

Council Meeting Agenda

December 14, 2011

CITY COUNCIL CHAMBERS

3:00 p.m. Closed Session; 4:30 p.m. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Sam Abed
DEPUTY MAYOR	Marie Waldron
COUNCIL MEMBERS	Olga Diaz Ed Gallo Michael Morasco
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.



Council Meeting Agenda

December 14, 2011
3:00 p.m. Special Meeting

Escondido City Council Community Development Commission

CALL TO ORDER

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

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.)

CLOSED SESSION: (COUNCIL/CDC/RRB)

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

- a.** Property: 150 East Valley Parkway
Agency Negotiator: Debra Lundy
Negotiating Parties: City and San Diego County Credit Union
Under Negotiation: FMV Rent Adjustment and Lease Terms

- b.** Property: 272 Via Rancho Parkway, Escondido
Agency Negotiators: Clay Phillips
Negotiating parties: City and Westfield Shopping Town, Inc.
Under negotiation: Price and terms of payment

CLOSED SESSION: Continued

II. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)

- a. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Police Officers' Association

- b. Agency negotiator: Sheryl Bennett, Clay Phillips
Employee organization: Escondido Firefighters' Association

III. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Government Code §54956.9(a) Two cases:

- a. Name of case: Cirolia v. City of Escondido, Case No.:37-2010-00062036-CU-PO-NC
- b. Name of case: Arriola v. City of Escondido, Case No.:37-2010-00062685-CU-PO-NC

IV. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9(b): **one case**

ADJOURNMENT



Council Meeting Agenda

December 14, 2011
4:30 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: Diaz, Gallo, Morasco, Waldron, Abed

ORAL COMMUNICATIONS

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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: None Scheduled**

4. **CALPERS INDUSTRIAL DISABILITY RETIREMENT OF TIMOTHY KELLY** – Request Council approve the Industrial Disability Retirement of Timothy Kelly.

Staff Recommendation: Approval **(Human Resources Department: Sheryl Bennett)**

RESOLUTION NO. 2011-158

5. **FISCAL YEAR 2012 OFFICE OF TRAFFIC SAFETY SOBRIETY CHECKPOINT MINI-GRANT AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept a Fiscal Year 2012 Sobriety Checkpoint Mini-grant from the Office of Traffic Safety in the amount of \$75,530; and authorize the Chief of Police to execute contract documents on behalf of the City; and approve budget adjustments needed to spend grant funds.

Staff Recommendation: Approval **(Police Department: Jim Maher)**

6. **FISCAL YEAR 2009 BUFFER ZONE PROTECTION PLAN (BZPP) GRANT AND BUDGET ADJUSTMENT** – Request Council authorize the Escondido Police Department to accept Fiscal Year 2009 Buffer Zone Protection Plan funds in the amount of \$194,000 from the United States Department of Homeland Security.

Staff Recommendation: Approval **(Police Department: Jim Maher)**

7. **ASSET FORFEITURE FUND BUDGET ADJUSTMENT** – Request Council authorize staff to establish a budget in the amount of \$121,980 with Asset Forfeiture Funds to purchase equipment, services and training for front-line law enforcement operations.

Staff Recommendation: Approval **(Police Department: Jim Maher)**

8. **DESTRUCTION OF POLICE RECORDS** – Request Council approve the destruction of the Police Department files and recordings listed in Exhibit A.

Staff Recommendation: Approval **(City Clerk's Office: Robert Zornado)**

RESOLUTION NO. 2011-160

CONSENT CALENDAR - Continued

9. **MODIFICATION TO FUND BALANCE POLICY, CONSULTING AGREEMENT FOR ECONOMIC DEVELOPMENT MASTER PLAN AND COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY AND BUDGET ADJUSTMENT** – Request Council approve the modification to the Fund Balance Policy; and authorize a budget adjustment in the amount of \$96,300 from the General Fund Economic Development Commitment Fund to the City Manager's Professional Services account for the completion of an Economic Development Master Plan and Comprehensive Economic Development Strategy (CEDS); and authorize the Mayor and City Clerk to execute a consulting agreement with Natelson-Dale Group, Inc., to complete the project.

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

RESOLUTION NO. 2011-151

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.)

10. **REVISED CITY'S LOCAL LIMITS AND MUNICIPAL CODE CHAPTER 22, ARTICLE 1 AND 3 THROUGH 9** – Approved on December 7, 2011 with a vote of 5/0.

ORDINANCE NO. 2011-18 – Second Reading and Adoption

PUBLIC HEARINGS

11. **BID AWARD, BUDGET ADJUSTMENT AND AMENDMENT TO FISCAL YEAR 2012-2016 TRANSNET PROGRAM OF PROJECTS FOR MAPLE STREET PEDESTRIAN PLAZA** - Request Council authorize the Mayor and City Clerk to execute an agreement with LB Civil Construction, Inc., in the amount of \$2,369,812 for the Maple Street Pedestrian Plaza project; and approve a budget adjustment in the amount of \$1,637,000 to fund the contract award and construction support costs; and amend the City's Fiscal Year 2012-2016 Local Streets and Roads Program of Projects adding \$813,970 of Local Transnet funding to the Maple Pedestrian Plaza project (ESC27). **CONTINUED FROM DECEMBER 7, 2011**

Staff Recommendation: Approval (**Engineering Services: Robert Zaino**)

- a. RESOLUTION NO. 2011-142
- b. RESOLUTION NO. 2011-149

PUBLIC HEARINGS - Continued

12. **WATER RATE ADJUSTMENTS for 2012** – Request Council approve a water rate adjustment to increase revenue to the Water Fund by 12% in Calendar Year 2012.

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

RESOLUTION NO. 2011-159

13. **RECOMMENDATIONS FOR ALLOCATION OF FEDERAL HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDS** – Request Council authorize encumbrance of FY 2010-11 and FY 2011-12 HOME funds in an amount not to exceed \$1,000,000 as leveraged financing to Community HousingWorks (CHW) for its multi-family development located at Broadway and El Norte Parkway; and authorize the Mayor and City Clerk to execute the necessary loan documents, security and supporting agreements with CHW.

Staff Recommendation: Approval (**Community Services/Housing: Jerry VanLeeuwen**)

RESOLUTION NO. 2011-154

14. **MUNICIPAL AND ZONING CODE AMENDMENTS AZ 11-0002** – Request Council amend the Escondido Municipal Code and the Escondido Zoning Code to consolidate the Design Review Board with the Planning Commission and revise the qualifications for planning commissioners.

Staff Recommendation: Approval (**Community Development/Planning: Barbara Redlitz**)

ORDINANCE NO. 2011-19 Introduction and First Reading

CURRENT BUSINESS

15. **BUILDING MAINTENANCE FUND BALANCE** – Request Council authorize the expenditure of \$500,000 for building improvements at East Valley Community Center, Fire Station #2, Jim Stone Pool, Escondido Public Library and various other improvements.

Staff Recommendation: Approval (**Community Services: Jerry VanLeeuwen**)

16. **CONSIDERATION OF ADJUSTMENT TO CITY COUNCIL COMPENSATION AS REQUIRED BY CITY COUNCIL RULES AND PROCEDURES, SECTION (B)(9)**

Staff Recommendation: None (**Mayor Sam Abed and Council Member Michael Morasco**)

FUTURE AGENDA

17. **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 MEMBERS' COMMITTEE REPORTS/COMMENTS/BRIEFING

ADJOURNMENT

UPCOMING MEETING SCHEDULE				
Date	Day	Time	Meeting Type	Location
December 21	No Meeting			
December 28	No Meeting			
January 4, 2012	No Meeting			
January 11, 2012	Wednesday	3:30 & 4:30 p.m.-	Council Meeting	Council Chambers

TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. 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 <http://www.ci.escondido.ca.us/government/agendas/PublishedMeetings.htm>
- In the City Clerk's Office at City Hall
- In the Library (239 S. Kalmia) during regular business hours and
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

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

LIVE BROADCAST

Council meetings are broadcast live on Cox Cable Channel 19 and U-verse Channel 99 – Escondido Gov TV. They can also be viewed the following Sunday and Monday evenings at 6:00 p.m. on those same channels. The Council meetings are also available live via the Internet by accessing the City's website at www.escondido.org, and 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 3:30 in Closed Session and 4:30 in Open Session.**

(Verify schedule with City Clerk's Office)

**Members of the Council also sit as the 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.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ file No. _____

Ord No. _____

Agenda Item No.: 4

Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Sheryl Bennett, Director of Human Resources
Cindy Titgen, Benefits and Workers' Compensation Manager
SUBJECT: Approval of CalPERS Industrial Disability Retirement for Timothy Kelly

RECOMMENDATION:


It is requested that Council adopt Resolution No. 2011-158 approving the California Public Employees' Retirement Systems (CalPERS) Industrial Disability Retirement for Former Police Officer, Timothy Kelly.

BACKGROUND:

Mr. Kelly is a 54 year old male former Police Officer. He was employed by the City of Escondido for over 12 years. He service retired on May 29, 2011, pending Industrial Disability Retirement. The basis for Mr. Kelly's Industrial Disability Retirement application is confirmed by medical reports from Dr. Michael P. Kimball and his condition is orthopedic in nature. Accordingly, Mr. Kelly is incapacitated within the meaning of the Public Employees' Retirement Law for the performance of his usual and customary duties in the position of Police Officer.

Under State Law, the City Council is required to adopt a Resolution determining that competent medical evidence supports the granting of an Industrial Disability Retirement. Based on medical evidence, staff recommends the City Council adopt Resolution No. 2011-158 approving the CalPERS Industrial Disability Retirement for Timothy Kelly to be effective May 29, 2011.

Respectfully submitted,


Sheryl Bennett
Human Resources Director


Cindy Titgen
Benefits & Workers' Compensation Manager

RESOLUTION NO. 2011-158

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING THE CALPERS INDUSTRIAL
DISABILITY RETIREMENT FOR TIMOTHY
KELLY

WHEREAS, the City of Escondido (hereinafter referred to as "Agency") is a contracting agency of the California Public Employees' Retirement System (CalPERS); and

WHEREAS, the California Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such law; and

WHEREAS, an application for Industrial Disability Retirement of Timothy Kelly employed by the Agency in the position of Police Officer has been filed with CalPERS; and

WHEREAS, the City of Escondido has reviewed the medical and other evidence relevant to such alleged disability.

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

1. That the above recitations are true.
2. That the City Council of the City of Escondido does find and determine that Timothy Kelly is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his usual duties in the position of Police Officer.

3. That the City Council of the City of Escondido does find and determine that such disability is a result of injury or disease arising out of and in the course of employment.

4. That neither Timothy Kelly nor the Agency, has applied to the Workers' Compensation Appeals Board for a determination pursuant to Section 21166 whether such disability is industrial.

5. That there is not a possibility of third party liability.

6. That the service member did service retire on May 29, 2011, pending approval of Industrial Disability Retirement and no dispute exists with regards to the retirement date. Mr. Kelly's last day on pay status was May 28, 2011.

7. That advanced permanent disability payments will not be made.

8. That the City Council of the City of Escondido finds that the primary disability is Orthopedic.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5
Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Jim Maher, Chief of Police
SUBJECT: FY 2012 California Office of Traffic Safety Sobriety Checkpoint Mini-grant

RECOMMENDATION:

It is requested that City Council authorize the Escondido Police Department to accept a FY 2012 Sobriety Checkpoint Mini-grant from the Office of Traffic Safety in the amount of \$75,530, authorize the Chief of Police to execute contract documents on behalf of the City and approve budget adjustments needed to spend grant funds for overtime expenses.

FISCAL ANALYSIS:

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

PREVIOUS ACTION:

City Council approved a FY 2011 California Office of Traffic Safety Sobriety Checkpoint Mini-grant in the amount of \$46,233.75 on November 10, 2010.

BACKGROUND:

The California Office of Traffic Safety (OTS) has allocated grant funding for local law enforcement agencies to reimburse overtime costs for sobriety checkpoints and checkpoint supplies. The goal of the grant is to reduce the number of victims killed and injured in alcohol-related crashes.

If approved, grant funds will be used to fund six checkpoints and purchase a preliminary alcohol screening device. The grant requires some checkpoints must be held during two holiday mobilization periods (December 16, 2011 to January 1, 2012 and August 17, 2012 to September 3, 2012).

Your action today to accept grant funds and authorize staff to submit grant documents will allow the Police Department to receive reimbursement for overtime hours that officers and supervisors spend on sobriety checkpoints.

Respectfully submitted,


Jim Maher
Police Chief



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6
Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Jim Maher, Chief of Police

SUBJECT: FY 2009 Buffer Zone Protection Plan Program

RECOMMENDATION:

It is requested that Council authorize the Escondido Police Department to accept FY 2009 Buffer Zone Protection Plan Program (BZPP) funds in the amount of \$194,000 from the United States Department of Homeland Security.

FISCAL ANALYSIS:

This action will have no impact on the General Fund Budget. Grant funds will be used for one-time equipment purchases.

PREVIOUS ACTION:

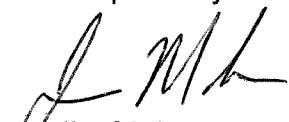
City Council approved a FY 2008 Buffer Zone Protection Plan Program Grant in the amount of \$180,000 on February 16, 2011.

BACKGROUND:

The Escondido Police Department has been allocated a FY 2009 BZPP Grant through the United States Department of Homeland Security. The Buffer Zone Protection Program provides grant funding to build security and risk-management capabilities to secure critical infrastructure.

If approved by your action today, the Escondido Police Department will use FY 2009 Buffer Zone Protection Plan (BZPP) funds to purchase security equipment and barriers.

Respectfully submitted,



Jim Maher
Chief of Police



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7
Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Jim Maher, Chief of Police

SUBJECT: Asset Forfeiture Fund Budget Adjustment

RECOMMENDATION:

It is requested that Council authorize staff to establish a budget in the amount of \$121,980 with Asset Forfeiture Funds to purchase equipment, services and training for front-line law enforcement operations.

FISCAL ANALYSIS:

The Asset Forfeiture Fund will be reduced by \$121,980 leaving an available fund balance of \$117,839.57.

PREVIOUS ACTION:

City Council approved an Asset Forfeiture budget adjustment on October 5, 2011 to purchase training and equipment for police officers.

BACKGROUND:

The U.S. Department of Justice (DOJ) transfers a percentage of seized assets to the City of Escondido which have been confiscated during local DOJ seizure or forfeiture efforts. These assets or funds are deposited into the City's Asset Forfeiture Account and must be used to purchase equipment or services to support law enforcement purposes. They may not be used to supplant items in the City's operating budget.

The Police Department requests your approval to set up a budget to spend \$121,980 to purchase the following equipment, training and services:

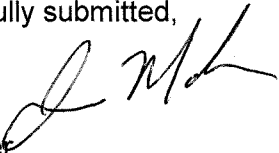
Item	Estimated Cost
ProQA (Dispatcher EMS) Training and Equipment Costs	\$ 25,065.00
Helmets for the Gang Unit	\$ 4,300.00
Police Canine	\$ 10,345.00
Canine Equipment (Kennel, Bite Sleeve, Leashes, etc.)	\$ 4,000.00
Canine Handler Training (Training Course, Per Diem, Lodging, etc.)	\$ 8,700.00
Motor Officer Training Course	\$ 665.00
Motor Officer Equipment (Helmet, Boots, Gloves, Bike Rental, etc.)	\$ 5,600.00
Police Officer Special Detail Overtime	\$ 46,480.00
Police Officer Special Detail Overtime Overhead	\$ 3,520.00

Asset Forfeiture Fund Budget Adjustment
Page 2

Plotter for Crime Analysis Mapping	\$ 1,540.00
Printers (Investigations Division 2, Records Division 1)	\$ 7,500.00
Radar for the Traffic Division	\$ 2,400.00
Scanner for Crime Analysis	\$ 950.00
Surveillance Cameras for the Investigations Division	\$ 915.00
	Total: \$121,980

If approved by your action today, purchases will enhance law enforcement efforts.

Respectfully submitted,



Jim Maher
Chief of Police



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8

Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Robert Zornado, Assistant City Clerk

SUBJECT: Destruction of Records

RECOMMENDATION:

That the City Council adopt Resolution No. 2011-160 authorizing the destruction of the specified Police Department record files listed in Exhibit "A", which is attached to the Resolution.

FISCAL ANALYSIS:

None

GENERAL PLAN ANALYSIS:

Not applicable.


PREVIOUS ACTION:

Not applicable.

BACKGROUND:

The records listed on proposed Resolution No. 2011-160 are more than two years old, do not affect the title to real property or liens thereon, are not court records, are not required to be kept further by a statute and are no longer required by the City. Authority to destroy these records is requested as provided by Government Code Section 34090 of the State of California and the City's adopted Records Retention Schedule. Said records consist of documents identified in Resolution 2011-160 which are those Police Department record files listed in Exhibit "A". The Chief of Police and the City Attorney's office have approved these records for destruction.

Respectfully submitted,


Robert C. Zornado, CMC, CRM
Assistant City Clerk

RESOLUTION NO. 2011-160

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE DESTRUCTION OF
CERTAIN POLICE DEPARTMENT RECORDS
SET FORTH IN EXHIBIT A

WHEREAS, the City Clerk of the City of Escondido has described and identified files and the listed Police Department Records that are more than two (2) years old, do not affect the title to real property or liens thereon, are not court records, are not required to be kept further by a statute and are no longer required by the City Clerk as listed in Exhibit "A", and are of a classification qualifying for destruction in accordance with the provisions of Government Code Section 34090; and

WHEREAS, the City Attorney consents to the destruction of the described records in the certification and application of the City Clerk as set forth in the attached Exhibit "A", which is incorporated by this reference.

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 Council finds that there is good cause to approve the destruction of the identified records as set forth in Exhibit "A".

Grant Files for Destruction

Alcoholic Beverage Control Law Enforcement Grant – Shoulder Tap 2000
Alcoholic Beverage Control Law Enforcement Grant 2001
Alcoholic Beverage Control Law Enforcement Grant 2002
Alcoholic Beverage Control Law Enforcement Grant 2003
Alcoholic Beverage Control Law Enforcement Grant Application
Bullet Proof Vest Partnership Program 2000-01
Bullet Proof Vest Partnership Program 2001-02
Local Law Enforcement Block Grant - LLEBG 1997
Local Law Enforcement Block Grant - LLEBG 2004
Office of Traffic Safety DUI Collision Corridor Project Grant 2005
Office of Traffic Safety DUI Pace Car Grant 2004-05
Office of Traffic Safety Mini-Grant – You Drink, You Drive, You Loose 2004
Office of Traffic Safety Mini-Grant 2003-04
Office of Traffic Safety Seatbelt Compliance Campaign 2005 - GSBC05
Office of Traffic Safety Seatbelt Compliance Campaign 2006 - GSBC06
Office of Traffic Safety Side Show and Street Grant 2005-06
Tobacco Control Resource Program 2002
Troops to COPS 1999

Task Force Reimbursement Files for Destruction

Regional Auto Theft Task Force 1995
Regional Auto Theft Task Force 1996
Regional Auto Theft Task Force 1997
Regional Auto Theft Task Force 1998
Regional Auto Theft Task Force 1999
Regional Auto Theft Task Force 2000
Regional Auto Theft Task Force 2001
Regional Auto Theft Task Force 2002

San Diego County Integrated Narcotic Task Force 1996
San Diego County Integrated Narcotic Task Force 1997
San Diego County Integrated Narcotic Task Force 1998

San Diego County Integrated Narcotic Task Force 1999
San Diego County Integrated Narcotic Task Force 2000
San Diego County Integrated Narcotic Task Force 2001

Jurisdiction Unified for Drug/Gang Enforcement 1995
Jurisdiction Unified for Drug/Gang Enforcement 1996
Jurisdiction Unified for Drug/Gang Enforcement 1997
Jurisdiction Unified for Drug/Gang Enforcement 1998
Jurisdiction Unified for Drug/Gang Enforcement 1999
Jurisdiction Unified for Drug/Gang Enforcement 2000

Gang Task Force 1996
Gang Task Force 1997
Gang Task Force 1998
Gang Task Force 1999
Gang Task Force 2000
Gang Task Force 2001
Gang Task Force 2002

Victim/Witness Assistance Agreement dated 03/1992
Victim/Witness Assistance Agreement dated 03/1993
Victim/Witness Assistance Agreement dated 03/1994
Victim/Witness Assistance Agreement dated 03/1995
Victim/Witness Assistance Agreement dated 03/1996
Victim/Witness Assistance Agreement dated 03/1997

Organized Crime Drug Enforcement Task Force SW-CAS-260

Violence Against Women Act Task Force MOU dated 9/16/1997

HIDTA Operational Agreement dated 11/22/1993

Narcotic Information Network Participation Agreement dated 07/01/1992

Forensic Health Service/Palomar Medical Center MOU dated 06/25/1999

Domestic Violence Stalking Unit Operation Agreement dated 06/26/2001

Elderly Abuse Advocacy and Outreach Program Operational Agreement dated
01/14/1999

RECORDS TO BE PURGED	YEARS	RETENTION PERIOD
TRAFFIC CITATIONS & COURT LISTS	2003 - 2009	2 YRS
DAILY WATCH LOGS/RESUMES	1999 - 2004	7 YRS
PARKING CITATIONS	2000 - 2009	2 YRS
PARKING CITATIONS-VOIDS/DISMISSALS/LOGS	2000 - 2009	2 YRS
RIDE-ALONGS	2004 - 2008	3 YRS
JUVENILE CONFINEMENT LOGS	2001 - 2008	3 YRS
FIELD INTERVIEWS	2000 - 2009	2 YRS
JUVENILE SEALED RECORDS	1999 - 2006	5 YRS
<u>Training Division Records</u>		
Personnel Files-Non-Select	2006-2007	4 YRS
In-active Personnel	2002-2006	5 YRS

Items to be destroyed include all calls (911 and non emergency) received by the communications center and radio recordings for the time periods listed on each recorded disc.

Disc 5.2 GB (Wordnet Recorder Discs)

Side 1

Side 2

August 31, 2007 to September 13, 2007	September 24, 2007 to October 1, 2007
September 13, 2007 to September 24, 2007	October 1, 2007 to October 9, 2007
October 16, 2007 to October 22, 2007	October 28, 2007 to November 3, 2007
November 3, 2007 to November 11, 2007	November 17, 2007 to November 25, 2007
November 11, 2007 to November 17, 2007	November 25, 2007 to December 7, 2007
December 21, 2007 to January 4, 2008	January 18, 2008 to February 1, 2008
February 1, 2008 to February 14, 2008	February 28, 2008 to March 8, 2008
March 21, 2008 to April 4, 2008	April 17, 2008 to May 1, 2008
April 4, 2008 to April 17, 2008	May 1, 2008 to May 14, 2008
May 14, 2008 to May 28, 2008	June 10, 2008 to June 23, 2008
May 28, 2008 to June 10, 2008	June 23, 2008 to July 6, 2008
July 6, 2008 to July 19, 2008	August 2, 2008 to August 15, 2008
July 19, 2008 to August 2, 2008	August 15, 2008 to August 29, 2008
September 6, 2008 to September 19, 2008	**No recording on 2 nd side**
September 19, 2008 to October 3, 2008	October 17, 2008 to October 31, 2008
October 3, 2008 to October 17, 2008	October 31, 2008 to November 14, 2008
November 14, 2008 to November 27, 2008	December 11, 2008 to December 25, 2008

Disc 9.4 GB (NICE Recorder Discs)

Side 1

Side 2

October 22, 2007 to October 25, 2007	**No recording on 2 nd side**
November 26, 2007 to December 20, 2007	January 9, 2008 to January 30, 2008
November 27, 2007 to January 10, 2008	January 29, 2008 to February 20, 2008
December 7, 2007 to December 28, 2007	**No recording on 2 nd side**
December 11, 2007 to December 27, 2007	December 29, 2007 to January 5, 2008
January 5, 2008 to January 25, 2008	January 25, 2008 to February 16, 2008
February 16, 2008 to March 3, 2008	March 16, 2008 to April 3, 2008
February 5, 2008 to March 10, 2008	March 27, 2008 to April 19, 2008
March 4, 2008 to March 29, 2008	April 7, 2008 to May 9, 2008
April 3, 2008 to April 6, 2008	March 3, 2008 to March 16, 2008
April 3, 2008 to April 24, 2008	October 25, 2007 to November 10, 2007
April 24, 2008 to May 4, 2008	November 7, 2007 to November 30, 2007
May 9, 2008 to May 30, 2008	**No recording on 2 nd side**
May 30, 2008 to June 9, 2008	June 8, 2008 to June 9, 2008
June 5, 2008 to June 26, 2008	June 25, 2008 to July 11, 2008

June 30, 2008 to August 12, 2008
August 30, 2008 to September 8, 2008

July 10, 2008 to July 30, 2008
September 3, 2008 to September 4, 2008

Additionally, I request to retire the Wordnet Recorder server that contains approximately 18 months of historical data up to the date of our move to the new PAFHQ on May 18th. As a result of the relocation the server did not power back up, therefore any data disc historical recordings recorded with this system are no longer retrievable. In addition any data discs recorded with this system must also be destroyed.

Disc 5.2 GB (Wordnet Recorder Discs)

Side 1

January 8, 2009 to January 21, 2009
January 21, 2009 to February 4, 2009
February 19, 2009 to March 3, 2009
March 3, 2009 to March 16, 2009
March 30, 2009 to April 13, 2009
May 10, 2009 to May 23, 2009
May 23, 2009 to June 5, 2009
July 2, 2009 to July 16, 2009
July 16, 2009 to July 30, 2009
July 15, 2009 to July 27, 2009
August 27, 2009 to September 9, 2009
September 9, 2009 to September 23, 2009

Side 2

February 4, 2009 to February 19, 2009
No recording on 2nd side
March 16, 2009 to March 30, 2009
April 13, 2009 to April 27, 2009
April 27, 2009 to May 10, 2009
June 5, 2009 to June 18, 2009
June 18, 2009 to July 2, 2009
July 30, 2009 to August 13, 2009
August 13, 2009 to August 27, 2009
August 8, 2009 to August 20, 2009
September 23, 2009 to October 6, 2009
October 6, 2009 to October 20, 2009

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Orcl No. _____

Agenda Item No.: 9

Date: Dec. 14, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Joyce Masterson, Assistant to the City Manager

SUBJECT: Modification to Fund Balance Policy and Consulting Agreement for Economic Development Master Plan and CEDS

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2011-151 modifying the Fund Balance Policy and authorizing the Mayor and City Clerk to execute a consulting agreement with Natelson-Dale Group, Inc. to complete an economic development master plan and Comprehensive Economic Development Strategy (CEDS), and authorize a budget adjustment in the amount of \$96,330 from the General Fund Economic Development Commitment Fund to the City Manager's Professional Services account (5131-001-002) to fund the project.

FISCAL ANALYSIS:

Currently, there is \$8,559,255 in the General Fund Economic Development Commitment Fund. If this request is approved, it will reduce the fund to \$8,462,925. As a reminder, Council has expressed its desire to use the General Fund Economic Development Commitment Fund, if needed, to protect the City's Redevelopment Agency.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Economic Development.

PREVIOUS ACTION:

None

BACKGROUND:

On September 14, 2011, the City Council approved the 2011-2012 City Council Action Plan. The Action Plan included the strategy of directing staff to contract with a consultant to build upon the draft Economic Development element of the General Plan to create a comprehensive economic development plan for Escondido, utilizing the General Fund Economic Development Commitment Fund.

The City of Escondido released a request for proposals (RFP) on September 1, 2011 for a consultant to complete an economic development master plan for the City. A revision to the RFP was released on September 22, 2011 requiring that the economic development master plan also qualify as a Comprehensive Economic Development Strategy (CEDS) based on Federal Economic Development Administration (EDA) criteria.

Proposals were received from the following six consultants: AECOM, Angelou Economics, BW Research Partnership, Chabin Concepts, the Natelson-Dale Group, Inc. and TIP Strategies. The proposal review committee consisted of the City Manager, City Attorney, Assistant City Manager, Assistant to the City Manager, Principal Planner and Management Analyst. Three of the six consultants, AECOM, Chabin Concepts and the Natelson-Dale Group, Inc., were invited to be interviewed by the proposal review committee and The Natelson-Dale Group, Inc. was selected. This recommendation was presented to the Economic Development Subcommittee at its November 29, 2011 meeting and was supported by the Subcommittee. If approved by the City Council, a Notice to Proceed is expected to be issued in January, with the project completion scheduled for April 2012.

A copy of the Natelson-Dale Group, Inc.'s proposal is included with this staff report as "Attachment A" of the Consulting Agreement. Roger Dale and Paul Hendershot, representing the firm, will provide Council with a brief presentation of their scope of work and approach to the project.

Respectfully submitted,



Joyce Masterson
Assistant to the City Manager

RESOLUTION NO. 2011-151

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, MODIFYING THE CITY OF ESCONDIDO FUND BALANCE POLICY, GENERAL FUND RESERVE AND ECONOMIC DEVELOPMENT COMMITMENT FUND BALANCE FOR THE GENERAL FUND AND OTHER CITY FUNDS AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A CONSULTING AGREEMENT WITH THE NATELSON-DALE GROUP, INC. FOR COMPLETION OF THE ECONOMIC DEVELOPMENT MASTER PLAN AND COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDs)

WHEREAS, the Governmental Accounting Standards Board ("GASB") has issued its Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions with the intent of improving financial reporting by providing fund balance categories that will be more easily understood; and

WHEREAS, the City Council of the City of Escondido has adopted Resolution No. 2011-56, the Fund Balance Policy; and

WHEREAS, the Fund Balance Policy provides that the City Council may commit General Fund balance for specific purposes by taking formal action and these committed amounts cannot be used for any other purpose unless the City Council removes or changes the specific use through the same formal action to establish the commitment; and

WHEREAS, the City Council has determined that the General Fund Reserve balance be established at \$19,295,333; and that the General Fund Economic

Development Reserve be established at \$8,559,255; and

WHEREAS, the City Council has determined that the specific purposes for which the General Fund Economic Development Reserve be used to fund any capital project that spurs economic development, and funding the economic development master plan and CEDS for \$96,330 qualifies under this definition; and

WHEREAS, the 2011-2012 City Council Action Plan was approved on September 14, 2011, which directed staff to contract with a consultant to create a comprehensive economic development plan for Escondido; and

WHEREAS, the City staff selection committee conducted a thorough consultant selection process by releasing a request for proposals (RFP), reviewing proposals and conducting interviews with prospective consultants; and

WHEREAS, at the conclusion of the selection process, the City staff selection committee determined that the Natelson-Dale Group, Inc. was the best qualified consultant to complete the economic development master plan and CEDS, and recommends entering into a Consulting Agreement ("Agreement") with them for \$96,330 to complete the project; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to enter into said 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 hereby establishes and approves the new balance

of the General Fund Economic Development Reserve at \$8,462,925 as of the date of this Resolution, and \$96,330 for the City Manager's Professional Services account be established in the fiscal year 2011/12 budget.

3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, an Agreement with the Natelson-Dale Group, Inc. in the amount of \$96,330 to complete the economic development master plan and CEDS for the City of Escondido. A copy of the Agreement is attached as Exhibit "1" and is incorporated by this reference.



CITY OF ESCONDIDO
CONSULTING AGREEMENT

This Agreement is made this _____ day of _____, 20__.

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Joyce Masterson, Assistant to the City Manager
(760) 839-4621
("CITY")

And: The Natelson-Dale Group, Inc.
24835 E. La Palma Ave., Suite I
Yorba Linda, CA 92887
Attn: Roger A. Dale, Managing Principal
(714) 692-9596
("CONSULTANT")

Witness that whereas:

- A. It has been determined to be in the CITY's best interest to retain the professional services of a consultant to complete an economic development master plan and Comprehensive Economic Development Strategy (CEDS); and
- B. The CONSULTANT is considered competent to perform the necessary professional services for CITY;

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

- 1. Services. The CONSULTANT will furnish all of the services as described in "Attachment A" which is attached and incorporated by this reference.
- 2. Compensation. The CITY will pay the CONSULTANT in accordance with the conditions specified in "Attachment A," in the sum of \$96,330. Any breach of this Agreement will relieve CITY from the obligation to pay CONSULTANT, if CONSULTANT has not corrected the breach after CITY provides notice and a reasonable time to correct it. If this Agreement is amended at any time, additional compensation of CONSULTANT contained in subsequent amendment(s) shall not exceed a cumulative total of twenty-five percent (25%) of the maximum payment provided for in this Section 2.

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

Acknowledged by CONSULTANT _____

Waiver appropriate by CITY _____

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

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

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

23. E-Verify Participation. CONSULTANT agrees to enroll in and begin use of the United States Department of Homeland Security's ("DHS") E-Verify program ("E-Verify") within thirty (30) days of the execution of this Agreement to confirm employment eligibility of all of CONSULTANT'S potential new hires. CONSULTANT agrees and understands that E-Verify enrollment requires CONSULTANT to sign a Memorandum of Understanding ("MOU") with DHS which provides the E-Verify terms of use. Any violation of the MOU by CONSULTANT is grounds for DHS' termination of CONSULTANT'S participation in the E-Verify program. Any such termination by DHS shall constitute grounds for City's immediate termination of this Agreement.

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

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

Marsha Whalen
City Clerk

(Consultant name)

Date: _____

(Consultant signature)

Title

(The above signature must be notarized)

APPROVED AS TO FORM:

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

By: _____

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

Proposal for
Professional Services

**ECONOMIC DEVELOPMENT
MASTER PLAN**

October 10, 2011

Submitted to:

City of Escondido

Submitted by:

THE NATELSON DALE GROUP, INC.
24835 E. La Palma Avenue, Suite 1
Yorba Linda, California 92887
Phone: (714) 692-9596
Fax: (714) 692-9597
www.natelsondale.com

Contact:

Roger A. Dale, Managing Principal
Email: dale@natelsondale.com

In Association with:

Hendershot Economics
San Diego, California

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- Appendix A: Resumes of Key Personnel
- Appendix B: Company Profile
- Appendix C: Sample Work Product – San Joaquin County CEDS
- Appendix D: Sample Work Product – Santa Maria Downtown Market Study

I. Executive Summary

Overview of the Team

The Natelson Dale Group, Inc. (TNDG) is a real estate and economic development consulting firm established in southern California in 1974. Our practice focuses largely on the planning and implementation of business retention/expansion/attraction programs. From this work, we have developed nationally recognized expertise in five key areas: 1) Industry Targeting Analysis, 2) Retail Attraction Strategies; 3) Downtown and Corridor Revitalization; 4) Integration of Economic Development with Workforce Development, and 5) Structuring of Local and Regional Economic Development Partnerships. Our work often involves direct linkages between a community's industry attraction plans and its real estate development potentials. In this regard, we have a strong understanding both of local real estate markets and of the larger regional economic trends that drive demand for commercial and industrial development.

TNDG is a "boutique" firm not only in terms of size, but also in terms of philosophy and approach. While we effectively compete with much larger firms for prominent contracts, we have a decided preference for mid-sized projects requiring a "hands on" approach and genuine strategic thinking. In this regard, the firm's principal personally manages every contract and maintains primary contact with the client. As our references will attest, exceptional responsiveness to the unique needs of each client is a hallmark of our approach.

Our work in economic development strategic planning includes the following prominent projects: an economic recovery strategy for the County of Los Angeles; a multi-disciplinary Economic Development Strategic Plan for the San Gabriel Valley Council of Governments; and a business development strategy relating to the City of Anaheim's development of fiber optics infrastructure. More recently, we have completed target industry analyses and economic development strategies for the City of Burbank, the City of Tracy, the County of San Joaquin, and the County of Kern, California; the County of Yuma, Arizona; the County of Guilford, North Carolina; and the Tri-Cities area of Northeast Tennessee/Southwest Virginia. We have also developed several strategies related to "clean tech" activities, including the economic development component of the Solar LA plan, and a comprehensive business plan for an "eco industry" park in the City of Ventura.

We also have considerable experience in forecasting demand for retail, office and industrial development, working both for private developers and for municipalities. In this regard, we have completed retail "leakage" analyses and related development strategies for the cities of Agoura Hills, Beverly Hills, Burbank, Calabasas, Canyon Lake, Chandler (Arizona), Chino, Escondido, Garden Grove, Glendora, Los Angeles, Ontario, Pasadena, Phoenix, Pomona, Poway, Redondo Beach, San Bernardino, San Clemente, Santa Maria, Simi Valley, Solano Beach, West Hollywood, and Ventura. In addition, we have prepared market feasibility studies for private retail development projects throughout California, Arizona and Hawaii.

Hendershot Economics. Paul Hendershot is an independent economist based in San Diego and also serves as Adjunct Professor of Applied Economics for the University of North Texas. He specializes in regional economic development strategies, impact analysis, public policy, technology, and research/survey programs. He has a strong working relationship with the San Diego Regional Economic Development Corporation (EDC) and currently serves as the EDC's

house economist/researcher. In this capacity he has prepared a "Welcome to San Diego" regional overview publication, and has also completed profiles of the Software and Defense/Security industries in San Diego County. He is currently completing work to define the southern California Life Sciences industry for BIOCUM.

His previous positions include the Director of Research for the Dallas Regional Chamber of Commerce. During his tenure with the Chamber, he completed over 100 unique economic development projects, resulting in the creation and/or retention of over 50,000 jobs. He was recognized by Gov. Rick Perry for collaborating with the Texas Department of Economic Development and awarded the Governor's Cup by *Site Selection* magazine.

Overview of Approach and Work Scope

TNDG's Scope of Work for this project is presented, in the main body of this proposal, in a table format, in which the city's requirements are shown in the left column and the Team's approach to meeting those requirements is shown in the right-hand column. The approach also notes where the Team will be giving particular attention to incorporating the work performed into a CEDS document. The Team's scope of work essentially follows the outline as presented in the RFP, with a few additions. These additions include, early in the process, the preparation of a preliminary version of a market overview and a summary of key market conditions affecting each of the City's targeted development/redevelopment areas. With this addition, and throughout the overall scope of work, the Team's intent is to combine focused research with input from stakeholders, using the research to inform discussions with stakeholders, and vice versa. All research steps will begin with a review of existing reports and other relevant documentation.

As part of the needs assessment, the TNDG Team will prepare a matrix of market-related characteristics affecting the City's priority development areas: attributes, challenges, existing development "inertia," the potential for redevelopment, etc. – as these conditions pertain to retail/service development and the goal of growing the industry/job base. All of these areas, those of highest priority and other areas, will also be reviewed within the matrix in terms of how each fits with the overall vision of expanded retail/services and job development. Analysis of all these areas will include review of Specific Plans, Master Plans, and other related existing documents. For City-owned property within the redevelopment area, the TNDG team will propose and analyze strategies that leverage City ownership as an important strategic advantage and achieving success in this location.

For the review of fees, policies, regulations, codes, etc., the TNDG Team will review this issue in terms of the need to maintain an appropriate balance between the fiscal needs of the City and competitive realities. The Team's comparative analysis of other places will include a group of key competitive cities, and also recognize that the different development contexts among comparison cities must be included in the analysis.

TNDG's innovative and comprehensive approach to identifying specific industrial targets of opportunity will utilize multiple methodologies supported by stakeholder input. The four approaches will include: a) assessments of competitive positioning of the Escondido economy compared to a specified aspirational community, b) identification of industries demonstrating locally competitive, endogenous growth characteristics, c) cluster analysis based on trade flows, and d) competitive occupational targeting. The four methodologies, when combined, constitute a rigorous assessment that goes beyond what any single methodology can achieve.

II. Summary of Experience and Technical Competence

A. Key Projects / Client References

Project: CEDS for San Joaquin County
Date Completed: 2010
Contract Amount: \$40,000
Client Contact: Mr. Fran Aguilera
Economic Development Director
Employment & Economic Development Department
San Joaquin County
(209) 468-3615
faguiler@sicworknet.org

Work completed: TNDG prepared a Comprehensive Economic Development Strategy (CEDS) document for San Joaquin County. In addition to writing the CEDS document, TNDG was responsible for facilitating the CEDS Strategy Committee (as required by the U.S. Economic Development Administration). TNDG also coordinated extensively with the individual cities in the County to define an integrated economic development strategy and to identify and rank candidate projects for EDA funding. As part of the technical/background research for the CEDS, TNDG completed a county-wide target industry/cluster analysis.

Project: Yuma County Workforce & Economic Development Summit
Date Completed: 2011
Contract Amount: \$189,000
Client Contact: Mr. John O. Morales
Executive Director
Yuma Private Industry Council, Inc.
(928) 329-0990
jmorales@ypic.com

Work completed: TNDG facilitated a Workforce and Economic Development Summit for Yuma County. The consultants' work for the six-month Summit process involved substantial background research and analysis; facilitation of a series of Summit meetings with approximately 70 local stakeholders; and preparation of a comprehensive Action Plan. As part of the analytical work, the consultants identified key industry "clusters" suitable for diversifying Yuma's economic base. The cluster analysis was premised on Yuma's strategic position within the Arizona/California/Mexico border region. The Summit process was originally completed in 2001; based on the success of the original effort, the client retained TNDG to repeat the process in 2010-2011.

Project: **Market Study for Route 66 (Alosta Avenue) Corridor Plan**
Date Completed: 2001
Contract Amount: \$70,000
Client Contact: Mr. David Chantarangsu
Planner
City of Glendora
(626) 914-8214
dchantarangsu@ci.glendora.ca.us

Work completed: TNDG completed a detailed market analysis to define future development potentials and related implementation strategies for the Alosta Avenue Corridor (Route 66) in the City of Glendora. The study area encompassed three redevelopment project areas. TNDG's work provided the basis for a subsequent Specific Plan which has been successfully implemented.

B. Other Relevant Project Experience

Preparation of Economic Development Strategies:

Los Angeles, California: Economic Development Strategy for Solar LA. TNDG was retained by the Los Angeles Department of Water and Power in March 2009 to generate a Strategic Action Plan to expand solar-industry activity in Los Angeles. The work was part of LADWP's mission to implement the Solar LA plan/ The objective of the Strategic Action Plan is to leverage the investment associated with Solar LA to develop a solar industry cluster in Los Angeles and maximize the creation of cleantech jobs. TNDG's work involved an in-depth assessment of the solar energy "value chain" to identify the specific industry segments (with a particular focus on manufacturing activities) that would be viable for attraction to Los Angeles.

Ventura, California: Development Strategy for "Eco Industry" Cluster. TNDG completed a feasibility study and business plan for the development of an eco-industrial park (EIP) in the City of San Buenaventura. The intent of the program is to attract "eco industrial" users to major Brownfield sites currently occupied with abandoned oil production facilities. TNDG's work included a detailed market analysis of the eco industry cluster; review of "best practices" for EIP development based on a national survey of existing parks; identification of state and federal funding sources applicable to the project; and a detailed business plan for implementation. The plan focuses on positioning the EIP as the centerpiece of a countywide industry cluster focused on resource recovery, related manufacturing and alternative energy development.

Ventura County, California: Tourism Development Plan for Heritage Valley. TNDG served as the lead consultant for the preparation of an Implementation Plan for the Heritage Valley – a tourism-based economic development initiative for the Santa Clara River Valley area of Ventura County. TNDG's work involved a market demand analysis to project potential visitation levels to the area's existing and developing tourist attractions; a financial analysis to project the public and private costs and revenues associated with the potential visitation; and forecasts of the amount of commercial space (i.e., hotel, retail and restaurant facilities) necessary to accommodate the indicated visitation levels. In addition to the technical assessments, the final work product included a detailed action plan outlining the specific steps necessary to bring the indicated potentials to fruition.

Burbank, California: Economic Diversification Strategy. The team developed a comprehensive Action Plan to guide the City of Burbank's economic development programming over the next five to ten years. As background to the strategic recommendations, TNDG completed an industry "cluster" analysis to identify new sectors into which the City's economy can diversify, and a detailed "competitive assessment" identifying Burbank's competitive position within the state. Given Burbank's status as an international center of media firms, considerable attention was given to evaluating national and international trends in the entertainment and media industries.

Anaheim, California: Industry Location Analysis and Marketing Program. TNDG developed a comprehensive marketing program for the City of Anaheim conjunction with a national communications firm. TNDG's work focused on assessing Anaheim's strengths as they relate to industrial attraction and identifying specific industry clusters which the City should emphasize in its marketing efforts. TNDG's recommendations included a special focus on multi-media and high technology firms that would be attracted to the fiber optics network then under development in the City.

Arvin, California: Comprehensive Economic Development Strategy (CEDS). TNDG completed a target industry analysis and Comprehensive Economic Development Strategy (CEDS) for the City of Arvin, as part of the South Valley Economic Initiative of Kern County. The focus of TNDG's work was to identify immediate and longer-term opportunities to diversify the area's industry mix. The CEDS also included significant emphasis on improving the area's physical infrastructure and institutional capacity for workforce and economic development.

Kern County, California: Economic Development Strategic Plan . TNDG was retained in 1998 by the County of Kern to develop a strategic plan to create the approximately 20,000 new jobs needed for the County to fulfill its obligations under the CalWORKS (welfare-to-work) program. The consultants' work included a comprehensive assessment of the County's workforce development programs, as well as a detailed industry "cluster" analysis to identify the sectors with the greatest potential for employment growth meeting the needs of the county's workforce. The target industry analysis included an in-depth assessment of the county's and the state's competitiveness within a five-state region. The Strategy was developed over approximately a one-year time frame and involved a substantial public outreach effort.

Greensboro (Guilford County), North Carolina: Industry Attraction Strategy. TNDG prepared an industry "cluster" analysis and attraction strategy for the Greensboro Economic Development Partnership. The focus of the strategy is to expand the community's base of high-technology sectors to offset the ongoing declines of Greensboro's traditional mainstay industries (tobacco, apparel and furniture manufacturing). The analysis involved defining Guilford County's potential niche markets within a 13-county reference area, and also included a review of statewide potentials vis-à-vis the overall Mid-Atlantic region. Given Guilford's proximity to the Raleigh-Durham area, significant attention was devoted to identifying potential linkages to high-tech activities at the Research Triangle Park. The strategy also outlines an innovative proposal for a "virtual research park" to more fully leverage the unique concentration of colleges and universities in Greensboro.

Northeast Tennessee/Southwest Virginia: Target Industry Analysis. The TNDG team completed an industry cluster analysis for the Tri-Cities Economic Development Alliance. The purpose of the study was to identify target industries/clusters for this 10-county region in Northeast Tennessee/Southwest Virginia. The newly-formed Alliance is currently implementing a regional marketing and business attraction plan based on the study recommendations.

Fresno, California: Federal Empowerment Zone (EZ) Application. The TNDG team prepared a successful application resulting in Fresno's designation as one of only seven urban Empowerment Zones under Round III of the EZ program. Fresno's submission was ranked number one in the country during this application round. TNDG was responsible for the overall management of several hundred stakeholders involved in various aspects of the application process, including a diverse range of city, county, state and federal agencies; various California State University and University of California institutes; a number of private economic development organizations; key corporate stakeholders; and the general public.

Los Angeles, California: Federal Empowerment Zone (EZ) Application. TNDG was retained by the City of Los Angeles to prepare an application under Round II of the EZ program. The application focused on creating economic development strategies for three highly distressed areas of the City. The work was completed within an extremely compressed (five-week) timeframe and required developing an integrated strategic plan involving several dozen collaborating agencies.

San Bernardino County, California: High Desert Industry Cluster Analysis. TNDG completed an industry cluster analysis and developed related marketing recommendations for the High Desert Regional Economic Development Authority. The assignment involved a detailed analysis of employment sector trends throughout the five-county southern California region, and placed particular emphasis on identifying industry segments with a strong propensity to relocate from the Los Angeles basin to lower cost locations such as the High Desert. Based on the analysis, TNDG recommended a "short list" of three industry clusters that became focus of REDA's recruitment efforts and outlined a multi-pronged marketing approach consistent with the locational criteria of the target industries.

Los Angeles, California: San Gabriel Valley Council of Governments (SGVCOG) Economic Development Strategic Plan. TNDG served as prime contractor for an integrated study for the SGVCOG involving the development of an Economic Development Strategy for the region. This multi-jurisdictional plan involved integrating the distinct (and sometimes conflicting) agendas of 30 separate municipalities, and achieving ultimate consensus on mutual priorities for improving the region's overall business and development "climate." In addition to serving in this facilitation role, TNDG prepared a number of technical background studies to inform the policy-making process. These included an evaluation of the region's regulatory environment and an analysis of prospective target industries.

The National and Regional Directory of Targeted Growth Industries. TNDG published *The National and Regional Directory of Targeted Growth Industries*, an economic development resource publication. This research involved review and summarization of several hundred economic development strategic plans and industry trends analyses from throughout the U.S.

Guam: Feasibility Study and Strategic Plan for Regional Distribution Center. TNDG was part of multi-disciplinary team that completed a feasibility study and strategic plan for the development of a regional distribution center in Guam. The center would build upon Guam's existing airport and seaport infrastructure to position Guam as a distribution hub serving various Asian countries and the continental United States. TNDG was responsible for the economic analysis components of the assignment. These included a county-by-country analysis of regional economic trends and shipping patterns, as well as projection of the potential cargo volumes that could be attracted to Guam under the proposed plan.

General Plan Economic Development Elements. TNDG has served as the project economist for General Plan processes for jurisdictions of all sizes. These assignments typically involve market demand forecasts (for all land use types), fiscal impact evaluations and preparation of Economic Development Elements. TNDG's General Plan clients include the following cities in California:

• City of Agoura Hills	• City of Ontario
• City of Beaumont	• City of Port Hueneme
• City of Calabasas	• City of Redondo Beach
• City of Chino	• City of Rialto
• City of Fontana	• City of San Bernardino
• City of Garden Grove	• City of San Clemente
• City of La Quinta	• City of Santa Monica
• City of Los Angeles	• City of Santa Paula
• City of Malibu	

Real Estate Market Studies and Development Strategies for Municipal Clients:

Santa Maria, California: Market Study and Implementation Strategy for Downtown Specific Plan. TNDG completed a comprehensive market potentials analysis as part of a Specific Plan process for Downtown Santa Maria. The study addressed the following land uses: retail/restaurant, office, entertainment, residential and industrial. The residential analysis included a focus on artists' lofts and other live-work units. The overall Plan is intended to reposition Downtown Santa Maria as a regional destination for shopping and entertainment. In addition to the market study, TNDG developed policy recommendations to guide implementation of the Plan and attract the desired types of private development.

Monrovia, California: ULI Advisory Services Panel for Transit Station and Downtown Connectors. TNDG Senior Associate Joe McClure participated in an Urban Land Institute panel consisting of an international team of economists, planners, and private and public-sector developers. The group was charged with preparing plans and recommendations on how best to integrate a future light-rail transit station, in a redevelopment area, into the fabric of the community, with particular attention on designing the best connection to the existing historic downtown. Residential, retail, light industrial, and office uses were addressed for this assignment.

Covina, CA: Mixed-use and Transit-Oriented Market Analysis for Downtown Specific Plan. TNDG was retained by the City of Covina to prepare an analysis of real estate market potentials for the downtown area. The study considered retail, office and residential land uses. In addition to projecting demand for the individual land uses, the analysis also evaluated the feasibility of mixed use and transit-oriented development within the downtown area. TNDG's work was completed as part of a specific plan process.

Los Angeles, California: Transited Oriented District Studies. TNDG served as the project economist on three separate multidisciplinary teams charged with defining development strategies for the areas surrounding various transit stations in the City of Los Angeles. The studies considered ¼- and ½-mile radii around each site and involved detailed assessments of transit-related market opportunities. TNDG was also responsible for recommending City policies and incentives to attract the desired development.

Panorama City, California: Market Analysis for CRA Project Area. TNDG completed a market study to define current and longer-term demand for additional retail and office development along the Van Nuys Boulevard corridor in Panorama City. This work was completed for the Community Redevelopment Agency (CRA) to assist in defining work program priorities for this project area.

San Clemente, California: Citywide Commercial and Industrial Market Analysis. TNDG completed 20-year demand forecasts for the following types of development in the City: retail (including neighborhood, community, "big box", outlet center and traditional regional components); movie theaters; office/industrial (including mid-rise, corporate headquarters, garden office, R&D, and "flex-space" components); hotel/motel/timeshare facilities. This work was an update of the market analysis that TNDG completed for the City's General Plan process in 1991.

Ontario, California: Retail Development Strategy for 60-Freeway Corridor . TNDG
completed a retail demand analysis for the 60 Freeway corridor in the City of Ontario. The purpose of the study was to define future retail development opportunities for the area based on the substantial population growth that is anticipated in the Chino and South Ontario areas over the next 20 years. The City will utilize the study's recommendations to improve its share of regional retail demand.

Pasadena, California: Residential, Commercial and Transit-Oriented Market Analysis for East Colorado Boulevard. TNDG completed a detailed market analysis to define future development potentials and related implementation strategies for the East Colorado Boulevard Corridor in the City of Pasadena. The market study considered residential, commercial and mixed-use development. This work was part of a Specific Plan process for the corridor. The recommended strategies include a focus on transit-related development opportunities relating to the Blue Line station.

Escondido, California: Downtown Market Analysis and Economic Development Program.
The City required a focused analysis of the historic downtown area to establish realistic future development opportunities. The analysis involved an extensive series of surveys, including personal surveys of businesses in the area, intercept surveys at major assembly points in the community and a random telephone survey of the primary and secondary market support areas. Specific indicators of demand for use types responsive to market requirements were determined, together with associated physical factors necessary to assure the attractiveness and appeal of the area. Particular attention was given the relationship of the Civic Center, Transit Center and hospital complex to the Downtown and recommended strategies to maximize economic development potential in the Downtown related to those activities.

C. Team Member Bios

The following personnel would be assigned to this project. Complete resumes are provided in Appendix A.

Roger A. Dale, Managing Principal, will serve as **Project Manager** for the assignment. In this capacity, he will be responsible for primary client liaison, day-to-day completion of work products indicated, and coordination of the overall project team. Mr. Dale will lead all public meetings for the project and will have primary responsibility for the development of the draft and final Economic Development Master Plan and CEDS. Mr. Dale has been a project manager with TNDG for 23 years and managed TNDG's work on most of the previous projects listed in this proposal. He received his B.A. cum laude in Economics from Claremont McKenna College in Claremont, California and also holds a master's degree in Resource and Environmental Economics from the University of California at Riverside.

Joseph E. McClure, Senior Associate, will be a principal participant throughout the process and will support Mr. Dale in the development of the draft and final Master Plan/CEDS documents. Mr. McClure has more than 30 years' experience in economic consulting, including a substantial focus on economic development in rural and suburban communities. Joe has an M.S. in Urban Planning from the University of Arizona and completed additional post-graduate work in economic geography at UA. He has a B.S. in Architecture from the University of Cincinnati.

Alan Levenson, Senior Associate, will support Mr. Dale in facilitating the stakeholder meetings. He would also support the analytical work on the "business friendliness" analysis (a comprehensive review of the City's fees, policies, regulations, codes and organizational structure as they affect the potential for business expansion). Mr. Levenson has served in a similar capacity for a number of previous economic development strategic plans completed by the team, including previous projects in Fresno, Kern County, Burbank, Mt. Shasta, Yuma (Arizona), and Greensboro (North Carolina). Mr. Levenson joined TNDG in 2000 after receiving his B.A. with honors in Economics and Political Science from the University of California at Riverside. He also holds a Master's in Business Administration degree, with a concentration in Real Estate Finance, from UCLA's Anderson School of Management.

Dustin Woodward, Associate, would support the team in base data compilation and GIS mapping. Mr. Woodward has worked on a number of major economic development projects. His diverse academic and work experience background includes such disciplines as urban revitalization, economic and development trend analysis, sustainable development, GIS, visualization and geospatial modeling, and environmental policy and management. Mr. Woodward obtained a M.S. in Nature, Society and Environmental Policy from the University of Oxford in Oxford, England, a M.S. in Urban Design from Carnegie Mellon University in Pittsburgh, Pennsylvania, and a B.S. in Urban Planning from Arizona State University.

Paul Hendershot, Principal of Hendershot Economics, would lead the target industry/cluster analysis, with a focus on the Cleantech and Precision Manufacturing industries. He would also be a key participant in the stakeholder outreach/interview process. Mr. Hendershot has a diverse background in regional economic analysis and currently serves as the house economist/researcher for the San Diego Regional EDC. He holds a B.A. in Sociology and M.S. in Applied Economics from the University of North Texas.

III. Scope of Work and Proposed Method to Accomplish the Work

UNDERSTANDING OF THE ASSIGNMENT

The city of Escondido needs an overall assessment of development potential in the broadest possible terms. The results of this assessment will lead to enhancements in the two major categories of economic activity:

1. The City's retail and service base, to both eliminate retail leakage and to maximize the City's opportunities within the larger surrounding region, and
2. Job-creating industries across the economic spectrum but with particular focus on the target industry clusters of cleantech and precision manufacturing.

Enhancing both retail/service and the export-oriented job base are mutually supportive endeavors, and both contribute to the local quality of life. While the TNDG team will address the specific areas of interest outlined in the RFP, we will do so with the "big picture" of what the City hopes to accomplish, and can reasonably expect to accomplish within forecast time frames, given:

- The underlying demographic and economic conditions within the city and the surrounding region, including both tangible measures of such conditions and less quantifiable indicators such as the extent to which residents and businesses seem prepared to engage in the best aspects of the networked, created society emerging from current economic upheavals.
- The resources that can be brought to bear, which will include those recommended as part of this assignment, and
- The goals and energy of the key stakeholders, who we will interview directly as part of this assignment, and the general citizenry (whose input should be available through the General Plan process).

EDA Requirements for CEDS Documents

Based on the September 22, 2011 addendum to the City's RFP, TNDG understands that the output of this assignment must be compatible with and recognize the requirements for the preparation of a Comprehensive Economic Development Strategy (CEDS). The CEDS document is the heart of coordinated regional economic development implementation, as viewed by the US Department of Commerce's Economic Development Administration (EDA). Access to EDA funding opportunities is dependent upon having those projects for which funding is sought included in the CEDS. However, the CEDS also provides a framework for overall economic development coordination, including public and private development projects, policies, etc. that do not necessarily have a direct relationship with EDA programs. At the same time, the CEDS is not necessarily intended to replace any other policy-guidance documents within the City of Escondido.

Projects for which EDA funding might be requested will ideally meet the agency's criteria listed below. At the same time, these criteria can help focus and coordinate strategic direction across a series of discrete projects.

In order for the City's Economic Development Master Plan to fulfill the CEDS requirements, TNDG's work scope would include the following supplemental tasks:

- Organizing and facilitating the required CEDS Strategy Committee, and other appropriate stakeholder/public outreach.
- Compiling the economic base data which form the basis of the CEDS;
- Compiling and integrating economic development program information for inclusion in the CEDS. This compilation should summarize the City's existing and planned economic development initiatives, as well as the relevant activities of regional and private sector organizations such as chambers of commerce, the San Diego Regional EDC, workforce investment boards, etc.
- Coordinating with City departments (and any collaborating non-city entities) to compile information on candidate projects for EDA funding and to organize this information in a consistent format for all listed projects.
- Developing systematic criteria for prioritizing and ranking candidate EDA projects.
- Presentation(s) of draft and final CEDS documents to City Council for formal adoption.
- Preparing final CEDS documents for submission to EDA (this would be the Master Plan document, formatted in manner that fulfills all EDA requirements).
- Coordination with EDA (including necessary consultations, revisions, etc.) to facilitate final approval of the document.

EDA Investment Policy Guidelines

A key function of a CEDS document is to identify and prioritize economic development projects that may be eligible for planning or infrastructure grants from the EDA. With this in mind, it is important that the CEDS be structured based on an understanding of the EDA's investment policy guidelines.

The EDA recently (in 2010) revamped its system for evaluating and processing grant applications. As part of this new process, EDA released a Strategic Priorities Worksheet that generally outlines the agency's current funding criteria. Although reflecting some "new" areas of emphasis relative to national strategic priorities, the listed criteria are largely consistent with EDA's longstanding criteria for evaluating grant applications. Our initial *general* interpretations of these longstanding criteria are summarized below, with the understanding that these will require further refinement within the CEDS process for Escondido. In general, however, we believe the CEDS should reflect these criteria.

A. Market Based: Are the proposed investments market-based? How will this stimulate the private economy?

Successful market-based investments are those that are efficient in competitive markets. The CEDS projects will focus on helping firms improve their competitive advantage and to help the region improve its overall comparative advantage. Stimulation of the private economy will come through promoting efficiency and expanding capacity.

B. Proactive Investments: Are the proposed investments proactive in nature and scope? How will this further economic planning?

A proactive approach is achieved in a number of ways, for example: 1) assessing recent changes in industry performance, 2) identifying emerging industries and trends, 3) allocating more investment to encouraging the expansion of sunrise industries than to delaying the demise of sunset industries, and 4) recognizing the need to introduce new quality upgrades, such as management information system (MIS) capabilities, into organizations that need to move into the next generation of capability. Economic planning is advanced through the documentation of these types of issues.

C. Economic Changes/Diversification: Do the proposed investments look beyond the immediate economic horizon, anticipate changes, and diversify the local and regional economy? What are the implications for the CEDS process?

Two types of strategies, as examples, can be applied to anticipate changes in markets and their supply and demand attributes. First, industries change in their utilization of labor and capital and these changes sometimes involve shifts in the location of production facilities. Changes in location of production and inputs and outputs can have substantial implications for firms and for regions. In some cases, problems can be avoided by anticipating negative shifts and diversifying the local production system. Second, in other cases a cluster¹ approach is recommended. The cluster approach involves building on existing strengths and expanding the variety of specific linked industries.

D. Private Capital Investment: Are investments maximizing private capital investment?

Any sustainable market-based investment must involve private capital investment. The "maximize private capital investment" test is often appropriate when evaluating the worthiness of a potential project. (Does the project encourage private investment, and are substantial private investments on the table to move the project forward?) Another dimension of this issue is how a project might lead to fuller utilization of existing private infrastructure in a region.

¹ Broadly speaking, an industry cluster is an agglomeration of firms and economic institutions that derive advantages from their close proximity and economic relationships. These advantages are diverse, ranging from the pooling of labor, knowledge spillovers, related institutions, or historical events. Clusters are akin to biological principals as well, serving as an economic ecosystem in various stages of an industries unique life cycle.

E. Success Anticipated: What is the probability of success?

Good investments will leverage *matching funds* from private sources, local and state sources, and appropriate federal programs. *Local political capital* supplied by elected officials can bring legitimacy to investment projects. *Human resources and human capital*, including the right managerial and operation team, will assure the proper initiation and operation of the investment. In short, investors of many kinds must be willing to "stand and be counted." When all types of participants are willing to risk money and reputation, confidence in the worthiness of the investment is increased.

F. Jobs Created: Will the proposed investment create an environment where higher paying, lucrative jobs are created?

Job creation is a worthy goal, and in most cases is best thought of in combination with creating "second stage opportunities" that promote upward mobility, professional advancement, and improved quality of life for a region's residents. Second stage opportunities are consistent with cluster-based strategies. Furthermore, encouragement of higher paying jobs can enhance indirect and induced benefits to the region.

G. Return on Taxpayer Investment: Does the proposed investment maximize return on Taxpayer Investment through benefits to the local economy and increases in tax base?

Taxpayer return will be maximized through new investment that meets the other criteria discussed above and is also sustainable and helps leverage additional investment. This additional investment could be in the form of expanded cluster industries, or simply the result of having created indirect benefits to a region.

SCOPE OF WORK

The TNDG Team's response to the work scope is shown below in table form in which the original language of the RFP is shown in blue type in the left column, and the Team's response in the right column.

RFP Work Scope Element	Consultant Response
Describe how the Economic Development Master Plan will fulfill EDA's Comprehensive Economic Development Strategy (CEDS) requirements	The TNDG Team will note in italics throughout this Scope of Work those elements that will specifically address CEDS requirements
TNDG Recommended sequence insert	In preparation for the meetings described in Section 1 of the RFP below, the TNDG team will prepare preliminary versions of two "chapters" of the final report/CEDS document: 1) A market overview document that compiles data on demographics, retail sales, the job base, relationship of jobs available in the city to the jobs held by residents, the

	<p>jobs/housing ratio, and similar data, and compares the data for the city of Escondido with that of the surrounding San Diego region, and the state as appropriate. The market overview will include a summary-level review of short-term, recession-related issues as well as changing fundamentals of economic structure at the national to local level, in terms of the San Diego region's historic economic base and key attributes of location, etc.</p> <p>2) A summary of key market conditions affecting each of the City's targeted development / redevelopment areas.</p> <p>This task will be accomplished through a review of existing documents and compilation of the latest data from local databases, the Census, state agencies, etc., an on-site review of the targeted areas, and the like. The results of this preliminary work will be presented to the city and summarized in handout form for the purpose of guiding the discussions with key informants as called for in the RFP. This background documentation will be incorporated into the CEDS.</p>
<p>1. Needs assessment – In consultation with each local and regional stakeholder listed on Attachment B, provide a detailed assessment of “the way things are and the way they should be” with regard to Escondido's business environment</p>	<p>The preparation for these meetings will include the handout described above and review of all potential information needs related to this study, in coordination with the City. Issues addressed in these consultations will include, at a minimum:</p> <ul style="list-style-type: none"> • Perceptions of current economic conditions, including short-term issues as well as the City's and County's position relative to long-term challenges and opportunities. • Identifying emerging opportunities for new or expanded existing economic activity, and challenges related to industry-wide setbacks and the like. • Reviewing and confirming existing goals for economic development. • Identifying challenges and opportunities associated with the geographic areas listed in the RFP. • Reviewing current target clusters and identifying new or revisions to industry clusters of interest, based on the above conditions and on other factors such as changes in the larger, surrounding region's economy, etc.

	<p>This group, potentially with some augmentation, would be constituted as the CEDS-required Strategy Committee. Per the EDA's CEDS guidelines, the Strategy Committee should include:</p> <ul style="list-style-type: none"> • Public officials; • Community leaders; • Representatives of workforce development boards; • Representatives of institutions of higher education; • Minority and labor groups; and • Private individuals.
a. Existing business and industry in Escondido with specific focus and attention paid to the following:	For all of these areas, the needs assessment will include an identification and preliminary prioritization and explanation of infrastructure and similar projects that will subsequently be included in the CEDS. The TNDG Team will coordinate closely with the City on the prioritization process, to maximize the usefulness of this list within the CEDS.
i. Areas of highest priority:	As part of the needs assessment, the TNDG Team will prepare a matrix of market related attributes, challenges, existing development "inertia," the potential for redevelopment, etc. – as these conditions pertain to retail/service development and the goal of growing the industry/job base. All of these areas, those of highest priority and other areas, will also be reviewed within the matrix in terms of how each fits with the overall vision of expanded retail/services and job development. Analysis of all these areas will include review of Specific Plans, Master Plans, and other related existing documents. The Team will incorporate appropriate business-related databases into the analysis. Specifically for the CEDS, this process will include a link between infrastructure needs and the areas supported by the infrastructure.
1. City-owned property in redevelopment area	The TNDG Team will propose and analyze strategies that leverage City ownership as an important strategic advantage in achieving success in this location.
2. Transit Center area	Issues here that the Team will address include scarcity of pedestrian-friendly retail in immediate vicinity, and some surrounding uses not fully compatible with TOD.
3. Downtown/Mercado	Assets here include the relatively large number of establishments, many locally owned shops, clothing, furniture, restaurants, bars, etc.
4. "Gateway" at Highway 78 and Broadway	Issues here that the Team will address include the presence of a Latino grocery store, the asset of the two plazas as anchors, and the issue of lower-end retail (Goodwill and Salvation Army). What is the potential compared to what exists? How important are the images associated with this and the EVP gateway?
5. East Valley Parkway	The Team will incorporate key relevant findings or previous study for this area into the discussions with stakeholders

	and analysis.
a. "Gateway" at Grand Ave/Valley Parkway	This typical big box retail plaza, with Target, Barnes and Noble, Michaels, Panda Express, Petco, Casual Male, and Bank of America, is occupied by retailers in varying degrees of long-term sustainability.
b. Central EVP	As part of the Needs Assessment, the TNDG Team will compile an inventory of existing uses/conditions in these areas, with a particular focus on identifying potential future "opportunity themes" and key development/redevelopment sites.
ii. Additional areas:	
1. Felicita Avenue and I-15 interchange	
2. Brotherton and Centre City Parkway	
3. Escondido Creek Trail	
iii. Industry sectors identified in market analysis	This topic will be addressed in Section 2, Market Analysis, below.
b. Fees, policies, regulations, codes and organizational structure related to business expansion, attraction and retention – Is Escondido a business-friendly City?	The TNDG Team will review this issue in terms of the need to maintain an appropriate balance between the fiscal needs of the City and competitive realities.
i. City, county and state level analyses	The TNDG Team will conduct a comparative analysis that includes a group of key competitive cities and recognizes that the different development contexts among comparison cities must be included in the analysis. The team will address comparison of San Diego County with other counties, and California with other states at a general level, based on existing reports.
c. Workforce – How can the City work to bridge the gap between employees and employers?	The workforce analysis will be based partly on the market overview materials described above, along with the interviews with key informants and other materials.
i. Employers' needs – Escondido and surrounding areas	In addition to the other workforce-related data prepared for this study as described above, the TNDG Team will examine data from third party providers indicating critical skill-sets for the industry sectors of interest to the City and otherwise included in this analysis. At a minimum, this will include data from Economic Modeling Specialists, Inc. (EMSI), which offers well-regarded labor market data and analysis tools. The Team will use these data to provide context and help define the magnitude of existing and likely demand for relevant skill sets. <i>For the CEDS, this information will help address the CEDS project-related criteria as described in the Introduction to this proposal.</i>
ii. Local training and educational resources	
iii. Profile of our local workforce – Education, income, commute patterns, etc.	
2. Market analysis of industries and geographic areas with a high probability of locating or expanding in the City and corresponding business attraction/expansion strategies:	The TNDG Team will conduct a target industry or "industry cluster" analysis that compares Escondido's business base with appropriate reference area(s). This analysis will indicate which industry clusters and sectors are likely to be successfully augmented in the community, and, by conducting parallel analyses on key competitive cities, also provide a sense of Escondido's major competitive

challenges. The results of the LQ analysis will be matched with the characteristics of the development areas referenced in this RFP.

While the analysis will give particular attention to the targeted clusters of Cleantech and Precision Manufacturing, it will also identify a broad range of prospective cluster targets on the basis of their existing local advantage. The cluster analysis will be accompanied by an assessment of how prospective targets relate to the programs of the San Diego Regional Economic Development Corporation.

The first step in the target industry and cluster analysis involves preparing an economic base analysis. Using the most recent data available, we will examine long-term and recent employment trends for businesses located in Escondido. The remaining portion of the cluster analysis involves the use of the following four analytic techniques, which are then combined as described below. By incorporating both employment-by-industry and employment-by-occupation data, the cluster analysis will have a strong workforce component.

- a. *Competitive Positioning Analysis:* This component of the analysis will utilize location quotient (LQ) empirical techniques that identify local comparative advantages and can identify industries for which goods or services must be imported.
- b. *Regional Competitiveness:* When conducting industrial analysis it is imperative to understand how the industries in a region are performing when compared to the same industry at a national level accounting for broad-based industry trends. To examine this activity we incorporate the shift-share technique. This technique is widely used by both academic and private sector economists. The output of this quantitative technique indicates which industries are demonstrating strengths based on local characteristics. Expert assessment and stakeholder input are then employed to identify the particular characteristics driving local competitive advantage for the best performing industries. This input can be obtained as part of the stakeholder involvement with other parts of this project.
- c. *Trade Flow Based Cluster Analysis:* Using regional data, we will examine trade flows of commodities

	<p>based on national "make" and "use" input-output tables. These tables identify the linkages among industries with estimates of spending at the regional level associated with specified industrial activities. This initial analysis will show the value of potential trade flows across as many as 500 industrial sectors, most of which are too small to be of interest or represent industries that do not match local development goals. Therefore, stakeholder input, obtained in conjunction with other project activities, will be applied to sensitize these findings.</p> <p>d. <i>Competitive Occupational Targeting</i>: This approach matches the availability of local labor with key industries of interest in this project.</p> <p>Each of these four analytic techniques will likely produce somewhat different outputs. However, there will be a "triangulation" of the findings related to identify industries common to multiple techniques. The research team, working with the stakeholders, will evaluate the results accordingly.</p>
<p>a. Specific industry sectors including but not limited to:</p>	
<p>i. Cleantech</p>	<p>The Cleantech cluster is evolving and specialized in ways not generally reflected in traditional industry classifications, and consequently the TNDG Team will apply special techniques to its analysis.</p>
<p>ii. Precision manufacturing</p>	<p>The Team will examine potential linkages with medical activities.</p>
<p>3. Market analysis of prominent local companies (i.e. Escondido "Business Ambassadors") with whom the City could potentially form mutually beneficial partnerships and corresponding business retention and expansion strategies</p>	<p>The format, content, and other details relating to discussions with representatives of these organizations will be carefully coordinated with the City, and will reflect, as appropriate, the results of the research outlined above. The TNDG Team will also describe the relationship between the LQ analysis (above) and these specific firms.</p>
<p>Stone Brewing Company</p>	<p>These and other identified firms will be included in the stakeholder interviews and encouraged to participate in the CEDS Strategy Committee.</p>
<p>Palomar Pomerado Health</p>	
<p>Realty Income</p>	
<p>George Weir</p>	
<p>Westfield</p>	
<p>TNDG Recommended sequence insert</p>	<p>The TNDG Team will produce a draft of the findings of the analyses described in the scope of work above, along with associated recommend actions.</p>
<p>4. Analysis of the City's FY 2011-2013 Council Action Plan for</p>	<p>For this analysis, the TNDG Team will adopt the matrix concept requested in the RFP (below) for the</p>


<p>Economic Development (Attachment A) and recommendations on how to most effectively and efficiently achieve the goals of the plan</p>	<p>recommended strategies. The analysis will focus on how the existing action plan relates to the findings and recommendations of this study.</p>
<p>5. All analyses and recommended strategies must keep in mind the concurrent General Plan update, and work in conjunction with multiple variables dependent upon General Plan election outcomes.</p>	<p>The TNDG team will coordinate all of the work for this assignment with the General Plan update process to the maximum extent possible, with the goal of full compatibility between the Economic Development Master Plan and the General Plan</p>
<p>Strategies described in the Economic Development Master Plan should also be summarized in a clear matrix showing the baseline, goal, strategy and outcome measure for each recommendation.</p>	<p>This matrix will be prepared as part of the draft and final Economic Development Master Plan documents. The TNDG team will propose a set of quantifiable Performance Measures to incorporate into the Plan. For the ED Master Plan, the Team will prepare strategies, including revised strategies as appropriate, within an overall strategic plan, including, goals, objectives, and the applicable evaluation measures.</p>

COMPLETION SCHEDULE

Consistent with the tentative timeline indicated in the City's RFP, the TNDG Team would complete this assignment within approximately five months of authorization to proceed. The chart on the following page shows our proposed schedule (including meeting and work product milestones) by major task.

WORK PLAN SCHEDULE: Escondido Economic Development Master Plan
 The Natelson Dale Group, Inc. Team

Tasks	Dec-11				Jan-12				Feb-12				Mar-12				Apr-12			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Needs assessment background: preliminary a) market overview, and b) summary of key market conditions affecting each targeted development / redevelopment area	■			□	▲			□				▲				□				▲
1. Needs assessment, including discussions with key informants on specific geographic and topical areas as specified, including fees and other policies, workforce																				
2. Market analysis of industries and geographic areas and corresponding business attraction/expansion strategies:																				
3. Market analysis of prominent local companies (i.e. Escondido "Business Ambassadors")																				
4. Analysis of the City's FY 2011-2013 Council Action Plan for Economic Development and recommendations																				
5. Coordinate with, in process, substance, etc. the concurrent General Plan update, recognizing potential effects of General Plan election																				
CEDS coordination; Draft & Final CEDS documentation																				

-  = Review period
- Milestones Legend**
- in-person meetings with client / CEDS Strategy Committee = ■
- Delivery of progress/interim reports = ▲
- Workshop with Stakeholders = □

IV. Knowledge and Understanding of Local Environment and Issues

Experience working in the local environment. TNDG has a strong existing familiarity with Escondido and the surrounding region based on the following project experience:

- TNDG completed a citywide retail market analysis for the City of Escondido in 2009 as part of the CEQA process for the Escondido Village shopping center expansion. On the basis of this work, TNDG is highly familiar with land use conditions along East Valley Parkway, as well as overall retail shopping patterns for the larger regional trade area.
- TNDG completed a similar retail market impact analysis in 2011 for a Walmart Supercenter in the City of Poway.
- TNDG completed a market analysis and business plan for a major commercial recreational facility for the City of Temecula in the early 2000's. The trade area evaluated for this facility extended into North San Diego County.
- In the early 1990's, TNDG completed a downtown market study and development strategy for the City of Escondido.

TNDG's other project experience in San Diego County includes assignments in the cities of San Diego, Oceanside, Carlsbad, Del Mar, Solana Beach, and Chula Vista.

TNDG's team member Paul Hendershot is based in San Diego County and has an intimate familiarity with county-wide industry targets and growth potentials based on his current work as the house economist for the San Diego Regional EDC.

Understanding of local government operations and management decisions. Based on over 37 years' service to municipalities throughout southern California, TNDG has an in-depth understanding of local government operations as they relate to economic development, fiscal/budgetary considerations, and land use planning. TNDG is intimately familiar with the current conditions affecting the operation and funding of redevelopment agencies in California. Moreover, TNDG has extensive experience in preparing CEDS and other documents for submittal to USEDA. This base of understanding will be fully incorporated into the work effort for Escondido.

Incorporation of local issues in the Master Plan/CEDS. Consistent with our normal approach to CEDS and other economic development strategic planning processes, our proposed work program for Escondido includes a substantial stakeholder outreach program. In our experience, this close interface with local stakeholders provides an invaluable mechanism for ensuring a seamless connection between our research/analytical process and on-the-ground conditions and opportunities. This multi-faceted strategic planning process provides a strong foundation for work products that are fully customized to the client's unique needs.

V. Cost Estimates

The TNDG Team would complete this assignment for a total fee of \$96,330 (NINETY SIX THOUSAND THREE HUNDRED AND THIRTY DOLLARS), including professional fees and associated expenses. The table on the following page provides a breakdown of the total fee in terms of hourly billing rates and estimated staff hours by major task.

TNDG Team Itemized Budget for Project-Cost Estimating Purposes: Escondido Economic Development Master Plan

Task	Hourly rates >					Total hours	Total costs
	\$175.00 Roger Date	\$155.00 Paul Hendershot	\$175.00 Joe McClure	\$155.00 Alan Levenson	\$85.00 Dustin Woodward		
Needs assessment background; preliminary a) market overview, and b) summary of key market conditions affecting each targeted development / redevelopment area.			4	20	20	100	\$15,220
1. Needs assessment, including discussions with key informants on specific geographic and topical areas as specified, including fees and other policies, workforce			40	40	40	240	\$36,800
2. Market analysis of industries and geographic areas and corresponding business attraction/expansion strategies.			4			96	\$15,200
3. Market analysis of prominent local companies (i.e. Escondido "Business Ambassadors")					12	28	\$4,900
4. Analysis of the City's FY 2011-2013 Council Action Plan for Economic Development and recommendations			24	4		36	\$6,220
5. Coordinate with, in process, substance, etc: the concurrent General Plan update, recognizing potential effects of General Plan election			8			40	\$6,840
CEDS coordination; Draft & Final CEDS documentation			6	8	8	58	\$9,150
							\$94,330

Expenses: travel, data, misc. \$2,000

TOTAL \$96,330

ORDINANCE NO. 2011-18

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING REVISED LOCAL LIMITS, TO
ADD REGULATIONS PERTAINING TO BRINE
COLLECTION AND DISPOSAL AND ADOPT
OTHER REVISIONS TO CHAPTER 22 OF
THE ESCONDIDO MUNICIPAL CODE
PERTAINING TO WASTEWATER

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

SECTION 1. This Ordinance makes amendments to Chapter 22 of the
Escondido Municipal Code for the purpose of updating the local limits for certain
wastewater constituents to bring them into compliance with applicable state and federal
regulations, to add regulations pertaining to the collection and disposal of brine, and to
make other changes throughout the entirety of the Chapter that will improve the
implementation and enforcement of the Code.

SECTION 2. Escondido Municipal Code Chapter 22, Article 1 is hereby
amended in its entirety to read as follows:

ARTICLE 1. IN GENERAL

Sec. 22-1. Definitions.

As used in this Chapter, the following words and phrases shall have the
meanings ascribed to them in this section.

Act shall mean the Federal Water Pollution Control Act of 1972, also known as
the Clean Water Act, 33 U.S.C. 1251, et seq.

Approved or approval shall mean the approval of the Director, and/or approval
shall mean meeting the approval of the Director as a result of investigation and/or tests
conducted by the Director or by reason of accepted principles or tests by national

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

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 11

Date: December 14, 2011

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, Budget Adjustment, and Amendment to FY 2012-2016 Transnet Program of Projects for Maple Street Pedestrian Plaza

RECOMMENDATION:

It is requested that Council: 1) determine the Maple Street Pedestrian Plaza bid proposals from Environmental Construction, CS Legacy Construction, and Hillcrest Contracting to be nonresponsive and accept the apparent low bid from LB Civil Construction, Inc., as the lowest responsive and responsible bid by adopting Resolution No. 2011-142 authorizing the Mayor and the City Clerk to execute a Public Improvement Agreement with LB Civil Construction, Inc., in the amount of \$2,369,812 for the Maple Street Pedestrian Plaza project; 2) approve a budget adjustment in the amount of \$1,637,000 to fund the contract award and construction support costs; and, 3) amend the City's Fiscal Year 2012-2016 Local Streets and Roads Program of Projects adding \$813,970 of Local Transnet funding to the Maple Pedestrian Plaza project (ESC27) by adopting Resolution No. 2011-149.

FISCAL ANALYSIS:

The Maple Street Pedestrian Plaza project is currently funded in the 2011/2012 Street CIP budget in the following amounts:

Street Fund	Project No. 604910	\$959,174
Storm Drain Fund	Project No. 672001	\$98,000
Transnet Fund	Project No. 694101	\$4,961
Transnet Fund	Project No. 691703	<u>\$231,970</u>
Total Programmed Funds		\$1,294,105

The attached budget adjustment will add \$1,637,000 to the project from available balances and reserves in the Gas Tax Fund, Public Art Fund, and the Transnet Fund for the full amount of the construction contract with a reasonable contingency for change orders, administration/inspection, and consulting fees for professional services during construction. The complete construction budget, together with fund sources for the budget adjustment, is detailed in the body of the staff report below.

PREVIOUS ACTION:

City Council authorized staff to apply for a Smart Growth Incentive Program (SGIP) grant in the amount of \$945,000 from SANDAG for the Maple Street Pedestrian Plaza project in June of 2005.

A Council workshop was held on July 11, 2007, for the Maple Street Pedestrian Plaza. Alternative D, a one-way street from Grand Avenue to Valley Parkway with no on-street parking, was generally regarded by the public as the favored alternative. City Council authorized staff to continue work on the Pedestrian Plaza project with Alternative D being the preferred concept. At the same time, City Council also directed staff to develop an accompanying Downtown Pedestrian Corridor Master Plan along the general alignment of Maple Street extending north and south from 2nd Avenue through the City Hall site and Grape Day Park to Woodward Avenue.

On May 21, 2008, City Council approved a consulting agreement with Schmidt Design Group in the amount of \$122,580 for preliminary design and environmental review of both the Downtown Pedestrian Corridor Master Plan and the Maple Street Pedestrian Plaza project.

On May 5, 2010, City Council reviewed and approved the Downtown Pedestrian Corridor Master Plan which included conceptual design of the Maple Street Pedestrian Plaza.

On June 16, 2010, City Council approved a consulting agreement with Schmidt Design Group in the amount of \$275,403 for final design and preparation of construction documents for the Maple Street Pedestrian Plaza project. During the June 16 hearing, City Council directed staff to organize the bidding process with several deductive alternates so Council could elect to reduce the scope of the project at the award of the bid.

BACKGROUND:

Project Details:

The Maple Street Pedestrian Plaza will fully reconstruct the portion of Maple Street between Grand Avenue and West Valley Parkway as a pedestrian plaza while maintaining a single, north-bound travel lane from Grand Avenue to West Valley Parkway. The proposed improvements will be a single-level "festival" street that would be closed to traffic during public events at the plaza. Proposed amenities include a water fountain feature, trellis shade structures, game tables and benches, decorative paving, art features, gateway structures, information kiosks, removable bollards, pedestrian lighting, and dramatic colored LED tree lighting. The intersection of Maple Street and West Valley Parkway will also be signalized with the plaza improvements to facilitate pedestrian crossings.

The Engineer's estimate for construction of the project is \$2,400,000 to \$2,600,000. This estimate does not include construction contingencies, administration/inspection, and consulting fees for professional services during construction.

Bid Process:

On October 27, 2011, the City of Escondido received seven sealed bids in response to the advertised request for bids. The bids were opened by the City Clerk with the following results:

(1) Environmental Construction	\$1,933,646.50
(2) CS Legacy Construction	\$1,934,504.96
(3) Hillcrest Contracting	\$2,170,864.50
(4) LB Civil Construction	\$2,369,812.00
(5) 3D Enterprises	\$2,585,432.00
(6) Sierra Pacific West	\$2,739,877.00
(7) Byrom Davey	\$2,873,539.00

Following the bid opening, City staff reviewed the submitted bid proposals. The apparent low bidder, Environmental Construction, did not submit evidence of their Good Faith Effort (GFE) to satisfy the City's approved Disadvantaged Business Enterprise (DBE) program with their bid proposal. A compliant GFE is required due to the use of federal funding in the project. Environmental Construction did make a deferred submittal of their GFE as allowed in the bid documents. Environmental Construction's GFE was reviewed by the City's consultant, Bureau Veritas, for compliance with the City's DBE program, and applicable federal regulations, and Environmental Construction's GFE was determined to be noncompliant. Therefore, Environmental Construction's bid proposal is nonresponsive and cannot be accepted.

CS Legacy Construction's bid proposal, including their GFE, was also reviewed for compliance with the bid documents. At the conclusion of this review, CS Legacy's GFE was also determined, by Bureau Veritas, to be noncompliant with the City's DBE program and federal regulations. Further, CS Legacy's bid bond was incorrectly filled out. The bidder simply wrote "10%" rather than writing out the bid bond amount in words as required in the bid documents. The City has consistently found incorrect bid bonds to be grounds for finding a bid proposal to be non-responsive. For these two reasons, noncompliant GFE and incorrect bid bond, CS Legacy Construction's bid proposal is also nonresponsive and cannot be accepted.

The bid proposal from the third low bidder, Hillcrest Contracting, was then reviewed in detail. The bid documents clearly require an Underutilized Disadvantaged Business Enterprise (UDBE) Commitment form, Exhibit 15-G1, to be submitted with the bid proposal; or, within four days after the bid opening. The bid documents further state "Failure to submit the required UDBE commitment will be grounds for finding the proposal nonresponsive". Hillcrest Contracting did not submit the form within this time

Hillcrest failed to correctly fill out the bid schedule with respect to Bid Item No. 3, Mobilization. The bid documents clearly require that the bid amount for Mobilization is not to exceed \$100,000. Hillcrest entered an amount of \$150,000 for Bid Item No. 3 and, in doing so, did not follow the written instructions in the bid documents. For these two reasons, late UDBE Commitment form and the incorrect bid amount for Mobilization, Hillcrest Contracting's bid proposal is also nonresponsive and cannot be accepted.

A thorough review of the bid proposal from the fourth low bidder, LB Civil Construction, was conducted and their bid proposal was found to be fully compliant with the bid documents, all federal requirements, and the City's DBE program. City staff recommends that City Council find LB Civil Construction's bid proposal in the amount of \$2,369,812 to be the lowest responsive and responsible bid and award the construction contract to LB Civil Construction.

Project Construction Budget:

The actual construction contract must be supplemented with funds for construction contingencies, construction administration, soils and material testing, services during construction by the design consultants, and fabrication and installation of the associated public art work. The construction budget recommended by City staff is outlined below:

Base Bid Contract Amount	\$2,369,812
Construction Contingencies (10%)	\$236,981
Construction Administration (5%)	\$118,490
Soils and Material Testing	\$25,000
Design Consultant Fees	\$47,500
Art Installations	<u>\$135,000</u>
Total	\$2,932,783

Budget Adjustment:

As outlined in the Fiscal Analysis section on Page 1 of this report, the Fiscal Year 2011/2012 Street CIP Budget includes \$1,294,105 in available funds for the Maple Street Pedestrian Plaza project. The FY 2011/2012 Street CIP Budget also includes, in the Gas Tax Fund (108-642703), an amount of \$273,903 for a future traffic signal at the intersection of 2nd Avenue and Maple Street. This was identified as a project associated with the City Hall/CCAЕ hotel project and was expected to be constructed concurrently with the West Valley Parkway and Maple Street traffic signal. These two signal projects are now on different time tracks due to the plaza project proceeding at this time and the proposed hotel being delayed. City staff is recommending reprogramming \$240,000 of this amount into the Maple Street Plaza project leaving \$33,903 available for design of the 2nd Avenue/Maple Street signal. The signal design process will take about nine months to a year which will allow construction funds for the 2nd Avenue/Maple Street signal to be reprogrammed with the FY

2012/2013 Street CIP budget in June of 2012. Design development for the 2nd Avenue/Maple Street traffic signal will not begin until and unless the hotel project moves forward to final design and construction.

The FY 2011/2012 Street CIP budget carries a large, unprogrammed reserve, \$582,000, in the Transnet Fund. City staff recommends this remaining Transnet reserve be used to help fund the construction of the Maple Street Pedestrian Plaza project. Further, the recommended budget adjustment will combine \$231,970 of Transnet Funds programmed for the 2nd/Valley Traffic Signal (ESC23) with the Maple Street Pedestrian Plaza (ESC27) project account to fund the cost of the traffic signal being constructed with the Maple Street Pedestrian Plaza. To accomplish these revisions, totaling \$813,970, to our Transnet program, requires Council adoption of Resolution No. 2011-149, at a duly noticed public hearing, amending the City's FY 2012-2016 Local Street and Roads Program of Projects, thereby, adding these funds to the Maple Street Pedestrian Plaza project. Next fiscal year's allocation of Transnet funds from SANDAG is estimated to be slightly less than \$3,000,000.

The current CIP budget also includes \$358,000 in reserves in the Public Art fund. The proposed budget adjustment would program \$135,000 of this reserve into the Maple Street project to fund the public art work being installed with this project. The balance of \$223,265 will remain available for other public art projects at Council's discretion. A proposal is currently being negotiated with Paul Hobson, artist on the consultant's design team for the Maple Street Pedestrian Plaza project, for supplying and installing the proposed public art work planned for the project. The contract with Paul Hobson for these public art pieces will be scheduled for Council action on a future agenda.

The FY 2011/2012 Street CIP budget also carries a large amount, \$815,000, in unprogrammed reserves in the Gas Tax Fund that is available for use in the Maple Street Pedestrian Plaza project. The proposed budget adjustment will also transfer \$680,000 from this reserve into the Maple Street Pedestrian Plaza project to complete the funding of the construction budget. A balance of \$135,000 will remain as a reserve in the Gas Tax Fund. There are also significant reserves in the Street Fund and the Traffic Impact Fee Fund. Together with the remaining Gas Tax balance, these funds total \$730,895 and will remain available for other Street CIP projects or programs in the current fiscal year as may be authorized by Council.

The complete funding for the project construction is summarized below:

FY 2011/2012 Project Balances	\$1,294,105
Gas Tax Funds from Project Account No.108-642703	\$240,000
Transfer from Transnet Fund Reserves	\$582,000
Transfer from Public Art Fund Reserves	\$135,000
Transfer from Gas Tax Fund Reserves	<u>\$680,000</u>
Total	\$2,931,105

Deductive Alternates -

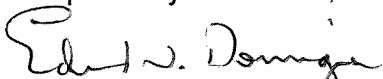
As requested by Council in June of 2010, when work on the final design was authorized, the bidding of the project includes deductive alternates for a number of the Maple Street Pedestrian Plaza project improvements. If Council desires to reduce the scope and cost of the project, Council may exercise any one, or all, of the deductions summarized below -

Project Base Bid	\$2,369,812	
Traffic Signal	<u>\$165,000</u>	
Plaza Base Bid w/o Traffic Signal	\$2,204,812	
Less Deductive Alternates-		Revised Contract Award (Includes Traffic Signal)
1) W. Valley Parkway Crosswalk	\$62,000	\$2,307,812
2) Two kiosks	\$52,000	\$2,255,812
3) Two entry gateways	\$82,000	\$2,173,812
4) Steel Trellis No. 1	\$158,400	\$2,015,412
5) Steel Trellis No. 2	\$143,400	\$1,872,012
6) Interactive Water Feature	<u>\$253,600</u>	\$1,618,412
Base Bid Reduction	\$751,400	
Plaza Cost Less All Deductions	\$1,453,412	

The traffic signal is identified separately as it was not included in the Maple Street Pedestrian Plaza project in the original SGIP Grant application. It is an improvement that should be installed at this time to avoid future reconstruction of a portion of the plaza improvements at a future date if the installation of the traffic signal were to be deferred.

Staff recommends award of the base bid which includes all of the planned improvements. In the event City Council wishes to exercise some of the deductions, the contract award amount and proposed budget adjustment can be reduced in the increments identified in the table above. Staff further recommends, if Council wishes to exercise some of the deductions, they should be taken in the priority indicated in the list above, i.e., Item No. 1, West Valley Crosswalk, should be the first item considered for deduction; and, Item No. 6, Interactive Water Feature, should be the last. Graphic representations of the deductive alternates are attached for reference.

Respectfully submitted,



Edward N. Domingue, P.E.
 Director of Engineering Services



Robert J. Zaino, P.E.
 Deputy Director of Engineering Services

RESOLUTION NO. 2011-142

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
LB CIVIL CONSTRUCTION, INC. FOR THE
MAPLE STREET PEDESTRIAN PLAZA
PROJECT

WHEREAS, the City Council authorized an invitation for bids for the Maple Street Pedestrian Plaza Project ("Project") including detailed plans and specifications; and

WHEREAS, the City of Escondido opened the sealed bids for the Project on October 27, 2011; and

WHEREAS, the apparent low bid submitted by Environmental Construction, Inc., the apparent second low bid submitted by CS Legacy Construction, Inc., and the apparent third low bid submitted by Hillcrest Contracting, Inc., were determined to be non-responsive and LB Civil Construction, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, the Director of Engineering Services recommends awarding the bid to the lowest responsive and responsible bidder, LB Civil Construction, Inc. of San Diego; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to accept the bid by LB Civil Construction, Inc. of San Diego for the Project;

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

1. That the above recitations are true.
2. That the Mayor and City Clerk are authorized to execute, on behalf of the City, a Public Improvement Agreement (“Agreement”) with LB Civil Construction, Inc. of San Diego 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 County of SAN DIEGO, State of California, is by and between **THE CITY OF ESCONDIDO** (hereinafter referred to as "CITY"), and LB Civil Construction, Inc., of San Diego (hereinafter referred to as "CONTRACTOR").

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

Maple Street Pedestrian Plaza

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 **Two Million Three Hundred Sixty-Nine Thousand Eight Hundred Twelve Dollars and No Cents (\$2,369,812.00)**.
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 **one-hundred and twenty (120) 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

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 than **\$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: _____
Sam Abed, Mayor

APPROVED AS TO FORM:

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

By: _____

CONTRACTOR

By: _____
Signature

By: _____
Signature*

Print Name

Print Name

Title

Title

(Second signature required only for corporation)

By: _____
Signature**

Print Name

Title

(CORPORATE SEAL OF CONTRACTOR, if
corporation)

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.

RESOLUTION NO. 2011-149

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE TRANSNET LOCAL STREET IMPROVEMENT PROGRAM OF PROJECTS FOR FISCAL YEARS 2012 THROUGH 2016 BY THE ADDITION OF \$813,970 OF LOCAL TRANSNET FUNDING TO THE MAPLE STREET PEDESTRIAN PLAZA (ESC27)

WHEREAS, on November 4, 2004, the voters of San Diego County approved the San Diego Transportation Improvement Program Ordinance and Expenditure Plan (*TransNet* Extension Ordinance); and

WHEREAS, the *TransNet* Extension Ordinance provides that SANDAG, acting as the Regional Transportation Commission, shall approve a multi-year program of projects submitted by local jurisdictions identifying those transportation projects eligible to use transportation sales tax (*TransNet*) funds; and

WHEREAS, the City of Escondido ("City") was provided with an estimate of annual *TransNet* local street improvement revenues for fiscal years 2012 through 2016; and

WHEREAS, the City has held a clearly noticed public hearing to amend its proposed list of projects with the addition of \$813,970 of Local Transnet funding to the Maple Street Pedestrian Plaza project (ESC27) prior to approval by its authorized legislative body in accordance with Section 5(A) of the *TransNet* Extension Ordinance and Rule 7 of SANDAG Board Policy 31.

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 pursuant to Section 2(C)(1) of the *TransNet* Extension Ordinance, the City certifies that no more than 30 percent of its annual revenues shall be spent on maintenance-related projects.

3. That pursuant to Section 4(E)(3) of the *TransNet* Extension Ordinance, the City certifies that all new projects, or major reconstruction projects, funded by *TransNet* revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed shall be clearly noticed as part of the City of Escondido's public hearing process.

4. That pursuant to Section 8 of the *TransNet* Extension Ordinance, the City certifies that the required minimum annual level of local discretionary funds to be expended for street and road purposes will be met throughout the five-year period consistent with the most recent Maintenance of Effort Requirements adopted by the SANDAG.

5. That pursuant to Section 9(A) of the *TransNet* Extension Ordinance, the City certifies that they will extract \$2,123 from the private sector for each newly constructed residential housing unit in that jurisdiction to comply with the provisions of the Regional Transportation Congestion Improvement Program (RTCIP).

6. That pursuant to Section 13 of the *TransNet* Extension Ordinance, the City certifies that it has established a separate Transportation Improvement Account for *TransNet* revenues with interest earned expended only for those purposes for which the funds were allocated.

7. That pursuant to Section 18 of the *TransNet* Extension Ordinance, the City certifies that each project of \$250,000 or more will be clearly designated during

construction with *TransNet* project funding identification signs.

8. That the City does hereby certify that all other applicable provisions of the *TransNet* Extension Ordinance and SANDAG Board Policy 31 have been met.

9. That the City agrees to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims related to local *TransNet* funded projects.

10. That the City's Five-year Transnet Local Street Improvement Program of Projects for Fiscal Years 2012 through 2016, as presented to City Council in the staff report considered at the public hearing conducted at the regular City Council meeting, at which time the City Council approved the Fiscal Years 2011/2012 through 2015/2016 Five-year Capital Improvement Program (CIP) and the Fiscal Year 2011/2012 Project CIP Budgets, is hereby amended to include an additional \$813,970 of local Transnet funding for the Maple Street Pedestrian Plaza project (ESC27).

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 12

Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Christopher McKinney, Director of Utilities

SUBJECT: Water Rate Adjustments for 2012

RECOMMENDATION:

The Utilities Department requests Council adopt Resolution No. 2011-159 approving a water rate adjustment to increase revenue to the Water Fund by 12% in Calendar Year 2012. The recommended water rate increase would maintain recycled water rates at 90% of the lowest residential rate for potable water. This rate adjustment recommendation was developed using the City's utility rate model. Attachments 1 through 5 describe five possible rate structures which would achieve the necessary increase in revenues. No rate adjustment is proposed for wastewater services at this time. Future requests for water and wastewater rate adjustments will be noticed in accordance with Proposition 218 requirements and will be brought to Council for a rate hearing.

FISCAL ANALYSIS:

Raftelis Financial Consultants completed the Water and Wastewater Rate Study (<http://www.escondido.org/Data/Sites/1/pdfs/Utilities/WaterAndWastewaterRateStudyReport.pdf>) in December 2010. During the course of the study, Raftelis and City staff developed a rate model, or a software tool for calculating recommended rates. The model evaluates the costs to provide water and wastewater service to all user categories and recommends rates to generate revenue necessary to provide that service. The model assists with analysis of future revenues and expenditures so that rates may be projected for multiple future years. The rates developed are necessary to provide safe, reliable and sustainable water and wastewater service to our customers. The impact of the proposed rate adjustments are summarized on the following page for the average residential customer using 7,000 gallons per month:

Water Rate Adjustments for 2012

December 14, 2011

Page 2

Average Bill - Single Family Residence with 3/4 inch meter using 7,000gallons of water.

	Current Bill 2011	Proposed Bill 2012	\$ Increase	% Increase
Meter Charge	\$ 19.25	\$ 21.56	\$ 2.31	12%
Avg Water Use ¹	\$ 23.80	\$ 26.67	\$ 2.87	12%
Subtotal	\$ 43.05	\$ 48.23	\$ 5.18	12%
*MWD (RTS)	\$ 2.58	\$ 2.86	\$ 0.28	11%
*SDCWA (IAC)	\$ 2.22	\$ 2.60	\$ 0.38	17%
SUBTOTAL				
WATER BILL	\$ 47.85	\$ 53.69	\$ 5.84	12%
Avg Wastewater Charge	\$ 24.85	\$ 24.85	\$ -	0%
TOTAL BILL	\$ 72.70	\$ 78.54	\$ 5.84	8%

SFR Tier 1 rate is \$3.81 per 1,000 gallons

*Pass-Through Costs:

MWD (RTS) = Metropolitan Water District (Readiness to Serve)

CWA (IAC) = San Diego County Water Authority (Infrastructure Access Charge)

A typical Tier 1 residential customer's monthly bill for water would increase by 12%, or \$5.84 per month. The total utility bill would increase 8% since wastewater charges will not be increased.

Primary Drivers of the Proposed Rate Adjustment

The proposed rate adjustment is driven by three primary factors: (1) the Capital Improvement Program (CIP), (2) operational costs, including recent and future increases in the cost of imported water, and (3) the minimum debt coverage ratio required by our covenants with bond holders.

Capital Improvement Program

The City must honor its commitment to utility ratepayers to maintain and upgrade the water system to insure its reliability and efficiency. The City water infrastructure is aging, requiring ongoing replacement and upgrades of the existing Water Treatment Plant, water lines and water storage tanks. Building a new dam at Lake Wohlford is critical for the safety of areas downstream and will offer protection from annual rainfall variability via increased water storage capacity. Implementing the City's conceptual plan for additional water reuse will decrease reliability on imported water. Deferring components of the CIP in an effort to avoid this rate increases will result in larger future rate increases to cover the compounding cost of the present issues with the cost of future expansion and maintenance needs.

Operational Costs

Water Operations decreased annual costs in 2011 by approximately \$500,000 via reduction of 10 staff positions, office supply and equipment reductions, and reduction of capital outlay for pumps and equipment parts. Overall efficiency improved via staff reorganization, and operational changes to improve efficiency. However, chemical costs and imported water costs have risen sharply in recent years and are expected to continue rising. Recent rate adjustments did not completely cover the increased cost of imported water. The Water Fund cannot continue to absorb part of increase without unacceptable cuts in the level of service.

Debt Coverage Ratio

The City's covenants with its bond holders require a debt coverage ratio, or the ratio of cash available for debt payments to the amount of the payments, of at least 1.2. This covenant is a prime consideration in the rate case. Failure to meet the minimum debt coverage would be a technical default on the bond covenant, likely resulting in increased borrowing cost or difficulty borrowing. Such increased costs could delay the CIP and thus delay needed utility upgrades, downtown infrastructure, and other projects.

Proposed Water Rates

Attachments 1 through 5 detail five possible rate structures to take effect on February 1, 2012, each of which would allow collection of necessary revenues. In summary, all proposed rate structures call for a 12% rate increase for Tier 1 residential customers (monthly consumption up to 7,000 gallons). The proposed structures differ in the rates for other customer classes. Attachment 1 calls for the same 12% rate increase for all other customers, including agricultural users. Attachments 2 through 5 vary the rate increase for agricultural users from 0% to 6%. The revenues not collected from agricultural users under these proposed schedules are instead collected from other customer classes, excepting Tier 1 residential, via rate increases of up to 14%.

Recycled Water

The proposed rate for recycled water is \$3.43 per 1,000 gallons, or 90% of the lowest proposed residential potable rate, \$3.81

RATE COMPARISONS:

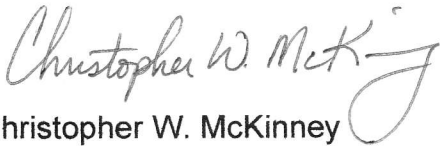
City staff surveyed water rates to gain insight into the Department's pricing policies compared to other local San Diego County water agencies. In general, two-thirds of local agencies presently charge more for water than the City of Escondido. The proposed rate increase would place the City near the median of local agencies, unless many of these agencies also adjust rates as anticipated.

PROPOSITION 218 NOTIFICATION:

In compliance with Article XIID of the California State constitution and the Proposition 218 Omnibus Implementation Act, the City of Escondido mailed a notification of the proposed water rate adjustments to all utility customers on October 29, 2011, more than 45 days prior to the date of the rate hearing. Written protests to the rate adjustments have been collected through the City Clerk's office.

A delay approving the proposed rates will result in a net increase in the rate required for debt coverage during 2012 and 2013. Though not being requested today, rate increases for Calendar Year 2013 and beyond are anticipated. Additional notices under Proposition 218, as well as public hearings, will be required for any future proposed increase. All staff and consultant work on the current proposal has been conducted to meet the requirements of Proposition 218, which requires that rates and fees be justified by the costs to provide the service. Rates different from those proposed, whether adopted now or in the future, would have to meet the same legal test for relationship between the commodities and services provided, and the costs to provide these commodities and services.

Respectfully submitted,



Christopher W. McKinney
Director of Utilities

- Attachments:
1. Proposed 12% rate increase for ALL customer classes
 2. Proposed 12% rate increase for Tier 1 Residential, 0% for Agricultural Users
 3. Proposed 12% rate increase for Tier 1 Residential, 2% for Agricultural Users
 4. Proposed 12% rate increase for Tier 1 Residential, 4% for Agricultural Users
 5. Proposed 12% rate increase for Tier 1 Residential, 6% for Agricultural Users

Attachment 1: Proposed 12% rate increase for ALL customer classes

Summary of impact:

Increases to customers classes vary from \$0.41 to \$0.64 per 1,000 gallons of water.

	FY 2012
Proposed Revenue Adjustment	12.0%
<i>Proposed Ag Adjustment</i>	12.0%

Water Rates	Water Use (1,000's of gallons)	Current Rate	Proposed Rate	Rate Increase per 1,000 gallons
Commodity Rate (\$ per 1,000 gal)				
Single Family				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 to 15	\$4.15	\$4.65	\$0.50
Tier 3	15 +	\$5.29	\$5.93	\$0.64
TOTAL				
Residential/Agricultural				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 +	\$4.31	\$4.83	\$0.52
TOTAL				
Multi Family				
Tier 1	0 to 5	\$3.40	\$3.81	\$0.41
Tier 2	5 to 7	\$4.15	\$4.65	\$0.50
Tier 3	7 +	\$5.29	\$5.93	\$0.64
TOTAL				
Commercial/Industrial/School		\$4.10	\$4.60	\$0.50
Irrigation/Institutional		\$4.43	\$4.97	\$0.54
Landscape Districts		\$4.43	\$4.97	\$0.54
Wild Animal Park		\$4.10	\$4.60	\$0.50
Special Unfiltered		\$2.48	\$2.78	\$0.30
Agricultural Use		\$3.00	\$3.36	\$0.36
SAWR Use		\$3.31	\$3.71	\$0.40

Attachment 2: Proposed 12% rate increase for Tier 1 Residential, 0% for Agricultural Users

Summary of impact:

No increase for agricultural use customers. Tier 1 rates increased \$0.41 per 1,000 gallons . Other customer rates increased up to \$0.74 per 1,000 gallons.

FY 2012

Proposed Revenue Adjustment

12.0%

Proposed Ag Adjustment

0.0%

Water Rates	Water Use (1,000's of gallons)	Current Rate	Proposed Rate	Rate Increase per 1,000 gallons
Commodity Rate (\$ per 1,000 gal)				
Single Family				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 to 15	\$4.15	\$4.75	\$0.60
Tier 3	15 +	\$5.29	\$6.03	\$0.74
TOTAL				
Residential/Agricultural				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 +	\$4.31	\$4.89	\$0.58
TOTAL				
Multi Family				
Tier 1	0 to 5	\$3.40	\$3.81	\$0.41
Tier 2	5 to 7	\$4.15	\$4.75	\$0.60
Tier 3	7 +	\$5.29	\$6.03	\$0.74
TOTAL				
Commercial/Industrial/School		\$4.10	\$4.66	\$0.56
Irrigation/Institutional		\$4.43	\$5.03	\$0.60
Landscape Districts		\$4.43	\$5.03	\$0.60
Wild Animal Park		\$4.10	\$4.66	\$0.56
Special Unfiltered		\$2.48	\$2.84	\$0.36
Agricultural Use		\$3.00	\$3.00	\$0.00
SAWR Use		\$3.31	\$3.31	\$0.00

Attachment 3: Proposed 12% rate increase for Tier 1 Residential, 2% for Agricultural Users

Summary of impact:

Agricultural use rates increased \$0.06 per 1,000 gallons. Tier 1 rates increased \$0.41 per 1,000 gallons. Other customer rates increased up to \$0.72 per 1,000 gallons.

FY 2012

Proposed Revenue Adjustment 12.0%
 Proposed Ag Adjustment 2.0%

Water Rates	Water Use (1,000's of gallons)	Current Rate	Proposed Rate	Rate Increase per 1,000 gallons
Commodity Rate (\$ per 1,000 gal)				
Single Family				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 to 15	\$4.15	\$4.73	\$0.58
Tier 3	15 +	\$5.29	\$6.01	\$0.72
TOTAL				
Residential/Agricultural				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 +	\$4.31	\$4.88	\$0.57
TOTAL				
Multi Family				
Tier 1	0 to 5	\$3.40	\$3.81	\$0.41
Tier 2	5 to 7	\$4.15	\$4.73	\$0.58
Tier 3	7 +	\$5.29	\$6.01	\$0.72
TOTAL				
Commercial/Industrial/School		\$4.10	\$4.65	\$0.55
Irrigation/Institutional		\$4.43	\$5.02	\$0.59
Landscape Districts		\$4.43	\$5.02	\$0.59
Wild Animal Park		\$4.10	\$4.65	\$0.55
Special Unfiltered		\$2.48	\$2.83	\$0.35
Agricultural Use		\$3.00	\$3.06	\$0.06
SAWR Use		\$3.31	\$3.38	\$0.07

Attachment 4: Proposed 12% rate increase for Tier 1 Residential, 4% for Agricultural Users

Summary of impact:

Agricultural use rates increased \$0.06 per 1,000 gallons. Tier 1 rates increased \$0.41 per 1,000 gallons. Other customer rates increased up to \$0.70 per 1,000 gallons.

FY 2012

Proposed Revenue Adjustment

12.0%

Proposed Ag Adjustment

4.0%

Water Rates	Water Use (1,000's of gallons)	Current Rate	Proposed Rate	Rate Increase per 1,000 gallons
Commodity Rate (\$ per 1,000 gal)				
Single Family				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 to 15	\$4.15	\$4.71	\$0.56
Tier 3	15 +	\$5.29	\$5.99	\$0.70
TOTAL				
Residential/Agricultural				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 +	\$4.31	\$4.87	\$0.56
TOTAL				
Multi Family				
Tier 1	0 to 5	\$3.40	\$3.81	\$0.41
Tier 2	5 to 7	\$4.15	\$4.71	\$0.56
Tier 3	7 +	\$5.29	\$5.99	\$0.70
TOTAL				
Commercial/Industrial/School		\$4.10	\$4.64	\$0.54
Irrigation/Institutional		\$4.43	\$5.01	\$0.58
Landscape Districts		\$4.43	\$5.01	\$0.58
Wild Animal Park		\$4.10	\$4.64	\$0.54
Special Unfiltered		\$2.48	\$2.82	\$0.34
Agricultural Use		\$3.00	\$3.12	\$0.12
SAWR Use		\$3.31	\$3.45	\$0.14

Attachment 5: Proposed 12% rate increase for Tier 1 Residential, 6% for Agricultural Users

Summary of impact:

Agricultural use rates increased \$0.06 per 1,000 gallons. Tier 1 rates increased \$0.41 per 1,000 gallons. Other customer rates increased up to \$0.69 per 1,000 gallons.

FY 2012

Proposed Revenue Adjustment

12.0%

Proposed Ag Adjustment

6.0%

Water Rates	Water Use (1,000's of gallons)	Current Rate	Proposed Rate	Rate Increase per 1,000 gallons
Commodity Rate (\$ per 1,000 gal)				
Single Family				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 to 15	\$4.15	\$4.70	\$0.55
Tier 3	15 +	\$5.29	\$5.98	\$0.69
TOTAL				
Residential/Agricultural				
Tier 1	0 to 7	\$3.40	\$3.81	\$0.41
Tier 2	7 +	\$4.31	\$4.86	\$0.55
TOTAL				
Multi Family				
Tier 1	0 to 5	\$3.40	\$3.81	\$0.41
Tier 2	5 to 7	\$4.15	\$4.70	\$0.55
Tier 3	7 +	\$5.29	\$5.98	\$0.69
TOTAL				
Commercial/Industrial/School		\$4.10	\$4.63	\$0.53
Irrigation/Institutional		\$4.43	\$5.00	\$0.57
Landscape Districts		\$4.43	\$5.00	\$0.57
Wild Animal Park		\$4.10	\$4.63	\$0.53
Special Unfiltered		\$2.48	\$2.81	\$0.33
Agricultural Use		\$3.00	\$3.18	\$0.18
SAWR Use		\$3.31	\$3.51	\$0.20

RECEIVED

NOV 15 2011

CITY OF ESCONDIDO
CITY CLERK

11/7/11

TO THE CITY OF ESCONDIDO

Office of the City Clerk
1000 Broadway
Escondido, CA 92027

I Cruz O. Barragan from Residence
733 N. Midway Dr. Escondido CA 92027
Does Not agree that the water rate
should increase.

Cruz O. Barragan

HERE IN ESCOBIDO, TO WHAT, WE HAVE
NOTHING TO OFFER THEM, JUST BAD
ROADS LIKE NORTH BROADWAY TO CILAND
AVE, TRY DRIVING DOWN THIS STREET
WITH OUT LOOSEING YOUR TEETH

LETS SPEND OUR MONEY ON OUR
INTER STRUCTURE WHERE WE NEED
IT.

Richard Moreno

10-5-2011

RECEIVED

NOV 07 2011

CITY OF ESCONDIDO
CITY CLERK

RICHARD MORENO

214 BAHIA LN

ESCONDIDO, CA 92026

I'M PROTESTING AGAINST THE WATER RATE INCREASES, DUE TO THE FACT THAT GIL ROJAS SAID THAT MONEY NOW IN RESERVES WILL BE USE TO COVER THESE COSTS, THAT YOU ARE NOW TRYING TO RAISE.

THE SIMPLE FACT IS THAT EVERY TIME IT RAINS OR HAVE A WET WINTER AND WE USE LESS WATER, YOU SAY WE DIDN'T GET ENOUGH REVENUE TO COVER OPERATING COSTS, SO UP GOES OUR WATER RATES.

BUT YOU HAVE NO PROBLEMS SPENDING MONEY TAX PAYER'S MONEY ON OUR WHITE ELEPHANTS, LIKE THE GOLF COURSE AND ARTS CENTER, AND SOON TO COME AN OTHER WHITE ELEPHANT THE HOTEL, ALL THESE WERE SUPPOSE TO BRING IN PEOPLE TO SPEND MONEY

RECEIVED

Nov. 7, 2011

NOV 08 2011

CITY OF ESCONDIDO
CITY CLERK

To whom it may concern (water rate increases)

This letter concerns your proposal to increase our water rates. We unequivocally oppose any more increases.

We moved to Escondido 25 years ago with three small children and a half acre lot to water. The children have grown and left, but our water bills for just the two of us, are 160% higher than when we had a full house. With this trying economy we have taken pay cuts, and have trimmed our budget. We recommend you do the same. Water is a necessity, not a luxury. We had water bills over \$300 this summer and that is appalling. We had to do without, in order to pay those bills. We do not have room in our budget for more of your rate increases.

Sincerely,

Beth Sarno

~~Beth Sarno~~

Joe Sarno

~~Joe Sarno~~

627 Valley Grove Lane
Escondido, Calif 92025
760-741-7582

RECEIVED

NOV 07 2011

CITY OF ESCONDIDO
CITY CLERK

Dear City Council,

I received your notice to raise our water bills again. I am in the utmost protest of this behavior. This has to stop! You are pricing people out of this town. People are leaving because your people that run the water districts aren't doing their job.

Once again you increase because those that are getting paid to come up with new answers to these problems are doing nothing ,except just raising the prices once a year or more.

Just drive around town. All yards are dead. People can't afford to pay for water. Why aren't you building a new dam or reservoirs? You must get ahead of this problem before it is too late. It already is a heavy price for most people. That new hotel money could have been used for much more than it is. It will never make it! You are not going to get people to come off the freeway into a town that looks like a bad side of town and an unsafe place to stay. I have lived in this town now for fifty years and I can't stand it here anymore. You have so many dead places in this town that need to be cleaned up. Just drive anywhere and look at the type of stores going in and the signs that are on these stores. We have empty buildings everywhere.

I don't understand why once again you will charge those that worked so hard to have a nice place and live in nice neighborhoods the most. It makes more since to me to charge all the apartments and small homes more. They pay very little. One time you didn't increase them at all. I am sure you won't do it again. I know people that pay only \$14 - \$25 a month for water. I paid a \$650.00 bill this summer. Just to keep my property looking good. What is a small amount for them? There are more apartments than homes now.

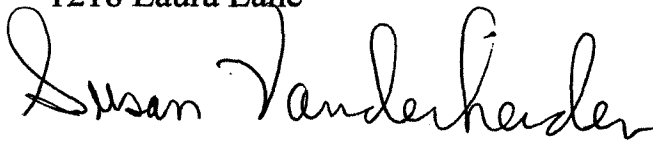
My husband and I took all our lawn out so we could save money and still be able to afford water. It cost us more this way because of your increases. In case you haven't noticed there is a recession going on. This is a really bad choice on all of your behalf. You have to start where it is hurting people the most. We have plenty of mountains to build new dams. Why aren't we? Stop pushing the bill off to the people that live here.

I don't waste water! I only pay a high price for it. It is your job to get these

prices down. You need to make this town grow. This is not the way to do it. I can't sell my home if I have to tell the new buyers that they will have to pay these high prices for water. I don't think anyone is working on this problem at all. Nothing has changed, except just raise the prices all the time. What are those people and service charges we are paying every month doing with our money? We want more for our money. Not higher bills. I will be glad when the market changes, and then you will see a lot of people out of here. If you had put that hotel up for a vote by the people, no one would have voted for it. How about making some of these hotels clean up and turn their water on? I know on Center City that is a drug house and you need to make them clean it up. It is an eyesore. They don't even run the fountain because they can't pay the water bill. Remember the more you build, the more water is used. The more the prices go up and more people leave. Tell me how you can improve this problem? Other than just raising the prices again and again.

I hope you will consider listening to the people that pay high prices already and work on some new solutions to fix this problem, instead of just having your hired help to just pass the costs on us year after year.

Thank You,
Susan Vanderheiden
1218 Laura Lane

A handwritten signature in cursive script that reads "Susan Vanderheiden".

11-1-11

Joseph M. Porter
2641 Wedgewood Ave.
Escondido, CA. 92027
November 4, 2011

RECEIVED

NOV 07 2011

CITY OF ESCONDIDO
CITY CLERK

RE: Proposed water rate increase

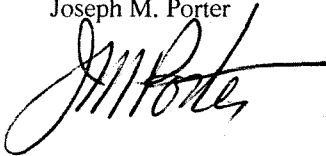
City of Escondido
Office of the City Clerk
201 North Broadway
Escondido, CA 92025

The purpose of this letter is to strongly protest the proposed water rate increase. I have been a resident in Escondido since 1977 and the water rates have gone up substantially over these years. Since the last increase, we have had to stop watering our front lawn, which is detracting from the overall prestige of the community as well as the City of Escondido. I have noticed that the proposed rates seem to be going up annually for single family residences.

			Proposed	% Increase from '09
Per 1K gal	2009	2011	2012	2012
Tier 1	\$3.10	\$3.40	\$3.81	23%
Tier 2	\$3.70	\$4.15	\$4.75	28%
Tier 3	\$4.35	\$5.29	\$6.03	39%

My wife and I live on a small pension and Social Security and as you are aware Social Security and Cal-Pers have not had an increase over the past three years. This increased water rates will be a financial hardship on seniors and the under employed. The annual inflation rate for 2010 was 1.6% per the US inflation calculator. Once again my wife and I are saying that we strongly oppose the proposed increase.

Joseph M. Porter



HIRAM S. ANDRADE

1818 EL DORADO TERR.

ESCONDIDO, CA 92025

Ph. (760) 746-2558

Nov. 3, 2011

City of Escondido
Office of the City Clerk
201 North Broadway
Escondido, CA 92025

RE: "PROTEST" of raising Water Rates

This is my formal **Protest** of raising the Water Rates. Since now the county is not in a drought stage it is unfair to raise the water rates. Also, people on fixed incomes cannot withstand raising rates. If rates are raised, they should only effect Tier 3 levels.

Thank you for your attention in this matter and would hope the Council does not approve the rate hike and can take whatever appropriate action necessary to protect the citizens they severe.

Sincerely,



HIRAM S. ANDRADE - property owner

RECEIVED

NOV 07 2011
CITY OF ESCONDIDO
CITY CLERK

11/02/11

RECEIVED

NOV 07 2011

CITY OF ESCONDIDO
CITY CLERK

City of Escondido

Office of the City Clerk

201 North Broadway

Escondido, CA 92025

To Whom It May Concern:

This is my formal protest to the proposed rate increases for water rates and fees. For a community that has a substantial local water resource (Henshaw), it is difficult to understand why we are facing rate increases of this magnitude.

Specifically, I strongly object to the rate structure for Residential/Agricultural. I will disclose that I am in this classification. Current rates are plenty of incentive to conserve water and the tier structure on pricing is just robbery- I am already doing everything to conserve water short of cutting trees down and turning the water completely off. The point is that an avocado tree requires about 60 gallons of water per day during the irrigation season or about 1800 gallons per month. 100 trees to the acre and you will need 180000 gallons in a billing cycle. Assuming that the monthly residential requirement is another 5000 gallons, the rate-payer is paying for 178 units at tier 2 pricing and only gets tier one on the 2 units. Rates for both tiers are higher than the proposed agricultural rate, so how do you rationalize that people in this category are benefiting from the agricultural rate structure at all. I suggest that the rate structure for this classification be inverted; the first 7 units be charged tier 2 residential rate and all water in excess of 7 units be charged the agricultural rate. This would recognize the true nature of my water usage and be consistent with what other users are paying for water. Thank you.



Jeff Weber

P.O. Box 1245

Escondido, CA 92033

RECEIVED

NOV 07 2011
CITY OF ESCONDIDO
CITY CLERK

Shelagh Thornton

2450 pine Valley Glen

Escondido

CA 92026

11/1/2011

To whom it may concern

I **VEHEMENTLY oppose any further water increases OR fees.** The public is struggling to pay the current amount. Are we to be forced to shower but once a week.

I hope not!

I live in a 4 bed /3 ½ bath home on a 10,000 foot lot. If you want to see a lot of dead grass and unwashed people..then go ahead with your increases...we will all be bankrupt!

I also think it very wrong that e-mails are not accepted. Who uses the mail anymore. There will be many who do not respond because of this and are not able to attend the meeting to protest.

My Partner ray Gayton also opposes the raise as does my son Aaron Thornton.

Three oppositions from this address



Shelagh Thornton

November 6, 2011

CITY OF ESCONDIDO
CITY CLERK
NOV 6 2011

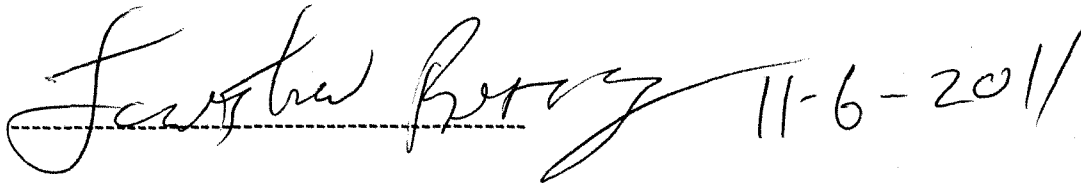
Written Protest to Increased Water Rates

RECEIVED

This is my written protest against all increases to the water rates in Escondido, CA.

During this economic time of hardship for many people,
a rate increase will only serve to force more stress on those who need relief.
There will be a more appropriate time in the future for such changes.

Until there is a better economic situation,
all rate increases should stop.

 11-6-2011

Jonathan Bitting, property owner
1450 E Lincoln Ave
Escondido, CA 92027

11/8/11

RECEIVED

NOV 08 2011
CITY OF ESCONDIDO
CITY CLERK

City of Escondido
Office of the City Clerk
201 North Broadway
Escondido, Ca 92025

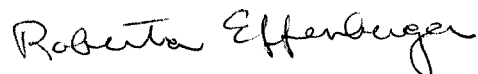
Re: Protest of Water rate Increase

Please take this letter as a protest of the proposed water rate increase. As a representative of the people, the City Council must consider other alternatives than simply raising fees when requested.

Challenge the Water department to submit a plan based on the current rates without the increase. Staffing, benefits and department budgets should be re-evaluated. It's a different time now. Cuts must be considered.

If you continue to approve increases, the Water department is not accountable to balance budgets. The easiest way to keep things the way they are is to simply approve an increase, but it's not in the best interest of the residents of Escondido.

Thank you,



Roberta Effenberger
2347 Mountain View Drive,
Escondido, CA 92027
effenbergers@cox.net

~~January 4, 2011~~

November 7-20 11

City of Escondido
Office of City Clerk
201 North Broadway
Escondido Ca 92025
Subject: Public Hearing January 12, 2011

*"Pass through"
what a convenient
term "*

To Whom It May Concern:

My property address is 118 West Eighth Avenue. Escondido CA 92025. The numbers off my tax bill are as follows:

00118 8TH AVE WEST ST CLSD ADJ & Lot 6 BLK 192 PARCEL No 233 381 13 00

I am protesting the proposed rate increases on water and/ or waste water.

I say firmly NO!

It is my opinion that these rates increases of the next five years are unnecessary and constitute a burden on an already over- burdened populace. In my opinion they are not for water at all. I believe all the chatter that these rate hikes are because of a water shortage, etc. is just a convenient cover up for inefficiency, too many years of high spending, too high salaries, over employment and under- funded pensions coming up that you expect us to make-up.

Frankly I don't care "to help out" your benefit short-falls. It is a well documented fact most people desire city, state, government jobs because of the benefits for which you can conveniently bilk the public.

However, the public is catching on and is becoming increasingly fed-up with its, "Oh it is just a little hike"

I have had to stop television, a cell phone and the internet because I just could not keep up with the rising cost of water, garbage collection, recycling fees, the continue rise in gas and electric, medical, groceries, well, just everything.

I have to live within my very, fixed small income. The water and waste personnel and departments may just have to learn to do the same.

Since I am eighty-three, I know I don't count for much; considered more of an inconvenience actually. Inconsequential as I am, however, I am still required to pay my bills in a timely manner. This selfish, unnecessary, greedy continual rise in the cost of everything is making homelessness a looming possibility. Every month I have less to live on.

I know I speak for many and many are not even old. We are just the working or not working poor, or the old retired out before the days of huge pensions.

I would hope you would not burden us more. The glib statements "oh it is just a few dollars more each month," is just that; a glib meaningless statement- especially when those few dollars all add up and the income can't cover any more, "Oh, it just a few dollars more a month."

Tell that to a single mom; an unemployed former worker, a struggling family, an old couple on a miserably small pension, and on and on. We have children in are church turning in prayers for shoes and underwear for their siblings. This is not the time to be raising any utilities.

This is the time for austerity!

I doubt any part of my letter will mean anything to any of you because none of you apparently are living in the REAL world of today's California.

Mary L. Malpass

** no thing has happened to change my opinion. Mary Malpass*

** how 84 + just as impoverished - is just make so*

CITY OF ESCONDIDO
CITY CLERK

NOV 07 2011

RECEIVED

NOTICE OF PUBLIC HEARING ON PROPOSED CHANGE IN WATER RATES AND FEES

The City of Escondido (City) will conduct a public hearing on Wednesday, December 14, 2011 at 4:30 p.m. at 201 North Broadway, Escondido, California 92025 in the City Council Chambers to consider the adoption of changes in water rates. (Further details at the end of this notice)

Background and General Information

Based on its commitment to long-term planning and appropriate investment, the City recently conducted a water services Rate Study (Study) which evaluated service and infrastructure needs, operational costs, and the fairness of the rate structure. As a result of this study, the City implemented water rate increases and fairness adjustments effective March 1, 2011 with the understanding it would be necessary to implement further rate increases in 2012. These further increases are necessary to ensure the City honors its debt ratio bond covenants from prior bond issuances, to ensure the City can continue to offer a reliable, uninterrupted water supply, and to ensure the City can continue work on essential water infrastructure improvement projects.

There are no proposed changes or increases to the Wastewater fees at this time. In March 2011 Wastewater rates were successfully changed from a flat rate to a more equitable flow-based charge structure. The City has elected to begin phasing in necessary large Wastewater infrastructure projects in 2013 in order to minimize the impact to rate payers. It is anticipated the associated Wastewater rate increases will take effect 2013 through 2015.

Important note: The Utilities Department (Water and Wastewater) of the City of Escondido does not receive property taxes to offset costs.

Pass Through Costs

Commodity (Water use) Rate Increases for Imported Water (COE)

The City purchases a substantial portion of its water from the San Diego County Water Authority (CWA). CWA in turn purchases a majority of its water supplies from the Metropolitan Water District (MWD). MWD imports water from two sources: the Colorado River via the Colorado River Aqueduct and Northern California via the California Aqueduct. In recent years, several factors have impacted the cost and availability of these water supplies. The State has been in a multi-year drought and the Colorado River system is experiencing a nine year drought. Major reservoirs are recovering from historic lows and pumping restrictions in the Sacramento River Delta (Delta) have been imposed to protect the health of the Delta environment. These issues will continue to impact the cost of the wholesale water that the City purchases from SDCWA.

Metropolitan Water District - Readiness to Serve Charge (MWD)

The MWD Water Availability Charge (Readiness to Serve) is projected to increase from \$2.58 to \$2.86 per meter per month in 2012. This includes a Delta Surcharge to obtain replacement water for State Project water that was lost because of environmental restrictions on the Sacramento River Delta. The City of Escondido will pass through the increase in the Readiness to Serve charge effective February 1, 2012 and subsequent increases will be effective January 1 of each subsequent year.

San Diego County Water Authority - Infrastructure Access Charge (IAC)

The SDCWA Infrastructure Access Charge is projected to increase from \$2.22 to \$2.60 per equivalent meter per month in 2012. The City of Escondido will pass through the increase in the Infrastructure Access Charge effective February 1, 2012 and subsequent increases will be effective January 1 of each subsequent year.

**Notice of Solid Waste & Recycling
Residential Rate Increase**

Solid waste disposal and recycling rates and fees are established annually. These services are provided by a private contractor (Contractor) with an exclusive franchise to provide these services in the City of Escondido.

The Agreement with the Contractor allows for an annual increase, effective January 1 of each year, by an amount not to exceed the product of the previous year's rate multiplied by the percentage change in the San Diego, CA area Consumer Price Index (CPI) for All Urban Consumers (all items, base period of 1982 - 84 = 100, published by the United States Department of Labor, Bureau of Labor Statistics for the latest twelve-month period for which statistics are available. The formula used to calculate the percentage is: Current Period CPI - Previous Period CPI = index point change; divide by previous period CPI; multiply by 100 = percent change.

Under this formula, the Contractor is eligible for a 3.36% increase in 2012. To keep Escondido's mean rate in the lowest 25% countywide, the Contractor's base rate increase has been decreased to 1.29%.

The proposed changes, if approved by City Council on Wednesday, November 16, 2011 will result in a \$0.22 overall monthly increase for solid waste and recycling services.

	5/1/2009	Proposed 1/1/12
Base Rate (Trash and Recycling)	\$ 15.46	\$ 15.66
Franchise Fee	1.72	1.74
AB939 Household Hazardous Waste	0.21	0.21
	0.52	0.52
Total	\$ 17.91	\$ 18.13

If you have questions about the proposed Solid Waste Rate increase, please call 760-839-6216.

and then there
is just ? !!

M

RECEIVED

NOV 14 2011

CITY OF ESCONDIDO
CITY CLERK

November 9, 2011

City of Escondido
Office of the City Clerk
201 North Broadway
Escondido, CA 92025

Re: Protest To Proposed Water Rate Increase

Dear Escondido City Council;

We are officially protesting the proposed water rate increase scheduled to take effect on February 1, 2012.

As you may be aware, in these trying economic times many homeowners are losing their homes and the rest of us are just trying to hang on, if we can.


San Diego County has always had the distinction of having some of the highest utility rates in the country. Not something to be proud of.

Your rates are already outrageous and we can't even afford to pay the current rates, let alone another huge increase!

No matter what we do, our bills just keep going up. We conserve water and because you are losing revenue you reward us with rate increases. You are not fiscally responsible with the money you already have.

You need to realize we just don't have any more money to give you at this time. Thank you.

Sincerely,


David F. Player
2666 Val Dale Dr.
Escondido, CA 92027
Parcel #239-270-61-00

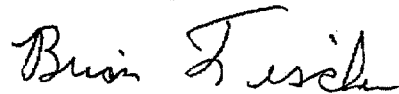
Brian Fischer,
2755 Jody Place
Escondido, CA 92027

CITY OF ESCONDIDO
CITY CLERKS OFFICE

2011 NOV 14 P 12:24

I would like to formally protest the water rate increases proposed by the City of Escondido. I feel I already pay too much for water as it is.

Sincerely,



Brian Fischer,

Kelli M. Russell
925 Mills Street
Escondido, CA 92027

November 17, 2011

RECEIVED

NOV 21 2011

CITY OF ESCONDIDO
CITY CLERK

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

Dear City of Escondido:

I am writing to protest raising the rate of our water in Escondido. At a time when the economy is in downturn, our families are struggling just to pay the bills as they are. Please don't compile this added increase to the stress on our families in Escondido.

My hope is that you can find a way to utilize your current funds to budget the needed issues and planned investments.

Sincerely,



Kelli Russell

City of Escondido
Office of the City Clerk
201 North Broadway
Escondido, CA 92025

RECEIVED

NOV 21 2011

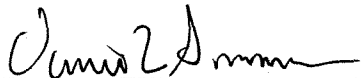
CITY OF ESCONDIDO
CITY CLERK

Description of the property

Address: 2203 Parktree Ln, Escondido, CA 92026

I am the property owner and I hereby protest the proposed water rate/charges increase.

Daniell Summers



Signature

11/16/11

Date

CITY OF ESCONDIDO Annemarie and Lou Tripi
CITY CLERKS OFFICE 211 Messer Avenue
Depew, NY 14043

2011 NOV 17 A 10: 37 November 15, 2011

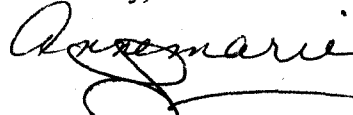
City of Escondido
Office of City Clerk
201 North Broadway
Escondido, CA 92025

To Whom It May Concern,

We own a home at 517 Melbourne Glen, Escondido, CA 92026 in the Brookside Development, parcel number 224-011-09-00. The reason for this letter is to state that we find a water rate increase to be totally unacceptable. When the "Water Shortage Response Level 2-Alert Condition" paperwork was sent July 2009, we found the procedure used for the 3 years average water use was quite unfair in our case. The 3 year chart, which I included a copy for your reference, does not provide our average water use correctly. The schedule started July 2004 whereby we did not even have ownership of the home at that time. We are first time owners of this home and did not begin use of the residence until August 2005 when starting landscaping the yard during the months of August, September and October 2005. Therefore, every month's reading of gallons used between July 2004 through July 2005 are inaccurate as we were not in the home; this was the builder's usage during that time frame. Seeing how the gallons of water indicated for use for the most part were so low, it gives our monthly average an inaccurate average reading for our use. Due to this, there are several months each year that our water usage per gallon goes into the tier 2 level costing us a higher water rate. This is unfair since the scale you are using for a monthly average includes a year of our not living in the house yet it changes the amount of water consumption. The months our bill may reflect tier 2 would be unjust.

Kindly reconsider your proposal of raising our water rates as you can see our plea is totally justified.

Sincerely,



Annemarie and Lou Tripi

**CITY OF ESCONDIDO
Water Shortage Response Level 2 (Alert Condition)**

At their May meeting, the Escondido City Council declared a Water Shortage Level 2-Water Alert Condition in response to a mandatory water use reduction of 8 percent by the City's water wholesaler, the San Diego County Water Authority. Beginning July 1, 2009, all customers are required to reduce their water usage by 8 percent on a monthly basis based on a 3-year average, which is calculated below for your account. In addition to the reduction in water use, the water shortage level 2 triggers additional water use restrictions which are enclosed.

SEE MY COMMENTS BELOW

Please call Utility Billing at 760-839-4682 if you have questions on your water allocation.

Account Number: 0479556684
Customer Name: Tripi, Annemarie

Service Point ID: 2145440338 517 Melbourne Gln
Premise Type: Residential Single-Family

Month	Year	Gallons	Year	Gallons	Year	Gallons	Monthly Average	ALLOCATION Average Less 8%
JUL	2004	22,820[*]	2005	3,962	2006	23,581	16,788	15,445
AUG	2004	2,537	2005	22,605	2006	22,036	15,726	14,468
SEP	2004	2,927	2005	38,252	2006	19,356	20,178	18,564
OCT	2004	2,537	2005	22,032	2006	13,336	12,635	11,624
NOV	2004	125	2005	9,911	2006	10,073	6,703	6,167
DEC	2004	554	2005	6,771	2006	7,200	4,842	4,454
JAN	2005	321	2006	8,873	2007	6,067	5,087	4,680
FEB	2005	7,381[**]	2006	10,422	2007	4,648	7,484	6,885
MAR	2005	9,352[**]	2006	8,133	2007	9,619	9,035	8,312
APR	2005	100	2006	8,571	2007	10,267	6,313	5,808
MAY	2005	900	2006	11,071	2007	15,963	9,311	8,566
JUN	2005	38	2006	20,776	2007	35,387	18,734	17,235

WOT in House YET
LANDSCAPING POT IN
DID NOT BUY HOUSE YET
DID NOT MOVE IN HOUSE YET

[*] indicates actual usage not available, use is aggregate average use for premise type
[**] indicates actual usage has been corrected

Tripi, Annemarie
Tripi, Louis
211 Messer Ave
Depew, NY 14043-4467

23663

Robert D. Eckert

1130 Sheridan Ave.

Escondido, Calif.

November 16, 2011

RECEIVED

NOV 28 2011

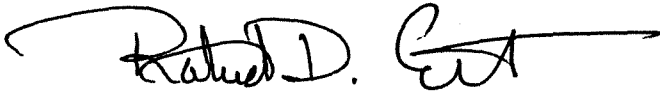
CITY OF ESCONDIDO
CITY CLERK

City of Escondido

Please register my protest of the upcoming water rate increase. My APN# is 2274005800 for above described address and please find copy of my water bill attached.

The city may be hurting financially but so are its citizens & local agri-business. I ask the city to tighten its belt and revisit issues as we all have to do. I encourage the city to take on some of the cost itself.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Eckert", with a long horizontal flourish extending to the right.

Robert D. Eckert



Billing Inquiries: (760) 839-4682
 Water Conservation Hotline: (760) 839-4658

Please Note: City Hall is closed every Friday

UTILITY BILLING

Bill ID: 390147682738
 Bill Number: 3409
 PIN: 78XN9-89L2R
 Page: 1

Account Number: 3901476620 (PIN: 78XN9-89L2R) - Summary

	Activity Type	Description	Amount
Name: Robert D Eckert	Previous Balance		151.26
Bill Date: 10/11/11	Payment	Applied to account 09/27/11	-151.26
Due Date: 10/31/11	Charge	Regular	137.67
Cycle: 52	Current Balance		137.67

Current Activity Detail

Service Address	Service Period	Description	Amount
1130 Sheridan Ave	08/17/11 - 09/19/11	8,000 gallons of water (Tier 1 @ \$3.40 per thousand)*	27.20
	08/17/11 - 09/19/11	8,000 gallons of water (Tier 2 @ \$4.15 per thousand)*	33.20
	10/11/11 - 11/10/11	Water Service Charge	24.05
	10/11/11 - 11/10/11	Trash & Recycling	17.91
	09/11/11 - 10/10/11	Wastewater Service Charge	35.31

Meter Reads

Service Address	Meter #	Prior Reading	Current Reading	Total Water Use This Period
1130 Sheridan Ave	30100517	863	879	16,000 Gallons

Messages

*Any water use under or over 30 days is prorated.

GO TO OUR WEBSITE TO PAY ONLINE: escondido.org

*** Unless payment of a water bill is received within forty-five (45) days following the billing date, service shall be discontinued without further notice. Water service will only be restored after past due balance is paid in full with CASH. ***

You may use your touchtone phone 24 hrs a day to find out about pymt & balance information on your account. Enter the account number & the computer "reads" your account status to you. Dial 1-760-839-1338.

Check out "Escondido Water" on Facebook! No need to have a Facebook account. Just click the Facebook icon at www.escondido.org/utilities.aspx to get the latest on water-saving tools and tips, events, and other information.

Pay online: www.escondido.org/utility-billing.aspx

If paying by mail, please return this portion. If paying in person, please bring entire bill.

To avoid a 10% late penalty, payment must be RECEIVED by **10/31/11**

Account Number	Bill Date	Balance Due
3901476620	10/11/11	\$137.67

If not paying the balance due shown above, please enter the amount paid in this box:

\$	
----	--



Pay online: www.escondido.org/utility-billing.aspx
 or make check payable to:

City of Escondido
 Utility Billing
 PO Box 460009
 Escondido, CA 92046-0009



Robert D Eckert
 1130 Sheridan Ave
 Escondido CA 92027-1026

03215

RESOLUTION NO. 2011-159

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ESTABLISHING NEW WATER USE RATES,
SERVICE CHARGES AND CONNECTION
FEES

WHEREAS, the Escondido Municipal Code authorizes the City Council to set and adjust water rates and service charges from time to time by duly adopted resolution; and

WHEREAS, the City Council previously directed staff to review and analyze the costs of providing water services related to such fees on a regular basis; and

WHEREAS, staff and Raftelis Financial Consultants, Inc. thoroughly analyzed the cost of providing water services related to such fees and conducted a review of the burdens, effects and costs of new development and the commensurate cost of offsetting such impacts, and has provided such analysis to the City Council in the staff reports in conjunction with this Resolution; and

WHEREAS, City staff has corresponded with representatives of the public, and the business and farming community, and the City Council has conducted a public hearing and has considered comments and input from interested parties; and

WHEREAS, forty-five days prior to the public hearing, the proposed fees were noticed to all water and wastewater customers in accordance with Proposition 218; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to establish new rates and fee schedules for 2012.

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 water rates and fees set forth in Exhibit "1," attached to this resolution and incorporated by this reference, will supersede all prior rates and fees for connections and services as set forth on the Exhibit.
3. That the water rates and fees set forth in Exhibit "1" for year 2012 will be effective for all charges that become due on or after February 1, 2012.
4. That water rate and fee adjustments for years beyond 2012 will be noticed according to Proposition 218 requirements and will be brought before Council for a public hearing.
5. That the Agriculture Use Rate accounts for discounts from the Metropolitan Water District Interim Agriculture Water Program (IAWP), the San Diego County Water Authority Special Agriculture Water Rate (SAWR), and the City of Escondido Agriculture Discount.
6. That as the IAWP and/or the SAWR programs are phased out, customers may opt out of such programs on an annual basis at which time their rate will be modified. Customers choosing to opt out of both the IAWP and the SAWR will revert either to the Residential Agriculture Rate or the Single Family Residential Rate. Customers choosing to opt out of only the IAWP program will still receive the SAWR and/or City of Escondido discounts as applied to the Tier 2 Single Family Residential Rate.
7. That agriculture customers have been notified and provided with all relevant materials regarding the restrictions on water use identified in the IAWP and the SAWR programs, including that the restrictions of such programs may be applied if they

choose to continue participation in either the IAWP or the SAWR programs.

8. That the City of Escondido Agriculture Discount shall only apply to customers participating in either or both the IAWP and the SAWR.

9. That the wastewater rates and fees enacted by City Council Resolution Number 2011-03 are unchanged by this resolution and will remain in effect in 2012. Wastewater rate and fee adjustments for years beyond 2012 will be noticed according to Proposition 218 requirements and will be brought before Council for a public hearing.

EXHIBIT "1"

Background and General Information

Based on its commitment to long-term planning and appropriate investment, the Utilities Department recently re-evaluated water rates using Department's rate model. The model was developed by staff and Raftelis Financial Consultants during the recent Water and Wastewater Rate Study (the Study). The Study evaluated service and infrastructure needs, operational costs, and the fairness of the rate structure. Using the rate model, the Department has determined that rate increases will be required: (1) to appropriately fund the water system's Capital Improvement Program, (2) to fund increased operational expenditures, primarily imported water cost and chemical costs, and (3) to maintain a debt coverage ratio of at least 1.2, as required by the City's covenants with bond holders.

Reasons for Proposed Rate Increases

Specifically, the rate increases will be used to address the following critical issues and planned investments:

- Coverage for rate increases on imported water from the San Diego County Water Authority
- Repair and replacement of aging water and wastewater pipes, facilities, and equipment
- Replacement of seismically compromised Wohlford Dam and possible increase in the storage capacity
- Connections to San Diego County Water Authority treated water facilities
- Repair and maintenance of wastewater pumping (lift) stations
- Maintain minimum debt coverage ratio of 1.2.

These activities and investments are designed to maintain and increase water reliability, meet public health goals, address new regulations, and increase financial stability. Whenever possible, the City is pursuing grant funding to offset the cost of these improvements, and has obtained federal matching funds up to \$15 million for the Wohlford Dam project.

Timing of Rate Changes

Proposed water rate increases will begin February 1, 2012. There is no proposed wastewater rate increase.

Specific Water Rate Issues- Rates Controlled by Others

The water Rate Study has estimated the increases in purchased water costs, Metropolitan Water District of Southern California (MWD) Readiness to Serve Charges, and San Diego County Water Authority's Infrastructure Access Charge. Increases to these costs that are larger than estimated in the study would be passed on to the customer.

Commodity (Water use) Rate Increases for Imported Water

The City purchases a substantial portion of its water from the San Diego County Water Authority (CWA). CWA in turn purchases a majority of its water supplies from the MWD. MWD imports water from two sources: the Colorado River via the Colorado River Aqueduct and Northern California via the California Aqueduct. In recent years, several factors have impacted the cost and availability of these water supplies. Last year ended multi-year droughts in California and the Colorado River system. Major reservoirs are recovering from historic lows and pumping restrictions in the Sacramento River Delta (Delta) have been imposed to protect the health of the Delta environment. These issues will continue to impact the cost of the wholesale water that the City purchases from SDCWA.

Metropolitan Water District - Readiness to Serve Charge

The MWD Water Availability Charge (Readiness to Serve) is increasing from \$2.58 to \$2.86 per meter per month in 2012. This includes a Delta Surcharge to obtain replacement water for State Project water that was lost because of environmental restrictions on the Sacramento River Delta. The City of Escondido began passing through to our customers the increase in the Readiness to Serve charge effective March 1, 2011. Future increases will be effective January 1 of each subsequent year.

San Diego County Water Authority - Infrastructure Access Charge

The SDCWA Infrastructure Access Charge is increasing from \$ 2.22 to \$2.60 per equivalent meter per month in 2011. The City of Escondido began passing through to our customers the increase in the Infrastructure Access Charge effective March 1, 2011. Future increases will be effective January 1 of each subsequent year.

The following tables provide more detailed information on the rate adjustments.

Proposed Monthly Water User Rates for Potable Water in \$ per 1,000 gallons

WATER RATES	Water Use (x 1,000 gal. per month)	Current Rate	Rate as of Feb. 1, 2012
Single Family Residential			
Tier 1	0 to 7	\$3.40	\$3.81
Tier 2	7 to 15	\$4.15	TBD
Tier 3	15 +	\$5.29	TBD
Residential/Agricultural Use			
Tier 1	0 to 7	\$3.40	\$3.81
Tier 2	7 +	\$4.31	TBD
Multi-Family Residential			
Tier 1	0 to 5	\$3.40	\$3.81
Tier 2	5 to 7	\$4.15	TBD
Tier 3	7 +	\$5.29	TBD
Commercial, Industrial & School		\$4.10	TBD
Irrigation - Institutional		\$4.43	TBD
Landscape Districts		\$4.43	TBD
Wild Animal Park		\$4.10	TBD
Special Unfiltered		\$2.48	TBD
Agricultural Use		\$3.00	TBD
SAWR Use		\$3.31	TBD

Proposed Monthly Water Availability Charge

	Current Rate	Rate as of Feb. 1, 2012
5/8" and 3/4"	\$19.25	\$21.56
1"	\$30.25	\$33.88
1 1/2"	\$57.75	\$64.68
2"	\$90.74	\$101.63
3"	\$195.23	\$218.66
4"	\$349.20	\$391.10
6"	\$772.64	\$865.36
8"	\$1,322.55	\$1,481.26
3/4" x 3"	\$273.31	\$306.11
1" x 4"	\$415.19	\$465.01

1 1/2" x 6"	\$827.71	\$927.04
3/4" x 3" x 6"	\$827.71	\$927.04
1" x 4" x 8"	\$1,322.63	\$1,481.35
2" x 6"	\$827.71	\$927.04
2" x 8"	\$1,322.63	\$1,481.35
Detector Check	\$32.78	\$36.71

Proposed MWD Readiness to Serve Charge

	Current Rate	Rate as of Feb. 1, 2012
5/8" and 3/4"	\$2.58	\$2.86
1"	\$4.15	\$4.61
1 1/2"	\$8.03	\$8.91
2"	\$12.89	\$14.32
3"	\$25.49	\$28.31
4"	\$39.81	\$44.21
6"	\$79.17	\$87.95
8"	\$126.85	\$140.91
5/8" x 2"	\$14.47	\$16.07
3/4" x 3"	\$26.64	\$29.59
1" x 4"	\$41.96	\$46.60
1 1/2" x 6"	\$83.90	\$93.20
3/4" x 3" x 6"	\$103.09	\$114.51
1" x 4" x 8"	\$164.22	\$182.42
2" x 6"	\$92.06	\$102.27
2" x 8"	\$128.14	\$142.34

Proposed CWA Infrastructure Access Charge

	Current Rate	Rate as of Feb. 1, 2012
5/8" and 3/4"	\$2.22	\$2.60
1"	\$3.55	\$4.16
1 1/2"	\$6.66	\$7.80
2"	\$11.54	\$13.53
3"	\$21.30	\$24.97
4"	\$36.39	\$42.66
6"	\$66.56	\$78.04
8"	\$115.37	\$135.28

5/8" x 2"	\$11.54	\$13.53
3/4" x 3"	\$36.39	\$42.66
1" x 4"	\$55.47	\$65.03
1 1/2" x 6"	\$110.94	\$130.08
3/4" x 3" x 6"	\$110.94	\$130.08
1" x 4" x 8"	\$177.49	\$208.12
2" x 6"	\$110.94	\$130.08
2" x 8"	\$177.49	\$208.12

Note: Water Availability Charge, Readiness to Serve Charge and Infrastructure Access Charge are shown as a single Water Service Charge on your water bill.

Proposed Monthly User Rates for Recycled Water

The recycled monthly service charge is the same as for potable water. The commodity rate is 90 percent of the lowest residential potable rate.

	Current Rate	Rate as of Feb. 1, 2012
Recycled Water Commodity Rate (\$ per 1,000 gal)	\$3.06	\$3.43

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ file No. _____

Ord No. _____

Agenda Item No.: 13
Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Jerry Van Leeuwen, Director of Community Services
SUBJECT: Recommendations for Allocation of Federal Home Investment Partnerships (HOME) Program Funds

RECOMMENDATION:

Staff recommends approval of the following resolution as follows:

Adopt Resolution No. 2011-154 authorizing encumbrance of FY2010-11 and FY2011-12 HOME funds in an amount not to exceed \$1,000,000 as leveraged financing to Community HousingWorks (CHW) for its multi-family development located at Broadway and El Norte Parkway; and authorizing the Mayor and Clerk to execute the necessary loan documents, security and supporting agreements with CHW in form acceptable to the City Attorney.

FISCAL ANALYSIS:

There will be no impact on the General Fund. HOME and HOME/CHDO funds are reserved for the development of affordable housing.

BACKGROUND:

In December of 2009 the City closed escrow on 1282 N. Broadway, a vacant unimproved parcel on the southeast corner of Broadway and El Norte Parkway. The property was purchased with Neighborhood Stabilization Program (NSP) funds. NSP monies were allocated through the State of California as part of the federal Housing and Economic Recovery Act of 2008 (HERA).

On April, 28, 2010, the City Council/Community Development Commission authorized staff to publicly notice the availability of affordable housing funds through a Request for Proposals (RFP) process. The published RFP made available a total of \$441,643 in HOME funds for development and administration purposes reserved exclusively for Community Housing Development Organizations (CHDO).

On June 9, 2010, Council voted unanimously to approve an allocation of federal HOME administrative funds from the RFP process in the amount of \$45,343 to CHW to allow them to further study the

feasibility of a potential multi-family affordable housing development located at 141, 211 and 221 E. El Norte Parkway adjacent to the City acquired property at 1282 N. Broadway (purchased with NSP Funds), directing staff to pursue further discussions with CHW for the potential redevelopment of the four properties together for affordable housing purposes.

On August 18, 2010, The Council/Community Development Commission adopted Resolution No. CDC 2010-136 approving the grant of the City-owned parcel at 1282 N. Broadway (purchased with NSP Funds) to CHW for subsequent redevelopment in exchange for long-term affordability covenants and CDC 2010-10 authorizing an Exclusive Negotiating Agreement (ENA) with CHW for the redevelopment of four residential parcels located at Broadway and El Norte Parkway for affordable housing purposes. The Council/Community Development Commission further authorized encumbrance of available Set-aside funds in an amount not to exceed \$500,000 for development costs. Staff indicated at that time that once the terms of the ENA were satisfied, additional affordable housing funds in the form of gap financing, estimated to be \$1.3–\$3m would be requested by CHW.

On March 16, 2011, the Council/Community Development Commission adopted CDC Resolution No. 2011-03 allocating additional Affordable Housing Set-Aside funds in an amount not to exceed \$1,900,000 for development and construction.

On June 22, 2011, the Council/Community Development Commission adopted CDC Resolution No. 2011-05R allocating additional Affordable Housing Set-Aside funds in an amount not to exceed \$500,000 to the development.

On September 14, 2011, the Council adopted Resolution No 2011-102 authorizing an allocation of \$200,000 available NSP funds to the El Norte Apartments development. These funds will be used to reduce the amount of necessary Affordable Housing Set-Aside funds in the Project.

PROJECT DESCRIPTION:

On June 9, 2010, City directed staff to pursue discussions with CHW relative to the potential development of affordable housing units to be located at 141, 211 and 221 El Norte Parkway in conjunction with a City-owned lot purchased with NSP funds at 1282 N. Broadway. CHW has since included 1260 N Broadway in the development. CHW's El Norte Apartments development will provide up to 36 units, using provisions of State Density Bonus Law and CHW's properties developed in conjunction with the City's NSP-purchased property. The multi-family rental development will include an equal mix of 1-bedroom, 2-bedroom and 3-bedroom units. El Norte Apartments features a corner community garden and a 1,378 square foot community building. The development will be regulated by requirements set forth in the City's loan documents restricting affordability per State and Federal regulations. One-hundred percent (100%) of the units will be made available to households whose incomes are at or below 60% of AMI (currently \$49,140).

AFFORDABILITY ANALYSIS:

Council/Community Development Commission has committed \$3,150,000 towards this \$11 million Project. The bulk with the commitment is \$2,900,000 in Affordable Housing Set-Aside funds. Land was purchased with \$250,000 in NSP funds and granted to the Project. Use of these funds necessitates an accelerated development time line as the funds were authorized to help deal with the national housing crisis. Units assisted with NSP funds must be occupied by February 2013. On September 14, 2011, Council authorized \$200,000 in NSP funds to replace a portion of the Affordable Housing Set-Aside funds committed to the EI Norte Apartments.

CHW has received commitments from all other funding sources and the Project is ready to proceed. Leveraged funds include a commitment from the County of San Diego Continuum of Care Council to provide Supportive Housing Program (SHP) funds, a commitment from the Federal Home Loan Bank and commitments for 2011 Tax Credits. Demolition permits have been issued. Construction is scheduled to begin in February 2012 in order to meet the NSP construction deadlines.

Due to uncertainty related to the Affordable Housing Set-Aside funds already committed to the Project, the Housing Division recommends that an additional substitution of funds be made to the EI Norte Apartments. The City of Escondido receives an annual allocation of HOME Program funding from the U.S. Department of Housing and Urban Development (HUD). The HOME Program regulations require that a minimum of 15 percent (15%) of the total HOME grant be allocated to certified CHDO's. A CHDO is a nonprofit organization that has been certified by a city as meeting HUD's CHDO requirements. CHW is a certified CHDO with the City of Escondido, making EI Norte Apartments eligible to receive both HOME funds and HOME/CHDO funds. Up to \$1,000,000 in HOME and HOME/CHDO funds have been aggregated and are available for commitment. The HOME/CHDO development funds will be provided in the form of a loan to the project.

CONCLUSION AND RECOMMENDATION:

NSP regulations require that the EI Norte Apartments units be constructed and beneficiaries be realized by February of 2013. CHW has received commitments for all necessary funding in order to meet this deadline. Timing of Affordable Housing Set-Aside Funds is the largest threat to this project. By substituting up to \$1,000,000 in HOME funds for Affordable Housing Set-Aside funds, the project can move forward. This substitution will not add any additional funding to the project.

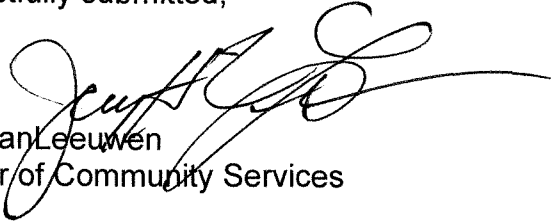
Staff recommends approval of the following resolution as follows:

Adopt Resolution No. 2011-154 authorizing encumbrance of FY2010-11 and FY2011-12 HOME funds in an amount not to exceed \$1,000,000 as leveraged financing to Community HousingWorks (CHW) for its multi-family development located at Broadway and EI Norte

Allocation of HOME Funds/EI Norte Apartments
December 14, 2011
Page 4

Parkway; and authorizing the Mayor and Clerk to execute the necessary loan documents, security and supporting agreements with CHW in form acceptable to the City Attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry Van Leeuwen", with a long horizontal flourish extending to the right.

Jerry Van Leeuwen
Director of Community Services

RESOLUTION NO. 2011-154

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA AUTHORIZING ENCUMBRANCE OF FY 2010-2011 AND FY 2011-2012 HOME AND HOME/CHDO FUNDS IN AN AMOUNT NOT TO EXCEED \$1,000,000 AS LEVERAGED FINANCING TO COMMUNITY HOUSINGWORKS (FOR ITS MULTI-FAMILY DEVELOPMENT LOCATED AT BROADWAY AND EL NORTE PARKWAY AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE ALL NECESSARY AGREEMENTS AND LOAN DOCUMENTS

WHEREAS, on August 18, 2010, the City Council/CDC approved entering into an Exclusive Negotiating Agreement with the Community HousingWorks ("CHW") for the development/redevelopment of five contiguous parcels addressed as 141, 211 and 221 E. El Norte Parkway, and 1282 and 1260 N. Broadway (collectively, the "Properties"), for affordable housing purposes; the commitment of an amount up to \$500,000 in present fiscal year Affordable Housing Set-Aside Funds for development/redevelopment of the Properties for affordable housing purposes; and the disposition of the vacant property located at 1282 N. Broadway in Escondido to CHW for the provision of affordable housing units; and

WHEREAS, the Exclusive Negotiating Agreement was executed, and the Affordable Housing Set-Aside funds committed, for the purposes of site acquisition, predevelopment, project planning, relocation, demolition and other related activities necessary for the redevelopment of the Properties; and

WHEREAS, on March 16, 2011, the City Council/CDC approved an additional request for Affordable Housing Set-Aside funds in an amount not to exceed \$1,900,000; and

WHEREAS, on June 22, 2011, the City Council/CDC approved an additional request for Affordable Housing Set-Aside funds in an amount not to exceed \$500,000; and

WHEREAS, the City Council desires at this time, and deems it to be in the best public interest, to replace a portion of the committed Affordable Housing Set-Aside funds with other Affordable Housing funds; and

WHEREAS, the City Council desires at this time, and deems it to be in the best public interest, to authorize execution of Agreements necessary to provide such funds for multi-family affordable housing, to approve the request for a loan of HOME and HOME/CHDO funds in an amount not to exceed \$1,000,000.

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 approves a loan not to exceed \$1,000,000 in HOME and HOME/CHDO funds to Community HousingWorks for the provision of affordable housing units.
3. That the amount designated for this project is appropriate.
4. That the Mayor and City Clerk are hereby authorized to execute, on behalf of the City, in a form approved by the City Attorney, any agreements, loan documents, and grant deeds necessary to provide such funds and property for the development of affordable housing.



CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 14
Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Barbara J. Redlitz, Director of Community Development
SUBJECT: Municipal and Zoning Code Amendments, Case No. AZ 11-0002

RECOMMENDATION:

It is requested that Council introduce Ordinance No. 2011-19 to amend the Escondido Municipal Code and the Escondido Zoning Code to consolidate the Design Review Board with the Planning Commission and revise the qualifications for planning commissioners.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of staff's draft amendments, by a vote of 4-1-1 (Weber voted no, Campbell abstained, and McQuead was absent).

PROJECT DESCRIPTION:

Amendments to the Escondido Municipal Code (EMC) and Escondido Zoning Code (EZC) to merge the Design Review Board (DRB) with the Planning Commission. The revisions include deleting references to the Design Review Board throughout the Zoning Code and establishing design review by the Planning Commission for discretionary projects requiring public hearings. Certain types of administrative projects and applications currently subject to design review by the DRB would become subject to review by the Director of Community Development or designee. The code amendment would also modify EMC Chapter 20 to add language to include licensed design professionals as members of the Planning Commission.

FISCAL ANALYSIS:

Currently, each Design Review Board member receives a \$100.00 stipend for every meeting he/she attends. Typically, there have been two meetings per month. With the adoption of this code amendment, the Design Review Board would be disbanded and there would be a savings of up to \$16,800.00 annually, based on seven members and a maximum of 24 meetings a year.

COUNCIL ACTION PLAN / PREVIOUS ACTION:

This code amendment implements one of the goals listed in the Economic Development component of the 2011-2012 Council Action Plan to streamline city regulations.

PLANNING COMMISSION DISCUSSION AND RECOMMENDATION:

The Planning Commission held a public hearing regarding the amendments on November 22, 2011. Historic Preservation Commissioner and Design Review Board Member Carol Rea spoke regarding her concerns that the qualifications for planning commissioners should be more specific and should emphasize the type of design professionals desired on the commission, similar to the qualifications listed for DRB members. She also felt that one commissioner should be knowledgeable in the area of historic preservation. There were no other public comments.

Planning Commissioners discussed the proposed changes to the qualifications (EMC Chapter 20) section with Chairman Caster suggesting that the qualifications could be expanded by adding "such as landscape

architects, architects, engineers, etc.” Commissioner Weber mentioned that more flexibility in appointments and perhaps a larger pool of applicants would result if the residency requirement was modified to allow more commissioners to live outside of the city limits. Commissioner Winton was interested in ensuring that the design review part of the project review would not cause delays and suggested that the design standards be upgraded to give applicants more certainty in the City’s expectations. Winton made the motion to recommend approval of staff’s draft amendments, which was approved 4-1-1 (Weber voted no, Campbell abstained without comment, and McQuead was absent).

DISCUSSION:

1. Division of Design Review – This amendment would assign design review responsibilities by the type of project review required. The Planning Commission (PC) would resolve design review issues identified by staff in the PC staff report for projects that require a public hearing(s), such as Planned Developments, Condominiums, or Conditional Use Permits involving new construction. The PC would also review proposed development standards and/or design guidelines for specific plan areas and overlay districts. If the project also required Council consideration, the PC’s design recommendations would be forwarded. Projects that would not need a public hearing would be reviewed administratively by Planning Staff for conformance with the design guidelines. These types of projects include plot plan applications for multi-family, commercial and industrial development that meets all development standards, façade improvements, and improvements to residences in the Old Escondido Neighborhood or listed on the Local Register of Historic Resources. Any appeals of administrative actions would be scheduled for the Planning Commission.
2. Reviews forwarded to Planning Commission – There are several types of highly visible signs that currently can be approved administratively with DRB review, that staff proposes would be forwarded for PC review as current business items. The Sign Ordinance allows freestanding signs in the CG and CN zones up to 30 s.f. and 6 ft. high (based on Section 33-1395.2, Column A and lot size) with only staff review. Larger freestanding signs up to 150 s.f. and 30 ft. high (based on Column B and lot size), which now require DRB approval, would require PC approval as drafted. See Section 33-1395.2, page 49 of the Draft. Should Council not want the PC to review these larger category signs, the Column "A" section could be taken out and have Planning Staff review all sizes of freestanding signs. It should be noted that the existing two tier allotment system has been fairly successful in encouraging most commercial facilities to propose the more compact signs, which are usually of the appropriate scale for the location.

The other types of signs that are proposed to be reviewed by the PC are freeway-oriented signs (Section 33-1395.3, page 50), super-graphic signs that extend above the primary wall line or parapet (Section 33-1395.11, page 54), and signs for buildings listed on the Escondido Historic/Cultural Resource Inventory or the Local Register of Historic Places that deviate from the sign standards and guidelines in an historically appropriate manner (Section 33-1395.12, page 55).

3. Composition and residency of Planning Commission – Most discussion has centered on the proposed changes to the composition and qualifications of PC applicants; specifically regarding the residency requirement and background/experience. Members of the Planning Commission and Design Review Board have been concerned that with the transfer of the design review responsibility from the DRB to the PC, the qualifications for planning commissioners should be enhanced to recognize the desirability of including design professionals on the commission and identifying specific types of design professionals that would be preferred. The Historic Preservation Commission recommended that there be a requirement for at least

one planning commissioner to have background/experience in historic preservation. The DRB qualifications also provided a great deal of flexibility in the residency requirement to encourage sufficient applications from design professionals. Below is a side-by-side comparison of the existing code sections dealing with the composition of the DRB and PC.

<p align="center">Design Review –EZC Section 33-1351 Established membership.</p>	<p align="center">Planning Commission –EMC Section 20-2 Compositions; appointment of members.</p>
<p>There shall be a seven (7) member board consisting of residents of the city, or individuals having a business in the city, to be known as the "Design Review Board of the City of Escondido" (DRB). The members shall be citizens with knowledge in the interpretation of architectural and landscaping drawings and shall be able to evaluate the effects of the proposed developments upon the surrounding area. The DRB shall include licensed design professionals, with emphasis on architects and landscape architects, and nonlicensed people from related professions. At least one (1) board member should be knowledgeable in the area of historic preservation. The City Council may waive the residence requirement for two (2) members with verified professional experience.</p> <p align="center">-----</p> <p>This section would be deleted.</p>	<p>The Planning Commission created by this chapter shall consist of seven (7) members who shall be appointed by the City Council. All members must reside within the geographic area covered by the City's general plan and no more than one (1) member may reside outside the city limits. Members of the Planning Commission shall serve at the pleasure of the Council, and may be removed from office at any time, without cause.</p> <p align="center">-----</p> <p>The proposed code changes would add the following sentence to this section: <u>"The planning commission should include members of the general public and licensed design professionals."</u></p>

SUMMARY:

Staff recommends approval of the proposed code changes as shown in the underlined/strikeout form in Attachment "1." The draft amendments would divide review responsibilities between projects requiring public hearings (PC review) and administrative projects (staff review); maintain the current separation of design review for freestanding commercial signs between PC and staff based on the existing size charts; and provide Council the most flexibility for determining the appropriate mix of experience for planning commissioner appointees while maintaining the existing residency requirements.

Respectfully submitted,



Barbara J. Redlitz
 Director of Community Development



Rozanne Cherry
 Principal Planner

PLANNING COMMISSION

Agenda Item No.: H.1
Date: **November 22, 2011**

CASE NUMBER: AZ 11-0002
APPLICANT: City of Escondido
LOCATION: Citywide
TYPE OF PROJECT: Municipal and Zoning Code Amendments

PROJECT DESCRIPTION: Amendments to the Escondido Municipal Code (EMC) and Escondido Zoning Code (EZC) to consolidate the Design Review Board (Board) with the Planning Commission. The revisions include deleting references to the Board throughout the Zoning Code and establishing design review by the Planning Commission for discretionary projects that require public hearings and by planning staff for administrative projects and applications. EMC Chapter 20 would be revised to indicate that the composition of the Planning Commission should include licensed design professionals. Minor clean-up items in the affected code sections are also proposed to correct misspellings and punctuation, to consistently use of the term "Director" for the Director of Community Development, and to correct the definition of "Second Dwelling" in Article 1 to be consistent with the revised definition in Article 70.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION/TIER: Citywide

ZONING: Citywide

BACKGROUND/SUMMARY OF ISSUES: In September 2011, the City Council approved the 2011-2012 Council Action Plan. The Economic Development component of the plan included several actions to streamline city regulations, one of which was the consolidation of the Design Review Board with the Planning Commission. Staff proposes that the responsibilities for design review continue to be assigned by the type of review required. Planning staff would determine a project's consistency with the city's design guidelines for items to be approved administratively, and the Planning Commission would do the same for items requiring public hearings. The commission staff reports would include discussions of any design issues and staff recommendations. If the project also required Council consideration, the Planning Commission's design recommendations would be forwarded.

This code amendment only addresses the division of design review responsibilities and the deletion of references to the Design Review Board, with a few minor cleanup items. A comprehensive update of the Zoning code is anticipated as part of the implementation of the new General Plan in 2012. Attached is a ~~strikeout~~ / underlined draft of the proposed code changes.

No specific issues have been identified.

REASONS FOR STAFF RECOMMENDATION:

1. The proposed code changes implement the council's direction to streamline regulations and consolidate responsibilities for design review with planning staff and the planning commission.
2. The basic division of design review between administrative applications/projects and requests/projects that require public hearings would be maintained.
3. Members of the Planning Commission would include licensed design professionals.

Respectfully Submitted,



Rozanne Cherry
Principal Planner

ANALYSIS

A. ENVIRONMENTAL STATUS

1. A Notice of Exemption was issued on November 15, 2011, in accordance with CEQA Section 15061(b)3, "General Rule."
2. In staff's opinion, the proposed code amendment, which does not involve physical modifications, has no significant environmental issues.
3. As a code amendment with no physical modifications, the project will have no impact on fish and wildlife resources.

B. CONFORMANCE WITH CITY POLICY/ANALYSIS

General Plan

The proposed code amendment is consistent with the General Plan Community Design Policy C1.2, which authorizes design review of architecture, landscaping, signs, and other visual impacts of development projects based on design guidelines and development standards.

C. DISCUSSION

The proposed code changes would maintain the division of design review between administrative submittals and applications requiring public hearings. Planning Commission would resolve design review issues identified by staff in the staff report for public hearing items, and staff would continue to review administrative projects. There would be some administrative projects that could be referred to the Commission that were formerly referred to the DRB when a question of consistency with design guidelines occurred. These items are listed in the Details of Request. Several types of highly visible signs will now require review by the Planning Commission, including Regional Market Signs that also currently require Council approval. Administrative projects being referred to the Commission would be current business items.

Article 40 –Historic Resources, section 33-798 (e)(2), currently allows staff to refer to the DRB major projects involving historic resources or projects located in the Old Escondido Neighborhood, when there is a question about conformance to guidelines for historic resources. Staff proposes that any referral of a major project go instead to the Historic Preservation Commission. These types of projects could include new construction, porch enclosures, grading, parking lots and new freestanding signs related to historic resources.

References to the Design Review Board in previously adopted specific, master and area plans will be handled by section 33-1363, where it states that discretionary projects requiring a public hearing would have design review by the Planning Commission and administrative projects would have design review by planning staff.

EMC Chapter 20 establishes the parameters for the Planning Commission, such as, appointments and terms, powers and duties, and compensation. Currently, section 20-2, only lists a residency requirement that commissioners live within the geographic area covered by the city's general plan. This code amendment would add language to this section to include members that are licensed design professionals.

DETAILS OF REQUEST

ITEMS THAT MAY BE REFERRED TO THE PLANNING COMMISSION (FORMERLY TO THE DRB)	
Code Section	Type
33-707	Certain upgrades to existing wireless facilities
33-709	Satellite dish antennas
33-1243	Exceptions to nonconforming use provisions
33-1355	Administrative projects that may have a significant effect on the surroundings
33-1392	Comprehensive sign programs and questions about consistency with sign design guidelines
33-1477	Second dwelling unit
33-1534	Outdoor display requests

ADMINISTRATIVE ITEMS THAT WILL REQUIRE PLANNING COMMISSION DESIGN REVIEW	
Code Section	Type
33-1395.2	The larger commercial freestanding signs of Column B
33-1395 Subsections 3, 10, 11 and 12	Various signs that would be highly visible, including freeway-oriented signs, regional market signs, super-graphic signs that extend above the primary wall line or parapet, and historic signs

FACTORS TO BE CONSIDERED
AZ 11-0002
EXHIBIT "A"

1. The public health, safety and welfare will not be adversely affected since this item is only a code amendment to consolidate the Design Review Board with the Planning Commission, no physical improvements are involved, and it would not modify any permitted uses or development standards.
2. The proposed Municipal Code and Zoning Code amendment would not be detrimental to surrounding properties, since it would not change any permitted uses or development standards. There is an existing design review process and the proposed code amendment would modify and provide clarity in the types of projects requiring design review by the Planning Commission or by city staff.
3. The proposed code amendment would be consistent with the General Plan, since no land uses or policies would be modified or impacted. The amendment would only designate projects subject to design review by the Planning Commission and delete references to the Design Review Board.



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

Notice of Exemption

To: San Diego County Recorder's Office
 Attn: Linda Kesian
 P.O. Box 121750
 San Diego, CA 92112-1750

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

Project Title/Case No.: Zoning Code Amendment, Case No. AZ11-0002

Project Location - Specific: Citywide

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

Description of Project: Amendments to the Escondido Municipal Code (EMC) and Escondido Zoning Code (EZC) to consolidate the design review board (DRB) with the planning commission. The revisions include deleting references to the design review board throughout the Zoning Code and establishing design review by the planning commission for discretionary projects. Administrative projects and applications subject to design review by the DRB would be reviewed by planning staff. EMC Chapter 20 would be modified to indicate that the planning commission should include licensed design professionals. The proposed changes affect project review processes and do not involve physical modifications.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: City of Escondido, Planning Division, Rozanne Cherry Telephone: (760) 839-4536

Address: 201 N. Broadway, Escondido, CA 92025

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

Exempt Status:

Categorical Exemption. CEQA Section 15061(b)3 "General Rule".

Reasons why project is exempt:

1. The proposed code amendment is consistent with the General Plan.
2. Changes to the design review process will not have a significant effect on the environment.
3. The proposed code amendment does not involve physical modifications and will not cause the removal of any sensitive habitat or affect any cultural or historic resources.

Lead Agency Contact Person:

Area Code/Telephone/Extension (760) 839-4536

Signature: _____

Rozanne Cherry
 Rozanne Cherry, Principal Planner

11-15-11

 Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS – None.

PUBLIC HEARINGS:

Taken out of order.

3. SPECIFIC PLAN AMENDMENT – PHG 11-0010:

REQUEST: An Amendment to the Palos Vista Specific Plan to remove the existing AT&T wireless communication facility located on the site and replace the older simulated tree with a new simulated tree to accommodate additional panel antennas and radio equipment. The existing AT&T facility was designed to accommodate up to six, six-foot-high panel antennas. The new structure would consist of a 35-foot-high simulated tree (40 feet to top of branches) that is designed to accommodate up to twelve, eight-foot-high panel antennas. Additional radio and electrical equipment would be located within the existing masonry block equipment enclosure.

PROPERTY LOCATION: Lot G-G-1 of Tract No. 683, addressed as 1901 Woodland Heights Glen (APN 187-720-23)

ACTION:

Moved by Commissioner Winton, seconded by Commissioner Weber, to continue Item 3 to the December 13, 2011 meeting. Motion carried unanimously. (6-0)

1. MUNICIPAL CODE AND ZONING CODE AMENDMENTS – AZ 11-0002:

REQUEST: Amendments to the Escondido Municipal Code (EMC) and Escondido Zoning Code (EZC) to consolidate the Design Review Board with the Planning Commission. The revisions include deleting references to the Design Review Board throughout the Zoning Code and establishing design review by the Planning Commission for discretionary projects and by planning staff for administrative projects and applications. The code amendment would also modify EMC Chapter 20 to indicate that the composition of the Planning Commission should include licensed design professionals.

LOCATION: Citywide

Rozanne Cherry, Principal Planner, referenced the staff report and noted staff had not identified any issues. Staff recommended approval based on the following: 1) The proposed code changes implement the council's direction to streamline regulations and consolidate responsibilities for design review with

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planning staff and the Planning Commission; 2) The basic division of design review between administrative applications/projects and requests/projects that require public hearings would be maintained; and 3) Members of the Planning Commission would include licensed design professionals.

Chairman Caster asked whether the process with regard to the applicant working with staff before it came before the Commission would be any different than it was with the Design Review Board. Mrs. Cherry replied in the negative.

Commissioner Weber and Mrs. Cherry discussed the residency requirements for members as outlined in Chapter 20. Commissioner Weber felt more flexibility could be provided in the selection of commissioners if the residency requirements were established by policy as opposed to a code requirement. Mr. McCarthy noted no changes were proposed on this issue as the residency requirements were already in the Municipal Code.

Commissioner Winton and staff discussed the definition of a licensed design professional.

Commissioner Winton asked if the Planning Commission would have the ability to enhance or develop some standard design guidelines for applicants. Mr. Martin replied in the affirmative, noting the Commission could ask the City Council to initiate an update of the design guidelines.

Commissioner Winton felt there would be a fundamental difference in the way the Planning Commission meetings would operate taking on this new role. He felt the Commission needed to have standards put in place in order to better streamline the process.

Carol Rea, Escondido, noted that she was a member of the Design Review Board (DRB). She expressed her view that the proposed change to EMC Chapter 20 was too vague, feeling it should be more specific as to the number and type of licensed design professionals required for the Planning Commission. She stated that the DRB was able to handle many of the questions due to having architects on the board, noting many of the cases were from laypersons that did not have knowledge of the requirements. She felt the Commission would need to consist of at least three or four architects.

Commissioner Lehman noted that the Commission currently had two registered professional engineers and one architect.

Chairman Caster questioned whether a better definition should be provided for the term "licensed design professional."

Commissioner Yerkes questioned whether any of the current DRB members were interested in serving on the Commission. Chairman Caster noted that

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would likely be determined during the next application period that would be opening soon.

ACTION:

Moved by Commissioner Winton, seconded by Commissioner Yerkes, to approve staff's recommendation. Motion carried. Ayes: Winton, Yerkes, Caster, and Lehman. Noes: Weber. Abstained: Campbell. (4-1-1)

2. CONDITIONAL USE PERMIT – PHG 11-0035:

REQUEST: A request for a Conditional Use Permit to establish a church within a 3,240 SF commercial suite in an existing multi-tenant commercial building located in the East Valley Parkway Area Plan. The proposed church would include a small sanctuary for up to 48 persons, a bookstore and a Sunday school classroom.

LOCATION: The commercial center includes two parcels totaling 2.2 acres located on the southern side of East Valley Parkway, between Rose Street and Midway Drive, addressed as 1707 and 1711 East Valley Parkway.

Chairman Caster stated that he would be abstaining from the discussion and asked Vice-Chairman Campbell to act as chair for this agenda item.

Bill Martin, Principal Planner, referenced the staff report and noted staff's main issue was whether adequate parking exists to accommodate the proposed religious facility. Staff recommended approval based on the following: 1) The proposed church would require 16 parking spaces based on a calculation of the various uses that would occur within the church suite. A total of 43 parking spaces are provided on the multi-tenant building site. All other suites within the multi-tenant building are currently occupied with a variety of commercial businesses. A calculation of parking requirements for the other businesses indicates a total of 43 spaces would be needed to satisfy code requirements for the existing businesses and the proposed church. While the required amount of parking can be provided on the same lot, it should also be noted that the adjacent restaurant parcel, under the same ownership, has a surplus of 41 parking spaces that also could be used by the church or other tenants in the commercial center; and 2) The proposed church had approximately 30 members. The site was suitable for the church because the property was located within an established commercial area, there was space in the building for all of the proposed activities related to the church, and there was adequate parking available on the site.

DRAFT –AZ11-0002

Chapter 33, Article 1 – General Provisions and Definitions

Sec. 33-8. Definitions.

For the purpose of this chapter, the words and phrases set forth in this section shall have the meanings respectively ascribed to them. Words used in the present tense shall include the future; words in the singular number shall include the plural, and words used in the plural number shall include the singular; the word "shall" is mandatory, and the word "may" is permissive.

Accessory means a use customarily incidental to a building, part of a building or structure, which is subordinate to and the use of which is incidental to and detached from the main building, structure or use on the same lot. If an accessory building is attached to the main building either by a common wall, or if the roof of the accessory building is a continuation of the roof of the main building, such accessory building shall be considered a part of the main building.

Alley means any public thoroughfare, having a width of not more than thirty (30) feet, which affords only a secondary means of access to abutting property.

Amusement arcade means any establishment, room or place where more than four (4) amusement machines are available for public use.

Amusement machine means any device, whether mechanical, electrical or electronic, or similar object, which by payment of a fee, or insertion of a coin or token, may be operated for the primary purpose of amusement. The term amusement machine does not include any device or object the primary purpose of which is to play music.

Apartment means a room or group of two (2) or more rooms which is constructed, designed, intended for or actually used by, a single family for living and sleeping purposes for periods of thirty (30) consecutive days or longer. The term "apartment" includes all structures constructed under the provisions of the senior housing ordinance, Ord. No. 82-58, of the City of Escondido.

Area of lot means the total horizontal area included within ownership lot lines.

Arts and crafts shall include physical objects which are made by or as if by hand, and which require manual dexterity and artistic skill. Items such as jewelry, paintings, needlepoint, knitting, crochet, dolls, furniture, woodworking (e.g., carvings, etchings), sculptures, ceramics, toys, clothing, photography, scale models and similar items as determined by the ~~director of planning and building~~ director shall be considered as "arts and crafts" objects.

Arts and crafts show shall mean the activity of offering for sale of "arts and crafts" by means of announcing or advertising an "arts," "crafts," or "hobbies," show, bazaar or festival, all

of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual event offering the sale of personally crafted property. "Arts and crafts show" shall only be conducted by a property owner possessing a valid business license and an arts and crafts permit issued by the City of Escondido.

Attached unit means a unit completely within an existing principal building or added to an existing principal building; provided, that both dwelling units shall be attached by a common wall, floor or ceiling, and not simply by an attached breezeway or porch; and shall be contained within one (1) building. A second dwelling unit constructed above an existing detached garage shall be considered an attached unit.

Basement means a story partly underground and having at least one-half of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half of its height is below the average adjoining grade. A basement or cellar shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is over five (5) feet.

Block means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus of dead end street, city boundary, public parks or other natural boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Building.

(1) *Building* means any structure for the shelter, housing or enclosure of any person, animal, article or chattel and when any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building.

(2) *Building height* means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to a point midway between the highest and lowest point on the roof; provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.

(3) *Building site* means the ground area of (1) all or a portion of a lot or parcel of land, or (2) all or a portion of two or more lots or parcels of land, when used in combination for a building or group of buildings, together with all yards and open spaces required by this chapter.

(4) *Main building* means one or more buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

Business or commerce means the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity or service for profit or livelihood, and shall include office building, offices, recreational or amusement enterprises.

Camp car means a vehicle with or without motive power, which is designed or used for human habitation.

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Commercial dairy means any land whereupon is kept or maintained for any length of time, more than two milk cows where milk or milk products are produced for, or intended for sale to the public.

Common area means the total area within the shopping center that is not designed for rental to tenants and which is available for common use by all tenants or groups of tenants.

Court means an opening unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or by buildings and a lot line, including the open space in a bungalow court or court apartment providing access to the units thereof.

Detached unit means a unit that is structurally independent and separated from the existing primary dwelling by a minimum of ten feet.

Director means the Director of Community Development.

Driveway means a permanently surfaced area providing direct access for vehicles between a street and a permitted off-street parking or loading area and extending to a maximum width equal to the curb cut approved by the city engineer.

Dwelling.

(1) *Group dwelling* means a group of two or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including automobile camps, trailer camps or auto courts.

(2) *Multiple dwelling* means a building or portion thereof used for occupancy by four or more families living independently of each other, and containing four or more dwelling units.

(3) *One-family dwelling* means a detached or semi-detached building designed for or occupied exclusively by one family.

(4) *Two-family dwelling* means a detached or semi-detached building designed for or occupied exclusively by two families.

(5) *Three-family dwelling* means a detached or semi-detached building designed for or occupied by three families.

(6) *Dwelling unit* means one or more rooms in a dwelling used for occupancy by one family for living or sleeping purposes and having only one kitchen.

(7) *Primary dwelling* means the principal single-family dwelling unit located on a lot where a second dwelling unit is existing or proposed.

(8) *Second dwelling* means a secondary, but independent living facility which is located or established on the same lot as the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling unit may be attached, and become a part of the main building on the premises, or detached, as an accessory structure.

Family means one or more persons related by blood, marriage, or adoption, or a group including unrelated individuals living together as a relatively permanent, bona fide, housekeeping unit.

Family day care means regularly provided care, protection and supervision of fourteen (14) or fewer children in the provider's home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and including the following:

(1) *Large family day care home* means a home which provides family day care to nine (9) to fourteen (14) children, inclusive, including children who reside at the home;

(2) *Small family day care home* means a home which provides family day care to eight (8) or fewer children, including children who reside at the home.

Floor area means the total horizontal area of all floors of a building including the surrounding walls, exclusive of basement storage space and areas within a building used for the parking of vehicles.

Frontage means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting and intercepting streets, and railroad right-of-way or unsubdivided acreage.

Garage.

(1) *Private garage* means an accessory building or an accessory portion of the main building, designed and/or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building, or by not more than two vehicles owned or operated by others than such occupants.

(2) *Public garage* means any premises except those described as a private garage, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage sale shall mean the activity of offering for sale any property, other than real property or personally crafted arts and crafts items, by means of announcing or advertising a "garage," "yard," "moving," "estate," "rummage" or "tag" sale, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual, or non-business-related event offering the sale of personal property. "Garage sale" or "yard sale" shall not include any event which constitutes an arts and crafts show or any other sales activity which

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would require the business or person to possess a valid business license issued by the City of Escondido.

Greenhouse means a building or structure constructed chiefly of glass, glass-like or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross leasable area means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces. Abbreviated GLA.

Guest house means any living quarters within a detached accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises, which living quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling.

Home occupation means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part. A home occupation must satisfy the conditions set forth in Article 44 of this chapter.

Hotel means a building in which there are five (5) or more guest rooms where transient lodging (for a period of thirty (30) consecutive calendar days or less) with or without meals is provided for compensation.

Industry means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and including the operation of stables.

Junk yard means the use of more than three hundred (300) square feet of the area of any lot or of any portion of the front half of any lot for the storage of junk, including scrap metals or other scrap material, or for the dismantling or wrecking of automobiles or other vehicles or machinery.

Landscaping means the planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination or design may include natural features such as rock and stone; and structural features, including but not limited to fountains, reflecting pools, art works, screens, walls, fences and benches.

Lot means:

(1) A parcel of real property shown as a delineated parcel of land with a number and other designation on the final map of subdivision recorded in the office of the county recorder of San Diego County; or

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(2) A parcel of land, the dimensions or boundaries of which are defined by a record of survey map recorded in the office of the county recorder of San Diego County in accordance with the law regulating the subdivision of land; or

(3) A parcel of real property not delineated as in (1) or (2) above, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one (1) public street or easement which the planning commission has designated adequate for access purposes, and is held under one ownership.

(4) The various definitions in this category are as follows:

(A) *Lot area* means the total area measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

(B) *Corner lot* means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees (135°).

(C) *Lot coverage* means the total horizontal area of a lot, parcel or building site covered by any building which extends more than three (3) feet above the surface of the ground level and including any covered car parking spaces. Covered patios shall not be considered as lot coverage provided that said patio is not more than fifty (50) percent enclosed.

(D) *Lot depth* means the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines.

(E) *Front lot line* means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street.

(F) *Interior lot* means a lot other than a corner lot or reversed corner lot.

(G) *Key lot* means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

(H) *Rear lot line* means the record lot line or lines most distant from the generally opposite the front lot line except that in the case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which is (a) parallel to the front lot line or its chord, and (b) intersects the two (2) other lot lines at points most distant from the front lot line.

(I) *Reversed corner lot* means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

(J) *Side lot line* means any lot boundary line not a front lot line or a rear lot line.

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(K) *Through lot* means a lot having a frontage on two (2) parallel or approximately parallel streets.

Nonconforming use means a building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.

Official zoning map means a map which graphically shows all zoning district boundaries and classifications within the City of Escondido, as contained within the Escondido zoning code, which is signed by the ~~community development~~ director and on file in the Escondido planning department.

Parcel of land means a contiguous quantity of land in the same possession of, or owned by, or recorded as the property of, the same person or persons.

Parking index means the number of car parking spaces made available per one thousand (1,000) square feet of GLA (gross leasable area).

Planning commission means the planning commission of the City of Escondido.

Sign means any mark or painted character on any card, cloth, paper, metal, wood, plastic, or any other material visible from outside a structure, mounted to the ground or any tree, wall, bush, rock, fence or structure, either privately or publicly owned. "Sign" shall also mean any graphic announcement, declaration, demonstration, display, illustration, statuary or insignia used to promote the interest of any person, product, activity or service when the same is placed outdoors in view of the general public.

Site area means the gross land area of the property within the property lines.

Staff development committee means and shall be made up of representatives from the planning, engineering, building, fire and other departments which are associated with a given project or problem. Its purpose is to provide coordinated technical information and advice to the planning commission or city council.

Story.

(1) Story means that portion of a building included between the surface of any floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

(2) Half story means a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street means a public or private thoroughfare which affords principal means of access to abutting property.

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Structure means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Structural alterations means any change in the supporting members of a building such as bearing walls, columns, beams or girders, and floor joists or roof joists.

Transitional housing means residential units managed by an agency whose primary purpose is to provide social services to help residents transition to self-sufficiency, and occupied for a specified time set by the agency guidelines, at or below market rents, by families and/or individuals who have been involuntarily displaced from their previous residence. Residents shall not require any degree of control or care and shall function as a bona fide housekeeping unit in that chores, meals, and other household duties are shared. All agency services are provided off-site. Transitional housing facilities proposing to provide on-site services shall be allowable in all residential zones subject to approval of a conditional use permit in accordance with sections 33-1200 through 33-1211.

Travel trailer means a vehicle, other than a motor vehicle which is designed or used for human habitation, and for travel or recreational purposes, which does not at any time exceed eight (8) feet in width and forty (40) feet in length and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

Use.

(1) *Use* means the purpose of which premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(2) *Accessory use* means a use incidental and accessory to the principal use of a lot or of a building located upon the same lot as the accessory use.

Yard.

(1) *Yard* means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

(2) *Front yard* means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance between the front lot line, or its tangent, and the closest permissible location of the main building. Said distance shall be measured by a line at right angles to the front lot line, or its tangent.

(3) *Rear yard* means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance as measured from the part of the main building nearest the rear lot line towards the rear lot line, and such measurement shall be along a line representing the shortest distance between said part of the main building and the rear lot line. The required rear yard shall be that portion of the rear yard contiguous to the rear lot line having at no point a depth less than that required for the rear yard. The area to the rear of the

rear lot line of an interior triangular or gore-shaped lot shall be considered a part of the required rear yard.

(4) *Side yard* means a yard between the main building and the side lot lines extending from the required front yard, or the front lot line where no front yard is required, to the rear yard, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

Zone means a portion of the territory of the city, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings, all as set forth and specified in this chapter.

Chapter 33, Article 3 – Open Space (OS) Zone

Sec. 33-44. Plan approval required.

Prior to constructing recreational facilities in an undeveloped park site, a park master plan shall be approved involving community input. For existing park sites that have developed without a master plan, any new building or structure proposed, or any time a new use of land or existing structure is proposed that requires additional off-street parking, a plot plan application shall be submitted to the planning division. In such an event, surrounding property owners shall be notified of the proposed change consistent with the provisions found in section 33-1300. A plot plan will not be required for implementation of approved park plans where the building plans are consistent with the previously approved park plan or park master plan. Park plans and park master plans may be referred to the ~~design review board and~~ planning commission upon the determination of the director of planning and building. Open space areas that are designated for public park purposes shall be assigned a sub-zone designator "OS-P" (open space-park) to disclose to the public that active and/or passive public recreational uses shall be planned or constructed on the site.

Chapter 33, Article 12 – Light Multiple Residential (R-2) Zone

Sec. 33-229. Small lot planned development.

- (a) Purpose. Development and recycling opportunity in the area and of the city.
- (b) Development standards. Development under this provision shall comply with the following requirements:
 - (1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;
 - (2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;
 - (3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may

occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided.

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

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

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

(7) Process. All requests for a small lot planned development shall file an application for a conditional use permit pursuant to Article 61, Division 1, ~~and shall be reviewed by the design review board.~~

Chapter 33, Article 13 – Medium Multiple Residential (R-3) Zone

Sec. 33-259. Small lot planned development.

(a) Purpose. Development and recycling opportunity in the area and of the city.

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

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

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

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

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

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

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

(7) Process. All requests for a small lot planned development shall file an application for a conditional use permit pursuant to Article 61, Division 1, ~~and shall be reviewed by the design review board.~~

Chapter 33, Article 14 – Heavy Multiple Residential (R-4) Zone

Sec. 33-290. Small lot planned development.

- (a) Purpose. Development and recycling opportunity in the area and of the city.
- (b) Development standards. Development under this provision shall comply with the following requirements:
 - (1) The minimum lot area shall not be less than three thousand five hundred (3,500) square feet and not more than one (1) dwelling unit per lot;
 - (2) Setbacks for main and accessory buildings may vary in order to allow flexibility; however, the minimum front yard setback shall be ten (10) feet;
 - (3) Parking shall be provided at a ratio of four (4) off-street spaces per unit. Two (2) of the four (4) spaces must be covered; the additional two (2) spaces may be tandem and may occupy front and side yard setbacks. A minimum back up area of twenty-four (24) feet shall be provided.
 - (4) Densities per acre shall not exceed that allowed by the zone classification or the general plan.
 - (5) Access to lots may be provided by a private road easement a minimum of twenty (20) feet wide for two (2) or fewer lots subject to approval by the fire ~~marshall~~marshal and city engineer; additional easement width may be required by the fire ~~marshall~~marshal and/or city engineer based on the number of lots served and the specific project design.

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

(7) Process. All requests for a small lot planned development shall file an application for a conditional use permit pursuant to Article 61, Division 1, ~~and shall be reviewed by the design review board.~~

Chapter 33, Article 16 – Commercial Zones

Sec. 33-335. Development standards.

A. All zones. The standards contained in the following table shall apply to all commercial districts and shall be determined minimum unless stated otherwise.

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B. CN zone. No single use shall exceed a gross floor area of five thousand (5,000) square feet except that a grocery store may have a gross floor area of up to thirty thousand (30,000) square feet.

Table 33-335

COMMERCIAL DEVELOPMENT STANDARDS

	CG	CN	CP	HP
Lot area (SF) min. ⁽¹⁾⁽²⁾	None	7,000	7,000	7,000
Average lot width min. ⁽¹⁾	None	100'	50'	50'
Lot frontage min. ⁽¹⁾	All lots shall front on public street (does not include an alley)			50'
Front setback min. ⁽⁴⁾⁽⁷⁾	None ⁽⁵⁾⁽⁶⁾	10'	10'	10'
Corner and reverse corner lots	5' ⁽⁶⁾	10'	10'	10'
Facing Centre City Parkway in Landscape Master Plan Overlay ⁽³⁾	15'	15'	15'	15'
Side setback min. ⁽⁴⁾⁽⁷⁾	None ⁽⁵⁾⁽⁶⁾	None ⁽⁵⁾ except 10' adjacent to residential zones	None ⁽⁵⁾	5' for first two stories plus 5' for each additional story up to 25' max. setback
Corner lots and reverse corner lots	5' ⁽⁶⁾	10'	5'	10'
Facing Centre City Pkwy. in Landscape Master Plan Overlay ⁽³⁾	15'	15'	15'	15'
Rear setback min. ⁽⁷⁾	None ⁽⁵⁾⁽⁶⁾	20'	5'	10' for first two stories plus 5' for each additional story

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	CG	CN	CP	HP
Abutting an alley	None ⁽⁵⁾	10'	5'	10' for first two stories plus 5' for each additional story measured from center line of the alley with a min. 5' setback from edge of the alley.
Facing Centre City Pkwy. in Landscape Master Landscape Overlay ⁽³⁾	15'	15'	15'	15'
Building height maximum	None (UBC)	1 story or 35' whichever is less	75'	75'
Landcaping	According to Article 62			
Lot coverage maximum	None	50%	None	None
Parking	According to Article 39			
Loading	One off-street space/each building or separate occupancy thereof over 10,000 SF plus one space/each additional 20,000 SF of the gross floor area of the building.	Loading to be performed on-site and be from the rear or side of the structure and concealed from street and adjoining residential zoned property by landscape or architecture features.		None
Minimum space size	10' wide, 25' long, 14' high	None	None	
Trash storage	Required per section 33-338			
Walls and fences ⁽⁷⁾	A solid masonry wall minimum six (6) feet high on the sides of property adjoining a residential zone, school or park (an alley shall constitute a separation, subject to Article 56.			

(1) Lots or parcels of land which were legally created prior to the application of this zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section.

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(2) Parcels of land containing two (2) or more lots developed as a single project shall be maintained as a unit. Where two (2) or more lots are developed as one (1) unit, a covenant may be required by the city in a form satisfactory to the city attorney to ensure that required off-street parking facilities shall be provided on said premises.

(3) A reduced setback may be approved by the Director ~~design review board~~ if found consistent with the Centre City Parkway landscape master plan.

(4) Required yard shall not be used for vehicle parking (including overhang), except such portion as is devoted to driveway use.

(5) A building located on a lot line shall have facilities for the discharge of all roof drainage onto the subject lot.

(6) When the yard of a property zoned CG is adjacent or abutting the yard of a residentially zoned property, the following landscaped setbacks shall apply for all buildings and structures:

(A) Front yard setback:

Distance from structure to residential property	Front yard setback
25' or less	Equal to residential zone
26'—50'	10'
Over 50'	5'

(B) Side yard setback shall be minimum 5'.

(C) Side yard setback adjacent to street when the rear yard of the corner and reverse corner lots abuts residentially zoned property shall be minimum 10'.

(D) Rear yard setback shall be same as the rear yard setback required for adjacent residential zone.

(7) Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section 33-343.

Sec. 33-344. Conversion of existing and vacant automobile dealerships.

(a) Plot Plan Required. A plot plan application shall be required for all existing and vacant automobile dealerships converting to a new, substantially different, use (either in whole or in part), ~~including review by the design review board pursuant to section 33-1354 of the Zoning Code.~~ A comprehensive sign program shall be included in applications for the conversion to multiple tenant spaces.

(b) Development Criteria. City staff, ~~and the DRB~~ shall review all existing and vacant automobile dealerships converting to a new, substantially different, use to determine that such developments conform to the following criteria and do not have negative impacts on the physical or visual character of the area in which they are located. The following development standards

shall not be in excess of those standards required for all other properties in the commercial zone, as provided in the Zoning Code:

- (1) Appropriate on-site landscaping shall soften large expanses of paved areas and buildings, and buffer undesirable views.
- (2) Screening of parking lots, trash storage areas, and delivery/service areas shall be provided to the extent feasible.
- (3) Adequate street trees shall be included in the site design in proportion to the project and the site to provide shade where feasible.
- (4) Site lighting shall meet commercial lighting standards.
- (5) Appropriate stormwater management improvements shall be provided.
- (6) Exterior colors shall be compatible and harmonious throughout the site.
- (7) Entries for multiple tenant spaces shall be defined, be in harmony with the style and proportions of the existing buildings, and not conflict with existing design elements.
- (8) Signage shall be compatible throughout the site with logical and integrated sign locations.
- (9) Visible window areas shall remain uncluttered.
- (10) Fencing or other improvements in disrepair shall be removed or rehabilitated.

Chapter 33, Article 19 – Planned Development (PD) Zone

Sec. 33-403. General provisions and standards for planned development.

The following provisions shall apply in a planned development zone together with all other applicable provisions of the Escondido zoning and subdivision codes. Where conflict in a regulation occurs, the regulations specified in this zone or in a development plan approved pursuant to the requirements of this article shall apply.

(a) Planned development zones may be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this article.

(b) The purposes of this zone may be accomplished only on satisfactory demonstration that the proposed development is in conformity with the Escondido general plan and any element thereof, and in accordance with specific plans or policies adopted or in the process of being prepared and adopted by the city council. Correspondingly, the planning commission and city council, shall find that the proposed planned development conforms to such plans and policies. Policies relative to compliance with the general location, amounts and densities of such uses as set forth in the Escondido general plan; or in specific plans adopted by the City of Escondido.

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Planned developments may, under these circumstances, combine a variety of land uses. Mixed uses may include any skillful combination of the range of residential, commercial, industrial and agricultural uses, and may occur among or within buildings as long as the uses are compatible with each other and with existing and potential uses surrounding the zone.

(c) Except in the case of a planned development zone initiated by the city, before detailed studies of any development plan shall be undertaken by the planning commission, there shall be on file with the city, the written consent of all property owners in the proposed district that such detailed studies be made.

(d) Except in the case of a planned development zone initiated by the city, no ordinance establishing a planned development zone shall be enacted unless and until there is on file with the city written consent of every property owner within such zone at the time of adoption of the ordinance agreeing that said owners shall be bound by the conditions and regulations proposed and which will be effective within the zone.

(e) Standards for area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking and screening for planned development uses, shall be governed by standards which the planning commission shall adopt by resolution from time to time. The planning commission shall, upon adopting such standards in the first instance, be guided by those standards and requirements of the residential, commercial, industrial or other zoning district(s) most similar in nature and function to the proposed planned development use(s), and shall also be guided by the standards of development under this chapter and the general provisions of this chapter.

(f) Since the provisions of public and private open space as an integral part of land development planning and design is a required requisite of planned development zoning, the planning commission shall recommend to the city council and the city council shall adopt principles and standards for the provision, improvement and maintenance of required open space; and may require higher standards of open space for residential portions of a planned development than are required elsewhere in this division for residential uses.

(g) All electrical land telephone facilities, fire alarm conduits, street light wiring and other wiring, conduits or facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.

(h) Standards for public improvements shall be governed by applicable ordinances and laws of the city.

(i) Subject to review and approval by the Director ~~design review board~~, super-graphic wall signs for purposes of displaying large graphic images may be permitted pursuant to section 33-1395.11.

Exceptions to standards of this article or to standards adopted by the planning commission or city council shall be granted by the planning commission and city council only in cases where these bodies find that such exceptions encourage a more desirable environment, are warranted in order to foster the establishment of a comprehensively planned and designed development or unit thereof, and are consistent with the purposes of section 33-400 of this article.

Chapter 33, Article 34 – Communication Antennas

Sec. 33-706. Personal wireless service facilities—Land use approval.

(a) A plot plan application shall be required for all personal wireless service facilities/antennas and facilities which are permitted in the zone and which do not require a conditional use permit.

(b) ~~Design review board review may not be required if the proposed facility is fully integrated into the design of the building and does not extend above the roofline of the existing structure, as determined by the director of community development. City staff shall review plans for planning, siting, architecture, zoning compliance, landscaping, engineering, building requirements, safety, and conformance with the wireless facilities guidelines. After such review, staff may approved, conditionally approve, or deny the proposed plan, or refer it to the design review board and/or planning commission for approval, conditional approval, or denial. As a component of the project review, the applicant must include details regarding the ability to provide the necessary utilities (i.e., telco and power) and appropriate access to the site. All new utility service runs shall be placed underground.~~

(c) Residential and Open Space Zones. Personal wireless service facilities in these zones shall require a conditional use permit issued by the planning commission pursuant to Division 1 of Article 61 in all residential and open space zones. Personal wireless service facilities located within the public right-of-way within or adjacent to residential zones or open space zones shall require the issuance of a conditional use permit.

(d) Commercial and Industrial Zones. Plot plan approval or a conditional use permit shall be required in commercial and industrial zones according to the following chart:

	CG	CN	CP	HP	M-1	M-2	I-P
Personal Wireless Communication Facilities							
Roof-mounted or building-mounted incorporating stealthy designs and/or screened from public ways or significant views	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that incorporate stealthy designs and do not exceed 35' in height	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that exceed 35' in height, or roof or building mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C

P = Permitted subject to plot plan review.

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C = Conditionally permitted subject to a conditional use permit (CUP).

(e) Co-Location. Co-Location of personal wireless service facilities is encouraged to the extent it is technically feasible, up to the point where a structure or site has too many antennae and becomes visually cluttered, subject to the following siting criteria and chart:

	CG	CN	CP	HP	M-1	M-2	I-P
Personal Wireless Communication Facilities							
Co-location on existing buildings or structures, or adding an additional facility on a site	P	P	P	P	P	P	C
Co-location including new pole-mounted or ground-mounted structures that exceed 35' in height, or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C
RA	RE	R-1	R-2	R-3	R-4	RT	OS
C	C	C	C	C	C	C	C

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a Conditional Use Permit (CUP).

(f) Planned Development and Specific Plans. Unless specifically permitted or conditionally permitted as part of the planned development or specific plan, any wireless communication facility shall not be permitted within these zones unless a modification to the master development plan or specific plan is approved by the planning commission or city council, as may be required.

Sec. 33-707. Personal wireless service facilities—Modifications and upgrades.

A modification of a personal wireless service facility which was not specified in the original design/approval (including, as examples, an increase in height, the number of antennas/panels, an increase in mass and scale, etc.) may be considered equivalent to an application for a new personal wireless service facility, and will be subject to the requirements of this article. However, upgrades to existing facilities to incorporate new technology which, in the discretion of the director of building and planning, do not increase the existing mass and scale, increase the height or visibility of the structures, or decrease the overall height of the facility, may be approved by the director of building and planning, and/or may be referred to the planning commission design review board.

Sec. 33-709 Satellite dish antennas.

The following standards shall apply to all satellite dish antennas:

(a) Satellite dish antennas as ground or pole-mounted accessory structures:

(1) Location. Permitted in all residential, industrial, open space and commercial zones where accessory structures are allowed in the underlying zone, except that no portion of the satellite dish antenna shall be located within five (5) feet of any property line;

(2) Coverage. Conformance with coverage requirements of the underlying zone shall be maintained;

(3) Maximum Diameter. Four (4) feet, unless modified by a conditional use permit issued pursuant to section 33-704 of this article;

(4) Maximum Height. Fifteen (15) feet when measured vertically from the highest point of any portion of the satellite dish antenna when positioned in an operational mode to the grade immediately adjacent to the base or pole support, unless modified by a conditional use permit issued pursuant to section 33-704 of this article;

(5) Security. Shall be enclosed with a secure fence or wall of five (5) to six (6) feet in height;

(6) Screening. Required between the satellite dish antenna and any property line so that a maximum of twenty-five (25) percent of the total height of the satellite dish antenna extends above the screening material when viewed from exterior property lines at grade level;

(7) Screening Material. Shall be opaque and in conformance with development standards of the underlying zone. Materials are subject to the approval of the planning division and may include, but are not limited to walls, fences, other architectural material substantially compatible with the principal onsite buildings, trees, shrubs, earthen berms or earth depressions.

(b) Roof or building-mounted satellite dish antennas:

(1) Maximum Diameter. Four (4) feet, unless modified by a conditional use permit issued pursuant to section 33-704 of this article.

(2) Maximum Height. Shall conform with height limitation of the underlying zone.

(3) Screening. Roof-mounted antennas shall be located or screened to reduce visibility of the satellite dish antenna. This can be achieved by recessing the antenna into the building or by using similar colors and textures to match the existing building material, constructing an equipment penthouse, etc.

(c) Prior to the construction of any size satellite dish, site plans and elevations shall be approved by the planning division for compliance with development standards. The director of planning and building may refer a request to the planning commission ~~design review board~~. A building permit shall be required for any satellite dish antenna which is roof-mounted or which exceeds six (6) feet above grade.

(d) Residential and Open Space Zones. A conditional use permit approved by the planning commission pursuant to Division 1 of Article 61 shall be required for all satellite dish antennas which:

- (1) Are roof-mounted;
- (2) Exceed four (4) feet in diameter; or
- (3) Are ground or pole-mounted and exceed fifteen (15) feet above grade adjacent to the base or pole support.

(e) Commercial and Industrial Zones. A plot plan or a conditional use permit approved by the planning commission pursuant to Division 1 of Article 61 shall be required for all satellite dish antennas according to the following chart:

	CG	CN	CP	HP	M-1	M-2	I-P
Satellite Antennas							
Roof or building mounted							
≤ 4 feet in diameter	P	P	P	P	P	P	P
> 4 feet in diameter	C	C	C	C	C	C	C
Pole or ground-mounted							
≤ 4 feet in diameter and < 15 feet in height	P	P	P	P	P	P	P
> 4 feet in diameter or > 15 feet in height	C	C	C	C	C	C	C

(f) Installation of remote units (less than thirty inches (30") in diameter) required for fixed wireless service are not subject to the provisions of this Article 34 and are exempt from review by the planning commission or the city council.

Chapter 33, Article 40 – Historical Structures

Sec. 33-798. Permits and permit procedures.

(a) It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any historical resource or any portion thereof that has been listed on the Escondido Historic Sites Survey, local register, designated a local landmark, or located within an historical overlay district or to alter in any manner any feature of such designated resource without first obtaining a permit in the manner provided in this article. All repairs, alterations, constructions, restorations or changes in use of applicable historical resources shall conform to the requirements of the State Historical Building Code and the Secretary of the Interior’s Standards for Rehabilitation.

(b) Unless otherwise exempted in this article, a certificate of appropriateness is required for any new construction, and/or alteration that would affect the exterior appearance of an historical resource listed on the local register, or located within an historical overlay district, including back and sides, as well as street façade, even when a building permit is not otherwise required. Other permits, and review by the planning commission~~design-review board~~, may be required as prescribed in this article. Improvements and alterations to properties listed on the

Escondido Historic Sites Survey outside an historical overlay district shall be subject to staff administrative review to ensure said improvements and alterations do not preclude future listing on the city's local register.

(c) Exemptions. A certificate of appropriateness is not required for routine maintenance (masonry tuckpointing, and cleaning), installation of temporary fixtures (awnings and canopies, signs and plaques, light fixtures, portable spas, steps, and landscape accessories) and maintenance and removal of plantings and nonmature trees. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition or removal of any improvement when the city has been satisfied that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the State Historical Building Code.

(d) Submittal requirements for certificate of appropriateness. An application for certificate of appropriateness shall be filed with the planning division on a form provided by the city.

(e) Review processes. Following the planning division's receipt of a complete application, the ~~director of planning and building~~ director shall determine the appropriate review process as follows:

(1) Minor projects. Minor projects shall be subject to planning division staff review. ~~Staff may confer with the design review board prior to determination.~~ Minor projects include:

(A) Placement or removal of exterior objects and the restoration and exterior changes to materials (siding, brick, stucco, metal, etc.) and structures including porches (columns, cornices), roofs (covering, change in shape), any painting of exterior surfaces, satellite dishes, solar collectors, freestanding walls, fences and retaining walls, and any modifications to historical signs; and

(B) The following projects involving historic resources listed on the local register and property located within an historical overlay district: *painting of exterior surfaces, restoration and exterior changes to architectural details and decorative elements (fish scale, shingles, dentils, shutters), porches (trim, railing, ornamentation), exterior staircases, exterior doors, windows skylights, mechanical systems (window units, exhaust fans, vents), storm windows and doors, security grilles, and fire escapes.*

(2) Major projects. Major projects shall ~~may~~ be subject to historic preservation commission design review board review prior to staff determination. Major projects include all new construction (primary structure, out-buildings), additions (including porch enclosures, dormers, etc.), removal, relocation, change to the site, (grading, parking lots, paving), public right-of-way improvements (curb and gutter, sidewalks, street paving, driveways, curb cuts, stamped sidewalk), new freestanding signs, street furniture, and any project requiring a plot plan review ~~or a discretionary permit.~~

(3) ~~Discretionary permit~~ projects requiring a public hearing. ~~Discretionary permit projects requiring a public hearing before the planning commission shall be subject to review by the design review board and historic preservation commission prior to planning commission determination.~~

(f) Notification of action. ~~No later than five (5) working days following action. The determination by planning division staff, historic preservation commission, or planning commission, shall be documented by the issuance of notification of the determination shall be filed with the city clerk and notice thereof shall be mailed to the applicant at the address shown on the application. If the determination was to approve the proposed work, staff shall issue a certificate of appropriateness that outlines the approved work, or. If the determination was to disapprove the proposed work, the applicant shall be provided with a written statement giving the reasons for disapproval.~~

(g) Appeal. ~~The planning division's director's decision may be appealed to the historic preservation planning commission. Decisions made by the historic preservation commission may be appealed to the planning commission, which decision may be appealed to the city council. Appeals shall be filed within ten (10) days of notification of action and noticed in accordance with Section 33-1303 of this title. Upon receiving an appeal, a public hearing shall be scheduled to consider the matter and uphold or reverse the decision.~~

(h) Findings. A certificate of appropriateness may be issued if planning division staff, historic preservation commission, planning commission, or the city council makes the following findings:

(1) All of the following:

(A) The proposed alteration or improvement is consistent with the design guidelines for historic resources;

(B) The action proposed is consistent with the purposes of historical preservation as set forth in this article and with the general plan;

(C) The action proposed retains the historical and/or architectural value and significance of the landmark, historical building, or historical district;

(D) The action proposed retains the texture and material of the building and structure in question or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district;

(E) The proposed project is compatible in its location of buildings and structures with the location of the street or public way and the location and arrangement of other buildings and structures in the neighborhood;

(F) If located within an historical district, the proposed project conforms to the design guidelines established for the district; or

(2) The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property.

Chapter 33, Article 49 – Air Space Condominium and Community Apartment Projects

Sec. 33-952. Commission action.

The planning commission shall review the application for a condominium permit and recommendation of the ~~design review board~~planning division. A public hearing on the application shall be held in accordance with Division 6 of Article 61 of this chapter, and a recommendation shall be forwarded to the city council.

Chapter 33, Article 57 – Miscellaneous Use Restrictions

Sec. 33-1111. Outdoor dining provisions.

(a) Outdoor dining for restaurants and eating establishments may be exempt from providing additional parking on a case-by-case basis in the General Commercial (C-G), Neighborhood Commercial (C-N), Professional Commercial (C-P), and Tourist Commercial (C-T) zones, and Downtown Specific Planning Area #9 for an area up to three hundred (300) square feet, provided the establishment conforms with all required parking standards for its indoor dining area, subject to the following conditions and administrative review:

(1) The establishment requesting outdoor dining shall conform to all sections of the Municipal Code. Outdoor dining areas not in compliance with the required provisions of this ordinance operating prior to October 5, 1994, may continue provided (1) continuous existence and (2) use of the outdoor dining area can be demonstrated to the satisfaction of the ~~director of planning and building~~director department and no violations of state, federal or health and safety regulations exist.

(2) All outdoor dining furniture, including tables, chairs, umbrellas and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds. Outdoor heaters, amplified music or speakers shall be reviewed at the time of application.

(3) No signing shall be allowed in the outdoor dining area, except for the name of the establishment on an awning or umbrella valance.

(4) The outdoor dining area may only serve food and beverages prepared or stocked for sale by the adjoining indoor eating establishment, provided that the service of beer or wine, or both, solely for on-premises consumption by customers within the area of the outdoor dining area has been licensed by the state authorities to sell beer or wine, or both, for consumption within the area of the sidewalk cafe.

(5) The area in which the outdoor dining area is authorized is identified in a manner approved by the planning division, which will clearly separate and delineate it from the area which will remain open to pedestrian traffic.

(6) The outdoor preparation of food and busing facilities are prohibited at outdoor dining areas. The presetting of tables with utensils, glasses, napkins, condiments and the like is prohibited. All exterior surfaces within the outdoor dining area shall be easily cleanable and shall be kept clean at all time by the permittee. Restrooms for the outdoor dining area shall be provided in the adjoining indoor eating establishment and the outdoor dining seating shall be counted in determining the restroom requirements of the indoor restaurant.

(7) The permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the floor surface, furniture and adjacent areas in a clean and safe condition.

(8) Hours of operation shall be identical to those of the indoor eating establishment.

(9) No required landscaping shall be eliminated unless replaced on-site.

(b) Outdoor dining for restaurants and eating establishments exceeding three hundred (300) square feet shall be subject to the conditions stated in subsection (a) of this section, as well as the following conditions:

(1) The establishment conforms with all required parking standards. Additionally, no required vehicle parking spaces shall be eliminated in order to accommodate the outdoor dining area unless replaced on-site.

(2) Additional parking shall be provided for the area exceeding three hundred (300) square feet at a ratio of that required for indoor dining areas. Additional parking shall be provided either on-site or along the street fronting the establishment, or through a joint use or other arrangement deemed appropriate by the city.

(3) Landscaping/buffering shall be incorporated into the outdoor dining area subject to ~~design review board~~ planning division approval which may consist of container plants, permanent landscape areas, garden walls, temporary fencing or other satisfactory measures to delineate the area devoted for outdoor dining.

Chapter 33, Article 61 – Administration and Enforcement

Sec. 33-1243. Exceptions to nonconforming use provisions.

(a) Routine maintenance. Nothing in this division shall prevent a property owner from performing routine maintenance on a nonconforming use. For the purposes of this section, the term, "routine maintenance," is minor work on a nonconforming use which does not require a permit of any kind and is primarily related to the aesthetics of a use or to alleviate normal wear and tear. Common examples of routine maintenance include but are not limited to painting, scraping, window replacement, cleaning, pruning and so forth;

(b) Voluntary work. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a nonconforming use provided that the total costs of such work do not exceed twenty-five (25) percent of the replacement value of the nonconforming use. The twenty-five (25) percent limitation shall include the replacement costs of work conducted pursuant to subsection (c) of this section:

(1) Improvements, additions and/or alterations for a nonconforming single-family residential structure(s) in a single-family zone, including restoration pursuant to government order, may exceed the twenty-five (25) percent limitation up to fifty (50) percent of the replacement value of the nonconforming structure.

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(2) Improvements, additions and/or alterations above fifty (50) percent for a nonconforming single-family residential structure(s) in a single-family zones, including restoration pursuant to governmental order, may be approved or conditionally approved by the director, pursuant to an administrative adjustment, upon demonstration that the proposed adjustment will be compatible with and will not provide ~~be~~ detrimental to adjacent property or improvements.

(3) The application for the administrative adjustment shall include a fee to the city in an amount to be established by resolution of the city council. The ~~director of community development~~ director may agendize the application for consideration by the ~~design review board~~ planning commission. Replacement values shall be calculated by the director using the most recent table of valuation multipliers of the International Conference of Building Officials, San Diego Chapter.

(4) A nonconforming sign may be altered, improved or remodeled notwithstanding this section provided the cost of such improvements or remodeling of the sign does not exceed fifty (50) percent of the cost of reconstruction of the building, as determined by the director.

(5) City-wide zone change. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a residential use considered nonconforming due to the city-wide zone change program; provided, that the total cost of such work does not exceed fifty (50) percent of the replacement value of the nonconforming use, except as permitted within this subsection. The fifty (50) percent limitation shall include the replacement costs of work conducted to section 33-1243;

(c) Restoration pursuant to governmental order. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any portion of a nonconforming use if such work is ordered by a governmental authority having jurisdiction or if such work is necessary to bring the nonconforming use into compliance with any applicable building, plumbing, electrical or similar codes, provided the total cost of such work includes only restoration pursuant to government order to ensure health, safety and welfare;

(d) Restoration following disaster. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any nonconforming use damaged by fire, collapse, explosion or acts of God, provided the total costs of such work does not exceed fifty (50) percent of the replacement value. Nonconforming residential structures are exempt from the fifty (50) percent limitation set forth in this -subparagraph and may be constructed, repaired and rebuilt to nonconforming densities and the use thereof may be continued following damage by fire, collapse, explosion or acts of God without limitation as to cost. The percent limitations set forth in this subparagraph do not include work pursuant to subsections (b) or (c) of this section;

(e) Low and very low-income housing. Low and very low-income housing units may be repaired, altered, improved or reconstructed to a condition complying with all applicable building, electrical, plumbing and similar codes without regard to the percent limitations set forth in subsections (c) or (d) of this section, if the following conditions are satisfied:

(1) The housing units at issue have been inhabited continuously by individuals with low or very low income for at least one (1) year prior to the date of the proposed alteration, improvement or reconstruction,

(2) The property owner restricts the property for occupation solely by individuals of families of low and very low income for a period of at least ten (10) years. Such restrictions shall be in a form satisfactory to the city attorney,

(3) The property owner does not charge rent for the property which is in excess of thirty (30) percent of the gross household income of the residents of the property;

(f) Income definition. For the purposes of subsection (e) of this section, the term "low and very low income" shall mean eighty (80) percent and fifty (50) percent respectively of median income of the San Diego County metropolitan statistical area adjusted for household size or any more recent definition adopted by the Department of Housing and Urban Development;

(g) Any property owner electing to not be subject to restrictions imposed pursuant to subsection (e)(2) of this section shall immediately notify the city and shall terminate, demolish or bring the nonconforming use into compliance with all relevant zoning, building, plumbing, electrical and similar codes within thirty (30) days of terminating the low income use.

Chapter 33, Article 64 – Design Review

Sec. 33-1350. Purpose.

(a) The exterior appearance of buildings, structures, signs and the type and extent of landscaping and the development of the site affect the desirability of the immediate area and neighboring areas for residential, commercial, industrial or other purposes. It is in the interest of the city to prevent the introduction of elements which may be incompatible with the highest quality of development sought by the city and which might impair the value of both improved and unimproved property. It is the intent of the city council to encourage the most appropriate and beneficial use of land so as to safeguard the general welfare of the community as it is described in the general plan.

(b) In order to preserve the natural charm, and integrity and quality of the built environment, it is necessary to regulate the design and appearance of development in order to insure compatibility with existing development and ensure that new development is consistent with or exceeds the high quality of the development projects currently located in the city.

Sec. 33-1351. Repealed.Established membership.

~~There shall be a seven (7) member board consisting of residents of the city, or individuals having a business in the city, to be known as the "Design Review Board of the City of Escondido" (DRB). The members shall be citizens with knowledge in the interpretation of architectural and landscaping drawings and shall be able to evaluate the effects of the proposed developments upon the surrounding area. The DRB shall include licensed design professionals, with emphasis on architects and landscape architects, and nonlicensed people from related professions. At least one (1) board member should be knowledgeable in the area of historic preservation. The city council may waive the residence requirement for two (2) members with verified professional experience.~~

Sec. 33-1352. Repealed.Appointment and terms of office.

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~~(a) The members of the design review board shall be appointed by the mayor. Members of the design review board shall serve at the pleasure of the council, and may be removed from office at any time, without cause;~~

~~(b) The terms of office for members of the design review board shall be for a four (4) year period commencing with the actual date of appointment and ending on March 31 of the fourth year thereafter; and~~

~~(c) Any vacancy which occurs prior to the expiration of a term shall be filled by appointment for the unexpired portion of such term.~~

Sec. 33-1353. Repealed Organization meetings.

~~(a) The design review board shall elect a chairman and vice chairman from among its voting members. Decisions shall be made by a majority of members present at a voting.~~

~~(b) For purpose of design review board meetings, a quorum shall be defined as four (4) members present.~~

~~(c) A member of the planning staff shall serve as the secretary of the board and shall maintain summary minutes of the board's findings and determinations and shall furnish all necessary and reasonable assistance to the board.~~

~~(d) The board shall meet twice a month. The chairman may cancel a regular or scheduled meeting due to lack of agenda items.~~

Sec. 33-1354. Jurisdiction and duties.

The following DRB shall review plans for all commercial, industrial, multifamily residential projects, and other projects shall be subject to the design review by the planning commission as follows:

(a) Planned development projects, condominium permits, and all nonsingle-family projects requiring discretionary approval by the planning commission and involving new construction;

(b) Proposed development standards and/or design guidelines for specific plans and overlay districts;

(c) Proposed signs as specified pursuant to Article 66—Sign Ordinance;

(d) Architectural or site modifications to industrial, commercial and multifamily residential developments that were approved through a public hearing, and conversions of existing and vacant automobile dealerships to a new, substantially different, use, except as provided in section 33-1355;

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(e) City initiated projects which involve public facilities such as libraries, major park structures, police stations, fire stations, major architectural or site modifications to existing public facilities, etc.

Sec. 33-1355. Exemptions and exceptions.

(a) Exemptions. This article shall not apply to:

(1) Painting of existing buildings, unless required by an adopted specific plan, overlay district, other code section, or where color was part of a discretionary action;

(2) Repair and maintenance of existing buildings;

(3) Interior modifications;

(4) Single-family residences of four (4) or fewer lots, unless require by an adopted specific plan or overlay district, planned development, or other code section;

(5) Landscaping of single-family lots;

(6) Street improvement projects and below-ground public facilities constructed by the city as part of the capital improvement program.

(b) Exceptions. City staff shall review all other nonexempt projects for conformance with applicable design guidelines as noted below. Minor projects where the proposed work may have a significant effect on the surroundings, may be agendized for review by the DRB planning commission.

(1) Minor exterior changes in overlay zones;

(2) Minor exterior revisions to commercial, industrial, multifamily residential projects including, parking lot changes, minor accessory structures, additions of in-wall ATMs, trash enclosures, additions of minor components for which ~~the there are~~ DRB has previously approved guidelines, such as above-ground storage tanks, vapor recovery tanks, security gates/fencing, outdoor dining areas of three hundred (300) square feet or less, etc.;

(3) Minor public facilities such as accessory park structures, pump stations, ADA improvements, bicycle trails, etc.;

(4) Production homes in subdivisions of five (5) lots or more;

(5) Proposed signs pursuant to Article 66—Sign Ordinance;

(6) Repainting of existing structures in any new color palette where building colors were part of a discretionary action.

Sec. 33-1356. Elements of design considerations.

The elements of design consideration shall include, without limitation, site development, circulation, grading, setbacks, exterior appearance of buildings, structures, signs, lighting, street furniture, landscaping and other outdoor appurtenances. All plans for nonexempt projects shall be prepared by licensed professionals, as required by state licensing acts.

Sec. 33-1357. Design review standards.

The ~~DRB~~planning commission and/or city staff shall review all projects subject to this chapter to determine whether the design considerations conform to the following criteria:

(a) Site design.

(1) The structure shall be appropriate to the site, regarding location, size, topography, natural and man-made surroundings of the site.

(2) The project shall respect environmentally sensitive areas, such as hillsides, arroyos, rock outcroppings, threatened or endangered habitats or plants, ridgelines, slopes, existing trees, architectural and historic resources.

(3) The site layout, orientation and location of structures, buildings and signs shall be designed to create a well integrated relationship to one another. Specific consideration shall be given to open spaces, topography, pedestrian and vehicular areas and circulation, and exterior building lighting.

(4) Grading shall be sensitive to the site and surrounding areas, and designed according to Article 55, of the city zoning code (grading and erosion control).

(5) Major consideration shall be given to pedestrian open spaces when possible.

(6) The location of parking and loading areas shall be convenient to the users.

(7) Loading deck areas, mechanical and utility equipment and trash storage areas shall be integrated into the total design concept and concealed to the extent possible.

(8) Overbuilding of a site will be discouraged and every effort shall be made to provide suitably landscaped or natural open space.

(b) Architectural—Building design.

(1) Overall building shape, size, and apparent bulk, shall be in proportion to and in scale with the site and with other existing or permitted structures in the area;

(2) A harmonious relationship shall exist between the proposed and adjoining developments, avoiding excessive variety or monotonous repetition;

(3) All elevations visible from public streets and/or adjacent properties shall be of consistent design, including harmony of materials, colors, composition and architectural elements of all sides of a structure or building;

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- (4) Long solid walls shall be avoided by breaking up large wall surfaces with architectural features or other treatment;
- (5) A limited number of materials shall be used on the exterior face of the building or structure (wood, concrete, brick, stone, etc.). The use of natural materials is encouraged;
- (6) A harmonious color palette consisting of softer and more subtle hues shall be used;
- (7) Logical and integrated sign locations shall be provided on commercial/industrial buildings;
- (8) Storage areas and all exterior utility and mechanical equipment shall be screened with architectural elements of the design;
- (9) Roof mounted equipment shall be screened and integrated into the overall building design;
- (10) Varied building relief shall be used extensively, where the architectural style is conducive to this technique.

(c) Landscaping.

- (1) Adequate landscaping shall be provided in proportion to the project and the site, with due regard to preservation of protected, specimen, landmark or other mature trees;
- (2) The project shall incorporate water conservation measures in design, selection of plants and selection of irrigation system, to the extent feasible;
- (3) Selection of a size and type of planting shall be appropriate to the project and the site and shall include a balanced mix of trees, shrubs and ground covers;
- (4) Landscaping shall successfully provide shade for parking and open space areas, soften large expanses of paved areas, buildings and wall edges, screen parking areas and trash enclosures and buffer undesirable views;
- (5) Existing trees shall be retained where possible;
- (6) Non-plant materials (such as gravel, bark, or simulated plant materials) may be considered for use instead of ground cover or turf, as part of the total integrated landscape design concept.

(d) Signs and lighting.

- (1) Signs and lighting and other advertising media shall harmonize with and be subordinate to the building it services and area in which it is located;

(2) Signs shall be readable and attractive, emphasizing the name and/or address and limiting any slogans or product advertising; overcrowding the sign information shall be avoided;

(3) Lighting shall conform to the provisions of Article 35 (outdoor lighting), of the zoning code.

(e) Fencing and walls.

(1) Fences and walls shall conform to all ordinance requirements regarding height, construction, etc.

(2) Fences and walls shall be compatible with surrounding architecture and the character of the area.

(3) Fences and walls, including retaining walls, shall utilize quality decorative material.

~~(f) The design review board shall develop guidelines to help implement the standards described in this section.~~

Sec. 33-1358. Design review process.

The design review process shall be as follows:

(a) Applications subject to design review shall include the submittal requirements listed in section 33-1361 as part of the completed project application, in accordance with the administrative filing requirements of the planning division.

(b) Review of plans, to determine conformance with the criteria outlined in section 33-1357 of the ordinance codified in this article, or to design guidelines for the area the project is located in, shall be conducted during the project review by staff or at a regularly scheduled DRB planning commission meeting at which the applicant or his representative has the opportunity to be present.

(c) For discretionary projects which require a public hearing, the DRB planning staff shall submit its recommendations to the planning commission and/or city council. The planning commission and/or city council shall consider the DRB's planning staff's report in making its decision.

(d) For administrative projects that require DRB planning division review, the DRB planning division staff shall submit its recommendations to the director.

Sec. 33-1359. Findings.

No decision to approve the application shall be made without making the following findings:

- (a) The proposed site plan has been designed in a manner which is compatible with the natural and urban characteristics of the site and the surrounding neighborhood.
- (b) The bulk, scale, and architectural design of the proposed structure is compatible with the character of the surrounding neighborhood.
- (c) The project incorporates landscaping, irrigation and screening which is drought tolerant, appropriate for the site, and in compliance with the landscape standards established by the city.
- (d) All grading related to the project is in conformance to design standards set by Article 55 (grading and erosion control).
- (e) The project has incorporated the applicable design review standards contained in the ordinance codified in this section and other applicable ordinances into the site layout and building design.
- (f) The project is consistent with the goals and objectives on the city general plan.

Sec. 33-1360. Design changes and enforcement.

(a) Any change from the approved plans or specifications, or to the appearance of an existing structure, or a structure under construction, or approved landscaping plans, shall be subject to administrative review by the planning division. The planning staff may deny the building permit or certificate of occupancy, or approve those changes which it determines are consistent with the findings below. The director may agendize the matter to the ~~DRB~~ and/or the planning commission, as applicable, for consideration of such changes. No building permit or certificate of occupancy may be issued until a final decision has been rendered regarding the change. Approval of changes shall be based on the following findings:

- (1) The changes do not significantly alter the appearance, intent or purpose of the design;
- (2) The quality of the design, material and equipment is maintained or is superior to the previously approved design and specifications.

Sec. 33-1361. Submittal requirements.

Projects submitted for design review by staff or the ~~DRB~~ planning commission will conform to the following submittal criteria:

- (a) Site plan. A scaled drawing of a dimensioned site plan which shall include an indication of all the following items:
 - (1) The location and dimensions of buildings and lot lines on the site and on adjacent properties within one hundred (100) feet of the subject site;

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- (2) The land use and zoning on the site and on surrounding properties;
 - (3) Street rights-of-way, setback lines, street dedications and dimensions;
 - (4) Existing topography and proposed grading showing slope heights, inclination and designation of cut or fill;
 - (5) Drainage patterns and grades, and location of all proposed and existing drainage facilities;
 - (6) Location and dimensions of existing and proposed street improvements, including (but not limited to) gutters, curbs, sidewalks, centerline of streets, alleys and easements;
 - (7) All existing and proposed buildings, trees, fences, walks, driveways, parking spaces and loading areas. Existing trees shall be identified as to species, trunk diameter six (6) feet above the adjacent grade, and designated for removal, retention or relocation;
 - (8) Open space calculations as defined by appropriate residential category;
 - (9) Areas to be landscaped;
 - (10) Location, height, and type of fencing;
 - (11) Location and dimensions of existing and proposed exterior doors, entryways, walkways, balconies, stairways, roof eaves, etc.;
 - (12) Consistency and unity of all features of the site plan;
 - (13) Photographs of the existing site and adjacent properties, including lots across the street or alley, as well as buildings within one hundred (100) feet of the project property lines;
 - (14) Aerial photos or satellite imagery of the project site are recommended and may be required as a part of the application.
 - (15) Location of mechanical equipment.
- (b) Architectural presentation plans.
- (1) Exterior elevations. A colored, scaled and dimensioned drawing of each face of the proposed structure showing/labeling materials, colors, textures, doors, windows, architectural detailing, landscaping (size at the time of planting), mechanical equipment, etc.;
 - (2) Material board showing all exterior materials including color chips, wall samples, roof samples, window and door materials etc.; in lieu of a materials board, color photographs and/or product information sheets/brochures, which clearly show the nature of the material, may be submitted with color chips representing the proposed color scheme. Materials must be formatted to fit in an 8.5" x 11" file folder.

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(3) Floor plans, where applicable, should indicate use of the rooms, square footage, units and dimensions;

(4) Scale models of the project site may be required as a part of the application.

(c) Landscape plan. A conceptual landscaping plan at the same scale as the site plan including the following information:

(1) A clear indication of trees, shrubs, lawn and paving areas;

(2) The container size, type, amount and location of all plant materials and a proposed plant pallet including both botanical and common name;

(3) Specification of all existing trees designating removal, retention or relocation on site;

(4) Type and dimensions of all hardscape material, outdoor furniture, garden walls, fencing and walking surfaces;

(5) Slope planting for all slopes in excess of three (3) vertical feet;

(6) Street trees, selected from the approved street tree list and planted at the ratio designated in the city's landscape standards.

(d) Signs. A scaled and dimensioned plot plan and elevation of all proposed signs showing:

(1) Street rights-of-way, property lines, setback lines, structure and site features;

(2) Location, size, materials, colors, copy and type of illumination;

(3) An indication of affected or proposed planters, parking areas, buildings, etc.;

(4) Elevation of signs in relation to buildings;

(5) Location and sizes of all existing signs on the site to remain.

(6) The area of the buildings or lease space, and/or the total lease area.

(e) Any other material necessary to process an application and make the findings required in section 33-1359 of this document.

Sec. 33-1362. Appeals.

(a) Decisions of the director may be appealed to the planning commission by filing a written request with any required fee, with the planning division not more ~~then~~ than ten (10) days following the final decision of the director. The appeal shall state the reasons why the decision is contested and which findings the appellant believes were made in error.

(b) Decisions of the planning commission may be appealed to the city council pursuant to Article 61 (administration and enforcement), of the zoning code.

Sec. 33-1363. Design review in specific plans.~~Compensation to members.~~

Any and all references to the design review board reviewing projects in any adopted area, master, and specific plan shall be reviewed by the planning commission for discretionary projects requiring a public hearing, and by the planning staff for administrative projects.
~~Members of the design review board shall serve for compensation to be fixed by council.~~

Section 33-1364—33-1369. Reserved.

Chapter 33, Article 65 – Old Escondido Neighborhood

Sec. 33-1379. Signs.

Signs within the Old Escondido Neighborhood shall conform to the following provisions:

(a) Wall signs or name plates shall not exceed 8.5" x 14" size, and shall display only the name and address of the business or occupant, except as specified in this subsection:

On the south side of Fifth Avenue between Escondido Boulevard and Juniper Street, signs shall not exceed one hundred twenty (120) square inches in area and shall display only the name and address of the business or occupant.

(b) Wall signs shall be attached to the building or to an arm attached to the building. One (1) sign shall be permitted for each residence or business located within a structure.

(c) No illumination of wall signs or window signs shall be allowed.

(d) Freestanding signs. Subject to ~~design review board~~planning staff review and approval, one (1) freestanding sign per parcel may be permitted within the adaptive reuse area subject to the following standards:

(1) The sign shall not exceed eight (8) square feet in area and five (5) feet in height.

(2) The sign shall display only the name, address and/or logo of the business or occupant.

(3) No internal illumination shall be allowed. Indirect external illumination may be allowed between the hours of sunrise and 11:00 p.m.

(e) Sign design, colors, materials and typeface shall be coordinated with the building style, material, size, color, and shall be in keeping with the historical context of the Old Escondido Neighborhood.

(f) Churches are exempt from the sign restrictions of this section, but shall conform to the standards of Article 66.

Sec. 33-1381. Appeal.

Staff review decisions may be appealed to ~~design review board. Design review board decisions may be appealed to the~~ historic preservation commission (HPC). HPC decisions may be appealed to the planning commission. Planning commission decisions may be appealed to city council pursuant to section 33-1303 of this zoning code.

Chapter 33, Article 66 – Sign Ordinance

Sec. 33-1391. Definitions.

The following are definitions of terms contained in this article:

- (1) Abandoned sign means a sign, or portion thereof, advertising or identifying a business, use or activity which has not been in operation for one hundred eighty (180) calendar days or more.
- (2) Advertise means any notice to the public for the purpose of increasing sales or business, announcing the availability of a service or product, or making claims as to the value or quality of any service or product.
- (3) Animated sign. See flashing or moving signs.
- (4) Area of sign and area of super-graphic sign mean the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character, together with any other material or color forming an integral part of the display or used to differentiate such sign from the background on which it is placed. The area of a sign or a super-graphic sign having no such perimeter shall be computed in a reasonable manner by enclosing the entire integral parts of the sign copy area within trapezoids, triangles and/or circles in sizes sufficient to cover the entire area and computing the size of such area. In the case of a double-faced sign where the two (2) faces are of equal size, are parallel to each other, and are not separated more than thirty-six (36) inches, the total area shall be computed as the area of a single display face. In the case of a sign with more than two (2) sign faces where each face contains identical copy, the total area of the sign shall be computed by dividing the total number of sign faces by two (2) (resulting fractional numbers shall be rounded up to the next whole number), and multiplying this number by the sign area of a single face. The supports or uprights of a freestanding sign, the support structure of a monument sign, and other significant architectural features around the copy shall not be included in the sign area. In the case of any cylindrical sign, the total area shall be computed on the total area of the surface of the sign. For mul-tishingle/panel signs, the sign area may be calculated by totaling only the area of the individual panels, along with any other copy area.
- (5) Awning means a shelter projecting from and supported by an exterior wall of a building and constructed of nonrigid materials on a supporting framework.
- (6) Banner, flag, pennant, balloon or other attention-getting devices means any cloth, bunting, plastic, paper or similar flexible material used for advertising purposes or to attract attention, which is attached to or pinned on any structure, staff, pole, line, framing or vehicle, but not including flags as described in section 33-1393(a)(12).

(7) Billboard means a sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located (e.g., off-premise signs or outdoor advertising).

(8) Building face and/or frontage means the area of the front building elevation in which the business is located and which faces a street or parking lot excluding driveways. If more than one (1) business is located in a single building, then such area shall be limited to that front portion which is occupied by each individual business.

(9) Building floor area means the total gross leasable space occupied by the business or tenant.

(10) Bulletin sign means any sign erected by the City of Escondido, other public body, theater owner, or other use authorized by this chapter, which is erected upon the same property as the institution for the purpose of announcing events which are held on the premises.

(11) Cabinet sign means an advertising display which is constructed like a box to enclose the source of illumination (internally illuminated) so that the light shines through the translucent portions of the signs copy panel(s).

(12) Canopy/Marquee means a permanent roof-like structure extending from part or all of a building face and constructed of durable rigid material.

(13) Canopy/Marquee sign means a wall sign attached to the face of a canopy or marquee, but not projecting above the top of the canopy or marquee.

(14) Center means a commercial or industrial development which includes two (2) or more tenant spaces in which businesses, structures and parking/circulation are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots or parcels making up the center.

(15) Changeable copy sign means a sign whose informational content can be changed or altered regardless of the method of attachment or change, or materials of construction.

(16) Commercial, industrial, or professional center means a development which is located on more than one (1) legal lot, but which constitutes a comprehensively designed complex through common or shared use arrangements.

(17) Comprehensive sign program means a sign program for commercial and industrial centers consisting of two (2) or more tenant spaces, which establishes design criteria for all signs in the center and integrates them with building and landscaping design, and achieves architectural compatibility.

(18) Construction or contractor sign means a temporary sign which states the names of the individuals and/or firms connected with the construction of a project. Such signs shall be located at the project site and may include, but are not limited to, the name of the project, the address of the business, and the telephone numbers.

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(19) Copy means any words, letters, numbers, figures, designs or other symbolic representations incorporated into the graphic content of a sign.

~~(20) Repealed. Design review board means a seven (7) member board of citizens and design professionals, appointed by the city council pursuant to Article 64 of the Escondido zoning code, which reviews plans for new development, modifications to existing facilities, and signs proposed in Escondido to determine consistency with the established design criteria.~~

(21) Directional/Informational sign means an on-premises sign which contains words such as "entrance," "in," "out," "rest rooms," "no parking" or other similar words, or a sign containing arrows or characters indicating traffic directions used either in conjunction with such words or separately. The sign area shall not be greater than two (2) square feet and the sign not higher than three (3) feet. No directional/informational sign shall contain any advertising or trade name information, although minor business identification, not exceeding twenty (20) percent of the sign area, is allowed for directional purposes. Real estate kiosk and directional signs as defined in sections 33-1396(c) and (d), shall not be included in this category.

(22) *Director* means the director of community development, or a designated representative, whose responsibility it is to administer and enforce the provisions of this article.

(22-1) *Districts* mean designated areas of the community approved by city council resolution or ordinance, including overlay, area and neighborhood plans, historic sections, and specific planning areas.

(23) *Double-faced sign* means a freestanding, hanging or projecting sign where two (2) copy faces of equal size are mounted back-to-back. The two (2) faces shall be parallel to each other and not separated by more than thirty-six (36) inches. One (1) face only will be charged against the permitted sign area.

(24) *Flashing sign* means any sign which contains or is illuminated by lights which are intermittently on and off, which change intensity or color, or which create the illusion of motion in any manner, including animated signs which manifest a physical movement or rotation in one (1) or more planes or the optical illusion of action or motion. Time and temperature signs where all advertising is excluded are not included in this category.

(25) *Freestanding sign* means a sign which is permanently supported on the ground by one (1) or more uprights, braces, poles, or other similar structural components that is not attached to any building. This category includes both monument and pole-type signs.

(26) *Freeway-oriented sign.* For the purposes of this regulation, a freeway oriented sign means any structure, housing, device, figure, statuary, painting, display, message placard or other contrivance, including a wall sign or freestanding sign, which provides information in the nature of advertising and which has been designed and located adjacent to the right-of-way on Interstate 15 freeway or portions of Highway 78, with the intention that it be viewed and/or read primarily by motorists traveling on Interstate 15 or portions of Highway 78.

(27) *Future tenant identification sign* means a temporary sign which identifies a future use of a site or a future tenant for a building.

(28) *Glazing area sign* means temporary or permanent signs painted on, attached, glued or otherwise affixed to glass windows, doors, or other glass structures, and oriented to the exterior of the building and public view.

(29) *Grand opening sign* means a temporary promotional sign used by newly established businesses to inform the public of their location and service available to the community. A grand opening sign may only be installed within sixty (60) days after the business initially opens, and shall not be displayed for more than thirty (30) consecutive calendar days. "Grand opening" does not mean an annual or occasional promotion of retail sales by a business.

(30) *Halo-lit letters* means individual, dimensional letters or symbols with solid opaque faces which are indirectly illuminated by a light source contained within each letter or symbol, where the light is directed upon the wall or background surface behind the letters creating silhouettes of the letters or symbols against the reflected light.

(31) *Height of sign* means the greatest vertical distance measured from the top of the sign, including decorative embellishments, to the finish grade at the point the sign supports intersect the ground.

(32) *Historic signs* means a sign or advertising structure that possesses historic, cultural, architectural, or community interest or value associated with the development, heritage or history of the city.

(33) *Historic site sign* means signage as necessary to identify a historic landmark or a local register property as designated by the City of Escondido.

(34) *Illegal signs* means any advertising display erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use, as well as, signs which have expired permits due to the lack of having had the required inspections per the Uniform Building Code and National Electric Code.

(35) *Illumination.*

(A) External illumination means the illumination of a sign by an external light source that is not a component part of the sign.

(B) Internal illumination means the brightening of a sign by a light source that is a component part of the sign and enclosed within the advertising structure.

(36) *Incidental sign* means a small sign, emblem or decal informing the public of facilities or services available on the premises (e.g., a credit card sign or sign indicating business hours, health rating or licensing).

(37) *Inflatable displays* means any three (3) dimensional ambient air-filled object depicting a container, figure, product, or product trade dress.

(38) *Inoperative activity* means a business or activity that has ceased operation at any given location for a continuous period of at least one hundred eighty (180) calendar days.

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(39) *Interior sign* means a sign inside any business that is not intended to be seen from outside the building in which the business is located.

(40) *Legal* means authorized or permitted in accordance with procedures defined by ordinance or law.

(41) *Logo* means a trademark or symbol used to identify a business.

(42) *Menu sign* means a sign, located adjacent to a drive-through lane of a food service facility, which lists the products available and the prices, and is designed to be read by the occupants of a vehicle.

(42-1) *Message center, electronic*, means a sign which has a changeable message which may be changed by electronic processes or by remote control and which exposes its message for not less than eight (8) seconds with the interval between messages not less than one (1) second.

(43) *Monument sign* means a low-profile freestanding sign.

(44) *Moving sign* means a sign whose entirety or components rotate or move in any manner to attract attention.

(45) *Multishingle (multipanel) sign* means a freestanding sign composed, in whole or in part, of individual tenant panels without an attached background, typically hung from each other from a cross member supported by posts, and generally separated by a gap not greater than six (6) inches.

(46) *Nonconforming sign* means a sign that does not presently comply with the provisions of this article. A sign that was lawfully erected prior to the enactment of the ordinance codified herein, but now fails to meet any of the standards contained herein shall be considered a legal nonconforming sign.

(47) *Pole sign* means a permanently mounted, freestanding sign which is supported above the ground by one (1) or more uprights, braces, poles, or other similar structural components.

(48) *Portable sign* means a sign which is not permanently attached to a structure or to the ground and is designed to be moved easily, including persons retained to hold or wear sign copy.

(49) *Projecting sign* means any sign other than a wall or canopy sign which is attached to and hangs or projects from a structure or any portion of a building.

(50) *Public right-of-way* means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be or is presently occupied by a road, sidewalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, bikeway, pedestrian walkway or other public use.

(50-1) *Real estate kiosk sign*—See (60) "Subdivision sign kiosk."

(51) *Real estate sign* means a temporary sign advertising the sale, rent, lease or open house of the property upon which it is located and the identification of the firm handling such sale, lease, rent or open house.

(51-1) *Regional market group* means a defined group of related commercial uses where a marketing or advertising association has been established for the benefit of the regional market group members who are located in a single approved Escondido planned development of more than forty (40) acres with limited visibility from Interstate 15 freeway, and whose market area extends beyond the city limits throughout a larger regional area.

(52) *Regional market sign* means a freeway-oriented sign for a regional market group or affiliated business organization consisting of members of the regional market group, which may include an electronic message center.

(53) *Roof* means the external covering of a building or structure above or covering any exterior or interior vertical wall or other portion of the site.

(54) *Roofline* means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

(55) *Roof sign* means a sign erected, constructed or placed upon or over a roof of a building, except a mansard roof or canopy which is below the roof of the primary structure which is wholly or partly supported by such buildings.

(56) *Sandwich sign* means a type of portable sign of A-frame construction.

(57) *Sign* means any mark or painted character on any card, cloth, paper, metal, wood, plastic, or any other material visible from outside a structure, mounted to the ground or any tree, wall, bush, rock, fence or structure, either privately or publicly owned. Sign shall also mean any graphic announcement, declaration, demonstration, display, illustration, statuary or insignia used to promote the interest of any person, product, activity or service when the same is placed outdoors in view of the general public.

(58) *Special event sign* means a temporary sign which advertises special events and activities such as, but not limited to, grand openings, charitable events, promotional sales, and Christmas tree sales. Such signs are limited to the provisions listed in this article.

(59) *Statuary* means statues or sculptures or similar figures that depict products, features, items or logos of a business, excluding those items that are considered design features or complements of the overall site such as wagons, benches, equipment sold or rented on the premises, hand water pumps, troughs, and other like items.

(60) *Subdivision sign kiosk—Real estate kiosk sign* means a city designated sign in the public right-of-way or on private property containing directional panels for residential developments. (61) *Super-graphic sign* means a wall sign displaying a large graphic image with or without text. The graphic image extends beyond the perimeter of the sign text.

(62) *Temporary sign* means any sign that is displayed for a limited period of time as defined in this article.

(63) *Time and temperature sign* means an electronically or electrically controlled changeable copy sign which conveys only information such as the time, date, temperature or atmospheric conditions, where different alternating copy changes are shown on the same copy area. Each message remains displayed for a specific minimum period of time with a total blackout between message changes. The copy shall not travel or appear to travel in any direction. Time and temperature signs shall be included in the permitted wall or freestanding sign area and shall not include any advertising within the changeable copy area.

(64) *Use* means the purpose for which a property, lot, building, sign or other structure is arranged, intended, designed, occupied or maintained as established by the authorized legislative body.

(65) *Vehicle sight distance* means the area through which a driver has a clear view of oncoming vehicle and pedestrian traffic when waiting to proceed at a street corner or driveway. The sight distance at driveways should be at least ten (10) feet on each side of the driveway. At nonsignalized corners, the clear view area is typically established by measuring twenty-five (25) feet along the street fronts from each curb return point and drawing a line across the two (2) back points to form a triangular area. Generally, no sign in excess of three (3) feet above the curb grade, nor support pole larger than twelve (12) inches in diameter may be installed in this clear view area unless approved by the engineering division.

(66) *Vehicle sign* means a sign which is attached to or affixed in any fashion, painted on, or resting in or on any type of vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property as determined by the ~~director of planning and building~~ director.

(67) *Wall sign* means a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. A parapet, mansard, or canopy/marquee sign shall be considered a wall sign provided it is architecturally integrated with the building and does not project above the roof line.

(68) *Window sign*. See "glazing area sign."

Sec. 33-1392. Permit administration.

(1) Sign permit required. A sign permit from the planning division shall be required prior to the placing, erecting, moving, reconstructing or replacing (including sign copy) any sign in the city unless expressly exempted by this article. One (1) or more signs may be approved per sign permit. Signs requiring a permit shall comply with the provisions of this chapter and all other applicable laws, as well as be consistent with the sign design guidelines as may be adopted by the city council. Signs may require building permits in addition to sign permits, as determined by the building official.

(2) Method of application. An application for a sign permit shall be made to the planning division on forms prescribed by the director. The sign permit application shall be accompanied by the following:

(A) Three (3) copies of a scaled plan showing:

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- (i) Location of proposed sign both in plan view and elevation and its relation to adjacent buildings, structures, topography and property lines,
 - (ii) The design, dimensions, colors, materials, copy and type of lighting proposed,
 - (iii) Location of existing freestanding signs on adjacent properties and dimensions,
 - (iv) Details to verify conformance with Article 35 (Outdoor Lighting Ordinance),
 - (v) For freeway-oriented signs, cross-sections of the development site and freeway right-of-way which indicate the height relationship between the proposed sign and the freeway travel lane;
- (B) A list of all existing and approved signs (type and size) existing at the subject location or tenant space (if any) as of the date of the application;
- (C) The size of the lot or commercial/industrial center and gross floor area of building or tenant space;
- (D) Such other information the director may require to adequately review an application;
- (E) A sign permit fee, as adopted by city council resolution.

(3) Comprehensive sign program for commercial and industrial zones. A comprehensive sign program shall be required for all new commercial, office or industrial centers consisting of two (2) or more tenant spaces, and for existing commercial, office or industrial centers for which the owner requests permission to remodel, expand, or enlarge the building(s) or land use which affects the existing signs. The purpose of the program shall be to integrate signs with building and landscaping design into a harmonious architectural unit. All comprehensive sign programs shall be reviewed by planning staff to determine conformance with the sign design guidelines, planned development approvals, applicable overlay guidelines, and/or specific plan standards. Staff may agendize the matter to the planning commission design review board (DRB). Method of application shall be the same as designated in section 33-1392(2). Integration of signs shall be achieved by:

- (A) Using the same background color on all signs or by using various shades as determined compatible;
- (B) Using the same type of support or method of mounting for signs of the same type, and by using the same type of construction material for components such as sign copy, cabinets and supports. Slightly dissimilar signing may be approved if determined compatible;
- (C) Using the same form of illumination for all signs, or by using varied forms of illumination where justifiable and determined compatible;
- (D) Providing a comprehensive plan for the location, placement and number of all signs to be permitted for all existing or future development in the center, or by identifying common architectural elements where tenants can physically locate their signs;

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(E) Incorporating the design standards established in the sign design guidelines, as may be adopted by city council.

(4) Method of review.

(A) After receipt of a sign application not related to a project otherwise requiring design review, the director or designee shall approve, conditionally approve or deny such sign request. The director may refer the application to the DRB-planning commisison when there is a question as to whether the application adequately conforms to the sign design guidelines, unless otherwise required by this chapter. Such a review shall ensure that any sign proposal is in conformance with this article, as well as other applicable ordinances and policies of the City of Escondido. Sign applications ~~which require design review by the DRB or are referred to the DRB-planning commission~~ by the director, shall be scheduled for the next available DRB planning commission meeting upon determination of a complete application.

(B) Sign permits which do not require review by the DRB-planning commission pursuant to this chapter and are not referred to the DRB-planning commission shall be processed by the planning division within five (5) working days of submittal of a complete application. In the event that the sign permit application is not approved, conditionally approved or denied within five (5) working days, the applicant may request a refund of one-half (1/2) of the planning sign permit fees.

(5) Appeals. Appeals of the director's decision shall be to the planning commission and must be filed in the planning division in writing within ten (10) calendar days of that action. Such appeal shall be accompanied by the appeal fee as adopted by the city council. Appeals of the planning commission's decision may be made to the city council by filing a written appeal with the city clerk within ten (10) calendar days of the commission's action and paying the fees as adopted by the city council.

(6) Building permit required. Sign permits shall be in addition to any other permits which may be required by applicable law. Sign permits must be obtained before other sign-related building permits may be issued.

(7) Administration. It is the responsibility of the director to administer and enforce all provisions.

Sec. 33-1393. Exempt and prohibited signs.

(a) Exempt signs. The following signs shall be exempt from the application and sign permit requirements, but must be in conformance with all other requirements of this chapter. A building permit and/or encroachment permit may be required. No sign shall obstruct the vehicle sight distance area at intersections and driveways pursuant to section 33-1391(65).

(1) Glazing area signs.

(A) Internal signs affixed to glazing areas and oriented to the exterior and public view, not exceeding twenty (20) percent of the area of glazing on which it is located. Temporary signs may be of expendable materials such as cloth, paper, paint, etc. Permanent signs shall be of nonfading materials permanently applied in a professional manner. Permanent glazing area

signs may include incidental signs, and information such as hours of operation or a proprietor's name,

(B) Any window sign used as permanent identification of the business name or logo shall be considered a wall sign and the sign area shall be included in the total wall sign area allowed for the building or tenant space. A sign permit is required for such business sign;

(2) Real estate signs for single and multiple residential rental and sales. One (1) on-site sign per street frontage, up to two (2), not exceeding four (4) square feet in area, provided it is unlit and is removed within fifteen (15) calendar days after the close of escrow or the rental or lease has been accomplished. Up to two (2) riders identifying the agent and/or special feature of the property may be added to the signs. Sign height not to exceed five (5) feet including riders. One (1) on-site and up to three (3) off-site open house signs, not exceeding four (4) square feet in area and five (5) feet in height, are also permitted for the purpose of selling a single house or condominium. Up to three (3) balloons, each not exceeding twenty-four (24) inches in any dimension, may be attached to on-site real estate/open house signs. Other attention-getting devices are not permitted;

(3) Contractor or construction signs.

(A) Residential projects consisting of five (5) units or more and commercial and industrial projects shall be allowed, one (1) wall or freestanding sign on the construction site for all contractors (may include financial institutions, real estate agents, subcontractors, etc.). The sign area may not exceed fifty (50) square feet unless legally required by government contracts to be larger. No freestanding sign shall exceed fifteen (15) feet in overall height. Such sign shall be removed by the contractor(s) upon the granting of occupancy by the city,

(B) Residential projects involving four (4) or less units shall be allowed two (2) wall or freestanding signs. Each sign shall not exceed four (4) square feet in area. Freestanding signs shall not exceed five (5) feet in height. Such signs shall be removed by the contractor(s) upon the granting of occupancy by the city;

(4) Real estate signs for commercial and industrial premises. One (1) sign per street frontage is allowed, up to two (2) signs which advertise the sale, lease or rent of the premises. These signs shall not exceed twenty-four (24) square feet in area for lots/centers three (3) acres or less in size, nor forty-eight (48) square feet for lots/centers over three (3) acres in size. These signs may be freestanding signs, wall signs or banners. No such freestanding sign shall exceed eight (8) feet in overall height. Freestanding signs may be double-sided if the panels are of equal size and are mounted back-to-back (parallel) or in a "V" shape if the interior angle does not exceed ninety (90) degrees. The area of only one (1) side of a double-sided sign shall be calculated to determine the area of the sign. Such real estate signs shall be removed within five (5) calendar days after the property to which they refer has been rented, leased or sold;

(5) Interior signs. Devices or displays which are entirely inside a building or in a display space of a lawful show window and are not affixed to the window pane;

(6) Historic site signs, on-premises memorial tablets or plaques. These include those installed by the City of Escondido, a city-recognized historical society, or civic organization, or other displays which do not advertise goods or services;

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(7) Directional/informational signs as defined in section 33-1391. Such signs shall not exceed two (2) square feet in area. Freestanding signs shall not be higher than three (3) feet. No directional/informational sign shall contain any advertising or trade name information, although minor business identification, not exceeding twenty (20) percent of the sign area, is allowed for directional purposes. Real estate directional and kiosk signs shall not be included in this category;

(8) Future tenant identification signs may be placed on vacant or developing property or on a vacant tenant space to advertise the future use of an approved project or the future tenant of the suite. One (1) such sign is permitted which shall not exceed twenty (20) square feet in area for a future tenant, nor thirty-two (32) square feet for a vacant or developing property. Freestanding signs shall not be higher than eight (8) feet. Any future tenant identification sign shall be removed upon granting of occupancy by the city;

(9) Residence identification signs used to identify individual names and/or addresses of individual residences. Such signs shall not exceed two (2) square feet in area. A maximum of two (2) signs or name plates are allowed per dwelling unit;

(10) Official and legal notices issued by the court, public body, person or officer in performance of his public duty or in giving any legal notice;

(11) Signs providing notice of public hearing, direction, warning, or informational signs or structures required or authorized by law or by federal, state, county or city authority;

(12) Official flags. Up to three (3) official flags of the United States, the State of California, or other states of the nation, counties, municipalities, and official flags of foreign nations. Proposals for more than three (3) flags require a sign permit and design review. If flags are to be displayed on vertical flagpoles, these poles shall be permanently installed with appropriate building permits. Flags of nationally or internationally recognized organizations and corporate or business flags are only permitted if displayed in conjunction with a United States flag. The Flag Code of the United States shall be observed at all times;

(13) Seasonal decorations displayed during a holiday or announcing a community event which do not advertise a specific product or service and are removed within ten (10) working days after the holiday or community event, except as otherwise permitted for temporary window signs;

(14) Signs of public utility companies indicating danger, serving as an aid to public safety, showing the location of underground facilities or public telephones;

(15) Safety signs on construction sites;

(16) No trespassing, no parking, and similar warning signs not exceeding four (4) square feet in area;

(17) Signs on public transportation vehicles including, but not limited to, buses and taxicabs;

(18) Signs on licensed vehicles; provided, that such vehicles are not used or intended for use as portable signs or as otherwise prohibited in section 33-1393(b);

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(19) Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, motels and hotels showing notices of services provided as required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided, that all the following conditions exist:

(A) The signs number not more than four (4) unless required by state law,

(B) No such sign projects beyond any property line,

(C) No such sign shall exceed an area per face of four (4) square feet per face. Signs may be double-faced;

(20) Copy attached to fuel pumps or dispensers such as fuel identification, station logo, and other signs as required by law;

(21) Bill of fare signs for restaurants. Such signs shall not exceed four (4) square feet in area and may be displayed in the window or on the exterior wall in an appropriate manner;

(22) Agricultural signs, either wall or freestanding types, and nonilluminated to only identify the premise as being associated with a trade organization, or as producing products under registered trade names, or to identify the business name and agricultural products grown on the premises. Such signs shall not exceed four (4) square feet for lots two (2) acres or less and sixteen (16) square feet for lots greater than two (2) acres. One (1) sign per street frontage is allowed with a maximum of two (2) signs per lot. Wall signs shall be located below the roofline. Freestanding signs shall not be higher than six (6) feet, and if higher than three (3) feet shall not be located within twenty-five (25) feet of any property line abutting a street;

(23) Model unit signs. One (1) feature sign, one (1) model sign and two (2) flags or pennants for each model home may be placed on the model home lots, at the sales office, or in the parking lot area of the subdivision. Such signs and flags shall not exceed four (4) square feet in area and may be double-sided;

(24) Public signs. Signs placed on public property by federal, state or local agencies designed to provide identification or benefit to the public. This exemption does not apply to freestanding, wall, or bulletin signs proposed for public facilities of the City of Escondido;

(25) Scoreboards placed on athletic fields;

(26) Barber poles outside a barbershop;

(27) Commemorative plaques;

(28) Garage and yard-sale signs as permitted by the Escondido Municipal Code section 16-119.

(b) Prohibited signs. Any sign not specifically authorized by this article shall be prohibited unless required by law or otherwise exempted by a local agency pursuant to the Government Code, sections 53090 et seq., of the State of California. The following signs are expressly prohibited:

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- (1) Roof signs, except a roof-type sign, where permitted by the design review board/planning commission as a freeway-oriented sign pursuant to section 33-1395(a)(3);
- (2) Flashing signs, including time and temperature signs (unless all advertising is excluded);
- (3) Inflatable advertising devices of a temporary or permanent nature, including hot air balloons, unless approved as a special event sign pursuant to section 33-1396(a);
- (4) Animated and moving signs;
- (5) Searchlights and beacons except as permitted per section 33-1396(a);
- (6) Revolving or rotating signs;
- (7) Vehicle signs (when parked or stored on property or street for the purpose of identifying a business or advertising a product or service);
- (8) Signs without an approved sign permit, unless exempt from the provisions of this chapter;
- (9) Portable signs and banners except where permitted by this chapter;
- (10) Signs within the public right-of-way, except where required by a government agency or otherwise permitted by section 33-1396(c);
- (11) Signs blocking doors or fire escapes;
- (12) Outside light bulb strings, except for temporary uses such as holiday sales, Christmas tree lots, carnivals and other similar events as defined in section 33-1391(58);
- (13) Readerboard/changeable copy signs, either electric or nonelectric, except time and temperature signs as defined in section 33-1391(63), and other signs permitted pursuant to sections 33-1395.2(b)(3) and (4), 33-1395.10, and 33-1396(e);
- (14) Pennants, streamers, whirligigs, balloons, and other attention-getting devices except as permitted by section 33-1396(a) of this chapter;
- (15) Signs which purport to be, imitate or resemble official traffic warning devices or signs that by color, location or lighting may confuse or disorient vehicular or pedestrian traffic. This does not include traffic or directional signs installed on private property to control on-site traffic, which do not confuse or disorient vehicular or pedestrian traffic on a public road or right-of-way;
- (16) Off-site real estate and yard sale directional signs other than those permitted by sections 33-1393(a)(2), 33-1396(c) and (d) and Municipal Code section 16-119.

(17) Billboards and signs that advertise a product, person, business or service not available on the property where the sign is located (off-site signs), and signs placed adjacent to a sign-controlled freeway (see Article 52 of the Escondido zoning code).

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

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

Permitted Freestanding Signs (CG and CN)

**Column A: Maximum Size
Without DRB With Staff Review**

Lot/Center Size	Area	Height
a. Up to 7,000 SF (.16 ac)	10 SF	4*
b. 7,001 - 10,000 SF (.23 ac)	20 SF	4*
c. 10,0001 - 25,000 SF (.57 ac)	30 SF	6'
d. 25,001 - 43,560 SF (1 ac)	30 SF	6'
e. 1+ ac - 3 ac	30 SF	6'
f. 3+ ac - 7 ac	30 SF	6'
g. 7+ ac	30 SF	6'

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

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

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

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

(b) Number. No more than one (1) freestanding sign per street frontage shall be permitted except as follows:

(1) In commercial centers over three (3) acres, multiple freestanding signs may be permitted as follows:

(A) Frontages longer than one thousand (1,000) linear feet on one (1) street may have two (2) freestanding signs.

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(B) One (1) additional freestanding sign shall be allowed for each six hundred (600) linear feet of frontage on one (1) street thereafter.

(C) In the case of multiple frontages, the allowed number of freestanding signs shall be calculated separately for each street and may not be transferred to other frontages on the site.

(D) All freestanding signs on the site shall be separated by a minimum distance of two hundred fifty (250) linear feet, except as may be permitted by the director.

(E) For the purposes of determining the number of permitted freestanding signs, the term "street frontage" shall include frontages adjacent to Interstate 15 and Highway 78.

(F) The maximum sign area allowed for any second or subsequent sign on the same frontage is seventy (70) percent of the maximum size allowed for the lot/center size category for the purposes of calculating total allowable aggregate sign area. This aggregate total may be distributed in any appropriate fashion among all freestanding signs in the center with no single sign exceeding the maximum sign area for the lot/center size category under column B of the chart in subsection (a) of this section.

(2) In commercial centers over three (3) acres in size, monument signs not exceeding sixty (60) square feet or eight (8) feet in height shall be permitted for single tenants occupying the entire building located on a separate pad within the center. The area of the sign shall be counted in the allowable wall sign area for the pad building and the sign shall be located in close proximity to the subject business. A minimum separation of two hundred fifty (250) linear feet shall be maintained between the pad sign and any other freestanding sign in the commercial center, unless a lesser separation is determined appropriate by the director.

(3) Additional freestanding signs (maximum of one (1) per frontage) may be permitted for service stations as necessary to comply with state mandated price notification requirements. The maximum number of freestanding signs allowed per service station is one (1) per street frontage. Such additional price signs are exempt from sign separation requirements, but shall be limited to a maximum size of ten (10) square feet and maximum height of six (6) feet including the base.

(4) Menu signs. In conjunction with a drive-through business, up to two (2) freestanding menu, or other similar signs up to thirty-two (32) square feet and a maximum height of six (6) feet may be permitted. Menu signs may be internally illuminated and utilize changeable copy. The area of the menu signs shall not be counted against the allowable sign area for the business.

(c) Location. Freestanding signs for businesses adjacent to Centre City Parkway shall be oriented toward the vehicular entries on the cross streets or vehicular entries from Centre City Parkway, if any. A maximum of one freestanding sign along Centre City Parkway shall be permitted for each vehicular entry from Centre City Parkway. All freestanding signs adjacent to Centre City Parkway shall require design review board approval.

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

(a) Eligible properties and uses. Freeway-oriented signs may only identify the name of the center and/or the specified freeway-oriented uses listed in the sign design guidelines, which are located on parcels or in commercial centers physically contiguous to the Interstate 15 freeway right-of-way, or that portion of Highway 78 right-of-way west of Broadway, or on certain noncontiguous properties which are visually oriented to the Interstate 15 freeway and are located at off-ramp intersections. These noncontiguous parcels are identified in the design guidelines.

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

(c) Number. Not more than one (1) freeway-oriented sign is permitted for any parcel or commercial center, and the area of the sign shall be counted as part of the allowable freestanding sign entitlements for the lot or center.

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

(e) Height. The height of freeway-oriented signs shall be the minimum necessary to achieve a functional sign in conformance with the design guidelines. In no event shall the overall height of the sign exceed eighty (80) feet.

Sec. 33-1395.10. Sign standards—Regional market signs.

Notwithstanding other sections of this article, this section shall regulate the type, location, size, number, and eligible user(s) of regional market signs, as well as the application and review process.

(a) Eligible users. Only a regional market group or an affiliated business organization consisting of members of the regional market group, as approved by the city council, may request a regional market sign.

(b) Type of sign. Regional market signs may be freeway-oriented, freestanding pole or monument type signs, wall signs, structures, art pieces, or other building signs which are determined by the ~~design review board~~ planning commission and city council to be consistent with the design guidelines, appropriate for the specific site and surrounding development, and comprehensively designed to provide artistically integrated elements which create an innovative and high-quality advertisement.

(c) Location. Regional market signs shall be located only on commercially and certain industrially zoned parcels contiguous to Interstate 15, as shown on Figure 33-1395.10(c).1.

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(d) Size. The area and height of the sign shall be the minimum needed to achieve a visible and functional sign in compliance with the design guidelines. Signs up to a maximum of eighty (80) feet high and four hundred (400) square feet in copy area including any message center panel approved by the city council, with the total sign area not exceeding seven hundred fifty (750) square feet, may be considered based on specific site characteristics, adjacent freeway elevation and substantiation of the need for that large of sign.

(e) Number.

(1) Not more than one regional market sign is permitted for any regional market group or lot/center where the sign will be located. Not more than one regional market sign shall be permitted within the industrially zoned area along Interstate 15 as described above in Section 33-1395.10(c). The regional market sign may be in addition to any existing permitted freeway-oriented advertising sign(s) not related to the regional market group, on the property at the time the regional market sign is requested. An appropriate separation as determined by the design review board based on specific site characteristics and existing signs, shall be provided between freeway-oriented signs.

(2) A regional market group may have either a freeway-oriented regional market sign or a freeway-oriented advertising sign on any site; not both.

(f) Displays. Regional market signs may only identify the regional market group, group members, or affiliated business organization located on site as owners or occupants of the premises, and/or advertise the business conducted or services rendered or goods produced or sold upon the property upon which the regional market sign is constructed, and other information consistent with Section 5405 of Division 3, Chapter 2 of the Business and Professions Code, Outdoor Advertising Act, and the policies of the California Department of Transportation (Caltrans) for freeway-oriented signs.

(g) Fixed text. Any permanent fixed copy on a regional market sign shall be individual letters or have the appearance of individual letters, and shall be consistent with the sign design guidelines including criteria for legibility and the avoidance of a cluttered appearance.

(h) Changeable message. An electronic message center may be incorporated in the regional market sign with the approval of the city council, subject to the following.

(1) Length of display. Each message shall be displayed for a period of at least eight (8) seconds. The sign shall remain blank (no messages or display) for at least one (1) second between displays. The messages and displays shall not be animated, appear in incremental stages or move across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

(2) Maximum size. The maximum size of the electronic message center portion of a regional market sign shall be two hundred seventy (270) square feet.

(i) Illumination. The permanent copy maybe illuminated by internal illumination of each individual letter or by halo back-lighting of each letter. No cabinet signs with illuminated

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backgrounds are allowed. The changeable copy area shall only be illuminated by the internal electronically controlled lights of the message center component.

(j) Initiation of application. Each sign application for a regional market sign shall be forwarded to the city council for initiation. The city council shall make the following findings prior to initiating any request.

Initiation Findings.

(1) The applicant(s) constitute(s) a regional market group as defined by section 33-1391 (52-1) or an affiliated business organization consisting of members of a qualified regional market group.

(2) The regional market group has limited visibility from the Interstate 15 freeway.

(3) Due to interurban competition, the defined group of users is at risk of a reduction in their share of the regional market;

or

The regional market sign will assist in the retention of the regional market group uses in Escondido.

Upon initiation by the city council, a sign(s) shall be posted in a conspicuous location(s) on the project site so as to be visible from each public street adjacent to the site. The sign(s) shall notify the public of the submittal of a regional market sign application and shall be consistent with the requirement of section 33-1300(c)(2) of this chapter as to content and size.

(k) Review of application. Upon initiation by the city council, the sign permit application and processing fee shall be submitted to the planning division and shall include a site-specific study prepared pursuant to subsection (n) of this section, as well as a list of property owners within five hundred (500) feet of the proposed sign location pursuant to subsection (l) below. If the proposed location for the regional market sign is zoned PD-C (planned development-commercial), no separate modification of the master sign program for the planned development is necessary. The sign application shall be reviewed by the ~~design review board~~ planning division, whose recommendations shall be considered by the planning commission and the city council at separate public hearings. The city council shall make all the following findings prior to any approval or conditional approval of a regional market sign.

Approval findings.

(1) The proposed sign size and design are appropriate for the proposed location, type of regional market group, and surrounding development including the elevation of the adjacent freeway travel lane and mature height of landscaping, and conform to the sign standards of this section.

(2) The proposed sign is comprehensively designed to artistically integrate the various elements of the advertising and structure consistent with the sign design guidelines, which creates a high quality advertisement.

(3) The proposed sign will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity in which the property is located.

(4) The regional market group association has demonstrated the ability and intent to enter into an agreement with the city to provide continuing maintenance of the regional market sign in accordance with the sign standards and conditions of approval.

(l) Public hearing notice. Public notice of the public hearings before the planning commission and the city council shall be given pursuant to Division 6, Section 33-1300 of this chapter. However, the five hundred (500) foot radius from the property line adjacent to the freeway shall be measured from the Caltrans right-of-way line on the opposite side of the freeway from the project site.

(m) Other permits. Any approval of a sign application submitted without a current sign permit from the California Department of Transportation (Caltrans) for the proposed location, shall be conditioned upon obtaining any applicable sign permit from Caltrans for the proposed location.

(n) Requirements of site-specific study. The applicant shall provide a visual study representing the sign at the proposed location which demonstrates the visibility of the proposed sign from northbound and southbound travel lanes of Interstate 15. The study may be photographs or video tape of sign mockups situated on the proposed site; photo simulations; computer simulations; or other appropriate representations to the satisfaction of the director.

(o) Maintenance agreement. A maintenance agreement between the regional market group and the city shall be executed prior to the issuance of building permits for the regional market sign. The agreement shall identify the party responsible for the maintenance and operation of the regional market sign and shall include the annual maintenance schedule, to the satisfaction of the city attorney

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

Subject to review and approval by the ~~design review board~~ director, wall signs, except projecting wall signs, that incorporate large graphic images may exceed the maximum allowable sign area subject to wall sign development criteria and design guidelines for the underlying zone and subject to the following additional provisions and standards:

(a) Size. In no event shall the total area of super-graphic signs exceed two (2) times the allowable wall sign area for the underlying zone. The text of the sign shall be limited to the maximum allowable wall sign area of the underlying zone.

(b) Illumination of a super-graphic sign shall not exceed an area equal to the maximum allowable wall sign area of the underlying zone.

(c) Internally illuminated cabinet signs shall be prohibited.

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

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

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

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

(c) Maintenance requirements. Failure to maintain a historic sign and advertising structures in conformance with the following requirements shall constitute grounds for rescinding existing sign exception:

(1) All parts of the signs and advertising structures exempted by this section, including neon tubes, incandescent lights, and shields and sign faces, shall be maintained in a functioning condition as historically intended.

(2) Historic signs and advertising structures for which an exception is granted shall be brought into conformance with the above requirements within ninety (90) days of the date the exception is granted.

(d) Alterations. Subject to the issuance of a certificate of appropriateness pursuant to Article 40, a historic sign may be altered provided that such alterations do not substantially change the historic style, scale, height, type of material, or dimensions of the historic sign.

Chapter 33, Article 67 – Density Bonus and Residential Incentives

Sec. 33-1415. Concessions, incentives, equivalent financial incentives.

(1) The city shall grant the following number of concessions or incentives:

(A) For projects targeting senior households, a choice of one (1) incentive and/or concession shall be permitted;

(B) For projects targeting lower-income households, a choice of two (2) incentives and/or concessions shall be permitted; and

(C) For projects targeting very low-income households, a choice of three (3) incentives and/or concessions shall be permitted.

(2) Developers shall select incentives from the following list. Each provision counts as an individual incentive.

(A) Open space.

(i) If development occurs in the R-2 or R-3 zones, the open space provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for open space may be reduced up to twenty-five (25) percent; or

(ii) Roof-top areas for covered parking may receive credit as open space if appropriately integrated into the design of the project and usable by the tenants; or

(iii) In multifamily zones (R-2 through R-4), projects may reduce common open space provisions by up to fifty (50) percent, if the project is located within one thousand (1,000) feet of a public park.

(B) Unit size. If development occurs in the R-2 and R-3 zones, the dwelling-unit size provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for dwelling-unit size may be reduced up to twenty-five (25) percent.

(C) Parking. A parking management plan must be incorporated into each project which details assigned spaces, overflow, on-site vehicle maintenance, guest parking and on-street parking.

(i) The covered-parking requirements for all units may be eliminated.

(ii) Parking requirements for target units may be reduced according to the following schedule:

(a) One (1) bedroom, one and one-half (1.5) parking spaces per unit are reduced to one (1);

(b) Two (2) bedroom, one and three-quarters (1.75) parking spaces per unit are reduced to one and one-quarter (1.25);

(c) Three (3) or more, two (2) parking spaces per unit are reduced to one and one-half (1.5).

(iii) On-street resident parking for target units, physically contiguous to the project frontage, may be substituted for the required off-street parking requirements at a ratio of one to one (1:1) on noncirculation element streets, subject to all ordinances and codes pertaining to on-street parking.

(D) Off-site improvements. City participation of certain off-site improvements required by the development of the project may be proposed pursuant to negotiations and agreement with the city.

(E) Timing of development fees. The developer of a project may propose a fee schedule which defers payment of any or all city-related development fees until the project is released for occupancy.

(F) The required setbacks for parking and landscaping within a parking area may be reduced up to an average of fifty (50) percent provided that the improvements are not significantly out of character with the surrounding area, do not create a safety hazard and a

suitable alternative design is incorporated as determined by the director of planning and building and approved by the design review board. Bumper overhang shall not extend into the reduced setback area.

Chapter 33, Article 69 – Escondido Business Enhancement Zone

Sec. 33.1455. Processing of development applications.

(a) Notwithstanding any other provision of this chapter to the contrary, all development projects, for which a request for consideration has been approved by the council economic development subcommittee, shall be eligible for processing as follows and shall be exempt from review by any other entity including, without limitation, the ~~design review board~~, historic preservation commission, and the planning commission.

(b) An application shall be submitted in accordance with the requirements of the planning and building divisions. An application determined to be complete and in compliance with the requirements of the California Environmental Quality Act by the director of planning shall be submitted to the council economic development subcommittee in the case of projects for which no public hearing is required, or the city council in the case of projects for which a public hearing is required.

(c) The council economic development subcommittee shall consider any project submitted to it under the provisions of this article and shall either approve, conditionally approve, or deny the project in accordance with the provisions of this chapter applicable to such project. The city council shall act as a planning commission for any project submitted to it under the provisions of this article.

(d) The city council shall conduct necessary public hearings and either approve, conditionally approve, or deny the project in accordance with provisions of this chapter applicable to such project.

Chapter 33, Article 70 – Second Dwelling Units

Sec. 33-1477. Application and procedure.

The ~~director of community development~~ director ("director") shall approve a second dwelling unit permit unless he or she determines that such permit does not meet the requirements of this article. The director may refer any unit to the ~~design review board~~ planning commission prior to the director's decision for conformance with the specific criteria outlined in section 33-1474(i).

Chapter 33, Article 73 – Outdoor Display and Sale of Retail Merchandise

Sec. 33-1534. Development standards.

All outdoor displays of retail merchandise and temporary outdoor sales shall be subject to the following development standards:

(a) Outdoor displays on private property.

(1) The outdoor display area shall not extend beyond the actual frontage of the associated commercial use. Displays shall be identical and accessory to items sold indoors. Displays shall be temporary and removed at the end of each business day. A display/use may, on a case-by-case basis, be displayed permanently outdoors, as determined by the ~~director of planning and building~~ director. The ~~director of planning and building~~ director may refer a request for a permanent display to the ~~design review board~~ planning commission for review and comment.

(2) Parking lot circulation and all required parking spaces shall remain unobstructed at all times. Private sidewalks, courtyards, or entry areas may be utilized for display provided a minimum four (4) foot wide pedestrian area remains clear and unobstructed and all fire, building and handicapped access requirements are met. See subsection (b) of this section for clearance requirements for displays within the right-of-way.

(3) All displays shall be located in such a manner so that vehicular sight distance is not impeded to the satisfaction of the engineering department.

(4) Display and sale of merchandise is permitted only by the tenant of an existing commercial development on the same site. Outdoor displays are not permitted on vacant property. Christmas tree and seasonal agricultural product sales on vacant property shall be subject to sections 33-331(a), 33-361(a), 33-461(a), and 33-501(a) of the zoning code.

(5) No sales or display of merchandise from cars, trucks, or any other vehicle is permitted. Vending from pushcarts may be permitted subject to compliance with all development standards in this section. Specialized food sales from pushcarts either on private property or within the public right-of-way shall be subject to applicable code requirements.

(6) All signage associated with an outdoor display shall be as approved pursuant to an outdoor display permit and shall be limited to a maximum of four (4) square feet per commercial tenant.

(7) All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

(8) All food sales shall be conducted in compliance with health department regulations.

(9) All exterior lighting utilized in conjunction with outdoor displays shall conform to the requirements of Article 35, Outdoor Lighting (Ord. No. 86-75).

(10) No electricity shall be utilized, nor any noise generated by an outdoor display.

(b) Outdoor displays within the public right-of-way.

(1) Display of merchandise within the public right-of-way is permissible only within the downtown retail core district subject to approval of an encroachment permit (an approved copy must be submitted concurrently with the application for an outdoor display permit), proof of insurance, and compliance with all development standards in this section.

ATTACHMENT "1"

(A) Proof of insurance can be satisfied by documentation of an insurance policy issued by an insurance company licensed to do business in the State of California, protecting the licensee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations in connection with the display activity. Such insurance shall name as additionally insured the city for an amount of three hundred thousand dollars (\$300,000.00) or more and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city.

(B) The merchandise display shall be permitted only within the four (4) feet of public right-of-way nearest the property line, and parallel to the curb in front of the business to which it pertains. The merchandise display shall be limited to fifty (50) percent of the lineal length of the associated commercial frontage or sixty (60) square feet whichever is less.

(C) In front of the displayed merchandise there shall be at all times a minimum four (4) foot wide sidewalk area clear of any obstructions and in conformance with all fire, building and handicapped access requirements.

(D) The merchandise is not permitted within any landscaped area of the right-of-way.

(E) All merchandise shall be located in such a way that it does not block the sight distance of the streets to the satisfaction of the engineering department. Any merchandise found obstructing the sight distance will be subject to removal by the city and the encroachment permit canceled.

(F) All merchandise items and displays should have no sharp edges or corners.

(G) The city also reserves the right to remove merchandise which causes any interference with vehicular traffic or pedestrian traffic, or in the event of any emergency situation or if the merchandise interferes with any work that is to be performed upon the street by or on the behalf of the city or a public utility.

(H) All merchandise and display racks shall be removed from the public right-of-way at the end of business hours.

(2) No sales or display of merchandise from cars, trucks, or any other vehicle is permitted. Vending from pushcarts may be permitted subject to compliance with all development standards in this section. Specialized food sales from pushcarts either on private property or within the public right-of-way shall be subject to applicable code requirements.

(3) All signage associated with an outdoor display within the public right-of-way shall be as approved pursuant to an outdoor display permit and shall be limited to a maximum of two (2) square feet per commercial tenant.

(4) All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

(5) All food sales shall be conducted in compliance with health department regulations.

ATTACHMENT "1"

(6) All exterior lighting utilized in conjunction with outdoor displays shall conform to the requirements of Article 35, Outdoor Lighting (Ord. No. 86-75).

(7) No electricity shall be utilized, nor any noise generated by an outdoor display.

(c) Temporary outdoor sales.

(1) Sales events at any one (1) location or commercial center shall not exceed three (3) days during any three (3) month period and are subject to the issuance of a temporary use permit as discussed in section 33-1535.

(2) Location of each event shall be restricted to private property only and shall not adversely impact parking lot circulation. Events shall not be permitted within parking areas containing less than twenty (20) spaces. A maximum of twenty (20) percent of the required parking spaces for the sponsoring business, or five (5) percent of the spaces within a commercial center containing multiple tenants may be utilized for the display and sale of merchandise. No encroachment into the public right-of-way shall be permitted.

(3) Christmas tree sales and recycling and seasonal agricultural product sales shall be exempt from the time restrictions set forth in section 33-1534(c)(1).

(4) Any structure used in conjunction with a sales event shall be subject to all building and fire department requirements.

(5) All merchandise shall be setback a minimum of five (5) feet from any public right-of-way or driveway.

(6) All exterior lighting utilized in conjunction with a temporary sales event shall conform to the requirements of Article 35, Outdoor Lighting (Ord. No. 86-75).

(7) All food sales shall be conducted in compliance with health department regulations.

(8) All businesses participating in a temporary outdoor sales event must have a valid City of Escondido business license to conduct business at the site of the event. Each participating business or entity shall be listed on the permit application prior to approval of the permit.

(9) All noise/sound generated by a temporary outdoor sales event shall conform to the noise level limits established in the noise ordinance (Ord. No. 90-08) for commercial zones. If an event is located adjacent to a residential zone, all noise generated shall conform to the noise level limits of the affected residential zone.

(10) Signs for temporary outdoor sales are permitted provided adequate detail is shown on the temporary use permit application to determine that the following standards are met:

(A) Signs shall be limited to balloons, flags, pennants and streamers, banners, or other similar devices. Balloons may not exceed twenty-four (24) inches in any dimension.

ATTACHMENT "1"

(B) Large inflatable displays must be ground-mounted and may not exceed thirty (30) feet in height.

(C) One banner is allowed for each street frontage and each banner shall not exceed sixty (60) square feet in area.

(D) No event signage (of any type) may be displayed on or attached to any public property including telephone or utility poles, traffic control signs or devices, street lights or other structures located on public property without the express written consent of the City of Escondido.

(E) No signage of any type shall interfere with or restrict vehicular or pedestrian access or visibility.

Chapter 20 – Planning Commission

Sec. 20-2. Composition; appointment of members.

The planning commission created by this chapter shall consist of seven (7) members who shall be appointed by the city council. All members must reside within the geographic area covered by the city's general plan and no more than one (1) member may reside outside the city limits. The planning commission should include members of the general public and licensed design professionals. Members of the planning commission shall serve at the pleasure of the council, and may be removed from office at any time, without cause.

ORDINANCE NO. 2011-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTER 20 OF THE ESCONDIDO MUNICIPAL CODE REGARDING THE COMPOSITION OF THE PLANNING COMMISSION AND AMENDING THE ESCONDIDO ZONING CODE ARTICLES 3, 12, 13, 14, 16, 19, 34, 40, 49, 57, 61, 64, 65, 66, 67, 69, 70, AND 73, TO CONSOLIDATE THE DESIGN REVIEW BOARD WITH THE PLANNING COMMISSION

Case No.: AZ 11-0002
Applicant: City of Escondido

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

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

SECTION 2. That the City Council has reviewed and considered the Notice of Exemption prepared on November 15, 2011, for this project in conformance with CEQA Section 15061(b)(3), "General Rule" and has determined that all environmental issues have been addressed and no significant environmental impacts will result from approving this code amendment.

SECTION 3. That upon consideration of the staff report; Planning Commission recommendation; Factors to be Considered, attached as Exhibit "A" to this Ordinance and incorporated by this reference; and all public testimony presented at the hearings

held on this project, this City council finds the Municipal and Zoning Code Amendments to be consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That the Escondido Municipal Code Chapter 20, Section 20-2 is amended as follows:

Sec. 20-2. Composition; appointment of members.

The planning commission created by this chapter shall consist of seven (7) members who shall be appointed by the city council. All members must reside within the geographic area covered by the city's general plan and no more than one (1) member may reside outside the city limits. The planning commission should include members of the general public and licensed design professionals. Members of the planning commission shall serve at the pleasure of the council, and may be removed from office at any time, without cause.

SECTION 5. That various sections of the Escondido Zoning Code are amended as presented in the Revised Text, attached as Exhibit "B" to this Ordinance and incorporated by this reference.

SECTION 6. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 7. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

EXHIBIT "A"

FACTORS TO BE CONSIDERED

AZ 11-0002

1. The public health, safety and welfare will not be adversely affected since this item is only a code amendment to consolidate the Design Review Board with the Planning Commission, no physical improvements are involved, and it would not modify any permitted uses or development standards.
2. The proposed Municipal Code and Zoning Code amendment would not be detrimental to surrounding properties, since it would not change any permitted uses or development standards. There is an existing design review process and the proposed code amendment would modify and provide clarity in the types of projects requiring design review by the Planning Commission or by city staff.
3. The proposed code amendment would be consistent with the General Plan, since no land uses or policies would be modified or impacted. The amendment would only designate projects subject to design review by the Planning Commission and delete references to the Design Review Board.

EXHIBIT "B"

REVISED TEXT - AZ11-0002

Chapter 33, Article 1 – General Provisions and Definitions

Sec. 33-8. Definitions.

For the purpose of this chapter, the words and phrases set forth in this section shall have the meanings respectively ascribed to them. Words used in the present tense shall include the future; words in the singular number shall include the plural, and words used in the plural number shall include the singular; the word "shall" is mandatory, and the word "may" is permissive.

Accessory means a use customarily incidental to a building, part of a building or structure, which is subordinate to and the use of which is incidental to and detached from the main building, structure or use on the same lot. If an accessory building is attached to the main building either by a common wall, or if the roof of the accessory building is a continuation of the roof of the main building, such accessory building shall be considered a part of the main building.

Alley means any public thoroughfare, having a width of not more than thirty (30) feet, which affords only a secondary means of access to abutting property.

Amusement arcade means any establishment, room or place where more than four (4) amusement machines are available for public use.

Amusement machine means any device, whether mechanical, electrical or electronic, or similar object, which by payment of a fee, or insertion of a coin or token, may be operated for the primary purpose of amusement. The term amusement machine does not include any device or object the primary purpose of which is to play music.

Apartment means a room or group of two (2) or more rooms which is constructed, designed, intended for or actually used by, a single family for living and sleeping purposes for periods of thirty (30) consecutive days or longer. The term "apartment" includes all structures constructed under the provisions of the senior housing ordinance, Ord. No. 82-58, of the City of Escondido.

Area of lot means the total horizontal area included within ownership lot lines.

Arts and crafts shall include physical objects which are made by or as if by hand, and which require manual dexterity and artistic skill. Items such as jewelry, paintings, needlepoint, knitting, crochet, dolls, furniture, woodworking (e.g., carvings, etchings), sculptures, ceramics, toys, clothing, photography, scale models and similar items as determined by the director shall be considered as "arts and crafts" objects.

Arts and crafts show shall mean the activity of offering for sale of "arts and crafts" by means of announcing or advertising an "arts," "crafts," or "hobbies," show, bazaar or festival, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual event offering the sale of personally crafted property. "Arts and crafts show" shall only be conducted by a property owner possessing a valid business license and an arts and crafts permit issued by the City of Escondido.

Attached unit means a unit completely within an existing principal building or added to an existing principal building; provided, that both dwelling units shall be attached by a common wall, floor or ceiling, and not simply by an attached breezeway or porch; and shall be contained within one (1) building. A second dwelling unit constructed above an existing detached garage shall be considered an attached unit.

Basement means a story partly underground and having at least one-half of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half of its height is below the average adjoining grade. A basement or cellar shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is over five (5) feet.

Block means all property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus of dead end street, city boundary, public parks or other natural boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Building.

(1) *Building* means any structure for the shelter, housing or enclosure of any person, animal, article or chattel and when any portion thereof is completely separated from every other portion thereof by a division wall or fire wall, without openings, each such portion shall be a separate building.

(2) *Building height* means the vertical distance measured from the average level of the highest and lowest point of that portion of the lot covered by the building to a point midway between the highest and lowest point on the roof; provided that chimneys, spires, towers, tanks and similar projections shall not be included in the height.

(3) *Building site* means the ground area of (1) all or a portion of a lot or parcel of land, or (2) all or a portion of two or more lots or parcels of land, when used in combination for a building or group of buildings, together with all yards and open spaces required by this chapter.

(4) *Main building* means one or more buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

Business or commerce means the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity or service for profit or livelihood, and shall include office building, offices, recreational or amusement enterprises.

Camp car means a vehicle with or without motive power, which is designed or used for human habitation.

Commercial dairy means any land whereupon is kept or maintained for any length of time, more than two milk cows where milk or milk products are produced for, or intended for sale to the public.

Common area means the total area within the shopping center that is not designed for rental to tenants and which is available for common use by all tenants or groups of tenants.

Court means an opening unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or by buildings and a lot line, including the open space in a bungalow court or court apartment providing access to the units thereof.

Detached unit means a unit that is structurally independent and separated from the existing primary dwelling by a minimum of ten feet.

Director means the Director of Community Development.

Driveway means a permanently surfaced area providing direct access for vehicles between a street and a permitted off-street parking or loading area and extending to a maximum width equal to the curb cut approved by the city engineer.

Dwelling.

(1) *Group dwelling* means a group of two or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including automobile camps, trailer camps or auto courts.

(2) *Multiple dwelling* means a building or portion thereof used for occupancy by four or more families living independently of each other, and containing four or more dwelling units.

(3) *One-family dwelling* means a detached or semi-detached building designed for or occupied exclusively by one family.

(4) *Two-family dwelling* means a detached or semi-detached building designed for or occupied exclusively by two families.

(5) *Three-family dwelling* means a detached or semi-detached building designed for or occupied by three families.

(6) *Dwelling unit* means one or more rooms in a dwelling used for occupancy by one family for living or sleeping purposes and having only one kitchen.

(7) *Primary dwelling* means the principal single-family dwelling unit located on a lot where a second dwelling unit is existing or proposed.

(8) *Second dwelling* means a secondary, but independent living facility which is located or established on the same lot as the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling unit is attached, and a part of the main building on the premises.

Family means one or more persons related by blood, marriage, or adoption, or a group including unrelated individuals living together as a relatively permanent, bona fide, housekeeping unit.

Family day care means regularly provided care, protection and supervision of fourteen (14) or fewer children in the provider's home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and including the following:

(1) *Large family day care home* means a home which provides family day care to nine (9) to fourteen (14) children, inclusive, including children who reside at the home;

(2) *Small family day care home* means a home which provides family day care to eight (8) or fewer children, including children who reside at the home.

Floor area means the total horizontal area of all floors of a building including the surrounding walls, exclusive of basement storage space and areas within a building used for the parking of vehicles.

Frontage means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting and intercepting streets, and railroad right-of-way or unsubdivided acreage.

Garage.

(1) *Private garage* means an accessory building or an accessory portion of the main building, designed and/or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building, or by not more than two vehicles owned or operated by others than such occupants.

(2) *Public garage* means any premises except those described as a private garage, used for the storage or care of self-propelled vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage sale shall mean the activity of offering for sale any property, other than real property or personally crafted arts and crafts items, by means of announcing or advertising a "garage," "yard," "moving," "estate," "rummage" or "tag" sale, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual, or non-

business-related event offering the sale of personal property. "Garage sale" or "yard sale" shall not include any event which constitutes an arts and crafts show or any other sales activity which would require the business or person to possess a valid business license issued by the City of Escondido.

Greenhouse means a building or structure constructed chiefly of glass, glass-like or translucent material, cloth or lath, which is devoted to the protection or cultivation of flowers or other tender plants.

Gross leasable area means the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any; expressed in square feet and measured from the center line of joint partitions and from outside wall faces. Abbreviated GLA.

Guest house means any living quarters within a detached accessory building for the sole use of persons employed on the premises or for temporary use by guests of the occupants of the premises, which living quarters have no kitchen facilities and are not rented or otherwise used as a separate dwelling.

Home occupation means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part. A home occupation must satisfy the conditions set forth in Article 44 of this chapter.

Hotel means a building in which there are five (5) or more guest rooms where transient lodging (for a period of thirty (30) consecutive calendar days or less) with or without meals is provided for compensation.

Industry means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity whatsoever, and including the operation of stables.

Junk yard means the use of more than three hundred (300) square feet of the area of any lot or of any portion of the front half of any lot for the storage of junk, including scrap metals or other scrap material, or for the dismantling or wrecking of automobiles or other vehicles or machinery.

Landscaping means the planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination or design may include natural features such as rock and stone; and structural features, including but not limited to fountains, reflecting pools, art works, screens, walls, fences and benches.

Lot means:

(1) A parcel of real property shown as a delineated parcel of land with a number and other designation on the final map of subdivision recorded in the office of the county recorder of San Diego County; or

(2) A parcel of land, the dimensions or boundaries of which are defined by a record of survey map recorded in the office of the county recorder of San Diego County in accordance with the law regulating the subdivision of land; or

(3) A parcel of real property not delineated as in (1) or (2) above, and containing not less than the prescribed minimum area required in the zone in which it is located and which abuts at least one (1) public street or easement which the planning commission has designated adequate for access purposes, and is held under one ownership.

(4) The various definitions in this category are as follows:

(A) *Lot area* means the total area measured in a horizontal plane, included within the lot lines of a lot or parcel of land.

(B) *Corner lot* means a lot situated at the intersection of two (2) or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees (135°).

(C) *Lot coverage* means the total horizontal area of a lot, parcel or building site covered by any building which extends more than three (3) feet above the surface of the ground level and including any covered car parking spaces. Covered patios shall not be considered as lot coverage provided that said patio is not more than fifty (50) percent enclosed.

(D) *Lot depth* means the horizontal length of a straight line connecting the bisecting points of the front and the rear lot lines.

(E) *Front lot line* means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street.

(F) *Interior lot* means a lot other than a corner lot or reversed corner lot.

(G) *Key lot* means the first lot to the rear of a reversed corner lot whether or not separated by an alley.

(H) *Rear lot line* means the record lot line or lines most distant from the generally opposite the front lot line except that in the case of an interior triangular or gore-shaped lot, it shall mean a straight line ten (10) feet in length which is (a) parallel to the front lot line or its chord, and (b) intersects the two (2) other lot lines at points most distant from the front lot line.

(I) *Reversed corner lot* means a corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

(J) *Side lot line* means any lot boundary line not a front lot line or a rear lot line.

(K) *Through lot* means a lot having a frontage on two (2) parallel or approximately parallel streets.

Nonconforming use means a building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.

Official zoning map means a map which graphically shows all zoning district boundaries and classifications within the City of Escondido, as contained within the Escondido zoning code, which is signed by the director and on file in the Escondido planning department.

Parcel of land means a contiguous quantity of land in the same possession of, or owned by, or recorded as the property of, the same person or persons.

Parking index means the number of car parking spaces made available per one thousand (1,000) square feet of GLA (gross leasable area).

Planning commission means the planning commission of the City of Escondido.

Sign means any mark or painted character on any card, cloth, paper, metal, wood, plastic, or any other material visible from outside a structure, mounted to the ground or any tree, wall, bush, rock, fence or structure, either privately or publicly owned. "Sign" shall also mean any graphic announcement, declaration, demonstration, display, illustration, statuary or insignia used to promote the interest of any person, product, activity or service when the same is placed outdoors in view of the general public.

Site area means the gross land area of the property within the property lines.

Staff development committee means and shall be made up of representatives from the planning, engineering, building, fire and other departments which are associated with a given project or problem. Its purpose is to provide coordinated technical information and advice to the planning commission or city council.

Story.

(1) *Story* means that portion of a building included between the surface of any floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

(2) *Half story* means a story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street means a public or private thoroughfare which affords principal means of access to abutting property.

Structure means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Structural alterations means any change in the supporting members of a building such as bearing walls, columns, beams or girders, and floor joists or roof joists.

Transitional housing means residential units managed by an agency whose primary purpose is to provide social services to help residents transition to self-sufficiency, and occupied for a specified time set by the agency guidelines, at or below market rents, by families and/or individuals who have been involuntarily displaced from their previous residence. Residents shall not require any degree of control or care and shall function as a bona fide housekeeping unit in that chores, meals, and other household duties are shared. All agency services are provided off-site. Transitional housing facilities proposing to provide on-site services shall be allowable in all residential zones subject to approval of a conditional use permit in accordance with sections 33-1200 through 33-1211.

Travel trailer means a vehicle, other than a motor vehicle which is designed or used for human habitation, and for travel or recreational purposes, which does not at any time exceed eight (8) feet in width and forty (40) feet in length and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

Use.

(1) *Use* means the purpose of which premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(2) *Accessory use* means a use incidental and accessory to the principal use of a lot or of a building located upon the same lot as the accessory use.

Yard.

(1) *Yard* means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

(2) *Front yard* means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance between the front lot line, or

its tangent, and the closest permissible location of the main building. Said distance shall be measured by a line at right angles to the front lot line, or its tangent.

(3) *Rear yard* means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance as measured from the part of the main building nearest the rear lot line towards the rear lot line, and such measurement shall be along a line representing the shortest distance between said part of the main building and the rear lot line. The required rear yard shall be that portion of the rear yard contiguous to the rear lot line having at no point a depth less than that required for the rear yard. The area to the rear of the rear lot line of an interior triangular or gore-shaped lot shall be considered a part of the required rear yard.

(4) *Side yard* means a yard between the main building and the side lot lines extending from the required front yard, or the front lot line where no front yard is required, to the rear yard, the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building.

Zone means a portion of the territory of the city, exclusive of streets, alleys and other public ways, within which certain uses of land, premises and buildings are not permitted and within which certain yards and open spaces are required and certain height limits are established for buildings, all as set forth and specified in this chapter.

Chapter 33, Article 3 – Open Space (OS) Zone

Sec. 33-44. Plan approval required.

Prior to constructing recreational facilities in an undeveloped park site, a park master plan shall be approved involving community input. For existing park sites that have developed without a master plan, any new building or structure proposed, or any time a new use of land or existing structure is proposed that requires additional off-street parking, a plot plan application shall be submitted to the planning division. In such an event, surrounding property owners shall be notified of the proposed change consistent with the provisions found in section 33-1300. A plot plan will not be required for implementation of approved park plans where the building plans are consistent with the previously approved park plan or park master plan. Park plans and park master plans may be referred to the planning commission upon the determination of the director of planning and building. Open space areas that are designated for public park purposes shall be assigned a sub-zone designator "OS-P" (open space-park) to disclose to the public that active and/or passive public recreational uses shall be planned or constructed on the site.

Chapter 33, Article 12 – Light Multiple Residential (R-2) Zone

Sec. 33-229. Small lot planned development.

- (a) Purpose. Development and recycling opportunity in the area and of the city.
- (b) Development standards. Development under this provision shall comply with the following requirements:

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

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

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

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

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

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

(7) Process. All requests for a small lot planned development shall file an application for a conditional use permit pursuant to Article 61, Division 1.

Chapter 33, Article 13 – Medium Multiple Residential (R-3) Zone

Sec. 33-259. Small lot planned development.

(a) Purpose. Development and recycling opportunity in the area and of the city.

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

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

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

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

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

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

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

(7) Process. All requests for a small lot planned development shall file an application for a conditional use permit pursuant to Article 61, Division 1.

Chapter 33, Article 14 – Heavy Multiple Residential (R-4) Zone

Sec. 33-290. Small lot planned development.

(a) Purpose. Development and recycling opportunity in the area and of the city.

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

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

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

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

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

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

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

(7) Process. All requests for a small lot planned development shall file an application for a conditional use permit pursuant to Article 61, Division 1.

Chapter 33, Article 16 – Commercial Zones**Sec. 33-335. Development standards.**

A. All zones. The standards contained in the following table shall apply to all commercial districts and shall be determined minimum unless stated otherwise.

B. CN zone. No single use shall exceed a gross floor area of five thousand (5,000) square feet except that a grocery store may have a gross floor area of up to thirty thousand (30,000) square feet.

Table 33-335**COMMERCIAL DEVELOPMENT STANDARDS**

	CG	CN	CP	HP
Lot area (SF) min. ⁽¹⁾⁽²⁾	None	7,000	7,000	7,000
Average lot width min. ⁽¹⁾	None	100'	50'	50'
Lot frontage min. ⁽¹⁾	All lots shall front on public street (does not include an alley)			50'
Front setback min. ⁽⁴⁾⁽⁷⁾	None ⁽⁵⁾⁽⁶⁾	10'	10'	10'
Corner and reverse corner lots	5' ⁽⁶⁾	10'	10'	10'
Facing Centre City Parkway in Landscape Master Plan Overlay ⁽³⁾	15'	15'	15'	15'
Side setback min. ⁽⁴⁾⁽⁷⁾	None ⁽⁵⁾⁽⁶⁾	None ⁽⁵⁾ except 10' adjacent to residential zones	None ⁽⁵⁾	5' for first two stories plus 5' for each additional story up to 25' max. setback
Corner lots and reverse corner lots	5' ⁽⁶⁾	10'	5'	10'
Facing Centre City Pkwy. in Landscape Master Plan Overlay ⁽³⁾	15'	15'	15'	15'
Rear setback min. ⁽⁷⁾	None ⁽⁵⁾⁽⁶⁾	20'	5'	10' for first two stories plus 5' for each additional story

	CG	CN	CP	HP
Abutting an alley	None ⁽⁵⁾	10'	5'	10' for first two stories plus 5' for each additional story measured from center line of the alley with a min. 5' setback from edge of the alley.
Facing Centre City Pkwy. in Landscape Master Landscape Overlay ⁽³⁾	15'	15'	15'	15'
Building height maximum	None (UBC)	1 story or 35' whichever is less	75'	75'
Landscaping	According to Article 62			
Lot coverage maximum	None	50%	None	None
Parking	According to Article 39			
Loading	One off-street space/each building or separate occupancy thereof over 10,000 SF plus one space/each additional 20,000 SF of the gross floor area of the building.	Loading to be performed on-site and be from the rear or side of the structure and concealed from street and adjoining residential zoned property by landscape or architecture features.		None
Minimum space size	10' wide, 25' long, 14' high	None	None	
Trash storage	Required per section 33-338			
Walls and fences ⁽⁷⁾	A solid masonry wall minimum six (6) feet high on the sides of property adjoining a residential zone, school or park (an alley shall constitute a separation, subject to Article 56.			

(1) Lots or parcels of land which were legally created prior to the application of this zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section.

(2) Parcels of land containing two (2) or more lots developed as a single project shall be maintained as a unit. Where two (2) or more lots are developed as one (1) unit, a covenant may be required by the city in a form satisfactory to the city attorney to ensure that required off-street parking facilities shall be provided on said premises.

(3) A reduced setback may be approved by the Director if found consistent with the Centre City Parkway landscape master plan.

(4) Required yard shall not be used for vehicle parking (including overhang), except such portion as is devoted to driveway use.

(5) A building located on a lot line shall have facilities for the discharge of all roof drainage onto the subject lot.

(6) When the yard of a property zoned CG is adjacent or abutting the yard of a residentially zoned property, the following landscaped setbacks shall apply for all buildings and structures:

(A) Front yard setback:

Distance from structure to residential property	Front yard setback
25' or less	Equal to residential zone
26'—50'	10'
Over 50'	5'

(B) Side yard setback shall be minimum 5'.

(C) Side yard setback adjacent to street when the rear yard of the corner and reverse corner lots abuts residentially zoned property shall be minimum 10'.

(D) Rear yard setback shall be same as the rear yard setback required for adjacent residential zone.

(7) Adjustments to the standards up to twenty-five (25) percent may be approved pursuant to section 33-343.

Sec. 33-344. Conversion of existing and vacant automobile dealerships.

(a) **Plot Plan Required.** A plot plan application shall be required for all existing and vacant automobile dealerships converting to a new, substantially different, use (either in whole or in part). A comprehensive sign program shall be included in applications for the conversion to multiple tenant spaces.

(b) **Development Criteria.** City staff shall review all existing and vacant automobile dealerships converting to a new, substantially different, use to determine that such developments conform to the following criteria and do not have negative impacts on the physical or visual character of the area in which they are located. The following development standards

shall not be in excess of those standards required for all other properties in the commercial zone, as provided in the Zoning Code:

- (1) Appropriate on-site landscaping shall soften large expanses of paved areas and buildings, and buffer undesirable views.
- (2) Screening of parking lots, trash storage areas, and delivery/service areas shall be provided to the extent feasible.
- (3) Adequate street trees shall be included in the site design in proportion to the project and the site to provide shade where feasible.
- (4) Site lighting shall meet commercial lighting standards.
- (5) Appropriate stormwater management improvements shall be provided.
- (6) Exterior colors shall be compatible and harmonious throughout the site.
- (7) Entries for multiple tenant spaces shall be defined, be in harmony with the style and proportions of the existing buildings, and not conflict with existing design elements.
- (8) Signage shall be compatible throughout the site with logical and integrated sign locations.
- (9) Visible window areas shall remain uncluttered.
- (10) Fencing or other improvements in disrepair shall be removed or rehabilitated.

Chapter 33, Article 19 – Planned Development (PD) Zone

Sec. 33-403. General provisions and standards for planned development.

The following provisions shall apply in a planned development zone together with all other applicable provisions of the Escondido zoning and subdivision codes. Where conflict in a regulation occurs, the regulations specified in this zone or in a development plan approved pursuant to the requirements of this article shall apply.

(a) Planned development zones may be established on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes of this article.

(b) The purposes of this zone may be accomplished only on satisfactory demonstration that the proposed development is in conformity with the Escondido general plan and any element thereof, and in accordance with specific plans or policies adopted or in the process of being prepared and adopted by the city council. Correspondingly, the planning commission and city council, shall find that the proposed planned development conforms to such plans and policies. Policies relative to compliance with the general location, amounts and

densities of such uses as set forth in the Escondido general plan; or in specific plans adopted by the City of Escondido.

Planned developments may, under these circumstances, combine a variety of land uses. Mixed uses may include any skillful combination of the range of residential, commercial, industrial and agricultural uses, and may occur among or within buildings as long as the uses are compatible with each other and with existing and potential uses surrounding the zone.

(c) Except in the case of a planned development zone initiated by the city, before detailed studies of any development plan shall be undertaken by the planning commission, there shall be on file with the city, the written consent of all property owners in the proposed district that such detailed studies be made.

(d) Except in the case of a planned development zone initiated by the city, no ordinance establishing a planned development zone shall be enacted unless and until there is on file with the city written consent of every property owner within such zone at the time of adoption of the ordinance agreeing that said owners shall be bound by the conditions and regulations proposed and which will be effective within the zone.

(e) Standards for area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking and screening for planned development uses, shall be governed by standards which the planning commission shall adopt by resolution from time to time. The planning commission shall, upon adopting such standards in the first instance, be guided by those standards and requirements of the residential, commercial, industrial or other zoning district(s) most similar in nature and function to the proposed planned development use(s), and shall also be guided by the standards of development under this chapter and the general provisions of this chapter.

(f) Since the provisions of public and private open space as an integral part of land development planning and design is a required requisite of planned development zoning, the planning commission shall recommend to the city council and the city council shall adopt principles and standards for the provision, improvement and maintenance of required open space; and may require higher standards of open space for residential portions of a planned development than are required elsewhere in this division for residential uses.

(g) All electrical land telephone facilities, fire alarm conduits, street light wiring and other wiring, conduits or facilities shall be placed underground by the developer. Electric and telephone facilities shall be installed in accordance with standard specifications of the serving utilities.

(h) Standards for public improvements shall be governed by applicable ordinances and laws of the city.

(i) Subject to review and approval by the Director, super-graphic wall signs for purposes of displaying large graphic images may be permitted pursuant to section 33-1395.11.

Exceptions to standards of this article or to standards adopted by the planning commission or city council shall be granted by the planning commission and city council only in cases where these bodies find that such exceptions encourage a more desirable environment, are warranted in order to foster the establishment of a comprehensively planned and designed development or unit thereof, and are consistent with the purposes of section 33-400 of this article.

Chapter 33, Article 34 – Communication Antennas

Sec. 33-706. Personal wireless service facilities—Land use approval.

(a) A plot plan application shall be required for all personal wireless service facilities/antennas and facilities which are permitted in the zone and which do not require a conditional use permit.

(b) City staff shall review plans for planning, siting, architecture, zoning compliance, landscaping, engineering, building requirements, safety, and conformance with the wireless facilities guidelines. After such review, staff may approve, conditionally approve, or deny the proposed plan, or refer it to the planning commission for approval, conditional approval, or denial. As a component of the project review, the applicant must include details regarding the ability to provide the necessary utilities (i.e., telco and power) and appropriate access to the site. All new utility service runs shall be placed underground.

(c) Residential and Open Space Zones. Personal wireless service facilities in these zones shall require a conditional use permit issued by the planning commission pursuant to Division 1 of Article 61 in all residential and open space zones. Personal wireless service facilities located within the public right-of-way within or adjacent to residential zones or open space zones shall require the issuance of a conditional use permit.

(d) Commercial and Industrial Zones. Plot plan approval or a conditional use permit shall be required in commercial and industrial zones according to the following chart:

	CG	CN	CP	HP	M-1	M-2	I-P
Personal Wireless Communication Facilities							
Roof-mounted or building-mounted incorporating stealthy designs and/or screened from public ways or significant views	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that incorporate stealthy designs and do not exceed 35' in height	P	P	P	P	P	P	P
Pole-mounted or ground-mounted that exceed 35' in height, or roof or building mounted designs which project	C	C	C	C	P	P	C

	CG	CN	CP	HP	M-1	M-2	I-P
above the roofline and are not completely screened or considered stealthy							

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a conditional use permit (CUP).

(e) Co-Location. Co-Location of personal wireless service facilities is encouraged to the extent it is technically feasible, up to the point where a structure or site has too many antennae and becomes visually cluttered, subject to the following siting criteria and chart:

	CG	CN	CP	HP	M-1	M-2	I-P
Personal Wireless Communication Facilities							
Co-location on existing buildings or structures, or adding an additional facility on a site	P	P	P	P	P	P	C
Co-location including new pole-mounted or ground-mounted structures that exceed 35' in height, or roof-mounted or building-mounted designs which project above the roofline and are not completely screened or considered stealthy	C	C	C	C	P	P	C
RA	RE	R-1	R-2	R-3	R-4	RT	OS
C	C	C	C	C	C	C	C

P = Permitted subject to plot plan review.

C = Conditionally permitted subject to a Conditional Use Permit (CUP).

(f) Planned Development and Specific Plans. Unless specifically permitted or conditionally permitted as part of the planned development or specific plan, any wireless communication facility shall not be permitted within these zones unless a modification to the master development plan or specific plan is approved by the planning commission or city council, as may be required.

Sec. 33-707. Personal wireless service facilities—Modifications and upgrades.

A modification of a personal wireless service facility which was not specified in the original design/approval (including, as examples, an increase in height, the number of antennas/panels,

an increase in mass and scale, etc.) may be considered equivalent to an application for a new personal wireless service facility, and will be subject to the requirements of this article. However, upgrades to existing facilities to incorporate new technology which, in the discretion of the director, do not increase the existing mass and scale, increase the height or visibility of the structures, or decrease the overall height of the facility, may be approved by the director, and/or may be referred to the planning commission.

Sec. 33-709 Satellite dish antennas.

The following standards shall apply to all satellite dish antennas:

(a) Satellite dish antennas as ground or pole-mounted accessory structures:

(1) Location. Permitted in all residential, industrial, open space and commercial zones where accessory structures are allowed in the underlying zone, except that no portion of the satellite dish antenna shall be located within five (5) feet of any property line;

(2) Coverage. Conformance with coverage requirements of the underlying zone shall be maintained;

(3) Maximum Diameter. Four (4) feet, unless modified by a conditional use permit issued pursuant to section 33-704 of this article;

(4) Maximum Height. Fifteen (15) feet when measured vertically from the highest point of any portion of the satellite dish antenna when positioned in an operational mode to the grade immediately adjacent to the base or pole support, unless modified by a conditional use permit issued pursuant to section 33-704 of this article;

(5) Security. Shall be enclosed with a secure fence or wall of five (5) to six (6) feet in height;

(6) Screening. Required between the satellite dish antenna and any property line so that a maximum of twenty-five (25) percent of the total height of the satellite dish antenna extends above the screening material when viewed from exterior property lines at grade level;

(7) Screening Material. Shall be opaque and in conformance with development standards of the underlying zone. Materials are subject to the approval of the planning division and may include, but are not limited to walls, fences, other architectural material substantially compatible with the principal onsite buildings, trees, shrubs, earthen berms or earth depressions.

(b) Roof or building-mounted satellite dish antennas:

(1) Maximum Diameter. Four (4) feet, unless modified by a conditional use permit issued pursuant to section 33-704 of this article.

(2) Maximum Height. Shall conform with height limitation of the underlying zone.

(3) Screening. Roof-mounted antennas shall be located or screened to reduce visibility of the satellite dish antenna. This can be achieved by recessing the antenna into the building or by using similar colors and textures to match the existing building material, constructing an equipment penthouse, etc.

(c) Prior to the construction of any size satellite dish, site plans and elevations shall be approved by the planning division for compliance with development standards. The director may refer a request to the planning commission. A building permit shall be required for any satellite dish antenna which is roof-mounted or which exceeds six (6) feet above grade.

(d) Residential and Open Space Zones. A conditional use permit approved by the planning commission pursuant to Division 1 of Article 61 shall be required for all satellite dish antennas which:

- (1) Are roof-mounted;
- (2) Exceed four (4) feet in diameter; or
- (3) Are ground or pole-mounted and exceed fifteen (15) feet above grade adjacent to the base or pole support.

(e) Commercial and Industrial Zones. A plot plan or a conditional use permit approved by the planning commission pursuant to Division 1 of Article 61 shall be required for all satellite dish antennas according to the following chart:

	CG	CN	CP	HP	M-1	M-2	I-P
Satellite Antennas							
Roof or building mounted							
≤ 4 feet in diameter	P	P	P	P	P	P	P
> 4 feet in diameter	C	C	C	C	C	C	C
Pole or ground-mounted							
≤ 4 feet in diameter and < 15 feet in height	P	P	P	P	P	P	P
> 4 feet in diameter or > 15 feet in height	C	C	C	C	C	C	C

(f) Installation of remote units (less than thirty inches (30") in diameter) required for fixed wireless service are not subject to the provisions of this Article 34 and are exempt from review by the planning commission or the city council.

Chapter 33, Article 40 – Historical Structures

Sec. 33-798. Permits and permit procedures.

(a) It is unlawful for any person to tear down, demolish, construct, alter, remove or relocate any historical resource or any portion thereof that has been listed on the Escondido Historic Sites Survey, local register, designated a local landmark, or located within an historical overlay district or to alter in any manner any feature of such designated resource without first

obtaining a permit in the manner provided in this article. All repairs, alterations, constructions, restorations or changes in use of applicable historical resources shall conform to the requirements of the State Historical Building Code and the Secretary of the Interior's Standards for Rehabilitation.

(b) Unless otherwise exempted in this article, a certificate of appropriateness is required for any new construction, and/or alteration that would affect the exterior appearance of an historical resource listed on the local register, or located within an historical overlay district, including back and sides, as well as street façade, even when a building permit is not otherwise required. Other permits, and review by the planning commission, may be required as prescribed in this article. Improvements and alterations to properties listed on the Escondido Historic Sites Survey outside an historical overlay district shall be subject to staff administrative review to ensure said improvements and alterations do not preclude future listing on the city's local register.

(c) Exemptions. A certificate of appropriateness is not required for routine maintenance (masonry tuck-pointing, and cleaning), installation of temporary fixtures (awnings and canopies, signs and plaques, light fixtures, portable spas, steps, and landscape accessories) and maintenance and removal of plantings and nonmature trees. Nor does this article prevent the construction, reconstruction, alteration, restoration, demolition or removal of any improvement when the city has been satisfied that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the State Historical Building Code.

(d) Submittal requirements for certificate of appropriateness. An application for certificate of appropriateness shall be filed with the planning division on a form provided by the city.

(e) Review processes. Following the planning division's receipt of a complete application, the director shall determine the appropriate review process as follows:

(1) Minor projects. Minor projects shall be subject to planning division staff review. Minor projects include:

(A) Placement or removal of exterior objects and the restoration and exterior changes to materials (siding, brick, stucco, metal, etc.) and structures including porches (columns, cornices), roofs (covering, change in shape), any painting of exterior surfaces, satellite dishes, solar collectors, freestanding walls, fences and retaining walls, and any modifications to historical signs; and

(B) The following projects involving historic resources listed on the local register and property located within an historical overlay district: painting of exterior surfaces, restoration and exterior changes to architectural details and decorative elements (fish scale, shingles, dentils, shutters), porches (trim, railing, ornamentation), exterior staircases, exterior doors, windows skylights, mechanical systems (window units, exhaust fans, vents), storm windows and doors, security grilles, and fire escapes.

(2) Major projects. Major projects may be subject to historic preservation commission review prior to staff determination. Major projects include all new construction (primary structure, out-buildings), additions (including porch enclosures, dormers, etc.), removal, relocation, change to the site, (grading, parking lots, paving), public right-of-way improvements (curb and gutter, sidewalks, street paving, driveways, curb cuts, stamped sidewalk), new freestanding signs, street furniture, and any project requiring a plot plan review.

(3) Discretionary projects requiring a public hearing. Discretionary projects requiring a public hearing shall be subject to review by the historic preservation commission prior to planning commission determination.

(f) Notification of action. The determination by planning division staff shall be documented by the issuance of a certificate of appropriateness that outlines the approved work, or a written statement giving the reasons for disapproval.

(g) Appeal. The director's decision may be appealed to the planning commission. Appeals shall be filed within ten (10) days of notification of action and noticed in accordance with Section 33-1303 of this title.

(h) Findings. A certificate of appropriateness may be issued if planning division staff, historic preservation commission, planning commission, or the city council makes the following findings:

(1) All of the following:

(A) The proposed alteration or improvement is consistent with the design guidelines for historic resources;

(B) The action proposed is consistent with the purposes of historical preservation as set forth in this article and with the general plan;

(C) The action proposed retains the historical and/or architectural value and significance of the landmark, historical building, or historical district;

(D) The action proposed retains the texture and material of the building and structure in question or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historical district;

(E) The proposed project is compatible in its location of buildings and structures with the location of the street or public way and the location and arrangement of other buildings and structures in the neighborhood;

(F) If located within an historical district, the proposed project conforms to the design guidelines established for the district; or

(2) The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property.

Chapter 33, Article 49 – Air Space Condominium and Community Apartment Projects**Sec. 33-952. Commission action.**

The planning commission shall review the application for a condominium permit and recommendation of the planning division. A public hearing on the application shall be held in accordance with Division 6 of Article 61 of this chapter, and a recommendation shall be forwarded to the city council.

Chapter 33, Article 57 – Miscellaneous Use Restrictions**Sec. 33-1111. Outdoor dining provisions.**

(a) Outdoor dining for restaurants and eating establishments may be exempt from providing additional parking on a case-by-case basis in the General Commercial (C-G), Neighborhood Commercial (C-N), Professional Commercial (C-P), and Tourist Commercial (C-T) zones, and Downtown Specific Planning Area #9 for an area up to three hundred (300) square feet, provided the establishment conforms with all required parking standards for its indoor dining area, subject to the following conditions and administrative review:

(1) The establishment requesting outdoor dining shall conform to all sections of the Municipal Code. Outdoor dining areas not in compliance with the required provisions of this ordinance operating prior to October 5, 1994, may continue provided (1) continuous existence and (2) use of the outdoor dining area can be demonstrated to the satisfaction of the director department and no violations of state, federal or health and safety regulations exist.

(2) All outdoor dining furniture, including tables, chairs, umbrellas and planters, shall be movable. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds. Outdoor heaters, amplified music or speakers shall be reviewed at the time of application.

(3) No signing shall be allowed in the outdoor dining area, except for the name of the establishment on an awning or umbrella valance.

(4) The outdoor dining area may only serve food and beverages prepared or stocked for sale by the adjoining indoor eating establishment, provided that the service of beer or wine, or both, solely for on-premises consumption by customers within the area of the outdoor dining area has been licensed by the state authorities to sell beer or wine, or both, for consumption within the area of the sidewalk cafe.

(5) The area in which the outdoor dining area is authorized is identified in a manner approved by the planning division, which will clearly separate and delineate it from the area which will remain open to pedestrian traffic.

(6) The outdoor preparation of food and busing facilities are prohibited at outdoor dining areas. The presetting of tables with utensils, glasses, napkins, condiments and the like is prohibited. All exterior surfaces within the outdoor dining area shall be easily cleanable and shall be kept clean at all time by the permittee. Restrooms for the outdoor dining area shall be

provided in the adjoining indoor eating establishment and the outdoor dining seating shall be counted in determining the restroom requirements of the indoor restaurant.

(7) The permittee shall remove all trash and litter as they accumulate. The permittee shall be responsible for maintaining the outdoor dining area, including the floor surface, furniture and adjacent areas in a clean and safe condition.

(8) Hours of operation shall be identical to those of the indoor eating establishment.

(9) No required landscaping shall be eliminated unless replaced on-site.

(b) Outdoor dining for restaurants and eating establishments exceeding three hundred (300) square feet shall be subject to the conditions stated in subsection (a) of this section, as well as the following conditions:

(1) The establishment conforms with all required parking standards. Additionally, no required vehicle parking spaces shall be eliminated in order to accommodate the outdoor dining area unless replaced on-site.

(2) Additional parking shall be provided for the area exceeding three hundred (300) square feet at a ratio of that required for indoor dining areas. Additional parking shall be provided either on-site or along the street fronting the establishment, or through a joint use or other arrangement deemed appropriate by the city.

(3) Landscaping/buffering shall be incorporated into the outdoor dining area subject to planning division approval which may consist of container plants, permanent landscape areas, garden walls, temporary fencing or other satisfactory measures to delineate the area devoted for outdoor dining.

Chapter 33, Article 61 – Administration and Enforcement

Sec. 33-1243. Exceptions to nonconforming use provisions.

(a) Routine maintenance. Nothing in this division shall prevent a property owner from performing routine maintenance on a nonconforming use. For the purposes of this section, the term, "routine maintenance," is minor work on a nonconforming use which does not require a permit of any kind and is primarily related to the aesthetics of a use or to alleviate normal wear and tear. Common examples of routine maintenance include but are not limited to painting, scraping, window replacement, cleaning, pruning and so forth;

(b) Voluntary work. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a nonconforming use provided that the total costs of such work do not exceed twenty-five (25) percent of the replacement value of the nonconforming use. The twenty-five (25) percent limitation shall include the replacement costs of work conducted pursuant to subsection (c) of this section:

(1) Improvements, additions and/or alterations for a nonconforming single-family residential structure(s) in a single-family zone, including restoration pursuant to government

order, may exceed the twenty-five (25) percent limitation up to fifty (50) percent of the replacement value of the nonconforming structure.

(2) Improvements, additions and/or alterations above fifty (50) percent for a nonconforming single-family residential structure(s) in a single-family zone, including restoration pursuant to governmental order, may be approved or conditionally approved by the director, pursuant to an administrative adjustment, upon demonstration that the proposed adjustment will be compatible with and will not be detrimental to adjacent property or improvements.

(3) The application for the administrative adjustment shall include a fee to the city in an amount to be established by resolution of the city council. The director may agendaize the application for consideration by the planning commission. Replacement values shall be calculated by the director using the most recent table of valuation multipliers of the International Conference of Building Officials, San Diego Chapter.

(4) A nonconforming sign may be altered, improved or remodeled notwithstanding this section provided the cost of such improvements or remodeling of the sign does not exceed fifty (50) percent of the cost of reconstruction of the building, as determined by the director.

(5) City-wide zone change. Nothing in this division shall prohibit the repair, alteration, improvement or reconstruction of a residential use considered nonconforming due to the city-wide zone change program; provided, that the total cost of such work does not exceed fifty (50) percent of the replacement value of the nonconforming use, except as permitted within this subsection. The fifty (50) percent limitation shall include the replacement costs of work conducted to section 33-1243;

(c) Restoration pursuant to governmental order. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any portion of a nonconforming use if such work is ordered by a governmental authority having jurisdiction or if such work is necessary to bring the nonconforming use into compliance with any applicable building, plumbing, electrical or similar codes, provided the total cost of such work includes only restoration pursuant to government order to ensure health, safety and welfare;

(d) Restoration following disaster. Nothing in this division shall prevent the repair, alteration, improvement or reconstruction of any nonconforming use damaged by fire, collapse, explosion or acts of God, provided the total costs of such work does not exceed fifty (50) percent of the replacement value. Nonconforming residential structures are exempt from the fifty (50) percent limitation set forth in this subparagraph and may be constructed, repaired and rebuilt to nonconforming densities and the use thereof may be continued following damage by fire, collapse, explosion or acts of God without limitation as to cost. The percent limitations set forth in this subparagraph do not include work pursuant to subsections (b) or (c) of this section;

(e) Low and very low-income housing. Low and very low-income housing units may be repaired, altered, improved or reconstructed to a condition complying with all applicable building, electrical, plumbing and similar codes without regard to the percent limitations set forth in subsections (c) or (d) of this section, if the following conditions are satisfied:

(1) The housing units at issue have been inhabited continuously by individuals with low or very low income for at least one (1) year prior to the date of the proposed alteration, improvement or reconstruction,

(2) The property owner restricts the property for occupation solely by individuals of families of low and very low income for a period of at least ten (10) years. Such restrictions shall be in a form satisfactory to the city attorney,

(3) The property owner does not charge rent for the property which is in excess of thirty (30) percent of the gross household income of the residents of the property;

(f) Income definition. For the purposes of subsection (e) of this section, the term "low and very low income" shall mean eighty (80) percent and fifty (50) percent respectively of median income of the San Diego County metropolitan statistical area adjusted for household size or any more recent definition adopted by the Department of Housing and Urban Development;

(g) Any property owner electing to not be subject to restrictions imposed pursuant to subsection (e)(2) of this section shall immediately notify the city and shall terminate, demolish or bring the nonconforming use into compliance with all relevant zoning, building, plumbing, electrical and similar codes within thirty (30) days of terminating the low income use.

Chapter 33, Article 64 – Design Review

Sec. 33-1350. Purpose.

(a) The exterior appearance of buildings, structures, signs and the type and extent of landscaping and the development of the site affect the desirability of the immediate area and neighboring areas for residential, commercial, industrial or other purposes. It is in the interest of the city to prevent the introduction of elements which may be incompatible with the highest quality of development sought by the city and which might impair the value of both improved and unimproved property. It is the intent of the city council to encourage the most appropriate and beneficial use of land so as to safeguard the general welfare of the community as it is described in the general plan.

(b) In order to preserve the natural charm, and integrity and quality of the built environment, it is necessary to regulate the design and appearance of development in order to insure compatibility with existing development and ensure that new development is consistent with or exceeds the high quality of the development projects currently located in the city.

Sec. 33-1351. Repealed.

Sec. 33-1352. Repealed.

Sec. 33-1353. Repealed.

Sec. 33-1354. Jurisdiction.

The following commercial, industrial, multifamily residential projects and other projects shall be subject to design review by the planning commission:

- (a) Planned development projects, condominium permits, and all nonsingle-family projects requiring discretionary approval by the planning commission and involving new construction;
- (b) Proposed development standards and/or design guidelines for specific plans and overlay districts;
- (c) Proposed signs as specified pursuant to Article 66—Sign Ordinance;
- (d) Architectural or site modifications to industrial, commercial and multifamily residential developments that were approved through a public hearing;
- (e) City initiated projects which involve public facilities such as libraries, major park structures, police stations, fire stations, major architectural or site modifications to existing public facilities, etc.

Sec. 33-1355. Exemptions and exceptions.

- (a) Exemptions. This article shall not apply to:
 - (1) Painting of existing buildings, unless required by an adopted specific plan, overlay district, other code section, or where color was part of a discretionary action;
 - (2) Repair and maintenance of existing buildings;
 - (3) Interior modifications;
 - (4) Single-family residences of four (4) or fewer lots, unless require by an adopted specific plan or overlay district, planned development, or other code section;
 - (5) Landscaping of single-family lots;
 - (6) Street improvement projects and below-ground public facilities constructed by the city as part of the capital improvement program.
- (b) Exceptions. City staff shall review all other nonexempt projects for conformance with applicable design guidelines as noted below. Minor projects where the proposed work may have a significant effect on the surroundings may be agendized for review by the planning commission.
 - (1) Minor exterior changes in overlay zones;

(2) Minor exterior revisions to commercial, industrial, multifamily residential projects including, parking lot changes, minor accessory structures, additions of in-wall ATMs, trash enclosures, additions of minor components for which there are previously approved guidelines, such as above-ground storage tanks, vapor recovery tanks, security gates/fencing, outdoor dining areas of three hundred (300) square feet or less, etc.;

(3) Minor public facilities such as accessory park structures, pump stations, ADA improvements, bicycle trails, etc.;

(4) Production homes in subdivisions of five (5) lots or more;

(5) Proposed signs pursuant to Article 66—Sign Ordinance;

(6) Repainting of existing structures in any new color palette where building colors were part of a discretionary action.

Sec. 33-1356. Elements of design considerations.

The elements of design consideration shall include, without limitation, site development, circulation, grading, setbacks, exterior appearance of buildings, structures, signs, lighting, street furniture, landscaping and other outdoor appurtenances. All plans for nonexempt projects shall be prepared by licensed professionals, as required by state licensing acts.

Sec. 33-1357. Design review standards.

The planning commission and/or city staff shall review all projects subject to this chapter to determine whether the design considerations conform to the following criteria:

(a) Site design.

(1) The structure shall be appropriate to the site, regarding location, size, topography, natural and man-made surroundings of the site.

(2) The project shall respect environmentally sensitive areas, such as hillsides, arroyos, rock outcroppings, threatened or endangered habitats or plants, ridgelines, slopes, existing trees, architectural and historic resources.

(3) The site layout, orientation and location of structures, buildings and signs shall be designed to create a well-integrated relationship to one another. Specific consideration shall be given to open spaces, topography, pedestrian and vehicular areas and circulation, and exterior building lighting.

(4) Grading shall be sensitive to the site and surrounding areas, and designed according to Article 55, of the city zoning code (grading and erosion control).

(5) Major consideration shall be given to pedestrian open spaces when possible.

(6) The location of parking and loading areas shall be convenient to the users.

(7) Loading deck areas, mechanical and utility equipment and trash storage areas shall be integrated into the total design concept and concealed to the extent possible.

(8) Overbuilding of a site will be discouraged and every effort shall be made to provide suitably landscaped or natural open space.

(b) Architectural—Building design.

(1) Overall building shape, size, and apparent bulk, shall be in proportion to and in scale with the site and with other existing or permitted structures in the area;

(2) A harmonious relationship shall exist between the proposed and adjoining developments, avoiding excessive variety or monotonous repetition;

(3) All elevations visible from public streets and/or adjacent properties shall be of consistent design, including harmony of materials, colors, composition and architectural elements of all sides of a structure or building;

(4) Long solid walls shall be avoided by breaking up large wall surfaces with architectural features or other treatment;

(5) A limited number of materials shall be used on the exterior face of the building or structure (wood, concrete, brick, stone, etc.). The use of natural materials is encouraged;

(6) A harmonious color palette consisting of softer and more subtle hues shall be used;

(7) Logical and integrated sign locations shall be provided on commercial/industrial buildings;

(8) Storage areas and all exterior utility and mechanical equipment shall be screened with architectural elements of the design;

(9) Roof mounted equipment shall be screened and integrated into the overall building design;

(10) Varied building relief shall be used extensively, where the architectural style is conducive to this technique.

(c) Landscaping.

(1) Adequate landscaping shall be provided in proportion to the project and the site, with due regard to preservation of protected, specimen, landmark or other mature trees;

(2) The project shall incorporate water conservation measures in design, selection of plants and selection of irrigation system, to the extent feasible;

(3) Selection of a size and type of planting shall be appropriate to the project and the site and shall include a balanced mix of trees, shrubs and ground covers;

(4) Landscaping shall successfully provide shade for parking and open space areas, soften large expanses of paved areas, buildings and wall edges, screen parking areas and trash enclosures and buffer undesirable views;

(5) Existing trees shall be retained where possible;

(6) Non-plant materials (such as gravel, bark, or simulated plant materials) may be considered for use instead of ground cover or turf, as part of the total integrated landscape design concept.

(d) Signs and lighting.

(1) Signs and lighting and other advertising media shall harmonize with and be subordinate to the building it services and area in which it is located;

(2) Signs shall be readable and attractive, emphasizing the name and/or address and limiting any slogans or product advertising; overcrowding the sign information shall be avoided;

(3) Lighting shall conform to the provisions of Article 35 (outdoor lighting), of the zoning code.

(e) Fencing and walls.

(1) Fences and walls shall conform to all ordinance requirements regarding height, construction, etc.

(2) Fences and walls shall be compatible with surrounding architecture and the character of the area.

(3) Fences and walls, including retaining walls, shall utilize quality decorative material.

Sec. 33-1358. Design review process.

The design review process shall be as follows:

(a) Applications subject to design review shall include the submittal requirements listed in section 33-1361 as part of the completed project application, in accordance with the administrative filing requirements of the planning division.

(b) Review of plans, to determine conformance with the criteria outlined in section 33-1357 of the ordinance codified in this article, or to design guidelines for the area the project is located in, shall be conducted during the project review by staff or at a regularly scheduled

planning commission meeting at which the applicant or his representative has the opportunity to be present.

(c) For discretionary projects which require a public hearing, the planning staff shall submit recommendations to the planning commission and/or city council. The planning commission and/or city council shall consider the planning staff's report in making its decision.

(d) For administrative projects that require planning division review, the planning division staff shall submit recommendations to the director.

Sec. 33-1359. Findings.

No decision to approve the application shall be made without making the following findings:

(a) The proposed site plan has been designed in a manner which is compatible with the natural and urban characteristics of the site and the surrounding neighborhood.

(b) The bulk, scale, and architectural design of the proposed structure are compatible with the character of the surrounding neighborhood.

(c) The project incorporates landscaping, irrigation and screening which is drought tolerant, appropriate for the site, and in compliance with the landscape standards established by the city.

(d) All grading related to the project is in conformance to design standards set by Article 55 (grading and erosion control).

(e) The project has incorporated the applicable design review standards contained in the ordinance codified in this section and other applicable ordinances into the site layout and building design.

(f) The project is consistent with the goals and objectives on the city general plan.

Sec. 33-1360. Design changes and enforcement.

(a) Any change from the approved plans or specifications, or to the appearance of an existing structure, or a structure under construction, or approved landscaping plans, shall be subject to administrative review by the planning division. The planning staff may deny the building permit or certificate of occupancy, or approve those changes which it determines are consistent with the findings below. The director may agendize the matter to the planning commission, as applicable, for consideration of such changes. No building permit or certificate of occupancy may be issued until a final decision has been rendered regarding the change. Approval of changes shall be based on the following findings:

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

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

Sec. 33-1361. Submittal requirements.

Projects submitted for design review by staff or the planning commission will conform to the following submittal criteria:

(a) Site plan. A scaled drawing of a dimensioned site plan which shall include an indication of all the following items:

(1) The location and dimensions of buildings and lot lines on the site and on adjacent properties within one hundred (100) feet of the subject site;

(2) The land use and zoning on the site and on surrounding properties;

(3) Street rights-of-way, setback lines, street dedications and dimensions;

(4) Existing topography and proposed grading showing slope heights, inclination and designation of cut or fill;

(5) Drainage patterns and grades, and location of all proposed and existing drainage facilities;

(6) Location and dimensions of existing and proposed street improvements, including (but not limited to) gutters, curbs, sidewalks, centerline of streets, alleys and easements;

(7) All existing and proposed buildings, trees, fences, walks, driveways, parking spaces and loading areas. Existing trees shall be identified as to species, trunk diameter six (6) feet above the adjacent grade, and designated for removal, retention or relocation;

(8) Open space calculations as defined by appropriate residential category;

(9) Areas to be landscaped;

(10) Location, height, and type of fencing;

(11) Location and dimensions of existing and proposed exterior doors, entryways, walkways, balconies, stairways, roof eaves, etc.;

(12) Consistency and unity of all features of the site plan;

(13) Photographs of the existing site and adjacent properties, including lots across the street or alley, as well as buildings within one hundred (100) feet of the project property lines;

(14) Aerial photos or satellite imagery of the project site are recommended and may be required as a part of the application.

(15) Location of mechanical equipment.

(b) Architectural presentation plans.

(1) Exterior elevations. A colored, scaled and dimensioned drawing of each face of the proposed structure showing/labeling materials, colors, textures, doors, windows, architectural detailing, landscaping (size at the time of planting), mechanical equipment, etc.;

(2) Material board showing all exterior materials including color chips, wall samples, roof samples, window and door materials etc.; in lieu of a materials board, color photographs and/or product information sheets/brochures, which clearly show the nature of the material, may be submitted with color chips representing the proposed color scheme. Materials must be formatted to fit in an 8.5" x 11" file folder.

(3) Floor plans, where applicable, should indicate use of the rooms, square footage, units and dimensions;

(4) Scale models of the project site may be required as a part of the application.

(c) Landscape plan. A conceptual landscaping plan at the same scale as the site plan including the following information:

(1) A clear indication of trees, shrubs, lawn and paving areas;

(2) The container size, type, amount and location of all plant materials and a proposed plant pallet including both botanical and common name;

(3) Specification of all existing trees designating removal, retention or relocation on site;

(4) Type and dimensions of all hardscape material, outdoor furniture, garden walls, fencing and walking surfaces;

(5) Slope planting for all slopes in excess of three (3) vertical feet;

(6) Street trees, selected from the approved street tree list and planted at the ratio designated in the city's landscape standards.

(d) Signs. A scaled and dimensioned plot plan and elevation of all proposed signs showing:

(1) Street rights-of-way, property lines, setback lines, structure and site features;

- (2) Location, size, materials, colors, copy and type of illumination;
- (3) An indication of affected or proposed planters, parking areas, buildings, etc.;
- (4) Elevation of signs in relation to buildings;
- (5) Location and sizes of all existing signs on the site to remain.
- (6) The area of the buildings or lease space, and/or the total lease area.

(e) Any other material necessary to process an application and make the findings required in section 33-1359 of this document.

Sec. 33-1362. Appeals.

(a) Decisions of the director may be appealed to the planning commission by filing a written request with any required fee, with the planning division not more than ten (10) days following the final decision of the director. The appeal shall state the reasons why the decision is contested and which findings the appellant believes were made in error.

(b) Decisions of the planning commission may be appealed to the city council pursuant to Article 61 (administration and enforcement), of the zoning code.

Sec. 33-1363. Design review in specific plans.

Any and all references to the design review board reviewing projects in any adopted area, master, and specific plan shall be reviewed by the planning commission for discretionary projects requiring a public hearing, and by the planning staff for administrative projects.

Section 33-1364—33-1369. Reserved.

Chapter 33, Article 65 – Old Escondido Neighborhood

Sec. 33-1379. Signs.

Signs within the Old Escondido Neighborhood shall conform to the following provisions:

(a) Wall signs or name plates shall not exceed 8.5" x 14" size, and shall display only the name and address of the business or occupant, except as specified in this subsection:

On the south side of Fifth Avenue between Escondido Boulevard and Juniper Street, signs shall not exceed one hundred twenty (120) square inches in area and shall display only the name and address of the business or occupant.

(b) Wall signs shall be attached to the building or to an arm attached to the building. One (1) sign shall be permitted for each residence or business located within a structure.

(c) No illumination of wall signs or window signs shall be allowed.

(d) Freestanding signs. Subject to planning staff review and approval, one (1) freestanding sign per parcel may be permitted within the adaptive reuse area subject to the following standards:

(1) The sign shall not exceed eight (8) square feet in area and five (5) feet in height.

(2) The sign shall display only the name, address and/or logo of the business or occupant.

(3) No internal illumination shall be allowed. Indirect external illumination may be allowed between the hours of sunrise and 11:00 p.m.

(e) Sign design, colors, materials and typeface shall be coordinated with the building style, material, size, color, and shall be in keeping with the historical context of the Old Escondido Neighborhood.

(f) Churches are exempt from the sign restrictions of this section, but shall conform to the standards of Article 66.

Sec. 33-1381. Appeal.

Staff review decisions may be appealed to the historic preservation commission (HPC). HPC decisions may be appealed to the planning commission. Planning commission decisions may be appealed to city council pursuant to section 33-1303 of this zoning code.

Chapter 33, Article 66 – Sign Ordinance

Sec. 33-1391. Definitions.

The following are definitions of terms contained in this article:

(1) Abandoned sign means a sign, or portion thereof, advertising or identifying a business, use or activity which has not been in operation for one hundred eighty (180) calendar days or more.

(2) Advertise means any notice to the public for the purpose of increasing sales or business, announcing the availability of a service or product, or making claims as to the value or quality of any service or product.

(3) Animated sign. See flashing or moving signs.

(4) Area of sign and area of super-graphic sign mean the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character, together with any other material or color forming an integral part of the display or used to differentiate such sign from the background on which it is placed. The

area of a sign or a super-graphic sign having no such perimeter shall be computed in a reasonable manner by enclosing the entire integral parts of the sign copy area within trapezoids, triangles and/or circles in sizes sufficient to cover the entire area and computing the size of such area. In the case of a double-faced sign where the two (2) faces are of equal size, are parallel to each other, and are not separated more than thirty-six (36) inches, the total area shall be computed as the area of a single display face. In the case of a sign with more than two (2) sign faces where each face contains identical copy, the total area of the sign shall be computed by dividing the total number of sign faces by two (2) (resulting fractional numbers shall be rounded up to the next whole number), and multiplying this number by the sign area of a single face. The supports or uprights of a freestanding sign, the support structure of a monument sign, and other significant architectural features around the copy shall not be included in the sign area. In the case of any cylindrical sign, the total area shall be computed on the total area of the surface of the sign. For multi-shingle/panel signs, the sign area may be calculated by totaling only the area of the individual panels, along with any other copy area.

(5) Awning means a shelter projecting from and supported by an exterior wall of a building and constructed of nonrigid materials on a supporting framework.

(6) Banner, flag, pennant, balloon or other attention-getting devices means any cloth, bunting, plastic, paper or similar flexible material used for advertising purposes or to attract attention, which is attached to or pinned on any structure, staff, pole, line, framing or vehicle, but not including flags as described in section 33-1393(a)(12).

(7) Billboard means a sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located (e.g., off-premise signs or outdoor advertising).

(8) Building face and/or frontage means the area of the front building elevation in which the business is located and which faces a street or parking lot excluding driveways. If more than one (1) business is located in a single building, then such area shall be limited to that front portion which is occupied by each individual business.

(9) Building floor area means the total gross leasable space occupied by the business or tenant.

(10) Bulletin sign means any sign erected by the City of Escondido, other public body, theater owner, or other use authorized by this chapter, which is erected upon the same property as the institution for the purpose of announcing events which are held on the premises.

(11) Cabinet sign means an advertising display which is constructed like a box to enclose the source of illumination (internally illuminated) so that the light shines through the translucent portions of the signs copy panel(s).

(12) Canopy/Marquee means a permanent roof-like structure extending from part or all of a building face and constructed of durable rigid material.

(13) Canopy/Marquee sign means a wall sign attached to the face of a canopy or marquee, but not projecting above the top of the canopy or marquee.

(14) *Center* means a commercial or industrial development which includes two (2) or more tenant spaces in which businesses, structures and parking/circulation are designed as an architecturally integrated and interrelated development. Such design is independent of the number of structures, lots or parcels making up the center.

(15) *Changeable copy sign* means a sign whose informational content can be changed or altered regardless of the method of attachment or change, or materials of construction.

(16) *Commercial, industrial, or professional center* means a development which is located on more than one (1) legal lot, but which constitutes a comprehensively designed complex through common or shared use arrangements.

(17) *Comprehensive sign program* means a sign program for commercial and industrial centers consisting of two (2) or more tenant spaces, which establishes design criteria for all signs in the center and integrates them with building and landscaping design, and achieves architectural compatibility.

(18) *Construction or contractor sign* means a temporary sign which states the names of the individuals and/or firms connected with the construction of a project. Such signs shall be located at the project site and may include, but are not limited to, the name of the project, the address of the business, and the telephone numbers.

(19) *Copy* means any words, letters, numbers, figures, designs or other symbolic representations incorporated into the graphic content of a sign.

(20) Repealed.

(21) *Directional/Informational sign* means an on-premises sign which contains words such as "entrance," "in," "out," "rest rooms," "no parking" or other similar words, or a sign containing arrows or characters indicating traffic directions used either in conjunction with such words or separately. The sign area shall not be greater than two (2) square feet and the sign not higher than three (3) feet. No directional/informational sign shall contain any advertising or trade name information, although minor business identification, not exceeding twenty (20) percent of the sign area, is allowed for directional purposes. Real estate kiosk and directional signs as defined in sections 33-1396(c) and (d), shall not be included in this category.

(22) *Director* means the director of community development, or a designated representative, whose responsibility it is to administer and enforce the provisions of this article.

(22-1) *Districts* mean designated areas of the community approved by city council resolution or ordinance, including overlay, area and neighborhood plans, historic sections, and specific planning areas.

(23) *Double-faced sign* means a freestanding, hanging or projecting sign where two (2) copy faces of equal size are mounted back-to-back. The two (2) faces shall be parallel to each other and not separated by more than thirty-six (36) inches. One (1) face only will be charged against the permitted sign area.

(24) *Flashing sign* means any sign which contains or is illuminated by lights which are intermittently on and off, which change intensity or color, or which create the illusion of motion in any manner, including animated signs which manifest a physical movement or rotation in one (1) or more planes or the optical illusion of action or motion. Time and temperature signs where all advertising is excluded are not included in this category.

(25) *Freestanding sign* means a sign which is permanently supported on the ground by one (1) or more uprights, braces, poles, or other similar structural components that is not attached to any building. This category includes both monument and pole-type signs.

(26) *Freeway-oriented sign*. For the purposes of this regulation, a freeway oriented sign means any structure, housing, device, figure, statuary, painting, display, message placard or other contrivance, including a wall sign or freestanding sign, which provides information in the nature of advertising and which has been designed and located adjacent to the right-of-way on Interstate 15 freeway or portions of Highway 78, with the intention that it be viewed and/or read primarily by motorists traveling on Interstate 15 or portions of Highway 78.

(27) *Future tenant identification sign* means a temporary sign which identifies a future use of a site or a future tenant for a building.

(28) *Glazing area sign* means temporary or permanent signs painted on, attached, glued or otherwise affixed to glass windows, doors, or other glass structures, and oriented to the exterior of the building and public view.

(29) *Grand opening sign* means a temporary promotional sign used by newly established businesses to inform the public of their location and service available to the community. A grand opening sign may only be installed within sixty (60) days after the business initially opens, and shall not be displayed for more than thirty (30) consecutive calendar days. "Grand opening" does not mean an annual or occasional promotion of retail sales by a business.

(30) *Halo-lit letters* means individual, dimensional letters or symbols with solid opaque faces which are indirectly illuminated by a light source contained within each letter or symbol, where the light is directed upon the wall or background surface behind the letters creating silhouettes of the letters or symbols against the reflected light.

(31) *Height of sign* means the greatest vertical distance measured from the top of the sign, including decorative embellishments, to the finish grade at the point the sign supports intersect the ground.

(32) *Historic signs* means a sign or advertising structure that possesses historic, cultural, architectural, or community interest or value associated with the development, heritage or history of the city.

(33) *Historic site sign* means signage as necessary to identify a historic landmark or a local register property as designated by the City of Escondido.

(34) *Illegal signs* means any advertising display erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use, as well as, signs which have expired permits due to the lack of having had the required inspections per the Uniform Building Code and National Electric Code.

(35) *Illumination.*

(A) *External illumination* means the illumination of a sign by an external light source that is not a component part of the sign.

(B) *Internal illumination* means the brightening of a sign by a light source that is a component part of the sign and enclosed within the advertising structure.

(36) *Incidental sign* means a small sign, emblem or decal informing the public of facilities or services available on the premises (e.g., a credit card sign or sign indicating business hours, health rating or licensing).

(37) *Inflatable displays* means any three (3) dimensional ambient air-filled object depicting a container, figure, product or product trade dress.

(38) *Inoperative activity* means a business or activity that has ceased operation at any given location for a continuous period of at least one hundred eighty (180) calendar days.

(39) *Interior sign* means a sign inside any business that is not intended to be seen from outside the building in which the business is located.

(40) *Legal* means authorized or permitted in accordance with procedures defined by ordinance or law.

(41) *Logo* means a trademark or symbol used to identify a business.

(42) *Menu sign* means a sign, located adjacent to a drive-through lane of a food service facility, which lists the products available and the prices, and is designed to be read by the occupants of a vehicle.

(42-1) *Message center, electronic*, means a sign which has a changeable message which may be changed by electronic processes or by remote control and which exposes its message for not less than eight (8) seconds with the interval between messages not less than one (1) second.

(43) *Monument sign* means a low-profile freestanding sign.

(44) *Moving sign* means a sign whose entirety or components rotate or move in any manner to attract attention.

(45) *Multi-shingle (multi-panel) sign* means a freestanding sign composed, in whole or in part, of individual tenant panels without an attached background, typically hung from each

other from a cross member supported by posts, and generally separated by a gap not greater than six (6) inches.

(46) *Nonconforming sign* means a sign that does not presently comply with the provisions of this article. A sign that was lawfully erected prior to the enactment of the ordinance codified herein, but now fails to meet any of the standards contained herein shall be considered a legal nonconforming sign.

(47) *Pole sign* means a permanently mounted, freestanding sign which is supported above the ground by one (1) or more uprights, braces, poles, or other similar structural components.

(48) *Portable sign* means a sign which is not permanently attached to a structure or to the ground and is designed to be moved easily, including persons retained to hold or wear sign copy.

(49) *Projecting sign* means any sign other than a wall or canopy sign which is attached to and hangs or projects from a structure or any portion of a building.

(50) *Public right-of-way* means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be or is presently occupied by a road, sidewalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, bikeway, pedestrian walkway or other public use.

(50-1) *Real estate kiosk sign*—See (60) "Subdivision sign kiosk."

(51) *Real estate sign* means a temporary sign advertising the sale, rent, lease or open house of the property upon which it is located and the identification of the firm handling such sale, lease, rent or open house.

(51-1) *Regional market group* means a defined group of related commercial uses where a marketing or advertising association has been established for the benefit of the regional market group members who are located in a single approved Escondido planned development of more than forty (40) acres with limited visibility from Interstate 15 freeway, and whose market area extends beyond the city limits throughout a larger regional area.

(52) *Regional market sign* means a freeway-oriented sign for a regional market group or affiliated business organization consisting of members of the regional market group, which may include an electronic message center.

(53) *Roof* means the external covering of a building or structure above or covering any exterior or interior vertical wall or other portion of the site.

(54) *Roofline* means the top edge of the roof or top of the parapet, whichever forms the top line of the building silhouette.

(55) *Roof sign* means a sign erected, constructed or placed upon or over a roof of a building, except a mansard roof or canopy which is below the roof of the primary structure which is wholly or partly supported by such buildings.

(56) *Sandwich sign* means a type of portable sign of A-frame construction.

(57) *Sign* means any mark or painted character on any card, cloth, paper, metal, wood, plastic, or any other material visible from outside a structure, mounted to the ground or any tree, wall, bush, rock, fence or structure, either privately or publicly owned. Sign shall also mean any graphic announcement, declaration, demonstration, display, illustration, statuary or insignia used to promote the interest of any person, product, activity or service when the same is placed outdoors in view of the general public.

(58) *Special event sign* means a temporary sign which advertises special events and activities such as, but not limited to, grand openings, charitable events, promotional sales, and Christmas tree sales. Such signs are limited to the provisions listed in this article.

(59) *Statuary* means statues or sculptures or similar figures that depict products, features, items or logos of a business, excluding those items that are considered design features or complements of the overall site such as wagons, benches, equipment sold or rented on the premises, hand water pumps, troughs, and other like items.

(60) *Subdivision sign kiosk—Real estate kiosk sign* means a city designated sign in the public right-of-way or on private property containing directional panels for residential developments. (61) *Super-graphic sign* means a wall sign displaying a large graphic image with or without text. The graphic image extends beyond the perimeter of the sign text.

(62) *Temporary sign* means any sign that is displayed for a limited period of time as defined in this article.

(63) *Time and temperature sign* means an electronically or electrically controlled changeable copy sign which conveys only information such as the time, date, temperature or atmospheric conditions, where different alternating copy changes are shown on the same copy area. Each message remains displayed for a specific minimum period of time with a total blackout between message changes. The copy shall not travel or appear to travel in any direction. Time and temperature signs shall be included in the permitted wall or freestanding sign area and shall not include any advertising within the changeable copy area.

(64) *Use* means the purpose for which a property, lot, building, sign or other structure is arranged, intended, designed, occupied or maintained as established by the authorized legislative body.

(65) *Vehicle sight distance* means the area through which a driver has a clear view of oncoming vehicle and pedestrian traffic when waiting to proceed at a street corner or driveway. The sight distance at driveways should be at least ten (10) feet on each side of the driveway. At nonsignalized corners, the clear view area is typically established by measuring twenty-five (25) feet along the street fronts from each curb return point and drawing a line across the two (2) back points to form a triangular area. Generally, no sign in excess of three (3) feet above the

curb grade, nor support pole larger than twelve (12) inches in diameter may be installed in this clear view area unless approved by the engineering division.

(66) *Vehicle sign* means a sign which is attached to or affixed in any fashion, painted on, or resting in or on any type of vehicle which is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or an activity or business located on such property as determined by the director.

(67) *Wall sign* means a sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. A parapet, mansard, or canopy/marquee sign shall be considered a wall sign provided it is architecturally integrated with the building and does not project above the roof line.

(68) *Window sign*. See "glazing area sign."

Sec. 33-1392. Permit administration.

(1) Sign permit required. A sign permit from the planning division shall be required prior to the placing, erecting, moving, reconstructing or replacing (including sign copy) any sign in the city unless expressly exempted by this article. One (1) or more signs may be approved per sign permit. Signs requiring a permit shall comply with the provisions of this chapter and all other applicable laws, as well as be consistent with the sign design guidelines as may be adopted by the city council. Signs may require building permits in addition to sign permits, as determined by the building official.

(2) Method of application. An application for a sign permit shall be made to the planning division on forms prescribed by the director. The sign permit application shall be accompanied by the following:

(A) Three (3) copies of a scaled plan showing:

(i) Location of proposed sign both in plan view and elevation and its relation to adjacent buildings, structures, topography and property lines,

(ii) The design, dimensions, colors, materials, copy and type of lighting proposed,

(iii) Location of existing freestanding signs on adjacent properties and dimensions,

(iv) Details to verify conformance with Article 35 (Outdoor Lighting Ordinance),

(v) For freeway-oriented signs, cross-sections of the development site and freeway right-of-way which indicate the height relationship between the proposed sign and the freeway travel lane;

(B) A list of all existing and approved signs (type and size) existing at the subject location or tenant space (if any) as of the date of the application;

(C) The size of the lot or commercial/industrial center and gross floor area of building or tenant space;

(D) Such other information the director may require to adequately review an application;

(E) A sign permit fee, as adopted by city council resolution.

(3) Comprehensive sign program for commercial and industrial zones. A comprehensive sign program shall be required for all new commercial, office or industrial centers consisting of two (2) or more tenant spaces, and for existing commercial, office or industrial centers for which the owner requests permission to remodel, expand, or enlarge the building(s) or land use which affects the existing signs. The purpose of the program shall be to integrate signs with building and landscaping design into a harmonious architectural unit. All comprehensive sign programs shall be reviewed by planning staff to determine conformance with the sign design guidelines, planned development approvals, applicable overlay guidelines, and/or specific plan standards. Staff may agendize the matter to the planning commission. Method of application shall be the same as designated in section 33-1392(2). Integration of signs shall be achieved by:

(A) Using the same background color on all signs or by using various shades as determined compatible;

(B) Using the same type of support or method of mounting for signs of the same type, and by using the same type of construction material for components such as sign copy, cabinets and supports. Slightly dissimilar signing may be approved if determined compatible;

(C) Using the same form of illumination for all signs, or by using varied forms of illumination where justifiable and determined compatible;

(D) Providing a comprehensive plan for the location, placement and number of all signs to be permitted for all existing or future development in the center, or by identifying common architectural elements where tenants can physically locate their signs;

(E) Incorporating the design standards established in the sign design guidelines, as may be adopted by city council.

(4) Method of review.

(A) After receipt of a sign application not related to a project otherwise requiring design review, the director or designee shall approve, conditionally approve or deny such sign request. The director may refer the application to the planning commission when there is a question as to whether the application adequately conforms to the sign design guidelines, unless otherwise required by this chapter. Such a review shall ensure that any sign proposal is in conformance with this article, as well as other applicable ordinances and policies of the City of Escondido. Sign applications referred to the planning commission by the director, shall be scheduled for the next available planning commission meeting upon determination of a complete application.

(B) Sign permits which do not require review by the planning commission pursuant to this chapter and are not referred to the planning commission shall be processed by the planning division within five (5) working days of submittal of a complete application. In the event that the sign permit application is not approved, conditionally approved or denied within five (5) working days, the applicant may request a refund of one-half (1/2) of the planning sign permit fees.

(5) Appeals. Appeals of the director's decision shall be to the planning commission and must be filed in the planning division in writing within ten (10) calendar days of that action. Such appeal shall be accompanied by the appeal fee as adopted by the city council. Appeals of the planning commission's decision may be made to the city council by filing a written appeal with the city clerk within ten (10) calendar days of the commission's action and paying the fees as adopted by the city council.

(6) Building permit required. Sign permits shall be in addition to any other permits which may be required by applicable law. Sign permits must be obtained before other sign-related building permits may be issued.

(7) Administration. It is the responsibility of the director to administer and enforce all provisions.

Sec. 33-1393. Exempt and prohibited signs.

(a) Exempt signs. The following signs shall be exempt from the application and sign permit requirements, but must be in conformance with all other requirements of this chapter. A building permit and/or encroachment permit may be required. No sign shall obstruct the vehicle sight distance area at intersections and driveways pursuant to section 33-1391(65).

(1) Glazing area signs.

(A) Internal signs affixed to glazing areas and oriented to the exterior and public view, not exceeding twenty (20) percent of the area of glazing on which it is located. Temporary signs may be of expendable materials such as cloth, paper, paint, etc. Permanent signs shall be of nonfading materials permanently applied in a professional manner. Permanent glazing area signs may include incidental signs, and information such as hours of operation or a proprietor's name,

(B) Any window sign used as permanent identification of the business name or logo shall be considered a wall sign and the sign area shall be included in the total wall sign area allowed for the building or tenant space. A sign permit is required for such business sign;

(2) Real estate signs for single and multiple residential rental and sales. One (1) on-site sign per street frontage, up to two (2), not exceeding four (4) square feet in area, provided it is unlit and is removed within fifteen (15) calendar days after the close of escrow or the rental or lease has been accomplished. Up to two (2) riders identifying the agent and/or special feature of the property may be added to the signs. Sign height not to exceed five (5) feet including riders. One (1) on-site and up to three (3) off-site open house signs, not exceeding four (4) square feet in area and five (5) feet in height, are also permitted for the purpose of selling a single house or condominium. Up to three (3) balloons, each not exceeding twenty-four (24) inches in any

dimension, may be attached to on-site real estate/open house signs. Other attention-getting devices are not permitted;

(3) Contractor or construction signs.

(A) Residential projects consisting of five (5) units or more and commercial and industrial projects shall be allowed, one (1) wall or freestanding sign on the construction site for all contractors (may include financial institutions, real estate agents, subcontractors, etc.). The sign area may not exceed fifty (50) square feet unless legally required by government contracts to be larger. No freestanding sign shall exceed fifteen (15) feet in overall height. Such sign shall be removed by the contractor(s) upon the granting of occupancy by the city,

(B) Residential projects involving four (4) or less units shall be allowed two (2) wall or freestanding signs. Each sign shall not exceed four (4) square feet in area. Freestanding signs shall not exceed five (5) feet in height. Such signs shall be removed by the contractor(s) upon the granting of occupancy by the city;

(4) Real estate signs for commercial and industrial premises. One (1) sign per street frontage is allowed, up to two (2) signs which advertise the sale, lease or rent of the premises. These signs shall not exceed twenty-four (24) square feet in area for lots/centers three (3) acres or less in size, nor forty-eight (48) square feet for lots/centers over three (3) acres in size. These signs may be freestanding signs, wall signs or banners. No such freestanding sign shall exceed eight (8) feet in overall height. Freestanding signs may be double-sided if the panels are of equal size and are mounted back-to-back (parallel) or in a "V" shape if the interior angle does not exceed ninety (90) degrees. The area of only one (1) side of a double-sided sign shall be calculated to determine the area of the sign. Such real estate signs shall be removed within five (5) calendar days after the property to which they refer has been rented, leased or sold;

(5) Interior signs. Devices or displays which are entirely inside a building or in a display space of a lawful show window and are not affixed to the window pane;

(6) Historic site signs, on-premises memorial tablets or plaques. These include those installed by the City of Escondido, a city-recognized historical society, or civic organization, or other displays which do not advertise goods or services;

(7) Directional/informational signs as defined in section 33-1391. Such signs shall not exceed two (2) square feet in area. Freestanding signs shall not be higher than three (3) feet. No directional/informational sign shall contain any advertising or trade name information, although minor business identification, not exceeding twenty (20) percent of the sign area, is allowed for directional purposes. Real estate directional and kiosk signs shall not be included in this category;

(8) Future tenant identification signs may be placed on vacant or developing property or on a vacant tenant space to advertise the future use of an approved project or the future tenant of the suite. One (1) such sign is permitted which shall not exceed twenty (20) square feet in area for a future tenant, nor thirty-two (32) square feet for a vacant or developing property. Freestanding signs shall not be higher than eight (8) feet. Any future tenant identification sign shall be removed upon granting of occupancy by the city;

(9) Residence identification signs used to identify individual names and/or addresses of individual residences. Such signs shall not exceed two (2) square feet in area. A maximum of two (2) signs or name plates are allowed per dwelling unit;

(10) Official and legal notices issued by the court, public body, person or officer in performance of his public duty or in giving any legal notice;

(11) Signs providing notice of public hearing, direction, warning, or informational signs or structures required or authorized by law or by federal, state, county or city authority;

(12) Official flags. Up to three (3) official flags of the United States, the State of California, or other states of the nation, counties, municipalities, and official flags of foreign nations. Proposals for more than three (3) flags require a sign permit and design review. If flags are to be displayed on vertical flagpoles, these poles shall be permanently installed with appropriate building permits. Flags of nationally or internationally recognized organizations and corporate or business flags are only permitted if displayed in conjunction with a United States flag. The Flag Code of the United States shall be observed at all times;

(13) Seasonal decorations displayed during a holiday or announcing a community event which do not advertise a specific product or service and are removed within ten (10) working days after the holiday or community event, except as otherwise permitted for temporary window signs;

(14) Signs of public utility companies indicating danger, serving as an aid to public safety, showing the location of underground facilities or public telephones;

(15) Safety signs on construction sites;

(16) No trespassing, no parking, and similar warning signs not exceeding four (4) square feet in area;

(17) Signs on public transportation vehicles including, but not limited to, buses and taxicabs;

(18) Signs on licensed vehicles; provided, that such vehicles are not used or intended for use as portable signs or as otherwise prohibited in section 33-1393(b);

(19) Incidental signs for automobile repair stores, gasoline service stations, automobile dealers with service repairs, motels and hotels showing notices of services provided as required by law, trade affiliations, credit cards accepted, and the like, attached to the structure or building; provided, that all the following conditions exist:

(A) The signs number not more than four (4) unless required by state law,

(B) No such sign projects beyond any property line,

(C) No such sign shall exceed an area per face of four (4) square feet per face. Signs may be double-faced;

(20) Copy attached to fuel pumps or dispensers such as fuel identification, station logo, and other signs as required by law;

(21) Bill of fare signs for restaurants. Such signs shall not exceed four (4) square feet in area and may be displayed in the window or on the exterior wall in an appropriate manner;

(22) Agricultural signs, either wall or freestanding types, and nonilluminated to only identify the premise as being associated with a trade organization, or as producing products under registered trade names, or to identify the business name and agricultural products grown on the premises. Such signs shall not exceed four (4) square feet for lots two (2) acres or less and sixteen (16) square feet for lots greater than two (2) acres. One (1) sign per street frontage is allowed with a maximum of two (2) signs per lot. Wall signs shall be located below the roofline. Freestanding signs shall not be higher than six (6) feet, and if higher than three (3) feet shall not be located within twenty-five (25) feet of any property line abutting a street;

(23) Model unit signs. One (1) feature sign, one (1) model sign and two (2) flags or pennants for each model home may be placed on the model home lots, at the sales office, or in the parking lot area of the subdivision. Such signs and flags shall not exceed four (4) square feet in area and may be double-sided;

(24) Public signs. Signs placed on public property by federal, state or local agencies designed to provide identification or benefit to the public. This exemption does not apply to freestanding, wall, or bulletin signs proposed for public facilities of the City of Escondido;

(25) Scoreboards placed on athletic fields;

(26) Barber poles outside a barbershop;

(27) Commemorative plaques;

(28) Garage and yard-sale signs as permitted by the Escondido Municipal Code section 16-119.

(b) Prohibited signs. Any sign not specifically authorized by this article shall be prohibited unless required by law or otherwise exempted by a local agency pursuant to the Government Code, sections 53090 et seq., of the State of California. The following signs are expressly prohibited:

(1) Roof signs, except a roof-type sign, where permitted by the planning commission as a freeway-oriented sign pursuant to section 33-1395(a)(3);

(2) Flashing signs, including time and temperature signs (unless all advertising is excluded);

(3) Inflatable advertising devices of a temporary or permanent nature, including hot air balloons, unless approved as a special event sign pursuant to section 33-1396(a);

(4) Animated and moving signs;

- (5) Searchlights and beacons except as permitted per section 33-1396(a);
- (6) Revolving or rotating signs;
- (7) Vehicle signs (when parked or stored on property or street for the purpose of identifying a business or advertising a product or service);
- (8) Signs without an approved sign permit, unless exempt from the provisions of this chapter;
- (9) Portable signs and banners except where permitted by this chapter;
- (10) Signs within the public right-of-way, except where required by a government agency or otherwise permitted by section 33-1396(c);
- (11) Signs blocking doors or fire escapes;
- (12) Outside light bulb strings, except for temporary uses such as holiday sales, Christmas tree lots, carnivals and other similar events as defined in section 33-1391(58);
- (13) Readerboard/changeable copy signs, either electric or nonelectric, except time and temperature signs as defined in section 33-1391(63), and other signs permitted pursuant to sections 33-1395.2(b)(3) and (4), 33-1395.10, and 33-1396(e);
- (14) Pennants, streamers, whirligigs, balloons, and other attention-getting devices except as permitted by section 33-1396(a) of this chapter;
- (15) Signs which purport to be, imitate or resemble official traffic warning devices or signs that by color, location or lighting may confuse or disorient vehicular or pedestrian traffic. This does not include traffic or directional signs installed on private property to control on-site traffic, which do not confuse or disorient vehicular or pedestrian traffic on a public road or right-of-way;
- (16) Off-site real estate and yard sale directional signs other than those permitted by sections 33-1393(a)(2), 33-1396(c) and (d) and Municipal Code section 16-119.
- (17) Billboards and signs that advertise a product, person, business or service not available on the property where the sign is located (off-site signs), and signs placed adjacent to a sign-controlled freeway (see Article 52 of the Escondido zoning code).

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

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

Permitted Freestanding Signs (CG and CN)**Column A: Maximum Size
With Staff Review**

Lot/Center Size	Area	Height
a. Up to 7,000 SF (.16 ac)	10 SF	4'
b. 7,001 - 10,000 SF (.23 ac)	20 SF	4'
c. 10,0001 - 25,000 SF (.57 ac)	30 SF	6'
d. 25,001 - 43,560 SF (1 ac)	30 SF	6'
e. 1+ ac - 3 ac	30 SF	6'
f. 3+ ac - 7 ac	30 SF	6'
g. 7+ ac	30 SF	6'

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

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

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

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

(b) Number. No more than one (1) freestanding sign per street frontage shall be permitted except as follows:

(1) In commercial centers over three (3) acres, multiple freestanding signs may be permitted as follows:

(A) Frontages longer than one thousand (1,000) linear feet on one (1) street may have two (2) freestanding signs.

(B) One (1) additional freestanding sign shall be allowed for each six hundred (600) linear feet of frontage on one (1) street thereafter.

(C) In the case of multiple frontages, the allowed number of freestanding signs shall be calculated separately for each street and may not be transferred to other frontages on the site.

(D) All freestanding signs on the site shall be separated by a minimum distance of two hundred fifty (250) linear feet, except as may be permitted by the director.

(E) For the purposes of determining the number of permitted freestanding signs, the term "street frontage" shall include frontages adjacent to Interstate 15 and Highway 78.

(F) The maximum sign area allowed for any second or subsequent sign on the same frontage is seventy (70) percent of the maximum size allowed for the lot/center size category for the purposes of calculating total allowable aggregate sign area. This aggregate total may be distributed in any appropriate fashion among all freestanding signs in the center with no single sign exceeding the maximum sign area for the lot/center size category under column B of the chart in subsection (a) of this section.

(2) In commercial centers over three (3) acres in size, monument signs not exceeding sixty (60) square feet or eight (8) feet in height shall be permitted for single tenants occupying the entire building located on a separate pad within the center. The area of the sign shall be counted in the allowable wall sign area for the pad building and the sign shall be located in close proximity to the subject business. A minimum separation of two hundred fifty (250) linear feet shall be maintained between the pad sign and any other freestanding sign in the commercial center, unless a lesser separation is determined appropriate by the director.

(3) Additional freestanding signs (maximum of one (1) per frontage) may be permitted for service stations as necessary to comply with state mandated price notification requirements. The maximum number of freestanding signs allowed per service station is one (1) per street frontage. Such additional price signs are exempt from sign separation requirements, but shall be limited to a maximum size of ten (10) square feet and maximum height of six (6) feet including the base.

(4) Menu signs. In conjunction with a drive-through business, up to two (2) freestanding menu, or other similar signs up to thirty-two (32) square feet and a maximum height of six (6) feet may be permitted. Menu signs may be internally illuminated and utilize changeable copy. The area of the menu signs shall not be counted against the allowable sign area for the business.

(c) Location. Freestanding signs for businesses adjacent to Centre City Parkway shall be oriented toward the vehicular entries on the cross streets or vehicular entries from Centre City Parkway, if any. A maximum of one freestanding sign along Centre City Parkway shall be permitted for each vehicular entry from Centre City Parkway.

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

(a) Eligible properties and uses. Freeway-oriented signs may only identify the name of the center and/or the specified freeway-oriented uses listed in the sign design guidelines, which are located on parcels or in commercial centers physically contiguous to the Interstate 15 freeway right-of-way, or that portion of Highway 78 right-of-way west of Broadway, or on certain noncontiguous properties which are visually oriented to the Interstate 15 freeway and are located at off-ramp intersections. These noncontiguous parcels are identified in the design guidelines.

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

(c) Number. Not more than one (1) freeway-oriented sign is permitted for any parcel or commercial center, and the area of the sign shall be counted as part of the allowable freestanding sign entitlements for the lot or center.

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

(e) Height. The height of freeway-oriented signs shall be the minimum necessary to achieve a functional sign in conformance with the design guidelines. In no event shall the overall height of the sign exceed eighty (80) feet.

Sec. 33-1395.10. Sign standards—Regional market signs.

Notwithstanding other sections of this article, this section shall regulate the type, location, size, number, and eligible user(s) of regional market signs, as well as the application and review process.

(a) Eligible users. Only a regional market group or an affiliated business organization consisting of members of the regional market group, as approved by the city council, may request a regional market sign.

(b) Type of sign. Regional market signs may be freeway-oriented, freestanding pole or monument type signs, wall signs, structures, art pieces, or other building signs which are determined by the planning commission and city council to be consistent with the design guidelines, appropriate for the specific site and surrounding development, and comprehensively designed to provide artistically integrated elements which create an innovative and high-quality advertisement.

(c) Location. Regional market signs shall be located only on commercially and certain industrially zoned parcels contiguous to Interstate 15, as shown on Figure 33-1395.10(c).1.

(d) Size. The area and height of the sign shall be the minimum needed to achieve a visible and functional sign in compliance with the design guidelines. Signs up to a maximum of eighty (80) feet high and four hundred (400) square feet in copy area including any message center panel approved by the city council, with the total sign area not exceeding seven hundred fifty (750) square feet, may be considered based on specific site characteristics, adjacent freeway elevation and substantiation of the need for that large of sign.

(e) Number.

(1) Not more than one regional market sign is permitted for any regional market group or lot/center where the sign will be located. Not more than one regional market sign shall be permitted within the industrially zoned area along Interstate 15 as described above in Section 33-1395.10(c). The regional market sign may be in addition to any existing permitted freeway-oriented advertising sign(s) not related to the regional market group, on the property at the time the regional market sign is requested. An appropriate separation based on specific site characteristics and existing signs shall be provided between freeway-oriented signs.

(2) A regional market group may have either a freeway-oriented regional market sign or a freeway-oriented advertising sign on any site; not both.

(f) Displays. Regional market signs may only identify the regional market group, group members, or affiliated business organization located on site as owners or occupants of the premises, and/or advertise the business conducted or services rendered or goods produced or sold upon the property upon which the regional market sign is constructed, and other information consistent with Section 5405 of Division 3, Chapter 2 of the Business and Professions Code, Outdoor Advertising Act, and the policies of the California Department of Transportation (Caltrans) for freeway-oriented signs.

(g) Fixed text. Any permanent fixed copy on a regional market sign shall be individual letters or have the appearance of individual letters, and shall be consistent with the sign design guidelines including criteria for legibility and the avoidance of a cluttered appearance.

(h) Changeable message. An electronic message center may be incorporated in the regional market sign with the approval of the city council, subject to the following.

(1) Length of display. Each message shall be displayed for a period of at least eight (8) seconds. The sign shall remain blank (no messages or display) for at least one (1) second between displays. The messages and displays shall not be animated, appear in incremental stages or move across the changeable copy sign face. The software manufacturer and the software installer shall certify to the city that the software for the computer which controls the sign has been designed to and can only operate the sign at the approved on and off intervals.

(2) Maximum size. The maximum size of the electronic message center portion of a regional market sign shall be two hundred seventy (270) square feet.

(i) Illumination. The permanent copy maybe illuminated by internal illumination of each individual letter or by halo back-lighting of each letter. No cabinet signs with illuminated backgrounds are allowed. The changeable copy area shall only be illuminated by the internal electronically controlled lights of the message center component.

(j) Initiation of application. Each sign application for a regional market sign shall be forwarded to the city council for initiation. The city council shall make the following findings prior to initiating any request.

Initiation Findings.

(1) The applicant(s) constitute(s) a regional market group as defined by section 33-1391 (52-1) or an affiliated business organization consisting of members of a qualified regional market group.

(2) The regional market group has limited visibility from the Interstate 15 freeway.

(3) Due to interurban competition, the defined group of users is at risk of a reduction in their share of the regional market;

or

The regional market sign will assist in the retention of the regional market group uses in Escondido.

Upon initiation by the city council, a sign(s) shall be posted in a conspicuous location(s) on the project site so as to be visible from each public street adjacent to the site. The sign(s) shall notify the public of the submittal of a regional market sign application and shall be consistent with the requirement of section 33-1300(c)(2) of this chapter as to content and size.

(k) Review of application. Upon initiation by the city council, the sign permit application and processing fee shall be submitted to the planning division and shall include a site-specific study prepared pursuant to subsection (n) of this section, as well as a list of property owners within five hundred (500) feet of the proposed sign location pursuant to subsection (l) below. If the proposed location for the regional market sign is zoned PD-C (planned development-commercial), no separate modification of the master sign program for the planned development is necessary. The sign application shall be reviewed by the planning division, whose recommendations shall be considered by the planning commission and the city council at separate public hearings. The city council shall make all the following findings prior to any approval or conditional approval of a regional market sign.

Approval findings.

(1) The proposed sign size and design are appropriate for the proposed location, type of regional market group, and surrounding development including the elevation of the adjacent freeway travel lane and mature height of landscaping, and conform to the sign standards of this section.

(2) The proposed sign is comprehensively designed to artistically integrate the various elements of the advertising and structure consistent with the sign design guidelines, which creates a high quality advertisement.

(3) The proposed sign will not be materially detrimental to the public health, safety or welfare or injurious to the property or improvements in the vicinity in which the property is located.

(4) The regional market group association has demonstrated the ability and intent to enter into an agreement with the city to provide continuing maintenance of the regional market sign in accordance with the sign standards and conditions of approval.

(l) Public hearing notice. Public notice of the public hearings before the planning commission and the city council shall be given pursuant to Division 6, Section 33-1300 of this chapter. However, the five hundred (500) foot radius from the property line adjacent to the freeway shall be measured from the Caltrans right-of-way line on the opposite side of the freeway from the project site.

(m) Other permits. Any approval of a sign application submitted without a current sign permit from the California Department of Transportation (Caltrans) for the proposed location, shall be conditioned upon obtaining any applicable sign permit from Caltrans for the proposed location.

(n) Requirements of site-specific study. The applicant shall provide a visual study representing the sign at the proposed location which demonstrates the visibility of the proposed sign from northbound and southbound travel lanes of Interstate 15. The study may be photographs or video tape of sign mockups situated on the proposed site; photo simulations; computer simulations; or other appropriate representations to the satisfaction of the director.

(o) Maintenance agreement. A maintenance agreement between the regional market group and the city shall be executed prior to the issuance of building permits for the regional market sign. The agreement shall identify the party responsible for the maintenance and operation of the regional market sign and shall include the annual maintenance schedule, to the satisfaction of the city attorney

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

Subject to review and approval by the director, wall signs, except projecting wall signs that incorporate large graphic images may exceed the maximum allowable sign area subject to wall sign development criteria and design guidelines for the underlying zone and subject to the following additional provisions and standards:

(a) Size. In no event shall the total area of super-graphic signs exceed two (2) times the allowable wall sign area for the underlying zone. The text of the sign shall be limited to the maximum allowable wall sign area of the underlying zone.

(b) Illumination of a super-graphic sign shall not exceed an area equal to the maximum allowable wall sign area of the underlying zone.

(c) Internally illuminated cabinet signs shall be prohibited.

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

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

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

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

(c) Maintenance requirements. Failure to maintain a historic sign and advertising structures in conformance with the following requirements shall constitute grounds for rescinding existing sign exception:

(1) All parts of the signs and advertising structures exempted by this section, including neon tubes, incandescent lights, and shields and sign faces, shall be maintained in a functioning condition as historically intended.

(2) Historic signs and advertising structures for which an exception is granted shall be brought into conformance with the above requirements within ninety (90) days of the date the exception is granted.

(d) Alterations. Subject to the issuance of a certificate of appropriateness pursuant to Article 40, a historic sign may be altered provided that such alterations do not substantially change the historic style, scale, height, type of material, or dimensions of the historic sign.

Chapter 33, Article 67 – Density Bonus and Residential Incentives

Sec. 33-1415. Concessions, incentives, equivalent financial incentives.

(1) The city shall grant the following number of concessions or incentives:

(A) For projects targeting senior households, a choice of one (1) incentive and/or concession shall be permitted;

(B) For projects targeting lower-income households, a choice of two (2) incentives and/or concessions shall be permitted; and

(C) For projects targeting very low-income households, a choice of three (3) incentives and/or concessions shall be permitted.

(2) Developers shall select incentives from the following list. Each provision counts as an individual incentive.

(A) Open space.

(i) If development occurs in the R-2 or R-3 zones, the open space provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for open space may be reduced up to twenty-five (25) percent; or

(ii) Roof-top areas for covered parking may receive credit as open space if appropriately integrated into the design of the project and usable by the tenants; or

(iii) In multifamily zones (R-2 through R-4), projects may reduce common open space provisions by up to fifty (50) percent, if the project is located within one thousand (1,000) feet of a public park.

(B) Unit size. If development occurs in the R-2 and R-3 zones, the dwelling-unit size provisions of the R-4 zone may be applied. For development occurring in the R-4 zone, the provisions for dwelling-unit size may be reduced up to twenty-five (25) percent.

(C) Parking. A parking management plan must be incorporated into each project which details assigned spaces, overflow, on-site vehicle maintenance, guest parking and on-street parking.

(i) The covered-parking requirements for all units may be eliminated.

(ii) Parking requirements for target units may be reduced according to the following schedule:

(a) One (1) bedroom, one and one-half (1.5) parking spaces per unit are reduced to one (1);

(b) Two (2) bedroom, one and three-quarters (1.75) parking spaces per unit are reduced to one and one-quarter (1.25);

(c) Three (3) or more, two (2) parking spaces per unit are reduced to one and one-half (1.5).

(iii) On-street resident parking for target units, physically contiguous to the project frontage, may be substituted for the required off-street parking requirements at a ratio of one to one (1:1) on noncirculation element streets, subject to all ordinances and codes pertaining to on-street parking.

(D) Off-site improvements. City participation of certain off-site improvements required by the development of the project may be proposed pursuant to negotiations and agreement with the city.

(E) Timing of development fees. The developer of a project may propose a fee schedule which defers payment of any or all city-related development fees until the project is released for occupancy.

(F) The required setbacks for parking and landscaping within a parking area may be reduced up to an average of fifty (50) percent provided that the improvements are not significantly out of character with the surrounding area, do not create a safety hazard and a suitable alternative design is incorporated. Bumper overhang shall not extend into the reduced setback area.

Chapter 33, Article 69 – Escondido Business Enhancement Zone

Sec. 33.1455. Processing of development applications.

(a) Notwithstanding any other provision of this chapter to the contrary, all development projects, for which a request for consideration has been approved by the council economic development subcommittee, shall be eligible for processing as follows and shall be exempt from review by any other entity including, without limitation, the historic preservation commission, and the planning commission.

(b) An application shall be submitted in accordance with the requirements of the planning and building divisions. An application determined to be complete and in compliance with the requirements of the California Environmental Quality Act by the director of planning shall be submitted to the council economic development subcommittee in the case of projects for which no public hearing is required, or the city council in the case of projects for which a public hearing is required.

(c) The council economic development subcommittee shall consider any project submitted to it under the provisions of this article and shall either approve, conditionally approve, or deny the project in accordance with the provisions of this chapter applicable to such project. The city council shall act as a planning commission for any project submitted to it under the provisions of this article.

(d) The city council shall conduct necessary public hearings and either approve, conditionally approve, or deny the project in accordance with provisions of this chapter applicable to such project.

Chapter 33, Article 70 – Second Dwelling Units

Sec. 33-1477. Application and procedure.

The director shall approve a second dwelling unit permit unless he or she determines that such permit does not meet the requirements of this article. The director may refer any unit to the planning commission prior to the director's decision for conformance with the specific criteria outlined in section 33-1474(i).

Chapter 33, Article 73 – Outdoor Display and Sale of Retail Merchandise

Sec. 33-1534. Development standards.

All outdoor displays of retail merchandise and temporary outdoor sales shall be subject to the following development standards:

(a) Outdoor displays on private property.

(1) The outdoor display area shall not extend beyond the actual frontage of the associated commercial use. Displays shall be identical and accessory to items sold indoors. Displays shall be temporary and removed at the end of each business day. A display/use may, on a case-by-case basis, be displayed permanently outdoors, as determined by the director. The director may refer a request for a permanent display to the planning commission for review and comment.

(2) Parking lot circulation and all required parking spaces shall remain unobstructed at all times. Private sidewalks, courtyards, or entry areas may be utilized for display provided a minimum four (4) foot wide pedestrian area remains clear and unobstructed and all fire, building and handicapped access requirements are met. See subsection (b) of this section for clearance requirements for displays within the right-of-way.

(3) All displays shall be located in such a manner so that vehicular sight distance is not impeded to the satisfaction of the engineering department.

(4) Display and sale of merchandise is permitted only by the tenant of an existing commercial development on the same site. Outdoor displays are not permitted on vacant property. Christmas tree and seasonal agricultural product sales on vacant property shall be subject to sections 33-331(a), 33-361(a), 33-461(a), and 33-501(a) of the zoning code.

(5) No sales or display of merchandise from cars, trucks, or any other vehicle is permitted. Vending from pushcarts may be permitted subject to compliance with all development standards in this section. Specialized food sales from pushcarts either on private property or within the public right-of-way shall be subject to applicable code requirements.

(6) All signage associated with an outdoor display shall be as approved pursuant to an outdoor display permit and shall be limited to a maximum of four (4) square feet per commercial tenant.

(7) All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

(8) All food sales shall be conducted in compliance with health department regulations.

(9) All exterior lighting utilized in conjunction with outdoor displays shall conform to the requirements of Article 35, Outdoor Lighting (Ord. No. 86-75).

(10) No electricity shall be utilized, nor any noise generated by an outdoor display.

(b) Outdoor displays within the public right-of-way.

(1) Display of merchandise within the public right-of-way is permissible only within the downtown retail core district subject to approval of an encroachment permit (an approved copy must be submitted concurrently with the application for an outdoor display permit), proof of insurance, and compliance with all development standards in this section.

(A) Proof of insurance can be satisfied by documentation of an insurance policy issued by an insurance company licensed to do business in the State of California, protecting the licensee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations in connection with the display activity. Such insurance shall name as additionally insured the city for an amount of three hundred thousand dollars (\$300,000.00) or more and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city.

(B) The merchandise display shall be permitted only within the four (4) feet of public right-of-way nearest the property line, and parallel to the curb in front of the business to which it pertains. The merchandise display shall be limited to fifty (50) percent of the lineal length of the associated commercial frontage or sixty (60) square feet whichever is less.

(C) In front of the displayed merchandise there shall be at all times a minimum four (4) foot wide sidewalk area clear of any obstructions and in conformance with all fire, building and handicapped access requirements.

(D) The merchandise is not permitted within any landscaped area of the right-of-way.

(E) All merchandise shall be located in such a way that it does not block the sight distance of the streets to the satisfaction of the engineering department. Any merchandise found obstructing the sight distance will be subject to removal by the city and the encroachment permit canceled.

(F) All merchandise items and displays should have no sharp edges or corners.

(G) The city also reserves the right to remove merchandise which causes any interference with vehicular traffic or pedestrian traffic, or in the event of any emergency situation or if the merchandise interferes with any work that is to be performed upon the street by or on the behalf of the city or a public utility.

(H) All merchandise and display racks shall be removed from the public right-of-way at the end of business hours.

(2) No sales or display of merchandise from cars, trucks, or any other vehicle is permitted. Vending from pushcarts may be permitted subject to compliance with all development standards in this section. Specialized food sales from pushcarts either on private property or within the public right-of-way shall be subject to applicable code requirements.

(3) All signage associated with an outdoor display within the public right-of-way shall be as approved pursuant to an outdoor display permit and shall be limited to a maximum of two (2) square feet per commercial tenant.

(4) All displays shall be located within hardscape areas. No merchandise may be displayed in any landscaped area, or be situated in such a manner as to be detrimental to any existing landscaping on the site.

(5) All food sales shall be conducted in compliance with health department regulations.

(6) All exterior lighting utilized in conjunction with outdoor displays shall conform to the requirements of Article 35, Outdoor Lighting (Ord. No. 86-75).

(7) No electricity shall be utilized, nor any noise generated by an outdoor display.

(c) Temporary outdoor sales.

(1) Sales events at any one (1) location or commercial center shall not exceed three (3) days during any three (3) month period and are subject to the issuance of a temporary use permit as discussed in section 33-1535.

(2) Location of each event shall be restricted to private property only and shall not adversely impact parking lot circulation. Events shall not be permitted within parking areas containing less than twenty (20) spaces. A maximum of twenty (20) percent of the required parking spaces for the sponsoring business, or five (5) percent of the spaces within a commercial center containing multiple tenants may be utilized for the display and sale of merchandise. No encroachment into the public right-of-way shall be permitted.

(3) Christmas tree sales and recycling and seasonal agricultural product sales shall be exempt from the time restrictions set forth in section 33-1534(c)(1).

(4) Any structure used in conjunction with a sales event shall be subject to all building and fire department requirements.

(5) All merchandise shall be setback a minimum of five (5) feet from any public right-of-way or driveway.

(6) All exterior lighting utilized in conjunction with a temporary sales event shall conform to the requirements of Article 35, Outdoor Lighting (Ord. No. 86-75).

(7) All food sales shall be conducted in compliance with health department regulations.

(8) All businesses participating in a temporary outdoor sales event must have a valid City of Escondido business license to conduct business at the site of the event. Each participating business or entity shall be listed on the permit application prior to approval of the permit.

(9) All noise/sound generated by a temporary outdoor sales event shall conform to the noise level limits established in the noise ordinance (Ord. No. 90-08) for commercial zones. If an event is located adjacent to a residential zone, all noise generated shall conform to the noise level limits of the affected residential zone.

(10) Signs for temporary outdoor sales are permitted provided adequate detail is shown on the temporary use permit application to determine that the following standards are met:

(A) Signs shall be limited to balloons, flags, pennants and streamers, banners, or other similar devices. Balloons may not exceed twenty-four (24) inches in any dimension.

(B) Large inflatable displays must be ground-mounted and may not exceed thirty (30) feet in height.

(C) One banner is allowed for each street frontage and each banner shall not exceed sixty (60) square feet in area.

(D) No event signage (of any type) may be displayed on or attached to any public property including telephone or utility poles, traffic control signs or devices, street lights or other structures located on public property without the express written consent of the City of Escondido.

(E) No signage of any type shall interfere with or restrict vehicular or pedestrian access or visibility.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 15
Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Jerry Van Leeuwen, Director of Community Services
SUBJECT: Building Maintenance Fund Balance: Allocation of Funds for Improvements to City Facilities

RECOMMENDATION:

Authorize expenditures of \$740,000 from the Building Maintenance Fund for repairs and improvements at various City facilities.

FISCAL ANALYSIS:

The Building Maintenance Fund balance will be reduced by the authorized amount. Reduction in the fund will result in loss of some interest income to the fund. The available cash balance is \$1,500,000.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

Maintenance of City facilities relates to the Council desire to maintain and improve the image and appearance of the community.

BACKGROUND:

Each year the Building Division calculates charges for services and "depreciation" associated with City owned buildings. Each division is charged for the services and depreciation in the annual budget process as an internal service charge. Revenues from this process are deposited into the building maintenance fund.

The Building Maintenance Fund is used to hold the funds until specific needs are identified or as unanticipated maintenance expense occurs. Many times the unanticipated expenditures exceed the adopted budget and staff returns in the spring for an allocation from the Building Maintenance Fund to cover those expenses. To date in FY 11-12, approximately \$87,000 has been expended to address unanticipated maintenance expenses. These repairs include such things as minor roof repairs, HVAC repairs, door repairs, etc. In addition, four projects have been awarded but not yet paid. These projects are:

Building Maintenance Fund Balance:
Allocation of Funds for Improvements to City Facilities
December 14, 2011
Page 2

Roof on rental property at 220 N. Broadway:	\$29,100
Roof on concession stand at Mountain View Park	\$10,900
CCAЕ Conf Center Sound System	\$26,600
Gym Floor Renovation at EVCC	\$35,000
Roof repairs at City Hall	<u>\$46,000</u>
	\$122,600

However, many City facilities are showing wear and have had deferred maintenance that require larger expenditures of funds. Staff is recommending that the Building Maintenance Fund be used to begin to address these deferred maintenance needs as soon as possible. Specifically, the following facilities are recommended. Costs are estimates in most cases.

East Valley Community Center: \$150,000

- Carpet Replacement
- Painting and associated repairs
- Roofing Repairs
- Remodel of entrance area

CCAЕ: \$25,000

- Lyric Court concrete staining

FIRE STATION #2: \$30,000

- Repair/replace cabinetry
- Interior Paint
- Exterior cleaning/painting
- Repair counter tops and improve storage facilities

LIBRARY: \$250,000

- Repair/replace roof (The library is being considered for a solar photovoltaic system which would increase cost. This will be considered later.)

JIM STONE POOL: \$35,000

- Move fence
- Replace/repair heaters

TOTAL REDUCTION TO BUILDING MAINTENANCE FUND: \$700,000

BUILDING MAINTENANCE FUND BALANCE:

Allocation of funds for improvements to City facilities

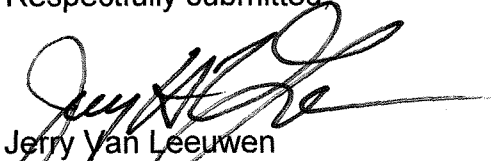
December 14, 2011

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In subsequent years, requests for building repairs will be incorporated into the annual Capital Improvement Budget. Staff is also recommending that each project be evaluated for the most cost effective approach, including the hiring of skilled part time staff as opposed to contracting for services. This option may be most reasonable for the EVCC project and perhaps fire station #2.

Staff will also begin an analysis of funding needs for future facility repairs and review the depreciation/replacement charges. This may result in increased internal service charges for FY 12-13. This information will be included for consideration in the regular budget process.

Respectfully submitted



Jerry Van Leeuwen
Director of Community Services



**CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST**

Date of Request: December 7, 2011

Department: Community Services

Division: Building Maintenance

Project/Budget Manager: Jerry Van Leeuwen x4871
Name Extension

Council Date (if applicable): December 14, 2011
(attach copy of staff report)

For Finance Use Only

Log # _____

Fiscal Year _____

____ Budget Balances

____ General Fund Accts

____ Revenue

____ Interfund Transfers

____ Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
EVCC Improvements	651-NEW	\$150,000	
CCAIE Improvements	651-NEW	25,000	
Fire Station #2 Improvements	651-NEW	30,000	
Library Roof Replacement	651-NEW	250,000	
Jim Stone Pool Improvements	651-NEW	35,000	
Professional Services	5131-650-450	250,000	
Building Maint. Fund Balance	3050-650		\$740,000

Explanation of Request:

Use of Building Maintenance Available Fund Balance to fund several deferred maintenance projects as listed above and increase Building Maintenance operating budget due to unanticipated minor repairs throughout the year.

APPROVALS

Department Head Date

City Manager Date

Finance Date

City Clerk Date

Distribution (after approval): Original: Finance

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 16
Date: December 14, 2011

TO: Honorable Mayor and Members of the City Council

FROM: Jeffrey R. Epp, City Attorney
Jennifer K. McCain, Assistant City Attorney

SUBJECT: City Council Compensation and Benefits

RECOMMENDATION:

Consideration of adjustment to City Council Compensation as required by City Council Rules and Procedures, Section (B)(9).

FISCAL ANALYSIS:

Adoption of a salary adjustment would result in an annual increase to the General Fund budget commensurate with any salary adjustment

DISCUSSION

Mayor and Council Salaries

Since the City of Escondido is currently a general law City, salaries for the Mayor and City Councilmembers are controlled by California Government Code §§ 36516 and 36516.5.¹ Government Code § 36516(a) permits a city council to establish by ordinance a salary up to a ceiling based on the City's population. The electorate may approve a higher salary. See Government Code § 36516(b). Under Section 36516(a)(4), salary increases must be adopted by ordinance and cannot exceed 5% for each calendar year calculated from the operative date of the last increase. Amounts paid by the City for retirement, health and welfare², and federal social security benefits shall not be included for the purposes of determining salary under Section 36516 provided the same benefits are available and paid by the City for its employees. See Government Code § 36516(d).

¹ A charter city is not necessarily bound by state law with regard to salaries for Councilmembers and Mayors. However, the Council's current direction regarding the City Charter proposal is to include language in the City Charter that requires compliance with state law. This provision was specifically included to avoid any appearance of impropriety as raised by events in the City of Bell.

² Pursuant to Government Code § 53200, "health and welfare benefit" means any one or more of the following: hospital, medical, surgical, disability, legal expense or related benefits including, but not limited to, medical, dental, life, legal expense, and income protection insurance. Section 53208.5(b) limits health and welfare benefits of any member of a legislative body to an amount "no greater than that received by nonsafety employees of that public agency." In the case of agencies with different benefit structures, "the benefits of members of the legislative body shall not be greater than the most generous schedule of benefits being received by any category of nonsafety employees."

Future, automatic increases in City Council salaries are not permitted. A change in compensation does not apply to a councilmember during the councilmember's term of office. Government Code § 36516.5. Id. A salary increase regardless of when adopted, cannot take effect until one or more members commences a new term of office. The salary of a councilmember may not be reduced during his or her term of office. Government Code § 36516.5; 80 Ops Cal Atty Gen 119 (1997). Thus, any action taken by the City Council at this time would not be effective until December, 2012.

Pursuant to City Council Policy, Section (B)(9) "the City Council shall have an agenda item during a meeting in December of odd numbered years for the purpose of determining whether or not to take action regarding Council compensation."

The last ordinance adopted by the City Council pertaining to salaries was in 2007 (Ordinance 2007-14) which amended EMC § 2-28 and increased the compensation of City Councilmembers to \$1,255.25 per month. The salary adjustment was effective for Councilmembers following the November 2008 municipal election. Pursuant to EMC § 2-28(b), the Mayor's salary pursuant to Government Code § 36516.1 increases by the same percentage set forth in any ordinance adopted which provides for City Council salaries, and is currently set at \$2,288.00 per month.

The City Council has not taken a raise since 2008. In fact, on January 7, 2009, the City Council took action to voluntarily return 5% of their salary to the City for a one year period. On January 4, 2011, the City Clerk advised the Mayor and Council that effective with the first payday in January of 2011, the voluntary reduction would expire and the Council salaries would be restored to their original amounts. Any member desiring to continue the voluntary reduction in pay was advised to contact payroll.

Community Development Commission Salary

The City of Escondido also has a redevelopment agency, which was created by ordinance in 1984. The redevelopment agency is governed by a Community Development Commission (CDC) authorized by Health & Safety Code § 34110. Section 34120(a) permits the legislative body to appoint itself as the Commission, which was accomplished in Escondido by means of Ordinance 85-2. Health & Safety Code § 34130.5 provides that the City Council shall set the compensation for members of the CDC. Ordinance 85-51, adopted by the City Council in August 1985, set the salary for service on the CDC at 50% of the salary established for the City Council, payable at the same time and in the same manner as Council salaries.³

Effective January 1, 2006, Assembly Bill 11 limited the compensation which a City Council can pay to its CDC. Under AB 11, the amount of salary payable for service on the CDC, including duties as a Housing Authority, is now statutorily capped at \$300 per month. Escondido Councilmembers

³ Since the redevelopment agency is created by statute, it is unlikely that the City has the authority to alter the compensation of members of the CDC even under a charter city form of government.

previously received \$438 in salary for duties as Commission members. Based on an opinion from the California Public Employees Retirement System (CalPERS), the CDC salary is reportable to CalPERS for the purposes of calculating the pension benefits for Councilmembers, however, the City does not currently do so.

During the 2011 legislative session, the California Legislature adopted legislation providing for the elimination of redevelopment agencies (AB 26X) with an alternative to cities to continue having an agency subject to additional payments to the state (AB 27X). This legislation was challenged (insert full case name of Monsanto case) and is pending before the California Supreme Court. A decision is expected by January 15, 2012. Because Escondido has already indicated that continuation of redevelopment, even under the new legislation, is still in the best interest of the community, it is unlikely that either this legislation or the court case will have an impact on local salaries.

Councilmember Benefits

As with compensation, the benefits afforded the Mayor and Councilmembers are also limited by state law. Government Code § 36516(d) provides that "any amounts paid by a city for retirement, health and welfare, and federal social security shall not be included for purposes of determining [council] salary. . . *provided that the same benefits are available and paid by the city for its employees (emphasis added).*" Government Code § 53208.5(b) limits health and welfare benefits of any member of a legislative body to an amount "no greater than that received by nonsafety employees of that public agency." In the case of agencies with different benefit structures, "the benefits of members of the legislative body shall not be greater than the most generous schedule of benefits being received by any category of nonsafety employees." In addition, with the adoption of AB 1234, elected officials are entitled to reimbursement for their actual and necessary expenses in the performance of their official duties pursuant to state law. See Government Code § 36514.5. City Council Policy, Section (B)(8) incorporated these laws and requires Councilmembers be bound by the same policies and procedures for reimbursement of expenses applicable to City employees generally. In the past, the retirement, health and welfare benefits and auto allowances have been set in accord with these limitations.

With regard to benefits, the Council needs to consider two benefits: (1) payment of the CalPERS member contributions and (2) the annual \$300 payment for physical exams. With regard to payment of the CalPERS member contributions, the City Council must decide if it wishes to participate with existing employee groups insofar as employees are now picking up the full percentage of their own CalPERS member contribution with a salary adjustment to offset this employee obligation. To date, the unclassified clerical, technical, and management employees are paying their own full CalPERS member contributions and have received a 4% offsetting increase in salary. The City Manager and City Attorney have voluntarily elected to do the same. In 2010 a similar transition occurred with the Escondido Firefighters Association. Negotiations are currently underway with the Escondido Police Officers Association.

On August 10, 2011, the City Council voted unanimously to reduce the City's contribution to the CalPERS member contributions for elected officials to 4% and to defer the other part of the equation (the offsetting salary increase) to December 2011, along with the decision to adjust Council salary.


The annual \$300 for physical exams has become both out-dated and unique to the City Council. It was originally made available each year to offset out-of-pocket premium expenses. Previously, this benefit was made available to City Council, the City Manager and the City Attorney. The two employees have since voluntarily relinquished this benefit, and therefore, it is not offered to other City employees.


While any City Council action to adjust Council compensation is to take place in December of 2011 pursuant to Council Policy, an ordinance providing for a salary adjustment for Councilmembers must be adopted by the City Council and cannot take effect until December 2012.

Since the City Council last increased its compensation effective after the election in November 2008, pursuant to Government Code Section 36516(c) any salary increases must be adopted by ordinance, and cannot exceed 5% for each calendar year calculated from the operative date of the last increase. Thus, the City Council has the option of increasing the salary from 0% to 15% (5% for each calendar year 2009, 2010, and 2011). Amounts paid by the city for retirement, health and welfare are not included in these computations, provided the same benefits are available and paid by the city for its employees.

If the City Council chooses to only take an increase to offset the payment to CalPERS (similar to city employees) and to offset the loss of the annual physical benefit, the increase percentage would be approximately 6%. Staff would prepare the actual, final numbers in any ordinance adopted to implement City Council direction.

Respectfully submitted,


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FUTURE CITY COUNCIL AGENDA ITEMS
December 8, 2011

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

DECEMBER 21, 2011
NO MEETING (Christmas)

DECEMBER 28, 2011
(NO MEETING)