filed with the CITY within three (3) working days of the date of occurrence of the act or omission preventing the CONTRACTOR from fully complying with the Project documents.

- 3. CITY shall pay to the CONTRACTOR, as full consideration for the faithful performance of the contract, subject to any additions or deductions as provided in the Project documents, the sum of Ninety Three Thousand Three Hundred Twenty Eight Dollars (\$93,328.00).
- 4. The work shall be commenced on or before the twenty-first (21st) day after receiving the CITY'S Notice to Proceed and shall be completed within **SIXTY (60) working days** from the date specified in the Notice to Proceed.
- 5. Time is of the essence. If the work is not completed in accordance with Paragraph 4 above, it is understood that the CITY will suffer damage. It being impractical and infeasible to determine the amount of actual damage(s), in accordance with Government Code Section 53069.85, it is agreed that CONTRACTOR shall pay to CITY as fixed and liquidated damages, and not as a penalty, the sum(s) indicated in the LIQUIDATED DAMAGES SCHEDULE below for each calendar day of

delay until work is completed and accepted. This amount shall be deducted from any payments due to or to become due to CONTRACTOR. CONTRACTOR and CONTRACTOR'S surety shall be liable for the amount thereof. Time extensions may be granted by the CITY as provided in the General Conditions.

Liquidated damages schedule:

If the overall project is delayed **one (1) calendar day or more**, the rate shall be \$250/day.

Acknowledged:		
-	Initials	of Principal

- In the event CONTRACTOR, for a period of ten (10) working days after receipt of written 6. demand from CITY to do so, fails to furnish tools, equipment, or labor in the necessary quantity or quality, or to prosecute said work and all parts thereof in a diligent and workmanlike manner, or after commencing to do so within said ten (10) working days, fails to continue to do so, then the CITY may exclude the CONTRACTOR from the premises, or any portion thereof, and take possession of said premises or any portion thereof, together with all material and equipment thereon, and may complete the work contemplated by this Agreement or any portion of said work, either by furnishing the tools, equipment, labor or material necessary, or by letting the unfinished portion of said work, or the portion taken over by the CITY to another contractor, or demanding the surety hire another contractor, or by any combination of such methods. In any event, the procuring of the completion of said work, or the portion thereof taken over by the CITY, shall be a charge against the CONTRACTOR, and may be deducted from any money due or to become due to CONTRACTOR from the CITY, or the CONTRACTOR shall pay the CITY the amount of said charge, or the portion thereof unsatisfied. The sureties provided for under this Agreement shall become liable for payment should CONTRACTOR fail to pay in full any said cost incurred by the CITY. The permissible charges for any such procurement of the completion of said work should include actual costs and fees incurred to third party individuals and entities (including, but not limited to consultants, attorneys, inspectors, and designers) and actual costs incurred by CITY for the increased dedication of time of CITY employees to the Project.
- 7. To the fullest extent permitted by law, the CONTRACTOR agrees to and does hereby agree to fully defend, indemnify and hold the CITY, its governing board, officers, agents, Project design team members (architect and consulting engineers), consultants, attorneys, and employees harmless of and from each and every claim, assertion, action, cause of action, arbitration, suit, proceedings, or demand made, and every liability, loss, judgment, award, damage, or expense, of any nature whatsoever (including attorneys' fees, consultant costs), which may be incurred by reason of:
  - (a) Asserted and/or actual liability arises from claims for and/or damages resulting from damages for:
    - (1) Death or bodily injury to persons.
    - (2) Injury to, loss or theft of tangible and/or intangible property/ e.g. economic loss.
    - (3) Any other loss, damage or expense arising under either (1) or (2) above, sustained by the CONTRACTOR upon or in connection with the work called for in this Project, except for liability resulting from the sole active negligence, or willful misconduct of the CITY.

- (b) Any injury to or death of any person(s) or damage, loss or theft of any property caused by any act, neglect, default or omission of the CONTRACTOR, or any person, firm, or corporation employed by the CONTRACTOR, either directly or by independent contract, arising out of, or in any way connected with the work covered by this Agreement, whether said injury or damage occurs on or off City property.
- (c) Any and all liabilities, claims, actions, causes of action, proceedings, suits, administrative proceedings, damages, fines, penalties, judgments, orders, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements, arising out of any violation, or claim of violation of the San Diego Municipal Storm Water Permit (Order No. 2001-01), and updates or renewals, of the California Regional Water Quality Control Board Region 9, San Diego, which the CITY might suffer, incur, or become subject by reason of or occurring as a result of or allegedly caused by the construction, reconstruction, maintenance, and/or repair of the work under this Agreement.

The CONTRACTOR, at CONTRACTOR's own expense, cost, and risk shall defend any and all actions, suit, or other proceedings that may be brought or instituted against the CITY, its governing board, officers, agents or employees, on any such claim, demand or liability, and shall pay or satisfy any judgment that may be rendered against the CITY, its governing board, officers, agents or employees in any action, suit or other proceedings as a result thereof.

- 8. CONTRACTOR shall take out, prior to commencing the work, and maintain, during the life of this contract, and shall require all subcontractors, if any, of every tier, to take out and maintain:
  - (a) General Liability and Property Damage Insurance as defined in the General Conditions in the amount with a combined single limit of not less that \$3,000,000 per occurrence.
  - (b) Course of Construction / Builder's Risk Insurance. See Article 5.2 of General Conditions.
  - (c) Insurance Covering Special Hazards: The following special hazards shall be covered by rider or riders to the above-mentioned public liability insurance or property damage insurance policy or policies of insurance, or by special policies of insurance in amounts as follows:
    - (1) Automotive and truck where operated in amounts as above
    - (2) Material hoist where used in amounts as above
  - (d) Workers' Compensation Insurance.
  - (e) Each insurance policy required above must be acceptable to the City Attorney, as follows:
    - (1) Each policy must name the CITY specifically as an additional insured under the policy on a separate endorsement page, with the exception of the workers' compensation and the Errors and Omissions policies.
    - (2) 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.

- (3) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
- (f) In executing this Agreement, CONTRACTOR agrees to have completed insurance documents on file with the CITY within 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. This Agreement is subject to California Public Contract Code Section 22300, which permits the substitution of securities for any monies withheld by the City under this Agreement, and permits the CONTRACTOR to have all payments of earned retentions by the City paid to an escrow agent at the expense of the CONTRACTOR.
- 10. Each and every provision of law and clause required by law to be inserted in this Agreement or its attachments shall be deemed to be inserted herein and the Agreement shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not currently inserted, then upon application of either party the Agreement shall forthwith be physically amended to make such insertion or correction, without further changes to the remainder of the Agreement.
- 11. The complete contract as set forth in Paragraph 1 of this Agreement constitutes the entire Agreement of the parties. No other agreements, oral or written, pertaining to the work to be performed, exists between the parties. This Agreement can be modified only by an amendment in writing, signed by both parties and pursuant to action of the Escondido City Council.
- 12. CONTRACTOR shall comply with those provisions of the Labor Code requiring payment of prevailing wages, keeping of certified payroll records, overtime pay, employment of apprentices, and workers' compensation coverage, as further set forth in the General Conditions, and shall file the required workers' compensation certificate before commencing work.
- 13. The terms "Project Documents" and/or "Contract Documents" where used, shall refer to those documents included in the definition set forth in the General Conditions made a part hereof.

IN WITNESS WHEREOF, this Agreement has been executed on behalf of CITY by its officers thereunto authorized and by CONTRACTOR, the date and year first above written.

CITY OF ESCONDIDO

	a municipal corporation 201 North Broadway Escondido, CA 92025		
By: Marsha Whalen, City Clerk	By: Lori Holt Pfeiler, Mayor		
CONTRACTOR			
By: Signature	By: Signature*		
Print Name	Print Name		
Title	Title (Second signature required only for corporation)  By: Signature**		
(CORPORATE SEAL OF CONTRACTOR, if corporation)	Print Name  Title  Contractor's License No.		
	Tax ID/Social Security No.		

\*If CONTRACTOR is a corporation, the first signature must be by one of the following officers of the corporation: Chairman of the Board, President, or any Vice President.

\*\*If CONTRACTOR is a corporation, the second signature must be by a different person from the first signature and must be by one of the following officers of the corporation: Secretary, any Assistant Secretary, the Chief Financial Officer, or any Assistant Treasurer.

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
JEFFREY R. EPP, City Attorney
By:
Jeffrey R. Epp, City Attorney



Agenda Item No.: Date: October 27, 2010

TO:

Honorable Mayor and Members of the City Council

FROM:

Edward N. Domingue, Director of Engineering Services

**SUBJECT:** First Amendment to Consultant Agreement with SCS Engineers for Remediation of

Orange Glen Market Site

#### RECOMMENDATION:

It is requested that Council adopt Resolution No. 2010-162 authorizing the Mayor and City Clerk to execute a First Amendment to the Consulting Agreement with SCS Engineers in the amount of \$181,325 for continued engineering and construction support in the remediation of the Orange Glen Market site.

#### FISCAL ANALYSIS:

Funds for this work will be reimbursed to the City from the State Cleanup Fund and escrow funds from the right of way acquisition settlement with the previous property owner (Nanci).

#### PREVIOUS ACTION:

City Council approved a previous contract with SCS Engineers (previously Environmental Business Solutions, Inc.) per Resolution 2005-118 on June 1, 2005, and Amendment One per Resolution 2008-88 on April 23, 2008. The current contract was approved by City Council per Resolution 2009-117 on August 19, 2009.

#### **BACKGROUND:**

Part of the right-of-way necessary for the Bear/East Valley Parkways Project includes a previous gas station site addressed as 2741 East Valley Parkway (OG Market). The County Department of Environmental Health identified site contamination during removal of the underground storage tanks (USTs) from this site in 1999. The tenant of the OG Market (Tartir) began the clean up process, but was unable due to lack of funds to proceed with the work. The tenant, however, was able to qualify this site for State Cleanup funds.

During the environmental and preliminary engineering phase of the Bear/East Valley Parkway project the City identified the site as potentially contaminated and obtained a preliminary range of cost to

Orange Glen Market Remediation First Amendment to SCS Consultant Agreement October 27, 2010 Page 2

remediate the site. The City received final federal environmental project approvals in 2004 and then proceeded into the project right of way phase.

During the right-of-way phase and prior to final City acquisition of the OG Market, the City entered into an "on behalf of" agreement with the tenant to allow the City to take the lead in site remediation on behalf of the property owner/tenant. This agreement did not relieve the tenant or property owner (Nanci) from responsibility for site cleanup, but expedited cleanup of site contamination that might impact construction of the City's project. While the OG Market structures have been removed and settlement with the tenants completed, the "on behalf of" agreement will continue with the Tartirs until conclusion of site cleanup. This agreement obligates any payments from the State to be paid to the City to reimburse City costs.

The City reached final agreement with the owner of the OG Market outlining acquisition of the site and financial responsibilities for site cleanup in a settlement agreement dated April 4, 2008. The final agreement established an escrow account for \$500,000 of the purchase price of the property to cover any costs of the City not reimbursed by the State Cleanup Fund. The State Cleanup Fund will provide up to \$1.5 million for qualifying cleanup expenses, which when supplemented by the Nanci escrow account are anticipated to adequately fund the process (proposed \$2.0 million budget).

In 2005 SCS Engineers began work under City contracts/amendments to develop and implement work plans to document and remove the point source of contamination from the site. This specialized field of work and the expertise with the State Cleanup Fund was not available from City staff and not necessary to the City on a full time basis. City staff elected with City Council approval to proceed with outside consultants to accomplish this work. Major tasks accomplished to date include:

- "On Behalf Agreement" approved by State Water Resources Control Board 11/28/2006.
- Interim Remedial Action Workplan (IRAW) approved 8/01/2007.
- Completion of Interim Remedial Action (IRA) documented in 10/22/08 report.
- Removal and documented disposal of approximately 1,100 tons of petroleum hydrocarbonbearing soil.
  - Addition of 1,025 pounds of oxygen releasing compound to the saturated subsurface in the vicinity of the former underground storage tanks (UST's).
  - Completed Quarterly groundwater monitoring consistent with IRAW (now changed to semi- annual).

Orange Glen Market Remediation
First Amendment to SCS Consultant Agreement
October 27, 2010
Page 3

- Response activities to the California Regional Water Quality Control Board Cleanup and Abatement Order R9-2009-0074 dated 5/11/2009.
- Processing of State UST Cleanup Fund claims
- Addendum to the Subsurface Assessment Workplan, dated March 8, 2010.
- Completion of Interim Remedial Action Field Study Workplan Addendum, dated March 16, 2010.
- Completion of a Corrective Action Plan, dated April 30, 2010.
- Processing of Monitoring well permits with City, property owners, and County of San Diego.

The proposed tasks for this first amendment to the latest contract with SCS Engineers will address repairs/upgrades to monitoring wells, project management, continue coordination/processing with Regional Water Quality Control Board (RWQCB) staff, further assessment of site conditions and extent of contamination, installation of additional monitoring wells, continue semi-annual monitoring of test wells, assessment of potential for significant human health risk from vapor phase migration of VOCs, and continue to evaluate the feasibility of additional non-emergency interim remedial actions (e.g.- groundwater pump and treat) to reduce down gradient contamination to acceptable standards.

Upon completion of the successful testing of the non-emergency remediation method, staff will then seek additional future authorization for consultant to pursue that course to final remediation. Consultant estimates a conservative target date to final remediation will not exceed 2 years once the proposed treatment method has been validated and approved by the RWQCB.

Respectfully submitted,

Edward N. Domingue, R.E.

Director of Engineering Services

#### RESOLUTION NO. 2010-162

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 FIRST AMENDMENT TO THE CONSULTANT AGREEMENT WITH SCS ENGINEERS, FOR CONTINUED ENGINEERING AND CONSTRUCTION SUPPORT IN THE REMEDIATION OF THE ORANGE GLEN MARKET SITE

WHEREAS, the City Council adopted Resolution 2009-117, dated August 19, 2009, approving a consultant agreement with SCS Engineers for environmental consultant/contractor services for the Bear/East Valley Parkway Project; and

WHEREAS, the Director of Engineering Services recommends the execution of a First Amendment to the Consultant Agreement for continued engineering and construction support in the remediation of the Orange Glen Market site, a more specific location within the Bear/East Valley Parkways Project; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said First Amendment to the Consultant 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. That the City Council accepts the recommendation of the Director of Engineering Services.

3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, a First Amendment to the Consultant Agreement with SCS Engineers, for continued engineering and construction support in the remediation of the Orange Glen Market site. A copy of the First Amendment to the Consultant Agreement is attached as Exhibit "1" and is incorporated by this reference.



Resolution No.	20	10-	-162	
EXHIBIT	Ì			
Page/		of_	34	_

# CITY OF ESCONDIDO FIRST AMENDMENT TO CONSULTING AGREEMENT

This "Amendme	nt" is made this day of, 20
Between:	CITY OF ESCONDIDO a municipal corporation 201 N. Broadway Escondido, California 92025 Attn: Ed Domingue ("CITY")
And:	SCS Engineers 8799 Balboa Avenue, Suite 290 San Diego, California 92123-4340 Attn: Dan Johnson ("CONSULTANT")

#### Witness that whereas:

- A. CITY and CONSULTANT entered into an agreement on August 19, 2009 ("Agreement"), wherein CITY retained CONSULTANT to provide services for environmental consultant/contractor services for the Bear/East Valley Parkway Project for an amount not to exceed \$100,186; and
- B. CITY and CONSULTANT desire to amend the Agreement to include additional work, which is defined in "Attachment A" to this Amendment, which is incorporated by reference;

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

- 1. The CONSULTANT will furnish the services described in "Attachment A" to this Amendment.
- CITY will compensate the CONSULTANT in an additional amount not to exceed \$181,325.00, pursuant to the conditions and compensation terms contained in "Attachment A" to this Agreement.

3. All additional terms under the Agreement between CITY and CONSULTANT still apply to the additional work to be performed by CONSULTANT under this Amendment. If any of the terms of this Amendment conflict with the Agreement, this Amendment must prevail.

IN WITNESS WHEREOF, the parties have executed this Amendment as of the day and year first above written.

CITY OF ESCONDIDO

Date:	
	Lori Holt Pfeiler Mayor
Date:	
	Marsha Whalen City Clerk
Date:	SCS Engineers
	Daniel E. Johnson Vice President
Approved as to form:	
OFFICE OF THE CITY ATTORNEY JEFFREY R. EPP, CITY ATTORNEY	
BY:	

#### **ATTACHMENT "A"**

Resolution No	2010-162
EXHIBIT	
Page3	of <u>34</u>

November 6, 2009

## $S_{\it cope of services change, number 6}$

To: City of Escondido
Attn: Mr. Edward N. Domingue, P.E.
Principal Engineer
201 North Broadway
Escondido, California 92025

Project Number: 01205515.00
Project Name: Former Orange Glen
Market
Project Location: 2741 East Valley
Parkway, Escondido, California
(Site)

The objective of the proposed scope of services is to:

Complete repairs to three monitoring wells (MW1, MW3, and MW5) that
were damaged during the completion of the road improvements within
the Site.

#### BACKGROUND

The intent of this Scope of Services Change Number 6 (SSC6) is to provide a cost estimate to complete repairs to the three damaged wells at the Site. Monitoring well MW3 requires complete replacement due to irreparable damage to the PVC riser and surface completion. Monitoring well MW1 requires lengthening of the riser, replacement of the surface completion, and well development. Monitoring well MW5 requires lengthening of the riser to accommodate the new grade as well as replacement of the surface completion to facilitate drainage.

#### SCOPE OF SERVICES

TASK XXXII MONITORING WELL REPAIRS

#### Permitting

The abandonment and replacement of MW3 requires a monitoring well permit from the County of San Diego Department of Environmental Health (DEH) well permitting desk. A monitoring well permit application will be submitted to the DEH with all necessary fees and associated documentation.

Intion No. 2010-162

IT

4 of 34

Mr. Edward Domingue **Project Number: 01205515.00** November 6, 2009

Scope of Services Change Number 6 Page 2 of 4

SCS Engineers

#### Utility Search and Markout

Prior to drilling, Underground Service Alert (USA) will be contacted to minimize the likelihood of drilling into an underground utility. SCS will also contract with a private underground utility location company to attempt to locate subsurface utilities and improvements at the Site to minimize the likelihood of drilling into an underground utility.

#### Monitoring Well Abandonment and Replacement

The existing components of monitoring well MW3 will be overdrilled with 10-inch diameter hollow-stem augers to a depth of 25 feet below grade. The use of 10-inch diameter augers to overdrill a well constructed in an 8-inch diameter soil boring will provide greater assurance of well debris removal and proper development completion.

Soil cuttings, purged groundwater, and rinsate will be placed in 55-gallon drums, labeled, and stored on Site while disposal options are evaluated.

#### Permanent Monitoring Well Construction and Surface **Completion Repairs**

MW3 will be constructed with 15-foot long screened interval (designed to be approximately 10 feet below and 5 feet above the field-interpreted saturated zone [estimated total depth of approximately 25 feet below grade]).

The 15-foot long screened interval of MW3 will consist of 0.010-inch slotted casing with an appropriately graded filter pack placed in the well annulus to approximately 3 foot above the top of screened interval. The wells will be surged during construction to settle the sand pack prior to installing a 3-feet thick annulus seal. All newly installed wells will be developed in accordance with DEH guidelines to remove fines from the sand pack and well casings. The wells will be constructed in general accordance with DEH guidelines and State of California requirements. Also, in order to comply with the requirements of the monitoring well installation permit, a 60-day report will be prepared and submitted to the DEH.

The flush-mount surface completion of MW1 will be replaced within the existing sidewalk panel. The flush-mount surface completion of MW5 will be replaced within the eastbound side of East Valley Parkway.

#### Monitoring Well Development

Monitoring wells MW1 and MW3 will be surged and purged with a development rig subsequent to repair and construction activities. Development will be completed to provide better hydraulic communication with the surrounding saturated unconsolidated

Page 5 of 34

Mr. Edward Domingue Project Number: 01205515.00 November 6, 2009 Scope of Services Change Number 6
Page 3 of 4
SCS Engineers

sediments and remove fines from the well casing by pumping water until the water quality parameters have stabilized within an acceptable range. The estimated budget includes one day of development. Development water will be placed in 55-gallon drums, which will be labeled and left on-Site pending receipt of analytical results and evaluation of disposal options. After completion, the monitoring wells will need to be surveyed by the City of Escondido licensed land surveyor for both vertical and horizontal control. This will allow for an accurate estimate of groundwater elevation and gradient in general accordance with the regulations pursuant to AB2886.

Please note that this budget assumes the disposal of 10 drums of non hazardous groundwater.

#### ESTIMATED BUDGET AND SCHEDULE

The SCS team stands ready to begin this project immediately upon receipt of this signed contract.

The following table summarizes the costs for the scope of services contained within SSC6.

Task	The costs for the above-described Scope of Services are estimated to be as follows:
Task XXXII - MONITORING WELL REPAIRS	\$9,600.00
5% Contingency Cost Range*	\$10,080.00

<sup>\*</sup> Please allow for a minimum 5 percent variance in the total estimated cost due to changed Site conditions or unanticipated circumstances.

Resolution	No.	2010-162
LAGIBIT		
Page 4	<b></b> of	34

Mr. Edward Domingue Project Number: 01205515.00 November 6, 2009 Scope of Services Change Number 6
Page 4 of 4
SCS Engineers

the previously execu between SCS and the	f Services Change is part of and is inted Contract and Agreement for e Client. Please sign both copies of the fully executed copy of SSC6 will be	Services No. 01205515.00 SSC6 and mail both signed
CLIENT AUTHORIZA	ATION:	
Signature	Printed Name	Date
SCS ENGINEERS A	UTHORIZATION:	
Signature	Printed Name	Date

#### SCS PROJECT BUDGET

PROJECT NAME	UST Conform	ned Schedule			PROJECT NU	MBER	01205515.00
PROJECT DIRECTOR	ומ	Markup	15%	EOF	 CLIENT	City of E	scondido
PROJECT MANAGER	KLE	Communicati	one Fee		 DATE PREPA	HED	4/20/2009
ALES TAX	7.75	%					
HAGE TITLE					SPREADSHEET LOCATIO	<b>ft</b>	ile
ATTACHMENT NO.	S .				REALITY CHECK		OK

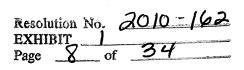
TASK	TASK DESCRIPTION
32	Well Repolits (MW), MWS, MWS)
energia.	BANK 中国公司等的的第三人称单数 的第三人称形式 医二甲甲甲基甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲甲
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2665 FRE	<b>基度中央企业,基本企业,中央第二个主义,但由于中央企业的企业,由于中央企业的企业,企业的企业,企业的企业,企业的企业,企业的企业,企业企业,企业企业</b>
Kar Oraci -	高級素子基準的AP的描述的方式是不少的基本。由于40%的基础。中代法院基础等的機能是否的基础的对象

#### SUMMARY: ESTIMATED COSTS

COST CATEGORY	SUS- TOTALS	TARK 22	TASK	TARK	TARK	TASK	TANK	TANK	TABIE
SCS DIRECT LABOR	\$1,867	\$1,007		1980 P. S. S.	blakeri.	by Might Silv	(Kack)		i i i i i i i i i i i i i i i i i i i
SUBCONTRACTOR	\$4,002	\$5,992		gayarêsî	or Cárelon	(144.25°)	Professional	property (	8446 N.S.
LABORATORY	pa yege.	Mars Rose	etalija i	8874 NEVER	is sales sa	Maria a	<b>1</b> 145 (145 (145 (145 (145 (145 (145 (145 (	skamseti	\$145350 H
OTHER PRIME	2696	1006	States :	984.439 c.	889/56-1	F142/14; : 1	JAN 151	(42/35/2011)	<b>5</b> 446
TOTAL COST	\$9,576 \$9,600	\$9,575 \$9,600	84. HV9						

#### SUMMARY, SCS DIRECT LABOR COST

SCS STAFF LEVELS	COST SUB- TOTALS	RATE	TOTAL	TABK 20 UNITS	TANK	TASK	TASK	TASIK	TASK	TANK	TAGUL
Principal		\$229				i					
Project Director		\$208	i 1				l	1	1	1	1
Senior Project Advisor (STM)	1	\$181	1 1		1	ĺ	i	i	l	ł	i
Project Manager		\$145							i		1
Senior Project Professional	l l	\$134				l		1		1	ł
Construction Superintendent		\$126				Į	l		i	ł	
Project Professional	\$1,887	\$111	17	17	l	1	l		1	i	l
Staff Professional	1 1	\$97	l 1				1			l	l
Technician		\$76	l . i		l	l	i			l	
Associate Professional	1 1	\$86	l l		l	ł	l		l	<b>]</b>	•
Senior Engineering Technician		\$84	1. 1		1	l			1		l
Project Administrator	1 1	\$86	[ [		ĺ	[	ĺ		ſ	ĺ	1
Designer/Drafter	1 1	\$81			ł	1	į			l	İ
Administrative Assistant		\$71			l	ŀ	l			L	<b>!</b>
Technical Editor		\$86			<u> </u>		<b>.</b>			l	
SUBTOTAL	\$1,867		17	1887							
COMMUNICATIONS FEE											
TOTAL DIRECT LABOR	\$1,887			\$1,887							



PROJECT NAME UST Conformed Schwidgle	PROJECT NUMBER 01205515.00
PROJECT MANAGER DJ PHASE TITLE	CLIENT City of Escondido
RESPONSIBLE PERSON KLE ATTACHMENT NO.	DATE PREPARED 4/20/2009

	<b>21</b> 2014	T 22-22			CS PERSON	NEL HOURS		T			,	,
SCS LEVEL	TASKS	COSTS	UNIT RATE	TOTAL UNITS	TASK 32 UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS
Principal	REPORT REVIEW		\$229									
	PM/Scheduling Oversight		\$229 \$229									
	- Overaigin		\$229									
Project Director			\$208									
			\$208 \$208	İ								
	ļ	l	\$208							]		
Senior Project	REPORT REVIEW	<u> </u>	\$181		<b></b>					<b>†</b>		
Advisor (STM)	PM/Scheduling		\$181							ĺ		
	Oversight review logs/notes		\$181 \$181									ļ ·
Project Manager	mob/demob		\$145		t		<u> </u>			<del>                                     </del>		
,	Permit appl'n		\$145									
	Fieldwork Oversight		\$145 \$145									İ
	PM/Scheduling		\$145						-	l	ĺ	
	review b/logs		\$145							l	İ	
	review notes PEER REVIEW		\$145 \$145								1	l
Senior Project	-	<del> </del>	\$134	l	<b>-</b>		<del> </del>	<b></b>		<del> </del>	<del> </del>	
Professional	REPORT REVIEW		\$134							l		l
	•		\$134 \$134									ł
	Ľ	ĺ	\$134									[
	ļ.	<u></u>	\$134		<u> </u>			L			<b> </b>	
Construction	1	1	\$126 \$126		1					1	l	
Superintendent	[.	l	\$126							L		<u> </u>
Project	PM/Scheduling	\$222	\$111	2	2							
Professional	Fieldwork H&S Plan	\$1,055	\$111	95	9.5					1	1	l
	mob/demob	\$167	\$111	1.5	1.5					1		1
	Data interp		\$111							ĺ		İ
	Reporting		\$111						-			
	Figures edits		\$111 \$111								·	
	boring logs	\$111	\$111	1	,							
	Fieldwork		\$111							l		
	EDF data input permitting	\$333	\$111 \$111	3	3							
Staff	PM/scheduling	1 2000	\$97									
Professional	USA markout		\$97									
	H&S Plan mob/demob		\$97 \$97									
	Fieldwork		\$97		i							
	Reporting		\$97	·								
	Figure preparation edits	1	\$97 \$97									
	Precon ming		\$97									
	EDF data input		\$97									
	Prep. 60 day rpt drum disposel		\$97 \$97									
Technician	drum disposal	<del> </del>	\$76									
	mob/demob		\$76		ŀ							
	gw sampling hand auger	]	\$76 \$76									
	soil sampling		\$76									
	USA markout		\$76									
Associate	mob/demob	<b> </b>	\$76 \$86		<b></b>							
Associate Professional	Fieldwork	l	\$86									
	reporting		\$86									
	figure preparation edits		\$86 \$86									
	H&S Plan		\$86					[				
	USA markout		\$86									
	PREP FOR FW		\$86 \$86									
	boring logs EDF data input		\$86 \$86									
			\$86									
0			\$86 \$84		ļ							
Senior Engineering Technician			\$84 \$84									
			\$84									
Project Administrator			\$86									
Designer/Drafter	Site plans		\$86 \$81		·							
	Photoplates		\$81									
	Boring logs		\$81									
	Cross-sections Edits		\$81 \$81					1				
Administrative	Project administration		\$71					1				
Assistant	Report production		\$71					1				
Technical Editor	Report edits		\$71 \$86		<del> </del>							
· springer s.dittr			\$86									
SUBTOTAL		\$1,887	TOTAL	17	17							
COMMUNICATIONS FEE		17 232	UNITS									
TOTAL DIRECT LABOR		\$1.887										

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PROJECT NAME UST Con	formed Schedule	PROJECT NUMBER 01205515.00					
PROJECT MANAGER DJ	PHASE TITLE	CLIENT City of Escondido					
RESPONSIBLE PERSON KLE	ATTACHMENT NO.	DATE PREPARED 4/20/2009					
SUMMARY: SCS SUBCONTRACTOR COST							

SUBCONTRACTOR ITEMS:	UNIT	TOTAL	TOTAL	TASK 32							
	RATE	UNITS	COSTS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS
Drum Disposal	\$110	10	\$1,100	10							
Drill bid (Baja)	\$2,300	1	\$2,300	1					•		
Well Development bid (Test America)	\$2.280	1	\$2,280	1						[	
ULS	\$400	1	\$400	1							
									1		
									·		
									<b>!</b> ,		
	' I										

SCS SURCTRCT FFF 15% \$912 \$912	
SCS SUB/CTRCT. FEE 15% \$912 \$912	
TOTAL SUBCONTRACTOR COST \$6,992 \$6,992	

										PROJECT NUMBER			
PROJECT MANAGER DJ	PHASE TITLE							CLIENT			City of Escondido		
RESPONDING PERSON KLE	ATTACHMENT	NB.						DATE PRE	PARED		4/20/2009		
SUMMARY: LABORATORY ANALY	/SIS COST												
WORK ITEMS		UNIT	TOTAL	TOTAL	TASK 32		T			T			
		RATE	UNITS	COSTS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	
SOL WITTARD		200											
TPH gas & diesel [8015B]		\$60	ļ	}	l		j	1	Į.	1	1		
BTEX + oxygenates [8250]		\$110	1	1	1		l	1		1	1	1	
EDF		\$60		1	1	1	l		l	1	1	l	
		1			l						l	ĺ	
ĺ					l				1		1		
							1					l	
WATER ANALYSES													
TPH gas & diesel [8015B]		\$60					T				T T		
BTEX + oxygenates (8260)		\$110			I	İ	i		ŀ	1	İ	l	
EDF (6 wells)		\$51	1		1	l	1	1	l .	1	1	1	
EDF (13 Wells)		Siti	1	l	1	i	l	ł	l	l	l	l	
· ·		l	1		l			l				1	
		İ	1		l -							j	
					l	Ì		1				l	
SOR VAPOR ANALYSES													
TPHg (8015)		\$25	1		1		T	1		T			
VOCs (8260B)		\$99			l			1			l	1	
VOC8 (8280B)		***									1		
		]	]		1		1	1	]	1	] .		
SAMPLE DISPOSAL (\$2 is H&P La	bs' cost only)	\$2					L	1					
SUBTOTAL													
EDF													
SUBTOTAL WITH EDF COSTS													
SCS SUB/CTRCT. FEE	15%												
TOTAL LABORATORY COST													

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SUMMARY: OTHER PRIME COSTS

PROJECT NAME UST Confo	med Schedule							PROJECTI	MARKA		01205515-0	0
PROJECT MANAGER DJ	PHASE TITLE			T	***************************************			CLIENT			City of Esco	ndido
RESPONSIBLE PERSON KLE	ATTACHMEN	T NO.						DATE PREI	ARED		4/20/2009	
SCS EQUIPMENT AND SUPPLIES												
WORK ITEMS		UNIT	TOTAL	TOTAL	TASK 32		1	1	T	T	T	
MUNK II CAIS		RATE	UNITS	COSTS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS
BAILERS		MAIL	OHI G	COSTS	Omila	Orajo	ONTO	OMIG	OM) a	O(4)13	- Civil 2	014110
Teflon/Stainless Steel per day		\$25		1	i	!		į		I	1	l
Disposable (each)		\$15		l	i	l			ļ	!	1	l
PVC per day		\$20	İ		l	l	1		l	1	1	1
Slug per day		\$25			[		[		I		1	1
					<u> </u>			<u> </u>	<u> </u>	<u> </u>		<u> </u>
		SUBTOTAL								l	<u> </u>	
CAMERAS:												
Digital		\$15	1	\$15	1			I		1		I
Sull		\$10					l				1	
Film & Developing		\$20					l	l	1	l	1	
Video		\$50			Ì			1		1	1	i
		SUBTOTAL		\$15	\$15		<del>                                     </del>	<b> </b>	<del>                                     </del>	1	†	<del> </del>
KITSAMBC, SUPPLIES:				2 (0.00								
Haz Wasta Field Kit		\$60				manife The State of the State o	C 14 (17 (17 (17 (17 (17 (17 (17 (17 (17 (17					200000000000000000000000000000000000000
		\$35			l		1	1	Į.		1	1
Exp. Field Supplies		\$35 \$5					1	l	•	1		
Sample Tubes and caps		\$5			l	ł	l	l	1		1	
Haz Waste Field Kit		)			]	1	j	1	1	j .	1	1
					<b></b>			<b></b>			<b></b>	
		SUBTOTAL						l		L	<u> </u>	
METER/ANALYZERSKADAA:							100					
Multiple Parameter Water Guality Me	ter (low-flow cell	\$225										
Dissolved Oxygen Meter		\$75			l		}	l		1	}	ļ
Oil/Water Interface Probe		\$75	1	\$75	1				į			
Electronic Distance Meter		\$25			l			ļ		l	1	
Speedy moisture meter		\$75			l		1	1			1	
Organic Vapor Meter		\$85	1	\$85	١,			l	ł		l	l
pH/Temp/Conductivity		\$60		221			!	ì	l	}	1	}
professionation	<del></del>	SUBTOTAL		\$160	\$160				<u> </u>	<del></del>	<del> </del>	<del></del>
COURS.	An experience of the second	BOOTOTAL		9,00	3100							175000000000000000000000000000000000000
		\$75										
Flame Ionization Detector					l							1
Probe Removal Jack		\$10			ļ		ļ	<b> </b>	L	ļ	<b></b>	
		SUBTOTAL										<u> </u>
AUMPRE .												
Draeger Tubes		\$15			l						1	I
Draeger Pump		\$25			l '			I	,	l		1
Generator		\$60						1	}	l		l
Hand Auger		\$60								1		
Power Auger		\$100								J .	l	l
Bladder Pump		\$150									1	i .
Tubing & Hardware (Job specific quo	te)	1										1
	•	1 1								l		l
DC Pump		\$60										l
Grundfos or Peristaltic Pump		\$125								1		l
and a constant of the second o									l		l	l
		SUBTOTAL						<b></b>		<del>                                     </del>	<del> </del>	
OTHER SCS STUFF		CODICIAL						area con a ventro				
UITER OLD STUPF										5800.38 576.3		
		<b>l</b> 1										
		1										l
		<b>i</b> i						•			•	l
Vehicle half day		\$40	1	\$40	. 1							l
Vehicle full day		\$80	1	\$80	1						l	
		1 1										1
		LI										L
		SUBTOTAL		\$120	\$120							

SUMMARY OTHER PRIME COSTS (CONTINUED)

PROJECT NAME UST Conformed Schedule							PROJECT	HUMBER		01205515 0	
PROJECT MANAGER DJ PHASE TITLE							CLIENT			City of Esco	
RESPONSIBLE PERSON KLE ATTACHMEN	T NO.	100	<u> </u>				DATE PRE	PARED		4/20/2009	<del>)</del>
WORK ITEMS	UNIT	TOTAL	TOTAL	TASK 32 UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS	UNITS
rentals:						40.00					
SUPPLIES:	SUBTOTAL										
PVC blank 4"x 5 ft	<b>S</b> 1					f					
PVC blank 4 x 5 ft	51		1	l	1	1		1	1	1	I
PVC slot 4"x8"	\$1		l	İ		l		1	Ì		
PVC slot 4"x10"	51			I	1	1	1	ı	ļ		1
Cement (sack)	\$1	ł	l	l	ł	1	l	ł	1	l	1
Voiciy Grout	\$1	İ		l		1	1		1	1	1
Bentonite pellets (bckt)	\$1		l		l	1	1	1	1		ł
Bentonite granular (sack)	\$1				1	1					1
Sand No. 3	\$1	]	j	j	1	j	]	J	]	)	]
End caps	\$1			l				1	1		1
Slip Caps	\$1		1	l		1			1		
Well covers	\$1			l		1		1	l		
Locking well caps	\$20			l		1	l				
Pad Locks	\$15		1	[		1	ĺ	(	(	1	1
DOT 58g. drum	\$65			l					1	l	]
Tubes and caps	\$5	l		l		I			1		1
Wood plugs	\$1			l	1	I	1	l	1	1	1
Valve/Sample Ports/Plumb.	\$1	1	]	1	1	l	1	1	1	l	l
Vapor Phese Carbon Can.	\$1 \$100		1	ı		ļ	l				1
10 ml visqueen 20'x100'	\$100 \$1	1			į	1	l	1	1	l	l
	SUBTOTAL	L	<b></b>				<b></b>		ļ		<del>                                     </del>
				ļ		ļ		ļ			ļ
SUBTOTAL WITH 7.76% SALES TAX	1.0775										
PERMITAL			2100								
First Soil Boring/Well Permit/Well Destruct	\$193 \$50	'	\$193	'	l	1				l	1
Subsequent Soil Boring/Hydropunch/Geoprobe Perm		ł	1		į.	1				l	ł
Subsequent Groundwater/Vapor Well Permits	\$160 \$120		1	ĺ	1	l	l	1	1	1	1
Subsequent Well Destruction Permits First Well Maintenance Fee	\$100	,	\$100	١,	1		1	1	1	1	l
First wen maintenance ree Subsequent Well Maintenance Fee	\$30	'	3,00	i '	l		1	1		1	1
Cash bond per well	\$2,000		l	I	l	İ	1	1	1		
Traffic control plan review/permit	\$75			1	1	l	1	1	1	ŀ	1
Traffic control plan review/sheet	\$25						l	1			
Encroschment prmt processing fee	\$100			l		l					
• • •	SUBTOTAL		\$293	\$293		1			1		
EMENICIPE PRODUCTION:											
Copies(50+),12c/es	\$0.10	25	<b>\$</b> 3	25							
COLOR COPIES 8.5x11	\$1.26			1		1	1	İ	1		l
COLOR COPIES 11x17	\$2.40	6	\$14	6		L	L	L			L
	SUBTOTAL		\$17	\$17							L
TRAVEL COSTS											
Mileage(+100),50c/mi	\$0.50								l		l .
Per Diem/per day	\$30										l
Hotel/per day	\$95										
	SUBTOTAL										I

GRAND SUBTOTAL		\$605	\$605	I		1	T	
HANDLING FEE (RENTALS, SUPPLIES, PERMITS)	15%	\$91	\$91			<u></u>	L	
TOTAL OTHER PRIME COSTS		\$696	\$696	I	<u> </u>	1	I	

March 2, 2010

### Scope of Services Change, Number 7

To: City of Escondido
Attn: Mr. Edward N. Domingue, P.E.
Principal Engineer
201 North Broadway
Escondido, California 92025

Project Number: 01205515.00
Project Name: Former Orange Glen
Market
Project Location: 2741 East Valley
Parkway, Escondido, California
(Site)

The objectives of the proposed scope of services are to:

- Provide additional operating budget for project management, liaising with RWQCB, and facilitation of UST Cleanup FUND requirements.
- Further assess the hydraulic gradient direction and magnitude of groundwater beneath the Site.
- Further assess the presence and concentrations of dissolved phase petroleu hydrocarbons and volatile organic compounds (VOCs) in the subsurface o Site.
- Prepare a Subsurface Assessment Workplan Addendum (Addendum) for the Site.
- Implementation of the Addendum which includes the installation of up to eight additional monitoring wells.
- Replace monitoring well MW1 due to the inability to locate and repair the existing well.
- Prepare a Corrective Action Plan (CAP) for the Site.

#### BACKGROUND

The Site is currently under Cleanup and Abatement Order Number R9-2009-0074 (Order) dated May 11, 2009 and Addendum Number 1 to the Order (Addendum) dated July 30, 2009. In accordance with the Order a Corrective Action Plan (CAP) must be submitted to the RWQCB for review and comment by April 30, 2010. Also, the results of the subsurface

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Mr. Edward Domingue Project Number: 01205515.00 March 2, 2010 Scope of Services Change Number 7
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SCS Engineers

assessment completed at the Site in October 2009 suggest that dissolved-phase contamination (especially methyl tertiary butyl ether [MTBE] dissolved in groundwater) has not been completed and additional downgradient assessment must be completed. Prior to completing the additional assessment work, an Addendum (Addendum) to the most recently approved Subsurface Assessment Workplan (Workplan) (dated January 29, 2009) must be submitted to the RWQCB for review and comment. There is currently no existing contract amendment that contains the budget to produce the required CAP and Workplan Addendum.

The petroleum hydrocarbon- and volatile organic compound (VOC)-bearing groundwater beneath the Site and Site vicinity is currently being monitored and sampled on a semiannual basis. In October 2009, five additional monitoring wells were installed in accordance with the Workplan. Subsequent to the implementation of the Workplan, up to eight more monitoring wells could also be installed at the Site. This scope change provides the additional costs associated with including the five newly installed wells and eight proposed monitoring wells in the existing semiannual groundwater sampling program for the remainder of events in the corresponding Tasks 21 through 24 (three semiannual sampling events). The next sampling event is tentatively scheduled to be completed in May 2010 on up to 20 wells.

Repairs to wells damaged during the completion of the road widening activities (MW3 and MW5) were completed this month. Monitoring well MW1 however was not found subsequent to excavation of surface pavement and soils in the reported location. Therefore, monitoring well MW1 will require replacement approximately 20 feet to the southwest to continue the collection of dissolved-phase analytical data representative of upgradient conditions.

#### SCOPE OF SERVICES

# TASK XVIII PROJECT AND USTCF MANAGEMENT AND CAO COMPLIANCE

The estimated budget includes limited time for project management activities such as project scoping, client communication and liaison, regulatory agency communication and liaison, compliance tracking and management, project status updates, and budget and invoice review by the project manager. Also, to further facilitate the recovery of project costs from the Underground Storage Tank Cleanup Fund (USTCF) additional staff time has been allotted to the existing corresponding task.

The estimated time and materials cost to complete the scope of services in Task XVIII is \$7,000.00

#### TASK XXI GWM PROJECT MANAGEMENT

This task includes time to coordinate and manage subcontractors, secure any necessary specialized equipment, and prepare for field mobilization. The estimated budget also includes limited time for project management activities such as scheduling fieldwork, procuring

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Mr. Edward Domingue Project Number: 01205515.00 March 2, 2010 Scope of Services Change Number 7
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SCS Engineers

necessary equipment, and Client and subcontractor invoice review and approval by the project manager.

The estimated time and materials cost to complete the additional scope of services in Task XXI is \$585. 00 per event with three remaining sampling events totaling an additional \$1,755.00.

#### TASK XXII GROUNDWATER MONITORING AND SAMPLING

In an effort to obtain groundwater samples more representative of aquifer conditions low-flow purging and sampling (ASTM designation D6771-02) methodology will be performed on the thirteen additional wells (five newly installed and up to eight proposed wells) in conjunction with the existing semiannual sampling program for the three events remaining in the existing task budget. Water will be removed from each well with the use of a peristaltic pump in conjunction with dedicated, non-reactive polyethylene and silicone tubing. The tubing intake will be positioned within the upper third of the length of the wetted screen. Water will be pumped through a flow cell with a known operating volume, containing a calibrated water-quality meter capable of measuring pH, dissolved oxygen, conductivity, salinity, total dissolved solids, temperature, turbidity, and oxidation reduction potential. The water-quality meter sondes and associated low-flow cell will be decontaminated before purging groundwater from each well.

Water-quality measurements will be obtained from the water-quality meter each time that an approximate new low flow-cell volume of purged groundwater is purged from the well. This length of time will be deduced in the field by dividing the approximate operating flow cell volume by the current flow rate of the pump. After three stabilized consecutive water quality measurements, a groundwater sample will be collected from each well by bypassing the flow cell and pumping the sample directly into appropriate, laboratory-supplied containers. The samples will be labeled and placed in an ice-packed cooler for transport under chain of custody to the selected laboratory. Purge water will be stored on Site in a labeled drum for later disposal under manifest.

#### Groundwater Sample Analysis

The groundwater samples will be analyzed for the following:

- TPHg and TPHd in general accordance with EPA Method 8015B Modified
- BTEX, and fuel oxygenates MTBE, DIPE, TAME, ETBE, and TBA in general accordance with EPA Method 8260B

The estimated time and materials cost to complete the additional scope of services in Task XXII is \$6,400.00 per event with three remaining sampling events totaling an additional \$19,200.00.

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Mr. Edward Domingue Project Number: 01205515.00 March 2, 2010 Scope of Services Change Number 7
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SCS Engineers

TASK XXIII

DISPOSAL OF DRUMMED SOIL CUTTINGS, PURGE WATER, AND DECON WATER

As stated earlier, decon water and purge water will be placed in 55-gallon drums, which will be labeled and left on Site (vicinity of well MW6) pending receipt of analytical results and evaluation of disposal options. SCS shall perform all necessary testing and submit all necessary documentation to licensed disposal facilities for the disposal of drummed decontamination water and purged groundwater. For budgetary purposes we have assumed the disposal of one additional 55-gallon drum of purged groundwater and decontamination water as non-hazardous waste.

The estimated time and materials cost to complete the additional scope of services in Task XXIII is \$620.00 per event with three additional events totaling \$1,860.00

# TASK XXXIII PREPARATION OF A SUBSURFACE ASSESSMENT WORKPLAN ADDENDUM (ADDENDUM)

In accordance with the Subsurface Assessment Workplan (Workplan) dated January 29, 2009, seven temporary groundwater monitoring wells were installed crossgradient and downgradient from the Site on October 22 and 23, 2009. Because the downgradient and crossgradient extent of CoCs dissolved in groundwater was not established subsequent to executing the Workplan additional subsurface assessment is required to complete the delineation. A Workplan addendum (Addendum) will be prepared to document the proposed methods and rationale to complete the delineation of CoC-bearing groundwater at the Site.

The estimated time and materials cost to complete the scope of services in Task XXXIII is \$1,850.00

TASK XXXIV IMPLEMENTATION OF THE ADDENDUM

Preparation for Field Work

Preparation and Submittal of Soil Boring and Groundwater Monitoring Well Permit Applications

Prior to conducting fieldwork, a soil boring and monitoring well permit application will be completed and submitted to the DEH for approval along with the required fee. The permit application will reflect soil boring advancement methodology and monitoring well construction details. The permit application will be signed by a state-certified professional geologist and submitted to the DEH for approval.

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#### Site Health and Safety Plan

A Site health and safety plan (Plan) is required for the work conducted at the Site by workers within the exclusion zone pursuant to the regulations in 29 Code of Federal Regulations (CFR) Part 1910.120 and Title 8 California Code of Regulations (CCR) Section 5192. A previously prepared Plan which outlined the potential chemical and physical hazards that may be encountered during the drilling and sampling activities, will be updated as needed. The appropriate personal protective equipment and emergency response procedures for the Site-specific chemical and physical hazards will be detailed in this Plan. All field personnel involved with the field work will be required to read and sign the document in order to encourage proper health and safety practices.

#### Utility Search and Markout

Prior to drilling, Underground Service Alert (USA) will be contacted to minimize the likelihood of drilling into an underground utility. SCS will also contract with a private underground utility location company to attempt to locate subsurface utilities and improvements at the Site to minimize the likelihood of drilling into an underground utility.

### Project Management, Subcontractor Management, and Scheduling

Prior to mobilizing for field work, SCS will notify and schedule the subcontractors including, but not limited to, the laboratory, the drilling company, and the utility location contractor. In addition, SCS will coordinate with the Client and affected property owners to ensure appropriate scheduling of field work.

Field Activities - Drilling of Soil Borings, Temporary and Permanent Well Installation, Groundwater Sample Collection and Analysis

### Temporary/Permanent Well Installation and Grab Groundwater Sample Collection and Analysis

In an attempt to complete the delineation of dissolved-phase constituents of concern (CoCs) in the Site vicinity, it is proposed that additional assessment of the plume be conducted by installing and sampling up to eight additional temporary groundwater monitoring wells (including two contingency wells) crossgradient and downgradient from the Site (Figure 2). Drilling will be performed using a CME 75 or similar drill rig equipped with 8-inch hollow stem augers. SCS staff, under the supervision of a state-certified professional geologist, will be on the Site to observe the drilling activity and describe collected soil samples in general accordance with the Unified Soil Classification System.

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Based on the reported concentrations of MTBE in groundwater samples collected from monitoring wells MW8 through MW12, the dissolved-phase plume has not been delineated. Up to eight soil borings (MW13 through MW20) will be advanced on APN 231-040-33 in an attempt to complete the delineation.

The soil borings will be advanced to approximately 20 to 25 feet below grade with the temporary wells constructed with 15-feet of screened interval such that the screen will span the top of shallow groundwater (estimated to range from approximately 12 to 14 feet below grade). The temporary wells (MW13 through MW20) will be constructed in 8-inch diameter borings using 2-inch PVC casing. Should the reported concentration of TPH and VOCs dissolved in the groundwater samples collected from temporary wells exceed the detection limit, then the construction of the temporary wells will be completed as permanent flush-mount wells.

Temporary wells MW13 through MW18 will be advanced and sampled initially due to the higher probability of the presence of dissolved phase CoCs. Temporary wells MW19 and MW20 will be installed and sampled subsequent to receiving the analytical results for the grab groundwater samples collected from MW13 through MW18 from an on-Site mobile laboratory.

As required by San Diego County guidelines, the augers will be either precleaned or pressure cleaned on-Site to minimize the likelihood of cross-contamination and to minimize the potential for a false positive in the soil and groundwater samples analyzed. During the drilling of the soil borings, soil samples will be collected based on the following protocol:

- At a minimum of 5-foot intervals
- At interpreted capillary fringe or significant changes in unconsolidated sediments
- In areas of discoloration or staining
- When odors or elevated readings from field screening instruments are noted
- At other depths as deemed appropriate by the on-Site SCS staff

Soil samples will be collected with a split-spoon type or similar sampler and driven into stainless steel sample tubes. The two ends of the soil sample tubes will be covered with Teflon sheeting, tightly closed with plastic end caps, labeled, and submitted to an off-Site, state-accredited laboratory for analysis. Chain-of-custody procedures will be implemented for sample tracking. Lithological descriptions will be performed by a California-registered professional geologist, or a qualified professional under the direct supervision of a professional geologist in accordance with the Unified Soil Classification System (USCS).

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At least three borehole volumes of water will be purged from the temporary wells with a decontaminated bailer and centrifugal pump. Subsequent to achieving a recharge of approximately 80 percent in the well casing a groundwater sample will be collected using a peristaltic pump and dedicated polyethylene and silicone tubing. Groundwater quality measurements (pH, temperature, conductivity, turbidity, and dissolved oxygen) will be collected prior to sample analysis for benzene, toluene, ethylbenzene, and xylenes (BTEX) and oxygenates (MTBE, di-isopropyl ether [DIPE], ethyl tert-butyl ether [ETBE], tert-amyl methyl ether [TAME], and tert-butyl alcohol [TBA]), in general accordance with EPA Method 8260B at a state-accredited on-Site mobile laboratory. These data will be used to assess the extent of any BTEX or oxygenate plume in the vicinity of the reported release. Please note that some of the boring locations may be adjusted based on results from the initially completed temporary monitoring wells.

Soil cuttings, purged groundwater, and rinsate will be placed in 55-gallon drums, labeled, and stored on Site until proper disposal has been scheduled. Each temporary well that is not selected for permanent completion will be destroyed within 24 hours of construction by removing the screen and casing, removal of any filter pack by overdrilling, backfilling with bentonite grout, and capping with hydrated bentonite chips and dyed concrete. It is assumed that it will take 3 to 4 days to complete the soil boring and well construction activity.

#### Permanent Monitoring Well Construction

The wells will be constructed with 15-foot long screened intervals (designed to be approximately 10 feet below and 5 feet above the field-interpreted saturated zone [estimated total depth of approximately 22 to 25 feet below grade]).

The 15-foot long screened interval of each well casing will consist of 0.010-inch slotted casing with an appropriately graded filter pack placed in the well annulus to approximately 1 foot above the top of screened interval. The wells will be surged during construction to settle the sand pack prior to installing a 3-feet thick annulus seal. All newly installed wells will be developed to remove fines from the sand pack and well casings and provide better hydraulic communication between the monitoring well construction and the surrounding saturated subsurface. The wells will be constructed and developed in accordance with DEH guidelines and State of California requirements.

Purged groundwater will be placed in drums which will be labeled and left on Site until proper disposal has been scheduled.

#### Soil Sample Analysis

Up to three soil samples collected from the interpreted capillary fringe (approximately 10 to 15 feet below grade) of each soil boring will be submitted to a state-accredited laboratory for analysis. The samples will be analyzed for TPHg and TPHd in

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accordance with the California Department of Health Services Leaking Underground Fuel Tank method (CA DHS LUFT) and for BTEX, and fuel oxygenates including MTBE, DIPE, TAME, ETBE, and TBA in accordance with EPA Method 8260B.

#### Disposal of Drummed Soil Cuttings, Purge Water, and Decon Water

As stated earlier, soil cuttings, decon water, and purge water will be placed in appropriate 55-gallon drums, which will be labeled and left on Site pending receipt of analytical results and evaluation of disposal options. SCS shall perform all necessary testing and submit all necessary documentation to licensed disposal facilities for the disposal of drummed soil cuttings, decon water, and purge water.

#### Civil Survey

Pursuant to the requirements of AB 2886, the wells will be surveyed for latitude, longitude, and elevation. The latitude and longitude will be measured to sub-meter accuracy using an approved datum with GPS equipment. The well elevation will be measured to a hundredth of a foot using an AB 2886-compliant datum.

#### Preparation of Report of Findings

At the completion of Assessment a letter report (Report) will be prepared. The Report will include the following:

- Laboratory reports and chain-of-custody documents
- Permits
- Figures depicting the soil boring and monitoring well locations as well as soil and groundwater sample analytical data
- Computer-prepared lithologic logs of the soil borings
- Figures depicting the extent of petroleum hydrocarbon-bearing soil and groundwater at the Site
- Tabulated analytical results and appropriate support documentation

The Report will include a detailed description of the work performed, discussion of the results, and SCS's conclusions and recommendations, as deemed appropriate. The Report will be peer-reviewed and signed by a state-certified Professional Geologist. In addition to the above-described Report, in order to comply with the requirements of the soil boring permit, a 60-day report will be prepared and submitted to the DEH.

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#### Electronic Delivery Format (EDF) Reporting

All required data collected during the Assessment will be uploaded to the RWQCB GeoTracker database in electronic delivery format (EDF) prior to or no later than the written report delivery date.

The estimated time and materials cost to complete the scope of services in Task XXXIV is \$30,900.00

# TASK XXXV REPLACEMENT OF MONITORING WELL MW1

Because MW1 could not be found during the recent attempt to repair the surface completion a replacement well will be installed approximately 20 feet to the southeast of the existing monitoring well location.

#### Permitting

The installation of MW1R requires a monitoring well permit from the County of San Diego Department of Environmental Health (DEH) well permitting desk. A monitoring well permit application will be submitted to the DEH with all necessary fees and associated documentation.

#### **Utility Search and Markout**

Prior to drilling, Underground Service Alert (USA) will be contacted to minimize the likelihood of drilling into an underground utility. SCS will also contract with a private underground utility location company to attempt to locate subsurface utilities and improvements at the Site to minimize the likelihood of drilling into an underground utility.

#### Monitoring Well Construction

MW1 will be constructed with 15-foot long screened interval (designed to be approximately 10 feet below and 5 feet above the field-interpreted saturated zone [estimated total depth of approximately 25 feet below grade]).

The 15-foot long screened interval of MW1 will consist of 0.010-inch slotted casing with an appropriately graded filter pack placed in the well annulus to approximately 3 foot above the top of screened interval. The wells will be surged during construction to settle the sand pack prior to installing a 3-feet thick annulus seal.

Monitoring well MW1R will be purged with a decontaminated centrifugal pump subsequent to repair and construction activities. Development will be completed to provide better hydraulic communication with the surrounding saturated unconsolidated sediments and remove fines from the well casing by pumping water until the water quality parameters have stabilized within an acceptable range. This well will be constructed and developed in general accordance with DEH guidelines and State of California requirements. Also, in order to comply with the

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requirements of the monitoring well installation permit, a 60-day report will be prepared and submitted to the DEH.

Development water will be placed in 55-gallon drums, which will be labeled and left on-Site pending receipt of analytical results and evaluation of disposal options. After completion, the monitoring wells will need to be surveyed by the City of Escondido licensed land surveyor for both vertical and horizontal control. This will allow for an accurate estimate of groundwater elevation and gradient in general accordance with the regulations pursuant to AB2886.

Please note that this budget assumes the disposal of 2 drums of non hazardous soil and groundwater.

The estimated time and materials cost to complete the scope of services in Task XXXV is \$4,600.00

# TASK XXXVI PREPARATION OF A CORRECTIVE ACTION PLAN (CAP)

The Corrective Action Plan (CAP) will be written in general accordance with the guidelines presented in Section 7 of the current SAM Manual for a Corrective Action Plan. These requirements are based on the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11. Based on the findings, the CAP will also present a rationale for closure that incorporates the existing body of environmental data available for the Site. The CAP will have four separate sections as described below.

#### Section 1: Assessment of Impacts

The first part of the CAP will include a section describing the hydrologic and geologic characteristics of the Site. The current and potential beneficial uses of groundwater and nearby surface waters, as well as tabulated groundwater data for the wells at the Site and their construction details will be presented. A narrative description of the topographic characteristics in the vicinity of the Site will be discussed and presented on a figure. A narrative description, as well as a cross-section representation of the lithologies present at the Site will be included. Hydraulic contour maps that illustrate groundwater flow direction and gradient will also be included. A discussion of the groundwater data in a regional context, and in consideration of regional climatic cycles including any trends or fluctuations observed, will also be part of this section.

The second part of the Assessment of Impacts portion of the CAP will discuss the contaminant characteristics and their impacts. This includes identifying the contaminants of concern at the Site. The existing soil and groundwater data will be tabulated and included in this section. Analysis of the trends in contaminant concentrations and dissolved-phase contaminant plume geometry will also be presented in this section. A narrative discussion of the chemical and physical characteristics, including toxicity, persistence, and potential for contamination migration though soil, water, and air will also be provided.

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A discussion of the impacts of the contamination to soil, groundwater, surface water, air, subsurface utilities, and storm drains will be provided. A map and cross-sections depicting the contaminant plumes will be included. In addition, the potential impacts of contamination to the above-mentioned media will be included in this section along with figures and cross-sections depicting the potentially impacted areas.

To complete this section SCS will need to conduct a receptor survey to identify potentially sensitive receptors (human and ecological) and their distance from the Site. If a utility search is deemed necessary during the course of the CAP preparation, research into the location and type of subsurface utility will be completed prior to document completion. The subsurface utility research will include a site visit and review of plans, if available, to identify underground utilities which might act as conduits for contaminants. Costs to complete subsurface utility research have not been included in this scope change. Should the research require completion an estimate of additional costs will be provided to the Client for approval prior to execution.

#### Section II: Determination of Applicable Cleanup Levels

The second section of the CAP will detail the proposed cleanup levels for groundwater, surface water, and soil at the Site. These levels will be established in consultation with the RWQCB. As defined in the RWQCB's amendments and most recent Basin Plan (May 1998), the Escondido Hydrologic Subarea (904.62) has been classified as having existing beneficial uses for groundwater, including municipal, agricultural, and industrial. Proposed target cleanup levels are typically based on water quality objectives from the Basin Plan, and risks to public health and safety. Potential vapor migration of contaminants will also be accounted for when determining target cleanup parameters for groundwater at the Site.

#### Section III: Feasibility Study and Corrective Action Workplan

The CAP will include a feasibility study to evaluate appropriate remediation strategies based on anticipated costs and effectiveness. At least three remediation strategies will be evaluated in the CAP. Each recommended strategy must be capable of achieving the target cleanup goals established or proposed/approved for the Site. The elements of a feasibility study include, at a minimum, a brief description of each proposed corrective action strategy, and a brief justification for the selection of each corrective action strategy as an appropriate method to mitigate impacts at the Site and protect public health. It must also contain an estimate of the time required to attain the proposed cleanup goals for each corrective action strategy and a comparative analysis of the total costs of each corrective action strategy. Costs will be presented in terms of capital and long term operating costs. The selected remediation strategy to mitigate impacts at the Site will also be presented and justified in this section.

Depending on the results of the CAP, a detailed corrective action implementation workplan (design) (CAP Workplan) may be determined to be necessary. If so, it will describe the specific tasks to be performed while implementing the selected remediation alternative. The CAP Workplan will address all relevant items in parts (3), (4), and (5) of the SAM Manual "Site Remediation Check List." If such a workplan is required, a detailed plan for community

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health and safety (CHSP) will also most likely be required according to the guidelines presented in Section 4.IV of the SAM Manual, and submitted to the DEH with the CAP Workplan. Because these two documents may not be required, the associated costs have not been included in this proposed budget. Should the CAP Workplan or remediation design as well as the CHSP be required, an estimate of additional costs will be provided to the Client for approval prior to completion. In addition, depending on the results of the CAP, a pilot or feasibility study may be required to evaluate the feasibility, efficacy, and design criteria for the full scale remediation project.

### Section IV: Plan to Monitor and Report the Effectiveness of the Corrective Action Plan

The fourth, and final, part of the CAP will discuss the strategy for monitoring and evaluating the effectiveness of the selected corrective action strategy. This will include a description of the key indicators and the monitoring methods that will be used in evaluating the effectiveness of the work. In addition, it will describe the criteria to be used in determining when Site cleanup is complete, or when the corrective action has become ineffective. Verification monitoring and sampling must occur to demonstrate the effectiveness of the Site remediation strategy both during and post remediation. This section will also propose a schedule for reporting to the RWQCB (in writing) the monitoring data and an evaluation of the results of such monitoring.

The final version of the CAP will require regulatory agency concurrence. The RWQCB will issue a "Conditional CAP Concurrence" letter if it is concluded that implementation of the CAP will adequately protect public health, safety, and the environment, and will effectively mitigate residual contaminant impacts at the Site to acceptable levels.

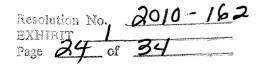
Another provision of the CAP process includes public participation. Public notice will be provided to property owners, occupants of adjacent properties, those in the vicinity of potential impacts from the Site activities, and other interested parties.

This contingency must provide a minimum 30-day period for public review of the CAP at the local public library and at the offices of the DEH. Estimated costs to implement the public notification process have been included in this SSC.

#### Estimated Schedule and Costs

We anticipate being able to start work on the CAP subsequent to the completion of Task XXIX (Interim Remedial Action Feasibility Study), Task XXX (Feasibility Report Preparation), and Task XXXIV (Implementation of the Workplan Addendum). We also anticipate requesting an extension of the current due date for the CAP submission to allow for the implementation of certain essential pre-cursor work (assessment of plume and fesibility study).

The estimated time and materials cost to complete the scope of services in Task XXXVI is \$11,425.00



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### ESTIMATED SCHEDULE AND COSTS

The following table summarizes the costs associated with the scope of work contained within this scope change.

Task	The costs for the above-described Scope of Services are estimated to be as follows:
Task XVIII – Project Management/USTCF Management	\$7,000.00
Task XXI – GWM Project Management (3 events)	\$1,755.00
Task XXII – Groundwater Monitoring (3 events)	\$19,200.00
Task XXIII – GWM IDW Disposal (3 events)	\$1,860.00
Task XXXIII – Workplan Addendum Preparation	\$1,850.00
Task XXXIV – Implementing Addendum	\$30,900.00
Task XXXV – Monitoring Well Replacement	\$4,600.00
Task XXIII - Corrective Action Plan Preparation	\$11,425.00
Total Estimated Cost	\$78,590.00
Total Estimated Cost with Contingency*	\$82,520.00

<sup>\*</sup> Please allow for a minimum 5 percent variance in the total estimated cost due to changed Site conditions or unanticipated circumstances.

conformance with the 01205515.00 between	Services Change Number 7 (SSC7 previously executed Contract and SCS and the Client. Please sign be s to SCS. One fully executed copy	Agreement for Services No. oth copies of SSC7 and mail
CLIENT AUTHORIZA	TION:	
Signature	Printed Name	Date
SCS ENGINEERS AU	JTHORIZATION:	
•		
Signature	Printed Name	Date

### SCS ENGINEERS

### SCS ENGINEERS UST PROJECT FEE SCHEDULE JULY 1, 2009 TO JUNE 30, 2010

Principal	\$229.00
Project Director	\$208.00
Senior Project Advisor	\$181.00
Project Manager	
Senior Project Professional	
Construction Superintendent	
Project Professional	
Staff Professional	\$ 97.00
Associate Professional	
Senior Engineering Technician	
Technician	
Project Administrator	
Technical Editor	
Designer/Drafter	\$ 81.00
Administrativa/Cagretorial	\$ 71.00

#### Additional Terms and Conditions

- Scheduled labor rates include overhead, administration, and profit.
- Rates for principals of the firm may be negotiated on a project-specific basis.
- <u>Scheduled rates are effective through June 30, 2010.</u> Work performed thereafter is subject to a new Fee Schedule.
- Expert witness testimony (depositions and trial) will be charged at \$300.00 per hour. Preparation for testimony and general litigation support will be charged at normal hourly rates.
- Direct project expenses (such as field equipment, subcontracted services including drilling, laboratory analyses, etc., permits, supplies, etc.) will be charged at cost plus 15 percent. Company trucks are charged at \$50 for up to a half day (4 hours) of use, and \$100 for up to a full day (company cars at \$40/\$80). These charges incorporate an allowance of 100 miles per job per day; a \$0.50 per mile surcharge is applied for additional miles. Vehicle charges for long-term and/or high-mileage projects may be negotiated on a case-by-case basis. Personal vehicles will be charged at the Federal rate then in effect. All other field equipment will be charged in accordance with the Fee Schedule in effect at the time the work is performed.
- Per diem will be charged on all projects requiring overnight stays from our office. The per diem rate is \$175.00 per day per person or the federal per diem rate for the area, whichever is greater.
- Overtime will be charged at 125 percent of standard rates for weekday work in excess of 8 hours. Work
  performed on holidays and weekends will be charged at 150 percent of standard rates.
- Invoices will be prepared monthly or more frequently for work in progress, unless otherwise agreed. Invoices are due and payable upon receipt. Invoices not paid within 30 days are subject to a service charge of 1.5 percent per month on the unpaid balance.
- Payment of SCS invoices for services performed will not be contingent upon the client's receipt of payment from other parties, unless otherwise agreed in writing. Client agrees to pay legal costs, including attorney's fees, incurred by SCS in collecting any amounts past due and owing on client's accounts.

The rationale and methodology for determining our Schedule of Rates is based on Manual 45c of the American Society of Civil Engineers.

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### SCS ENGINEERS UST FEE SCHEDULE JULY 1, 2009 TO JUNE 30, 2010

### FIELD EQUIPMENT RENTAL AND REIMBURSABLE FEE SCHEDULE

EQUIPMENT	RATE (\$)
55-Gallon Drum	65
Full Day Geoprobe 540 MT (8 hours onsite, 2 technicians, expendables)	2,300
Full Day Geoprobe 540 MT (8 hours onsite, 1 technician, expendables)	1,700
Half Day Geoprobe 540 MT (4 hours onsite, 1 technician, expendables)	900
Overtime Geoprobe 540 MT (>8 hours/day)	200/Hour
1 Liter or less Summa Canister	35/Use
6 Liter Summa Canister + Flow w/Controller	75/Use
Bentonite Chips	11/Bag
Cement/Asphalt	8/Sack
Chlorine Test Kist	25/Kit
Drager CMS Analyzer	25/Day
Drager CMS Analyzer Chips	200/Chip
Drager Pump	25/Day
Drager Tubes	15/Tube
Generator	60/Day
Hand Auger	60/Day
Tube, Caps and Teflon Sheets	5/Tube
Tedlar Bags	20/Bag
Organic Vapor Meter	85/Day
Chlorine Meter	25/Day
Bailers - Reusable	25/Day
Bailers - Disposable (small)	15/Each
Bailers - Disposable (large)	20/Each
Bailers - PVC	20/Day
10 ml Visqueen 20' x 100'	100/Roll
Expendable Field Supplies (caution tape, decontamination equipment, ice, sampling jars,	, etc.) 35/Day
Hazardous Waste Field Kit	60/Day
(for any field sampling; personal protective equipment including Level C;	·
protective clothing, respirators, gloves, etc.)	0 . 1/7.1.0 . 10
Hazardous Waste Field Kit (for Level A or B)	Quoted/Job Specific
Still Camera Film and Processing	10/Day + 20/Roll
Digital Camera (includes contact sheet & color printing)	15/Day
Digital Video Camera	30/Day
Electronic Distance Meter	25/Day
Oil/Water Interface Probe	75/Day
Multiple Parameter Water Quality Meter	225/Day
pH/Temp/Conductivity Meter	60/Day
Moisture Meter	75/Day
Dissolved Oxygen Meter	75/Day
Bladder Pump	150/Day
Peristaltic Pump	125/Day
Pump Bladders, Tubing & Hardware	Quoted/Job Specific
Water Depth Meter	50/Day
Water Sampling Pump (Grundfos with controller or peristaltic)	125/Day
Water Sampling Pump (DC)	60/Day
Locking Well Cap	20/Each
Padlocks	15/Each
Copies	.14/Page
Color Copies/Prints (8 ½ x 11)	1.25/Page
Color Copies/Prints (11 x 17)	2.50/Page
CDs	25/Each

September 22, 2010

### $oldsymbol{S}_{COPE}$ of Services change, number 8

To: City of Escondido
Attn: Mr. Edward N. Domingue, P.E.
Director of Engineering Services
201 North Broadway
Escondido, California 92025
Project Number: 01205515.00
Project Name: Former Orange Glen
Market
Project Location: 2741 East Valley
Parkway, Escondido, California
(Site)

The objectives of the proposed scope of services are to:

- Provide additional operating budget for facilitation of UST Cleanup FUND requirements.
- Provide additional operating budget for project management and Cleanup and Abatement Order (CAO) compliance management, and liaising with the RWOCB.
- Assess the possible presence and concentrations of volatile organic compounds (VOCs) and petroleum fuel oxygenates including methyl tertiary butyl ether (MTBE) in the soil vapor at selected locations in the Site vicinity in connection with known releases from on-Site sources.
- Assess the likelihood that significant human health risk exists in association with current land uses as a result of vapor phase migration of VOCs.
- Purchase and install a dedicated bladder pump network in the groundwater monitoring wells.
- Complete an additional feasibility study on the implementation of additional non-emergency interim remedial actions (e.g., groundwater pump and treat to establish hydraulic control) to attempt to address the downgradient migration of extremely elevated concentrations of MTBE and TBA.

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#### BACKGROUND

Additional operating budgets are required for ongoing facilitation of project cost refunds from the Underground Storage Tank Cleanup Fund (USTCF) (Task 18 of both SSC1 and SSC7) and project management costs associated with compliance with the Cleanup and Abatement Order R9-2009-0074 (Order) (Task 37 of this SSC8).

This SSC8 also includes estimated costs to implement the *Soil Vapor and Limited Human Health Risk Assessment Workplan* dated June 30, 2010 and the *Revised Soil Vapor and Limited Human Health Risk Assessment Workplan* dated August 16, 2010 (Task 38 of this SSC8).

This SSC8 also contains costs to install a dedicated bladder pump network in existing and proposed monitoring wells at the Site (Task 39 of this SSC8) in accordance with recent interpretations made by RWQCB staff of existing low flow sampling guidance with respect to use of suction lift pumps (including the peristaltic pump historically used to purge water from the shallow monitoring wells) for purposes of sampling for volatile organic compounds (VOC) in groundwater. Although the installation of the bladder pumps does require a substantial equipment expenditure coupled with a day of staff time to properly install the pumps in the well casings, sampling events will require less time in the future to complete due to the efficiencies produced by the operation of a dedicated sampling network.

Lastly, this SSC8 includes costs to install a specialized monitoring well to be used for the completion of additional shallow aquifer characterization. Costs to complete the aquifer characterization (pump and slug tests) as well as interpret the collected data and produce an addendum to the Feasibility Report documenting the findings have been included in this SSC8 as well (Task 40 of this SSC8).

#### SCOPE OF SERVICES

#### TASK XVIII USTCF MANAGEMENT

The estimated budget includes limited time to further facilitate the recovery of project costs from the USTCF. A recently completed budget review suggests this task is approximately \$6,100 over the existing \$12,000 budget. In addition to the \$6,100 for previously provided services approximately \$5,000 of additional staff time has been allotted to the existing corresponding task to manage future reimbursement requests and correspondence with the USTCF.

The estimated time and materials cost to complete the scope of services in Task XVIII is \$11,025.00

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#### TASK XXXVII PROJECT MANAGEMENT

The estimated budget includes time (approximately 40 hours at senior project professional and 15 at project director) for project management activities such as project design and scoping, client communication and liaison, regulatory agency communication and liaison, attendance of meetings, compliance tracking and management, project status updates, and budget and invoice review by the project manager.

The estimated time and materials cost to complete the scope of services in Task XXXVII is \$8,900.00

TASK XXXVIII SOIL VAPOR ASSESSMENT AND HUMAN HEALTH RISK ASSESSMENT

#### Soil Vapor Assessment

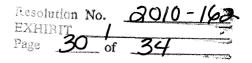
SCS proposes to conduct a soil vapor survey and human health risk assessment at the Site in general accordance with the Department of Toxic Substances Control (DTSC) vapor intrusion guidance (DTSC, 2005) (DTSC *Guidance*). As such, semi-permanent soil vapor sampling probes or "implants" will be designed and emplaced in multiple locations at the Site.

In conformance with the DTSC *Guidance*, multi-depth probes will be installed to assess possible vapor concentration gradients and will be sampled for two events to assess temporal variations, if any, as well as concentration trends. In addition, quality assurance samples will be collected (2 per event) to assess data quality.

It was reported to SCS from the onsite mobile home park manger that the mobile homes are situated over unpaved soil and supported by concrete piers. Crawl space beneath the mobile homes is generally surrounded by a skirt of either siding or trellis and is between two and three feet high.

Based on our review of the DTSC *Guidance*, we propose to collect soil vapor data at nine locations located above the known extent of dissolved-phase VOCs within the mobile home park. A number of the sampling locations will be placed immediately adjacent to existing mobile homes to provide analytical data representative of conditions beneath them.

SCS proposes to complete a soil vapor survey of the shallow soil to assess the potential for soil vapor to contain VOCs. Soil vapor samples will be collected from nine locations. To assess soil vapor concentration gradients, each location will consist of a multiple depth sampling probe (i.e., a sample probe at 5 and between 8 and 10 feet below grade). Therefore, each sampling event will consist of the collection of 18 soil vapor samples (plus two duplicates for analysis by EPA Method TO-15). We are proposing two



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sampling events to provide temporal data and provide a robust data set, which is consistent with current regulatory guidelines.

Prior to collecting a soil vapor sample, an approximately 1-inch diameter hole will be drilled into the ground. The soil vapor sampling probe, which consists of a 1-inch diameter, hollow metal rod will then be manually driven to the desired sampling depth with a hammer. Once reaching the desired depth, a soil vapor well will be constructed using a vapor probe implant, sand pack, and bentonite seal. The soil vapor implant will be connected to the surface and a sampling port using dedicated Nylaflow tubing. Soil vapor samples will be collected from sample points placed at depths of approximately 5 and 15 feet below grade under the direct supervision of an SCS environmental professional. After sampling the locations two times, the probe holes will be backfilled with appropriate backfill materials after removing the tubing from the subsurface.

Please note that while we will make our best effort to achieve the target depths and collect soil vapor samples, we may not be able to do so because of the hardness or resistance of the soil encountered during advancement of the probes.

Chain-of-custody procedures will be implemented for sample tracking. The soil vapor samples will be analyzed on-Site by a State-accredited mobile laboratory. All soil vapor samples will be analyzed for the presence and concentrations of the complete list of volatile organic compounds (VOCs) in accordance with EPA Method TO-15 (which includes previously detected compounds 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene).

The list of detectable analytes will also be amended to include naphthalene<sup>1</sup>, as well as fuel oxygenates. Samples will also be analyzed for fixed gases in accordance with DTSC guidance. All detection limits will be below corresponding residential use California Human Health Screening Levels for soil gas. Two duplicate samples per sampling event will be analyzed by EPA Method TO-15. Because SCS is proposing to analyze the soil vapor samples on-Site in a mobile laboratory no trip blanks will be necessary. Laboratory method blanks will be collected and analyzed by the on-Site mobile laboratory which can also be reported as ambient air blanks. No other sample blanks will be collected during the investigation. A written analytical report will be provided by the laboratory upon the completion of the sample testing.

#### Limited Human Health Risk Assessment (HRA)

If detectable concentrations of VOCs are encountered, a vapor intrusion human health risk assessment will be conducted and overseen by a Professional Geologist and a Board Certified Toxicologist. This assessment will include a review of the information developed from the soil vapor survey to assess the extent and concentration of VOCs in soil vapor, if any, beneath the Site. We will utilize existing geotechnical data for

Please note that Teflon tubing will be used in the construction of the soil vapor monitoring probes.

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unsaturated soils at the Site as well as incorporate the specific parameters of the existing improvements, that may contain, control, dilute, or inhibit the movement of contaminants through the subsurface. Based on this information, SCS will develop a reasonable and defensible vapor phase transport model utilizing the following scenarios:

- For the mobile homes use of the most recent County of San Diego Department of Environmental Health (DEH) Vapor Risk 2000 Model to estimate a soil vapor concentration at the "flux point" (base of slab), to obtain an input dose in conjunction with an assumed air exchange rate and continued residential exposure.
- For the slab-on-grade recreation center use of the DTSC standard vapor risk analytical model and assuming continued commercial land use for the recreation center building based on the Johnson and Ettinger Model (J&E).

The estimated time and materials cost to complete the soil vapor assessment portion of Task XXXVIII is \$24,875.00. The estimated time and materials cost to complete the human health risk assessment portion of Task XXXVIII is \$6,800.00. The total estimated time and materials cost to complete the scope of services in Task XXXVIII is \$31,675.00

#### TASK XXXIX BLADDER PUMP INSTALLATION

A dedicated PVC-body, bladder pump equipped with a Teflon™ bladder and all necessary polyethylene tubing, connections, and shallow casing hardware will be installed in each of the twenty monitoring wells currently existing and proposed to be installed at the Site. Installation will follow manufacturers recommended installation protocols and will reflect associated sampling guidelines provided by local regulatory agencies such as the County of San Diego Department of Environmental Health.

Installation of the bladder pump network will be completed subsequent to installation of monitoring wells MW13 through MW20, and MW1R; but before the next groundwater sampling event tentatively scheduled to be completed in November of 2010.

The estimated time and materials cost to purchase and install a dedicated bladder pump system in all twenty existing and proposed monitoring wells at the Site (Task XXXIX is \$20,775.00

#### TASK XXXX AQUIFER CHARACTERIZATION

#### Fieldwork

In order to assess whether remedial technologies such as groundwater pump-and-treat (GWPT) can be viably utilized at the Site to control and mitigate the downgradient dissolved-phase contamination, critical aquifer parameters such as hydraulic conductivity

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and groundwater flow velocity are needed to aid proper design of any proposed remedial system.

Because none of the existing or proposed groundwater monitoring wells have constructions that can facilitate the completion of commonly used aquifer testing methods SCS will permit and manage the installation of a monitoring well (Aquifer Test Well) specifically designed for the completion of small scale (pneumatic falling or rising head slug testing) and large scale (pumping test) aquifer characteristic testing. The proposed construction of the Aquifer Test Well will include 4-inch diameter well casing and screen in order to provide sufficient casing volume to accept the installation of appropriate groundwater purge pump and transducer equipment. The Aquifer Test Well will also be constructed with a twenty-five feet long screen submerged at least 5-feet below the water table to provide sufficient casing volume to accept the installation of appropriate groundwater purge pump and transducer equipment, minimize potential for purging the well casing dry during the pumping test, and preclude the loss of applied pressure (rising head slug test) or vacuum (falling head slug test) into the unsaturated vadose zone during the completion of the slug test.

Subsequent to installation and development of the Aquifer Test Well an 8 hour long pumping test will be conducted using the Aquifer Test Well as the extraction well with the two nearest monitoring wells (MW2 and MW6) as two observation wells. Pressure transducers will be placed in the casings of MW2 and MW6 prior to pump test initiation to collect baseline data. Groundwater elevation in the observation wells will be monitored and logged prior, during, and subsequent to the test. Water extracted during the test will be discharged to an on-Site storage tank for later transport and disposal.

Groundwater elevation drawdown in the temporary piezometer during the pilot test as well as the recovery of groundwater elevation within the extraction well subsequent to the completion of the pump test will be used in conjunction with the software program Aqtesolv<sup>TM</sup> Professional developed by HydroSOLVE, Inc. to obtain initial estimates of transmissivity (T), storativity (S), and ultimately hydraulic conductivity (K).

Pneumatic slug testing will be performed on the Aquifer Test Well to obtain estimates of the hydraulic conductivity of the shallow water-bearing unit beneath the Site. A slug of air will be inserted and/or removed from the Test Well and groundwater elevation changes within the Test Well will be electronically recorded with time using a pressure transducer and data logger. Each test will be run until water levels reach a minimum of 90 percent of their pre-test values. Resulting water level data will be analyzed using an appropriate method for unconfined aquifers. Resulting hydraulic conductivity estimates will be used in conjunction with other hydrogeologic data to estimate groundwater velocities beneath the Site.

Based on the observations made during the initial pump test completed on monitoring well MW3R, it has been assumed that an 8 hour long test performed from a pumping well located approximately 20 to 25 feet away from one to two observations wells can be

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completed with a maximum purged groundwater volume of less than 4,900 gallons. Should the successful completion of the pumping test require a greater volume of groundwater to be pumped and disposed of additional charges would be approximately \$860 for an additional storage tank delivery, rental, and retrieval plus a per gallon charge of \$0.35 per gallon for purged groundwater disposal.

#### Preparation of Feasibility Report Addendum

At the completion of the Assessment an Addendum to the Feasibility Report (Addendum) will be prepared. The Addendum will include the following:

- Laboratory reports and chain-of-custody documents
- Tabulated analytical results and appropriate support documentation
- Slug and pump test data and supporting aquifer parameter model outputs
- Recommendations relating to potential remedial technologies that could be successfully implemented at the Site

#### Electronic Delivery Format (EDF) Reporting

The Addendum will be uploaded to the RWQCB GeoTracker database in electronic delivery format.

The estimated cost to conduct the scope of services in Task XXXX is \$16,350.00

#### ESTIMATED SCHEDULE AND COSTS

The following table summarizes the costs for the scope of services described in this SSC.

Task	The costs for the above-described Scope of Services are estimated to be as follows:		
TASK XVIII - USTCF Management	\$11,025.00		
TASK XXXVII — Project Management	\$8,900.00		
TASK XXXVIII – Soil Vapor Assessment	\$24,875.00		
TASK XXXVIII – Human Health Risk Assessment	\$6,800.00		
TASK XXXIX — Bladder Pump Installation	\$20,775.00		
TASK XXXX — Aquifer Parameter Testing	\$16,350.00		
Total Estimated Cost	\$88,725.00		

<sup>\*</sup> Please allow for a minimum 5 percent variance in the total estimated cost due to changed Site conditions or unanticipated circumstances.

desolution No.

Mr. Edward Domingue **Project Number: 01205515.00** 

**September 22, 2010** 

**Scope of Services Change Number 8** Page 8 of 8 SCS Engineers

NOTE: This Scope of Services Change is part of and is in general conformance with

between SCS and the Client. Please sign both copies of SSC8 and mail both signed documents to SCS. One fully executed copy of SSC8 will be returned for your records.						
CLIENT AUTHORIZ	ATION:					
Signature	Printed Name	Date				
SCS ENGINEERS A	UTHORIZATION:					
Signature	Printed Name	Date				



TO:

Honorable Mayor and Members of the City Council

FROM:

Charles Grimm, Assistant City Manager

**SUBJECT:** Proposed Lease of City Facilities

#### **RECOMMENDATION:**

It is requested that Council adopt Resolution No. 2010-161 approving a lease agreement ("Lease") for 2200 sq ft of City Hall office space with the Escondido Federal Credit Union ("Credit Union").

#### FISCAL ANALYSIS:

The Lease would provide revenue to the City of approximately \$2750 per month. If this Lease is approved, the Credit Union will close the East Valley Branch, causing a temporary loss of revenue for that facility until a new lessee is found.

#### **BACKGROUND**:

The Credit Union submitted a proposal to lease 2200 square feet of the upstairs area of City Hall recently vacated by the Fire Department Administration. The Credit Union would move their operations from the existing East Valley Branch to City Hall. Their new upstairs offices would include their administrative staff, loan department and one teller.

The terms of the Lease, as negotiated with City staff, would include a three year term with two (2) two year extensions. The amount of the Lease would be \$1.25 per square foot, beginning with ninety (90) days of free rent for moving and associated tenant improvements. The Lease would also provide for three dedicated parking spaces in the east side of the parking lot behind the Council Chambers.

The Lease of this portion of City Hall works well for both the City and the Credit Union. This area is currently empty with the vacation of Fire Administration and the new location would provide greater service level to City employees. In addition, it is difficult to lease portions of City Hall to other businesses due to security risks and the hours of operation for City Hall. Under the proposed Lease, the upstairs area of the Credit Union would be open the same hours as City Hall, meaning that doors and lobby areas could still be secured as they are now by City Maintenance personnel. The Credit Union will provide their own internal security system including special cameras, locks and a large safe. The term of the Lease is for a base of three years with extensions. The short term of the Lease was questioned by the Credit Union who would prefer a minimum of five (5) years. The three years

Proposed Lease of City Facilities October 27, 2010 Page 2

with extensions suggested by the City is to provide maximum flexibility, but it is unlikely that the City would need the space in the immediate future. The proposed Lease also allows either party to terminate with six months advance notice.

Respectfully submitted,

Charles Grimm

Assistant City Manager

#### RESOLUTION NO 2010-161

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 LEASE AGREEMENT FOR OFFICE SPACE AT CITY HALL, 201 NORTH BROADWAY, IN THE CITY OF ESCONDIDO

WHEREAS, Escondido Fire Department Administration recently vacated office space at City Hall; and

WHEREAS, the Escondido Federal Credit Union ("Credit Union") expressed an interest in leasing this space from the City in lieu of the current office space the Credit Union occupies at East Valley Parkway; and

WHEREAS, it is difficult to lease City Hall office space to outside entities because of security risks and City Hall's operating hours that may be unattractive to these entities; and

WHEREAS, a Credit Union branch located within City Hall will provide for a greater Credit Union service level to City employees; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the Lease Agreement ("Agreement") with the Credit Union.

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

1. That the above recitations are true.

2. That the Mayor and City Clerk are authorized to execute, on behalf of the City, an Agreement with the Credit Union, in substantially the form attached to this Resolution as Exhibit "A," and incorporated by this reference, and subject to final approval as to form by the City Attorney.

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## CITY OF ESCONDIDO LEASE AGREEMENT

#### PREMISES:

201 North Broadway Escondido, CA 92025

#### LESSEE:

Escondido Federal Credit Union

TERM: Three (3) Years

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#### **CITY OF ESCONDIDO**

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### CITY OF ESCONDIDO LEASE AGREEMENT

This Agreeme	ent is made this day of	, 2010.
Between:	CITY OF ESCONDIDO a municipal corporation 201 N. Broadway Escondido, California 92025 ("CITY")	
And:	Escondido Federal Credit Union 2261 East Valley Parkway Escondido, CA 92027 ("LESSEE")	

#### Witness that whereas:

A. CITY desires to rent to LESSEE and LESSEE desires to rent from CITY a certain portion of public property located at 201 North Broadway, Escondido, California, 92025, for the purpose of operating a non-profit financial institution. The Property is described in Exhibit A, which is incorporated by this reference.

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

- 1. <u>DEFINITION OF TERMS</u>. The following words in this Lease Agreement shall have the significance attached to them in this clause unless otherwise apparent from their context.
  - a. "Lease" means this Lease Agreement.
  - b. "Premises" means the real property described in Exhibit A.
  - c. "Lease Administrator" means the City of Escondido-Real Property Agent, or upon written notice to LESSEE, such other person as shall be designated from time to time by CITY.

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- d. "LESSEE" means Escondido Federal Credit Union, and does not include its heirs, assigns, or successors-in-interest.
- 2. <u>ADMINISTRATION</u>. This Lease shall be administered on behalf of CITY by the Lease Administrator, whose address is:

City of Escondido Engineering – Real Property 201 North Broadway Escondido, CA 92025

and on behalf of LESSEE by XX, whose address is:

Escondido Federal Credit Union 2261 East Valley Parkway Escondido, CA 92027

- 3. TERM. The term of this Lease shall be three (3) years, commencing on \_\_\_\_\_\_
- 4. TERMINATION OF LEASE.
  - 4.1 Each party shall have the right to terminate this Lease without cause for any reason by giving one hundred and eighty (180) days prior written notice to the other party.
  - 4.2 CITY shall have the right to terminate this Lease by giving seven (7) days prior written notice to LESSEE for any of the following events:
    - 4.2.1 LESSEE'S failure to comply with the following clauses in this Lease:

Acceptance and Maintenance, Paragraph 13

Alterations, Paragraph 14

Use, Paragraph 15

Occupancy and Assignment, Paragraph 16

Conduct, Paragraph 17

Insurance, Paragraph 22

Americans with Disabilities Act (ADA), Paragraph 29

4.2.2 If the CITY discovers at any time during the lease term that the LESSEE or any other party has used, is using, or will use the Premises in an

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unlawful manner or for an unlawful purpose, or in any manner that is inconsistent with any provision of this Lease.

5. OPTIONS TO RENEW. LESSEE shall have the option to renew this Lease for two (2) additional terms of two (2) years each ("Renewal Term") by delivering to CITY written notice of LESEE'S intent to renew at least sixty (60) days prior to the expiration of this Lease. LESSEE agrees and understands that upon CITY'S receipt of LESSE'S intent to renew this Lease, the monthly rental rate shall be reviewed by the Lease Administrator and said rental rate shall be subject to change for each Renewal Term.

#### 6. VACATION OF PREMISES.

- Upon termination of this Lease for any reason, LESSEE shall peaceably vacate and deliver the Premises to CITY in the same condition as LESSEE found them upon its acceptance of the Premises hereunder, excepting ordinary wear and tear and conditions caused by acts of God.
- 6.2 Upon such termination, LESSEE shall immediately:
  - 6.2.1 Arrange and pay for the disconnection of all utilities and services ordered by LESSEE;
  - 6.2.2 Provide a written statement to the Lease Administrator of LESSEE'S new address for purpose of refunding monies, if any, due LESSEE under this Lease; and
  - 6.2.3 Deliver any keys for the Premises to the Administrator or send said keys by certified mail to the address stated in Paragraph 2 above.
- 7. <u>RENT</u>. In consideration of the possession and use of the Premises, LESSEE shall deliver and pay rent to CITY during the term of this Lease in the amount of TWO THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS (\$2,750.00) per month.

All rental payments shall be due on or prior to the 5<sup>th</sup> day of each month

- 8. <u>LATE PAYMENT</u>. Rent payments received after the 15<sup>th</sup> day of any month will be charged an additional 20% late payment fee.
- 9. COST OF LIVING ADJUSTMENT. Not applicable to this lease.

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10. <u>SECURITY DEPOSIT</u>. No security deposit shall be required under this Agreement.

#### 11. TAXES, ASSESSMENTS, AND FEES.

- 11.1 The terms of this Lease may result in the creation of a possessory interest. If such a possessory interest is vested in LESSEE, LESSEE may be subjected to the payment of personal property taxes levied on such interest. LESSEE shall be responsible for the payment of, and shall pay before delinquent, all taxes, assessments, and fees assessed or levied upon LESSEE, on said Premises or any interest therein, on any buildings, structures, machines, appliances, or other improvements of any nature whatsoever, or on any interest therein.
- LESSEE further agrees not to allow such taxes, assessments, or fees to become a lien against said premises or any improvement thereon. Nothing herein contained shall be deemed to prevent or prohibit LESSEE from contesting the validity of amount of any such tax, assessment, or fee in any manner authorized by law.

#### 12. ACCEPTANCE AND MAINTENANCE.

- LESSEE hereby acknowledges that LESSEE has inspected the Premises, that LESSEE accepts said Premises "as is" and "where is," that the Premises are in a good and sanitary order, condition, and repair. LESSEE hereby accepts the Premises as such.
- LESSEE agrees to take good care of the Premises and all improvements, alterations, fixtures, and appurtenances thereon. LESSEE agrees to make all repairs in and about the Premises, including painting, which may be necessary to preserve them in good order and condition. Said repairs, if any, shall be made in a good and professional manner, and at least equal to the condition and quality of the repaired items at the inception of this Lease. LESSEE shall promptly pay the expenses of such repairs. LESSEE agrees to be solely responsible for all costs of maintenance and repair.
- In the event LESSEE fails to properly maintain the premises as required by CITY, then CITY may notify LESSEE in writing of said failure. In the event LESSEE fails to perform said maintenance within thirty (30) days after such notice by CITY, CITY may perform such maintenance, and the cost thereof including, but

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not limited to, the cost of labor, material, and equipment, shall be paid by LESSEE to CITY within ten (10) days from receipt by LESSEE of a cost statement from CITY.

Noncompliance by LESSEE with any provision of this clause shall allow the CITY to immediately terminate this Lease, pursuant to Paragraph 4.2 above.

#### 13. ALTERATIONS.

- 13.1 LESSEE shall not paint, alter, cut, add to, or otherwise change the appearance, structure, or condition of the Premises without the prior written consent of the Lease Administrator and only after obtaining applicable permits.
- Noncompliance by LESSEE with any provision of this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.

#### 14. USE. LESSEE agrees to use the Premises as follows:

- 14.1 As office space to be used for operating a financial institution, in accordance with the provisions and requirements contained in any permits required by the City of Escondido Planning Division.
- 14.2 LESSEE agrees and understands that LESSEE'S business/operating hours shall be subject to and in conformity with the operating hours of Escondido City Hall.

  CITY reserves the right to modify City Hall's operating hours at CITY'S sole discretion.
- 14.3 LESSEE shall not use, nor permit the use of, the Premises other than as described in Paragraph 15.1 above. In any case where LESSEE is, or should reasonably be, in doubt as to the propriety of any particular use, LESSEE may request, and will not be in breach or default if LESSEE abides by, the written determination of the Lease Administrator that such use is or is not permitted.
  - 14.4 Noncompliance by LESSEE with any provision of this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.

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15. OCCUPANCY, ASSIGNMENT AND SUBLETTING. The Premises shall only be occupied by LESSEE except with prior written consent of the Lease Administrator. LESSEE may not assign this lease or any interest therein and shall not sublet the Premises or any part thereof, or any right or privilege appurtenant thereto, or suffer any other peson except employees, agents, guests of LESSEE, to use or occupy the Premises or any part thereof, without the written consent of the Lease Administrator in each instance. A consent to assignment, subletting, occupation, or use by any other person shall not be deemed to be a consent to any subsequent assignment, subletting, occupation, or use by another person. Any such assignment or subletting without such consent shall be void and shall, at the option of CITY, terminate this lease. This lease shall not, nor shall any interest therin, be assignable as to the interest of LESSEE by operation of law, without the written consent of the Lease Administrator. The Lease Administrator's approval shall not be unreasonably withheld, provided all such persons and entities are of good character and reputation in the community. LESSEE'S noncompliance with this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.

#### 16. CONDUCT.

- 16.1 LESSEE and guests of LESSEE shall at all times conduct themselves in a quiet and dignified manner so as to cause no annoyance or inconvenience to neighbors of LESSEE.
- 16.2 LESSEE shall not violate, or permit the violation of, any City or County ordinance, or state or federal law, in or about the Premises.
- Noncompliance by LESSEE with any provision of this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.
- 17. <u>PETS</u>. No pets or livestock of any kind may be kept on the Premises without the prior written consent of the Lease Administrator.
- 18. <u>NOTICES</u>. Any notice required or permitted to be given by this Lease must either be personally served on the other party or served by certified mail, return receipt requested, to the addressee. Notices served by mail shall be sent to the address listed above in Paragraph 2. A change of either party's address must also be immediately served in the manner described above.

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- 19. <u>RIGHT OF INSPECTION</u>. CITY reserves the right for its agents or employees to enter upon and inspect the Premises at any reasonable time to ascertain if LESSEE is complying with the provisions of this Lease.
- 20. <u>RIGHT TO SHOW PREMISES</u>. CITY reserves the right, during the last sixty (60) days of this Lease, or any extension thereof, to conduct an "open house" of the Premises in order to facilitate re-renting or selling the Premises. Said "open house" shall not exceed four hours total duration (maximum of two separate days), and when possible, be scheduled from 3 p.m. to 5 p.m., Monday through Friday.

#### 21. INSURANCE.

- 21.1 LESSEE must have insurance in the following amounts at all times during this Agreement:
  - 21.1.1 General liability insurance with at least \$1 Million combined single-limit coverage per occurrence for bodily injury and property damage; and
  - 21.1.2 Automobile liability insurance of \$1 Million combined single-limit per accident for bodily injury and property damage; and
  - 21.1.3 Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship
- 21.2 Each insurance policy required above must be acceptable to the City Attorney:
  - 21.2.1 Each policy must name the CITY specifically as an additional insured under the policy on a separate endorsement page, with the exception of the workers' compensation policy.
  - 21.2.2 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.
  - 21.2.3 All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.

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- 21.3 LESSEE agrees to deposit with CITY, on or before the effective date of this Lease, one Certificate of Insurance for each of the policy or policies necessary to satisfy the insurance provisions of this Lease and to keep such insurance in effect during the entire term of this Lease. Said Certificate of Insurance shall be reviewed by, and acceptable to, the City Attorney, prior to commencement of the Lease Term. LESSEE will also deposit with the CITY within 60 days of the Effective Date of this Lease, an Additional Insured Endorsement naming CITY specifically and separately as a "additional insured", with the exception of the worker's compensation policy. The appropriate endorsements described in Paragraph 22.2 above shall follow within sixty (60) days. Noncompliance by LESSEE with any provision of this Clause shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.
- 21.4 CITY shall retain the right at any time to review the coverage, form and amount of the insurance required hereby. If, in the opinion of the Lease Administrator, the insurance provisions in this Lease do not provide adequate protection for CITY and for members of the public using the Premises, CITY may require LESSEE to obtain insurance sufficient in coverage, form and amount to provide adequate protection from and against the kind and extent of risks which exist or are foreseeable at the time a change in insurance is required. CITY'S requirements shall be reasonable, but shall be designed to assure adequate protection of the CITY'S interests. The Lease Administrator shall notify LESSEE in writing of changes in the insurance requirements and, if LESSEE does not deposit with CITY within sixty (60) days of receipt of such notice a new Certificate of Insurance for each policy or policies of insurance incorporating such changes, this Lease shall be deemed in default without further notice to LESSEE and may be forthwith terminated by the Lease Administrator, pursuant to Paragraph 4.2 above.
- 21.5 The procuring of such required policy or policies of insurance shall not be construed to limit LESSEE'S liability hereunder nor to fulfill the indemnification provisions and requirements of this Lease. Notwithstanding said policy or policies of insurance, LESSEE shall be obligated for the full and total amount of any damage, injury or loss attributable to any act or omission of it or its agents, customers or guests in connection with this Lease or with use or occupancy of the Premises.
- 21.6 Noncompliance by LESSEE with any provision of this Paragraph 22 shall allow the Lease Administrator to terminate this Lease pursuant to Paragraph 4.2 above.

Resolution No.	2010-	161
EXHIBIT	A	
Page/	of	14

- 22. <u>INDEMNIFICATION</u>. LESSEE shall defend, indemnify, and hold harmless CITY, its officers, agents, and employees from and against any and all claims, demands, and liabilities for loss of any kind or nature which CITY, its officers, agents, or employees may sustain or incur or which may be imposed upon them or any of them for injury to or death of persons or damage to property as a result of, arising out of, or in any manner connected with this Agreement or with the occupancy and use of the Premises by LESSEE, its invitees, visitors, or any other persons whatsoever. LESSEE further agrees to pay any and all costs and expenses, including, but not limited to, court costs and reasonable attorney's fees incurred by CITY on account of any such claims, demands, or liabilities. However, the provisions of this Agreement shall not be construed to indemnify CITY for claims or acts arising from CITY'S sole negligence.
- 23. <u>ATTORNEY'S FEES, COSTS AND EXPENSES</u>. In the event litigation or other proceeding is required to enforce or interpret any provision of this Lease Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorney's fees, costs and expenses, in addition to any other relief to which it may be entitled.
- 24. <u>NONDISCRIMINATION</u>. LESSEE herein covenants that this Lease is made and accepted upon and subject to the condition that there shall be no discrimination against or segregation of any person or group of persons on account of physical or mental disabilities, race, color, creed, religion, sex, marital status, national origin or ancestry in the use, occupancy, tenure or enjoyment of the leased premises. LESSEE shall not establish or permit any such practice of discrimination or segregation with reference to the selection, location, number, or use of occupancy by customers, tenants or vendees in the leased premises.
- 25. <u>SUPERSEDURE</u>. This Lease, upon becoming effective, shall supersede any leases or rental agreements heretofore made or issued for the Premises between the CITY and LESSEE.
- 26. <u>HAZARDOUS AND/OR CONTAMINATED SOIL AND MATERIAL</u>. LESSEE will not place or permit to be placed materials and/or contaminated soils on the premises which under federal, state, or local law, statute, ordinance, or regulations require special handling in collection, storage, treatment, and/or disposal. LESSEE also hereby covenants and agrees that, if at any time it is determined there are materials and/or contaminated soils located on the premises which under any environmental requirement require special

Resolutio	n No.	00.	-16	(	
EXHIBIT		A			
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handling in collection, storage, treatment, or disposal, LESSEE shall notify CITY. Within thirty (30) days after written notice to CITY or from CITY, LESSEE shall commence to take and thereafter diligently complete, at LESSEE'S sole expense, such actions as may be necessary to comply with environmental requirements.

- 27. <u>LAW TO GOVERN; VENUE.</u> This Lease Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of San Diego, North County Branch. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Southern District of California, in San Diego.
- 28. <u>SPECIAL PROVISIONS</u>. LESSEE hereby acknowledges that LESSEE waives all rights to any form of relocation assistance provided for by local, state, or federal law to which LESSEE may be entitled by reason of this Lease.
- 29. <u>AMERICANS WITH DISABILITIES ACT (ADA)</u>. It is the duty of the LESSEE while operating under this Lease to comply with all local, state, and federal laws, including, but not limited to, the Americans with Disabilities Act and to indemnify CITY from any violation of any such law. Failure to comply with a provision of local, state, or federal law is grounds for the Lease Administrator's immediate termination of this Lease.

Resolution No. 2010-16
EXHIBIT A
Page 13 of 14

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	Y OF ESCONDIDO
Date:	By:	Mayor
Date:	By:	City Clerk
Date:		ndido Federal Credit Union
		Print Name and Title
Approved as to Form: Office of The City Attorney Jeffrey R. Epp, City Attorney		

Resolution No.	2010-161	
EXHIBIT	A	-
Page H	of14	-

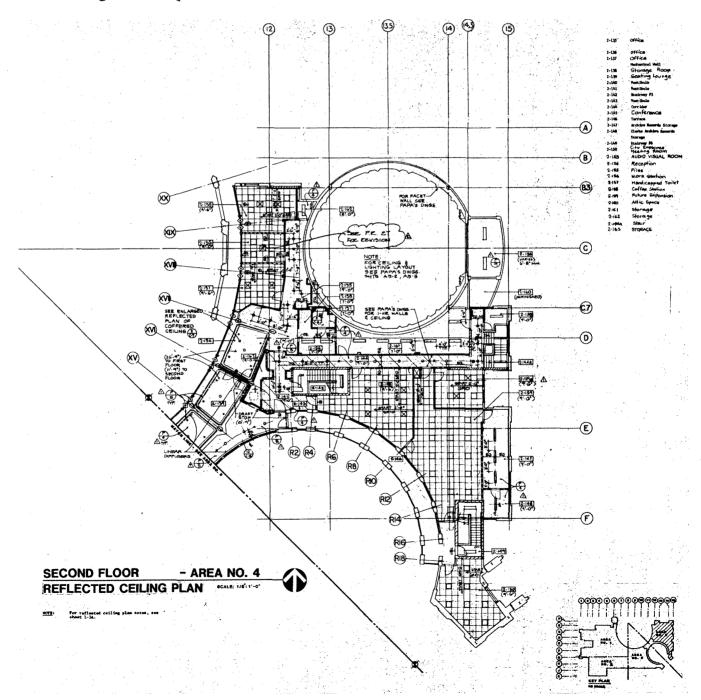
#### **EXHIBIT A**

#### **PROPERTY DESCRIPTION**

#### **Leased Premises**

The Premises leased herein is located in the Northeast Quadrant of the second floor of 201 N. Broadway, Escondido, CA 92025. and depicted below.

Consisting of 2,200 square feet more or less





TO: Honorable Mayor and Members of the City Council

**FROM:** Jeffrey R. Epp, City Attorney

SUBJECT: Acquisition of Property (480 North Spruce Street) for Redevelopment Purposes

#### **RECOMMENDATION:**

It is requested that Community Development Commission adopt CDC Resolution No. 2010-14 authorizing the Chair and Secretary of the Commission to execute documents necessary to acquire property located at 480 North Spruce Street.

#### **BACKGROUND**:

In late August, 2010, the Moorad Group entered into an agreement to purchase approximately 49,905 square feet of improvements on a parcel of approximately 3.78 acres located at 480 North Spruce Street, Escondido, California APN 232-091-28 ("Spruce Street Property") from Spruce Street Real Estate II, LLC. The property is strategically located in relation to the North County Transit District station, other property with potential for redevelopment, and proximity to the Highway 78/Interstate 15 crossroads.

The Spruce Street Property, along with portions of the City public works yard, and property owned by the North County Transit District, are included within the footprint of a proposed minor league ballpark project which is under negotiation and the subject of ongoing environmental review under the California Environmental Quality Act. However, the minor league ballpark project is still subject to completion of the CEQA process, a public hearing and discretionary actions under the California Redevelopment Law, and various other approvals and processes. While there is no assurance as to any final action on the minor league ballpark project, staff believes and recommends that it is in furtherance of the Commission's public purpose to acquire the Spruce Street Property independent of whether the minor league ballpark project is approved. Acquisition of property in this area can and will serve redevelopment purposes consistent with the existing Redevelopment Plan adopted by the City in 1984. The potential for redevelopment of the Spruce Street Property, as well as surrounding properties is demonstrated by the fact it was chosen as the preferred site for the ballpark project.

The purchase price in the Agreement between the Moorad Group and the property owners, Spruce Street Real Estate II, LLC is set at \$5,000,000 with an earnest money deposit in the amount of \$100,000 which has already been paid by the Moorad Group. Prices per square foot for similar

properties have been reviewed by staff and outside consultants and have established the validity and reasonableness of the purchase amount set between the Moorad Group and Seller.

CDC Resolution No 2010-14 will authorize the Chair and Secretary of the Commission to execute the necessary documents, subject to approval as to form by the City Attorney, to assume the rights and obligations of Moorad Group under the Purchase Agreement and reimburse the Moorad Group for the deposit paid under the Purchase Agreement in the amount of One Hundred Thousand Dollars (\$100,000). These documents are contemplated to be escrow instructions executed by the Seller and Commission.

If the minor league ballpark project is approved, this assumption will enable the Commission to fulfill any proposed obligations for construction on the site; if the minor league ballpark project is not approved, there will be a number of redevelopment objectives that can be satisfied by the Commission by having title to this property. Moreover, it is unlikely that the Commission will otherwise have the opportunity to acquire the property in this manner without the existing agreement with the Moorad Group, considering that the Commission does not have eminent domain authority.

The Commission will be required to fulfill certain statutory relocation obligations with respect to the tenants and/or occupants of the Spruce Street Property. To fulfill those obligations, staff has retained Pacific Relocation Consultants and has commenced negotiations with the current tenants.

Respectfully submitted

Jeffrey R. Ep City Attorney

#### RESOLUTION NO. CDC 2010-14

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION APPROVING AN AGREEMENT FOR ACQUISITION OF REAL PROPERTY LOCATED AT 480 N. SPRUCE STREET, AND TO AUTHORIZE THE CHAIR AND SECRETARY TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THE ACQUISITION AND ACCEPT A GRANT DEED

WHEREAS, California Health and Safety Code Section 33391 allows for the purchase of any real property for the purposes of redevelopment; and

WHEREAS, the Community Development Commission ("CDC") of the City of Escondido, California, has Redevelopment Plan objectives to eliminate blight and to improve the economic climate within the project area; and

WHEREAS, a parcel of real property addressed as 480 North Spruce Street ("Spruce Street Property") is located within the Redevelopment Project Area, as delineated in the Redevelopment Plan adopted in 1984; and

WHEREAS, the owners of the Spruce Street Property have entered into a Purchase and Sale Agreement by which they have agreed to sell the property for a purchase price of \$5,000,000 to a prospective buyer; and

WHEREAS, the prospective buyer of the Spruce Street Property is willing to allow the Commission to assume the Buyer's rights and obligations in the purchase transaction, thereby allowing the Commission to acquire the property; and

WHEREAS, the amount of \$5,000,000 is a fair, reasonable and appropriate value for the property and the use of redevelopment funds for acquisition of this Property will provide significant benefit to the redevelopment project area.

NOW, THEREFORE, BE IT RESOLVED by the Community Development Commission of the City of Escondido, California, as follows:

- 1. That the above recitations are true.
- 2. That the use of redevelopment funds for acquisition of this Property will provide significant benefit to the Redevelopment Project Area.
- 3. That the Chair and Secretary are authorized to execute on behalf of the Community Development Commission, all necessary escrow or other documents to acquire the Spruce Street Property for a purchase price of \$5,000,000, subject to final approval of all documents as to form by the City Attorney.



Date: October 27, 2010

TO:

Honorable Mayor and Members of the City Council

FROM:

Edward N. Domingue, Director of Engineering Services

SUBJECT: Street Vacation: Portions of Spruce Street

#### **RECOMMENDATION:**

It is recommended that the City Council conduct a public hearing, and adopt Resolution 2010-160 vacating a portion of Spruce Street in the City of Escondido.

#### PREVIOUS ACTION:

On September 1, 2010, City Council adopted Resolution 2010-138 setting the Public Hearing date of October 27, 2010.

#### FISCAL ANALYSIS:

The \$1,200.00 processing fee has been paid into the General Fund.

#### **BACKGROUND:**

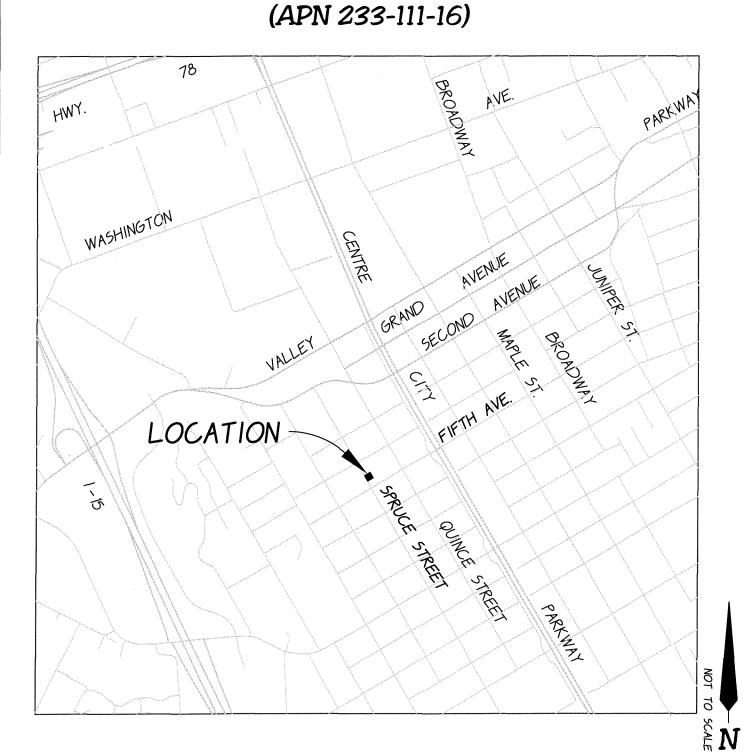
The owners of the property identified as APN 233-111-16 on Spruce Street in the City of Escondido, California have requested that the City vacate portions of Spruce Street to accommodate the development of this parcel. A public utilities easement will be reserved in the event that utilities are identified which must remain in the vacated portions. Neither the City nor the utility companies require that these areas remain as Public Street.

Respectfully submitted,

Edward N. Domingue, P.È

Director of Engineering Services

# LOCATION MAP STREET VACATION Portion of Spruce Street



CITY COUNCIL MEETING 10-27-2010 ENGINEERING SERVICES



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, TO VACATE AND ABANDON A PORTION OF A PUBLIC STREET KNOWN AS SPRUCE STREET AS HEREIN SPECIFICALLY DESCRIBED

(Public Hearing Date October 27, 2010)

WHEREAS, the City Council of the City of Escondido, California, on September 1, 2010, passed its Resolution No. 2010-138 declaring its intention to order the vacation, abandonment and closing to public use portions of a public street known as Spruce Street, as hereinafter described, located within the City of Escondido; and

WHEREAS, on Wednesday October 27, 2010, the City Council duly heard all evidence offered by all persons interested in or objecting to the proposed vacation, abandonment and closing; and

WHEREAS, all other acts and things required by law, particularly Sec. 8320 *et seq.* of the Streets & Highways Code of the State of California, to confer jurisdiction upon the City Council to order said street vacation have been done; and

WHEREAS, pursuant to the provisions of Sec. 8340 of the Streets & Highways Code of the State of California, existing or proposed utilities do require the reservation of utility easements over a portion of the area to be vacated;

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

1. That the above recitations are true.

- 2. That the City Council makes the following findings of fact:
  - (a) That the portions of Spruce Street, proposed for vacation are not being utilized.
  - (b) That the portions of vacated street are unnecessary for present or prospective public street purposes.
  - (c) That the Director of Public Works supports the street vacation as proposed and recommends approval of the street vacation.
  - (d) That the proposed vacation is recommended because this land is not needed for the ultimate design of any street.
  - (e) That the vacated portions of rights-of-way are not useful as bikeways.
  - (f) That the vacation area is needed for public utility purposes.
- 3. That in view of the above findings and the applicable law, this City Council finds, from all evidence submitted, that the portions of Spruce Street, as described and delineated on Exhibit "A," which is attached to this resolution and incorporated by this reference, meets the requirements for vacation as set forth in Sec. 8320 *et seq.* of the Streets & Highway Code of the State of California.
- 4. That the City Council does hereby order the portions of public streets described in Exhibit "A" and delineated in Exhibit "B," which is attached to this resolution and incorporated by this reference, within the City of Escondido, closed and vacated.

- 5. That a public utility easement shall be reserved from this vacation.
- 6. That this order shall take effect immediately.
- 7. That the City Clerk is hereby directed and authorized to record this notice in the office of the County Recorder of San Diego County as required by law.



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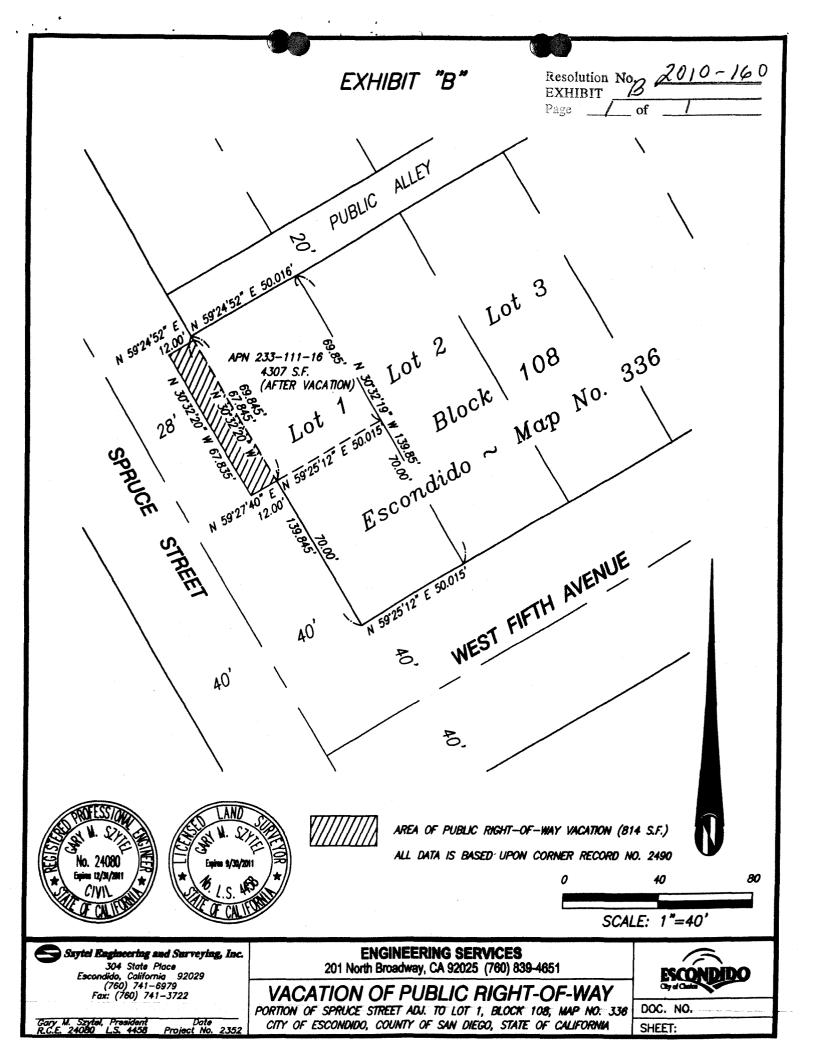
#### **VACATION OF PUBLIC RIGHT-OF-WAY**

That portion of the Northeasterly 12 feet of Spruce Street (80 feet wide) in the City of Escondido, County of San Diego, as shown on Map No. 336, filed in the Office of the County Recorder of said San Diego County July 10, 1886 lying Southeasterly of the Southwesterly prolongation of the Southeasterly line of the Northwesterly 2 feet of Lot 1 in Block 108 of Escondido according to said Map No. 336, and lying Northwesterly of a line which is at a right angle from the Northeasterly line of said Spruce Street and which extends Southwesterly from the most Westerly corner of the Southeasterly 70.00 feet of said Lot 1.

Gary M. Szytel IS4458

7/6/2010 Date





<b>ESCONDIDO</b> City of Choice		For City Clerk's Use:
ony or orionee		Reso No File No
	CITY COUNCIL	Ord No
		Agenda Item No.: // Date: October 27, 2010

TO:

Honorable Mayor and Members of the City Council

FROM:

Barbara Redlitz, Director of Community Development

SUBJECT: Zone Change, and Master and Precise Development Plan for former Fire Station No. 3

property (Case No. PHG10-0020)

#### **STAFF RECOMMENDATION:**

The Planning Commission recommended approval on September 28, 2010 (Vote 5-0, Lehman and Yerkes absent).

#### PROJECT DESCRIPTION:

It is requested that Council adopt Ordinance No. 2010-05 approving the proposed Zone Change and Resolution No. 2010-149 approving the Master and Precise Development Plan.

#### LOCATION:

The approximately 0.35-acre property is located on the western side of Village Road, south of Country Club Lane, address as 2165 Village Road (APN 224-610-09).

#### FISCAL ANALYSIS:

The City Council previously authorized the Real Property Manager to enter into escrow and accept an offer from the Deubig Family Trust to purchase the vacated fire station property for \$360,000 with no contingencies or escrow costs paid by the City of Escondido (Resolution No. 2010-140). When the transaction closes, the allocation of the sales proceeds would be determined by the City Council.

#### PROJECT DESCRIPTION:

Zone Change from existing Planned Development Residential (PD-R) to Planned Development Commercial (PD-C) and a Master and Precise Development Plan to convert the vacant, former Fire Station No. 3 building to an office use. Minor exterior improvements are proposed, which include removal of the existing above-ground diesel fuel tank and pump, portable metal storage shed, and metal hose rack. The building also is proposed to be repainted, and the landscape planters repaired where necessary. Minor interior improvements also would be necessary to convert the existing vehicle bays and other interior spaces to office uses.

#### **BACKGROUND:**

The site contains an approximately 2,731 SF neighborhood fire station with two equipment bays designed to accommodate a three member crew. The former station was constructed in the mid 1970s October 27, 2010 PHG 10-0020 Page 2

and was vacated in 2008 with the construction of the New Station 3 located at 1808 Nutmeg Street. The old station then was leased to a private fire fighting company, Pac-West Fire, LLC, from November 2008 to February 2010. The station is located within the Escondido Hills Master Planned Community and the site originally was designated for commercial development as part of the Master Plan (City File No. 69-97-PD). The subject parcel was split off from the adjacent 1.6-acre neighborhood commercial project to the north (Escondido Hills Plaza) in order to develop the site with a neighborhood fire station to serve the Escondido Hills development and surrounding neighborhoods, and the parcel ultimately was zoned Planned Development Residential. Although the property is located within a residential General Plan designation, the General Plan and Zoning Code allows for Planned Neighborhood Commercial in every land-use category. Therefore, in order to use the building for office purposes, the site would need to be rezoned to Planned Development Commercial, and a Master and Precise Plan approved to establish specific development and operational standards for the property, along with any design requirements. The proposed Planned Commercial zoning would be an extension of the existing Planned Development Commercial zoning for the adjacent neighborhood commercial center, but would limit the site to office uses only. The General Plan also includes language that Planned Neighborhood Commercial development be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers, size, intensity, and operational characteristics to avoid adversely affecting surrounding uses.

#### **GENERAL PLAN ANALYSIS:**

The General Plan land-use designation for the subject site is Urban 1 (U1). The Urban 1 land-use classification is a medium density category of up to 5.5 units per acre, where single-family homes, mobile homes, patio homes and zero-lot line developments are the predominant use. Commercial Policy B4.1(a) allows for Planned Neighborhood Commercial in every land-use category. Planned Neighborhood Commercial includes convenience commercial uses that provide retail goods and services, and may be freestanding or in small clusters on sites with a five acre maximum size. Commercial Policy B4.6 states that Planned Neighborhood Commercial centers shall be located in such a way as to complement but not conflict with adjoining residential uses. Section 33-331 of the Escondido Zoning Code (General Plan Compatibility Matrix) also allows for Planned Development-Neighborhood Commercial development within all zoning designations. Planned Development Commercial zoning permits uses such as general business services and general office uses.

#### **ENVIRONMENTAL REVIEW:**

A Negative Declaration was issued for the proposed project on August 26, 2010, in conformance with the California Environmental Quality Act. The findings of this review are that the proposed project will not have a significant effect on the environment since there is no substantial evidence in the record to indicate project related impacts are potentially significant. No comments were received during the 20-day public review period.

#### PUBLIC COMMENT:

A resident from the Escondido Hills Planned Development spoke at the Planning Commission hearing expressing concern that continued use of the site would need to be in conformance with the CC&Rs

October 27, 2010 PHG 10-0020 Page 3

established for the Planned Development. The site would be subject to the relevant development standards established for the adjacent neighborhood commercial development and this requirement is reflected in the project conditions.

#### **DISCUSSION**:

Commercial Policy B4.6 states that Planned Neighborhood Commercial centers shall be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers; limiting such facilities to one corner of an intersection where at least one of the streets is classified as a Major Road or Prime Arterial in the Circulation Plan; controlling lights, signage and hours of operation to avoid adversely affecting surrounding uses; requiring adequate landscape buffers between commercial and residential uses; and providing bicycle and pedestrian links between planned neighborhood commercial centers and surrounding residential area. The site originally was designated for commercial development as part of the adjacent 1.6-acre neighborhood commercial center to the north. The Master Development Plan was subsequently modified to accommodate a fire station on the site instead of the originally planned site for the fire station within the development. The fire station building was designed and sited to be in conformance with the overall Master Plan design themes, which called for a low profile building with materials and colors to be compatible with the adjacent commercial and residential development.

The Planning Commission concurred with staff that the proposed project would be in substantial conformance with the General Plan location criteria since it is located approximately one mile away from the nearest commercial center which is located south of the site at the corner of Centre City Parkway/El Norte Parkway. The total commercial development within the Master Planned community would not exceed the five acre limitation since the 0.34-acre site would be an extension of the adjacent 1.6-acre neighborhood commercial development. Appropriate setbacks and landscape screening are provided along the southern boundary of the property in order to avoid potential adverse impacts to the adjacent residences. The conversion of the building to office uses would not result in any adverse lighting, noise, traffic or compatibility impacts with adjacent uses. All uses on the site are restricted to general office and no outdoor storage is allowed. The property also would be subject to the development standards of the adjacent planned commercial development. The hours of operation would be during the daytime hours, generally Monday - Friday, which would be less intensive than the 24-hour operations of the previous fire station. The proposed zone change would be an extension of the adjacent commercial development which is located on a corner that is served by a Circulation Element road. The project also will not affect any existing designated access points to adjacent open space areas. Therefore, both the Planning Commission and staff feel the project is in substantial conformance with the General Plan polices regarding Planned Commercial development and the proposed the site is suitable for conversion to light office uses.

Respectfully submitted,

Darkour Red

Barbara Redlitz

**Director of Community Development** 

Jay Paul

Associate Planner

## EXHIBIT "A" FINDINGS OF FACT/FACTORS TO BE CONSIDERED PHG 10-0020

#### Zone Change

1. The public health, safety and welfare would not be adversely affected by the proposed Zone Change from Planned Development Residential (PD-R) to Planned Development Commercial (PD-C) since the site has been developed and used for non-residential purposes (Fire Station) and the proposed zone change would be in conformance with the General Plan. which allows for neighborhood commercial zoning and development within all zones. The proposed project would not disrupt or divide the physical arrangement of the area since no new development or expansion of the site is proposed. Appropriate access and on-site parking is provided and the project would not alter the existing streets or circulation patterns. Adequate public facilities are available and water and sewer service currently is provided to the site. The proposed Zone Change to PD-C to facilitate conversion of the station to office uses would not create an intensification of use of the site, and would not change the character, form or arrangement of land uses in the area. Use of the existing building for limited office uses would not result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts due to the low intensity nature of the use. The building also was originally designed to be compatible with the surrounding residential development in terms of mass and scale, building height and materials, and the proposed design of the building would remain the same. The proposed Zone Change is not anticipated to generate a significant number of new trips and would not impact the levels of service on the adjacent street or intersections. The Engineering Department indicated the project would not impact the existing levels of service on either street, or impact the operation of the intersection.

A Negative Declaration was issued for the proposed project on August 26, 2010, in conformance with the California Environmental Quality Act. The findings of this review are that the proposed project will not have a significant effect on the environment since there is no substantial evidence in the record to indicate project related impacts are potentially significant. The project also would have no impact to fish and wildlife.

- 2. The site is suitable for the uses permitted by the proposed zone since the site previously was used as a neighborhood fire station and conversion to an office use would not require any substantial alterations to the site or the existing building. Adequate access is provided to the site and appropriate on-site parking can be provided.
- 3. The uses permitted by the proposed PD-C zone will not be detrimental to surrounding properties since the site originally developed as a neighborhood fire station. The conversion of the existing building to limited office uses would not result in an adverse intensification of the previous use, as detailed in the Negative Declaration issued for the project. Appropriate on-site parking would be provided, and the project would not result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts. The Engineering Department indicated the project would not impact the existing levels of service on either street, or impact the operation of the intersection. The building also was originally designed to be compatible with the surrounding residential development in terms of mass and scale, building height and materials, and the proposed design of the building would remain the same.
- 4. The proposed Zone Change from PD-R to PD-C would be in substantial conformance with the adopted General Plan and general plan policies. The General Plan and Zoning Code allows for Planned Neighborhood Commercial in every land-use category, which includes retail goods and services, and general office uses. The General Plan also includes language that Planned Neighborhood Commercial development be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers, size, intensity, and operational characteristics to avoid adversely affecting surrounding uses. Commercial Policy B4.1(a) allows for Planned Neighborhood Commercial in every land-use category and the commercial zoning would be an extension of the adjacent neighborhood commercial zoning to the north.
- 5. The proposed Zone Change from PD-R to PD-C would not conflict with the Escondido Hills Master Plan which originally planned for and allows a variety of neighborhood commercial development. There are no other specific plans adopted for or that affect the subject site.

#### Master and Precise Plan

1. The General Plan land-use designation for the subject site is Urban 1 (U1). The Urban 1 land-use classification is a medium density category of up to 5.5 units per acre, where single-family homes, mobile homes, patio homes and zero-lot line developments are the predominant use. The existing parcel was created in order to develop the property with a neighborhood fire station as part of the over Master Plan for the mix-use residential development. Granting the Modification to the Master and Precise Development Plan to allow a conversion of an existing fire station to limited office uses would be in conformance with the City's General Plan [Commercial Policy B4.1(a)] which allows for Planned Neighborhood Commercial in every land-use category. The General Plan also includes language that Planned Neighborhood Commercial development be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers, size, intensity, and operational characteristics to avoid adversely affecting surrounding uses. The conversion of the existing building to office uses would not result in an adverse intensification of the previous use, as detailed in the Negative Declaration issued for the project. Appropriate on-site parking would be provided, and the project would not result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts due to the low intensity nature of a small neighborhood office use.

The proposed project would be in conformance with General Plan Economic Policies (page II-23) which encourage economic activities that are clean and nonpolluting to expand or locate in Escondido; provide additional employment opportunities; reduce the need for Escondido residents to commute out of the area; maintain the City's fiscal stability; and are aesthetically superior.

- 2. The proposed conversion of the fire station to office uses would be well integrated with its surroundings and would not result in a substantial alteration of the present or planned land use since the property was developed as a neighborhood fire station and the building was designed and oriented to be compatible with the surrounding neighborhood commercial and residential development. The project design, architecture, colors and landscaping are consistent with surrounding development. No significant alterations to the building or site are proposed or required. The proposed Planned Commercial zoning would be an extension of the existing zoning for the adjacent neighborhood commercial center (Escondido Hills Plaza), but would limit the site to office uses only. Given the site's development, orientation and use as a fire station, and location adjacent to an existing neighborhood commercial center, the proposed Zone Change and Master and Precise Development Plan to convert the existing building to office uses would not substantially change the character, form or arrangement of land uses in the area.
- 3. The proposed facility would be adequately served by existing public facilities since City sewer and water service is available from existing mains in the adjacent streets or easements, and the project would not adversely impact these facilities nor require significant upgrades to the existing infrastructure.
- 4. The proposed conversion of the existing fire station building to an office does not require substantial alterations to the site or building. Existing accessory structures associated with the fire station would be removed (which includes the above-ground gas tank, hose rack and metal storage shed). The existing building was originally designed to be consistent with the approved Master Plan guidelines, which called for a low profile structure with materials that would complement the adjacent residential development. No changes are proposed to the exterior of the building except for new exterior paint to be compatible with the material and colors of the adjacent commercial development and surrounding residences. The project has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and would not result in a negative impact to the adjacent neighborhood for the reasons stated above and as detailed in the Negative Declaration and the Planning Commission staff report.
- 5. A Negative Declaration was issued for the proposed project on August 26, 2010, in conformance with the California Environmental Quality Act. The findings of this review are that the proposed project will not have a significant effect on the environment since there is no substantial evidence in the record to indicate project related impacts are potentially significant. The project also would have no impact to fish and wildlife.

#### **EXHIBIT "B"**

#### CONDITIONS OF APPROVAL

PHG 10-0020

#### General

- 1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief.
- 2. Access for use of heavy fire fighting equipment as required by the Fire Chief shall be provided to the job site at the start of any construction and maintained until all construction is complete.
- 3. Appropriate access shall be provided to the project site, to the satisfaction of the Fire Department.
- 4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
- 5. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program
- 6. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
- 7. The development shall be subject to all conditions of the previously approved Master and Precise Development Plans for the Escondido Hill Master Planned Development and adjacent commercial development standards, except as modified herein.
- 8. All new utilities and utility runs shall be underground.
- 9. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75). All lighting shall contain appropriate shielding to prevent potential light or glare from spilling onto adjacent properties or negatively affecting vehicles traveling along the adjacent roadways.
- 10. A minimum of six parking spaces shall be provided in conjunction with this project. Parking shall be provided at a ratio of 1 space per 300 SF for the interior office area and 1 space per 800 SF of storage area. Said parking spaces shall be striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage
- 11. As proposed, the design, colors and materials of the proposed facility shall be in accordance with the staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division.
- 12. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47) for CN zoning, to the satisfaction of the Planning Division. A separate sign permit shall be submitted along with the corresponding application fee.
- 13. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
- 14. Any new rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building(s). The method of screening and cross sections shall be included with the building plans.
- 15. The use of the building and site shall be restricted to office uses only.
- 16. No outdoor storage, operations, or repair of vehicles or equipment shall be allowed. All operations and storage of any equipment or materials shall be indoors (except for normal type vehicles associated with the office). Any heavy equipment or large commercial vehicles shall be stored at an off-site location or within the equipment bays.

- 17. A landscape plan shall be submitted to the Planning Division for review and approval for proposed upgrades to the existing planter areas. All landscape planter areas shall be landscaped appropriately with appropriate materials.
- 18. All landscape improvements shall be installed and all vegetation growing in an established, flourishing manner prior to occupancy. All irrigation shall be maintained in fully operational condition.
- 19. The Precise Plan modification shall be null and void if not utilized within twelve months of the effective date of approval, as determined by the Planning Division.
- 20. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Master and Precise Plan modification upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
- 21. A copy of these Conditions of Approval shall be submitted with the submittal of the building plans indicating compliance with all of the Conditions and Details of Request and exhibits contained in the Planning Commission staff report.



### PLANNING COMMISSION

Agenda Item No.: 6.1
Date: September 28, 2010

CASE NUMBER:

PHG 10-0020

**APPLICANT:** 

City of Escondido

LOCATION:

The approximately 0.34-acre property is located on the western side of Village Road, south of

Country Club Lane, address as 2165 Village Road (APN 224-610-09).

TYPE OF PROJECT: Zone Change, and Master and Precise Development Plan

PROJECT DESCRIPTION: The proposed project consists of a Zone Change from existing Planned Development Residential (PD-R) to Planned Development Commercial (PD-C) and a Master and Precise Development Plan to convert the vacant former Fire Station No. 3 building to an office use. Minor exterior improvements are proposed, which include removal of the existing above-ground diesel fuel tank and pump, portable metal storage shed, and metal hose rack. The building also is proposed to be repainted, and the landscape planters repaired where necessary. Minor interior improvements also would be necessary to convert the existing vehicle bays and other interior spaces to office uses.

**STAFF RECOMMENDATION:** Approval

GENERAL PLAN DESIGNATION/TIER: Urban 1; Tier 1- North Broadway subarea

**ZONING:** PD-R (Planned Development-Residential)

#### **BACKGROUND/SUMMARY OF ISSUES:**

The subject 0.35-acre site contains an approximately 2,731 SF neighborhood fire station with two equipment bays designed to accommodate a three member crew. The former station was constructed in the mid 1970s and was vacated in 2008 with the construction of the New Station 3 located at 1808 Nutmeg Street. The station is located within the Escondido Hills Master Planned Community and the site originally was designated for commercial development as part of the Master Plan (City File No. 69-97-PD). The subject parcel was split off from the adjacent neighborhood commercial project to the north (Escondido Hills Plaza) in order to develop the site with a neighborhood fire station to serve the Escondido Hills development and surrounding neighborhoods, and the parcel ultimately was zoned Planned Development Residential. In order to use the building for office purposes, the site would need to be rezoned to Planned Development Commercial, and a Master and Precise Plan approved to establish specific development and operational standards for the property, along with any design requirements. The proposed Planned Commercial zoning would be an extension of the existing Planned Development Commercial zoning for the adjacent neighborhood commercial center, but would limit the site to office uses only.

Although the property is located within a residential General Plan designation, the General Plan and Zoning Code allows for Planned Neighborhood Commercial in every land-use category. However, the General Plan also includes language that Planned Neighborhood Commercial development be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers, size, intensity, and operational characteristics to avoid adversely affecting surrounding uses.

Staff feels the issues are as follows:

1. The appropriateness of the use of the building for office purposes and whether the proposed zone change and use is consistent with the General Plan policies regarding Planned Neighborhood Commercial development.

#### **REASONS FOR STAFF RECOMMENDATION:**

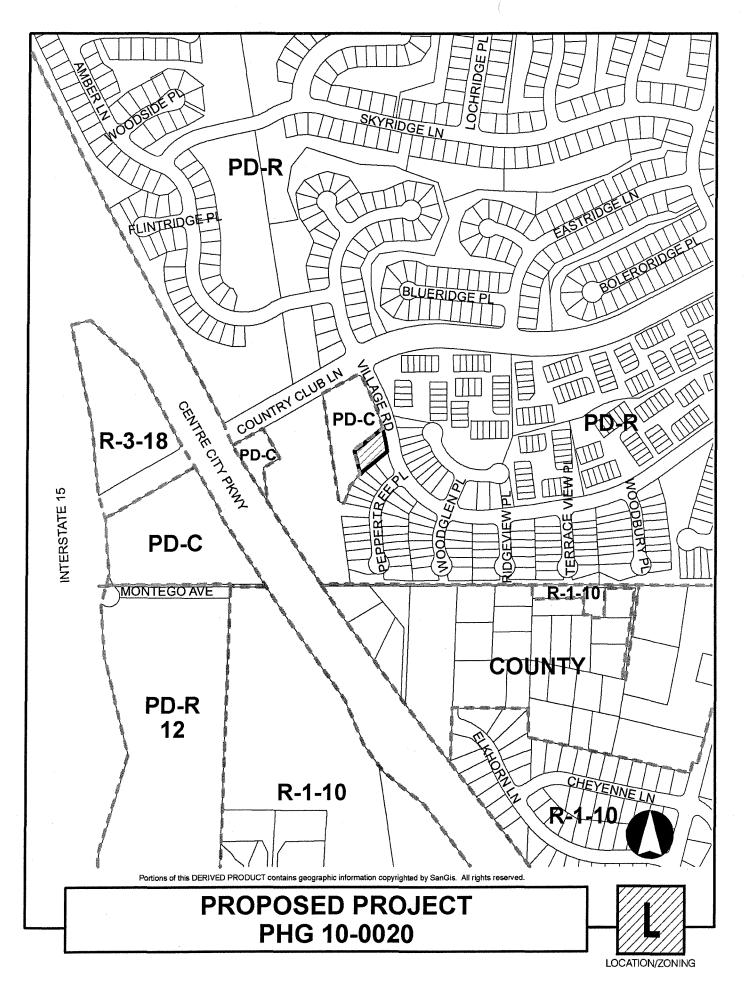
1. Staff feels the proposed Zone Change to PD-C and Master and Precise Plan to convert the vacant fire station to office uses is in substantial conformance with the General Plan policies since Planned Commercial development is permitted within all zoning categories and would be an extension of the adjacent neighborhood commercial zoning to the north. The conversion of the station to office uses would not create an intensification of use of the site, and would not change the character, form or arrangement of land uses in the area. Use of the existing building for limited office

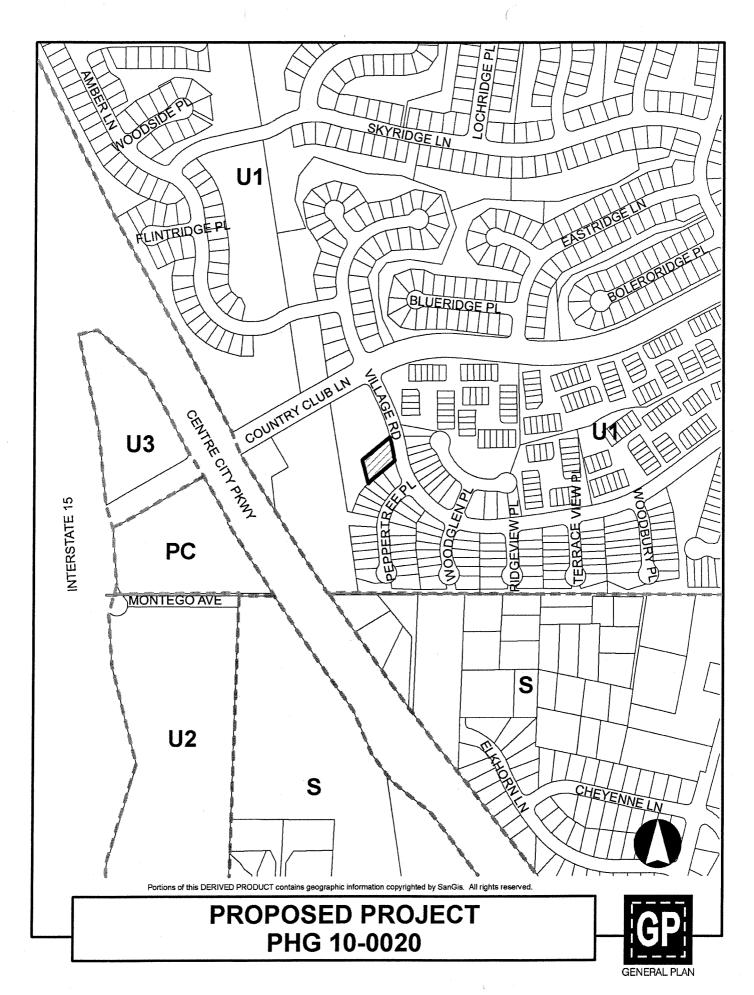
uses is not anticipated to result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts. The building also was originally designed to be compatible with the surrounding residential development in terms of mass and scale, building height and materials, and the proposed design of the building would remain the same.

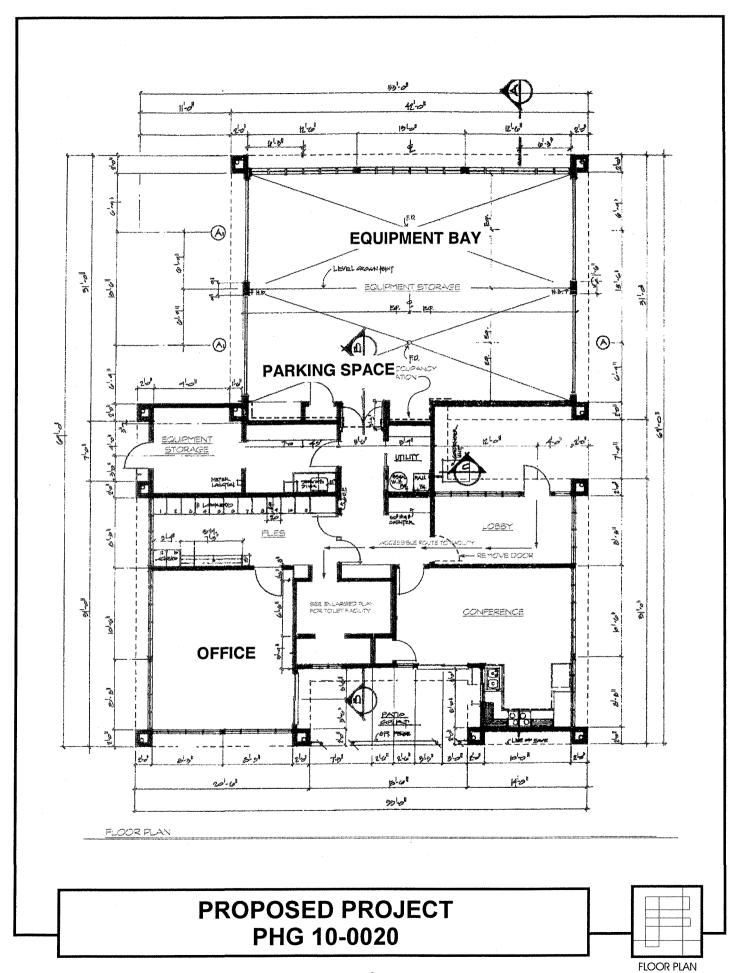
Respectfully submitted,

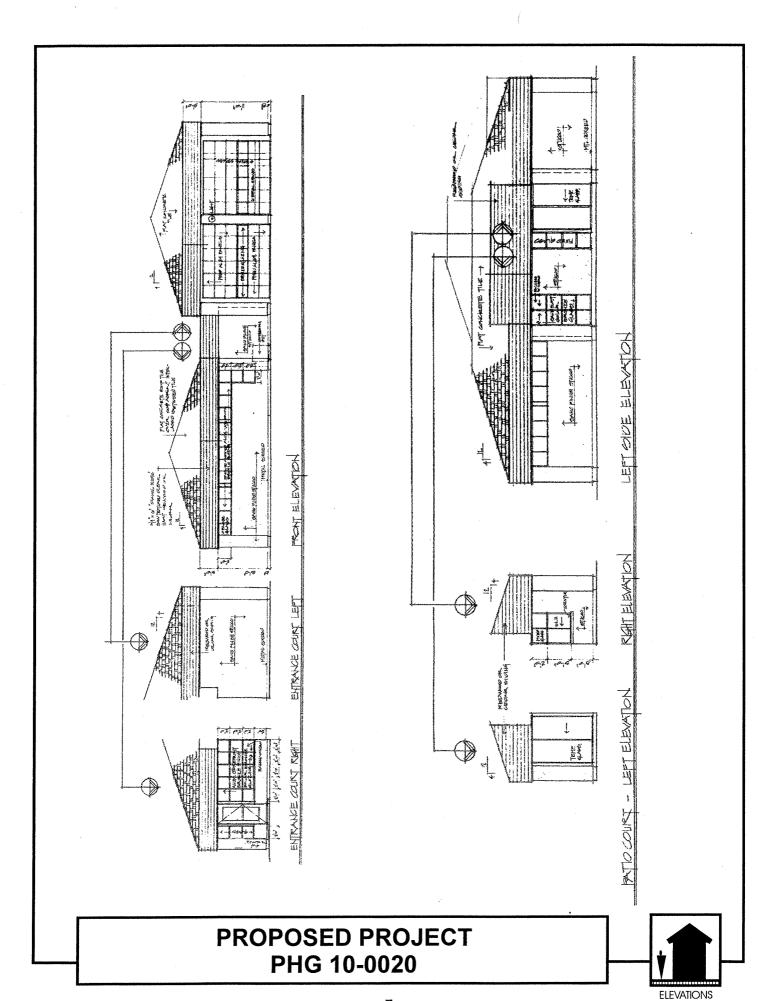
Jay Paul

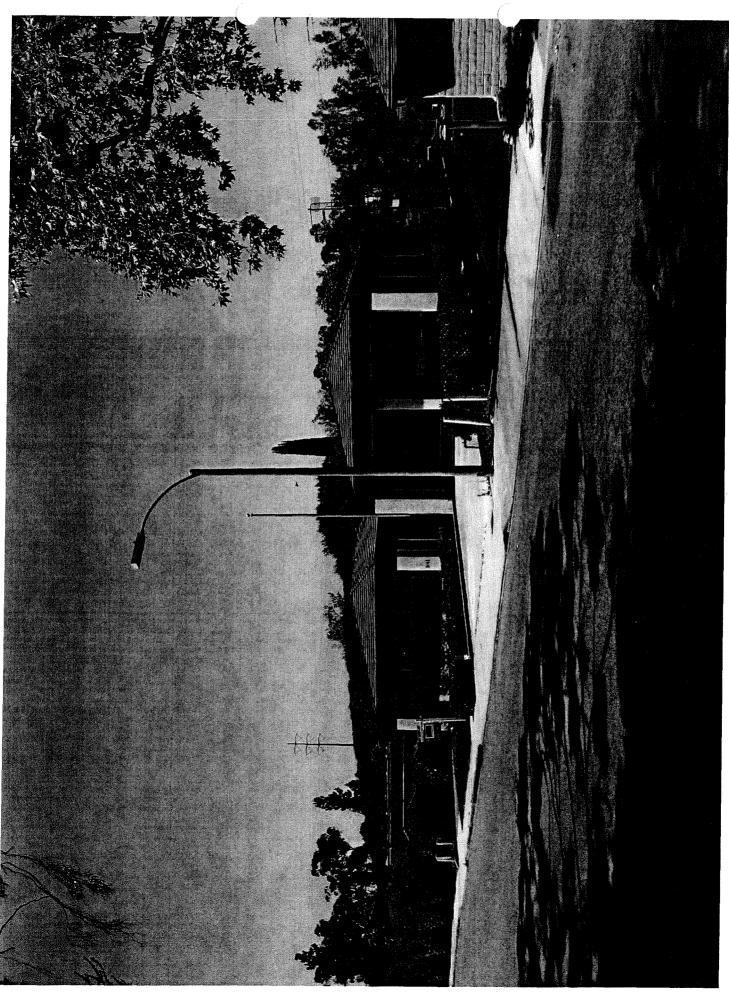
Associate Planner

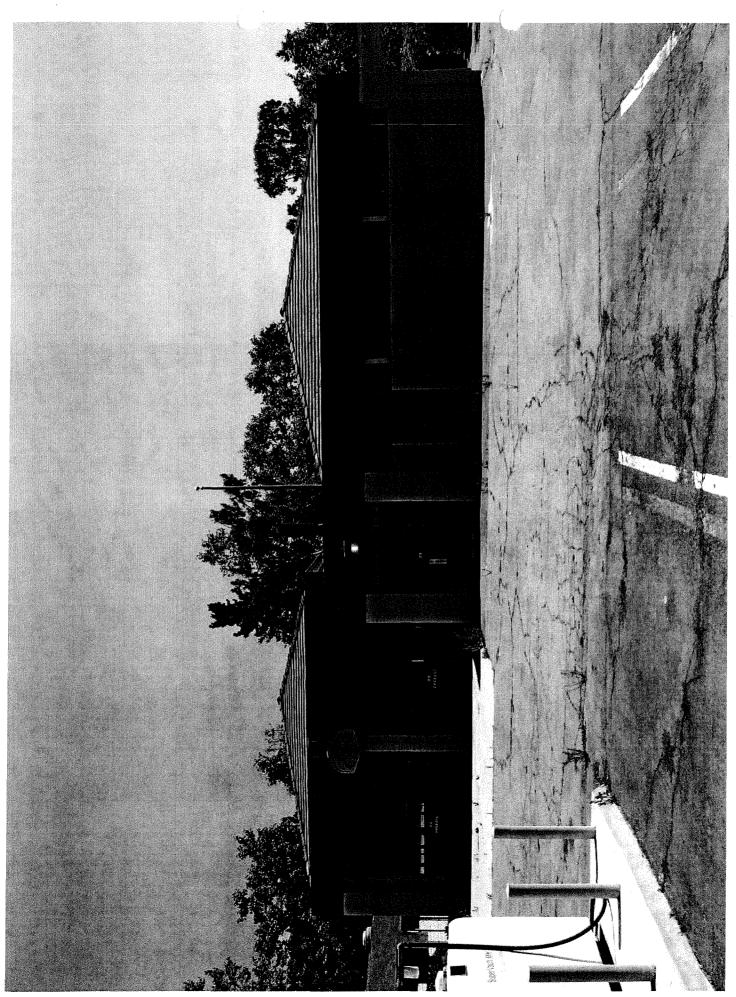












#### **ANALYSIS**

#### A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH: PD-C zoning (Planned Development Commercial) / A 1.6-acre neighborhood commercial development is located immediately north of the subject site. The site consists of low profile structures (single-story in height) with approximately 16,000 SF of commercial building area, paved parking and perimeter landscaping. Access to the commercial center is from a single driveway from Country Club Lane (right-in and right-out only) and a single driveway from Village Road.

<u>SOUTH</u>: PD-R zoning (Planned Development Residential) / Single and two-story duplex-type units are located immediately to the south of the subject site. The rear of the homes orient towards the site. A wooden fence and ornamental landscaping is located along the southern property line.

<u>EAST</u>: PD-R zoning (Planned Development Residential) / Single and two-story duplex-type units are located east of the site across Village Road. The rear of the homes orient towards Village Road.

<u>WEST</u>: PD-C zoning (Planned Development Commercial) / Parking spaces associated with the adjacent neighborhood commercial complex are located immediately to the west of the subject site at a slightly lower elevation. A large open space/recreation area associated with the Escondido Hills development is located further to the west. A paved walkway provides access to the adjacent parking lot and open space area from the subject property.

#### **B. ENVIRONMENTAL STATUS**

A Negative Declaration was issued for the proposed project on August 26, 2010, in conformance with the California Environmental Quality Act. The findings of this review are that the proposed project will not have a significant effect on the environment since there is no substantial evidence in the record to indicate project related impacts are potentially significant. No comments were received during the 20-day public review period.

#### C. AVAILABILITY OF PUBLIC SERVICES

- 1. <u>Effect on Police Service</u> -- The Police Department expressed no concern regarding the proposed development and their ability to serve the site.
- 2. <u>Effect on Fire Service</u> -- The Fire Department indicated that adequate services can be provided to the site and the proposed project would not impact levels of service.
- 3. Traffic -- The project site fronts onto and takes access from Village Road, which is a non-classified roadway (60' R-O-W) that runs through the Escondido Hills Planned Development connecting to Country Club Lane (Collector Road) on the north, and North Iris Lane (Local Collector Road) on the east. Trip generation from Fire Station No. 3 was based on estimated service call volumes and staffing levels. The proposed facility typically would have a staff of 3 people, which would generate approximately 6 average daily trips. City Fire Department staff indicated the station received approximately 4.2 calls per day which would yield approximately 8 project-generated Average Daily Trips (ADT) or up to 16 passenger car equivalent trips (PCE) accounting for the larger emergency vehicles for a total of 22 ADT. The proposed change to office uses is anticipated to generate approximately 14 trips per 1,000 SF or 38 ADT (5.4 a.m. peak hour trips and 5.4 p.m. peak hour trips) or a net increase of 16 additional trips. This additional number of trips would be equivalent to the trips generated by 2.6 duplex type units (6 trips per unit) or 1.6 single-family detached homes (10 trips per unit). The Engineering Division indicated Village Road currently operates at a Level-of-Service 'C' or better and the anticipated increase in trips from the office use would not be significant since the project would not cause the volume to capacity ratios to exceed established thresholds, or adversely increase the delay at nearby intersections. No mitigation is required.
- 4. <u>Utilities</u> Water and sewer is available from existing mains in the adjoining street or easements. Water service to the site currently is provided by Rincon Del Diablo Water District. Sufficient water service would continue to be provided to the site from existing mains within the adjoining street system. No upgrade to the water system would be necessary to support the proposed use of the building for office/commercial purposes. The Engineering Department indicated the project would not result in a significant impact to public services or utilities.
- 5. <u>Drainage</u> There are no significant drainage courses within or adjoining the property. Runoff from the project would be directed to the adjoining public street or other drainage facility. The Engineering Department has determined the project would not materially degrade the levels of service of the existing drainage facilities.

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#### D. GENERAL PLAN ANALYSIS:

The General Plan land-use designation for the subject site is Urban 1 (U1). The Urban 1 land-use classification is a medium density category of up to 5.5 units per acre, where single-family homes, mobile homes, patio homes and zero-lot line developments are the predominant use. Commercial Policy B4.1(a) allows for Planned Neighborhood Commercial in every land-use category. Planned Neighborhood Commercial includes convenience commercial uses that provide retail goods and services, and may be freestanding or in small clusters on sites with a five acre maximum size. Commercial Policy B4.6 states that Planned Neighborhood Commercial centers shall be located in such a way as to complement but not conflict with adjoining residential uses. Section 33-331 of the Escondido Zoning Code (General Plan Compatibility Matrix) also allows for Planned Development-Neighborhood Commercial development within all zoning designations. Planned Development Commercial zoning permits uses such as general business services and general office uses (including professional office).

#### E. PROJECT ANALYSIS

#### Conformance with General Plan Criteria for Planned Commercial Development

Commercial Policy B4.6 states that Planned Neighborhood Commercial centers shall be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers; limiting such facilities to one corner of an intersection where at least one of the streets is classified as a Major Road or Prime Arterial in the Circulation Plan; controlling lights, signage and hours of operation to avoid adversely affecting surrounding uses; requiring adequate landscape buffers between commercial and residential uses; and providing bicycle and pedestrian links between planned neighborhood commercial centers and surrounding residential area. The site originally was designed for commercial development as part of the adjacent 1.6-acre neighborhood commercial center to the north. The Master Development Plan was subsequently modified to accommodate a fire station on the site instead of the originally planned site for the fire station within the development. The fire station building was designed and sited to be in conformance with the overall Master Plan design themes, which called for a low profile building with materials and colors to be compatible with the adjacent commercial and residential development.

Staff feels the proposed project would be in substantial conformance with the General Plan location criteria since it is located approximately one mile away from the nearest commercial center which is located south of the site at the corner of Centre City Parkway/El Norte Parkway. The total commercial development within the Master Planned community would not exceed the five acre limitation since the 0.34-acre site would be an extension of the adjacent 1.6-acre neighborhood commercial development. Appropriate setbacks and landscape screening are provided along the southern boundary of the property in order to avoid potential adverse impacts to the adjacent residences. The conversion of the building to office uses does not require any additional exterior lighting and the relatively low intensity of a small office use would not result in any lighting, noise, traffic or compatibility impacts with adjacent uses. All uses on the site are restricted to general office and no outdoor storage is allowed. The hours of operation would be during the daytime hours, generally Monday - Friday, which would be less intensive than the 24-hour operations of the previous fire station. The proposed zone change would be an extension of the adjacent commercial development which is located on a corner that is served by a Circulation Element road. The proposed office use is not anticipated to generate any significant additional vehicle trips onto Village Road. The project also will not affect any existing designated access points to adjacent open space areas. Therefore, staff feels the project is in substantial conformance with the General Plan polices regarding Planned Commercial development and the proposed the site is suitable for conversion to light office uses. There also has not received any comments from adjacent residents regarding the proposed project.

#### SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

#### A. PHYSICAL CHARACTERISTICS

The approximately 0.35-acre site (15,246 SF) is developed as a fire station and contains a 2,731 SF, single-story neighborhood fire station, paved parking towards the rear of the site, ornamental landscaping, an approximately 550 gal. above-ground diesel tank/fueling pump, metal hose rack tower and small metal storage building. The site is relatively flat and generally slopes and drains from east to west to a concrete catch basin. Vegetation on the site is limited and generally consists of mature ornamental trees, shrubs, turf and groundcover. The property does not contain any sensitive vegetation or protected trees. The site is secured by chain-link fencing and a sliding gate, which allows access to the rear of the site. A wooden fence is located along the southern boundary of the property, which separates the southern driveway from the homes to the south. The project site fronts onto and takes access from Village Road, which is an unclassified residential street (60' R-O-W). Village Road has been improved to its ultimate width with curb, gutter and sidewalk. A 25-foot-wide concrete driveway located at the northeastern corner of the site provides access to the existing equipment bays. A 12-foot-wide asphalt driveway along the southern boundary of the property provides access to the parking area located towards the rear area of the property.

#### B. SUPPLEMENTAL DETAILS OF REQUEST

Property Size:

0.35 acres (15,246 SF) on one parcel

2. Building Size:

2,731 SF, which includes the 1,155 SF equipment bay

3. Building Height:

Ranges from 17' – 20' to top of roofline (one story and 35' max allowed in CN zone)

4. Exterior Materials:

Stucco exterior (white) with three-foot-high wood cladding around bottom of roofline (forest green). Varied rooflines with flat concrete tiles (brown); bronze windows with bronze finish

roll-up glass/metal equipment-bay doors.

5. Proposed Colors:

Exterior stucco - gray/green tone Wood Trim - olive green/gray tone

Tile - remain the same brown flat concrete tile

6. Permitted Uses:

General Business Office (no outdoor storage or operations, including the storage of larger

commercial type construction equipment or vehicles).

7. Hours of Operation:

Typically 7:00 a.m. – 6:00 p.m. M-F, but no restrictions on hours proposed since it is a light

office use.

8. Signage:

No signage proposed with this submittal. Project subject to Commercial Neighborhood (CN) sign requirements as required for the adjacent neighborhood commercial center.

9. Landscaping:

Existing landscape and planter areas to be repaired or replanted as necessary.

10. Parking:

Required: Min. 6 based on office space at 1:300 ratio and indoor storage at 1:800 ratio

Office Space: 1,471 SF/800 = 4.9 spaces

Equipment Bay: (1,155 SF - 220 SF indoor parking area) 935 SF/800 = 1.17 spaces

Other Indoor Storage: 105 SF/800 = 0.13 spaces

6 spaces required

Proposed:

4 standard spaces

1 disabled, van accessible

1 indoor space within the equipment bay

Total 6 spaces

10. Setbacks existing:

Front:

15'

Side:

5' and 17+ feet

Rear:

64'

# **EXHIBIT "A"**FINDINGS OF FACT/FACTORS TO BE CONSIDERED PHG 10-0020

#### Zone Change

The public health, safety and welfare would not be adversely affected by the proposed Zone Change from Planned Development Residential (PD-R) to Planned Development Commercial (PD-C) since the site has been developed and used for non-residential purposes (Fire Station) and the proposed zone change would be in conformance with the General Plan, which allows for neighborhood commercial zoning and development within all zones. The proposed project would not disrupt or divide the physical arrangement of the area since no new development or expansion of the site is proposed. Appropriate access and on-site parking is provided and the project would not alter the existing streets or circulation patterns. Adequate public facilities are available and water and sewer service currently is provided to the site. The proposed Zone Change to PD-C to facilitate conversion of the station to office uses would not create an intensification of use of the site, and would not change the character, form or arrangement of land uses in the area. Use of the existing building for limited office uses would not result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts due to the low intensity nature of the use. The building also was originally designed to be compatible with the surrounding residential development in terms of mass and scale, building height and materials, and the proposed design of the building would remain the same. The proposed Zone Change is not anticipated to generate a significant number of new trips and would not impact the levels of service on the adjacent street or intersections. The Engineering Department indicated the project would not impact the existing levels of service on either street, or impact the operation of the intersection.

A Negative Declaration was issued for the proposed project on August 26, 2010, in conformance with the California Environmental Quality Act. The findings of this review are that the proposed project will not have a significant effect on the environment since there is no substantial evidence in the record to indicate project related impacts are potentially significant. The project also would have no impact to fish and wildlife.

- The site is suitable for the uses permitted by the proposed zone since the site previously was used as a neighborhood fire station and conversion to an office use would not require any substantial alterations to the site or the existing building. Adequate access is provided to the site and appropriate on-site parking can be provided.
- 3. The uses permitted by the proposed PD-C zone will not be detrimental to surrounding properties since the site originally developed as a neighborhood fire station. The conversion of the existing building to limited office uses would not result in an adverse intensification of the previous use, as detailed in the Negative Declaration issued for the project. Appropriate on-site parking would be provided, and the project would not result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts. The Engineering Department indicated the project would not impact the existing levels of service on either street, or impact the operation of the intersection. The building also was originally designed to be compatible with the surrounding residential development in terms of mass and scale, building height and materials, and the proposed design of the building would remain the same.
- 4. The proposed Zone Change from PD-R to PD-C would be in substantial conformance with the adopted General Plan and general plan policies. The General Plan and Zoning Code allows for Planned Neighborhood Commercial in every land-use category, which includes retail goods and services, and general office uses. The General Plan also includes language that Planned Neighborhood Commercial development be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers, size, intensity, and operational characteristics to avoid adversely affecting surrounding uses. Commercial Policy B4.1(a) allows for Planned Neighborhood Commercial in every land-use category and the commercial zoning would be an extension of the adjacent neighborhood commercial zoning to the north.
- 5. The proposed Zone Change from PD-R to PD-C would not conflict with the Escondido Hills Master Plan which originally planned for and allows a variety of neighborhood commercial development. There are no other specific plans adopted for or that affect the subject site.

#### Master and Precise Plan

1. The General Plan land-use designation for the subject site is Urban 1 (U1). The Urban 1 land-use classification is a medium density category of up to 5.5 units per acre, where single-family homes, mobile homes, patio homes and zero-lot line developments are the predominant use. The existing parcel was created in order to develop the property with a neighborhood fire station as part of the over Master Plan for the mix-use residential development. Granting the Modification to the Master and Precise Development Plan to allow a conversion of an existing fire station to limited office uses would be in conformance with the City's General Plan [Commercial Policy B4.1(a)] which allows for Planned Neighborhood Commercial in every land-use category. The General Plan also includes language that Planned Neighborhood Commercial development be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers, size, intensity, and operational characteristics to avoid adversely affecting surrounding uses. The conversion of the existing building to office uses would not result in an adverse intensification of the previous use, as detailed in the Negative Declaration issued for the project. Appropriate on-site parking would be provided, and the project would not result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts due to the low intensity nature of a small neighborhood office use.

The proposed project would be in conformance with General Plan Economic Policies (page II-23) which encourage economic activities that are clean and nonpolluting to expand or locate in Escondido; provide additional employment opportunities; reduce the need for Escondido residents to commute out of the area; maintain the City's fiscal stability; and are aesthetically superior.

- 2. The proposed conversion of the fire station to office uses would be well integrated with its surroundings and would not result in a substantial alteration of the present or planned land use since the property was developed as a neighborhood fire station and the building was designed and oriented to be compatible with the surrounding neighborhood commercial and residential development. The project design, architecture, colors and landscaping are consistent with surrounding development. No significant alterations to the building or site are proposed or required. The proposed Planned Commercial zoning would be an extension of the existing zoning for the adjacent neighborhood commercial center (Escondido Hills Plaza), but would limit the site to office uses only. Given the site's development, orientation and use as a fire station, and location adjacent to an existing neighborhood commercial center, the proposed Zone Change and Master and Precise Development Plan to convert the existing building to office uses would not substantially change the character, form or arrangement of land uses in the area.
- 3. The proposed facility would be adequately served by existing public facilities since City sewer and water service is available from existing mains in the adjacent streets or easements, and the project would not adversely impact these facilities nor require significant upgrades to the existing infrastructure.
- 4. The proposed conversion of the existing fire station building to an office does not require substantial alterations to the site or building. Existing accessory structures associated with the fire station would be removed (which includes the above-ground gas tank, hose rack and metal storage shed). The existing building was originally designed to be consistent with the approved Master Plan guidelines, which called for a low profile structure with materials that would complement the adjacent residential development. No changes are proposed to the exterior of the building except for new exterior paint to be compatible with the material and colors of the adjacent commercial development and surrounding residences. The project has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and would not result in a negative impact to the adjacent neighborhood for the reasons stated above and as detailed in the Negative Declaration and the Planning Commission staff report.
- 5. A Negative Declaration was issued for the proposed project on August 26, 2010, in conformance with the California Environmental Quality Act. The findings of this review are that the proposed project will not have a significant effect on the environment since there is no substantial evidence in the record to indicate project related impacts are potentially significant. The project also would have no impact to fish and wildlife.

#### **EXHIBIT "B"**

#### **CONDITIONS OF APPROVAL**

PHG 10-0020

#### General

- 1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief.
- 2. Access for use of heavy fire fighting equipment as required by the Fire Chief shall be provided to the job site at the start of any construction and maintained until all construction is complete.
- 3. Appropriate access shall be provided to the project site, to the satisfaction of the Fire Department.
- 4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
- 5. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program
- 6. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
- 7. The development shall be subject to all conditions of the previously approved Master and Precise Development Plans for the Escondido Hill Master Planned Development, except as modified herein.
- 8. All new utilities and utility runs shall be underground.
- 9. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75). All lighting shall contain appropriate shielding to prevent potential light or glare from spilling onto adjacent properties or negatively affecting vehicles traveling along the adjacent roadways.
- 10. A minimum of six parking spaces shall be provided in conjunction with this project. Parking shall be provided at a ratio of 1 space per 300 SF for the interior office area and 1 space per 800 SF of storage area. Said parking spaces shall be striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage
- 11. As proposed, the design, colors and materials of the proposed facility shall be in accordance with the staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division.
- 12. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47) for CN zoning, to the satisfaction of the Planning Division. A separate sign permit shall be submitted along with the corresponding application fee.
- 13. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
- 14. Any new rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building(s). The method of screening and cross sections shall be included with the building plans.
- 15. The use of the building and site shall be restricted to office uses only.
- 16. No outdoor storage, operations, or repair of vehicles or equipment shall be allowed. All operations and storage of any equipment or materials shall be indoors (except for normal type vehicles associated with the office). Any heavy equipment or large commercial vehicles shall be stored at an off-site location or within the equipment bays.

- 17. A landscape plan shall be submitted to the Planning Division for review and approval for proposed upgrades to the existing planter areas. All landscape planter areas shall be landscaped appropriately with appropriate materials.
- 18. All landscape improvements shall be installed and all vegetation growing in an established, flourishing manner prior to occupancy. All irrigation shall be maintained in fully operational condition.
- 19. The Precise Plan modification shall be null and void if not utilized within twelve months of the effective date of approval, as determined by the Planning Division.
- 20. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Master and Precise Plan modification upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
- 21. A copy of these Conditions of Approval shall be submitted with the submittal of the building plans indicating compliance with all of the Conditions and Details of Request and exhibits contained in the Planning Commission staff report.



#### CITY OF ESCONDIDO

Planning Division 201 North Broadway Escondido, CA 92025-2798 (760) 839-4671

#### **Environmental Checklist Form**

1.	Project title: PHG 10-0020 (Old Fire Station 3 Rezone and Master and Precise Development Plan)
2.	Lead agency name and address: City of Escondido, Planning Division
	201 N. Broadway, Escondido, CA 92025
3.	Contact person and phone number: <u>Jay Paul, Associate Planner</u> (760) 839-4537
4.	Project location: Approximately 0.35-acre parcel generally located on the western side of Village Road, north of Pepper Tree Place, south of County Club Lane, addressed as 2165 Village Road (APN 224-610-09).
5.	Project sponsor's name and address: City of Escondido, 201 N. Broadway, Escondido, CA 92025
6.	General Plan designation: <u>Urban 1(Single-Family Residential, up to 5.5 dwelling units per acre)</u> 7. Zoning: <u>PD-R (Planned Development Residential)</u>
	O.S dwelling units per acres
7.	Project Description: Environmental review for a proposed Zone Change from existing Planned Development
	Residential (PD-R) zoning to Planned Development-Commercial (PD-C) zoning for Old Fire Station No. 3. The
	zone change is proposed to allow to vacant fire station building to be used for office/professional type uses. A
٠	Master and Precise Development Plan also is proposed for the conversion of the fire station building and site to an
	office use. Old Fire Station No 3 was shut down in 2008 and replaced with a new Fire Station No. 3 located at
	1808 Nutmeg Street.
8.	Surrounding land uses and setting (briefly describe the project's surroundings):
	North: Neighborhood Shopping Center
	South: Single-Family Residential duplex type homes within a Master Planned Development
	East: Single-Family Residential homes
	West: Parking lot for adjacent commercial center and recreational open space
9.	Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).
	N/A

#### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

	e environmental factors checked below Potentially Significant Impact" as indicat				volving at least one impact that is		
	Aesthetics		Agriculture and Forestry Resources		Air Quality		
	Biological Resources		Cultural Resources		Geology/Soils		
	Greenhouse Gas Emissions		Hazards & Hazardous Materials		Hydrology / Water Quality		
	Land Use / Planning		Mineral Resources		Noise		
	Population / Housing		Public Services		Recreation		
	Transportation / Traffic		Utilities / Service Systems		Mandatory Findings of Significance		
DET	FERMINATION: (To be completed by the	he Le	ead Agency)				
On 1	the basis of this initial evaluation:						
	I find that the proposed project COU DECLARATION shall be prepared.	JLD	NOT have a significant effec	ot on the	environment, and a NEGATIVE		
	I find that, although the proposed propsing significant effect in this case because rack MITIGATED NEGATIVE DECLARAT	evisio	ons in the project have been m				
	I find that the proposed project migh IMPACT REPORT shall be required.	nt hav	ve a significant effect on the	environm	nent, and an ENVIRONMENTAL		
	I find that the proposed project might himpact" on the environment, but at least to applicable legal standards, and 2) described on attached sheets. An EN the effects that remain to be addressed	t one has b VIRO	effect: 1) has been adequated been addressed by mitigation	y analyzed measures	d in an earlier document pursuant based on the earlier analysis as		
; ;	I find that, although the proposed project might have a significant effect on the environment, because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further shall be required.						
	and the			26 , 2010			
	gnature /		Date	•			
	y Paul, Associate Planner		Par				
Pr	inted Name		For				

#### **EVALUATION OF ENVIRONMENTAL IMPACTS:**

- 1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2. All answers must take into account the whole action involved, including off-site, on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3. Once the lead agency has determined that a particular physical impact might occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect might be significant. If there are one or more "Potentially Significant Impact" entries once the determination is made, an EIR shall be required.
- 4. "Negative Declaration: Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5. Earlier analyses may be used where an effect has been adequately analyzed in an earlier EIR or Negative Declaration, pursuant to the tiering, program EIR, or other CEQA. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where it is available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of an adequately analyzed earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6. Lead agencies are encouraged to incorporate references to information sources for potential impacts into the checklist (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies normally should address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9. The explanation of each issue should identify:
  - a. The significance of criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant

#### **SAMPLE QUESTION**

leer	IAS.

			Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
l	<u>LA</u>	ND USE AND PLANNING				
	Wo	ould the project:				
	a.	Physically divide an established community?				$\boxtimes$
	b.	Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			$\boxtimes$	
	c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				$\boxtimes$
II.	ΑE	STHETICS				
	a.	Have a substantial adverse effect on a scenic vista?				$\boxtimes$
	b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				$\boxtimes$
	C.	Substantially degrade the existing visual character or quality of the site and its surroundings?				$\boxtimes$
	d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				$\boxtimes$
11.	<u>AG</u>	RICULTURE RESOURCES				
	env Agr prej	letermining whether impacts to agricultural resources are significant rironmental effects, lead agencies may refer to the California icultural Land Evaluation and Site Assessment Model (1997) pared by the California Department of Conservation as an optional del to use in assessing impacts on agriculture and farmland. In				

determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including Forest and Range Assessment Project; and forest carbon measurement methodology provided in Forest Protected by the California Air Resources Board, Would the Protocols adopted by the California Air Resources Board. Would the project:

			Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
	a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				
	b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?				$\boxtimes$
	c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				
	d.	Result in the loss of forest land or conversion of forest land to non- forest use?				$\boxtimes$
	e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?				
IV.	IB	ANSPORTATION/TRAFFIC				
	Wo	ould the project:				
	a.	Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.				
	b.	Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measure, or other standards established by the county congestion management agency for designated roads or highways.				$\boxtimes$
	C.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				$\boxtimes$
	d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				
	e.	Result in inadequate emergency access?				$\boxtimes$
	f.	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				$\boxtimes$

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
V.	AIR QUALITY				
	Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
	<ul> <li>a. Conflict with or obstruct implementation of the applicable air quality plan?</li> </ul>				$\boxtimes$
	b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			$\boxtimes$	
	c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			$\boxtimes$	
	d. Expose sensitive receptors to substantial pollutant concentrations?			$\boxtimes$	
	e. Create objectionable odors affecting a substantial number of people?				$\boxtimes$
VI.	GREENHOUSE GAS EMISSIONS				
	Would the project:				
	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				$\boxtimes$
	b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				$\boxtimes$
VII.	BIOLOGICAL RESOURCES				
	Would the project:				
	a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				
	b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				

			Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
	c.	Have a substantial adverse effect on federally projected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				$\boxtimes$
	d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				$\boxtimes$
	e.	Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?				$\boxtimes$
	f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				
VIII.	<u>CL</u>	ILTURAL RESOURCES				
	Wo	ould the project:				
	a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				$\boxtimes$
	b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				
	C.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				$\boxtimes$
	d.	Disturb any human remains, including those interred outside of formal cemeteries?				
IX.	GE	OLOGY AND SOILS				
	Wo	uld the project:				
	a.	Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:			$\boxtimes$	
		<ol> <li>Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.</li> </ol>				
		ii. Strong seismic ground shaking?			$\boxtimes$	

			Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
		iii. Seismic-related ground failure, including liquefaction?			$\boxtimes$	
		iv. Landslides?				$\boxtimes$
	b.	Result in substantial soil erosion or the loss of topsoil?				$\boxtimes$
	C.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				$\boxtimes$
	d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				$\boxtimes$
	e.	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				
X.	HA	ZARDS AND HAZARDOUS MATERIALS				
	W	ould the project:				
	a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				
	b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				
	c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				$\boxtimes$
	d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				$\boxtimes$
	e.	For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?				$\boxtimes$
	f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				$\boxtimes$

			Potentially Significant Impact	Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
	g.	Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				$\boxtimes$
	h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				$\boxtimes$
XI.	<u>H</u>	YDROLOGY AND WATER QUALITY				
	W	ould the project:				
	a.	Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?				$\boxtimes$
	b.	Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				
	c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?				
	d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?				
	e.	Cause significant alteration of receiving water quality during or following construction?				$\boxtimes$
	f.	Cause an increase of impervious surfaces and associated run-off?				$\boxtimes$
	g.	Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				
	h.	Cause potentially significant adverse impact on ground water quality?				$\boxtimes$
	i.	Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?				$\boxtimes$

			Potentially Significant Impact	Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
	j.	Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?				
	k.	Create or exacerbate already existing environmentally sensitive areas?				$\boxtimes$
	I.	Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?				$\boxtimes$
	m.	Impact aquatic, wetland or riparian habitat?				$\boxtimes$
	n.	Otherwise substantially degrade water quality?				$\boxtimes$
	0.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				
	p.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				$\boxtimes$
	q.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				$\boxtimes$
	r.	Inundation by seiche, tsunami, or mudflow?				$\boxtimes$
XII.	MII	NERAL RESOURCES				
	Wo	ould the project:				
	a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				
	b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?				
XIII.	NO	<u>ISE</u>				
	Wo	uld the project result in:				
	a.	Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				
	b.	Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?				

Less Than

			Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
	C.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				
	d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				$\boxtimes$
	e.	For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				$\boxtimes$
	f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				
XIV.	PO	PULATION AND HOUSING				
	Wo	ould the project:				
	a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				
	b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				
	c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				$\boxtimes$
XV.	<u>PU</u>	BLIC SERVICES				
	Wo	uld the project:				
	a.	Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
		Fire protection?				$\boxtimes$
		Police protection?				$\boxtimes$
		Schools?				$\boxtimes$
		Parks?				$\boxtimes$
		Other public facilities?				$\boxtimes$

			Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI.	RE	CREATION				
	a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				
	b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				
XVII.	<u>UT</u>	ILITIES AND SERVICE SYSTEMS				
	Wo	ould the project:				
	a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				$\boxtimes$
	b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
	c.	Require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				
	d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				
	e.	Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
	f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				
	g.	Comply with federal, state, and local statutes and regulations related to solid waste?				$\boxtimes$
XVIII.	MA	NDATORY FINDINGS OF SIGNIFICANCE				
	a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range, of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?				

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				
c.	Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?				$\boxtimes$

#### Source of Information/Material Used in Preparation of this Analysis

Escondido General Plan and Environmental Impact Report

Escondido General Plan Update and Environmental Impact Report, 2000

Escondido Zoning Code and Land Use Maps

SANDAG Summary of Trip Generation Rates

Escondido Historic Sites Survey

City of Escondido

Public Works Department

**Engineering Division** 

Traffic Division

**Building Division** 

Fire Department

Police Department

Planning Division

FIRM maps (Flood Insurance Rate Maps)

Draft MHCP maps (Multiple Habitat Conservation Program)

County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List.

Escondido Drainage Master Plan (1995).

Escondido Water Master Plan (2000)

Escondido Wastewater Collection System Master Plan Update (2005)

#### **NEGATIVE DECLARATION**

FOR OLD FIRE STATION NO. 3 (City File No. PHG 10-0020)

## ENVIRONMENTAL CHECKLIST SUPPLEMENTAL COMMENTS

Final (9-23-10)

Final or amended language noted in bold-underline prints

An Initial Study Environmental Checklist was prepared for this project and is included as a separate attachment to this Negative Declaration (ND). The information contained in the Initial Study and the ND will be used by the City of Escondido to determine potential impacts associated with the proposed project.

#### INTRODUCTION

This Negative Declaration (ND) assesses the environmental effects of the proposed rezone of property from Planned Development Residential (PD-R) to Planned Development Commercial (PD-C) and reuse of Old Fire Station No. 3, located at 2165 Village Road, for limited office/commercial uses. This document is prepared in accordance with California Environmental Quality Act (CEQA) Public Resource Code Section 21064.5. A ND is prepared when an Initial Study Environmental Checklist indicates that no substantial evidence exists which indicates the project or any of its aspects, may cause a significant impact on the environment. A ND is a written document that describes the potential impacts of a proposed project and why those impacts would not have a significant effect on the physical environment.

As mandated by CEQA Guidelines Section 15105, affected public agencies and the interested public may submit comments on the Negative Declaration in writing before the end of the 20-day public review period starting on <u>August 31, 2010</u>, and ending on <u>September 20, 2010</u>. Written comments on the Negative Declaration should be submitted to the following address by 5:30 p.m., September 20, 2010. Following the close of the public comment review period, the City of Escondido will consider this Negative Declaration and received comments in determining the approval of this project.

City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025-2798

Contact: Jay Paul, Planner Telephone: (760) 839-4537

Fax: (760) 839-4313

Email: jpaul@ci.escondido.ca.us

A hard copy of this document and plans are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Department. The proposed project is tentatively scheduled for Planning Commission consideration on September 28, 2010.

#### PROJECT DESCRIPTION

The proposed project consists of a Zone Change from existing Planned Development Residential (PD-R) to Planned Development Commercial (PD-C) and a Master and Precise Development Plan to convert vacant Fire Station No. 3 to an office use. Minor exterior improvements are proposed, which include removal of the existing above-ground diesel fuel tank and pump, portable metal storage shed, and metal hose rack. The building also is proposed to be repainted, and the landscape planters repaired where necessary. Minor interior improvements also would be necessary to convert the existing vehicle bays and other interior spaces to office uses.

There currently are four stripped parking spaces located within the rear of the property. Access to these spaces is provided from a 12-foot-wide paved driveway along the southern boundary of the site. Conversion of the site to office uses would require approximately five parking spaces (including one van accessible space), which could be accommodated on the site. On-street parking is allowed along Village Road.

The subject 0.35-acre (15,246 SF) parcel contains an approximately 2,575 SF, 2,731 SF single-story building with a two-bay fire station facility designed to accommodate a three member crew. The station was constructed in the mid 1970s and vacated in 2008 with the construction of the New Station 3 located at 1808 Nutmeg Street. New Fire Station No. 3, which became operational in 2008, is a three-bay station with facilities to accommodate seven crew members. This station was funded by Proposition P, an 84.3 million General Obligation Bond approved by the Escondido voters in 2004.

#### PROJECT LOCATION AND ENVIRONMENTAL SETTING

The approximately 0.35-acre site (15,246 SF) is located at 2165 Village Road (APN 224-610-09) within the City of Escondido and developed as a fire station (previously know as Fire Station No. 3 and referred to as Old Fire Station No. 3). The property contains a 2,575 SF, 2,731 SF single-story neighborhood fire station, paved parking towards the rear of the site, ornamental landscaping, an approximately 550 gal. above-ground diesel tank/fueling pump, metal hose rack tower and small metal storage building. The site is relatively flat and generally slopes and drains from east to west with elevations ranging from approximately 772' in the northeastern corner and approximately 770' towards the southwestern corner. A concrete catch basin is located within the southwestern corner to pickup storm water runoff, which is directed into an off-site storm drain system. Vegetation on the site is limited and generally consists of mature ornamental trees, shrubs, turf and groundcover. The property does not contain any sensitive vegetation or protected trees. The site is secured by chain-link fencing and a sliding gate, which allows access to the rear of the site. A wooden fence is located along the southern boundary of the property, which separates the southern driveway from the homes to the south.

The project site fronts onto and takes access from Village Road, which is an unclassified residential street (60' R-O-W). Village Road has been improved to its ultimate width with curb, gutter and sidewalk. A 25-foot-wide concrete driveway located at the northeastern corner of the site provides access to the existing equipment bays. A 12-foot-wide asphalt driveway along the southern boundary of the property provides access to the parking area located towards the rear area of the property. This driveway was used by the emergency vehicles to enter the equipment bay from the rear through roll-up doors in order to head directly out onto Village Road. On-street parking is not restricted along Village Road except for a small section across the project frontage and a small section directly across the project frontage on the eastern

side of the street. Village Road intersects Country Club Lane (Collector Road, 84' R-O-W) approximately 250 feet to the north.

Surrounding zoning and land uses are as follows:

North: PD-C zoning (Planned Development Commercial) / A 1.6-acre neighborhood commercial development is located immediately north of the subject site. The site consists of low profile structures (single-story in height) with approximately 16,000 SF of commercial building area, paved parking and perimeter landscaping. Access to the commercial center is from a single driveway from Country Club Lane (right-in and right-out only) and a single driveway from Village Road.

<u>South</u>: PD-R zoning (Planned Development Residential) / Single and two-story duplex-type units are located immediately to the south of the subject site. The rear of the homes orient towards the site. A wooden fence and ornamental landscaping is located along the southern property line.

<u>East</u>: PD-R zoning (Planned Development Residential) / Single and two-story duplex-type units are located east of the site across Village Road. The rear of the homes orient towards Village Road.

<u>West</u>: PD-C zoning (Planned Development Commercial) / Parking spaces associated with the adjacent neighborhood commercial complex are located immediately to the west of the subject site at a slightly lower elevation. A large open space/recreation area associated with the Escondido Hills development is located further to the west. A paved walkway provides access to the adjacent parking lot and open space area from the subject property.

#### I. LAND USE AND PLANNING

The General Plan land-use designation for the subject site is Urban 1 (U1). The Urban 1 land-use classification is a medium density category of up to 5.5 units per acre, where single-family homes, mobile homes, patio homes and zero-lot line developments are the predominant use. The underlying zoning of the property is Planned Development Residential (PD-R) which was established in conjunction with the surrounding planned residential development (Escondido Hills). The existing parcel was created in order to develop the property with a neighborhood fire station as part of the over Master Plan for the mix-use residential development. The adjacent 1.69-acre parcel located immediately to the north was designated Planned Commercial Development as part of the original approval of the Escondido Hills Master Development Plan. The proposed Planned Commercial zoning would be an extension of the existing zoning for the adjacent neighborhood commercial center (Escondido Hills Plaza), but would limit the site to office uses only.

Commercial Policy B4.1(a) allows for Planned Neighborhood Commercial in every land-use category. Planned Neighborhood Commercial includes convenience commercial uses that provide retail goods and services, and may be freestanding or in small clusters on sites with a five acre maximum size. Commercial Policy B4.6 states that Planned Neighborhood Commercial centers shall be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers; limiting such facilities to one corner of an intersection where at least one of the streets is classified as a Major Road or Prime Arterial in the Circulation Plan; controlling lights, signage and hours of operation to avoid adversely affecting surrounding uses; requiring adequate landscape buffers between commercial and residential uses; and providing bicycle and pedestrian links between planned neighborhood commercial centers and surrounding residential areas. Section 33-331 of the Escondido Zoning Code (General Plan Compatibility Matrix) also allows for Planned Development-

Neighborhood Commercial development within all zoning designations, which includes general business services and general office uses (including professional office).

#### Significance Criteria and Impact Analysis

The effects of a project on existing or planned land uses are considered significant if the proposed project would:

- a. Physically divide an established community?
- b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Based on the current General Plan Designation of Urban 1, the site could be developed with up to 1.95 dwelling units (0.35 ac x 5.5 du/ac). The Escondido Hill Master Plan originally designated the site for commercial development (City File No. 69-97-PD) but later was changed to accommodate a fire station and ultimately zoned Planned Development Residential. Based on the underlying Master Plan designation of PD-R 8, the site could support up to 2.8 residential units (0.35 x 8 du/ac).

The property is adjacent to Planned Commercial development to the north and west, and Planned Development Residential development to the south and east. The property fronts onto a non-circulation element roadway on the east, but is in close proximity to two Circulation Element Streets, Country Club Lane to the north and Center City Parkway to the west. All public facilities/infrastructure currently are provided to the site. Given the site's development, orientation and use as a fire station, and location adjacent to an existing neighborhood commercial center, the proposed Zone Change and Master Development Plan to convert the existing building to office uses would not substantially change the character, form or arrangement of land uses in the area. Use of the existing building for limited office uses is not anticipated to generate any adverse lighting, noise, or visual impacts to surrounding residential uses. Noise generated from the site most likely would be less than the previous fire station since office uses generally are conducted during normal business hours (Monday - Friday) as opposed to emergency vehicles that enter and exit the site 24 hours a day. Any potential increase in traffic from the change of use to office also would be relatively small and would not impact the adjacent roads or intersections. Since the subject site and surrounding area is fully developed, and the adjacent circulation system is built out in accordance with the General Plan Circulation Element, the project would not divide an established community. Changing the zoning designation from Planned Development Residential to Planned Development Commercial also would not result in a significant impact to other City of Escondido plans since Planned Commercial is allowed in all zones; the site is not located within the City's Redevelopment Plan or overlay zone; would not conflict with any environmental goals and policies of other City planning documents; and would not conflict with the Escondido Hills Master Plan since a variety of neighborhood commercial uses were anticipated as part of the project.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed zone change and use of the site for office purposes will not conflict with any local policies or ordinances protecting biological resources since the site is developed with a fire station and there are no protected or sensitive habitat or species on or adjacent to the project site. Vegetation on and adjacent to the site consists of ornamental landscaping consistent with residential and commercial development. The area is not designated on the City's Draft Multiple Habitat Conservation Plan (MHCP) Focus Planning Area or any other conservation planning area.

#### II. AESTHETICS

- a. Have a substantial adverse effect on a scenic vista?
- b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c. Substantially degrade the existing visual character or quality of the site and its surroundings?

The subject property is developed with a small neighborhood fire station, paved parking, driveway areas, ornamental landscaping, and other related infrastructure. The project site does not contain any significant visual resources or prominent topographical features. The property is located within an urban residential area and is not located on or near any ridgeline or other prominent feature identified in the Community Open Space/Conservation Element of the General Plan. Primary views of the project site are from Village Road, and from the adjacent homes to the south and east. A neighborhood commercial center is located immediately to the north and a parking lot to the west. Existing perimeter landscaping and a wooden fence acts as buffer area from the existing homes to the south. The mass, scale and height of the existing building was designed to be in conformance with the overall Escondido Hills Master Plan. Therefore, the proposed use of the building for office purposes would not result in any adverse visual impacts or result in the obstruction of any scenic view or vista open to the public. The project also would not damage any significant scenic resources within a designated State scenic highway or create an aesthetically offensive site open to the public.

d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The site currently is developed with a fire station, which includes on-site security lighting, outdoor work lights and a street light along the project frontage. The fire station operated 24 hours a day and 24-hour on-site lighting was required due to the nature of the operations. The project also included lighting impacts from the emergency vehicles entering and exiting the site any time of day or night. The proposed change of zone and use of the site for office purposes would not create any significant increase in light and glare in the area. Late night lighting impacts are not anticipated due to the change of use from a fire station to office uses. Any proposed building or perimeter lighting would be designed to minimize the overflow of light onto adjacent properties, where necessary. Compliance with the City's Outdoor Lighting Ordinance would ensure that impacts related to light and glare, resulting from development of the site, are less than significant.

#### III. AGRICULTURE RESOURCES

#### Significance Criteria and Impact Analysis

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. The effects of a project on agricultural resources are considered significant if the proposed project would:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

- d. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
- e. Result in the loss of forest land or conversion of forest land to non-forest use?
- f. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

The project site is located within an urban area zoned for planned residential develop and developed with a fire station. The project site is not located within an existing zone for agricultural or forestry uses and there are no agricultural uses or forestry land or uses on or adjacent to the site. Therefore, the proposed project will not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use, or result in the conversion of forest land to non-forest use. The project is not in conflict with a Williamson Act contract.

#### IV. TRANSPORTATION/TRAFFIC

The project site fronts onto and takes access from Village Road, which is a non-classified roadway (60' R-O-W) that runs through the Escondido Hills Planned Development connecting to Country Club Lane (Collector Road) on the north, and North Iris Lane (Local Collector Road) on the east. Village Road operates at a Level-of-Service 'C' or better under existing conditions. Village Road is constructed to its ultimate right-of-way with curb, gutter and sidewalk. On-street parking generally is not restricted along this street, except for a small section along the eastern side of the street directly across from the subject site. This restriction may be removed by the Engineering Division since Fire Station 3 has been relocated to a new site. Village Road does not contain any stripped bike lanes and is not designated as a bike route on the City's Bicycle Master Plan.

The project site contains two driveways onto Village Road. A 25-foot-wide concrete driveway located at the northeastern corner of the site provides access to the existing equipment bays. A 12-foot-wide asphalt driveway along the southern boundary of the property provides access to the parking area located towards the rear area of the property. This driveway was used by the emergency vehicles to enter the equipment bay from the rear through roll-up doors in order to head directly out onto Village Road. These driveways would continue to provide access to the site.

Country Club Lane is located approximately 250 to the north and access onto Country Club Lane from Village Road is controlled by a stop sign. East/West traffic at this intersection is not restricted at the intersection. County Club Drive is classified as a Collector Road (84' R-O-W) and is developed with two eastbound and two westbound lanes, with a raised landscaped median. County Club Lane currently operates at a Level-of-Service 'B' with a projected 2030 buildout LOS of 'B.'

#### Significance Criteria and Impact Analysis

The effects of a project on transportation and traffic are considered to be significant if the proposed project would:

- a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.
- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measure, or other standards established by the county congestion management agency for designated roads or highways

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e. Result in inadequate emergency access?
- f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Significant Determination – To determine the project impacts to roadway segments and intersections, the City of Escondido has developed thresholds based on allowable increases in delay at intersections and volume to capacity ratios (v/c Ratio) for roadway segments. At intersections, the measurement of effectiveness (MOE) is based on allowable increases in delay. At roadway segments, the MOE is based on allowable increases in the volume-to-capacity (v/c) ratio. At intersections that are expected to operate at LOS E or F with the project, the allowable increase in delay is two seconds. If vehicle trips from a project cause the delay at an intersection to increase by more than two seconds, this would be considered a significant project impact that requires mitigation. Under this condition, the applicant would be responsible for mitigation to restore the operations of the intersection to LOS D or better. If an existing intersection is at LOS E or F, the intersection would be considered an existing deficiency and the applicant would be responsible for making a fair-share contribution toward intersection improvements to achieve a LOS D or better. A fair-share contribution is based on the project's proportionate traffic contribution to the overall traffic volumes entering an intersection. For roadway segments that are forecasted to operate at LOS MID D or worse and the increase in v/c ratio exceeds 0.02, this would be considered a significant project impact that requires mitigation.

Trip generation from Fire Station No. 3 was based on estimated service call volumes and staffing levels. The proposed facility typically would have a staff of 3 people, which would generate approximately 6 average daily trips. City Fire Department staff indicated the station received approximately 4.2 calls per day which would yield approximately 8 project-generated Average Daily Trips (ADT) or up to 16 passenger car equivalent trips (PCE) accounting for the larger emergency vehicles for a total of 22 ADT. The proposed change to office uses is anticipated to generate approximately 14 trips per 1,000 SF or 36 38 ADT (5.4 a.m. peak hour trips and 5.4 p.m. peak hour trips) or a net increase of 14 16 additional trips. This additional number of trips would be equivalent to the trips generated by 2.3 2.6 duplex type units (6 trips per unit) or 1.4 1.6 single-family detached homes (10 trips per unit). The Engineering Division indicated Village Road currently operates at a Level-of-Service 'C' or better and the anticipated increase in trips from the office use would not be significant since the project would not cause the volume to capacity ratios to exceed established thresholds, or adversely increase the delay at nearby intersections. No mitigation is required.

<u>Construction Traffic</u> – Minor site preparation is proposed to convert the building to office use, which includes removal of exterior features such as the storage shed, above-ground diesel tank and pump, and hose rack, and some interior demolition and tenant improvements. Anticipated trips include construction workers' travel, and construction material hauling. Due to the minor work anticipated for the site and relatively small size of the parcel/building, the Engineering Department concluded that construction related traffic is not considered significant, and would not result in an adverse impacts to local roadways and intersections. No mitigation measures would be required.

<u>Design Features/Hazards/Emergency Access</u> - The project does not include a design feature or incompatible uses that would substantially increase hazards. No new roadways would be constructed or designed with the project. The site current maintains two driveways onto Village Road and appropriate sight distance can be provided at each driveway. Backing out onto Village Drive is not restricted since it

is not a Circulation Element Street and there is a relatively low volume of traffic along the street.

<u>Air-Impacts</u> - The project is not located within the vicinity of a public or private airstrip and would not result in a change in air traffic patterns, increase in traffic levels, or a change in location that results in substantial safety risks

Adopted Plans/Policies – The project would not conflict with adopted policies, plans, or programs supporting alternative transportation. There currently is a bus stop at the intersection of County Club Lane and Village Road, and bus stops along both sides of Village Drive north of the project site. Bus service in the vicinity of the site would not be impacted by the proposed zone change and reuse of the fire station for office purposes. Village Road does not contain any bike lanes or is designated as a bike route on the City's Bicycle Facility Master Plan.

#### V. AIR QUALITY

#### Significance Criteria and Impact Analysis

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a. Conflict with or obstruct implementation of the applicable air quality plan?
- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- d. Expose sensitive receptors to substantial pollutant concentrations?
- e. Create objectionable odors affecting a substantial number of people?

#### City of Escondido Significance Criteria:

Project related impacts exceeding any of the following South Coast Air Quality Management District (SCAQMD) daily emissions criteria can be considered significant:

•	Carbon Monoxide (CO)	550 lbs
•	Reactive Organic Gases (ROG)	55 lbs
•	Oxides of Nitrogen (NOx)	55 lbs
•.	Fine Particulate Matter (PM)	150 lbs

The project area is within the San Diego Air Basin (SDAB). Air quality at a particular location is a function of the kinds and amounts of pollutants being emitted into the air locally, and throughout the basin, and the dispersal rates of pollutants within the region. The major factors affecting pollutant dispersion are wind, speed and direction, the vertical dispersion of pollutants (which is affected by inversions) and the local topography. The air basin currently is designated a state and federal non-attainment area for ozone and particulate matter. However, in the SDAB, part of the ozone contamination is derived from the South Coast Air Basin (located in the Los Angeles area). This occurs during periods of westerly winds (Santa Ana condition) when air pollutants are windborne over the ocean, drift to the south and then, when the westerly winds cease, are blown easterly into the SDAB. Local agencies can control neither the source nor transportation of pollutants from outside the basin. The Air Pollution Control District (APCD) policy therefore, has been to control local sources effectively enough to reduce locally produced contamination to clean air standards.

Operations emissions come from area sources, including natural gas for space and water heating, and gasoline-powered landscaping and maintenance equipment, and from vehicle operations associated with the project. The proposed project would not significantly increase traffic volumes on local streets and intersections, as indicated in the Traffic/Transportation Section III above, and the proposed project would not result in a substantial increase in the number of vehicles operating in cold start mode or substantially increase the number of vehicles on local roadways. Therefore, the project would not cause an unacceptable concentration of CO at any project-affected intersection. Since the project would not adversely impact area roadways and intersections, the proposed change of zone and use of the building for office purposes would not violate any air quality standard or contribute substantially to an existing or projected air quality violation and would have a less than significant impact on local and regional air quality. Individual impacts attributed to the proposed project are small on a regional scale and will not cause ambient air-quality standards to be exceeded, nor contribute to any adverse cumulative impacts. Due to the proposed use of the site for office purposes, the project would not generate any objectionable odors affecting the surrounding area. Due to the relocation of the fire station, the odors from large diesel vehicles and fueling operations also has been eliminated.

#### **Construction-Related Emissions**

Minor site modification are proposed to convert the existing fire station site to office uses. No grading, significant ground disturbance or heavy construction equipment is anticipated. Due to the nature of the project, potential emissions from construction related activities would be minimal and anticipated to be well below the thresholds of significance. Therefore, construction activities associated with the proposed project would not have a significant impact on air quality or result in adverse fugitive dust emissions. Dust-control measures, which are required to be implemented as part of the any project would reduce potential impacts to a less than significant level.

Sensitive receptors are typically defined as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to locate. These land uses may include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. Commercial development is located immediately to the north and west, and single-family development to the south and across Village Road on the east. Due to the operational characteristics of a small office use and relatively low number of vehicle trips, the project would not create potential adverse air-quality impacts to any nearby sensitive receptors.

#### Consistency with the RAQS

Consistency with the Regional Air-Quality Standards (RAQS) assumptions is determined by analyzing the project with the assumptions in the RAQS. Forecasts used in the RAQS are developed by the San Diego Association of Governments (SANDAG). The SANDAG forecasts are based local general plans and other related documents that are used to develop population projections and traffic projections. A fire station was constructed on the project site in conformance with the Escondido Hill Master Development Plan. Conversion of the building to accommodate office uses would not result in any significant traffic or air-quality impact and detailed in the sections above. Any potential impacts from an increase in vehicle trips from the facility would be considered negligible. Reuse of the fire station for office purposes also would not significantly alter the growth forecasts in the General Plan for the site, and would not conflict with the goals and strategies in the RAQS or Transportation Control Measures (TCM) for the air quality plan prepared by the San Diego Association of Governments (SANDAG). Thus, the proposed change of zone and use of the site for office purposes would not exceed the assumptions used to develop the RAQS and would not obstruct or conflict with the SDAPCD's RAQS. The proposed project would have a less than significant impact on cumulative regional and local air quality. No mitigation is required.

#### VI. GREENHOUSE GAS EMISSIONS

In order to determine the potential effects of a project on greenhouse gas emission (GHG), would the project:

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

In response to rising concern associated with increasing GHG emissions and global climate change impacts, several plans and regulations have been adopted at the international, national and state levels with the aim of reducing GHG emissions. Transportation accounts for the largest share of the state's GHG emissions. The State of California has adopted a number of plans and regulations aimed at indentifying statewide and regional GHG emission caps, GHG emissions reduction targets, and actions and timelines to achieve the target GHG reductions. Executive order (EO S-3-05) signed by Governor Schwarzenegger on June 1, 2005, established the following GHG reduction targets for the state of California: by 2010, reduce GHG to 2000 levels; by 2020 reduce GHG emission to 1990 levels; by 2050 reduce GHG emissions to 80 percent below 1990 levels. In response to the Executive Order, the California Legislature passed Assembly Bill (AB) 32 (Nunez) the "California Global Warming Solutions Act of 2006."

#### **Transportation-Related Emissions**

The proposed project is anticipated to generate 36 average daily trips, which is approximately 14 more than was produced by the previous fire station. However, the amount of anticipated emissions from the net increase of 14 16 vehicles over the previous use would be less than anticipated since the office use would not operate the larger diesel-powered vehicles from the site as the fire station did. The project's transportation-related emissions would be negligible on an area wide, regional and statewide level. It is projected that transportation-related emission reductions would be achieved through the implementation of statewide regulations on vehicle engine and fuel technologies, such as improved vehicle technologies and low carbon fuel standards as new vehicles come on line. Efforts to reduce transportation emissions by reducing vehicle miles traveled (VMT) on a regional level are anticipated to come from polices related to changes in future land use patterns and community design, as well as through improvements in public transportation. By reducing miles vehicles travel, vehicle emissions would be reduced. Because the project is not anticipated to increase local vehicle trip lengths sufficient enough to increase the average regional trip length, as defined in the California Air Resources Board (CARB) business-as-usual (BAU) 2020 Forecast used to develop the regulations to reduce vehicle GHG emissions, project related impacts on statewide vehicular GHGs would not be considered significant and no mitigation would be required.

#### Non-Transportation Related Emissions

Use of the site for office purposes would continue to generate greenhouse gas emissions through operational electricity use, natural gas consumption, water use, short-term construction activity, and solid waste disposal. The project is not anticipated to increase greenhouse gas emissions from non-transportation-related sources resulting from the conversion of the site from a fire station to an office use. The project also is not anticipated to have a significant contribution to cumulative GHG emissions and would not be inconsistent with the goals and strategies of local and state plans, policies and regulations aimed at reducing GHG emissions from land-use development. No mitigation measures would be required.

In order to achieve the targeted reduction in non-transportation related BAU emissions, any future development would have to incorporate greater water and/or energy conservation features than those currently required in existing state energy and plumbing codes. Future building energy efficiency to achieve BAU emission targets would be achieved through compliance with the 2008 Title 24 Energy

Efficiency Standards. On a state and region-wide level, greenhouse gas emissions are expected to be reduced from energy efficiency gains from the increase amount of electricity produced from renewable energy sources, and energy efficient industries, homes and buildings. Other land development applicable measures such as water conservation, materials use and waste reduction, and green building design and development practices also is anticipated to achieve additional emissions reductions.

#### VII. BIOLOGICAL RESOURCES

#### Significance Criteria and Impact Analysis

The effects of a project on biological resources are considered to be significant if the proposed project would:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e. Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The site is developed with a fire station, and no sensitive plant or animal species are known or reported on the project site. There are no water courses on or adjacent to the site. Existing vegetation on the site consists of ornamental turf grass, shrubs, groundcover, mature trees, and various weed species. The existing landscape areas on the site are proposed to be retained and repaired, as necessary. New landscaping would be provided on the site where appropriate. The project area is surrounded by urban development on all sides, and therefore does not act as a local wildlife corridor for migratory species. The project area is outside the City of Escondido Focused Planning Areas as indicated on the MHCP maps. No conflicts with the provisions of the MHCP are expected.

#### VIII. CULTURAL RESOURCES

#### Significance Criteria and Impact Analysis

The effects of a project on cultural resources are considered to be significant if the proposed project would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

#### d. Disturb any human remains, including those interred outside of formal cemeteries?

The site is fully developed with a fire station and no grading or extensive ground disturbance is proposed as part of this project. No historic, cultural or archaeological resources are known to exist on the site or surrounding area. Therefore, no impacts to known cultural or archaeological resources would occur. No unique paleontological resources are known to occur onsite. No potentially significant paleontological impact has been identified for the project site and no prehistoric resources have been previously recorded on the project site. The City of Escondido General Plan EIR (1990a) does not include the project site in areas identified as having potential paleontological resources. The site does not appear to contain any indicators of significant cultural resources or geologic features. The site also does not contain any resources listed on the City's Historic Sites. Therefore, the project would not result in a significant impact to these resources.

#### IX. GEOLOGY AND SOILS

#### Significance Criteria and Impact Analysis

The effects of a project on geology and soils are considered to be significant if the proposed project would:

- a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:
  - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
  - ii. Strong seismic ground shaking?
  - iii. Seismic-related ground failure, including liquefaction?
  - iv. Landslides?

Although Escondido is located within a Seismic Zone 4, the project site is not located within proximity to active faults as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map. The closest known active faults are the Rose Canyon Fault and the Elsinore Fault. The Rose Canyon Fault is located 15.4 miles southwest of the project site. The Julian segment of the Elsinore Fault is approximately 17.8 miles northeast of the project site. Accordingly, fault surface rupture is not likely at this project. In the event of a major earthquake on these faults or other faults within the Southern California region, the site could be subjected to moderate to severe ground shaking. However, the site is not considered to possess a significantly greater seismic risk than that of the surrounding area in general. The existing structure was constructed in the 1970s in accordance with Uniform Building Code seismic standards required at the time. Therefore, the building is anticipated to perform well during an earthquake event.

The potential for liquefaction at this site is considered relatively low. Other seismic hazards such as earthquake-induced flooding, landslides, rockfall, secondary ground rupture, and tsunamis are not anticipated to be significant at this site.

- b. Result in substantial soil erosion or the loss of topsoil?
- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

The project site is fully developed and no expansion or grading is proposed. Therefore, the project would not result in the loss of top soil. The site is relatively flat (less than 5% slope) and therefore would not be subject to landslides. The existing site was graded and compacted in conformance with the City's Grading Ordinance, and the building constructed in accordance with the UBC requirements in place at the time of development. Therefore, the project would not be located on a geologic unit or soil that is unstable, or subject to lateral spreading, subsidence, liquefaction or collapse. Therefore, no significant impacts would occur.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The project site currently is serviced by an existing wastewater/sewer pipeline system with the City of Escondido. No septic tanks or alternative wastewater disposal system would be utilized as part of the project.

#### X. HAZARDS AND HAZARDOUS MATERIALS

#### Significance Criteria and Impact Analysis

The effects of a project on hazards and hazardous materials are considered to be significant if the proposed project would:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The previous use of the site as a fire station involved the use and storage of diesel fuel and other materials which are categorized as hazardous substances. Diesel fuel was stored in an above-ground tank in accordance with local and state regulations. No significant odors, pools of liquid, significantly stained soils, indicators of underground storage tanks, pits or ponds were observed on the site. There have been no leaks or spills documented on the site. The project site is not located on a hazardous waste site list compiled pursuant to Government Code Section 65962.5.

The proposed plan to convert the station to an office use would be required to comply with all applicable Fire, Building, and Health and Safety Codes, which would eliminate any potential risk of upset. The site is not located within a 100-year floodplain. The proposed office use is not anticipated to involve the routine transport, use, or disposal of hazardous materials. The proposed office use also would not involve the use or storage of hazardous materials that would result in a reasonably foreseeable upset or accident conditions. Chemicals generally stored or used on site would be cleaning materials, solvents, oils, lubricants, sprays and other materials that would be typical of household hazardous type wastes. Both the Federal government and State of California require all business that handle more than a specified amount of hazardous or extremely hazardous materials to submit a business risk management plan with the City of Escondido and County of San Diego Department of Environmental Health. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. Therefore, the project will not create a significant risk of

upset or hazard to human health and safety.

- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?
- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The project is not located within an airport land-use plan, an airport land-use plan that is to be adopted, or within 2 miles of a public airport. The project is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area.

g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

The project does not include activities or structures that would impair implementation of, or physically interfere with, an emergency response plan. The proposed development is not expected to result in the need for additional emergency and fire facilities. The project would be required to comply with all applicable Fire, Building, and Health and Safety Codes. The Police and Fire Department indicated the proposed project would not impact service levels.

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Although the existing building and project site is located within an urban area and surrounded by development on all sites, the parcel and surrounding area is located within a High Fire Severity Zone based on current Fire Department maps. However, the site is not located adjacent to wildlands and the Fire Department indicated that appropriate fire service is provided to the area. Therefore, the propose change of zone and use of the building for office purposes would not result in a significant exposure of people or structures to wildland fires.

#### XI. HYDROLOGY AND WATER QUALITY

#### Significance Criteria and Impact Analysis

The effects of a project on hydrology and water quality are considered to be significant if the proposed project would:

- a. Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?
- b. Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?
- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a

- manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?
- e. Cause significant alteration of receiving water quality during or following construction?
- f. Cause an increase of impervious surfaces and associated runoff?
- g. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?
- h. Cause potentially significant adverse impact on ground water quality?
- i. Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?
- j. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?
- k. Otherwise substantially degrade water quality?

Typical urban pollutants associated with an office use include oil, grease, solvents, antifreeze, cleaners, various fluids and fuels, trash/debris, fertilizers, and organic matter, which require proper use, storage, and disposal. Under the National Pollutant Discharge Elimination System (NPDES) Stormwater Permit issued in 1990 to the County of San Diego and to the City of Escondido, as one of the co-permitees, all development and significant redevelopment is obligated to implement structural and on-structural non-point source pollution control measures know as Best Management Practices (BMPs) to limit urban pollutants reaching the waters of the U.S. to the maximum extent practical. The NPDES permit requires the preparation of a site-specific Stormwater Pollution Prevention Plan (SWPPP). The implementation of this permit system requires that specific management practices be implemented at the time of construction.

The project site is fully developed with a fire station, paved parking and driveways, and various landscape areas. The proposed change of zone and use of the building for office purposes would not result in an increase in runoff. Stormwater runoff generated by the site generally drains to the southwest to an existing inlet and storm drain facilities. The project would not withdraw groundwater or interfere with groundwater recharge and groundwater table level. Water service to the site currently is provided by the Rincon Del Diablo Municipal Water District and sewer service is provided by the City of Escondido. The development of the site would not cause any diversion to or from the existing watershed. The project does not include activities that would discharge pollutants into groundwater aquifers.

- k. Create or exacerbate already existing environmentally sensitive areas?
- I. Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?
- m. Impact aquatic, wetland or riparian habitat?

The site is developed with a fire station, and no sensitive plant or animal species are known or reported on the project site. Existing vegetation on the site consists of ornamental turf grass, shrubs, groundcover, mature trees, and various weed species. The project area is surrounded by urban development on all sides. There are no adjacent water bodies and the site and surrounding area does not contain any sensitive vegetation or resources. The project area is outside the City of Escondido Focused Planning Areas as indicated on the MHCP maps. No conflicts with the provisions of the MHCP are expected.

- o. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- p. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

- q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- r. Inundation by seiche, tsunami, or mudflow?

The project site is located outside the 100-year flood zone according to SanGIS. Therefore, no structures would impede or redirect flood flows. The project does not propose to construct a levee or dam and would not otherwise expose people or structures to a significant risk of flooding. The project does not include activities that would increase the risk of inundation by seiche, tsunami, or mudflow.

#### XII. MINERAL RESOURCES

#### Significance Criteria and Impact Analysis

The effects of a project on mineral resources are considered to be significant if the proposed project would:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?

The site is fully developed and no additional expansion of the site is proposed. No known locally important mineral resource recovery site is located on the project site or within the vicinity of the project site. The project would not change the existing availability of mineral resources that would be of value to the region and residents of the state.

#### XIII. NOISE

#### **Significance Criteria and Impact Analysis**

The effects of a project on noise are considered to be significant if the proposed project would result in:

- a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?
- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

#### **Construction Noise**

A limited amount of construction noise may occur to convert the site from a fire station to an office use. Anticipated construction includes removal of fire related support equipment/facilities such as the above-ground gas tank, hose rack and metal storage building. The landscaping also is proposed to be repaired as necessary. Interior improvements also are proposed to make the interior suitable for office uses. No grading, intensive demolition or heavy equipment is anticipated. Construction would not cause long-term impacts since it would be temporary and daily construction activities would be limited by the City's Noise Ordinance (Sections 17-234 and 17-238) to hours of less noise sensitivity. No pile driving or explosives blasting would occur as a result of the project and, thus, no significant vibrations or groundborne noise would be associated with construction of the proposed project. Therefore, anticipated noise impacts from construction would not be considered significant.

#### **Operational Noise**

The project site is located within primarily residential area, with neighborhood commercial to the north and west. Single-family residential uses are located to the south and east. The project site was developed with a neighborhood fire station, which operated several types of emergency vehicles from the site 24 hours a day. The proposed change of zone and use of the existing site and building for office purposes is not anticipated to increase beyond current levels and no mitigation measures would be required. Anticipated noise would be from cars coming and going from the parking area and southern driveway. No outdoor uses are proposed. All operations would be conducted within the existing building.

- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No private or public airstrips are located within 2 miles of the proposed project site; thus, people residing or working in the project area would not be exposed to excessive noise levels due to airport operations.

#### XIV. POPULATION AND HOUSING

#### Significance Criteria and Impact Analysis

The effects of a project on population and housing are considered to be significant if the proposed project would:

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project involves a proposed rezone from Planned Development Residential to Planned Development Commercial, and reuse of Fire Station No. 3 for office/neighborhood commercial purposes. The 0.35-acre project site is fully developed with a commercial-type building, parking and landscaping, and surrounded by development on all sides. The property fronts onto and takes direct access from a fully developed, non-circulation element road. The proposed project would not require the development of or upgrade to any streets or infrastructure. The project would not result in the loss of any existing housing since the site/building was used as a public facility. Therefore, the project would not induce substantial population growth nor displace any housing or substantial numbers of people.

#### XV. PUBLIC SERVICES

#### Significance Criteria and Impact Analysis

The effects of a project on public services are considered to be significant if the proposed project would:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

#### i. Fire protection

The Fire Department indicated the proposed rezone and reuse of Fire Station No. 3 for office/commercial purposes would not result in a significant impact to existing fire facilities. A new Fire Station No. 3, located at 1080 Nutmeg St., was constructed in 2008 to replace the older facility. The proposed project would not alter response times or any other performance objectives.

#### ii. Police protection

The Police Department indicated the proposed rezone and reuse of Fire Station No. 3 for office purposes would not result in the need for additional police services (e.g., equipment and staff). Police response times would remain the same with the project.

#### iii. Schools

The City of Escondido is served by the EUSD (grades K-8) and the EUHSD (grades 9-12). The proposed rezone and reuse of Fire Station No. 3 for office/commercial purposes and would not result in any significant additional demand for school facilities.

#### iv. Parks

The proposed rezone and reuse of Fire Station No. 3 for office/commercial purposes would not result in a need to provide additional park or open space amenities. The project is not anticipated to increase the use of existing neighborhood or regional parks or other recreation facility that would cause a substantial physical deterioration due to the office nature of the project and relatively small size of the site/facilities. The proposal will not impact the quality or quantity of existing recreational opportunities since no recreational opportunities currently existing on the developed fire station property. The project site is not listed as a potential park site in the City's Master Plan of Parks and Trails. Therefore, no significant impact to recreational resources would occur as a result of the rezone and reuse of Fire Station No. 3.

#### v. Libraries

The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities or staff. The reuse of Fire Station No. 3 for office purposes would not result in an increased demand on library services, or the development of additional library spaces, books or other related items.

#### vi. Gas/Electric

SDG&E would provide gas and electric facilities to the project. The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered SDG&E facilities.

#### XVI. UTILITIES AND SERVICE SYSTEMS

#### Significance Criteria and Impact Analysis

The effects of a project on utilities and service systems are considered to be significant if the proposed project would:

exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

- b. require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- c. require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- d. have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.
- e. result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- f. be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g. comply with federal, state, and local statutes and regulations related to solid waste.

<u>Solid Waste</u> – Escondido Disposal, Inc. (EDI) currently provides solid waste removal service for the Escondido area. EDI also operates a solid waste transfer station at their Washington Avenue site where solid waste is consolidated into larger transfer trucks and taken to a class III landfill for disposal. Solid waste pick-up will be available for the project by EDI for all phases of project implementation, including from construction to curbside collection. The proposed project is not anticipated to result in a substantial increase in demand for solid waste disposal from the proposed change of use from a fire station to office uses.

<u>Sewer Service</u> – Sewer service currently is provided to the project site from existing mains within the adjoining street system. Escondido's wastewater treatment plant, located on Hale Avenue, has the capacity to handle the demand for service generated by the reuse of Fire Station No. 3 for office purposes. There would not be an anticipated increase in demand from a fire station to an office/commercial use. The project also complies with established General Plan Quality-of-Life Standards for Sewer Service.

<u>Water Service</u> – Water service to the site currently is provided by Rincon Del Diablo Water District. Sufficient water service would continue to be provided to the site from existing mains within the adjoining street system. No upgrade to the water system would be necessary to support the proposed use of the building for office/commercial purposes.

Drainage Facilities - See analysis contained within Water Section No. IV.

#### MANDATORY FINDINGS OF SIGNIFICANCE

There have been not potential impacts identified to the environment as a result of this project and no mitigation measures are required. Therefore the project is not expected to have any significant impacts, either long-term, nor will it cause substantial adverse effects on human beings, either directly or indirectly. The project will not degrade the quality of the environment for plant or animal communities since the project will not cause fish and wildlife populations to drop below self-sustaining levels nor reduce the number or restrict the range of endangered plants or animals. The project will not materially degrade levels of service of the adjacent streets, intersection or utilities. Therefore, in staff's opinion, the proposed project would not have a significant individual or cumulative impact to the environment.

#### **Materials Use in Preparation of this Analysis**

Escondido General Plan and Environmental Impact Report
Escondido General Plan Update and Environmental Impact Report, 2000
Escondido Zoning Code and Land Use Maps
SANDAG Summary of Trip Generation Rates
Escondido Historic Sites Survey

City of Escondido

Public Works Department

**Engineering Division** 

Traffic Division

**Building Division** 

Fire Department

Police Department

Planning Division

FIRM maps (Flood Insurance Rate Maps)

Draft MHCP maps (Multiple Habitat Conservation Program)

County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List.

Escondido Drainage Master Plan (1995).

Escondido Water Master Plan (2000)

Escondido Wastewater Collection System Master Plan Update (2005)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A MASTER AND PRECISE DEVELOPMENT PLAN TO CONVERT FORMER FIRE STATION NO. 3 TO AN OFFICE USE

Case No. PHG 10-0020

WHEREAS, on September 28, 2010, the Planning Commission considered and by Resolution No. 5909, recommended approval of a Master and Precise Development Plan to convert the former and vacant Fire Station No. 3 property to an office use, along with a corresponding Zone Change from Planned Development-Residential zoning to Planned Development-Commercial zoning. The project site is generally located on the western side of Village Road, south of County Club Lane, addressed as 2165 Village Road (APN 224-610-09) more particularly described in Exhibit "C" attached to this resolution and incorporated by this reference; and

WHEREAS, the City Council has reviewed and considered the Negative Declaration that was issued for the proposed project on August 26, 2010, in conformance with the California Environmental Quality Act (CEQA); and

WHEREAS, this City Council has considered the request, the staff report, the recommendations of the Planning Commission and the appropriate agencies, and public testimony presented at the Council meeting and incorporates by reference the findings made in the report(s); and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said Master and Precise Development Plan;

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

- 1. That the above recitations are true.
- 2. That the City Council has reviewed and considered the environmental review, the staff report(s) and has heard and considered testimony given at the noticed public hearings, and adopts the Negative Declaration issued for the project.
- 3. That the Findings of Fact, attached as Exhibit "A," and incorporated by this reference, were made by said Council.
- 4. That upon consideration of the Findings, environmental review, all material in the staff report (a copy of which is on file in the Planning Division), Planning Commission recommendation, public testimony presented at the hearing, and all other oral and written evidence on this project, this City Council approves the proposed Master and Precise Development Plan (Case No. PHG 10-0020) to convert the former Fire Station No. 3 property to an office use, as reflected on plans and documents on file in the offices of the City Clerk and Planning Division, and subject to Conditions of Approval set forth as Exhibit "B" attached to this resolution and incorporated by this reference.

#### EXHIBIT "A" FINDINGS OF FACT PHG 10-0020

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#### Master and Precise Plan

1. The General Plan land-use designation for the subject site is Urban 1 (U1). The Urban 1 land-use classification is a medium density category of up to 5.5 units per acre, where single-family homes, mobile homes, patio homes and zero-lot line developments are the predominant use. The existing parcel was created in order to develop the property with a neighborhood fire station as part of the over Master Plan for the mix-use residential development. Granting the Modification to the Master and Precise Development Plan to allow a conversion of an existing fire station to limited office uses would be in conformance with the City's General Plan [Commercial Policy B4.1(a)] which allows for Planned Neighborhood Commercial in every land-use category. The General Plan also includes language that Planned Neighborhood Commercial development be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers, size, intensity, and operational characteristics to avoid adversely affecting surrounding uses. The conversion of the existing building to office uses would not result in an adverse intensification of the previous use, as detailed in the Negative Declaration issued for the project. Appropriate on-site parking would be provided, and the project would not result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts due to the low intensity nature of a small neighborhood office use.

The proposed project would be in conformance with General Plan Economic Policies (page II-23) which encourage economic activities that are clean and nonpolluting to expand or locate in Escondido; provide additional employment opportunities; reduce the need for Escondido residents to commute out of the area; maintain the City's fiscal stability; and are aesthetically superior.

- 2. The proposed conversion of the fire station to office uses would be well integrated with its surroundings and would not result in a substantial alteration of the present or planned land use since the property was developed as a neighborhood fire station and the building was designed and oriented to be compatible with the surrounding neighborhood commercial and residential development. The project design, architecture, colors and landscaping are consistent with surrounding development. No significant alterations to the building or site are proposed or required. The proposed Planned Commercial zoning would be an extension of the existing zoning for the adjacent neighborhood commercial center (Escondido Hills Plaza), but would limit the site to office uses only. Given the site's development, orientation and use as a fire station, and location adjacent to an existing neighborhood commercial center, the proposed Zone Change and Master and Precise Development Plan to convert the existing building to office uses would not substantially change the character, form or arrangement of land uses in the area.
- 3. The proposed facility would be adequately served by existing public facilities since City sewer and water service is available from existing mains in the adjacent streets or easements, and the project would not adversely impact these facilities nor require significant upgrades to the existing infrastructure.
- 4. The proposed conversion of the existing fire station building to an office does not require substantial alterations to the site or building. Existing accessory structures associated with the fire station would be removed (which includes the above-ground gas tank, hose rack and metal storage shed). The existing building was originally designed to be consistent with the approved Master Plan guidelines, which called for a low profile structure with materials that would complement the adjacent residential development. No changes are proposed to the exterior of the building except for new exterior paint to be compatible with the material and colors of the adjacent commercial development and surrounding residences. The project has been considered in relationship to its effect on the community, and the request would be in compliance with the General Plan Policies and would not result in a negative impact to the adjacent neighborhood for the reasons stated above and as detailed in the Negative Declaration and the Planning Commission staff report.
- 5. A Negative Declaration was issued for the proposed project on August 26, 2010, in conformance with the California Environmental Quality Act. The findings of this review are that the proposed project will not have a significant effect on the environment since there is no substantial evidence in the record to indicate project related impacts are potentially significant. The project also would have no impact to fish and wildlife.

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#### **CONDITIONS OF APPROVAL**

PHG 10-0020

#### General

- 1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief.
- 2. Access for use of heavy fire fighting equipment as required by the Fire Chief shall be provided to the job site at the start of any construction and maintained until all construction is complete.
- 3. Appropriate access shall be provided to the project site, to the satisfaction of the Fire Department.
- 4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
- 5. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program
- 6. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Planning and Building.
- 7. The development shall be subject to all conditions of the previously approved Master and Precise Development Plans for the Escondido Hill Master Planned Development and adjacent commercial development standards, except as modified herein.
- 8. All new utilities and utility runs shall be underground.
- 9. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75). All lighting shall contain appropriate shielding to prevent potential light or glare from spilling onto adjacent properties or negatively affecting vehicles traveling along the adjacent roadways.
- 10. A minimum of six parking spaces shall be provided in conjunction with this project. Parking shall be provided at a ratio of 1 space per 300 SF for the interior office area and 1 space per 800 SF of storage area. Said parking spaces shall be striped and dimensioned per City standards. The striping shall be drawn on the plan or a note shall be included on the plan indicating the intent to stripe per City standards. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage
- 11. As proposed, the design, colors and materials of the proposed facility shall be in accordance with the staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division.
- 12. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47) for CN zoning, to the satisfaction of the Planning Division. A separate sign permit shall be submitted along with the corresponding application fee.
- 13. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
- 14. Any new rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building(s). The method of screening and cross sections shall be included with the building plans.
- 15. The use of the building and site shall be restricted to office uses only.
- 16. No outdoor storage, operations, or repair of vehicles or equipment shall be allowed. All operations and storage of any equipment or materials shall be indoors (except for normal type vehicles associated with the office). Any heavy equipment or large commercial vehicles shall be stored at an off-site location or within the equipment bays.

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- 17. A landscape plan shall be submitted to the Planning Division for review and approval for proposed upgrades to the existing planter areas. All landscape planter areas shall be landscaped appropriately with appropriate materials.
- 18. All landscape improvements shall be installed and all vegetation growing in an established, flourishing manner prior to occupancy. All irrigation shall be maintained in fully operational condition.
- 19. The Precise Plan modification shall be null and void if not utilized within twelve months of the effective date of approval, as determined by the Planning Division.
- 20. This item may be referred back to the Planning Commission upon recommendation of the Director of Community Development for review and possible revocation or modification of the Master and Precise Plan modification upon receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
- 21. A copy of these Conditions of Approval shall be submitted with the submittal of the building plans indicating compliance with all of the Conditions and Details of Request and exhibits contained in the Planning Commission staff report.

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#### EXHIBIT 'C'

# Legal Description PHG 10-0020

Assessor Parcel No.: 224-610-09

Commonly Addressed as: 2165 Village Road

That portion of Lot 118, Map No. 7223, filed in the Office of the County Recorder of San Diego County, State of California, on February 2, 1972 as file No. 49040, described as follows:

Beginning at the most northerly corner of Lot 79, Map No. 7223; said point being the True Point of Beginning and also being a point on a non-tangent curve concave easterly and having a radius of 430 feet, a radial line to said point bears North 74°14"30" East; thence northerly along the westerly right-of-way of Village Road, along said curve through a central angle of 2°30'30", an arc distance of 18.83 feet; thence continuing along the westerly right-of-way line of Village Road North 13°15'00" West a distance of 81.00 feet; thence leaving the westerly right-of-way line of Village Road South 49°45'00" West a distance of 150.00 feet; thence South 13°15'00" East a distance of 104.38 feet to a point on the northwesterly boundary of Lot 81, Map No. 7223; thence along the northwesterly boundary of said Lot 81, North 40°49'28" East a distance of 24.99 feet to the northeast corner of said Lot 81; thence along the northwesterly boundaries of Lots Nos. 80 and 79, North 49°45'00" East a distance of 127.75 feet to the True Point of Beginning.

END OF LEGAL DESCRIPTION

#### ORDINANCE NO. 2010-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REZONING AN APPROXIMATELY 0.35-ACRE PARCEL LOCATED ON THE WESTERN SIDE OF VILLAGE ROAD, SOUTH OF COUNTRY CLUB LANE, MORE SPECIFICALLY DESCRIBED BY THIS ORDINANCE FROM PLANNED DEVELOPMENT-RESIDENTIAL TO PLANNED DEVELOPMENT-COMMERCIAL

Planning Case No. PHG 10-0020

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

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

SECTION 2. That the City Council has reviewed and considered the Negative Declaration issued for this project and has determined no significant impacts will result from approving this Zone Change.

SECTION 3. That upon consideration of the Factors to be Considered attached as Exhibit "A" and incorporated by this reference, the staff report, Planning Commission recommendation, and all public testimony presented at the hearing held on this project, this City Council finds this Zone Change from Planned Development-Residential ("PD-R") to Planned Development-Commercial ("PD-C") is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That the Zone District Map of the City of Escondido is hereby amended by reclassifying real property depicted in Exhibit "B" and legally described in Exhibit "C" both of which are incorporated by this reference, from PD-R to PD-C

SECTION 5. That the City Clerk shall certify to the passage of this ordinance and prepare a summary in accordance with Government Code section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

# EXHIBIT "A" FACTORS TO BE CONSIDERED PHG 10-0020

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#### Zone Change

1. The public health, safety and welfare would not be adversely affected by the proposed Zone Change from Planned Development Residential (PD-R) to Planned Development Commercial (PD-C) since the site has been developed and used for non-residential purposes (Fire Station) and the proposed zone change would be in conformance with the General Plan, which allows for neighborhood commercial zoning and development within all zones. The proposed project would not disrupt or divide the physical arrangement of the area since no new development or expansion of the site is proposed. Appropriate access and on-site parking is provided and the project would not alter the existing streets or circulation patterns. Adequate public facilities are available and water and sewer service currently is provided to the site. The proposed Zone Change to PD-C to facilitate conversion of the station to office uses would not create an intensification of use of the site, and would not change the character, form or arrangement of land uses in the area. Use of the existing building for limited office uses would not result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts due to the low intensity nature of the use. The building also was originally designed to be compatible with the surrounding residential development in terms of mass and scale, building height and materials, and the proposed design of the building would remain the same. The proposed Zone Change is not anticipated to generate a significant number of new trips and would not impact the levels of service on the adjacent street or intersections. The Engineering Department indicated the project would not impact the existing levels of service on either street, or impact the operation of the intersection.

A Negative Declaration was issued for the proposed project on August 26, 2010, in conformance with the California Environmental Quality Act. The findings of this review are that the proposed project will not have a significant effect on the environment since there is no substantial evidence in the record to indicate project related impacts are potentially significant. The project also would have no impact to fish and wildlife.

- 2. The site is suitable for the uses permitted by the proposed zone since the site previously was used as a neighborhood fire station and conversion to an office use would not require any substantial alterations to the site or the existing building. Adequate access is provided to the site and appropriate on-site parking can be provided.
- 3. The uses permitted by the proposed PD-C zone will not be detrimental to surrounding properties since the site originally developed as a neighborhood fire station. The conversion of the existing building to limited office uses would not result in an adverse intensification of the previous use, as detailed in the Negative Declaration issued for the project. Appropriate on-site parking would be provided, and the project would not result in any negative compatibility impacts with adjacent residential uses, nor create adverse traffic, lighting, noise, or visual impacts. The Engineering Department indicated the project would not impact the existing levels of service on either street, or impact the operation of the intersection. The building also was originally designed to be compatible with the surrounding residential development in terms of mass and scale, building height and materials, and the proposed design of the building would remain the same.
- 4. The proposed Zone Change from PD-R to PD-C would be in substantial conformance with the adopted General Plan and general plan policies. The General Plan and Zoning Code allows for Planned Neighborhood Commercial in every land-use category, which includes retail goods and services, and general office uses. The General Plan also includes language that Planned Neighborhood Commercial development be located in such a way as to complement but not conflict with adjoining residential uses by limiting their number and distance from other commercial centers, size, intensity, and operational characteristics to avoid adversely affecting surrounding uses. Commercial Policy B4.1(a) allows for Planned Neighborhood Commercial in every land-use category and the commercial zoning would be an extension of the adjacent neighborhood commercial zoning to the north.
- 5. The proposed Zone Change from PD-R to PD-C would not conflict with the Escondido Hills Master Plan which originally planned for and allows a variety of neighborhood commercial development. There are no other specific plans adopted for or that affect the subject site.

Ordinand	ce No. <u>20</u>	10-05
Exhibit .	<u>`B'</u>	
Page	l of	1

### EXHIBIT 'B'

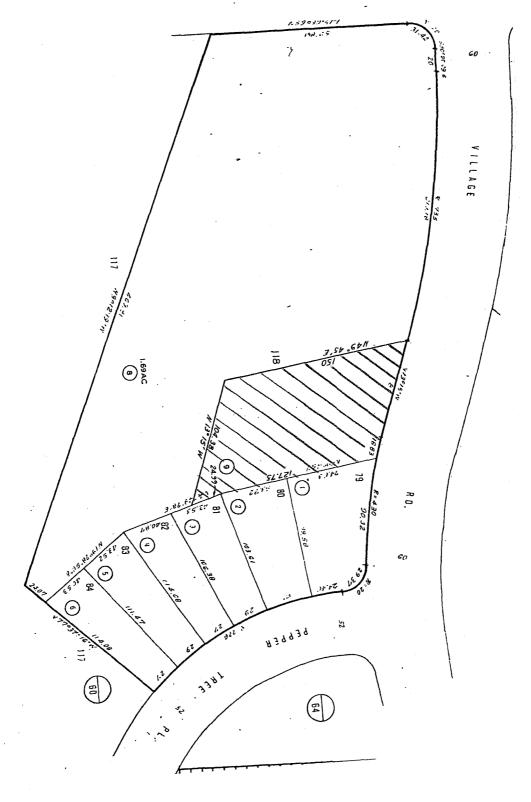
### City Case No. PHG 10-0020

### <u>Plat</u>

a COUNTRY CLUB 2

LN.

APN 224-610-09



Ordinano	e No.	20	10-01	<u>5</u>
Exhibit _	<u>`C'</u>	,	,,,,, <u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	
Page .	1	of		

#### **EXHIBIT 'C'**

# Legal Description PHG 10-0020

Assessor Parcel No.: 224-610-09

Commonly Addressed as: 2165 Village Road

That portion of Lot 118, Map No. 7223, filed in the Office of the County Recorder of San Diego County, State of California, on February 2, 1972 as file No. 49040, described as follows:

Beginning at the most northerly corner of Lot 79, Map No. 7223; said point being the True Point of Beginning and also being a point on a non-tangent curve concave easterly and having a radius of 430 feet, a radial line to said point bears North 74°14"30" East; thence northerly along the westerly right-of-way of Village Road, along said curve through a central angle of 2°30'30", an arc distance of 18.83 feet; thence continuing along the westerly right-of-way line of Village Road North 13°15'00" West a distance of 81.00 feet; thence leaving the westerly right-of-way line of Village Road South 49°45'00" West a distance of 150.00 feet; thence South 13°15'00" East a distance of 104.38 feet to a point on the northwesterly boundary of Lot 81, Map No. 7223; thence along the northwesterly boundary of said Lot 81, North 40°49'28" East a distance of 24.99 feet to the northeast corner of said Lot 81; thence along the northwesterly boundaries of Lots Nos. 80 and 79, North 49°45'00" East a distance of 127.75 feet to the True Point of Beginning.

END OF LEGAL DESCRIPTION



TO:

Honorable Mayor and Members of the City Council

FROM:

Sheryl Bennett, Director of Human Resources

**SUBJECT:** Labor Negotiations Impasse – Escondido City Employees' Association – Supervisory

**Bargaining Unit** 

#### **RECOMMENDATION:**

In accordance with the City of Escondido Employer-Employee Relations Resolution, the City Council will receive testimony from the City's Management Negotiating Team representative and the Escondido City Employees' Association (ECEA) - Supervisory (SUP) Bargaining Unit Team representative regarding the impasse status of current negotiations. The City Council will consider one of the following alternative actions upon conclusion of the presentations:

- 1. Direct staff to implement the Management Team's Last, Best and Final offer dated July 21, 2010, and adopt Resolution 2010-153, effective pay period beginning October 31, 2010.
- Direct staff to implement the final proposal of the ECEA/SUP Bargaining Unit dated July 1, 2. 2010, effective pay period beginning October 31, 2010.
- Direct Management and ECEA/SUP bargaining teams to continue negotiating in an effort to 3. reach agreement.

#### FISCAL ANALYSIS:

The City's Last, Best and Final Offer is to maintain "status quo" regarding current employee cost concessions with the SUP Bargaining Unit. On-going cost savings to the City are in the amount of \$206,435 for fiscal year 2010/11.

The final proposal submitted by ECEA/SUP Bargaining Unit proposes removing four furlough holidays which equates to a 1.68% cost increase to the City, or a budget increase of \$77,743.

#### PREVIOUS ACTION:

The City Council approved an amendment to the Memorandum of Understanding with the ECEA/SUP Bargaining Unit on October 7, 2009, extending the term of the Memorandum of Understanding to June 30, 2010.

Labor Negotiations Impasse - Escondido ECEA/SUP October 27, 2010 Page 2

#### **BACKGROUND**:

State law in the form of the Meyers-Milias-Brown Act (MMBA) requires public agencies to meet and confer with represented employee organizations over wages, hours and working conditions. The City originally adopted the Employer-Employee Relations Resolution (EERR) in March 1980, and the revised EERR in June 2008, implementing the MMBA for represented City employees. Contained within both the MMBA and the EERR are requirements for negotiating labor contracts.

Attached as background information for Council's review are the following:

- Impasse Procedure, Article IV, Section 16 of the Employer-Employee Relations Resolution
- Summary of City's Last, Best and Final Offer to the ECEA/SUP Bargaining Unit

• ECEA/SUPE Bargaining Unit's Last, Best and Final Offer

Respectfully submitted,

Shervl Bennett

Director of Human Resources

#### RESOLUTION NO. 2010-153 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REGARDING THE DECLARATION OF IMPASSE BY THE ESCONDIDO CITY EMPLOYEES' ASSOCIATION/SUPERVISORY BARGAINING UNIT, AND IMPOSING TERMS OF CITY'S LAST, BEST AND FINAL OFFER

WHEREAS, the Management Negotiating Team of the City of Escondido has met and conferred with the Escondido City Employees' Association/Supervisory (ECEA/SUP) Bargaining Unit regarding wages, hours and other terms and conditions of employment for personnel represented by that organization, and has made detailed recommendations to the City Council in relation thereto; and

WHEREAS, the Management Negotiating Team of the City of Escondido has been unable to reach an agreement with the ECEA/SUP Bargaining Unit regarding wages, hours and other terms and conditions of employment; and

WHEREAS, the City and the ECEA/SUP Bargaining Unit are at impasse regarding wages, hours and other terms and conditions of employment for personnel represented by ECEA/SUP; and

WHEREAS, the ECEA/SUP Bargaining Unit exercised its right under the City's Employer-Employee Relations Resolution to have an impasse meeting with the City's Employee Relations Officer/City Manager on September 9, 2010; and

WHEREAS, the City Council has considered the statement of positions presented by the City's Management Negotiating Team and the ECEA/SUP Bargaining Unit at a public hearing pursuant to the City's Employer-Employee Relations Resolution.

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 of the City of Escondido hereby imposes the City's last, best and final offer on the ECEA/SUP Bargaining Unit, effective pay period beginning October 31, 2010, as set forth in the Terms and Conditions of Employment attached as Exhibit "A" to this resolution and incorporated by this reference.

Resolution No. 2010-153 (R) Exhibit "A" Page 1 of 3

July 21, 2010

## City of Escondido 2010 Meet and Confer Process

# Escondido City Employees Association Supervisory Bargaining Unit

#### LAST, BEST AND FINAL OFFER

#### **Management Proposal #6**

- 1. Term One Year: July 1, 2010 through June 30, 2011 **T/A**
- 2. Existing MOU Modifications:

Due to the fact that the City remains in a significant financial downturn, which includes continued utilization of reserve funds, the current concessions are proposed to remain the same.

The City proposes that all changes to the MOU that were implemented on October 7, 2009 will remain in place until terminated. Such changes are reflected in City Council Resolution 2009-150 and include MOU changes in the following areas (As detailed in Management Proposal #2 dated 5/18/10):

- Step Increases
- Certification Pay
- Class Progressions
- 401(k) Contributions by the City
- o Self-Directed Furlough 5.41% salary reduction
- o City Hall Furlough 6.68% salary reduction
- Furloughed Holidays (New Year's, Martin Luther King, Presidents' and Memorial Days)
- Salary reduction will be matched by two furlough hour time bank deposits in July 2010 and January 2011

Modified furlough salary reductions as proposed by the ECEA on 7/1/10 is rejected.

#### 3. Benefits: T/A

Medical and Dental Insurance Plans:

This item will inform the Bargaining Unit that the Health Insurance Committee (HIC) is commencing its annual review of medical and dental insurance plans and the related designs of the various plans

Resolution No. 2010-153 (R) Exhibit "A" Page 2 of 3

July 21, 2010

available to employees. Consistent with the MOU, the HIC may consider changes in health and dental plan design that may increase

the cost to covered employees in such areas as doctor visit co-pays, prescription co-pays and the like.

The City will provide the lowest cost medical plan as recommended by the Health Insurance Committee (HIC) and approved by the City Council; and

Employee participation toward medical coverage will include the proportional percentage change in premium each "premium year" for the lowest cost medical plan after changes in Plan Design by the HIC and approval by the City Council.

The current rates, beginning January 1, 2010:

Employee Only	\$13.38 per month
Employee + One	\$26.74 per month
Family Coverage	\$40.12 per month

#### 4. Language Clean Up:

- a. **T/A** Add 5% for T5 certification pay for the classification of Water Treatment Plant Supervisor (As detailed in Management Proposal #2 dated 5/18/10).
- b. **T/A** Add to Article VI, Section 2D Supervisory employees who are on Standby duty on a furlough in lieu of holiday will receive Standby Holiday Pay of \$50 (As detailed in Management Proposal #2 dated 5/18/10. Same practice as M&O Unit).
- c. T/A Add Code Enforcement Associate, Control Systems Technician Supervisor, Parks & Open Space Supervisor, Plant Systems Technician Supervisor, Senior Building Inspector, Supervisor Chemist, and Wastewater Treatment Plant Operations Supervisor to Exhibit "B" Shoe Allowance (These employees are currently receiving the allowance).
- d. **T/A** Work Attire Policy language to be incorporated into the MOU, listing classifications and brief explanation. The language references the policy for the detail. (Example was handed out 6/8/10)

Resolution No. 2010-153 (R) Exhibit "A" Page 3 of 3

July 21, 2010

5. The City will retain the Grievance Procedure as detailed in Article XX of the MOU. **WITHDRAWN BY ECEA.** 

#### 6. Work Schedule T/A

The City will recognize furlough time in the calculation of overtime.

Article IV – Compensation Policy, Section 4, Item E. Furlough hours will be added to the hours work for the purpose of computing overtime.

- 7. Side Letter Reopener as proposed by the ECEA is rejected. The term of the agreement is proposed at one year. The City and the ECEA will be negotiating a successor MOU in less than one year. **WITHDRAWN BY ECEA.**
- 8. Fairness Agreement as proposed by the ECEA is rejected. Upon reinstatement of any of the negotiated reductions, the City will, in good faith, meet and confer with the ECEA. **WITHDRAWN BY ECEA.**



TO:

Honorable Mayor and Members of the City Council

FROM:

Sheryl Bennett, Director of Human Resources

SUBJECT: Labor Negotiations Impasse - Escondido City Employees' Association - Administrative,

Clerical and Engineering Bargaining Unit

#### RECOMMENDATION:

In accordance with the City of Escondido Employer-Employee Relations Resolution, the City Council will receive testimony from the City's Management Negotiating Team representative and the Escondido City Employees' Association (ECEA) - Administrative, Clerical and Engineering (ACE) Bargaining Unit Team representative regarding the impasse status of current negotiations. The City Council will consider one of the following alternative actions upon conclusion of the presentations:

- Direct staff to implement the Management Team's Last, Best and Final offer dated July 21, 1. 2010, and adopt Resolution 2010-152, effective pay period beginning October 31, 2010.
- Direct staff to implement the final proposal of the ECEA/ACE Bargaining Unit dated July 1, 2. 2010, effective pay period beginning October 31, 2010.
- Direct Management and ECEA/ACE bargaining teams to continue negotiating in an effort to 3. reach agreement.

#### FISCAL ANALYSIS:

The City's Last, Best and Final offer is to maintain "status quo" regarding current employee cost concessions with the ACE Bargaining Unit. On-going cost savings to the City are in the amount of \$303,850 for fiscal year 2010/11.

The final proposal submitted by ECEA/ACE Bargaining Unit proposes removing four furlough holidays which equates to a 1.68% cost increase to the City, or a budget increase of \$103,925.

#### PREVIOUS ACTION:

The City Council approved an amendment to the Memorandum of Understanding with the ECEA/ACE Bargaining Unit on October 7, 2009, extending the term of the Memorandum of Understanding to June 30, 2010.

Labor Negotiations Impasse – Escondido ECEA/ACE October 27, 2010 Page 2

#### **BACKGROUND:**

State law in the form of the Meyers-Milias-Brown Act (MMBA) requires public agencies to meet and confer with represented employee organizations over wages, hours and working conditions. The City originally adopted the Employer-Employee Relations Resolution (EERR) in March 1980, and the revised EERR in June 2008, implementing the MMBA for represented City employees. Contained within both the MMBA and the EERR are requirements for negotiating labor contracts.

Attached as background information for Council's review are the following:

- Impasse Procedure, Article IV, Section 16 of the Employer-Employee Relations Resolution
- Summary of City's Last, Best and Final Offer to the ECEA/ACE Bargaining Unit

• ECEA/ACE Bargaining Unit's Last, Best and Final Offer

Respectfully submitted,

Sheryl Bennett

Director of Human Resources

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REGARDING THE DECLARATION OF IMPASSE BY THE ESCONDIDO CITY EMPLOYEES' ASSOCIATION/ADMINISTRATIVE, CLERICAL AND ENGINEERING BARGAINING UNIT, AND IMPOSING TERMS OF CITY'S LAST, BEST AND FINAL OFFER

WHEREAS, the Management Negotiating Team of the City of Escondido has met and conferred with the Escondido City Employees' Association/Administrative, Clerical and Engineering (ECEA/ACE) Bargaining Unit regarding wages, hours and other terms and conditions of employment for personnel represented by that organization, and has made detailed recommendations to the City Council in relation thereto; and

WHEREAS, the Management Negotiating Team of the City of Escondido has been unable to reach an agreement with the ECEA/ACE Bargaining Unit regarding wages, hours and other terms and conditions of employment; and

WHEREAS, the City and the ECEA/ACE Bargaining Unit are at impasse regarding wages, hours and other terms and conditions of employment for personnel represented by ECEA/ACE; and

WHEREAS, the ECEA/ACE Bargaining Unit exercised its right under the City's Employer-Employee Relations Resolution to have an impasse meeting with the City's Employee Relations Officer/City Manager on September 9, 2010; and

WHEREAS, the City Council has considered the statement of positions presented by the City's Management Negotiating Team and the ECEA/ACE Bargaining

Unit at a public hearing pursuant to the City's Employer-Employee Relations Resolution.

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 of the City of Escondido hereby imposes the City's last, best and final offer on the ECEA/ACE Bargaining Unit, effective pay period beginning October 31, 2010, as set forth in the Terms and Conditions of Employment attached as Exhibit "A" to this resolution and incorporated by this reference.

Resolution No. 2010-152 (R) Exhibit "A" Page 1 of 3

July 21, 2010

#### City of Escondido 2010 Meet and Confer Process

# Escondido City Employees Association Administrative/Clerical/Engineering Unit

#### LAST, BEST AND FINAL OFFER

#### **Management Proposal #6**

- 1. Term One Year: July 1, 2010 through June 30, 2011 **T/A**
- 2. Existing MOU Modifications (As detailed in Management Proposal #2 dated 5/18/10):

Due to the fact that the City remains in a significant financial downturn, concessions are proposed to remain the same.

The City proposes that all changes to the MOU that were implemented on October 7, 2009 will remain in place until terminated. Such changes are reflected in City Council Resolution 2009-149 and include MOU changes in the following areas:

- Step Increases
- Certification Pay
- Class Progressions
- 401(k) Contributions by the City
- Self-Directed Furlough 6.64% salary reduction
- o City Hall Furlough 6.68% salary reduction
- Furloughed Holidays (New Year's, Martin Luther King, Presidents' and Memorial Days)
- Salary reduction will be matched by two furlough hour time bank deposits in July 2010 and January 2011

Modified furlough salary reductions as proposed by the ECEA on 7/1/10 is rejected.

3. Benefits: T/A

Medical and Dental Insurance Plans:

This item will inform the Bargaining Unit that the Health Insurance Committee (HIC) is commencing its annual review of medical and dental insurance plans and the related designs of the various plans

July 21, 2010

available to employees. Consistent with the MOU, the HIC may consider changes in health and dental plan design that may increase

the cost to covered employees in such areas as doctor visit co-pays, prescription co-pays and the like.

The City will provide the lowest cost medical plan as recommended by the Health Insurance Committee (HIC) and approved by the City Council; and

Employee participation toward medical coverage will include the proportional percentage change in premium each "premium year" for the lowest cost medical plan after changes in Plan Design by the HIC and approval by the City Council.

The current rates, beginning January 1, 2010:

Employee Only	\$13.38 per month
Employee + One	\$26.74 per month
Family Coverage	\$40.12 per month

#### 4. Language Clean Up:

- a. **T/A** Add overtime language that is similar to Supervisory Unit. This is the current practice in place; however, there is no identified overtime language in the ACE MOU. (As detailed in Management Proposal #2 dated 5/18/10)
- b. **T/A** Incorporate Fire Prevention Specialist classification into the ACE MOU. Include all items related to benefits, compensation, certifications, etc., that is in the 2009-10 Non-Safety Fire MOU. (As detailed in Management Proposal #2 dated 5/18/10)
- c. **T/A** Return the classifications of Code Enforcement Officer I/II and Engineering Technician I/II back into Exhibit "B" Salary Ranges.
- d. **T/A** Add Building Inspector, Field Engineering Inspector I/II, Laboratory Technician I/II, and Senior Environmental Compliance Inspector to Exhibit "C" Shoe Allowance (These employees are currently receiving the allowance).
- e. **T/A** Work Attire Policy language to be incorporated into the MOU, listing classifications and brief explanation. The language references the policy for the detail. (Example was handed out on 6/8/10)

Resolution No. 2010-152 (R) Exhibit "A" Page 3 of 3

July 21, 2010

- 5. The City will retain the Grievance Procedure as detailed in Article XXXI of the MOU. **WITHDRAWN BY ECEA.**
- 6. Work Schedule T/A

The City will recognize furlough time in the calculation of overtime. Furlough hours will be added to the hours work for the purpose of computing overtime.

- 7. Side Letter Reopener as proposed by the ECEA is rejected. The term of the agreement is proposed at one year. The City and the ECEA will be negotiating a successor MOU in less than one year. **WITHDRAWN BY ECEA.**
- 8. Fairness Agreement as proposed by the ECEA is rejected. Upon reinstatement of any of the negotiated reductions, the City will, in good faith, meet and confer with the ECEA. **WITHDRAWN BY ECEA.**



AGENDA ITEM NO.: 14

AGENDA DATE: 10-27-10

#### **FUTURE CITY COUNCIL AGENDA ITEMS**

#### October 21, 2010

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

### **NOVEMBER 3, 2010 – NO MEETING (day after elections)**

Green Sheet Due by Noon on Monday, 10/25/10 Staff Reports/Resos due by Noon on 11/2/10

and the second s	/EMBER 10, 2010 (Pfeiler absent)			
4:00	) p.m.			
	CONSENT CALENDAR			
	Approve a Funding Increase for FY 2009-2010 Street Maintenance Project (E. Domingue)			
1.	As a result of the low unit prices received in the bid for the project and the onset of the rainy season, additional work in the amount of up to \$616,700 should be added to this contract to optimize the added value of the low unit prices and effect repairs to as many areas possible in an effort to minimize maintenance activities over the winter.			
	Multi-Jurisdictional Hazard Mitigation Plan (M. Lowry)			
2	Council adopted the Multi-Jurisdictional Hazard Mitigation Plan in 2004. Since then, the Plan has recently completed a comprehensive review and been approved by the County of San Diego Unified Disaster Council, the State of California Office of Emergency Management, and the Federal Emergency Management Agency. The County Office of Emergency Services is asking each jurisdiction's governing body to adopt the revised Plan.			
Tulip Street Improvement Project Phase 3 Bid Award				
3	(R. Buquet)  The Tulip Street Improvement Project is a multi-year, multi-phase project consisting of comprehensive street improvements on Tulip Street from 7 <sup>th</sup> to 3 <sup>rd</sup> Avenue.			

NOVEMBER 10, 2010 (cont.)	
	Fifth Amendment to Consultant Agreement for Bear/East Valley Parkway Project for Environmental Services (Helix) (E. Domingue)  In 2004, as part of the Bear/East Valley Pkwy. project, the Federal
4	Highway Administration (FHWA) approved an environmental document for the complete project. Design of the last phase of this work is now beginning and requires review and potentially some updates to the environmental documents previously prepared and processed to approval by Helix.
	FY 2011 Office of Traffic Safety Sobriety Checkpoint (J. Maher)
5	The Calif. Office of Traffic Safety, through the National Highway Safety Administration, funds mobilization grants for sobriety checkpoints throughout California. Grant funds will cover overtime costs for sobriety checkpoints December 17, 2010 through January 2, 2011 and August 19, 2011 through September 5, 2011.
	FY 2011 Office of Traffic Safety California Seat Belt Compliance Campaign Grant (J. Maher)
6	The Calif. Office of Traffic Safety, through the National Highway Safety Administration, funds the "Next Generation-Click It or Ticket" mobilization grants throughout California to increase seat belt use statewide. Grant funds will cover overtime costs for seat belt enforcement during the November 15- November 28, 2010 mobilization period and the May 23-June 5, 2011 mobilization period
	PUBLIC HEARINGS:
	CURRENT BUSINESS
7	Future Agenda Items (M. Whalen)
7:00 p.m. NO ITEMS CURRENTLY SCHEDULED	
	PUBLIC HEARINGS:
	CURRENT BUSINESS



AGENDA: 10-27-10

### **COUNCIL AGENDA ITEM**

THERE IS NO MATERIAL FOR THIS ITEM