



Council Meeting Agenda

JULY 23, 2014

CITY COUNCIL CHAMBERS

3:30 P.M. Closed Session; 4:30 P.M. Regular Session

201 N. Broadway, Escondido, CA 92025

MAYOR	Sam Abed
DEPUTY MAYOR	Olga Diaz
COUNCIL MEMBERS	Ed Gallo John Masson Michael Morasco
CITY MANAGER	Clay Phillips
CITY CLERK	Diane Halverson
CITY ATTORNEY	Jeffrey Epp
DIRECTOR OF COMMUNITY DEVELOPMENT	Barbara Redlitz
DIRECTOR OF PUBLIC WORKS	Ed Domingue

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

July 23, 2014
3:30 P.M. Meeting

Escondido City Council

CALL TO ORDER

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

ORAL COMMUNICATIONS

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

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

- I. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
- a. **Property:** Mountain View and Jesmond Dene Parks
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Verizon Wireless
Under Negotiation: Price and Terms of Agreement
 - b. **Property:** 480 N. Spruce Street
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Blisslights Inc.
Under Negotiation: Price and Terms of Agreement
 - c. **Property:** Lincoln/Gamble Right of Way
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Toyota of Escondido
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT



Council Meeting Agenda

**July 23, 2014
4:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

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

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

- 1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
- 2. APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
- 3. [APPROVAL OF MINUTES: A\) Regular Meeting of June 11, 2014 B\) Regular Meeting of June 18, 2014 C\) Regular Meeting of June 25, 2014](#)**

- 4. COMPUTER AIDED DISPATCH (CAD) UPGRADE -**
Request Council approve authorizing an increase to the Police Department's Operating Budget to purchase upgraded hardware for the Police and Fire Departments' Computer Aided Dispatch (CAD) system. This project will be funded by an interfund loan from the Public Facilities Fund to the General Fund in the amount of \$225,000 ("Loan").

Staff Recommendation: **Approval (Police Department: Craig Carter)**
RESOLUTION NO. 2014-115
- 5. TERMINATE EXISTING CONSULTING AGREEMENT FOR RECLAIMED WATER EASTERLY MAINS EXTENSION DESIGN AND AWARD NEW CONSULTING AGREEMENT -**
Request Council approve terminating an existing Consulting Agreement with RMC Water and Environmental for the design of the Reclaimed Water Easterly Mains Extension, the contract has a remaining balance of \$347,331; and authorize the Mayor and City Clerk to execute a new Consulting Agreement with RBF Consulting, Inc. to finish the remainder of the design in the amount of \$354,185.

Staff Recommendation: **Approval (Utilities Department: Christopher W. McKinney)**
RESOLUTION NO. 2014-113
- 6. GRANT OF EASEMENT DEED TO CALTRANS AT WESTFIELD MALL PARKING LOT -**
Request Council approve authorizing the Real Property Manager to execute an Easement Deed for the benefit of Caltrans at Westfield Mall.

Staff Recommendation: **Approval (City Manager's Office: Charles Grimm)**
RESOLUTION NO. 2014-87
- 7. CEMETERY PIPELINE REPLACEMENT PROJECT: RELEASE AND SETTLEMENT AGREEMENT FOR EASEMENT ACQUISITION (APN: 240-230-29, 30 &31/LYPPS) -**
Request Council approve authorizing the Real Property Manager to execute a Release and Settlement Agreement to acquire easement interest in property necessary for the City of Escondido's Cemetery Pipeline Replacement Project.

Staff Recommendation: **Approval (City Manager's Office: Charles Grimm)**
RESOLUTION NO. 2014-112
- 8. POLICE OFFICERS' ASSOCIATION NON-SWORN BARGAINING UNIT CONTRACT -**
Request Council approve executing a successor Police Officers' Association Non-Sworn Bargaining Unit contract.

Staff Recommendation: **Approval (Finance Department/Human Resources: Sheryl Bennett)**
RESOLUTION NO. 2014-108
- 9. ESCONDIDO CITY EMPLOYEES' ASSOCIATION - SUPERVISORY BARGAINING UNIT MEMORANDUM OF UNDERSTANDING -**
Request Council approve executing a successor Escondido City Employees' Association - Supervisory Bargaining Unit Memorandum of Understanding.

Staff Recommendation: **Approval (Finance Department/Human Resources: Sheryl Bennett)**
RESOLUTION NO. 2014-107
- 10. AUTHORIZATION OF SUBMITTAL FOR USED OIL PAYMENT PROGRAM GRANT APPLICATION AND ASSOCIATED DOCUMENTS -**

Request Council approve authorizing the Deputy Director of Public Works/Maintenance or his designee to complete and submit an application to CalRecycle for Used Oil Payment Program funds to implement a local used lubricating oil and filter collection program; if the application is accepted by CalRecycle, it is further requested that the Deputy Director of Public Works/Maintenance or his/her designee be authorized to accept the grant funds, and execute all documents necessary to implement and secure payment.

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

RESOLUTION NO. 2014-114

11. [ADDENDUM TO MEADOWBROOK IMPROVEMENT AND REIMBURSEMENT AGREEMENT, MEADOWBROOK VILLAGE DEVELOPMENT PROJECT \(2002-69-CUP\) -](#)

Request Council approve an Addendum to the Meadowbrook Improvement and Reimbursement Agreement.

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

RESOLUTION NO. 2014-110

12. [CITY OF ESCONDIDO LANDSCAPE MAINTENANCE DISTRICT - PRELIMINARY ENGINEER'S REPORT FOR ZONE 37 FOR FISCAL YEAR 2015/2016 -](#)

Request Council approve initiating the proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) for Zone 37 for FY 2015/2016; approve the preliminary Engineer's Report for LMD Zone 37; and set a public hearing date of September 10, 2014 for LMD Zone 37.

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

A) RESOLUTION NO. 2014-85 B) RESOLUTION NO. 2014-86

13. [A FIRST AMENDMENT TO THE CONSULTING AGREEMENT WITH BRIAN F. SMITH AND ASSOCIATES, INC. FOR ARCHEOLOGICAL MITIGATION SERVICES FOR THE CITRACADO PARKWAY EXTENSION PROJECT -](#)

Request Council approve authorizing the Mayor and City Clerk to execute a first amendment to the consulting agreement with Brian F. Smith and Associates, Inc. in the amount of \$227,438 for additional archeological mitigation services for the Citracado Parkway Extension Project.

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

RESOLUTION NO. 2014-102

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

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

14. [ZONE CHANGE AND TENTATIVE SUBDIVISION MAP CASE NO. PHG 13-0003 & SUB 13-0001 -](#)

Approved on June 25, 2014 with a vote of 5/0

ORDINANCE NO. 2014-14 (Second Reading and Adoption)

CURRENT BUSINESS

15. **DESIGNATION OF VOTING DELEGATE - LEAGUE OF CALIFORNIA CITIES CONFERENCE -**
Request Council designate a voting delegate, and up to two alternates, to represent the City of Escondido at the business meeting to be held during the League of California Cities Annual Conference, September 3 - 5, 2014 in Los Angeles.

Staff Recommendation: **Approval (City Clerk's Office: Diane Halverson)**

16. **RECEIPT OF ELECTIONS CODE SECTION 9212 REPORT, SUBMISSION OF PROPOSED ORDINANCE TO BE PLACED ON THE BALLOT FOR THE GENERAL MUNICIPAL ELECTION – NOVEMBER 4, 2014, AND BUDGET ADJUSTMENT -**

Request Council receive and file the Elections Code Section 9212 report; approve submitting the initiative measure to Adopt the Lakes Specific Plan on the November 4, 2014 General Municipal Election; approve directing preparation of impartial analysis for all City measures, authorizing its members to file written arguments in favor of all City measures and providing for the filing of rebuttal arguments for all City measures; and approve authorizing a budget adjustment in the amount of \$20,000 from the General Fund Reserves to the non-departmental Election Fund.

Staff Recommendation: **Approval (City Clerk's Office: Diane Halverson/Community Development Department: Barbara Redlitz)**

A) RESOLUTION NO. 2014-103 B) RESOLUTION NO. 2014-63R C) RESOLUTION NO. 2014-104

FUTURE AGENDA

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

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

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

CITY MANAGER'S UPDATE/BRIEFING

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

- **CITY MANAGER'S UPDATE -**

ORAL COMMUNICATIONS

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ADJOURNMENT

UPCOMING MEETING SCHEDULE

Date	Day	Time	Meeting Type	Location
July 30	-	-	No Meeting	-
August 6	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers
August 13	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers
August 20	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

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

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

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

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

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

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

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

LIVE BROADCAST

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

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

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

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

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



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

**June 11, 2014
3:30 P.M. Meeting Minutes**

**Escondido City Council
and as Successor Agency to the CDC**

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Successor Agency to the CDC was called to order at 3:30 P.M. on Wednesday, June 11, 2014 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to recess to Closed Session. Motion carried unanimously.

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

- a. **Agency Negotiator:** Sheryl Bennett, Clay Phillips
Employee Organization: Escondido City Employee Association: Administrative/Clerical/Engineering Bargaining Unit
- b. **Agency Negotiator:** Sheryl Bennett, Clay Phillips
Employee Organization: Non-Sworn Police Bargaining Unit
- c. **Agency Negotiator:** Sheryl Bennett, Clay Phillips
Employee Organization: Escondido City Employee Association: Supervisory Bargaining Unit

II. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))

Case Name: Latham v. City of Escondido
Case No: 37-2013-00044002-CU-WT-NC

Case Name: Arzate v. City of Escondido et al.
Case No: 14-CV-0139-BTM (KSC)

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

- a. **Property:** 1201 E. Washington
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: The Phair Company
Under Negotiation: Price and Terms of Agreement

- b. **Property:** 700 West Grand
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: Warfighter Academy
Under Negotiation: Price and Terms of Agreement

- c. **Property:** 480 N. Spruce Street
City Negotiator: Debra Lundy, Real Property Manager
Negotiating Parties: United States Coast Guard & Department of Homeland Security
Under Negotiation: Price and Terms of Agreement

IV. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))

- a. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code §54956.9(d)(2): One Case

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:47 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
June 11, 2014
4:30 P.M. Meeting Minutes

Escondido City Council
Mobilehome Rent Review Board
and as Successor Agency to the CDC

CALL TO ORDER

The Regular Meeting of the Escondido City Council, Mobilehome Rent Review Board and Successor Agency to the CDC was called to order at 4:50 p.m. on Wednesday, June 11, 2014 in the Council chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director, Ed Domingue, Public Works Director, Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

PRESENTATIONS

Mayor Abed introduced Dave Geary, Kiwanis, who presented Officer Joseph Putulowski with a medal for bravery.

ORAL COMMUNICATIONS

Susan Reiner, Escondido Education Foundation, urged Council to support the Escondido Education Foundation's innovative learning program.

Delores McQuiston, Escondido, stated the City could use three different types of construction bids.

Ricardo Enriquez, Escondido, asked why DUI checkpoints were at certain times and places in the City.

Luis Romero, Escondido, requested that Council stop the Operation Joint effort.

Cesar Serrano, Escondido, asked for information on the Escondido Police force demographics.

Brian Willey, Escondido, stated that community buildings should be kept for community use and not used for income property.

CONSENT CALENDAR

Councilmember Diaz removed items 4 and 11, Councilmember Morasco removed item 7, and Mayor Abed removed item 8 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco that the following Consent Calendar items be approved with the exception of items 4, 7, 8 and 11. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES: Regular Meeting of May 7, 2014**

4. **REDEVELOPMENT SUCCESSOR AGENCY REVISED LONG RANGE PROPERTY MANAGEMENT PLAN** - Request Council approve the Revised Long Range Property Management Plan for submittal to the Oversight Board on July 8, 2014. (File No. 0690-70)

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

RESOLUTION NO. 2014-69

Council Diaz asked for a description of the property management plan.

Debra Lundy, Real Property Manager, gave a description of the previous actions on the plan.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to approve the Revised Long Range Property Management Plan for submittal to the Oversight Board on July 8, 2014 and adopt Resolution No. 2014-69. Motion carried unanimously.

5. **FIRST AMENDMENT TO LEASE AGREEMENT WITH STANLEY SCHAEFFER AT 210 SOUTH BROADWAY** - Request Council authorize the Real Property Manager and City Clerk to execute a First Amendment to the Lease Agreement with Stanley Schaeffer at 210 South Broadway. (File No. 0600-10 [A2517])

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

RESOLUTION NO. 2014-68

6. **SALE OF 1750 WEST CITRACADO PARKWAY, LOT #73 (MOUNTAIN SHADOWS)** - Request Council authorize the Real Property Manager and City Clerk to execute a Grant Deed and related escrow documents for the sale of property located at 1750 West Citracado Parkway, Lot #73 (Mountain Shadows). (File No. 0690-20)

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

RESOLUTION NO. 2014-67

7. **LEASE AGREEMENT AND OPTION TO PURCHASE WITH THE SAN DIEGO COUNTY HUMANE SOCIETY AND SPCA AT 3450 EAST VALLEY PARKWAY AND ANIMAL CONTROL SERVICES AGREEMENT** - Request Council authorize the Real Property Manager and City Clerk to execute a Lease Agreement and an Option to Purchase with the San Diego Humane Society and SPCA; and approve a two-year Animal Control Services Agreement, with two automatic one-year renewal periods, with San Diego Humane Society and S.P.C.A (SDHS); and authorize the Mayor and City Clerk to execute contract documents on behalf of the City. (File No. 0600-10 [A-2623 & A-2624])

Staff Recommendation: **Approval (Police Department: Craig Carter/Real Property Manager: Debra Lundy)**

A) RESOLUTION NO. 2014-64 (Lease Agreement) B) RESOLUTION NO. 2014-65 (Animal Control Services Agreement)

Councilmember Morasco voiced concern with the terms of the agreement.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Gallo to authorize the Real Property Manager and City Clerk to execute a Lease Agreement and an Option to Purchase with the San Diego Humane Society and SPCA; and approve a two-year Animal Control Services Agreement, with two automatic one-year renewal periods, with San Diego Humane Society and S.P.C.A (SDHS); and authorize the Mayor and City Clerk to execute contract documents on behalf of the City and Adopt Resolution No. 2014-64 and Resolution No. 2014-65. Ayes: Abed, Diaz, Gallo and Masson. Noes: Morasco. Absent: None. Motion carried.

8. **AWARD BID FOR LEGAL ADVERTISING FISCAL YEAR 2014-15** - Request Council award the bid for the City's legal advertising for a one-year period to the U-T San Diego North County. (File No. 0600-10 [A-3117])

Staff Recommendation: **Approval (City Clerk's Office: Diane Halverson)**

RESOLUTION NO. 2014-56

Robroy Fawcett, Escondido, indicated the newspaper of general circulation, Union Tribune, is not printed in Escondido.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to award the bid for the City's legal advertising for a one-year period to the U-T San Diego North County and adopt Resolution No. 2014-56. Motion carried unanimously.

9. **NOTICE OF COMPLETION FOR THE ESCONDIDO-VISTA WATER TREATMENT PLANT FLOCCULATION AND SETTLING BASIN REHABILITATION PROJECT** - Request Council authorize the Director of Utilities to file a Notice of Completion for the Water Treatment Plant Flocculation and Settling Basin Rehabilitation Project. (File No. 0600-10 [A-3107])

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

RESOLUTION NO. 2014-60

10. **SEWER SYSTEM MANAGEMENT PLAN (SSMP) AND SEWER OVERFLOW RESPONSE PLAN (SORP)** - Request Council approve the updates to the Sewer System Management Plan (SSMP) and Sewer Overflow Response Plan (SORP). The SSMP / SORP has been prepared in compliance with the State Water Resources Control Board (SWRCB) Order 2006-0003. (File No. 1330-90)

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

RESOLUTION NO. 2014-78

11. **RUSTIC VILLAGE NEIGHBORHOOD GROUP PASSIVE PARK** - Request Council approve the Adopt-a-Lot project proposed for the vacant lot located at the intersection of Rustic Road and Elmwood Drive, authorizing Neighborhood Services to execute an Adopt-a-Lot Property Use Agreement with the Rustic Village Neighborhood Group and Habitat for Humanity in accordance with the attached policy and subject to City Attorney approval. (File No. 0915-07)

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

Councilmember Diaz asked how the process to adopt a lot worked.

Danielle Lopez, Neighborhood Services, explained how the process worked and displayed a map of the proposed park.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to approve the Adopt-a-Lot project proposed for the vacant lot located at the intersection of Rustic Road and Elmwood Drive, authorizing Neighborhood Services to execute an Adopt-a-Lot Property Use Agreement with the Rustic Village Neighborhood Group and Habitat for Humanity in accordance with the attached policy and subject to City Attorney approval. Motion carried unanimously.

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

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

PUBLIC HEARINGS

12. **SHORT-FORM RENT INCREASE APPLICATION FOR EASTWOOD MEADOWS** - Request Council approve the short-form rent increase application submitted by Eastwood Meadows Mobilehome Park granting a rent increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 2.460% (an average of \$11.66 per space) for the period of December 31, 2011 through December 31, 2013. (File No. 0697-20-10000)

Staff Recommendation: **Approval (Community Development Department: Barbara Redlitz)**

RRB RESOLUTION NO. 2014-05

Karen Youel, Housing Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Chad Casenhiser, Park Owner's Representative, listed the qualities of the park and urged Council to grant the rent increase.

David Martin, Escondido, indicated the park residents were pleased with the improvements to the park and agreed to the rent increase.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo to approve the short-form rent increase and adopt RRB Resolution 2014-05. Motion carried unanimously.

13. **CONDUCT A PUBLIC HEARING TO CONSIDER A RESOLUTION OF NECESSITY FOR EMINENT DOMAIN FOR THE CEMETERY PIPELINE PROJECT - ASSESSOR PARCEL NUMBERS 240-230-29, 30 & 31 (CHARLES NORBERT LYPPS) AND 241-171-01 (BORKA DJUKIC AND THE DJUKIC LIVING TRUST) FOR CONSTRUCTION OF THE CEMETERY PIPELINE REPLACEMENT PROJECT** - Request Council adopt Resolutions of Necessity authorizing initiation of Eminent Domain Actions. (File No. 0690-50)

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

A) RESOLUTION NO. 2014-54 B) RESOLUTION NO. 2014-71

Debra Lundy, Real Property Manager, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to adopt Resolutions of Necessity authorizing initiation of Eminent Domain Actions and adopt Resolution No. 2014-54 and Resolution No. 2014-71. Motion carried unanimously.

14. **MASTER AND PRECISE DEVELOPMENT PLAN, TENTATIVE SUBDIVISION MAP, ZONE CHANGE AND AMENDMENT TO THE SOUTH ESCONDIDO BOULEVARD NEIGHBORHOOD PLAN (SUB 13-0009)** - Request Council approve a Zone Change, Amendment to the South Escondido Boulevard Neighborhood Plan, and Master and Precise Development Plan for a 76-unit air-space residential development; and approve a one-lot Tentative Subdivision Map and adopt the environmental determination prepared for the project. (File No. 0810-20)

Staff Recommendation: **Approval (Community Development Department: Barbara Redlitz)**

A) RESOLUTION NO. 2014-51 B) ORDINANCE NO. 2014-10 (Introduction and First Reading)

Councilmember Masson recused himself from the dais and abstained from the discussion and vote.

Bill Martin, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Peter Zak, Applicant Representative, listed the qualities of the project and urged Council to approve it.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve a Zone Change, Amendment to the South Escondido Boulevard Neighborhood Plan, and Master and Precise Development Plan for a 76-unit air-space residential development; and approve a one-lot Tentative Subdivision Map and adopt the environmental determination prepared for the project and adopt Resolution No. 2014-51 and introduce Ordinance No. 2014-10. Ayes: Abed, Diaz, Gallo and Morasco. Noes: None. Abstained: Masson. Motion carried.

15. **ADOPTION OF FISCAL YEAR 2014/15 AND 2015/16 TWO-YEAR ANNUAL OPERATING BUDGET AND THE APPROPRIATIONS LIMIT (GANN LIMIT) FOR FY 2014/15** - Request Council approve the FY 2014/15 Annual Operating Budget and the Appropriations Limit (GANN Limit) for FY 2014/15. (File No. 0430-30)

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**
A) RESOLUTION NO. 2014-27 B) RESOLUTION NO. 2014-28

Sheryl Bennett, Administrative Services Director, Joan Ryan, Assistant Finance Director, and Jodi Coco, Budget Manager, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Tom Cowan, Escondido, urged Council to continue funding the Tiny Tots Program.

Brian Willey, Escondido, asked Council to keep operating the Tiny Tots Program.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve the Gann Limit and approve Resolution No. 2014-28. Motion carried unanimously.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Masson to approve the FY 2014/15 Annual Operating Budget and adopt Resolution No. 2014-27. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

FUTURE AGENDA

16. FUTURE AGENDA -

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

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

Councilmember Diaz requested that a discussion on Historic Preservation fees be added to a future agenda and that a city-owned property be considered for the Adopt-A-Lot Program.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Gallo stated the Borders Committee had a discussion with Orange County, San Diego County and Caltrans coordinating I-5 lane widening and he provided a chart that showed the percentage of youth suicide in San Diego County.

Councilmember Diaz attended the San Dieguito Sikes Adobe Creamery opening was last week. She attended a Parking Subcommittee meeting where parking surveys were reviewed. She suggested re-evaluating the free parking issue and suggested that a fee structure be evaluated.

Councilmember Masson attended a League of California Cities meeting where new opportunities were presented for projects without using absent Redevelopment funds.

Mayor Abed indicated that SANDAG had started the Rapid Bus Route, which travels from Escondido to San Diego.

CITY MANAGER'S UPDATE/BRIEFING

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

- **CITY MANAGER'S UPDATE -**

ORAL COMMUNICATIONS

Margaret Liles, Escondido, stated she supported "big government", which provides money for programs.

Karen Guzman, Escondido, indicated she wanted to listen to all of the Councilmembers questions and comments.

ADJOURNMENT

Mayor Abed adjourned the meeting at 8:34 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
June 18, 2014
3:30 P.M. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, June 18, 2014 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to recess to Closed Session. Motion carried unanimously.

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

- a. **Agency Negotiator:** Sheryl Bennett, Clay Phillips
Employee Organization: Escondido City Employee Association: Supervisory Bargaining Unit
- b. **Agency Negotiator:** Sheryl Bennett, Clay Phillips
Employee Organization: Non-Sworn Police Bargaining Unit
- c. **Agency Negotiator:** Sheryl Bennett, Clay Phillips
Employee Organization: Escondido City Employee Association: Administrative/Clerical/Engineering Bargaining Unit

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:15 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO

June 18, 2014
4:30 P.M. Meeting

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, June 18, 2014 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION:

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney, Barbara Redlitz, Community Development Director, Ed Domingue, Public Works Director; Diane Halverson, City Clerk; and Liane Uhl, Minutes Clerk.

ORAL COMMUNICATIONS

Delores McQuiston, Escondido, urged Council to continue the Tiny Tots Program and asked Council to provide the public with their questions on the budget.

Laura Hunter, Escondido, reported on environmental cumulative health risks in the community.

Barry Baker, Escondido, stated his property was in a rural area that had not yet transitioned to an R1 zone and voiced concern with receiving code violations.

CONSENT CALENDAR

Councilmember Morasco removed item 5 and Mayor Abed removed item 4 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Gallo that the following Consent Calendar items be approved with the exception of items 4 and 5. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES: Regular Meeting of May 21, 2014**

4. **MEMORANDUM OF UNDERSTANDING WITH THE CITY OF ESCONDIDO AND THE CITIES OF CARLSBAD, OCEANSIDE, SAN MARCOS AND VISTA FOR FUNDING OF AN AGREEMENT WITH THE SAN DIEGO REGIONAL ECONOMIC DEVELOPMENT CORPORATION** - Request Council approve a Memorandum of Understanding (MOU) with the City of Escondido and the cities of Carlsbad, Oceanside, San Marcos and Vista; and authorize funding for Escondido's share of the agreement with San Diego Regional Economic Development Corporation to implement the North County Economic Development Collaborative Model. (File No. 0600-10 [A-3120])

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

RESOLUTION NO. 2014-77

Mayor Abed explained the purpose of the agreement.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to approve a Memorandum of Understanding (MOU) with the City of Escondido and the cities of Carlsbad, Oceanside, San Marcos and Vista; and authorize funding for Escondido's share of the agreement with San Diego Regional Economic Development Corporation to implement the North County Economic Development Collaborative Model and adopt Resolution No. 2014-77. Motion carried unanimously.

5. **BID AWARD FOR THE FISCAL YEAR 2013/2014 STREET MAINTENANCE PROJECT** - Request Council authorize the award to All American Asphalt, determined to be the lowest responsive and responsible bidder; and authorize the Mayor and City Clerk to execute a Public Improvement Agreement in the amount of \$1,467,296.49 for the FY 2013/2014 Pavement Maintenance Project. (File No. 0600-10 [A-3119])

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

RESOLUTION NO. 2014-73

Councilmember Morasco indicated he would like to receive a list of the bidders and asked for clarification of this bid result.

Ed Domingue, Public Works Director, replied that the lowest bidder did not fill out the bidders bond correctly and they had to award to a higher bidder.

Jeff Petty, American Asphalt South, voiced concern with the City's bid bond policies and asked for the project to be rebid.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo to authorize the award to All American Asphalt, determined to be the lowest responsive and responsible bidder; and authorize the Mayor and City Clerk to execute a Public Improvement Agreement in the amount of \$1,467,296.49 for the FY 2013/2014 Pavement Maintenance Project and adopt Resolution No. 2014-73. Motion carried unanimously.

6. **NOTICE OF COMPLETION FOR FISCAL YEAR 2013/2014 STREET REHABILITATION PROJECT** - Request Council approve and accept the public improvements; and authorize staff to file a Notice of Completion for FY 2013/2014 Street Rehabilitation Project. (File No. 0600-10 [A-3098])

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

7. **FINAL ASSESSMENT ENGINEER'S REPORT FOR ZONES 1-37 OF THE CITY OF ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2014/2015** - Request Council approve the Assessment Engineer's Report and the annual levy and collection of assessments in Zones 1-37 of the Escondido Landscape Maintenance Assessment District (LMD) for FY 2014/2015. (File No. 0685-10)

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

RESOLUTION NO. 2014-96

8. **REJECT ALL BIDS FOR THE VISTA VERDE RESERVOIR REPLACEMENT PROJECT - PHASE II** Request Council reject all bids for the Vista Verde Reservoir Replacement Project - Phase II; and authorize staff to re-advertise for bids on the project. (File No. 0600-10 [A-3112])

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

RESOLUTION NO. 2014-94

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

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

9. **MASTER AND PRECISE DEVELOPMENT PLAN, TENTATIVE SUBDIVISION MAP, ZONE CHANGE AND AMENDMENT TO THE SOUTH ESCONDIDO BOULEVARD NEIGHBORHOOD PLAN (SUB 13-0009)** - Approved on June 11, 2014 with a vote of 4/0/1 (Masson abstained) (File No. 0810-20)

ORDINANCE NO. 2014-10 (Second Reading and Adoption)

PUBLIC HEARINGS

10. **TENTATIVE MAP WITH GRADING EXEMPTIONS AND DEVELOPMENT AGREEMENT (SUB 13-0003)** - Request Council approve the proposed 16-lot Tentative Map with Grading Exemptions and a Development Agreement with a five-year term to authorize construction of the residential subdivision within the North Broadway Deficiency Area. (File No. 0800-10 SUB 13-0003)

Staff Recommendation: **Approval (Community Development Department: Barbara Redlitz)**

A) RESOLUTION NO. 2014-58 B) ORDINANCE NO. 2014-12 (Introduction and First Reading)

Bill Martin, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Margaret Liles, Escondido, urged Council not to reduce the developer impact fees.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve the proposed 16-lot Tentative Map with Grading Exemptions and a Development Agreement with a five-year term to authorize construction of the residential subdivision within the North Broadway Deficiency Area and adopt Resolution No. 2014-58 and introduce Ordinance 2014-12. Motion carried unanimously.

- 11. TENTATIVE MAP WITH GRADING EXEMPTIONS AND DEVELOPMENT AGREEMENT (SUB 13-0010)** - Request Council approve the proposed 16-lot Tentative Map with Grading Exemptions and a Development Agreement with a five-year term to authorize construction of the residential subdivision within the North Broadway Deficiency Area. (File No. 0800-10 SUB 13-0010)

Staff Recommendation: **Approval (Community Development Department: Barbara Redlitz)**

A) RESOLUTION NO. 2014-59 B) ORDINANCE NO. 2014-13 (Introduction and First Reading)

Bill Martin, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Mark Ferraro, Applicant, listed the qualities of the project and urged Council to approve it.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo to approve the proposed 16-lot Tentative Map with Grading Exemptions and a Development Agreement with a five-year term to authorize construction of the residential subdivision within the North Broadway Deficiency Area and adopt Resolution No. 2014-59 and introduce Ordinance No. 2014-13. Motion carried unanimously.

- 12. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM, FISCAL YEAR 2014/2015 CIP BUDGET AND TRANSNET FIVE-YEAR LOCAL STREET IMPROVEMENT PROGRAM** - Request Council approve adoption of the Fiscal Years 2014/15 - 2018/19 Five-Year Capital Improvement Program (CIP) and the FY 2014/15 Project CIP Budgets; and approve the Regional Transportation Improvement Plan for 2014 and the TransNet Five-Year Local Street Improvement Program of Projects for Fiscal Years 2015 - 2019. (File No. 0430-30)

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

A) RESOLUTION NO. 2014-29 B) RESOLUTION NO. 2014-30

Sheryl Bennett, Administrative Services Director; Matt Souttere, Engineering Department; Craig Whittemore, Utilities Construction Manager; and Michelle Lefever, Finance Department; gave the staff report and presented a series of slides.

Valeria Hernandez, Escondido, thanked Council for promoting Escondido Bike Walk at Escondido High School.

Steve Berrol, Escondido, thanked Council for funding the EIR for El Caballo Park.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Masson to approve adoption of the Fiscal Years 2014/15 - 2018/19 Five-Year Capital Improvement Program (CIP) and the FY 2014/15 Project CIP Budgets; and approve the Regional Transportation Improvement Plan for 2014 and the TransNet

Five-Year Local Street Improvement Program of Projects for Fiscal Years 2015 – 2019 and adopt Resolution No. 2014-29 and Resolution No. 2014-30. Motion carried unanimously.

CURRENT BUSINESS

- 13. PROPOSED CITY CHARTER FOR PLACEMENT ON THE NOVEMBER 4, 2014 BALLOT -**
Request Council approve the form of the proposed City Charter for submission to the voters on November 4, 2014. (File No. 0650-40)

Staff Recommendation: **Approval (City Attorney's Office: Jennifer McCain)**

RESOLUTION NO. 2014-70

Jeffrey Epp, City Attorney, gave the staff report.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve the form of the proposed City Charter for submission to the voters on November 4, 2014 and adopt Resolution No. 2014-70. Ayes: Abed, Gallo, Masson and Morasco. Noes: Diaz. Absent: None. Motion carried.

WORKSHOP

- 14. DEVELOPMENT STREAMLINING PROGRAM WORKSHOP -** Request Council receive and file information regarding staff's efforts to streamline the permit process and to incorporate flexibility for project applications, reviews and approvals. (File No. 0110-20)

Staff Recommendation: **Receive and File (Community Development Department: Barbara Redlitz)**

Jay Petrek, Assistant Development Director, gave the staff report and presented a series of slides.

COUNCIL ACTION: NO ACTION, INFORMATION ONLY

FUTURE AGENDA

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

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

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Morasco indicated that at the California Center for the Arts, Escondido Subcommittee Meeting today the proposed Operation and Management Agreement was discussed.

Councilmember Diaz stated the Route 78 Mariachi Festival was scheduled for March 29, 2015 at the California Center for the Arts, Escondido.

Mayor Abed indicated that two Public Works Utility Division employees received praise from an Escondido citizen for their outstanding service. He also presented slides on SANDAG's discussions on the regional approach to complete streets where cars can coexist with bicycles and pedestrians.

CITY MANAGER'S UPDATE/BRIEFING

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

- **CITY MANAGER'S UPDATE -**

ORAL COMMUNICATIONS

ADJOURNMENT

Mayor Abed adjourned the meeting at 8:00 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
June 25, 2014
3:30 P.M. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, June 25, 2014 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to recess to Closed Session. Motion carried unanimously.

- I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)**
- a. **Agency Negotiator:** Sheryl Bennett, Clay Phillips
Employee Organization: Escondido City Employee Association:
Administrative/Clerical/Engineering Bargaining Unit
 - b. **Agency Negotiator:** Sheryl Bennett, Clay Phillips
Employee Organization: Non-Sworn Police Bargaining Unit
 - c. **Agency Negotiator:** Sheryl Bennett, Clay Phillips
Employee Organization: Escondido City Employee Association: Supervisory
Bargaining Unit

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:14 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO
June 25, 2014
4:30 P.M. Meeting Minutes

Escondido City Council
Mobilehome Rent Review Board

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Mobilehome Rent Review Board was called to order at 4:30 p.m. on Wednesday, June 25, 2014 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed led the flag salute.

ATTENDANCE

The following members were present: Deputy Mayor Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Sam Abed. Quorum present.

Also present were: Charles Grimm, Assistant City Manager; Jeffrey Epp, City Attorney; Barbara Redlitz, Community Development Director; Ed Domingue, Public Works Director, Diane Halverson, City Clerk; and Liane Unl, Minutes Clerk.

PRESENTATIONS

Mayor Abed introduced Myriam Padilla and the Escondido Youth Advocacy Coalition, who presented a series of slides regarding their findings from the alcohol outlet assessments.

PROCLAMATIONS

Mayor Abed introduced Loretta McKinney, Community Services Director, who accepted a proclamation for Parks and Recreation Month, July 2014.

ORAL COMMUNICATIONS

John Van Sickle, Escondido, stated the previous night's Planning Commission meeting was not well run.

Kathrine Fromm, Escondido, voiced concern that a neighbor had too much dry brush around their home.

Melinda Santa Cruz, Escondido, expressed concern with comments at the previous night's Planning Commission meeting.

Mike O'Connor, Escondido, stated the Fire Department should have paramedic firefighters on fire engines.

CONSENT CALENDAR

Councilmember Diaz removed items 9 and 10 and Councilmember Gallo removed items 13 and 14 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson that the following Consent Calendar items be approved with the exception of items 9, 10, 13 and 14. Motion carried unanimously.

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

4. **CALHOME GRANT APPLICATIONS** - Request Council approve authorizing the Director of Community Development or her designee to submit grant documents for two CalHome Grant funds in the amount of \$1,000,000 each from the California Department of Housing and Community Development (HCD) and, if awarded, to accept the grant funds and complete necessary documents required by HCD for participation in the CalHome Program in order to fund a housing rehabilitation program for low-income homeowners. (File No. 0480-70)

Staff Recommendation: **Approval (Community Development Department: Barbara Redlitz)**

A) RESOLUTION NO. 2014-88 B) RESOLUTION NO. 2014-89

5. **SENIOR NUTRITION PROGRAM COUNTY OF SAN DIEGO CONTRACT NO. 547766** - Request Council approve authorizing the Director of Library and Community Services to enter into an agreement with the County of San Diego to provide the Senior Nutrition Program at the Escondido Senior Center. (File No. 0600-10 Misc.)

Staff Recommendation: **Approval (Community Services Department: Loretta McKinney)**

RESOLUTION NO. 2014-90

6. **FIFTH AMENDMENT TO PUBLIC SERVICE AGREEMENT WITH REDWOOD SENIOR HOMES AND SERVICES FOR SENIOR TRANSPORTATION AND SENIOR NUTRITION BUDGET ADJUSTMENT** - Request Council approve authorizing the Mayor and City Clerk to execute a Fifth Amendment to the Public Service Agreement with Redwood Senior Homes and Services (RSHS) to provide transportation for the Senior Nutrition Program from July 1, 2014 through June 30, 2015 not to exceed \$144,900; and approve a budget transfer in the amount of \$11,765 from the Joslyn Trust Fund to Senior Nutrition Department 107 to fund senior transportation. (File No. 0600-10 [A-2467])

Staff Recommendation: **Approval (Community Services Department: Loretta McKinney)**

RESOLUTION NO. 2014-91

7. **FIFTH AMENDMENT TO PUBLIC SERVICE AGREEMENT WITH REDWOOD SENIOR HOMES AND SERVICES FOR MEAL SERVICE** - Request Council approve authorizing the Mayor and City Clerk to execute a Fifth Amendment to the Public Service Agreement with Redwood Senior Homes and Services (RSHS) Town Court, to provide meals for the Nutrition Program offered at the Joslyn Senior Center for an additional year (July 1, 2014 through June 30, 2015) in the amount not to exceed \$97,520. (File No. 0600-10 [A-2498])

Staff Recommendation: **Approval (Community Services Department: Loretta McKinney)**

RESOLUTION NO. 2014-92

8. **AWARD SOLE-SOURCE PURCHASE AND INSTALLATION OF ORPAK SITEOMAT FUEL MANAGEMENT SYSTEM** - Request Council approve the Sole-Source purchase and installation of the Orpak USA Inc. (Orpak) SiteOmat fuel management system to upgrade the existing Orpak RNI-2000 fuel management system at the Public Works Yard and all Fire Stations in the amount of \$168,307.20, which includes parts, labor and use tax pursuant to Escondido Municipal Code section 10-103 (b). (File No. 0470-35)

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

RESOLUTION NO. 2014-84

9. **AWARD PURCHASE OF FUEL** - Request Council approve the purchase of fuel for the City of Escondido's fleet through a cooperative purchase agreement with the City of San Diego, pursuant to Escondido Municipal Code section 10-90. This fuel will be purchased from the SoCo Group Inc. (File No. 0470-35)

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

RESOLUTION NO. 2014-82

Councilmember Diaz asked if new hybrid vehicles had been added to the fleet.

Joe Goulart, Fleet Superintendent, answered that there were now hybrid vehicles in the fleet.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve the purchase of fuel for the City of Escondido's fleet through a cooperative purchase agreement with the City of San Diego, pursuant to Escondido Municipal Code section 10-90. This fuel will be purchased from the SoCo Group Inc. and adopt Resolution No. 2014-82. Motion carried unanimously.

10. **2014-2017 POLICE TOW SERVICE CONTRACTS** - Request Council approve authorizing the Mayor and City Clerk to execute Police Tow Service contracts with Al's Towing, Inc.; A-Z Enterprises, Inc.; Allied Gardens Towing, Inc.; El Norte Towing, HMR, Inc.; NK Towing and Roadside Service; and Roadway Auto Towing to provide police tow services. (File No. 0600-10 [A-2698, A-2699, A-2700, A-2701, A-3023 and A-3024])

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

RESOLUTION NO. 2014-79

Councilmember Diaz asked for an overview of how lower rates had been achieved.

Police Lieutenant Justin Murphy answered that research in how the fees were attained showed that a lower rate could be achieved for the tow companies.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to approve authorizing the Mayor and City Clerk to execute Police Tow Service contracts with Al's Towing, Inc.; A-Z Enterprises, Inc.; Allied Gardens Towing, Inc.; El Norte Towing, HMR, Inc.; NK Towing and Roadside Service; and Roadway Auto Towing to provide police tow services and adopt Resolution No. 2014-79. Motion carried unanimously.

11. **BEAR VALLEY PARKWAY WATERLINE RELOCATION PROJECT** - Request Council approve a budget adjustment in the amount of \$530,000 from the Un-allocated Water Reserves to the Bear Valley Parkway Waterline Relocation Project (CIP 704405). (File No. 0430-80)

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

12. **AWARD REQUEST FOR PROPOSAL FOR VEHICLE OUTFITTING SERVICES FOR FLEET SERVICES DEPARTMENT** - Request Council approve the award of Request for Proposal to American Emergency Products (AEP) from Santee, California in the amount of \$588,216.84 which includes equipment, sales tax and labor. (File No. 0600-10 [A-3122])

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

RESOLUTION NO. 2014-80

13. **SET SPECIAL TAX LEVY FOR COMMUNITY FACILITIES DISTRICT NO. 2000-01 (HIDDEN TRAILS)** - Request Council approve setting the Special Tax Levy for Community Facilities District No. 2000-01 (Hidden Trails) (the "District") for Fiscal Year 2014/15. (File No. 0685-20)

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

RESOLUTION NO. 2014-74

Councilmember Gallo indicated the fees were going down.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve setting the Special Tax Levy for Community Facilities District No. 2000-01 (Hidden Trails) (the "District") for Fiscal Year 2014/15 and adopt Resolution No. 2014-74. Motion carried unanimously.

14. **SET SPECIAL TAX LEVY FOR COMMUNITY FACILITIES DISTRICT NO. 2006-01 (EUREKA RANCH)** - Request Council approve setting the Special Tax Levy for Community Facilities District No. 2006-01 (Eureka Ranch) (the "District") for Fiscal Year 2014/15. (File No. 0685-20)

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett)**

RESOLUTION NO. 2014-75

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve setting the Special Tax Levy for Community Facilities District No. 2006-01 (Eureka Ranch) (the "District") for Fiscal Year 2014/15 and adopt Resolution No. 2014-75. Motion carried unanimously.

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

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

15. **TENTATIVE MAP WITH GRADING EXEMPTIONS AND DEVELOPMENT AGREEMENT (SUB 13-0003)** - Approved on June 18, 2014 with a vote of 5/0. (File No. 0800-10 SUB 13-0003)

ORDINANCE NO. 2014-12 (Second Reading and Adoption)

16. **TENTATIVE MAP WITH GRADING EXEMPTIONS AND DEVELOPMENT AGREEMENT (SUB 13-0010)** - Approved on June 18, 2014 with a vote of 5/0. (File No. 0800-10 SUB 13-0010)

ORDINANCE NO. 2014-13 (Second Reading and Adoption)

PUBLIC HEARINGS

17. **SHORT-FORM RENT INCREASE APPLICATION FOR CAREFREE RANCH** - Request Council approve the short-form rent increase application submitted by Carefree Ranch granting a rent increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 1.281% (an average of \$6.16 per space) for the period of December 31, 2012 to December 31, 2013. (File No. 0697-20-10001)

Staff Recommendation: **Approval (Community Development Department: Barbara Redlitz)**
RRB RESOLUTION NO. 2014-06

Karen Youel, Housing Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Jim Younce, Park Owner's Representative, indicated he was available for questions.

George Prather, Residents Representative, asked that the short form increase be denied.

Mayor Abed asked if anyone else wanted to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to approve the short-form rent increase application submitted by Carefree Ranch granting a rent increase of seventy-five percent (75%) of the change in the Consumer Price Index, or 1.281% (an average of \$6.16 per space) for the period of December 31, 2012 to December 31, 2013 and adopt RRB Resolution No. 2014-06. Motion carried unanimously.

18. **ZONE CHANGE AND TENTATIVE SUBDIVISION MAP CASE NO. PHG 13-0003 & SUB 13-0001** - Request Council approve the Zone Change from RE-30 to RE-20; and approve certifying the Mitigated Negative Declaration prepared for the project; and approve the Tentative Subdivision Map. (File No. 0800-10 SUB 13-0001)

Staff Recommendation: **Approval (Community Development Department: Barbara Redlitz)**
A) RESOLUTION NO. 2014-95 B) ORDINANCE NO. 2014-14 (Introduction and First Reading)

Barbara Redlitz, Community Development Director, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Gallo to approve the Zone Change from RE-30 to RE-20; approve certifying the Mitigated Negative Declaration prepared for the project; approve the Tentative Subdivision Map and adopt Resolution No. 2014-95 and introduce Ordinance No. 2014-14. Motion carried unanimously.

CURRENT BUSINESS

19. **APPOINTMENTS TO BUILDING ADVISORY & APPEALS BOARD AND HISTORIC PRESERVATION COMMISSION** - Request Council ratify the Mayor's appointments to fill an unscheduled vacancy on the Building Advisory & Appeals Board, term to expire March 31, 2016; and an unscheduled vacancy on the Historic Preservation Commission, term to expire March 31, 2018. (File No. 0120-10)

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

MOTION: Moved by Mayor Abed and seconded by Councilmember Morasco to ratify Mayor Abed's appointment of Mirek Gorny to the Building Advisory & Appeals Board. Motion carried unanimously.

MOTION: Moved by Mayor Abed and seconded by Councilmember Gallo to ratify Mayor Abed's appointment of Greg Danskin to the Historic Preservation Commission. Motion carried unanimously.

20. **GENERAL MUNICIPAL ELECTION - NOVEMBER 4, 2014** - Request Council approve calling and holding a General Municipal Election on November 4, 2014 for the purpose of electing one (1) Mayor, elected at-large for a four-year term; one (1) member of the City Council to represent District One for a four-year term and one (1) member of City Council to represent District Two for a four-year term; and for submitting to the voters one question: 1) whether or not to adopt the proposed City Charter, and; authorize impartial analysis, arguments and rebuttals; and request the San Diego County Registrar of Voters to consolidate Escondido's election with the Statewide General Election. (File No. 0650-40)

Staff Recommendation: **Approval (City Clerk's Office: Diane Halverson)**

A) RESOLUTION NO. 2014-61 B) RESOLUTION NO. 2014-62 C) RESOLUTION NO. 2014-63

City Clerk Diane Halverson gave a brief description of the election process.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve calling and holding a General Municipal Election on November 4, 2014 for the purpose of electing one (1) Mayor, elected at-large for a four-year term; one (1) member of the City Council to represent District One for a four-year term and one (1) member of City Council to represent District Two for a four-year term; and for submitting to the voters one question: 1) whether or not to adopt the proposed City Charter, and; authorize impartial analysis, arguments and rebuttals; and request the San Diego County Registrar of Voters to consolidate Escondido's election with the Statewide General Election and adopt Resolution No. 2014-61, Resolution No. 2014-62 and Resolution No. 2014-63. Motion carried unanimously.

21. **INITIATIVE MEASURE TO ADOPT THE LAKES SPECIFIC PLAN AND BUDGET ADJUSTMENT** Request Council accept the Certificate of Sufficiency; authorizing a budget adjustment in the amount of \$18,000 from the General Fund Reserves to the non-departmental Election Fund; and, pursuant to Section 9215 of the California Elections Code, take one of the following actions: 1. Submit the proposed initiative to the voters at the next General Municipal Election (November 4, 2014); 2. Order a report, pursuant to Elections Code Section 9212, from any city department, agency or agencies on the impact of the proposed initiative on each of those categories set forth in Section 9212. The report shall be presented to the legislative body no later than 30 days after the Election Official certifies to the legislative body the sufficiency of the petition (Section 9212). (File No. 0650-20)

Staff Recommendation: **Accept Certificate of Sufficiency and take one of the proposed actions (City Clerk's Office: Diane Halverson)**

RESOLUTION NO. 2014-97

Diane Halverson, City Clerk, requested Council accept the Certificate of Sufficiency.

Ali Shapouri, Shapouri and Associates President, indicated his company had prepared the specific plan and listed the amenities to the project.

Dennis Hollingsworth, former Senator, indicated he was in support of the initiative.

Michael Crews, Developer, indicated he supported the initiative.

Jerry Swadley, Escondido, urged Council to order a report on the environmental impact of the proposed initiative.

Drew Wonacott, Escondido, stated the signature gatherers gave the public incorrect information when getting signatures for the initiative.

Kathleen Taylor, Escondido, asked Council to look at the 30-day report.

Judy McKee, Escondido, indicated the golf course property owner didn't have integrity.

Gary Vest, Escondido, stated the homeowners and volunteers of Escondido worked hard to collect signatures for a petition and did not hire signature gathers from other cities and requested that Council order an environmental impact report.

Gary Odaffer, Escondido, indicated the golf course property owner intentionally created blight on the property.

Ken Lounsbury, Attorney, urged Council to order the environmental impact report.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to accept the Certificate of Sufficiency; authorizing a budget adjustment in the amount of \$18,000 from the General Fund Reserves to the non-departmental Election Fund; and, pursuant to Elections Code Section 9212, order a report from any city department, agency or agencies on the impact of the proposed initiative on each of those categories set forth in Section 9212 and adopt Resolution No. 2014-97. The report shall be presented to the legislative body no later than 30 days after the Election Official certifies to the legislative body the sufficiency of the petition (Section 9212). Motion carried unanimously.

FUTURE AGENDA

22. FUTURE AGENDA -

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

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

Councilmember Diaz asked for a Historic Planning Commission fees discussion to be placed on an agenda.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Councilmember Masson attended the Habitat for Humanity Grand Opening for the park on Elmwood. He also attended a League of California Cities meeting where the State budget was approved; the Community Revitalization Authority was a redevelopment tool for disadvantaged, blighted and lower income areas; and that several water bonds were being considered.

Mayor Abed indicated that SANDAG would be presenting a San Ysidro Transportation Center Study to the City and that the highway Call Box Program would be transitioning to integrate with the 511 program.

CITY MANAGER'S UPDATE/BRIEFING

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

- **CITY MANAGER'S UPDATE –**

ORAL COMMUNICATIONS

None

ADJOURNMENT

Mayor Abed adjourned the meeting at 6:45 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 4

Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Craig Carter, Chief of Police

SUBJECT: Computer Aided Dispatch (CAD) Upgrade

RECOMMENDATION:

It is requested that City Council adopt Resolution No. 2014-115 authorizing an increase to the Police Department's Operating Budget to purchase upgraded hardware for the Police and Fire Departments' Computer Aided Dispatch (CAD) system. This project will be funded by an interfund loan from the Public Facilities Fund to the General Fund in the amount of \$225,000 ("Loan").

FISCAL ANALYSIS:

The Public Facilities Fund currently has an available fund balance of \$2.1 million. The Police Department is requesting this Loan be established in order to expedite the purchase of the equipment. The Loan will be paid back from the Police Department Operating Budget over the next five years, beginning in fiscal year 2015-16, at approximately \$50,000 per year. The Police Department's Operating Budget will be increased each year to cover the Loan payment.

BACKGROUND:

The current CAD system is running on 11 servers that support Dispatch, Police and Fire emergency operations. Approximately 200 CAD users, consisting of 25 workstations and 175 mobile computers, are connected to the system. Currently, the CAD servers are six years old and will soon be out of warranty. Information Systems suggests that these servers are replaced every five years. This recommended hardware upgrade is needed to efficiently support the City's emergency operations.

The CAD vendor, Northrop Grumman, will replace the current 11 servers with a virtualized server environment consisting of three physical servers and associated storage, backup and network equipment. Northrop Grumman will be responsible for installing and configuring the new servers.

Respectfully submitted,

Craig Carter
Chief of Police





CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: 07/08/14
Department: Police
Division: Administration
Project/Budget Manager: Craig Carter 4706
Council Date (if applicable): 07/23/14

For Finance Use Only
Log #
Fiscal Year
Budget Balances
General Fund Accts
Revenue
Interfund Transfers
Fund Balance

Table with 4 columns: Project/Account Description, Account Number, Amount of Increase, Amount of Decrease. Rows include Capital Outlay-CAD System, Interest Expense, and Interest Revenue.

Explanation of Request: Increase the police department capital outlay budget to purchase an upgraded CAD System. Funding came from a \$225,000 interfund loan from the Public Facilities Fund to the General Fund, which will be repaid out of the police department operating budget over the next five years beginning FY 2015-16.

APPROVALS
Department Head: [Signature] 7-15-14
City Manager: _____
Finance: [Signature] 07/15/14
City Clerk: _____

Distribution (after approval): Original: Finance

RESOLUTION NO. 2014-115

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING A LOAN FROM THE PUBLIC
FACILITIES FUND TO THE GENERAL FUND
TO SUBSIDIZE A TWO HUNDRED TWENTY-
FIVE THOUSAND DOLLAR COMPUTER
AIDED DISPATCH UPGRADE

WHEREAS, the Police and Fire Departments' Computer Aided Dispatch ("CAD") System requires a hardware upgrade to efficiently support the City's emergency operations; and

WHEREAS, the CAD System upgrade will be funded by an interfund loan from the Public Facilities Fund to the General Fund in the amount of \$225,000 ("Loan"); and

WHEREAS, the Loan will be repaid from the Police Department's Operating Budget to the Public Facilities Fund; and

WHEREAS, the Loan will be amortized over a period of five years, beginning in fiscal year 2015-16 and the Police Department's Operating Budget will be increased by approximately \$50,000 each year to cover the annual Loan payment and interest.

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 CAD upgrade shall be funded by an interfund Loan from the Public Facilities Fund to the General Fund in the amount of \$225,000.
3. That the Loan shall be amortized over a period of five years, commencing

on July 23, 2014, and shall be repaid from the Police Department Operating Budget to the Public Facilities Fund. Such repayment shall occur on June 30 of each calendar year with an annual principal payment of \$45,000 and bear interest at a rate equivalent to the City's calculated investment portfolio monthly yield. Commencing on June 30, 2015, the first payment will include only interest at a rate equivalent to the City's calculated investment portfolio yield as of June 30, 2015. Subsequent annual payments shall include the principal and interest as described above and will commence on June 30, 2016.

4. That the Police Department's Operating Budget will be increased each year to cover the Loan payment.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5
Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Christopher W. McKinney, Director of Utilities

SUBJECT: Terminate Existing Consulting Agreement for Reclaimed Water Easterly Mains Extension Design and Award New Consulting Agreement

RECOMMENDATION:

The Utilities Department requests that the City Council adopt Resolution No. 2014-113 to terminate an existing Consulting Agreement with RMC Water and Environmental for the design of the Reclaimed Water Easterly Mains Extension. This contract has a remaining balance of \$347,331. The resolution also authorizes the Mayor and City Clerk to execute a new Consulting Agreement with RBF Consulting, Inc. to finish the remainder of the design in the amount of \$354,185.

FISCAL ANALYSIS:

The Reclaimed Water Easterly Mains Extension project, CIP (801201), currently has \$4,651,305 available.

PREVIOUS ACTION:

On September 12, 2012, Council approved an agreement with RMC Water and Environmental for the design of the Reclaimed Water Easterly Mains Extension, in the amount of \$1,114,843.

BACKGROUND:

The RMC Water and Environmental agreement, approved by Council on September 12, 2012, included full design drawings and specifications, and all required environmental studies and documentation. As originally planned, the design would include approximately six miles of reclaimed water line, five miles of brine line, a reservoir, and a pump station.

At this time, the design work for the pipelines has fallen substantially behind schedule. Staff stopped the design activities that RMC Water and Environmental had begun and unsuccessfully attempted to renegotiate the schedule of work for an acceptable completion date. Staff was able to successfully negotiate a new schedule of work with RBF Consulting, Inc. The remaining balance of the agreement with RMC Water and Environmental – which will be terminated – is \$347,331.

Consulting Agreement Cancellation and Re-Award
Reclaimed Water Easterly Mains Extension
July 23, 2014
Page 2

The completed first portion of the design is currently out to bid, and staff does not anticipate a delay in the actual construction of the Reclaimed Water project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Whittemore', with a long horizontal flourish extending to the right.

Craig Whittemore, Deputy Director of Utilities, Constr. & Engr.
On behalf of:
Christopher W. McKinney
Director of Utilities

RESOLUTION NO. 2014-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A CONSULTING AGREEMENT WITH RBF CONSULTING INC. FOR THE EASTERLY RECLAIMED MAINS EXTENSION DESIGN

WHEREAS, the City of Escondido ("City") desires to facilitate delivery of recycled water to the eastern side of the City; and

WHEREAS, the current recycled water system does not allow delivery to potential agricultural users on the eastern side of the City; and

WHEREAS, an agreement on the required schedule could not be reached with the existing design consultant; and

WHEREAS, the Director of Utilities recommends that the Consulting Agreement with RMC Water and Environmental be terminated; and

WHEREAS, an agreement was reached with RBF Consulting, Inc., another qualified proposer, to finish the scope of the work; and

WHEREAS, the Director of Utilities recommends that the Consulting Agreement ("Agreement") with RBF Consulting, Inc., be approved; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest, to approve said Agreement with RBF Consulting, Inc.

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

1. That the above recitations are true.

2. That the Mayor and City Clerk are hereby authorized to execute, on behalf of the City, an Agreement with RBF Consulting, Inc. A copy of the Agreement is attached as Exhibit "1" and is incorporated by this reference.



CITY OF ESCONDIDO
CONSULTING AGREEMENT FOR DESIGN PROFESSIONALS

(ONLY for licensed architects, landscape architects, professional engineers, and professional land surveyors who are performing design services for the City)

This Agreement is made this _____ day of June, 2014.

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Craig Whittemore
760-839-4038
("CITY")

And: RBF Consulting.
9755 Clairemont Mesa Blvd.
San Diego, CA 92124-1333
Attn: John Harris, PE.
858 614-5016
("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 design: a Reclaimed Water and Brine line from Citrus St. to Hogback Reservoir; a Brine return line from Broadway to Harmony Grove Roads, along Escondido Channel; a Brine return line from Palomar Hospital along Citracado Road to Harveston Road; and a potable water reservoir near the existing Hogback reservoir.
- 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," a sum not to exceed \$354,185.00. 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.

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. 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 costs, 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 Automotive Liability policies must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The endorsement must be ISO Form CG2010 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 ongoing operations and products-completed operations hazard.
- (5) The General Liability policy must be primary and noncontributory and any insurance maintained by CITY is excess.

d. 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, pertaining to, or relating to the negligence, recklessness, or willful misconduct of CONSULTANT in the performance of this Agreement, excepting only those claims resulting from the sole negligence, active negligence or intentional misconduct of CITY, its employees, officials, or agents, not including CONSULTANT;
- 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.

11. Costs and Attorney's Fees. In the event that legal action is required to enforce the terms and conditions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs.

12. Independent Contractor. CONSULTANT is an independent contractor and no agency or employment relationship, either express or implied, is created by the execution of this Agreement.

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

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

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

Diane Halverson
City Clerk

Date: _____

(Contractor 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.

**ATTACHMENT A:
Scope of Services**

BRINE LINE DESIGN FROM HARMONY GROVE TO BROADWAY

Preliminary Design Review and Research

Our team will review all existing documents and information. We will also review the existing environmental documents that are originally prepared for the project. Utility research along the proposed pipeline alignment will be performed. A request will be made to Dig-Alert for all utility companies (wet and dry) within the project area. RBF will then request record utility information from these companies/agencies and transfer the utility data to the design plans. Field investigations will be performed to confirm the locations of known utilities and document other site improvements that may be impacted by the pipeline construction.

Geotechnical Investigations

This task will utilize available information obtained from previously completed exploratory investigations and expand upon new studies. RBF's philosophy is to have detailed geotechnical information for all elements of the project and include this information in the design. This information will be especially critical where trenchless construction is proposed.

We propose a field exploration program consisting of a combination of geotechnical soil borings and seismic refraction lines along the 12,100 LF of proposed pipeline alignment. Seismic refraction lines provide the compression wave velocities of the underlying materials which can then be used for classification and determining preliminary geotechnical parameters. Seismic lines are an ideal method of investigating the subsurface materials for this project because they provide correlations to excavatability within anticipated rock conditions; they have little impact on the existing surface conditions; and they are cost effective. Standard soil borings will be utilized to supplement the seismic refraction survey and fill in gaps where the seismic survey cannot be performed.

Once the preliminary profile is developed, we will evaluate the geotechnical strategy to optimize the methodology proposed. We assume some sections of the alignment may be very shallow where it follows the creek channel. In these areas, select backfill material was likely employed to construct the channel and surrounding embankments areas. We will focus our geotechnical investigations in areas where the brine line is deep and where trenchless construction is proposed. We will then evaluate the accumulated information and develop geotechnical conclusions and recommendations for use in the design and construction of the proposed project. The study will include the following:

- Preparation of geotechnical/geologic maps along the project alignment depicting the location of the seismic refraction lines, soil borings and geologic contacts.
- Regional geology, subsurface soil, rock and groundwater conditions.
- Field investigation findings, including seismic refraction lines with plots of the compression wave velocity profiles and test pit information.
- Laboratory testing summary.

- Development of design recommendations and geotechnical parameters relative to water lines and features.
- Construction considerations including general earthwork relevant to the project

Pipeline Design

RBF will advance the preliminary design plans for the subject project to final design and bid ready status. The pipeline alignment provided with the RFP will be used as a basis for the final design. We propose to provide the City with milestone submittals at the 60%, 90% and Final levels of completion. The project design will be completed in accordance with the City's Design and CAD standards as applicable.

This task will include regular project coordination meetings with City staff and other meetings as requested for review committees and commissions. RBF will provide graphic displays of the project alignment for these review meetings as requested by the City.

As a component of the 60% design submittal, we will provide a basis of design report to document the design criteria used for the project. This will include pipe materials, depth to diameter ratio, velocity, manhole spacing, manhole location criteria, separation criteria, pipeline bending radius, minimum depth of cover and standard details to be employed.

We understand the brine pipeline will be a gravity pipe along the Escondido Creek and other City streets. We propose to utilize open trench construction design for the majority of the pipeline and will evaluate trenchless crossings under Interstate 15, NCTD railroad right-of-way, major City streets, and possibly the creek crossings. Where required we will obtain a CAL-OSHA tunnel classification permit for tunneled excavations. This applies where the tunnel/casing diameter is 30-inch and larger (i.e. manned entry potential). Horizontal directional drilling (HDD) technique will be evaluated as a means to perform these trenchless crossings which would avoid the CAL-OSHA permit requirement and minimize the excavation/shoring requirements for conventional bore and jack construction. Based on information provided by City staff, there is no objection to using a siphon on the brine pipeline. Encroachment permits will be obtained from Caltrans and NCTD for crossing of the right-of way.

Besides the crossings of Caltrans and NCTD right-of-way, we understand the remainder of the project alignment is within City streets or City controlled easements. Our scope does not include the preparation of easement documents or work related to easement acquisition.

Once the existing utility conflicts are plotted on the profile along with the various right-of-way restrictions, we will develop a preliminary profile for discussion with City staff. This profile will identify the recommended construction technique for all sections of the pipeline alignment and illustrate straight grade and siphon profile sections.

It is our understanding that potholing has been performed for the proposed alignment of the brine pipeline. We assume that the information from that investigation will be provided and only a limited number of additional potholes will be required to complete the design. We have included 2 field days of potholing in our project budget to supplement to work previously completed.

Given the project's location adjacent to the Escondido Creek, protection of water quality within the creek during construction will be paramount. Provisions for appropriate water pollution control plans will be included in the specifications for the Contractor's implementation. We assume a draft storm water pollution prevention plan (SWPPP) will be required as part of the Caltrans encroachment permit

process. This SWPPP will establish the framework of compliance requirements for the Contractor and it will be the Contractor's responsibility to complete the SWPPP as part of the final permit.

We have not included the preparation of traffic control plans as part of our scope of services. This will be a requirement for the construction contractor. We will, however, identify the work limits and any phasing requirements that must be followed by the contractor.

Work associated with this task includes bid phase support services and will include preparation of addenda, if required, and response to Contractor's questions during the public bid period.

Preparation of as-built drawings of the pipeline, based on the Contractor's red line mark-up drawings is also included in this task.

Field Survey

As noted in the RFP, design level topographic survey and right-of-way mapping data is available for the project alignment. RBF in-house survey crews will review the existing survey files and validate the accuracy of the survey files. We have allotted two field survey days to perform supplemental survey of existing conditions along the project alignment. This work will include survey of existing gravity manholes and catch basins, site improvements and other physical features along the pipeline alignment.

Permitting

We propose to implement the mitigation measures identified in the City's programmatic mitigated negative declaration (MND) for the Recycled Water Easterly Main Extension Project. Further, we will identify the need for a programmatic streambed alteration agreement (SAA) from the California Department of Fish and Wildlife if trenching is proposed across any creek crossings including concrete-lined channels. Alternatively, based on our previous experience with tunneling under concrete-lined channels, SAAs have not been required in those situations. Our in-house environmental group will work directly with the CDFW on this determination and secure the appropriate programmatic SAA permit, if needed. No other environmental permits are anticipated for the project.

Dewatering along the pipeline alignment may also be required. In lieu of securing a NPDES permit from the Regional Water Quality Control Board, we propose that any dewatering effluent be discharged into the City's sanitary sewer system. Provisions for de-silting and water quality testing will be included in the contract documents.

BRINE, RECLAIMED WATER AND BLENDED RO LINE DESIGN WASHINGTON STREET TO MOUNTAIN VIEW / HOGBACK RESERVOIR

Preliminary Design Review and Research

Our team will review all existing relevant documents and information in detail. We will also review the existing environmental documents that were originally prepared for the project. This task will also include utility research along the pipeline alignment. Information collected will provide a baseline for the design effort.

Geotechnical Investigations

This task will utilize available information obtained from previously completed exploratory investigations and expand upon new studies. RBF's philosophy is to have detailed geotechnical information for all elements of the project and include this information in the design.

We propose a field exploration program consisting 5 exploratory boreholes along the 14,200 LF of proposed pipeline alignment and 3 boreholes at the proposed tank site. Seismic refraction lines provide the compression wave velocities of the underlying materials which can then be used for classification and determining preliminary geotechnical parameters. Seismic lines are an ideal method of investigating the subsurface materials for this project because they provide correlations to excavatability within anticipated rock conditions, they have little impact on the existing surface conditions, and they are cost effective. Additional potholes will be drilled at the proposed tank site to classify the geological conditions more accurately.

The RBF team will also perform shallow test pits to obtain bulk soil samples of the near surface soils for classification. We will then evaluate the accumulated information and develop geotechnical conclusions and recommendations for use in the design and construction of the proposed project. The study will include the following:

- Preparation of geotechnical/geologic maps along the project alignment depicting the location of the seismic refraction lines, test pits, and geologic contacts.
- Regional geology, subsurface soil, rock, and groundwater conditions.
- Laboratory testing summary.
- Development of design recommendations and geotechnical parameters relative to water lines and potable water tank.
- Construction considerations including general earthwork relevant to the project

Survey

We have assumed that design level survey data is available for the pipeline alignment. RBF in-house survey crews will review the existing survey files and validate the accuracy of the survey files. A field survey will also be performed to verify the existing information on the survey maps and to collect information on any missing items. A topographic survey will be performed for the proposed tank site to determine existing conditions and provide a base map for site and structural design.

Pipeline Design

RBF will conduct a location investigation of existing utilities in detail to avoid or mitigate utility conflicts while meeting separation code requirements and provisions. A trenchless construction method may be suggested to eliminate construction impacts or avoid utility conflicts. In our experience a trenchless construction method could be preferred at major intersections such as Citrus and Valley parkway or Citrus and Bear Valley Parkway. Our team has extensive experience in designing and implementing trenchless technologies such as jack-and-bore and horizontal directional drilling for pipeline construction.

A recent structural analysis shows that the existing bridge in Citrus Ave over Escondido Creek is not capable of supporting the proposed pipeline. We will investigate the applicability of various options including a pipe bridge, open trench construction to install the pipeline below the creek or trenchless

construction for this crossing. Existing site conditions will be assessed for the suitability of these alternative construction methods. A comparative analysis of all options, including cost estimates and necessary permitting effort, will be performed and presented to the City for a final decision.

Preparation of as-built drawings of the pipeline, based on the Contractor's red line mark-up drawings is also included in this task.

Potable Water Tank Design

The RBF Project Team identified several key issues during project discussions, such as the geotechnical formation of the area, which is mainly rock, and the tight area proposed as the new tank site. Based on our experiences with similar size projects that are restricted by cost and the construction footprint, RBF proposes the tank type to be glass-fused-to-steel bolted steel. Glass-fused bolted steel tanks provide low maintenance requirements with lowest total life cycle costs while allowing easier and faster construction and minimal construction foot-print. A conceptual level visual simulation of the tank design will be prepared and submitted to the City for approval prior to design.

The new tank would be integrated into the existing potable tank system with modifications to the valves and equipment around Hogback tank. The new tank will be designed with all necessary instrumentation and equipment as required by the City operations staff and existing SCADA requirements.

A site, to the north east of the Hogback tank, was originally considered for the new tank. However, that site is no longer preferred. Therefore, the new site on the south west corner of the Hogback tank will be studied. A topographic site survey will be performed to provide base maps for optimum earthwork and foundation design.

Preparation of as-built drawings of the pipeline, based on the Contractor's red line mark-up drawings is also included in this task.

Permitting

We propose to implement the mitigation measures identified in the City's programmatic mitigated negative declaration (MND) for the Recycled Water Easterly Main Extension Project. Dewatering along the pipeline alignment may also be required. In lieu of securing a NPDES permit from the Regional Water Quality Control Board, we propose that any dewatering effluent be discharged into the City's sanitary sewer system. Provisions for de-silting and water quality testing will be included in the contract documents.

Depending on the construction for the crossing of Escondido Creek, we will identify the need for a programmatic streambed alteration agreement (SAA) from the California Department of Fish and Wildlife if trenching is proposed across any creek crossings including concrete-lined channels. Alternatively, based on our previous experience with tunneling under concrete-lined channels, SAAs have not been required in those situations. Our in-house environmental group will work directly with the California Department of Fish and Wildlife on this determination and secure the appropriate programmatic SAA permit, if needed.

Project Management

Our project manager, John Harris, will allocate resources, assist with strategic project planning, implement our QA/QC procedures, and provide overall assurance that the City's needs are met. John will be responsible for maintaining the schedule and budget, and will facilitate regular progress meetings to track the design and production schedules of the project so we can manage immediate production goals, as well as look ahead several weeks toward upcoming submittal milestones

Construction phase assistance is not included in our scope and fee at this time.

ADDITIONAL SCOPE ITEMS

Following scope items were included after further discussions on June 19, 2014.

- Potholing along Citrus Avenue. We have included 2 field days of potholing in our project budget to supplement to work previously completed.
- County Grading Permit preparation and application. The new tank site and the improvements around the site will be exempt from Building Permit requirements. However, a County Grading Permit will be required. Permit package preparation and application is included in this scope.
- An Addendum to the Final Initial Study/Mitigated Negative Declaration (IS/MND) (adopted October 2013) will be the required environmental document. The Addendum will be prepared consistent with the requirements of CEQA and the City of Escondido in order to update the Project Description to reflect the Project as currently proposed, and to evaluate potential effects caused by re-location of the water tank to the site currently being considered (southeast of the existing water tank).

EXCLUSIONS

Anything not specifically listed in the Scope of Services is excluded. Additional specific exclusions are as follows:

- We have assumed that all pipeline alignment is located within either City property or City easement. Therefore no additional right-of-way or easement acquisition efforts are included in this scope.

Compensation

Client agrees to compensate RBF for the services described in Attachment A – Scope of Services.

Compensation will be on a LUMP SUM basis in the amount of \$354,185 in accordance the attached Fee Proposal for all tasks. The LUMP SUM amount cannot be exceeded without prior written authorization by the District.

Progress billings will be forwarded to the Client on a monthly basis. Monthly billings will be computed on the basis of percent complete for the task items noted thereon and based on upon City's receipt of milestone submittals for the detailed design task. Reimbursable expenses (mileage, printing, etc.) are included in the LUMP SUM amount.

Subconsultant invoices will include a ten percent (10%) mark-up for management, coordination, and invoicing.

Client will make every reasonable effort to review invoices within fifteen (15) working days from date of receipt of the invoices and notify RBF in writing of all items that are alleged to be incorrect.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 6

Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council
FROM: Debra Lundy, Real Property Manager
SUBJECT: Grant of Easement Deed to Caltrans at Westfield Mall Parking Lot

RECOMMENDATION:

It is requested that Council adopt Resolution Number 2014-87 authorizing the Real Property Manager to execute an Easement Deed for the benefit of Caltrans at Westfield Mall.

FISCAL ANALYSIS:

N/A

PREVIOUS ACTION:

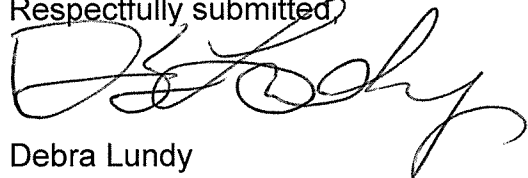
N/A

BACKGROUND:

As part of its state-wide safety initiative to reduce highway accidents for its employees, Caltrans is requesting an easement for access purposes across a portion of the Westfield Mall parking lot in order to access its irrigation box, located within Caltrans right of way. Currently crews access the box from the highway shoulder and this Access Easement would provide a safer alternative. This easement restricts use of any parking spaces within the easement area during the holiday shopping season. In the event the City requires the easement area, for any reason, Caltrans shall quitclaim the deed and receive a replacement easement in a location acceptable to both parties.

The City's ground lessor, Westfield, has approved of the requested easement.

Respectfully submitted,



Debra Lundy
Real Property Manager

RESOLUTION NO. 2014-87

A RESOLUTION OF NECESSITY BY THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE REAL PROPERTY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, AN EASEMENT DEED FOR THE BENEFIT OF CALTRANS THROUGH A PORTION OF WESTFIELD NORTH COUNTY MALL PARKING LOT FOR ACCESS TO CALTRANS' IRRIGATION EQUIPMENT WITHIN THE STATE'S RIGHT OF WAY

(APN: 271-030-20 Por.)

WHEREAS, real property, identified as Assessor's Parcel Number 271-030-20, is owned by the City of Escondido ("City") and ground leased to Westfield, LLC; and

WHEREAS, the California Department of Transportation ("Caltrans") has an irrigation box installed in the adjacent right of way off Interstate 15 between Interstate 15 and the City's parcel; which is partially improved with a parking lot for the Westfield North County Mall; and

WHEREAS, as part of its state-wide initiative to reduce highway accidents for its employees, Caltrans is requesting an easement for access purposes across a portion of the Westfield North County Mall parking lot in order to access its irrigation box from a location other than off the highway; and

WHEREAS, the parties agree to restrict use of any parking spaces within the easement area during the holiday shopping season; and

WHEREAS, the parties agree that in the event the City requires the easement area for any reason, Caltrans shall quitclaim the deed and receive a replacement

easement in a location acceptable to both parties; and

WHEREAS, to allow Caltrans access through the City's parcel, the City wishes to approve the grant of Easement Deed to Caltrans ("Easement").

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 Real Property Manager is authorized to execute, on behalf of the City, the attached Easement affecting Assessor Parcel Number 271-030-02 granting easement rights to Caltrans. The Easement is attached as Exhibit "A" and is incorporated by this reference.

STATE OF CALIFORNIA HIGHWAY USAGE
 STATE BUSINESS FREE GOVT CODE 6103
 DEPARTMENT OF TRANSPORTATION
 DISTRICT 11

When recorded mail to:

State of California
 Department of Transportation
 4050 Taylor Street M.S. 310
 San Diego, CA 92110

Space above this line for Recorder's Use
 R/W MAP 55640.1m APN 271-03-2000 E.A. 00000812

EASEMENT DEED
 (MUNICIPAL CORPORATION)
 (DONATION)

District	County	Route	Post	Number
11	SD	11	27.0	35004-1

CITY OF ESCONDIDO DOCUMENT NO. M-08-14

CITY OF ESCONDIDO, a Municipal Corporation

A corporation organized and existing under and by virtue of the laws of the State of California, GRANT to the State of California Department of Transportation (Caltrans) an EASEMENT FOR ACCESS PURPOSES upon, over and across that certain real property in the City of Escondido, County of San Diego, State of California, described as follows:

See Exhibit "A" attached and by this reference incorporated herewith, subject to all matters of record, and depicted on Exhibit "B" for illustration purposes

The area of the easement located within the parking lot shall not be used during the period of November 25th through January 15th during holiday shopping hours.

In the event that the GRANTOR requires the land for any reason, GRANTEE shall release and quitclaim the rights granted herein upon receipt of written notice from GRANTOR, provided however that the GRANTOR provides a substitute replacement easement in a location that is acceptable to Caltrans.

The Grantor(s), their successors and assigns, agree not to erect buildings or structures, store any materials upon any portion of the above-described easement nor to utilize the land within the easement for any purpose other than the rights granted herein.

IN WITNESS WHEREOF, the CITY OF ESCONDIDO has caused this deed to be executed by its Real Property Manager, pursuant to City Council Resolution No. 2014-87, adopted July 23, 2014, authorizing such execution.

CITY OF ESCONDIDO, GRANTOR

Date: _____
Debra Lundy, Real Property Manager

State of California
County of _____

} ss

ACKNOWLEDGMENT

On _____ before me, _____, personally
(here insert name and title of the officer)
appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Ground lessee's acknowledgement of herein described easement

EWH ESCONDIDO ASSOCIATES, L.P., a Delaware limited partnership, as tenant-in-common

By: Westfield North County GP II LLC, a Delaware limited liability company, its general partner

By: North County Owner 1 LLC, a Delaware limited liability company, its managing member

By: North County REIT 1 LLC, a Delaware limited liability company, its managing member

By: North County 1 LP, a Delaware limited partnership, its sole member

By: Westfield North County GP LLC, a Delaware limited liability company, its
general partner

By: North County Holding 2 LLC, a Delaware limited liability company, its sole
member

By: Westfield America Limited Partnership, a Delaware limited partnership,
its sole member

By: Westfield U.S. Holdings, LLC, a Delaware limited liability
company, its general partner

By: _____

Name: _____

Title: _____

Dated this _____ day of _____, 20_____

State of California
County of _____

} ss

ACKNOWLEDGMENT

On _____ before me, _____, personally
(here insert name and title of the officer)
appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Ground lessee's acknowledgement of herein described easement

By: North County Owner 2 LLC, a Delaware limited liability company, its managing member

By: North County REIT 1 LLC, a Delaware limited liability company, its managing member

By: North County 1 LP, a Delaware limited partnership, its sole member

By: Westfield North County GP LLC, a Delaware limited liability company, its general partner

By: North County Holding 2 LLC, a Delaware limited liability company, its sole member

By: Westfield America Limited Partnership, a Delaware limited partnership, its sole member

By: Westfield U.S. Holdings, LLC, a Delaware limited liability company, its general partner

By: _____
Name: _____
Title: _____

Dated this _____ day of _____, 20_____

State of California
County of _____

} ss

ACKNOWLEDGMENT

On _____ before me, _____, personally
(here insert name and title of the officer)
appeared _____

_____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Ground lessee's acknowledgement of herein described easement

NORTH COUNTY FAIR LP, a Delaware limited partnership, as tenant in common

By: Westfield North County GP II LLC, a Delaware limited liability company, its general partner

By: North County Owner 1 LLC, a Delaware limited liability company, its managing member

By: North County REIT 1 LLC, a Delaware limited liability company, its managing member

By: North County 1 LP, a Delaware limited partnership, its sole member

By: Westfield North County GP LLC, a Delaware limited liability company, its general partner

By: North County Holding 2 LLC, a Delaware limited liability company, its sole member

By: Westfield America Limited Partnership, a Delaware limited partnership, its sole member

By: Westfield U.S. Holdings, LLC, a Delaware limited liability company, its general partner

By: _____
Name: _____
Title: _____

Dated this _____ day of _____, 20_____

State of California
County of _____

} ss

ACKNOWLEDGMENT

On _____ before me, _____, personally
(here insert name and title of the officer)
appeared _____

_____, who proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s)
on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and
correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Ground lessee's acknowledgement of herein described easement

- By: North County Owner 2 LLC, a Delaware limited liability company, its managing member
- By: North County REIT 1 LLC, a Delaware limited liability company, its managing member
- By: North County 1 LP, a Delaware limited partnership, its sole member
- By: Westfield North County GP LLC, a Delaware limited liability company, its general partner
- By: North County Holding 2 LLC, a Delaware limited liability company, its sole member
- By: Westfield America Limited Partnership, a Delaware limited partnership, its sole member
- By: Westfield U.S. Holdings, LLC, a Delaware limited liability company, its general partner

By: _____
Name: _____
Title: _____

Dated this _____ day of _____, 20_____

State of California
County of _____

} ss

ACKNOWLEDGMENT

On _____ before me, _____, personally
(here insert name and title of the officer)
appeared _____

_____, who proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged
to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s)
on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and
correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

THIS IS TO CERTIFY, That the State of California, acting by and through the Department of Transportation (pursuant to Government Code Section 27281), hereby accepts for public purposes the real property described in the within deed and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand
this _____ day of _____ 2014

Director of Transportation

By _____
Attorney in Fact

EXHIBIT "A"

AN EASEMENT FOR ACCESS PURPOSES, to the STATE OF CALIFORNIA, it's successors and assigns, in and to Parcel 7 of Escondido Map No. 85-08 in the City of Escondido, County of San Diego, State of California, according to Parcel Map 14270, filed in the of the office of the County Recorder of San Diego County, State of California, recorded May 1, 1986, as File Number 86-172854, described as follows:

BEGINNING at a point on the Westerly line of said Parcel 7 distant thereon N05°38'16"W, 20.00 feet from the Southwesterly corner of said Parcel; thence (1) continuing along said line N05°38'16"W, 11.03 feet; thence (2) N59°25'14"E, 44.24 feet; thence (3) N31°46'21"W, 7.50 feet; thence (4) N58°13'39"E, 18.00 feet; thence (5) S31°46'21"E, 25.00 feet; thence (6) S58°13'39"W, 18.00 feet; thence (7) N31°46'21"W, 7.50 feet; thence (8) S59°25'14"W, 49.10 feet to the Point Of Beginning.

TOGETHER WITH the right of reasonable access to said easement.

CONTAINING 745.99 square feet, more or less. (0.02 acres)

This real property description has been prepared by me, or under my direction, in conformance with the Professional Land Surveyors' Act.

Signature _____

Date _____



EXHIBIT "B"

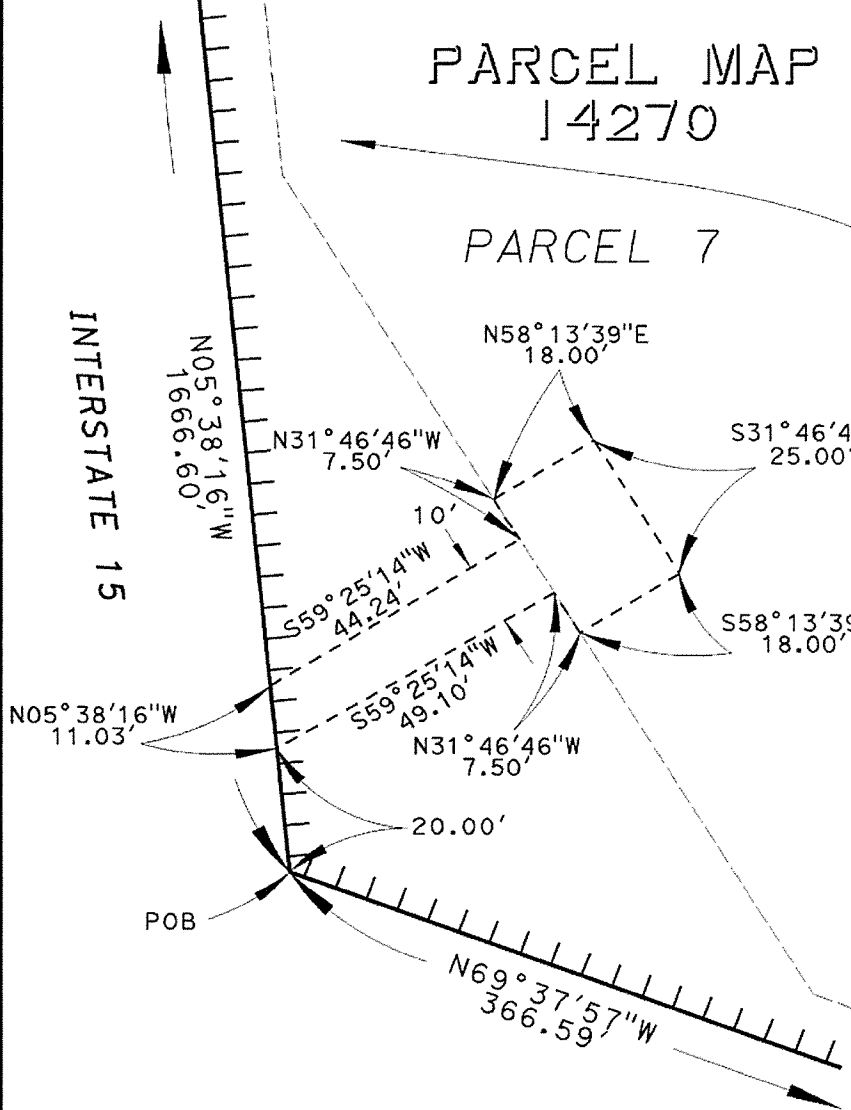
CITY OF ESCONDIDO

PARCEL MAP 14270

PARCEL 7

WESTFIELD
PARKING LOT

INTERSTATE 15



STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 DISTRICT II

PARCEL 35004

RIGHT OF WAY MAP NO. Por. 55640.1m

COUNTY	ROUTE	POST MILE	SCALE
SD	15	27.0	NONE

E.A. 000812

DATE PLOTTED:	TIME PLOTTED:	USER ID:	FILE PATH:
01-MAY-2014	14:02	s104500	U:\Projects\SD15\6LIAS\DGN\MaintenanceEase.dgn

CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 7
Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Debra Lundy, Real Property Manager

SUBJECT: Cemetery Pipeline Replacement Project: Release and Settlement Agreement for Easement Acquisition (APN: 240-230-29, 30 & 31/Lypps)

RECOMMENDATION:

It is requested that Council adopt Resolution Number 2014-112 authorizing the Real Property Manager to execute a Release and Settlement Agreement to acquire easement interest in property necessary for the City of Escondido's Cemetery Pipeline Replacement Project.

FISCAL ANALYSIS:

Costs of the property interest acquisitions will come from an existing Water Utility Capital Fund called the Waterline-Cemetery Area Project #704911, which has an available balance of \$5.1 million.

PREVIOUS ACTION:

On June 11, 2014, Council adopted Resolution 2014-71 authorizing the City Attorney to commence an eminent domain action against Lypps to acquire the easement interests required for the Project.

BACKGROUND:

The Cemetery Waterline Replacement Project will involve the abandonment of approximately 17,500 linear feet of existing potable water pipeline and the construction of approximately 12,600 linear feet of new replacement potable water transmission and distribution pipeline. The Project also includes 2,545 linear feet of new recycled water pipeline. The property owners impacted by the Project have been asked to donate the new easement interests in exchange for the City quitclaiming the existing easements encumbering their properties. The City successfully acquired 15 easements from 13 owners in the Project area. With the exception of one easement interest presently being sought by Court Order due to a nonresponsive owner, the subject three (3) easements will conclude the right of way acquisition and the Project can go out to bid.

The Project requires three new easements across three of the Lypps properties. After over two years of negotiating a voluntary acquisition with the property owner, a settlement could not be consummated and the City proceeded to appraise the property in order to make a statutory offer under California Eminent Domain Law. The City's appraiser valued the three easements at \$22,570 and a statutory offer of just compensation was made to the property owner accordingly.

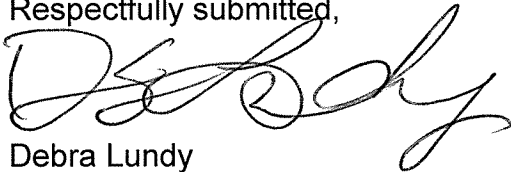
The parties subsequently resumed negotiations and have now come to terms on a deal that involves partial payment of the just compensation in cash payment of \$11,500, and the balance to be paid in

Cemetery Pipeline Replacement Project
Release and Settlement Agreement (Lypps)
July 23, 2014
Page 2

the way of City installation with the Project of three (3) new water meters which have been purchased by the Owner using meter credits. The value of the meter installation according to the City's fee schedule is \$11,070. Because of the condition of the existing pipeline, the parties have agreed that the meter installation would be performed with the Project. In the event the meter install does not occur within four (4) years, the City, at its election, may pay the balance of the just compensation in cash, or install the meters ahead of the Project.

The proposed settlement amount does not exceed the appraised value of the property interests and will save the City money by avoiding eminent domain litigation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Debra Lundy', written in a cursive style.

Debra Lundy
Real Property Manager

RESOLUTION NO. 2014-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE REAL PROPERTY MANAGER TO EXECUTE, ON BEHALF OF THE CITY, A RELEASE AND SETTLEMENT AGREEMENT WITH PROPERTY OWNER CHARLES NORBERT LYPPS FOR THE ACQUISITION OF EASEMENT INTERESTS NEEDED FOR THE CEMETERY WATERLINE REPLACEMENT PROJECT

(APNs: 240-230-29, 30 & 31)

WHEREAS, the City of Escondido's ("City") Cemetery Waterline Replacement Project ("Project") requires easement interests on portions of real property with assessor's parcel numbers 240-230-29, 30 & 31 (collectively "Property"), owned by Charles Norbert Lypps ("Property Owner"); and

WHEREAS, the easements have been valued at \$22,570; and

WHEREAS, the parties desire to avoid litigation expenses associated with a potential condemnation action and have negotiated an agreement whereby in exchange for the Property Owner granting the easement interests, a portion of the just compensation will be paid in cash (\$11,500) and a portion will be paid via City installation of three (3) new water meters (\$11,070 per fee schedule) with the Project; and

WHEREAS, the City Council desires at this time, and deems it to be in the best public interest, to approve the Release and Settlement 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 Real Property Manager is authorized to execute, on behalf of the City, the Release and Settlement Agreement, which is attached as Exhibit "A" and is incorporated by this reference.

RELEASE AND SETTLEMENT AGREEMENT

This Agreement is entered into as of July _____, 2014 ("Effective Date"), between the City of Escondido, a California municipal corporation which includes its respective elected and appointed boards, officials, officers, agents, employees and volunteers (collectively the "City") and real property owner Charles Norbert Lypps ("Property Owner"). The City and the Property Owner may also at times be individually referred to as a "Party" and collectively as "Parties."

RECITALS

WHEREAS, the City is currently in the process of upgrading the City's water utilities in the City of Escondido through a project commonly known as the Cemetery Water Line ("Project"); and

WHEREAS, the Property Owner currently resides at and is the owner of the home located at 2680 Canyon Crest Drive, Escondido, California, and real property which includes Assessor's Parcel No. 240-230-29 ("Parcel 2"), Assessor's Parcel No. 240-230-30 ("Parcel 3"), & Assessor's Parcel No. 240-230-31 ("Parcel 4") collectively referred to herein as the "Properties"; and

WHEREAS, the City wishes to acquire and the Property Owner has agreed to irrevocably dedicate exclusive, permanent easements for water utility purposes in the locations and scope more particularly described below ("Easements"); and

WHEREAS, the Parties now wish to fully settle any and all claims regarding or associated with the City's Project and the Easements which includes, but is not limited to, any property, business, or any other interests related to or regarding the City's acquisition or use of the Easements and construction of the Project.

NOW, THEREFORE, the City and the Property Owner agree as follows:

SECTION 1. RECITALS INCORPORATED AND DEFINITIONS

1.1 **Recitals.** The recitals set forth above are incorporated herein by this reference and deemed a part of this Agreement.

2.1 Definitions

- (a) "Construction Professionals" shall mean any entity and/or individual taking part in the construction of the Project, including, but not limited to, construction workers, contractors, engineers, laborers, or their agents.
- (b) "Easement Area(s)" shall mean that portion of Parcel 2, Parcel 3, and Parcel 4 described in the Easements.

SECTION 2. SETTLEMENT AND RELEASE

2.1 **Consideration.** In consideration for the Easements, the City shall tender total compensation of twenty-two thousand five hundred seventy dollars (\$22,570) to Property Owner in the form of a) an initial payment in the amount of ELEVEN THOUSAND FIVE HUNDRED DOLLARS (\$11,500) ("Payment") to the Property Owner; and b) installation of new water meters in accordance with Section 5 (collectively, "Consideration") in exchange for the Easements and the releases described below. The Payment shall be made to the "White and Bright Client Trust Account," payable within fourteen (14) days of the Effective Date of this Agreement.

Waiver. In exchange for the Consideration listed above and this Agreement, Property Owner hereby releases, relinquishes, and forever discharges the City from any and all past, present or future obligations, duties, liabilities, rights, entitlements, responsibilities, demands, claims, actions, suits and causes of action arising out of the City's acquisition of the Easements, except as otherwise reserved in this Agreement ("Easement Acquisition Release").

2.2 **Cal. Civ. Code §1542 Waiver.** As to the Easement Acquisition Release, it is a full and final release applying to all losses, including but not limited to damages, costs, expenses, and attorneys' fees, incurred by Property Owner, arising out of or in any way connected with the above-described matters. It is the intention of the Parties, in executing this Agreement, that the same shall be effective as a bar to each and every claim, demand, and cause of action, by Property Owner based upon the above-described matter, and Property Owner knowingly, voluntarily, and expressly waives any and all rights and benefits otherwise conferred by the provisions of section 1542 of the California Civil Code which states as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release which, if known by him or her, must have materially affected his or her settlement with the debtor."

The Property Owner expressly consents that, notwithstanding Section 1542 of the California Civil Code, this Agreement shall be given full and final effect according to each and all of its express terms and conditions, including those related to unknown and unsuspected claims, demands, and causes of action. The Parties acknowledge and agree that this waiver is an essential and material term of this Agreement and, without such waiver, this Agreement would not have been entered into.

AS TO THE EASEMENT ACQUISITION RELEASE, PROPERTY OWNER HEREBY WAIVES ALL RIGHTS AND PROTECTIONS OTHERWISE AVAILABLE TO THEM UNDER §1542, HAVING HAD FULL OPPORTUNITY TO CONSULT WITH COUNSEL OF THEIR CHOOSING REGARDING THE MATTER.

Charles Norbert Lypps

SECTION 3. DEDICATION OF EASEMENTS

- 3.1 **Easements.** In exchange for the Consideration and this Agreement, and concurrent with the execution of this Agreement, the Property Owner shall execute and deliver to the City three easements to the City for water pipeline purposes across a certain portion of Parcel 2, Parcel 3, and Parcel 4, as more fully described in Exhibits 1, 2, and 3 attached to this Agreement and incorporated herein, to be recorded at the City's election (the "Easements").
- 3.2 **Exclusive.** These Easements are exclusive to the City. However, Property Owner may use the Easement Areas in ways that do not interfere with the City's use of the Easements, including use of the Easements for ingress and egress to the Properties, irrigation, and for certain planting/farming purposes. Any plantings within the Easement Area must be ten (10) feet from the centerline of any water pipelines installed by the City, or in a location approved by the City in writing. Any such use by Property Owner within the Easement Areas shall be at the risk of the Property Owner. In the event such Property Owner use of the Easement Areas interferes with the City's use of Easements, the City shall bear no responsibility or costs associated with damage or removal of such items. Such items shall be removed by Property Owner within fifteen (15) days of the mailing of written notification by or on behalf of the City to do so. Failure to remove the encumbrances within the noticed timeframe may result in cost recovery from Property Owner by the City.

SECTION 4 CONSTRUCTION

- 4.1 **Restoration.** The City shall restore to original condition any damage to Property Owner's roads, walls, drainage structures, slopes, or other existing improvements whether within the Easements or on other portions of the Properties caused by the City's construction of the Project or any post Project-construction use of the Easements, including, but not limited to, any actions by Construction Professionals. In the event of such damage, City shall notify Property Owner within forty-eight (48) hours. All construction material left over in the Easement Area after completion of construction of the Project, or any construction material left over after the repair and/or restoration of the Easement Area thereafter, shall be removed from the Properties by the City within two weeks of notification from Property Owner.
- 4.2 **Notice of Temporary Shut-Off.** The City shall provide the Property Owner with at least twenty-four (24) hours notice prior to shutting off water service to the Properties as part of the construction of the Project.
- 4.3 **Relocation of Utilities.** The City shall relocate as necessary, the existing power; irrigation valves, pipes, and laterals; electrical; water meters, a 1" backflow device, a 2" backflow device; water booster pump; pump house, and other existing utilities within the Easement on Parcel 4 at the Properties, to a location mutually agreed by the Parties and within reasonable proximity to any such displaced facilities. If any utility materials are damaged or replaced, they must be equivalent or better of materials currently existing at the Effective Date.
- 4.4 **Relocation of Palm Trees.** City will transplant or replace the existing palm trees that impact the placement of the pipeline within the Easements to outside of the Easements,

to a location agreed upon with Property Owner. Any replacement of said trees will be 20 feet tall measured from the base of the trunk to the top of the trunk. Replacements will be of like kind to the existing palm trees.

- 4.5 **Trees.** Property Owner acknowledges that several numerous trees within the Easements will be impacted or removed as a result of the Project and that the compensation for such impact or damage is included in the Consideration above. Notwithstanding the above, Property Owner shall be entitled to just compensation for any trees impacted or removed by the City, or the Construction Professionals, outside of the Easement Area, and Property Owner written permission must be obtained prior to any tree being cut or removed outside of the Easement Area.
- 4.6 **Irrigation.** The Project may impact the flow of water to existing irrigation lines for a period of time not to exceed forty-eight (48) hours. City shall ensure that any private irrigation lines that are damaged or displaced, are repaired or replaced as necessary, in the same location, with like or better materials within seven days of damage or removal.
- 4.7 **Soil Impact.** City will take all reasonable steps to ensure that the existing leaves below avocado trees on the Properties remain undisturbed. No soil or construction materials will be piled or left around the base of any avocado tree(s). Property Owner shall be entitled to just compensation for any trees destroyed by improper precautions.
- 4.8 **Hours.** Any construction done in the area of the Easements will only occur between the hours of 7:00 AM to 6:00 PM (PST), Monday through Friday.
- 4.9 **Construction Staging and Access.** The City shall not use Property Owner's Parcel 1, known as Assessor's Parcel No. 240-230-28, for any Easement construction purpose, including, but not limited to, ingress or egress access to the Easement Area or construction staging, or for any other purpose not related to the rights contained in the existing easement [82-116208] for the City's benefit which presently encumbers Parcel 1.
- 4.10 **Maintenance.** The City shall have the sole responsibility for ongoing maintenance of the water pipelines within the Easement Area and the Project. The City shall not use the Easements for the storage of equipment, nor maintain any permanent superterranean structures within the Easement Area.
- 4.11 **Insurance.** The City shall cause all Construction Professionals to maintain general liability insurance, with minimum limits of \$1,000,000 each occurrence, and \$2,000,000 general aggregate for the purpose of indemnification against accidents or other contingencies, including contractual liability and/or mechanic's liens, caused by, or arising out of, the Project and/or the use of the Easements, which shall necessarily include the entire Easement Area, and areas adjacent thereto during any construction within the Easement Area. After construction within the Easement Area is complete, the City shall continue to maintain and ensure that liability insurance for damages caused by the water pipelines and/or the City's use of the Easements is covered under the City's excess liability insurance policy or policies as they may be amended, in an amount no less than the City's current \$500,000 self-insurance and \$2,500,000 excess insurance policies.

- 4.12 **Removal of Mechanic's Liens.** City agrees that it shall pay, or cause to be paid, all costs of labor, services and/or materials supplied in the prosecution of the construction done, or caused to be done, on the Properties, and City shall keep the Properties free and clear of all mechanics' liens and other such liens on account of work done by the City or Construction Professionals. If any such claim of lien is recorded against the Properties, City shall, within sixty (60) days following the date City has knowledge of such recordation, cause the same to be removed of record. If City desires to contest any such claim of lien, it shall either (a) post a mechanics' lien release bond issued by a responsible corporate surety in an amount sufficient to satisfy statutory requirements therefor, or (b) furnish Property Owner with adequate security for the amount of the claim plus estimated costs and interest, and (c) promptly pay or cause to be paid all sums awarded to the claimant on its suit. City shall forthwith notify Property Owner in writing of any claim of lien filed against the Properties or the commencement of any action affecting the title thereto. Property Owner or his representatives shall have the right to post and keep posted thereon notices of nonresponsibility or such other notices which Property Owner may deem to be proper for the protection of his interest in the Properties.

SECTION 5. METER INSTALLATIONS

- 5.1 **Meter Credits.** Property Owner received water meter credits for his election to downsize a 4-inch water meter then existing on the Properties ("Meter Credits"). Upon the execution of this Agreement, said Meter Credits shall be applied toward the purchase of the three (3) new reduced size meters, more specifically described below in section 5.2(a), (b) and (c) to be installed at the Properties ("New Meters"). Prior to the Effective Date, the Property Owner already paid for, and caused to be installed, a new 2-inch meter on Parcel 4, APN 240-230-31 ("Parcel 4 Meter"). The City agrees to continue to support and maintain the Parcel 4 Meter as part of the Project.
- 5.2 **New Meters.** In exchange for the Easements which are the subject of this Agreement, the City agrees to pay for and install the New Water Meters on the Properties, without any additional installation costs or expenses, charged by the City or incurred by the Property Owner. The New Meters shall consist of the-following:
- (a) 2-inch meter to be installed on Parcel 3, APN 240-230-30, concurrently with the construction of the Project.
 - (b) 1.5-inch meter to be installed on Parcel 1, APN 240-230-28 concurrently with the construction of the Project.
 - (c) 1-inch meter to be installed on Parcel 2, APN 240-230-29 concurrently with the construction of the Project.

The benefit of the cost of and installation of the New Meters shall inure to the benefit of Property Owners' grantees, heirs, successors, assigns, and representatives, to the extent permitted by law. The Parties acknowledge and agree that the installation of the New Meters is an essential and material term of this Agreement and, without such New Meters, this Agreement would not have been entered into.

- (a) Timing of Installation. In the event construction within the Easement Area for the Project is delayed more than four (4) years from the Effective Date, the City shall either install the New Meters at no additional cost to

Property Owner or pay Property Owner eleven thousand seventy dollars (\$11,070) within three (3) months thereafter.

(b) Location. The location of the New Meters will be mutually agreed upon by the City and Property Owner, and such Property Owner shall not be unreasonably withheld.

SECTION 7. MISCELLANEOUS

- 7.1 **Binding Effect.** Each and every provision of this Agreement shall be binding upon and shall inure to the benefit of the respective grantees, heirs, successors, predecessors, assigns, representatives, insurers, employees, and agents of the Parties hereto, in the same manner as if such Parties had been expressly named herein.
- 7.2 **No Obligation to Third Parties.** This Agreement is made and entered into for the sole protection and benefit of the Property Owner and the City and their successors and assigns. No other person shall have any right of action based upon any provision in this Agreement.
- 7.3 **Drafting.** Each Party has cooperated in the drafting and preparation of this Agreement and any construction to be made of this Agreement, shall not be construed against any Party.
- 7.4 **Consultation with Counsel.** Each of the Parties to this Agreement hereby acknowledges that it has executed this Agreement with the consent, and upon the advice, of its own attorney.
- 7.5 **Effect of Waiver.** No waiver by a Party of any provision of this Agreement shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision. The exercise by a Party of any right or remedy provided in this Agreement or provided by law shall not prevent the exercise by that Party of any other remedy provided in this Agreement or under the law.
- 7.6 **Notices.** All notices and other communications hereunder shall be in writing and shall be deemed given when personally delivered or if sent by mail, to the correct address as indicated below:

To: CITY OF ESCONDIDO
Attention: Real Property Manager
201 North Broadway
Escondido, CA 92025

To: Charles Norbert Lypps
2680 Canyon Crest Drive
Escondido, CA 92027

With a Copy to:
White and Bright, LLP
Attention: Frederick W. Pfister, Esq.
970 Canterbury Place
Escondido, CA 92025

Any Party may change its mailing address/facsimile at any time by giving written notice of such change to the other Party in the manner provided herein at least ten (10) days prior to the date such change is affected.

- 7.7 **Captions.** The captions and headings herein are for convenience and reference only and do not limit or construe the provisions of this Agreement.
- 7.8 **Entire Agreement.** This Agreement contains the entire agreement between the Parties hereto, and supersedes all prior and contemporaneous agreements, representations, and understandings of the Parties. The terms of this Agreement are contractual in nature and not a mere recital. This Agreement is executed without reliance upon any representation by any person concerning the nature or extent of damages or legal liability therefore, and each signer of this Agreement has carefully read and understood the contents of this Agreement and signs the same as his or her own free act.
- 7.9 **Amendment.** This Agreement may not be amended, modified, or supplemented except by a writing executed by the party against whom such amendment, modification, or supplement is sought to be enforced.
- 7.10 **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 North County Division of the San Diego County Superior Court or federal courts located in San Diego County, California.
- 7.11 **Execution in Counterparts.** This Agreement may be executed in any number of counterparts or by facsimile transmission, each of which shall be deemed an original with the same effect as if all signatures were on the same instrument.

(SIGNATURES ON FOLLOWING PAGE)

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

PROPERTY OWNER

Date: _____

Charles Norbert Lypps

CITY OF ESCONDIDO

Date: _____

Debra Lundy, Real Property Manager

APPROVED AS TO FORM AND CONTENT:

CITY OF ESCONDIDO

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

By: _____

WHITE AND BRIGHT, LLP

Frederick W. Pfister, Attorney for Charles Norbert Lypps

**RECORDING REQUESTED BY
The City of Escondido**

And When Recorded Mail to:

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

APN 240-230-29 por.

No recording fee required; this
document exempt from fee pursuant to
Section 27383 of the California
Government Code

**CITY OF ESCONDIDO
WATERLINE EASEMENT
ESC. DOCUMENT NO. M-10-12**

This deed exempt from tax – Section 11922 of the California Revenue and
Taxation Code

FOR VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY
ACKNOWLEDGED

GRANTOR, CHARLES NORBERT LYPPS

hereby GRANTS to

THE CITY OF ESCONDIDO, a municipal corporation, GRANTEE,

a permanent and perpetual easement together with the right to forever maintain
and operate underground water pipelines, and appurtenances thereto, both
above and below the ground level, under and across that real property described
as follows:

See Exhibits "A & B" attached hereto and made a part hereof ("Easement Area").

CITY OF ESCONDIDO DOC. NO. M-10-12
TITLE OR TYPE OF DOCUMENT: Waterline Easement
GRANTOR: Lypps

TOGETHER WITH the right within the Easement Area to remove any improvement, brush, trees, shrubs, and other growth thereon, unless otherwise herein provided, and at any time and from time to time to locate, relocate, construct reconstruct, maintain, operate, renew, enlarge and remove pipe, and necessary appurtenances thereto, with the right of ingress and egress at all times to said easement and from the same.

PROVIDED HOWEVER, that said right of ingress and egress must be exercised in such a way as will do the least possible damage to the lands, plantings, or improvements thereon.

PROVIDED FURTHER, that GRANTOR, its successors and assigns, agree not to erect buildings or structures upon any portion of the above-described Easement.

GRANTOR further agrees it will exercise only such reserved rights in the Easement Area as will not interfere with or prohibit the free and complete use and enjoyment by GRANTEE, its successors or assigns, of the rights herein granted.

GRANTEE shall ensure that liability for damages caused by the water pipelines is covered under GRANTEE'S excess liability insurance policy or policies as they may be amended.

GRANTEE shall not use the Easement Area for the storage of equipment within the Easement Area.

GRANTOR shall be responsible for maintenance of its property within the Easement Area. GRANTEE shall be responsible for maintenance of its facilities installed within the Easement Area and shall have the right but not the duty to clear and keep the Easement Area clear from buildings, structures and materials which may interfere with GRANTEE's use.

CITY OF ESCONDIDO DOC. NO. M-10-12
TITLE OR TYPE OF DOCUMENT: Waterline Easement
GRANTOR: Lypps

TO HAVE AND TO HOLD said Easement and Right of Way unto the City of Escondido, its successors and assigns, forever.

GRANTOR

Date: _____
Charles Norbert Lypps

GRANTOR'S ALL-PURPOSE ACKNOWLEDGMENT
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On _____ (date) before me, _____,
a Notary Public, personally appeared

(name(s) of signers)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s), is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature of Notary

CITY ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the attached deed or grant, dated as shown hereon and from the persons named (Grantor) to the City of Escondido, a municipal corporation, is hereby accepted pursuant to Ordinance Number 2008-12 of the City Council of the City of Escondido, dated November 19, 2008, and the Grantee consents to recordation thereof by said Grantees duly authorized officer.

Real Property Manager

**RECORDING REQUESTED BY
The City of Escondido**

And When Recorded Mail to:

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

APN 240-230-30 por.

No recording fee required; this document exempt from fee pursuant to Section 27383 of the California Government Code

**CITY OF ESCONDIDO
WATERLINE EASEMENT
ESC. DOCUMENT NO. M-11-12**

This deed exempt from tax – Section 11922 of the California Revenue and Taxation Code

FOR VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY
ACKNOWLEDGED

GRANTOR, CHARLES NORBERT LYPPS

hereby GRANTS to

THE CITY OF ESCONDIDO, a municipal corporation, GRANTEE,

a permanent and perpetual easement together with the right to forever maintain and operate underground water pipelines, and appurtenances thereto, both above and below the ground level, under and across that real property described as follows:

See Exhibits "A & B" attached hereto and made a part hereof ("Easement Area").

CITY OF ESCONDIDO DOC. NO. M-11-12
TITLE OR TYPE OF DOCUMENT: Waterline Easement
GRANTOR: Lypps

TOGETHER WITH the right within the Easement Area to remove any improvement, brush, trees, shrubs, and other growth thereon, unless otherwise herein provided, and at any time and from time to time to locate, relocate, construct reconstruct, maintain, operate, renew, enlarge and remove pipe, and necessary appurtenances thereto, with the right of ingress and egress at all times to said easement and from the same.

PROVIDED HOWEVER, that said right of ingress and egress must be exercised in such a way as will do the least possible damage to the lands, plantings, or improvements thereon.

PROVIDED FURTHER, that GRANTOR, its successors and assigns, agree not to erect buildings or structures upon any portion of the above-described Easement.

GRANTOR further agrees it will exercise only such reserved rights in the Easement Area as will not interfere with or prohibit the free and complete use and enjoyment by GRANTEE, its successors or assigns, of the rights herein granted.

GRANTEE shall ensure that liability for damages caused by the water pipelines is covered under GRANTEE'S excess liability insurance policy or policies as they may be amended.

GRANTEE shall not use the Easement Area for the storage of equipment within the Easement Area.

GRANTOR shall be responsible for maintenance of its property within the Easement Area. GRANTEE shall be responsible for maintenance of its facilities installed within the Easement Area and shall have the right but not the duty to clear and keep the Easement Area clear from buildings, structures and materials which may interfere with GRANTEE's use.

CITY OF ESCONDIDO DOC. NO. M-11-12
TITLE OR TYPE OF DOCUMENT: Waterline Easement
GRANTOR: Lypps

TO HAVE AND TO HOLD said Easement and Right of Way unto the City of Escondido, its successors and assigns, forever.

GRANTOR

Date: _____
Charles Norbert Lypps

GRANTOR'S ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On _____ (date) before me, _____,
a Notary Public, personally appeared

(name(s) of signers)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s), is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature of Notary

CITY ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the attached deed or grant, dated as shown hereon and from the persons named (Grantor) to the City of Escondido, a municipal corporation, is hereby accepted pursuant to Ordinance Number 2008-12 of the City Council of the City of Escondido, dated November 19, 2008, and the Grantee consents to recordation thereof by said Grantees duly authorized officer.

Real Property Manager

**RECORDING REQUESTED BY
The City of Escondido**

And When Recorded Mail to:

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

APN 240-230-31 por.

No recording fee required; this
document exempt from fee pursuant to
Section 27383 of the California
Government Code

**CITY OF ESCONDIDO
WATERLINE EASEMENT
ESC. DOCUMENT NO. M-12-12**

This deed exempt from tax – Section 11922 of the California Revenue and
Taxation Code

FOR VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY
ACKNOWLEDGED

GRANTOR, CHARLES NORBERT LYPPS

hereby GRANTS to

THE CITY OF ESCONDIDO, a municipal corporation, GRANTEE,

a permanent and perpetual easement together with the right to forever maintain
and operate underground water pipelines, and appurtenances thereto, both
above and below the ground level, under and across that real property described
as follows:

See Exhibits "A & B" attached hereto and made a part hereof ("Easement Area").

CITY OF ESCONDIDO DOC. NO. M-12-12
TITLE OR TYPE OF DOCUMENT: Waterline Easement
GRANTOR: Lypps

TOGETHER WITH the right within the Easement Area to remove any improvement, brush, trees, shrubs, and other growth thereon, unless otherwise herein provided, and at any time and from time to time to locate, relocate, construct reconstruct, maintain, operate, renew, enlarge and remove pipe, and necessary appurtenances thereto, with the right of ingress and egress at all times to said easement and from the same.

PROVIDED HOWEVER, that said right of ingress and egress must be exercised in such a way as will do the least possible damage to the lands, plantings, or improvements thereon.

PROVIDED FURTHER, that GRANTOR, its successors and assigns, agree not to erect buildings or structures upon any portion of the above-described Easement.

GRANTOR further agrees it will exercise only such reserved rights in the Easement Area as will not interfere with or prohibit the free and complete use and enjoyment by GRANTEE, its successors or assigns, of the rights herein granted.

GRANTEE shall ensure that liability for damages caused by the water pipelines is covered under GRANTEE'S excess liability insurance policy or policies as they may be amended.

GRANTEE shall not use the Easement Area for the storage of equipment within the Easement Area.

GRANTOR shall be responsible for maintenance of its property within the Easement Area. GRANTEE shall be responsible for maintenance of its facilities installed within the Easement Area and shall have the right but not the duty to clear and keep the Easement Area clear from buildings, structures and materials which may interfere with GRANTEE's use.

CITY OF ESCONDIDO DOC. NO. M-12-12
TITLE OR TYPE OF DOCUMENT: Waterline Easement
GRANTOR: Lypps

TO HAVE AND TO HOLD said Easement and Right of Way unto the City of Escondido, its successors and assigns, forever.

GRANTOR

Date: _____
Charles Norbert Lypps

GRANTOR'S ALL-PURPOSE ACKNOWLEDGMENT
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On _____ (date) before me, _____,
a Notary Public, personally appeared

(name(s) of signers)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s), is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature of Notary

CITY ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the attached deed or grant, dated as shown hereon and from the persons named (Grantor) to the City of Escondido, a municipal corporation, is hereby accepted pursuant to Ordinance Number 2008-12 of the City Council of the City of Escondido, dated November 19, 2008, and the Grantee consents to recordation thereof by said Grantees duly authorized officer.

Real Property Manager

J-15345d

EXHIBIT "A"

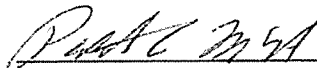
WATER LINE EASEMENT
LEGAL DESCRIPTION

Being a portion of Parcel 3 of Parcel Map No. 12163 in the County of San Diego, State of California according to Parcel Map thereof filed in the Office of the County Recorder June 3, 1982 as File No. 82-169621 said portion being more particularly described as follows:

Beginning at a point in the Northerly line of Parcel 2 of said Parcel Map No. 12163 which bears North 78°07'03" East along said Northerly line a distance of 211.01 feet from the most Northwesterly corner of said Parcel 2, said point being the beginning of a non-tangent 129.50 foot radius curve concave Southwesterly to which a radial line bears North 55°31'43" East; thence Northwesterly along the arc of said curve through a central angle of 30°59'59" a distance of 70.07 feet; thence North 65°28'16" West 39.74 feet to the beginning of a tangent 171.50 foot radius curve concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of 09°48'45" a distance of 29.37 feet to a point in the Westerly line of Parcel 3 of said Parcel Map 12163 which bears North 37°40'24" East along said Westerly line a distance of 150.19 feet from said Northwesterly corner of said Parcel 2; thence along said Westerly line of Parcel 3 and non-tangent to said curve South 37°40'24" West 20.03 feet to the beginning of a non-tangent 191.50 foot radius curve concave Northeasterly to which a radial line bears South 34°41'23" West; thence leaving said Westerly line, Southeasterly along the arc of said curve through a central angle of 10°09'39" a distance of 33.96 feet; thence South 65°28'16" East 39.74 feet to the beginning of a tangent 109.50 foot radius curve concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of 26°34'13" a distance of 50.78 feet to the Northerly line of said Parcel 2; thence non-tangent to said curve, along said Northerly line, North 78°07'03" East 22.02 feet to the **POINT OF BEGINNING**.

Containing 2637 Square Feet, more or less.

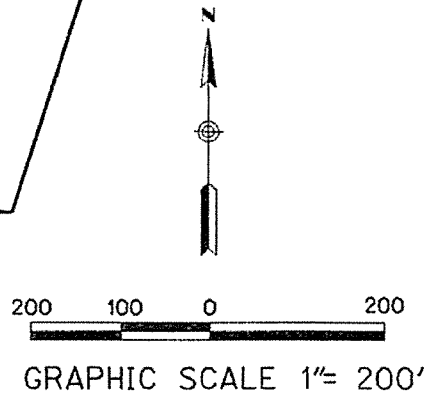
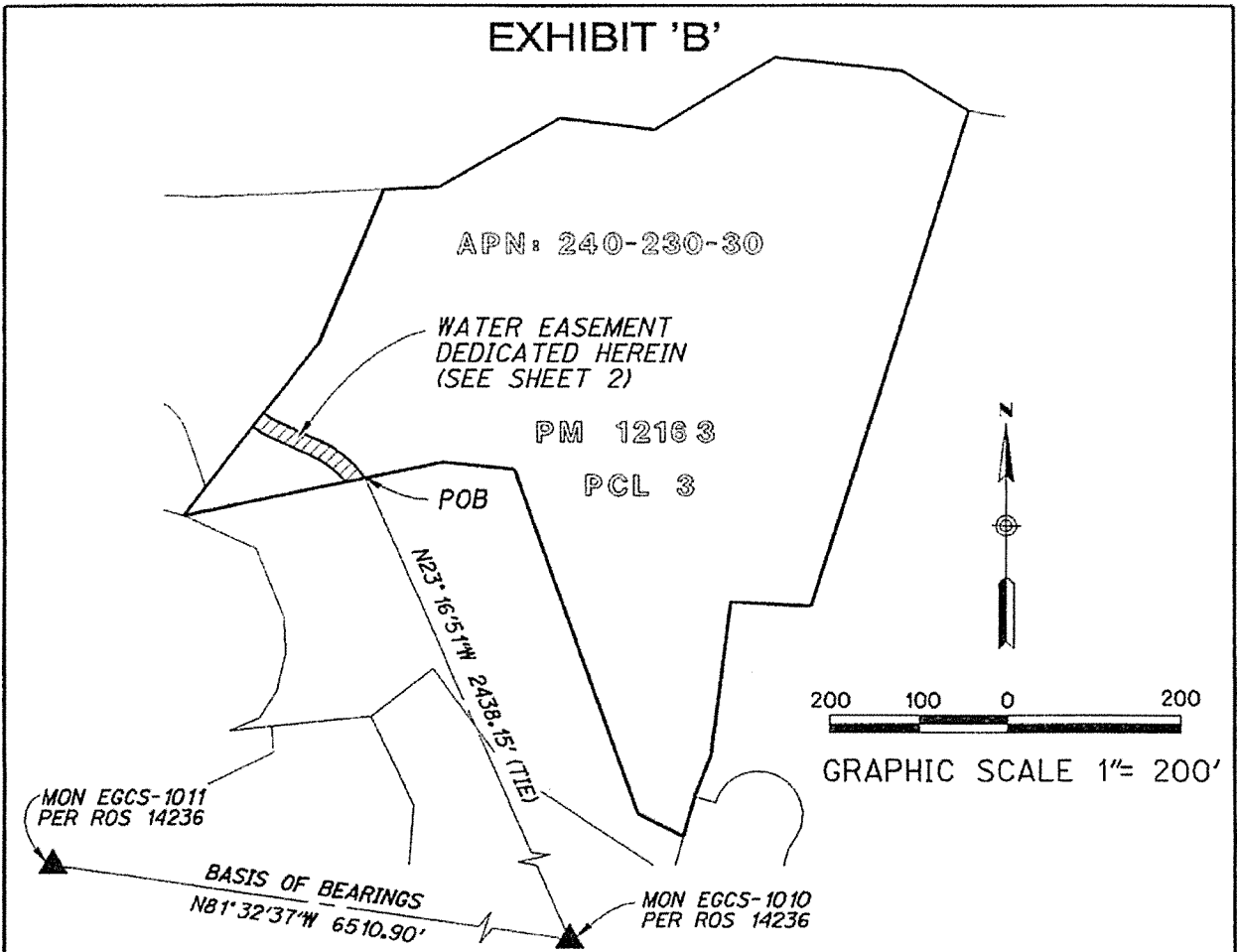
The above-described easement is more particularly delineated on Exhibit "B", attached hereto and made a part of hereof.


Patrick A. McMichael, L.S. 6187 Date 12-23-2011

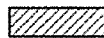



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EXHIBIT 'B'



LEGEND

-  WATER EASEMENT DEDICATED HEREIN (CONTAINS 2637 S.F.)
- POB POINT OF BEGINNING
-  ESCONDIDO MUNICIPAL WATER EASEMENT RECORDED 4/23/1982 AS INST. 82-116208

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM CCS83 ZONE 6, AND IS DETERMINED BY RTK G.P.S. MEASUREMENTS TAKEN ON NOVEMBER 30, 2009 AT GPS STA EGCS-1010 AND GPS STA EGCS-1011 AS SHOWN HEREON, PER RECORD OF SURVEY MAP No 14236.

GRID BEARING GPS STA EGCS-1010 TO GPS STA EGCS-1011: N 81°32'37\"/>



Patrick A. McMichael 12-23-2014
 PATRICK A. McMICHAEL DATE
 LS 6167

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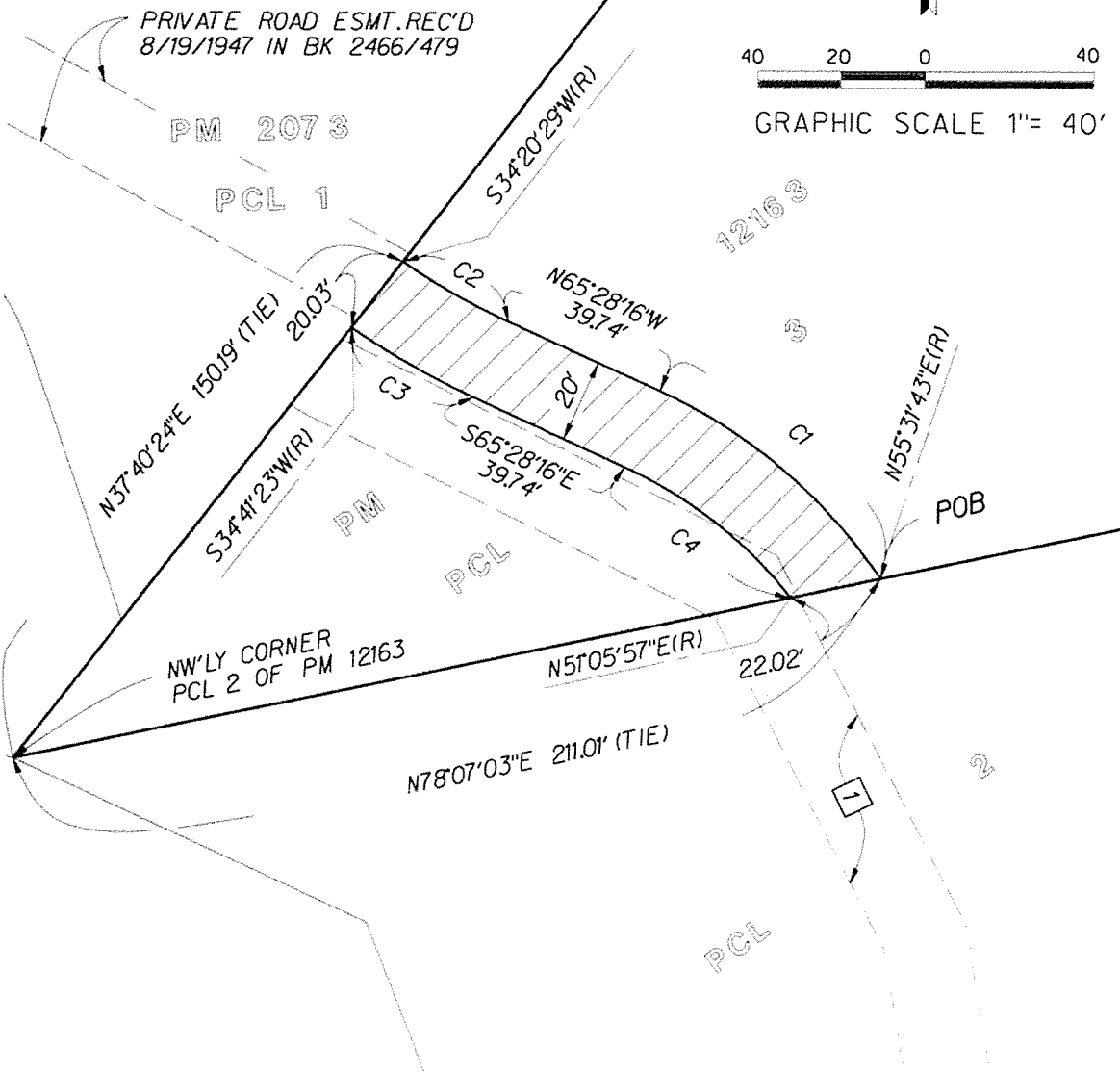
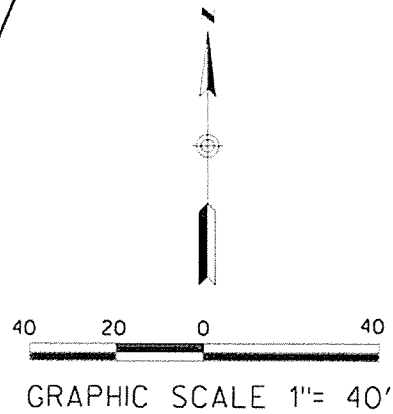
Prepared by:  J. 15345d 5620 FRIARS ROAD 619.291.0707 SAN DIEGO, CA 92110 (FAX) 619.291.4165	Date	PUBLIC WORKS DEPARTMENT, Engineering Division 201 North Broadway, CA 92025 (760) 839-4651	 DOC NO: SHEET 1 OF 2
	Date	WATER LINE EASEMENT DEDICATION PLAT EXHIBIT "B" APN: 240-230-30	

EXHIBIT 'B'

CURVE TABLE	NAME	DELTA	RADIUS	ARC
C1		30° 59' 59"	129.50	70.07
C2		9° 48' 45"	171.50	29.37
C3		10° 09' 39"	191.50	33.96
C4		26° 34' 13"	109.50	50.78

Resolution No. R2014-112
 EXHIBIT "A"
 Page 23 of 29



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Prepared by: RICK ENGINEERING COMPANY J. 15345d 5620 FRIARS ROAD SAN DIEGO, CA 92110 619.291.0707 (FAX)619.291.4165	Date	PUBLIC WORKS DEPARTMENT, Engineering Division 201 North Broadway, CA 92025 (760) 839-4651	
		WATER LINE EASEMENT DEDICATION PLAT EXHIBIT "B" APN: 240-230-30	

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J-15345d

EXHIBIT "A"

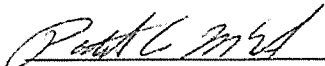
WATER LINE EASEMENT
LEGAL DESCRIPTION

Being a portion of Parcel 2 of Parcel Map No. 12163 in the County of San Diego, State of California according to Parcel Map thereof filed in the Office of the County Recorder June 3, 1982 as File No. 82-169621 said portion being more particularly described as follows:

Beginning at the most Southerly corner of said Parcel 2; thence along the Southeasterly line of said Parcel 2 North 15°56'02" East 22.04 feet; thence leaving said Southeasterly line North 56°21'25" West 214.78 feet; thence North 35°34'35" West 211.31 feet; thence North 09°36'13" West 55.93 feet to the beginning of a tangent 170.00 foot radius curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 18°52'03" a distance of 55.98 feet; thence North 28°28'16" West 37.88 feet to the beginning of a tangent 129.50 foot radius curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 06°00'01" a distance of 13.56 feet to a point in the Northerly line of said Parcel 2 which bears North 78°07'03" East along said Northerly line a distance of 211.01 feet from the most Northwesterly corner of said Parcel 2; thence along said Northerly line and non-tangent to said curve South 78°07'03" West 22.02 feet to the beginning of a non-tangent 109.50 foot radius curve concave Southwesterly to which a radial line bears North 51°05'57" East; thence leaving said Northerly line, Southeasterly along the arc of said curve through a central angle of 10°25'47" a distance of 19.93 feet; thence South 28°28'16" East 37.88 feet to the beginning of a tangent 150.00 foot radius curve concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of 18°52'03" a distance of 49.39 feet; thence South 09°36'13" East 62.83 feet to a point of intersection with the Northwesterly prolongation of the Northeasterly line in Parcel 1 of said Parcel Map No. 12163 shown as bearing "South 35°32'00" East 145.00 feet" on said Parcel Map; thence along said prolongation South 35°34'35" East 72.53 feet to the most Northerly corner of said Parcel 1; thence continuing along said Northeasterly line South 35°34'35" East 145.19 feet; thence continuing along said Northeasterly line South 56°21'25" East 225.33 feet to the **POINT OF BEGINNING.**

Containing 0.286 acres, more or less.

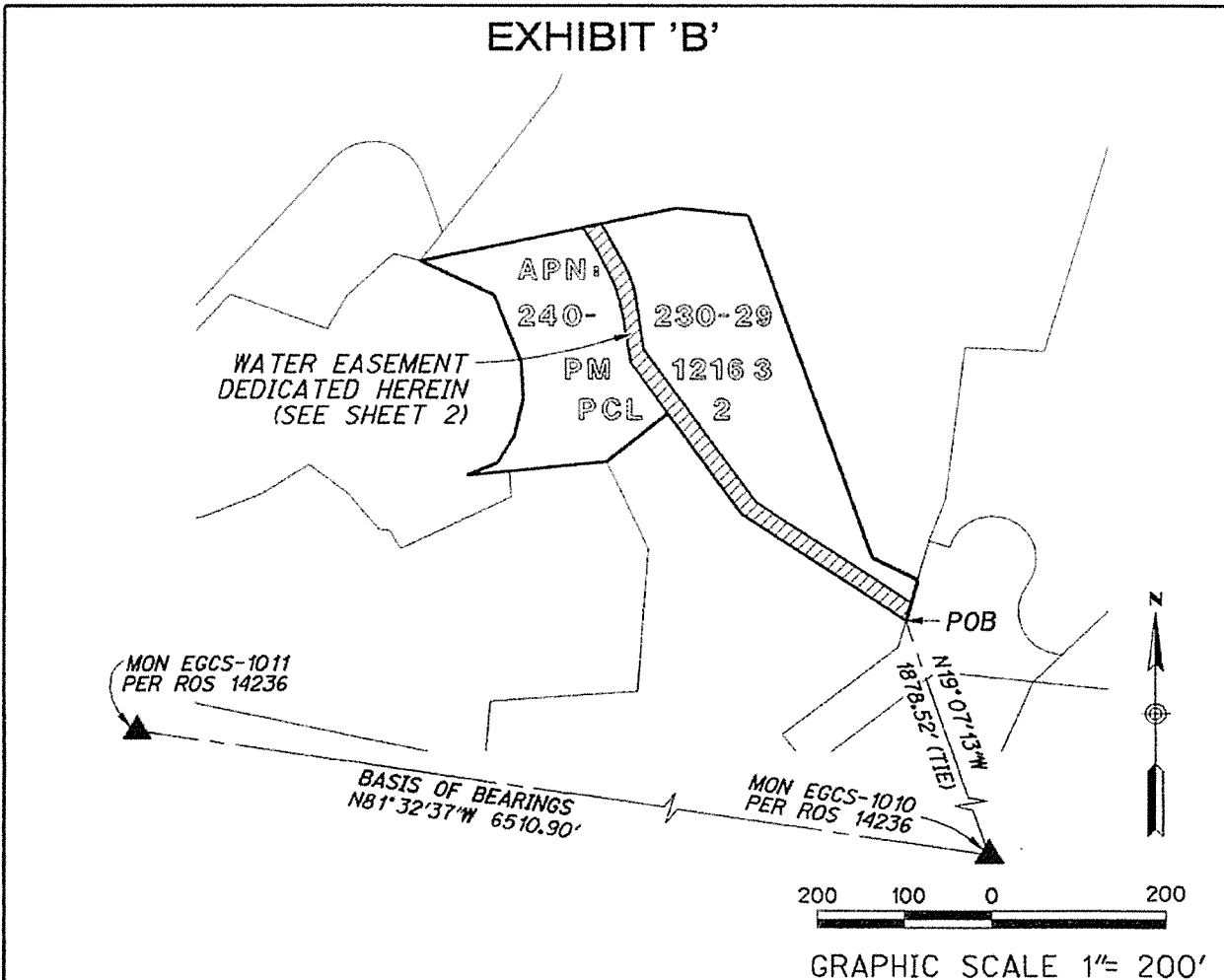
The above-described easement is more particularly delineated on Exhibit "B", attached hereto and made a part of hereof.

 12-23-2014
Patrick A. McMichael, L.S. 6187 Date

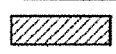

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EXHIBIT 'B'



LEGEND

-  WATER EASEMENT DEDICATED HEREIN (CONTAINS 0.286 ACRES)
- POB** POINT OF BEGINNING
-  ESCONDIDO MUNICIPAL WATER EASEMENT RECORDED 4/23/1982 AS INST. 82-116208

BASIS OF BEARINGS



THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM CCS83 ZONE 6, AND IS DETERMINED BY RTK G.P.S. MEASUREMENTS TAKEN ON NOVEMBER 30, 2009 AT GPS STA EGCS-1010 AND GPS STA EGCS-1011 AS SHOWN HEREON, PER RECORD OF SURVEY MAP No 14236.

GRID BEARING GPS STA EGCS-1010 TO GPS STA EGCS-1011: N 81°32'37\"/>



Patrick A. McMichael 12-23-2011
 PATRICK A. McMICHAE L S 6167 DATE

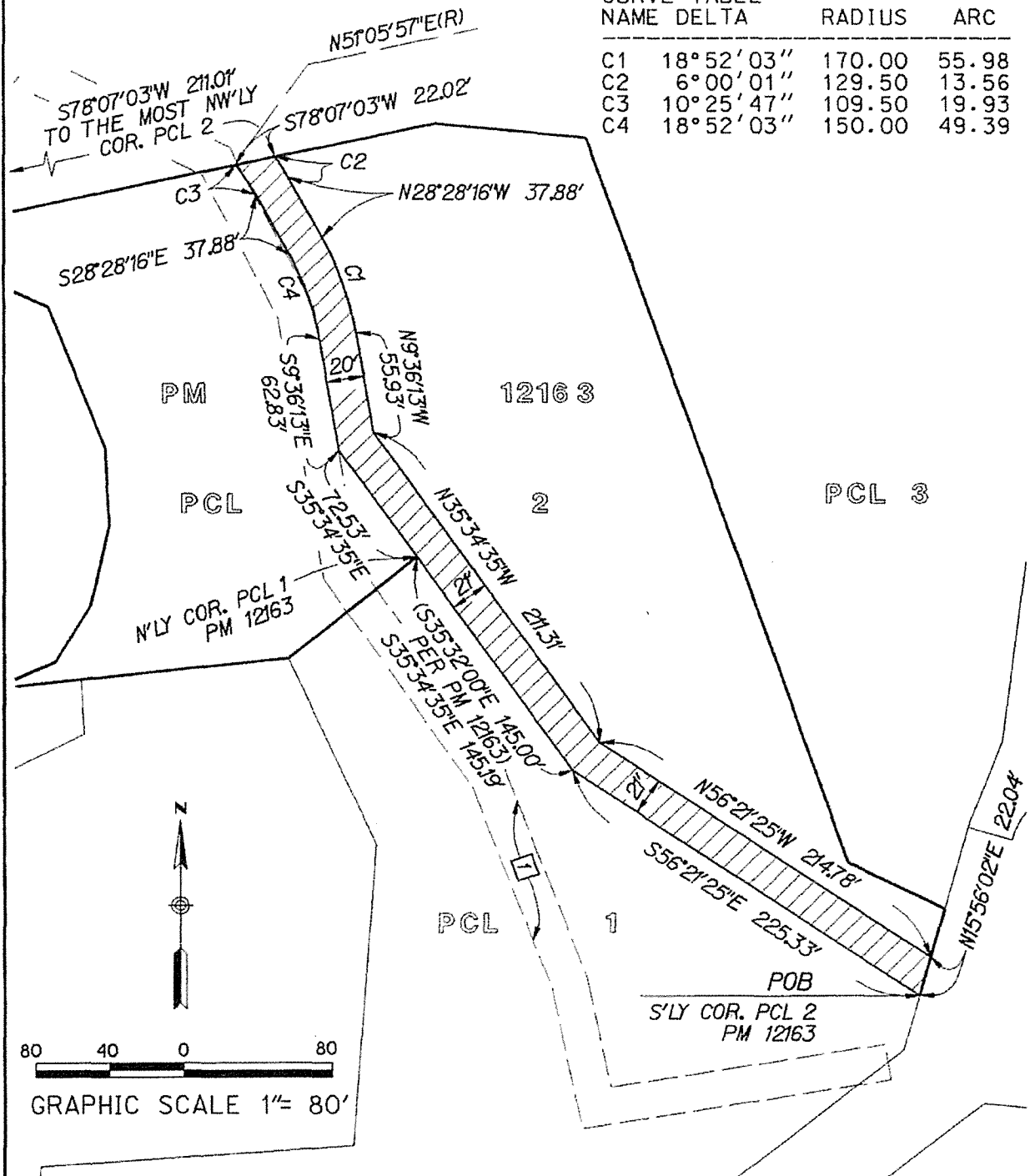
© 2011 Rick Engineering Company

Prepared by:  J. 15345d 5620 FRIARS ROAD 619.291.0707 SAN DIEGO, CA 92110 (FAX)619.291.4165	Date	PUBLIC WORKS DEPARTMENT, Engineering Division 201 North Broadway, CA 92025 (760) 839-4651	 DOC NO: SHEET 1 OF 2
	WATER LINE EASEMENT DEDICATION PLAT EXHIBIT "B" APN: 240-230-29		



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EXHIBIT 'B'

CURVE TABLE	NAME	DELTA	RADIUS	ARC
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C2		6° 00' 01"	129.50	13.56
C3		10° 25' 47"	109.50	19.93
C4		18° 52' 03"	150.00	49.39



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J-15345d

EXHIBIT "A"

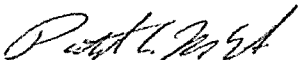
WATER LINE EASEMENT
LEGAL DESCRIPTION

Being a portion of Parcel 4 of Parcel Map No. 12163 in the County of San Diego, State of California according to Parcel Map thereof filed in said County Recorder's Office June 3, 1982 as File No. 82-169621 said portion being more particularly described as follows:

Beginning at the most Southerly corner of said Parcel 4, thence along the Southeasterly line of said Parcel 4, North 46°14'44" East 5.47 feet; thence leaving said Southeasterly line North 80°28'16" West 7.11 feet to the beginning of a tangent 35.00 foot radius curve concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of 47°00'00" a distance of 28.71 feet; thence North 33°28'16" West 24.98 feet; thence North 78°28'16" West 9.86 feet to a point in the Southerly line of said Parcel 4, said point being the beginning of a non-tangent 50.59 foot radius curve concave Northeasterly to which a radial line bears South 80°55'42" West; thence along said Southerly line, Southeasterly along the arc of said curve through a central angle of 73°58'11" a distance of 65.31 feet; thence continuing along said Southerly line South 83°02'29" East 6.12 feet to **POINT OF BEGINNING.**

Containing 552 Square Feet, more or less.

The above-described easement is more particularly delineated on Exhibit "B", attached hereto and made a part of hereof.



Patrick A. McMichael, L.S. 6187 12-23-2014 Date




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EXHIBIT 'B'

LEGEND

 WATER EASEMENT DEDICATED HEREIN
 (CONTAINS 552 S.F.)

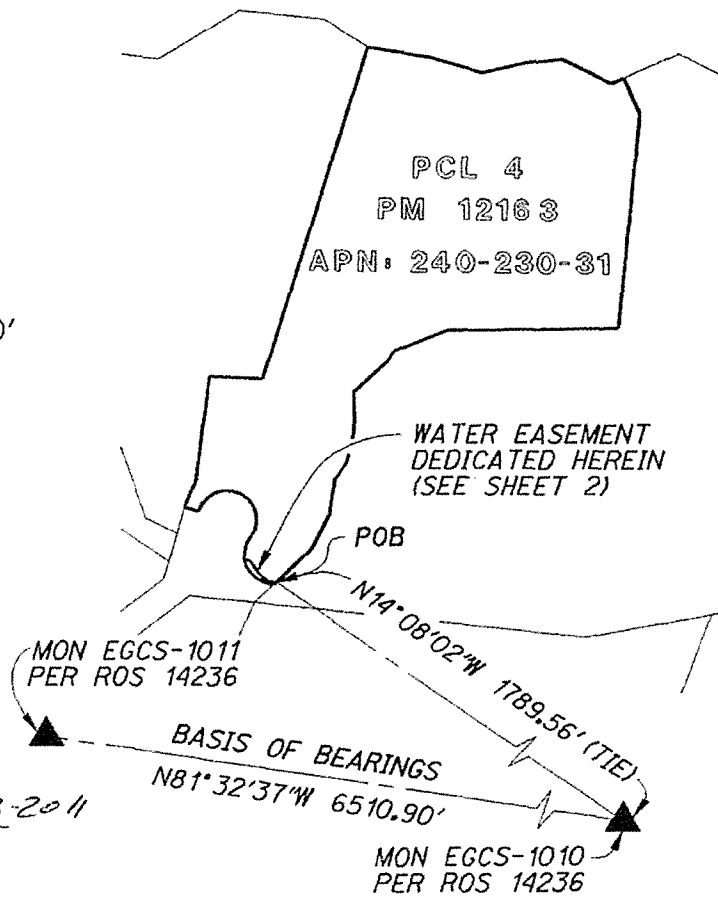
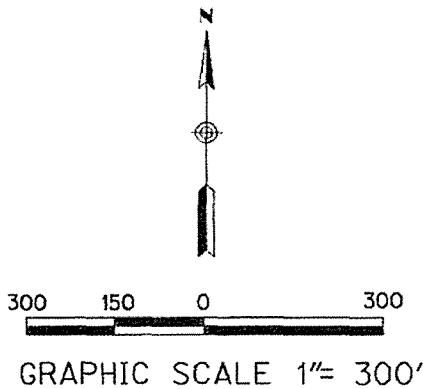
POB POINT OF BEGINNING

 PRIVATE ROAD EASEMENT RECORDED
 7/16/1969 AS FILE NO. 128451

BASIS OF BEARINGS



THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM CCS83 ZONE 6, AND IS DETERMINED BY RTK G.P.S. MEASUREMENTS TAKEN ON NOVEMBER 30, 2009 AT GPS STA EGCS-1010 AND GPS STA EGCS-1011 AS SHOWN HEREON, PER RECORD OF SURVEY MAP No 14236.

GRID BEARING GPS STA EGCS-1010 TO GPS STA EGCS-1011:
 N 81°32'37"W



Patrick A. McMichael 12-23-2011

PATRICK A. McMICHAEL DATE
 LS 6167

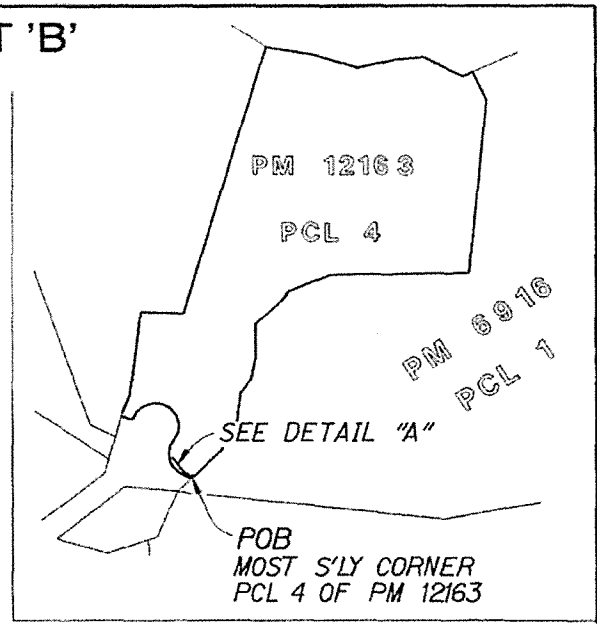
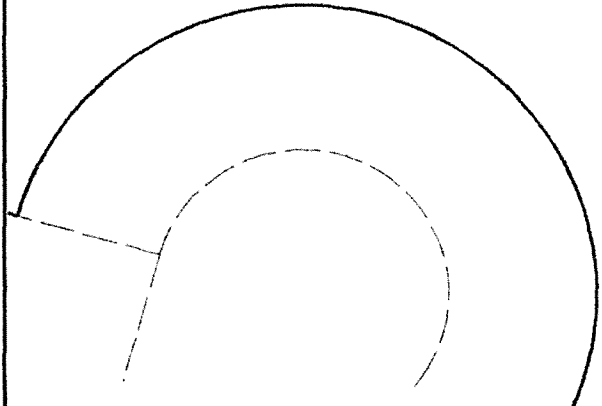
Prepared by:  RICK ENGINEERING COMPANY J. 15345d 5620 FRIARS ROAD 619.291.0707 SAN DIEGO, CA 92110 (FAX) 619.291.4165	PUBLIC WORKS DEPARTMENT, Engineering Division 201 North Broadway, CA 92025 (760) 839-4651 WATER LINE EASEMENT DEDICATION PLAT EXHIBIT "B" APN: 240-230-31	 DOC NO: SHEET 1 OF 2
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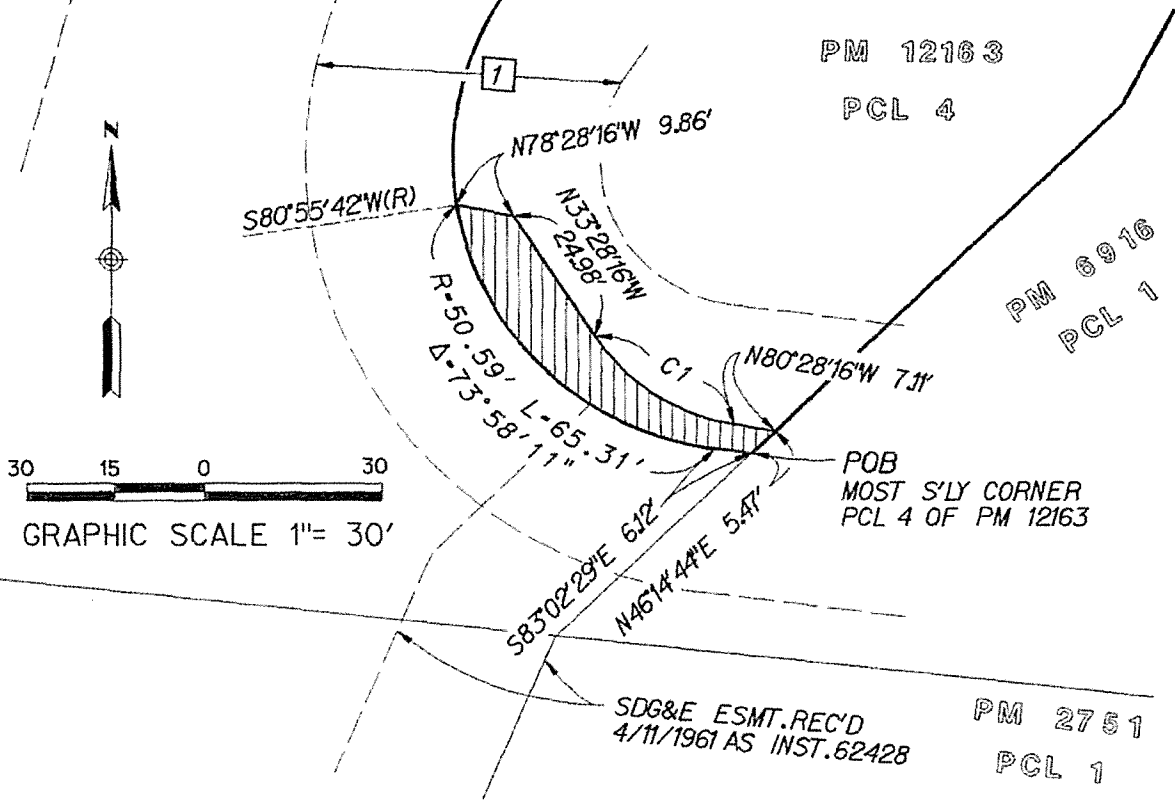
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 21-DEC-2011 15:33

EXHIBIT 'B'

CURVE TABLE			
NAME	DELTA	RADIUS	ARC
C1	47°00'00"	35.00	28.71



DETAIL 'A'



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Prepared by: **RICK ENGINEERING COMPANY** J. 15345d
 Date: _____
 5620 FRIARS ROAD SAN DIEGO, CA 92110
 619.291.0707 (FAX) 619.291.4165

PUBLIC WORKS DEPARTMENT, Engineering Division
 201 North Broadway, CA 92025 (760) 839-4651
WATER LINE EASEMENT DEDICATION PLAT
EXHIBIT "B"
 APN: 240-230-31

ESCONDIDO
 city of choice
 DOC NO: _____
 SHEET 2 OF 2

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 22-DEC-2011 10:10

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 8

Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council
FROM: Sheryl Bennett, Director of Administrative Services
SUBJECT: Memorandum of Understanding between the City of Escondido and the Police Officers' Association – Non-Sworn Bargaining Unit.

RECOMMENDATION:

City Council adopt Resolution No. 2014-108, approving the execution of a Memorandum of Understanding between the City of Escondido and the Police Officers' Association Non-Sworn Bargaining Unit for a two-year term commencing July 1, 2014 through June 30, 2016.

It is also requested that City Council approve a budget adjustment appropriating \$97,575 to cover increased contract costs. The Fiscal Year 2014-15 General Fund Operating Budget did not allocate funds for contract increases, but it is anticipated that budgetary saving at year end will cover these increased costs.

FISCAL ANALYSIS:

Cost to the General Fund for Fiscal Year 2014-15 and Fiscal Year 2015-16 is \$172,260. Funds to cover this expense have been built into the General Fund multi-year Financial Plan.

PREVIOUS ACTION:

On July 25, 2012, the City Council voted to adopt the Memorandum of Understanding between the Escondido Police Officers' Association Non-Sworn Bargaining Unit and the City of Escondido, for a two-year term that expired on June 30, 2014.

BACKGROUND:

City staff has met with the Escondido Police Officers' Association Non-Sworn Bargaining Unit, regarding terms and conditions of Employment that expired on June 30, 2014. The attached resolution outlines changes to working conditions and compensation that the Police Officers' Association Non-Sworn Bargaining Unit has agreed to during this negotiation process.

Tentative agreement on issues before the negotiating group was reached on June 25, 2014. Members of the Bargaining Unit have voted in support of the agreement.

Respectfully submitted,


Sheryl Bennett
Director of Administrative Services

RESOLUTION NO. 2014-108

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING WITH
THE ESCONDIDO POLICE OFFICERS'
ASSOCIATION, NON-SWORN BARGAINING
UNIT

JULY 1, 2014 – JUNE 30, 2016

WHEREAS, negotiating teams from the City of Escondido and the Escondido Police Officers' Association, Non-Sworn Bargaining Unit have been duly appointed and have been conducting meet-and-confer sessions with respect to matters affecting both parties; and

WHEREAS, a successor Memorandum of Understanding ("MOU") by the City of Escondido ("City") and the Escondido Police Officers' Association, Non-Sworn Bargaining Unit ("Association") is necessary as a result of meeting and conferring in good faith concerning wages, hours, and other terms and conditions of employment; and

WHEREAS, it is the intent of the successor MOU to provide for continuation of the harmonious relationship between the City and the Association; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve a successor MOU and certain other modifications.

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

1. That the above recitations are true.
2. The City's negotiating team is authorized to execute, on behalf of the City, a successor MOU extending the term of the MOU through June 30, 2016, and also including terms as set forth in Exhibit "A" attached to this Resolution and incorporated by this reference.

City of Escondido
Escondido Police Officers' Association, Non-Sworn Bargaining Unit
Successor Memorandum of Understanding
July 1, 2014 – June 30, 2016

1. **Term:** July 1, 2014 – June 30, 2016. None of the terms are retroactive. All changes take effect upon the agreed effective date after City Council adoption of the Memorandum of Understanding (MOU).

2. **Article 2, Salaries and Compensation, Section 2.02, Salary:**

- Effective pay period beginning July 20, 2014, the base salary range for all represented classifications shall be increased by two percent (2.0%).
- Effective pay period closest to and including 1/1/15, the base salary range for all represented classifications shall be increased by two percent (2.0%).
- Effective pay period closest to and including 7/1/15, the base salary range for Public Safety Shift Supervisor and Public Safety Dispatcher I/II shall be increased by two percent (2.0%).
- Effective pay period closest to and including 1/1/16, the base salary range for Public Safety Shift Supervisor shall be increased by two percent (2.0%).

3. **Article 2, Salaries and Compensation, Section 2.05, Uniform Allowance:**

Effective upon Council adoption of this successor MOU, CSO and Public Safety Dispatch personnel shall receive an annual uniform allowance of \$800. Uniform allowance will be paid on pay dates closest to July 1 and January 1 or each year.

4. **Article 2, Salaries and Compensation, Section 2.12, Standby Pay (New Section):**

For a four-month voluntary trial period beginning at shift change on 9/14/14, the following Standby Pay Program will be implemented. After four months, the City and the POA will meet and reevaluate the program and identify potential modifications, including the voluntary sign-up aspect.

The City reserves the right to terminate the program at the discretion of the Police Chief.

Each employee will sign up for 5 days (the days do not need to be consecutive) within a 4-month rotation period.

Due to staff limitations, it may be necessary for the Police Chief to schedule employees to be on stand-by to handle overtime work which may arise during other than the employee's normal working hours.

Staffing standby is defined as time in which a Public Safety Dispatcher I/II or Public Safety Dispatch Supervisor is required, by the Police Chief or designee, to remain available to respond to the Escondido Police Department. A rotation list will be maintained by the Public Safety Dispatch Manager based on staffing necessity.

Employees will sign up for standby based upon their rank and seniority within the division. If problems or conflicts arise for sign-up, employees will be assigned specific standby time by dispatch supervision.

Each employee will be responsible for standby coverage during their designated time. Trades may be worked out among co-workers, with supervisor approval. Any changes will be documented on the stand-by assignment sheet and must be acknowledged with the supervisor's initials.

Standby will start for the employee's assigned block after they have been off duty for eight (8) hours. Stand-by coverage will end when the employee returns to their regular duty shift.

If an employee is called in for standby and is due to work the following day, the dispatch supervisor will make schedule adjustments so that the employee has eight (8) hours off between shifts.

Contact Responsibility: An employee assigned to standby shall maintain current contact information, either telephone number and/or cell phone number, with the communications center. The employee assigned to standby shall be immediately available at the number(s) provided.

Compensation: An employee will be compensated for standby time at the rate of \$25 per day. Employees on standby, called to perform work, will be compensated for all actual hours worked in accordance with overtime and call-back rules.

Sick Notification: If any employee is unable to fulfill any portion of their standby assignment due to illness or other emergency, it is the employee's responsibility to notify their supervisor as soon as possible so that an alternate may be assigned.

5. Article 6, Working Conditions, Section 6.03, Association Representation, Release Time (New Supplemental Language):

Designated members of the POA/NSP shall have paid release time for the following activities in the capacity of representing the POA/NSP and/or its membership:

- a. Formally meeting and conferring with City representatives on matters within the scope of representation. Release time will also be provided for grievance or disciplinary representation as stated above. Release time will include individuals designated by the POA/NSP, and is based on receiving prior approval of the member's supervisor.
- b. Testifying or appearing as the designated representative of the POA/NSP in conferences, hearings or other proceedings before the Public Employment Relations Board, or agent thereof, in matters relating to a charge filed by the employee organization against the City or by the City against the POA/NSP.
- c. Testifying or appearing as the designated representative of the POA/NSP in matters before the Personnel Board of Review.
- d. The Association must provide reasonable notice to the City for the time off.

6. Article 8, Field Training Officer, (New Supplemental Language):

Public Safety Dispatch Trainer Pay – The City shall increase Dispatch Trainer Pay from two and one-half (2.5) hours of overtime per week, to four (4.0) hours of overtime per week when the employee is assigned a trainee.

7. Article 11, MOU Reopener – Healthcare Reform:

At such time as regulations are issued implementing the Affordable Care Act (ACA), the City and POA/NSP will meet and confer to review the impact of such regulations on the benefit plans then in force. If modifications to the benefits, eligibility for coverage, employer or employee contribution to the cost of insurance or any other provisions of the benefit plans covered by this MOU will be modified by the ACA during the term of this agreement, it is agreed that the City and POA/NSP will reopen the contract to meet and confer and determine how such mandated changes will be implemented.

8. Exhibit "B" Health Insurance, Section B:

Beginning January 1, 2015, and thereafter, any medical and/or dental insurance premium increases will be shared equally by the City and the employee for the lowest cost HMO medical plan and for the dental plans. Employees choosing more expensive medical plans are required to pay the increased cost between that plan and the lowest cost plan. The employee's share of any medical and dental insurance premium increases will be added to the employee's 2014 insurance contribution.

9. MOU Language Clean-Up:

General MOU Language clean-up was provided to the POA/NSP for review and feedback, and subsequently agreed upon during negotiations.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9
Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council
FROM: Sheryl Bennett, Director of Administrative Services
SUBJECT: Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association – Supervisory Bargaining Unit.

RECOMMENDATION:

City Council adopt Resolution No. 2014-107, approving the execution of a Memorandum of Understanding between the City of Escondido and the Escondido City Employees' Association Supervisory Bargaining Unit for a one-year term commencing July 1, 2014 through June 30, 2015.

It is also requested that City Council approve a budget adjustment appropriating \$157,165 to cover increased contract costs. The Fiscal Year 2014-15 General Fund Operating Budget did not allocate funds for contract increases, but it is anticipated that budgetary saving at year end will cover these increased costs.

FISCAL ANALYSIS:

Cost to the General Fund for Fiscal Year 2014-15 is \$72,765. Funds to cover this expense have been built into the General Fund multi-year Financial Plan.

PREVIOUS ACTION:

On October 3, 2012, the City Council voted to adopt the Memorandum of Understanding between the Escondido City Employees' Association Supervisory Bargaining Unit and the City of Escondido, for a two-year term that expired on June 30, 2014.

BACKGROUND:

City staff has met with the Escondido City Employees' Association Supervisory Bargaining Unit, regarding terms and conditions of Employment that expired on June 30, 2014. The attached resolution outlines changes to working conditions and compensation that the Escondido City Employees' Association Supervisory Bargaining Unit has agreed to during this negotiation process.

Tentative agreement on issues before the negotiating group was reached on June 26, 2014. Members of the Bargaining Unit have voted in support of the agreement.

Respectfully submitted,


Sheryl Bennett
Director of Administrative Services

RESOLUTION NO. 2014-107

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING THE EXECUTION OF A
MEMORANDUM OF UNDERSTANDING WITH
THE ESCONDIDO CITY EMPLOYEES'
ASSOCIATION, SUPERVISORY BARGAINING
UNIT

JULY 1, 2014 – JUNE 30, 2015

WHEREAS, negotiating teams from the City of Escondido and the Escondido City Employees' Association, Supervisory Bargaining Unit have been duly appointed and have been conducting meet-and-confer sessions with respect to matters affecting both parties; and

WHEREAS, a successor Memorandum of Understanding ("MOU") by the City of Escondido ("City") and the Escondido City Employees' Association, Supervisory Bargaining Unit ("Association") is necessary as a result of meeting and conferring in good faith concerning wages, hours, and other terms and conditions of employment; and

WHEREAS, it is the intent of the successor MOU to provide for continuation of the harmonious relationship between the City and the Association; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve a successor MOU and certain other modifications.

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

1. That the above recitations are true.
2. The City's negotiating team is authorized to execute, on behalf of the City, a successor MOU extending the term of the MOU through June 30, 2015, and also including terms as set forth in Exhibit "A" attached to this Resolution and incorporated by this reference.

**City of Escondido
Escondido City Employees' Association
Supervisory Bargaining Unit
Successor Memorandum of Understanding
July 1, 2014 – June 30, 2015**

1. **Term:** July 1, 2014 – June 30, 2015. None of the terms are retroactive. All changes take effect upon the agreed effective date after City Council adoption of the Memorandum of Understanding (MOU).

2. **Article IV, Salary, Section A, Wages:**

Effective pay period beginning July 20, 2014, the base salary range for all represented classifications shall be increased by three percent (3.0%).

3. **Article IV, Compensation Policy, Section 9 Certification Pay (Supplemental Language):**

Associate Engineers:

The City agrees to provide specialty pay of five percent (5.0%) for employees who hold a Professional Civil or Traffic Engineer Certification in the State of California. The minimum job requirement for the Associate Engineer classification specification will be revised to eliminate the Professional Engineering Certificate substitution for experience.

Environmental Compliance Operations Supervisor:

The City agrees to provide specialty pay of five percent (5.0%) for the supervisor who holds a valid Environmental Compliance Inspector certificate from the California Water Environmental Association.

Maximum certification pay is limited to five percent (5.0%) regardless of certifications held by employee.

4. **Article VIII, Tuition Reimbursement (Supplemental Language):**

A maximum of \$2,000 will be allotted annually for the use of tuition reimbursement for Supervisory Bargaining Unit employees, as outlined within Article VIII.

5. **Article XXIX, MOU Reopener – Healthcare Reform:**

At such time as regulations are issued implementing the Affordable Care Act (ACA), the City and ECEA will meet and confer to review the impact of such regulations on the benefit plans then in force. If modifications to the benefits, eligibility for coverage, employer or employee contribution to the cost of insurance or any other provisions of the benefit plans covered by this MOU will be modified by the ACA during the term of this agreement, it is agreed that the City and ECEA will reopen the contract to meet and confer and determine how such mandated changes will be implemented.

6. **MOU Language Clean-Up:**

General MOU Language clean-up was provided to the ECEA for review and feedback, and subsequently agreed upon during negotiations.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 10

Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Public Works Director/City Engineer
Richard O'Donnell, Deputy Director of Public Works/Maintenance

SUBJECT: Authorization of Submittal for Used Oil Payment Program Grant Application and Associated Documents

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2014-114 authorizing the Deputy Director of Public Works/Maintenance or his designee to complete and submit an application to CalRecycle for Used Oil Payment Program funds to implement a local used lubricating oil and filter collection program. If the application is accepted by CalRecycle, it is further requested that the Deputy Director of Public Works/Maintenance or his/her designee be authorized to accept the grant funds, and execute all documents necessary to implement and secure payment.

FISCAL ANALYSIS:

Funds will be used to provide used oil educational materials for the public, staff training, used oil recycling kits, as well as financial incentives for local businesses to serve as certified collection centers, all at no cost to the City.

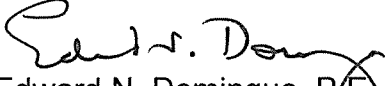
PREVIOUS ACTION:

N/A

BACKGROUND:

CalRecycle has streamlined the application process and monitoring requirements for this grant, thus allowing the City to participate with minimal impact to staff, and no impact to the operating budget.

Respectfully submitted,


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


Richard O'Donnell
Deputy Director of Public Works/Maintenance

RESOLUTION NO. 2014-114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE DEPUTY DIRECTOR OF PUBLIC WORKS/MAINTENANCE, OR HIS/HER DESIGNEE TO EXECUTE, ON BEHALF OF THE CITY, AN APPLICATION TO CALRECYCLE FOR A USED OIL PAYMENT PROGRAM GRANT AND RELATED AUTHORIZATIONS

WHEREAS, pursuant to Public Resources Code Section 48690, the Department of Resources Recycling and Recovery ("CalRecycle") has established the Used Oil Payment Program to make payments to qualifying jurisdictions for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of the Used Oil Payment Program; and

WHEREAS, CalRecycle's procedures for administering the Used Oil Payment Program require, among other things, an Applicant's governing body to declare by resolution certain authorizations related to the administration of the Used Oil Payment Program; and

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

1. That the above recitations are true.
2. That the City Council authorizes the Deputy Director of Public Works/Maintenance or his/her designee to submit an application on behalf of the City to

CalRecycle for a Used Oil Payment Program Grant and to execute all documents necessary to implement and secure payment.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 11
Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Public Works Director/City Engineer
Homi Namdari, Assistant City Engineer

SUBJECT: Addendum to Meadowbrook Improvement and Reimbursement Agreement, Meadowbrook Village Development Project (2002-69-CUP) ("Addendum"):

RECOMMENDATION:

Adopt Resolution No. 2014-110 approving an Addendum to the Meadowbrook Improvement and Reimbursement Agreement.

FISCAL ANALYSIS:

No additional City funds will be used to support the modification of this agreement.

PREVIOUS ACTION:

City Council approved a Reimbursement Agreement ("Agreement") on June 15, 2006, to reimburse the Stewardship Foundation for up to \$3.7 million dollars of public improvements on North Broadway near Stanley Avenue and Vista Avenue, Reidy Creek channel improvements, and other public benefits. The Agreement is attached to this report.

BACKGROUND:

In 2006 the City, and the Stewardship Foundation and Meadowbrook Village Christian Care Center entered into a reimbursement agreement to authorize the owner to receive up to \$3,700,000 for the construction of off-site public improvements and associated studies. At the time, staff estimated the value of the public improvements to be \$5,000,000. The original agreement included multiple sources for the reimbursed funds including the reimbursement from other developers for other North Broadway area projects in the future.

To date the Owners have constructed 108 of the 120 planned units and the City has reimbursed the owner \$2,552,199. On April 8, 2014, the owners received approval from the Planning Commission to modify the original CUP to construct sixty-six senior apartments. The new apartments will replace the planned residential units that were eligible for the fee credits but never built.

July 23, 2014

Addendum to Meadowbrook Improvement and Reimbursement Agreement, Meadowbrook Village Development Project (2002-69-CUP) ("Addendum")

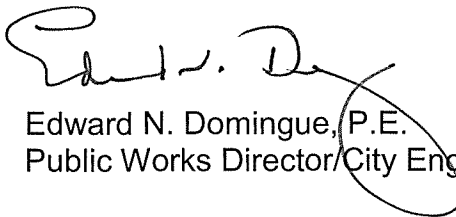
Page 2


The proposed Addendum to Meadowbrook Improvement and Reimbursement Agreement will allow the owner to apply the remaining balance of \$321,470.60 in fee credits (\$20,198.09 in drainage fee credits, \$20,056.52 in local traffic fee credits, \$104,246.71 in regional traffic fee credits, \$176,969.28 in wastewater connection credits) to the fees due for the senior apartments (projected at \$449,592). Owner would pay the remaining fees in accordance with the adopted fee schedule. The Addendum also credits the owners with \$412,500 in North Broadway deficiency fees.

RECOMMENDATION:

Staff recommends approving Resolution 2014-110 to allow the developer to apply the original credits toward the new construction. When combined with other connection and impact fee credits and North Broadway deficiency fee credits, the City will owe the Owner \$413,830. As with the original Agreement, the Owner will be paid the remaining balance when the City collects North Broadway deficiency fees from other developers. Staff believes the proposed Addendum meets the spirit of the original reimbursement agreement and is in the best interest of all parties.

Respectfully submitted,


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


Homi Namdari, P.E.
Assistant City Engineer

MEADOWBROOK IMPROVEMENT AND REIMBURSEMENT AGREEMENT

This agreement (the "Agreement") is made and entered into this 15th day of June, 2006, (the "Execution Date") between Stewardship Foundation, a California nonprofit corporation ("Owner"), Meadowbrook Village Christian Care Center, a California nonprofit corporation ("Developer"), and the CITY OF ESCONDIDO, a California municipal corporation ("City").

RECITALS

- A. Owner owns real property consisting of five parcels totaling approximately 33.77 acres of vacant land located between Iris Lane and North Broadway, south of Village Road, and on the northeast corner of North Broadway and Stanley Avenue in the City of Escondido, APN's 224-300-17, 226-840-14, 15, 224-130-54, and 226-840-13 (the "Property"). The legal description of the Property is attached hereto as **Exhibit A**.
- B. The City has approved Developer's application for a Conditional Use Permit (2002-69-CUP) in conjunction with the construction of a congregate care facility on the Property (the "Project").
- C. The Project abuts Reidy Creek, which lies within the Federal Emergency Management Agency ("FEMA") 100-year flood plain. In order to develop the City property and roadways near to, or in the flood plain, City must first update its current topographical and biological maps of the Reidy Creek area. Developer agrees to complete the studies (the "Reidy Creek Study"), as described in **Exhibit B**, in order to update the FEMA flood maps. City has agreed to reimburse Developer's costs in preparing the Reidy Creek Study.
- D. A portion of the North Broadway area adjacent to Reidy Creek is subject to flooding. Developer could resolve the Project's drainage requirements by bringing in sufficient soil to raise the Project site above the existing 100-year flood plain. However, contingent upon Developer's actual development of the Project, and in fulfillment of the conditions of approval, Developer is prepared to construct certain off-site drainage improvements (the "Drainage Improvements"), as described in **Exhibit B** attached hereto, to accommodate burdens placed on the City's storm drain system by both the Project and other properties in the area. The Drainage Improvements will remedy an existing City critical infrastructure deficiency.
- E. In conjunction with Developer's construction of the Project, City and environmental agencies are requiring that certain mitigation measures (the "Mitigation Measures") be implemented in accordance with **Exhibit B** attached hereto. Some of the impacts that require mitigation are a direct result of actions taken by other projects in the area or taken by the City.
- F. Existing traffic volumes require signalization of the intersection located at Vista Avenue and North Broadway and improvement of North Broadway to a

collector street standard. Developer will perform the signalization and improvement work (the "Traffic Work"), in accordance with **Exhibit B** attached hereto, to mitigate these traffic impacts.

- G. The Parties enter into this Agreement to reimburse Developer for the cost of the public portion of the Drainage Improvements, the Mitigation Measures and the Traffic Work (collectively, the "Improvements"), as well as the cost of the Reidy Creek Study (collectively, the "Public Benefits"), as described in **Exhibit B**.
- H. Developer's willingness to implement, construct, perform and pay for the Public Benefits required by the Project Conditions of approval are contingent upon City's agreement to participate in the costs, and without the City's participation, Developer would not complete the Public Benefits.
- I. City's willingness to participate in the costs of the Public Benefits is contingent upon adherence to prevailing wage requirements pursuant to California Labor Code Section 1770, et seq. In this Agreement Developer covenants to comply with all such prevailing wage requirements with respect to those improvements for which City will make reimbursement.
- J. Escondido Municipal Code Sections 32.206.01 and 32.206.02 allow the City to make reimbursement to the Developer for Public Benefits to be constructed by Developer, consistent with California Government Code Section 66485. The City's reimbursement to Developer will be made through several different sources of funds, as set forth in this Agreement. These include cash, credit for construction in lieu of standard building fees, credit for construction in lieu of regional deficiency development fees, reimbursement from prior lien agreements recorded by neighboring property owners, and the remainder, if any, from funds contributed by future development projects that contribute cash toward regional deficiency development fees.

THEREFORE, the Parties agree as follows:

AGREEMENT

CONDITIONS PRECEDENT TO AGREEMENT.

1. This Agreement and the Parties' respective rights and obligations set forth herein shall be conditional and contingent upon City approval of all discretionary development entitlements that are within City's authority to approve or issue for the Project.

1.1. DEVELOPER'S RESPONSIBILITIES

- 1.1.1. Developer shall implement, or employ or retain a contractor to implement, the Reidy Creek Study.

- 1.1.2. Developer shall construct and install, or employ or retain a contractor to construct and install, the Drainage Improvements in accordance with the plan hereto attached as **Exhibit B**.
 - 1.1.3. Developer shall implement, or employ or retain a contractor to implement, the Mitigation Measures in accordance with the plan hereto attached as **Exhibit B**.
 - 1.1.4. Developer shall perform, or employ or retain a contractor to perform, the Traffic Work in accordance with the plan hereto attached as **Exhibit B**.
 - 1.1.5. Developer covenants to fulfill all provisions of applicable federal and state law regarding payment of prevailing wages on work to be reimbursed by the City, consistent with the requirements of **Exhibit C**, which is incorporated by this reference.
- 1.2. CITY'S PARTICIPATION. City's participation shall be to reimburse the Developer for the cost of the Public Benefits up to a maximum of THREE MILLION SEVEN HUNDRED DOLLARS (\$3,700,000) (the "Total Reimbursement") as follows:
- 1.2.1. CONSTRUCTION IN LIEU OF STANDARD DEVELOPMENT FEES. The cost to construct those Public Benefits described in **Exhibit B** exceeds the City's contribution under this Agreement. City hereby agrees to reimburse Developer for a portion of the cost of the Public Benefits through the use of fee credits. In consideration for Developer's construction of the Improvements, City shall credit Developer for the Developer's drainage, traffic, traffic surcharge, City water connections, wastewater connection fees and plan check fees in the approximate amounts set forth in **Exhibit D**, for a total of approximately NINE HUNDRED FIFTY THREE THOUSAND THREE HUNDRED FIFTY DOLLARS (\$953,350.00).
 - 1.2.2. CONSTRUCTION IN LIEU OF REGIONAL DEFICIENCY FEES. As identified in the City's Growth Management Ordinance (May 1994, Ordinance No. 94-16), the City requires additional public benefit, or payment of a fee, for any project approved in the area defined in the Ordinance ("Deficiency Fees"). Since the Project's Improvements are included in the City's inventory of critical traffic and drainage deficiencies in the North Broadway area, and have not yet been completed, nor secured through bonding for construction of the work in any agreement with the City, the Project qualifies for construction in lieu of these Deficiency Fees. In consideration for Developer's construction of the Improvements, City shall credit Developer for all of the Developer's Deficiency Fees, in the exact amount of NINE HUNDRED SEVENTY TWO THOUSAND DOLLARS (\$ 972,000.00).
 - 1.2.3. PURCHASE OF MITIGATION LAND. Developer has purchased mitigation property in order to meet Mitigation Measures requirements for the Project. In consideration for Developer's purchase of this property for public drainage improvements, and as part of the THREE HUNDRED THOUSAND DOLLAR (\$300,000.00) reimbursement described in Section 1.2.4.1 below, City shall reimburse

Developer for the cost of said Mitigation Measures, as set forth in Section 1.2.4.1, below.

1.2.4. MONETARY COMPENSATION. In consideration for Developer's construction of the Improvements, City shall provide cash compensation to Developer as follows:

1.2.4.1. City shall deliver to Developer THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) (the "First Payment") within TEN (10) business days after the relocation of the sewer pipe in Stanley Avenue as shown in approved plans on file at the City Engineer's office. This payment includes payment for the mitigation property described in Section 1.2.3, above.

1.2.4.2. City shall deliver to Developer an additional FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) (the "Second Payment") within TEN (10) business days of August 28th, 2006 in the event that Developer has approval from the City Engineer to reopen two lanes of traffic along North Broadway in the area of the Traffic Work by August 28th, 2006 (the "Timely Reopening"). The City Engineer will approve the reopening of traffic if the work meets his reasonable satisfaction, which approval will not be unreasonably withheld or delayed.

1.2.4.3. In the event City Engineer does not approve Developer's work so that Timely Reopening can not occur, City Engineer will identify all deficiencies in Developer's work within THREE (3) business days of August 28th, 2006, in writing. In the event City Engineer fails to prepare such a writing, Developer's work shall be deemed to be approved and City will be required to deliver the Second Payment within SEVEN (7) business days thereafter.

1.2.4.4. In the event City fails to make timely payment according to the schedules set out in Sections 1.2.4.2 or 1.2.4.3, as appropriate, City will be obligated to pay Developer an additional sum equivalent to SEVEN PERCENT (7%) per annum of the principal amount owed, to be calculated from the date owed to the date upon which payment is delivered.

1.2.4.5. FAILURE TO ACHIEVE TIMELY COMPLETION. In the event the Timely Reopening does not occur, and City Engineer has prepared a writing pursuant to Section 1.2.4.3 above, City shall not make the Second Payment, but shall instead pay Developer according to the schedule described in **Exhibit E**.

1.2.5. REIMBURSEMENT FROM NEIGHBORING PROPERTIES. Pursuant to two separate agreements that bind neighboring property owners to reimburse the City for completion of a portion of the Public Benefits, the City agrees to pay Owner the proceeds of the two reimbursement agreements. The two agreements are recorded at the San Diego County Recorder's Office as Documents No. 88-498761 and 75-340329, for a total of ONE HUNDRED FORTY EIGHT THOUSAND THREE HUNDRED TWENTY DOLLARS (\$148,320.00).

1.2.6. REIMBURSEMENT FROM FUTURE DEVELOPMENT. City agrees that it will collect payment of Deficiency Fees from future developers of properties within the North Broadway Deficiency Region, as shown in the map attached as **Exhibit F**, and as may be modified from time to time to include additional properties annexed into the City. All such Deficiency Fees paid in cash will be deposited in a separate account to be managed by City and used to reimburse Developer on an annual basis, starting on or about January 1, 2007, until such time as the Developer has received a sum equivalent to the Total Reimbursement less all fee credits, mitigation land reimbursement, cash compensation payments, and reimbursement funds described in Sections 1.2.1 through 1.2.5, above. Any Deficiency Fees that are credited to an owner of future property for construction of public benefits performed in lieu of fees shall not be reimbursed to Developer.

2. DEVELOPER ASSIGNMENT RIGHTS. Developer shall have the right to assign all of its rights and obligations set forth in this Agreement to any successor-in-interest of Developer's right, title, and interest in and to the Property, the Project and/or the Total Reimbursement. Developer and its transferee or assignee shall submit to City an executed written assignment and assumption agreement in a form reasonably acceptable to the City Attorney. Assignment or transfer by Developer shall require the approval or consent of the City.

3. MISCELLANEOUS PROVISIONS

3.1. Notices. All notices under this Agreement shall be in writing and shall be deemed to have been duly given on the date received. Notices may be delivered by first class mail, registered or certified, postage prepaid, and properly addressed to the Party at its address set forth below, or any other address that any Party may designate by written notice to the others:

Owner: Stewardship Foundation
1508 W. Mission Road
Escondido, CA 92029
Attn: Jack Brouwer
Telephone: (760) 745-0556
Facsimile: (760) 740-9557

Developer: Meadowbrook Village Christian Care Center
1508 W. Mission Road
Escondido, CA 92029
Attn: Jack Brouwer
Telephone: (760) 745-0556
Facsimile: (760) 740-9557

With a copy to:

Lounsbery Ferguson Altona & Peak
960 Canterbury Place, Suite 300
Escondido, CA 92025-2515
Attn: David W. Ferguson
Telephone: (760) 743-1201
Facsimile: (760) 743-9926

City:


City of Escondido
201 North Broadway
Escondido, CA 92025-2798
Attn: Pat Thomas, Director of Public Works
Telephone: (760) 839-4572
Facsimile: (760) 839-4597

- 3.2 Entire Agreement. This Agreement constitutes the entire agreement among the Parties pertaining to the subject matter contained in it, supersedes all prior and contemporaneous agreements, representations, and understandings of the Parties with respect to such subject matter and with respect to any other agreements relating to the Project.
- 3.3 Amendment. The provisions of this Agreement may be waived, altered, amended, superseded, replaced, in whole or in part, only by a written document executed by all Parties to this Agreement.
- 3.4 Counterparts. This Agreement may be executed in multiple counterparts with the same force and effect as if all original signatures appeared on one copy; and in the event this Agreement is signed in counterparts, each counterpart shall be deemed an original and all of the counterparts shall be deemed to be one agreement.
- 3.5 Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect to the maximum extent permitted by law consistent with the intent of the Parties and said remaining provisions shall in no way be affected, impaired or invalidated.
- 3.6 Further Actions. Each Party agrees to perform any further acts and execute and deliver any further documents reasonably necessary to carry out the provisions of this Agreement.
- 3.7 Extension Not a Waiver. No delay or omission in the exercise of any power, remedy or right herein provided or otherwise available to any Party shall impair or affect the right of such Party thereafter to exercise the same. Any extension or time or other indulgence granted to a Party hereunder shall not otherwise alter or affect any power,

remedy or right of any other Party, or the obligations of the other Party to whom such extension or indulgence is granted except as specifically waived.

- 3.8 Successors and Assigns. Except as otherwise provided herein, this Agreement shall be binding on, and shall inure to the benefit of, the Parties to this Agreement and their respective heirs, legal representatives, successors and assigns.
- 3.9 Time of Essence. Time is of the essence of each and every term, condition, obligation and provision hereof.
- 3.10 No Third Party Beneficiaries. This Agreement and each and every provision are for the exclusive benefit of the named Parties hereto and not for the benefit of any third party.
- 3.11 Indemnity. Owner and Developer agree to defend and indemnify City for any alleged or actual violation of California law regarding payment of prevailing wages, including but not limited to California Labor Code Section 1770, *et seq.*
- 3.12 Governing Law. This Agreement shall be construed in accordance with and shall be governed by the internal laws of the State of California, without regard to conflict of law principles.
- 3.13 Interpretation. This Agreement shall be interpreted in accordance with the intent of the Parties as expressed herein and shall not be interpreted in favor of or against any Party by reason of the authorship of the document.

STEWARDSHIP FOUNDATION,
a California nonprofit corporation

By: 

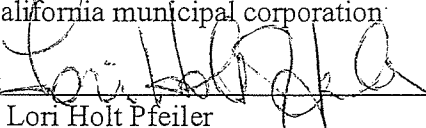
Jack Brouwer
Its: President

MEADOWBROOK VILLAGE CHRISTIAN
CARE CENTER,
a California nonprofit corporation

By: 


Jack Brouwer
Its: President

CITY OF ESCONDIDO,
a California municipal corporation

By: 

Lori Holt Pfeiler
Its: Mayor

CITY OF ESCONDIDO,
A California municipal corporation


By: 
Its: Clerk

Approved as to Form:

Office of the City Attorney
Jeffrey R. Epp, City Attorney

By: 
Steve Nelson, Assistant City Attorney

Lounsbery Ferguson Altona & Peak, LLP

By: 
David W. Ferguson, Esq.

Exhibits:

- Exhibit A: Legal Description
- Exhibit B: Public Benefits
- Exhibit C: Prevailing Wage Requirements
- Exhibit D: Construction In Lieu of Standard Development Fees
- Exhibit E: Monetary Compensation
- Exhibit F: North Broadway Deficiency Region

EXHIBIT A

Legal Description

Parcel 1: (APN: 226-840-13)

THAT PORTION OF BLOCK 471 OF THE SUBDIVISION OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS PER MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 421, SAID POINT OF COMMENCEMENT BEING ALSO THE MOST EASTERLY CORNER COMMON TO SAID BLOCK 421 AND BLOCK 412 OF SAID SUBDIVISION OF THE RANCHO RINCON DEL DIABLO, AS PER MAP THEREOF NO. 723; THENCE SOUTH 7°40' EAST ALONG THE EASTERLY LINE OF SAID BLOCK 421 AND BEING ALSO THE WESTERLY LINE OF THAT CERTAIN UNNAMED ROAD LYING EASTERLY OF AND ADJACENT TO SAID 421, A DISTANCE OF 484.14 FEET; THENCE NORTH 74°56' WEST, A DISTANCE OF 441.72 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 74°56' WEST, A DISTANCE OF 571.72 FEET TO INTERSECTION WITH AND BEING A POINT ON THE WESTERLY LINE OF SAID RANCHO RINCON DEL DIABLO, A DISTANCE OF 380.23 FEET; THENCE SOUTH 74°56' EAST, A DISTANCE OF 574.21 FEET; THENCE NORTH 14°41' EAST, A DISTANCE OF 380.25 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WESTERLY AS THE EASTERLY BOUNDARY OF ESCONDIDO TRACT NO. 729-A, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12509, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 20, 1989.

Parcel 2: (APN: 226-840-14)

ALL THAT PORTION OR PARCEL OF BLOCK FOUR HUNDRED TWENTY-ONE OF THE SUBDIVISION OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS PER MAP THEREOF NO. 723 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, AUGUST 13, 1892, SAID PORTION OR PARCEL OF SAID BLOCK FOUR HUNDRED TWENTY-ONE BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS TO-WIT;

COMMENCING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 421, SAID POINT OF COMMENCEMENT BEING ALSO THE MOST EASTERLY CORNER COMMON TO SAID BLOCK 421 AND BLOCK 411 OF SAID SUBDIVISION OF THE RANCHO RINCON DEL DIABLO, AS PER MAP THEREOF NO. 723; THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 421, NORTH 74° 36' WEST 341.60 FEET TO A POINT "X" FOR A POINT OF BEGINNING; THENCE FROM SAID POINT "X", THE

POINT OF BEGINNING, ALONG THE NORTHERLY LINE OF SAID BLOCK 421, NORTH 74° 56' WEST 487.70 FEET TO THE INTERSECTION OF SAID NORTHERLY LINE OF SAID BLOCK 421 WITH THE WESTERLY LINE OF A 33 FOOT ROAD THENCE ALONG THE SAID WESTERLY LINE OF SAID 33 FOOT ROAD SOUTH 14° 39' WEST 446.38 FEET TO THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN THE DEED FROM PRATTS EUCALYPTUS ASSOCIATION NO. 2, TO H. L. GONGWER AND MARY L. GONGWER, DATED JANUARY 2, 1935 AND RECORDED IN BOOK 365, PAGE 499 OF OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY LINE OF SAID GONGWER'S LAND SOUTH 74° 56' EAST 487.70 FEET TO A POINT; THENCE ON A LINE PARALLEL WITH THE SAID WESTERLY LINE OF SAID 33 FOOT ROAD NORTH 14° 39' EAST 446.58 FEET TO "X", THE POINT OF BEGINNING.

Parcel 3: (APN 226-840-15)

ALL THAT PORTION OF BLOCK 421 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, MADE BY J. M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID BLOCK 421, SAID POINT OF COMMENCEMENT BEING ALSO THE MOST EASTERLY CORNER COMMON TO SAID BLOCK 421 AND 412, OF SAID RANCHO RINCON DEL DIABLO, THENCE ALONG THE NORTHERLY LINE OF SAID BLOCK 421, NORTH 74°56' WEST 341.60 FEET TO THE MOST EASTERLY CORNER OF LAND CONVEYED TO RALPH E. MOORE BY DEED DATED APRIL 21, 1937 AND RECORDED IN BOOK 649, PAGE 180 OF OFFICIAL RECORDS, IN SAID RECORDER'S OFFICE; THENCE ALONG THE EASTERLY LINE OF SAID MOORE'S LAND, SOUTH 14°39' WEST 446.58 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SO-CALLED "TEN ACRE PARCEL "A"; THENCE ALONG THE SAID SOUTH LINE OF SO-CALLED "TEN ACRE PARCEL "A", SOUTH 74°56' EAST 525.46 FEET TO A POINT ON SAID EASTERLY LINE OF BLOCK 421, FROM WHICH SAID NORTHEASTERLY CORNER OF BLOCK 421 BEARS NORTH 7°40' WEST A DISTANCE OF 484.18 FEET; THENCE CONTINUING SOUTH 74°56' EAST A DISTANCE OF 54.21 FEET TO THE INTERSECTION WITH AND BEING A POINT ON THE CENTER LINE OF THAT CERTAIN UNNAMED ROAD LYING EASTERLY OF AND ADJACENT TO SAID BLOCK 421; THENCE NORTH 7°40' WEST ALONG SAID CENTER LINE OF SAID UNNAMED ROAD A DISTANCE OF 484.18 FEET; THENCE NORTH 74°56' WEST A DISTANCE OF 54.21 FEET TO THE POINT OF BEGINNING.

Parcel 4: (APN 224-300-17)

BLOCK FOUR HUNDRED TWELVE (412) OF RANCHO RINCON DEL DIABLO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO GRAHAM MAP THEREOF NO. 723. FILED IN THE COUNTY RECORDER'S OFFICE AUGUST 13, 1892, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 3, BLOCK 413, RUNNING IN A NORTHWESTERLY DIRECTION ALONG THE CENTER OF A STREET (DESIGNATED AS LIME STREET ON DORN MAP) TO ITS INTERSECTION WITH THE RANCHO LINE; THENCE IN A SOUTHERLY DIRECTION ALONG SAID RANCHO LINE 885 FEET; THENCE EASTERLY AT RIGHT ANGLES WITH SAID RANCHO LINE 375 FEET TO PLACE OF COMMENCEMENT.

Parcel 5: (APN 224-130-54)

ALL OF LOT 4 IN BLOCK 413 OF THE SUBDIVISION OF THE RANCHO RINCON DEL DIABLO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892.

EXCEPTING THEREOF THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4; THENCE ALONG THE SOUTHERLY LINE THEREOF, SOUTH 82°19'50" WEST 41.00 FEET; THENCE NORTH 7°38'51" WEST 238.00 FEET; THEN NORTH 82°20'20" EAST 41.09 FEET TO THE EASTERLY LINE OF SAID LOT; THENCE ALONG SAID EASTERLY LINE, SOUTH 7°38'51" EAST 238.00 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

Public Benefits

1. Construction of traffic signal at North Broadway and Vista.
 - a. Estimated Cost = \$193,210.00
2. Purchase of additional habitation mitigation property.
 - a. Estimated Cost = \$155,000.00
3. Elevation of N. Broadway and Stanley out of Flood Plain and making all necessary modifications to existing sewer, drainage and water improvements in Stanley.
 - a. Estimated Cost = \$837,530.00
4. Improvement of N. Broadway to Collector Standard.
 - a. Estimated Cost = \$946,950.00
5. Construction of crossing for Reidy Creek at N. Broadway and Stanley.
 - a. Estimated Cost = \$1,570,580.00
6. Topographic Mapping of Reidy Creek area, performance of HEC-2 studies and processing of FEMA flood map.
 - a. Estimated Cost = \$91,300.00
7. Relocation of sewer and water improvements in N. Broadway.
 - a. Estimated Cost = \$268,530.00
8. Upgrades to Reidy Creek Channel.
 - a. Estimated Cost = \$1,165,030.00
9. Habitat mitigation, revegetation and monitoring.
 - a. Estimated Cost = \$961,673.00
10. Grading and flood protection.
 - a. Estimated Cost = \$1,335,180.00

City's cost to construct the non-Project specific portions of the Public Benefits described in the above list would be approximately FIVE MILLION FORTY FOUR THOUSAND NINE HUNDRED NINETY THREE DOLLARS (\$5,044,993.00).

City has agreed to reimburse Developer for Public Benefits #1-6 described in the above list, up to the Total Reimbursement sum of THREE MILLION SEVEN HUNDRED THOUSAND DOLLARS (\$3,700,000.00), using the methodology described in Section 1.2 of the Agreement.

EXHIBIT C

Prevailing Wage Requirements

Developer shall carry out the construction of the Project and the development of the Property in conformity with all applicable federal and state labor laws, including, without limitation, if applicable, the requirement under California law to pay prevailing wages and to hire apprentices pursuant to Labor Code §§ 1770 et seq. ("Prevailing Wages"). Developer shall be solely responsible for determining and effectuating compliance with such laws, and City makes no representation as to the applicability or non-applicability of any of such laws to the construction of the Project or any part thereof. Developer hereby expressly acknowledges and agrees that City has not previously affirmatively represented to Developer or its contractor(s) for the construction or development of the Project, in writing or otherwise, in a call for bids or otherwise, that the work to be covered by this Agreement is not a "public work", as defined in Section 1720 of the Labor Code. Developer hereby agrees that Developer shall have the obligation to provide any and all disclosures or identifications required by Labor Code Section 1781, as the same may be amended from time to time, or any other similar law. Developer shall indemnify, protect, defend and hold harmless City and its respective officers, employees, contractors and agents, with counsel reasonably acceptable to City, against any and all loss, liability, damage, claim, cost, expense and/or "Increased Costs" (including reasonable attorney's fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction (as defined by applicable law) and/or operation of the Project, including, without limitation, any and all "public works" and/or "public projects" (as defined by applicable law), results or arises in any way from any of the following: (i) the non-compliance by Developer of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the Prevailing Wage requirements; (ii) the implementation of Section 1781 of the Labor Code, as the same may be amended from time to time, or any other similar law; and/or (iii) failure by Developer to provide any required disclosure or identification as required by Labor Code Section 1781, as the same may be amended from time to time, or any other similar law. It is agreed by the Parties that, in connection with the development and construction (as defined by applicable law) of the Project, including, without limitation, any and all "public works" and/or "public projects" (as defined by applicable law), Developer shall bear all risks and liability of payment or non-payment of Prevailing Wages. "Increased costs," shall have the meaning ascribed to it in Labor Code Section 1781, as the same may be amended from time to time. The foregoing indemnity shall survive termination of this Agreement and shall continue after completion of the construction and development of the Project by Developer.

EXHIBIT D

Construction in Lieu of Standard Development Fees

TYPE OF CITY FEES	APPROX. AMOUNT TO BE REIMBURSED
Traffic Fee	\$97,479.00
Traffic Surcharge Fee	\$28,905.00
Drainage	\$85,695.00
City Water Connection Fees	\$50,000.00
Wastewater Fees	\$491,271.00
Plan Check Fees For Public Benefits #1-6 per Exhibit B	\$200,000.00
APPROXIMATE TOTAL	\$953,350.00

* City will reimburse Developer, or if not already collected, will not collect the above fees. The amounts shown are estimated and will be determined at the time such fees are due. The total amount due of all of the above fees will be applied toward the total amount to be reimbursed under this Agreement.

EXHIBIT E

Monetary Compensation for Timely Completion

DATE OF REOPENING TWO LANES OF TRAFFIC ON NORTH BROADWAY*	DUE DATE FOR CITY TO MAKE SECOND PAYMENT (\$500,000.00) TO DEVELOPER ⁺
AUGUST 28 TH , 2006	SEPTEMBER 10 TH , 2006

* - Reopening of two lanes of traffic on North Broadway shall be as described in Section 1.1.1.3.2 of the Agreement.

Monetary Compensation for Failure of Timely Completion

DATE OF COMPLETION OF PUBLIC BENEFITS	DUE DATE FOR CITY TO MAKE SECOND PAYMENT (\$500,000.00) TO DEVELOPER ⁺
SEPTEMBER 1 ST , 2006	DECEMBER 11 TH , 2006
SEPTEMBER 15 TH , 2006	JANUARY 11 TH , 2007
OCTOBER 1 ST , 2006	FEBRUARY 11 TH , 2007
NOVEMBER 1 ST , 2006 OR THEREAFTER	THE LATER DATE OF MAY 11 TH , 2007 OR SIX MONTHS AFTER COMPLETION OF PUBLIC BENEFITS

EXHIBIT F

North Broadway Deficiency Region

(Map to be provided by CITY)

RESOLUTION NO. 2014-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN ADDENDUM TO THE MEADOWBROOK IMPROVEMENT AND REIMBURSEMENT AGREEMENT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE CONTRACT DOCUMENTS ON BEHALF OF THE CITY

WHEREAS, the Stewardship Foundation and Meadowbrook Village Christian Care Center as part of the Meadowbrook Village Development Project (2002-69-CUP) was required to construct certain offsite street, traffic signal and drainage improvements on North Broadway near Stanley Avenue and Vista Avenue, and Reidy Creek channel improvements; and

WHEREAS, the street, traffic signal, and drainage improvements had been identified as regional deficiencies in the Growth Management Ordinance of the City Council dated May 18, 1994 (Ordinance No. 94-16); and

WHEREAS, California Government Code Section 66485 authorizes the City to reimburse a developer for public improvements constructed at the City's request, as long as the City has an ordinance in place to provide for reimbursement to the developer; and Escondido Municipal Code Section 32.206.02 authorizes the City to require certain public improvements and to enter into a reimbursement agreement with the developer; and

WHEREAS, the City Council approved Resolution 2006-123 authorizing the Mayor and the City Clerk to execute on behalf of the City a Reimbursement Agreement ("Agreement") in an amount not to exceed \$3,700,000 with the Stewardship Foundation

and Meadowbrook Village Christian Care Center for certain off-site improvements and the parties executed the Agreement on June 15, 2006; and.

WHEREAS, the Stewardship Foundation and Meadowbrook Village Christian Care Center made the off-site improvements identified in the City Council Resolution 2006-123 and the Meadowbrook Village Development Project (2002-69-CUP); and,

WHEREAS, the Stewardship Foundation and Meadowbrook Village Christian Care Center, although in accordance with the Agreement timing provisions, has yet to be fully reimbursed for the public improvements they constructed; and

WHEREAS, the Stewardship Foundation and Meadowbrook Village Christian Care Center, sought and received approval from the City of Escondido Planning Commission to modify their Conditional Use Permit to construct sixty-six senior apartments; and

WHEREAS, the City and the Stewardship Foundation and the Meadowbrook Village Christian Care Center, seek to modify the Agreement and the City Council desires at this time and deems it to be in the best public interest, to authorize the Mayor and the City Clerk to execute on the City's behalf, an Addendum to the Meadowbrook Improvement and Reimbursement 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 Mayor and City Clerk are hereby authorized to execute, on behalf of the City, an Addendum to the Meadowbrook Improvement and Reimbursement Agreement with the Stewardship Foundation and the Meadowbrook Village Christian

Care Center as attached to this Resolution as Exhibit "A" and is incorporated by this reference.

**ADDENDUM TO
MEADOWBROOK IMPROVEMENT AND REIMBURSEMENT AGREEMENT**

This Addendum to the Meadowbrook Improvement and Reimbursement Agreement, is entered into effective _____, 2014 by and between Stewardship Foundation, a California nonprofit corporation ("Owner"), Meadowbrook Village Christian Care Center, a California nonprofit corporation ("Developer") and the City of Escondido, a California municipal corporation ("City").

Recitals

A. Developer has a Conditional Use Permit (2002-69-CUP) for a congregate care facility ("CUP") on Owner's property located at 100 Holland Glen, Escondido, California (the "Project").

B. On or around June 15, 2006, pursuant to Escondido Municipal Code Sections 32.206.01 and 32.206.02 and consistent with California Government Code Section 66485, Owner, Developer and City entered into the Meadowbrook Improvement and Agreement ("Agreement") to reimburse Developer to a maximum of \$3,700,000 (the "Total Reimbursement") for the cost of the public portion of certain off-site drainage and traffic improvements required as part of Developer's construction of the Project, as well as the cost of the Reidy Creek Study (collectively, the "Public Benefits"), as described in Exhibit B to the Agreement. To date, City has reimbursed Owner \$2,552,199.40 of the Total Reimbursement.

C. On April 8, 2014 the City approved a modification of the CUP to allow an additional sixty-six senior apartments ("CUP Modification"), which will result in Owner owing additional impact and/or development fees and the parties desire to enter into this Addendum to the Agreement to provide for payment of the fees by Owner and the remainder of the Total Reimbursement by City. Any initial capitalized terms not defined herein shall have the meaning set forth in the Agreement.

NOW, THEREFORE, the Parties agree as follows:

Agreement

1. Paragraph 1.2.1 of the Agreement provided that the City would credit Owner certain development fees in the amount of \$953,350.00. The City has credited the Owner \$631,879.40 of these development fee credits to date. The City shall credit Owner \$321,470.60 of the development fees for the buildings to be constructed pursuant to the CUP Modification. The balance of the drainage, traffic regional, traffic local and wastewater development fees, \$128,121.40, due for the buildings to be constructed pursuant to the April 8, 2014, CUP Modification shall be paid by the Owner to the City in the normal course of construction as follows: Drainage Fee \$8,049.51; Traffic Regional Fee \$41,547.69; Traffic Local Fee \$7,993.48; and Wastewater Fee \$70,530.72.

2. The City shall credit Owner the regional deficiency fees which would otherwise be due to City for the buildings to be constructed pursuant to the CUP Modification in the amount of \$412,500.

3. Owner and City acknowledge that the remaining balance owed to Owner under the Agreement and this Addendum shall be \$413,830, and that the remaining balance shall be paid as specified in paragraph 1.2.6. of the Agreement.

4. This Addendum may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall constitute one agreement. To facilitate execution of this Addendum, the parties may execute and exchange by telephone facsimile or electronic mail counterparts of the signature pages which facsimile or electronic mail counterparts shall be binding as original signature pages.

5. Except as modified by this Addendum, the Agreement is ratified, affirmed, in full force and effect, and incorporated herein by this reference.

STEWARDSHIP FOUNDATION,
a California nonprofit corporation

By: _____
Jacob Brouwer,
Its: President

MEADOWBROOK VILLAGE CHRISTIAN CARE CENTER,
a California nonprofit corporation

By: _____
Jacob Brouwer, President
Its: President

CITY OF ESCONDIDO,
a California municipal corporation

By: _____
Sam Abed
Its: Mayor

CITY OF ESCONDIDO,
a California municipal corporation

By: _____
Its: Clerk

Approved as to Form:

Office of the City Attorney
Jeffrey R. Epp, City Attorney

By: _____

Lounsbery Ferguson Altona & Peak, LLP

By: _____
David W. Ferguson, Esq.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 12
Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Public Works Director/City Engineer
Frank P. Schmitz, Parks and Open Space Administrator

SUBJECT: City of Escondido Landscape Maintenance District - Preliminary Engineer's Report for Zone 37 for Fiscal Year 2015/2016

RECOMMENDATION:

It is requested that Council adopt Resolution Nos. 2014-85 and 2014-86 that will initiate the proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) (see attached map) for Zone 37 for the 2015/2016 fiscal year, approve the preliminary Engineer's Report for LMD Zone 37, and set a public hearing date of September 10, 2014, for LMD Zone 37.

FISCAL ANALYSIS:

The LMD reimburses all costs incurred by the City in Zone 37.

PREVIOUS ACTION:

The City Council adopted Resolution 2011-31 on March 2, 2011, that authorized the annexation of Tract 934 into the LMD as Zone 37.

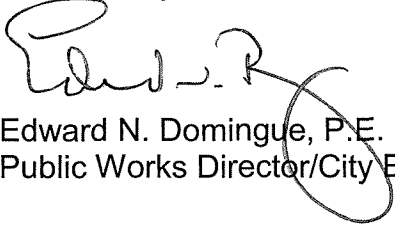
BACKGROUND:

The LMD was established as a means to fund the ongoing maintenance of certain landscape improvements associated with the development of the specific properties within the City of Escondido. These landscape improvements have special benefit to those specific properties. The LMD is divided into various zones. Property owners within each zone are assessed for the benefit received within their zone for the maintenance of the landscape improvements.

Pursuant to Proposition 218, passed by the California voters on November 5, 1996, all new assessments and increases in assessments require a vote of the affected property owners. In fiscal year 2015/2016 a new assessment is proposed for Zone 37. Ballots will be sent to all the property owners in Zone 37 giving them the option of approving or rejecting the proposed new assessment. These ballots will be tabulated after the close of the September 10, 2014 public hearing. The result of

the ballot tabulation will be reported to the City Council at the October 15, 2014 City Council meeting in conjunction with Council action to approve the final Engineer's report and setting of assessments for Zone 37 for fiscal year 2015/2016.

Respectfully submitted,

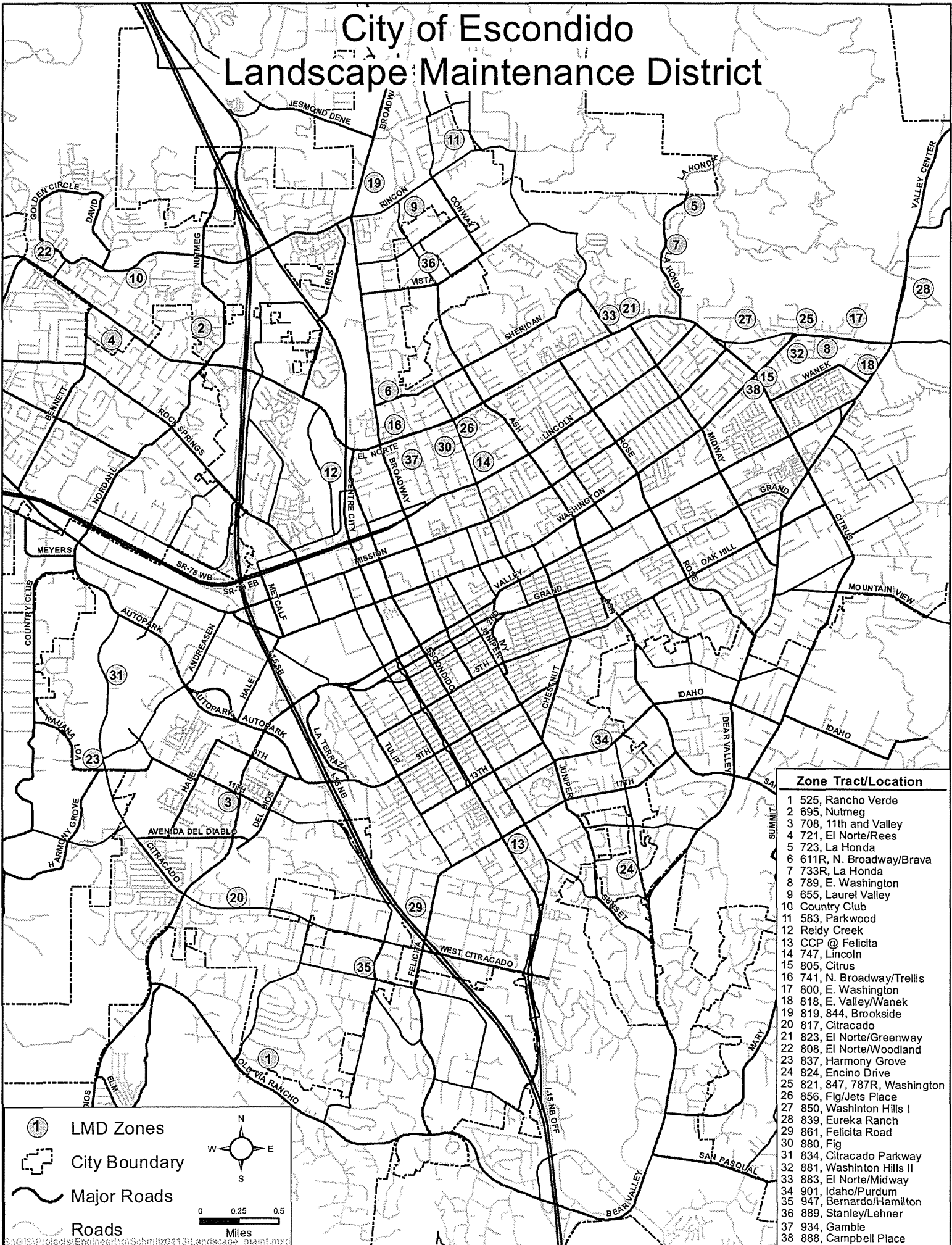


Edward N. Domingue, P.E.
Public Works Director/City Engineer



Frank P. Schmitz
Parks and Open Space Administrator

City of Escondido Landscape Maintenance District



Zone	Tract/Location
1	525, Rancho Verde
2	695, Nutmeg
3	708, 11th and Valley
4	721, El Norte/Rees
5	723, La Honda
6	611R, N. Broadway/Brava
7	733R, La Honda
8	789, E. Washington
9	655, Laurel Valley
10	Country Club
11	583, Parkwood
12	Reidy Creek
13	CCP @ Felicity
14	747, Lincoln
15	805, Citrus
16	741, N. Broadway/Trellis
17	800, E. Washington
18	818, E. Valley/Wanek
19	819, 844, Brookside
20	817, Citracado
21	823, El Norte/Greenway
22	808, El Norte/Woodland
23	837, Harmony Grove
24	824, Encino Drive
25	821, 847, 787R, Washington
26	856, Fig/Jets Place
27	850, Washinton Hills I
28	839, Eureka Ranch
29	861, Felicity Road
30	880, Fig
31	834, Citracado Parkway
32	881, Washinton Hills II
33	883, El Norte/Midway
34	901, Idaho/Purdum
35	947, Bernardo/Hamilton
36	889, Stanley/Lehner
37	934, Gamble
38	888, Campbell Place

LMD Zones
 City Boundary
 Major Roads
 Roads

0 0.25 0.5
 Miles

N
 W — O — E
 S

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RESOLUTION NO. 2014-85

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ORDERING THE PREPARATION OF AN
ASSESSMENT ENGINEER'S REPORT FOR
THE ANNUAL LEVY OF ASSESSMENTS IN
ZONE 37 OF THE ESCONDIDO LANDSCAPE
MAINTENANCE ASSESSMENT DISTRICT

WHEREAS, the City Council of the City of Escondido has previously formed a maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act"), said maintenance district known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, by Resolution No. 2011-31, adopted by the City Council on March 2, 2011, the City Council annexed certain territory into the Maintenance District, such territory is known and has been designated as Zone 37; and

WHEREAS, at this time the City Council desires to initiate proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for the annual costs of maintenance of improvements within Zone 37 of the Maintenance District and order the preparation and filing of an Assessment Engineer's Report for Zone 37.

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

1. That the above recitals are true.
2. That the public interest and convenience requires, and it is the intention of this legislative body, to initiate proceedings for the annual levy and collection of special

assessments for the payment of annual maintenance and/or servicing costs within Zone 37 of the Maintenance District.

3. That the City Engineer is hereby directed and ordered to prepare and file or cause to be prepared and filed, an Assessment Engineer's Report as required by the provisions of the Act, Article XIII D of the Constitution of the State of California ("Article XIII D"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIII D, and the Implementation Act are referred to collectively as the "Assessment Law") generally containing the following:

a. Plans and specifications describing the general nature, location and extent of the improvements to be maintained.

b. An estimate of the cost of the maintenance and/or servicing of the improvements for Zone 37 of the Maintenance District.

c. A diagram of Zone 37 of the Maintenance District, showing: (i) the exterior boundaries of Zone 37 of the Maintenance District; and (ii) the lines and dimensions of each lot or parcel of land within Zone 37 of the Maintenance District which is identified by a distinctive number or letter.

d. An assessment of the estimated costs of the maintenance and/or servicing of the improvements, assessing the net amount upon all assessable lots and/or parcels within Zone 37 of the Maintenance District in proportion of the special benefits received.

Upon completion of the preparation of said Assessment Engineer's Report, the original shall be filed with the City Clerk, who shall then submit the same to this City Council for its immediate review and consideration.

4. That the above Assessment Engineer's Report shall include all costs and expenses of said maintenance and/or servicing relating to Fiscal Year 2015/2016.

5. That this Resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 2014-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, PRELIMINARILY APPROVING THE ASSESSMENT ENGINEER'S REPORT AND DECLARING ITS INTENTION TO ESTABLISH THE ANNUAL ASSESSMENTS IN ZONE 37 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, PROVIDE FOR THE ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN ZONE 37 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND SET THE TIME AND PLACE FOR A PUBLIC HEARING THEREON

WHEREAS, the City Council of the City of Escondido has previously formed a maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act), and, the Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred collectively as the "Assessment Law"). Such maintenance district is known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, the City Council has annexed certain territory into the Maintenance District, such territory to be designated as Zone 37 of the Maintenance District; and

WHEREAS, this City Council ordered the preparation and filing of an Assessment Engineer's Report to initiate proceedings to provide for the annual levy of assessments for Zone 37 of the Maintenance District for the next ensuing fiscal year to

provide for the costs and expenses necessary to pay for the maintenance of improvements in the Maintenance District; and

WHEREAS, there has been presented to the City Council and filed with the City Clerk the Assessment Engineer's Report for the Maintenance District and Zone 37 thereof, attached hereto as Exhibit "A" and by this reference incorporated herein, as required by the Assessment Law; and

WHEREAS, the City Council proposes to: (i) establish the annual assessments for the properties within Zone 37; (ii) establish a formula for annual adjustments for inflation measured by increases in the Consumer Price Index; and (iii) levy and collect assessments to pay a prescribed portion of the cost of future maintenance of those items within Zone 37 described in the Assessment Engineer's Report; and

WHEREAS, this City Council has now carefully examined and reviewed the Assessment Engineer's Report as presented, and is satisfied with each and all of the items and documents as set forth therein pertaining to Zone 37, and is satisfied that the assessments proposed for Zone 37, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained in Zone 37, as set forth in the Assessment Engineer's Report; and

WHEREAS, the City Council desires to initiate proceedings for a ballot protest procedure for the purpose of establishing the annual assessments for Zone 37, and holding a public hearing in conformance with the Assessment Law for the purposes of considering the establishment of the annual assessments and authorizing the annual levy and collection of the assessments for Zone 37.

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

1. Recitals. The above recitals are true.
2. Intention. The public interest and convenience requires, and it is the intention of this City Council, to levy and collect assessments to pay the annual costs and expenses for the maintenance and/or servicing of the improvements for the above-referenced Zone 37, said improvements are generally described in the Assessment Engineer's Report.
3. Improvements. The proposed improvements are of special benefit to certain identified properties within the boundaries of Zone 37.
4. Assessment Engineer's Report. The Assessment Engineer's Report, as presented pertaining to Zone 37, is hereby approved on a preliminary basis, and is ordered to be filed in the office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Assessment Engineer's Report for (a) a full and detailed description of the improvements; (b) the boundaries of Zone 37; and (c) the proposed assessments upon assessable lots and parcels of land within Zone 37 of the Maintenance District.
5. Proposed Increases. The public interest and convenience requires, and it is the intention of this City Council, to order the establishment of the proposed annual levy and collection of the assessments for Zone 37 as set forth and described in the Assessment Engineer's Report. It is further determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense of said maintenance and improvement as estimated in the Assessment Engineer's

Report for Zone 37. All costs and expenses of the maintenance and incidental expenses for Zone 37 have been apportioned and distributed to the benefiting parcels in accordance with the special benefits received from the existing improvements. Assessments are proposed to be established within Zone 37 within the range of assessments proposed to be established for the properties within Zone 37 of the Maintenance District, together with the establishment of a formula for annual adjustments for inflation measured by increases in the Consumer Price Index. If a majority protest exists, as described below in Section 6, and the assessments are not established, the City Council shall not impose the assessments proposed to be levied and assessed within Zone 37.

6. Public Hearing. NOTICE IS HEREBY GIVEN that a public hearing will be held September 10, 2014 at 4:30 p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of this City council, located at 201 North Broadway, Escondido, California 92025, which are the time, date, and place fixed by the City Council for the hearing of protests or objections in reference to the establishment of and levy and collection of the annual assessments within Zone 37, to the extent of the maintenance, by any interested person and any other matters contained in this Resolution. At such time the legislative body will consider and finally determine whether to levy the proposed annual assessments.

Pursuant to the provisions of the Assessment Law, the record owner of each parcel proposed to be assessed within Zone 37 has the right to submit an assessment ballot in favor of or in opposition to the assessment proposed to be levied on such parcel.

Assessment ballots will be mailed to the record owner of each parcel located within Zone 37 and proposed to be subject to proposed establishment of the assessments. Each such owner may complete such assessment ballot and thereby indicate such owner's support for or opposition to the proposed establishment of the levy of the assessments. All such assessment ballots must be received by the City Clerk at or before the time set for the close of the public hearing, which will occur when public testimony is concluded. This public hearing may be continued from time to time. All such assessment ballots may be delivered by mail or personal delivery to the City Clerk at or before 4:30 pm on September 10, 2014, at City of Escondido, 201 North Broadway, Escondido, CA 92025, or in person in the City Council Chambers at the public hearing prior to the close of the public hearing. **AN ASSESSMENT BALLOT RECEIVED AFTER THE CLOSE OF THE PUBLIC HEARING WILL NOT BE TABULATED EVEN THOUGH THE POSTMARK ON THE ENVELOPE TRANSMITTING THE ASSESSMENT BALLOT IS DATED ON OR BEFORE SEPTEMBER 10, 2014.**

At the public hearing, the City Council shall consider all objections or protests, if any, to the establishment of the annual assessments proposed to be levied within Zone 37. The City Council shall also determine whether assessment ballots submitted pursuant to the Assessment Law in opposition to the establishment of the assessments proposed to be levied within Zone 37 exceed assessment ballots submitted in favor of such proposed establishment of the assessments.

After the close of the public hearing, the City Council shall cause the tabulation, pursuant to California Government Code section 53753, of the assessment ballots

timely received. If a majority protest exists, as described below, the City Council shall not impose the proposed assessments within Zone 37 of the Maintenance District. A majority protest to the establishment of the levy of the assessments within Zone 37 exists if, upon the close of the public hearing, assessment ballots submitted in opposition to the establishment of the assessments within Zone 37 exceed the assessment ballots submitted in favor of such establishment of the assessments. In tabulating the assessment ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

7. Notice of the Public Hearing. In accordance with the Assessment Law, the City Clerk is hereby authorized and directed to give notice of the public hearing for the proposed establishment of the levy of the assessments within Zone 37 as follows:

a. At least forty-five (45) days before the date set forth for hearing protests, the City Clerk shall, pursuant to Government Code Section 53753, mail or cause to be mailed, postage prepaid, notice of the public hearing and of the adoption of the Resolution of Intention, as amended, and the filing and consideration of the Assessment Engineer's Report to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized assessment roll for taxes of the County of San Diego, or who are known to the City Clerk. The form of such notice shall conform in all respects with the requirements of California Government Code Section 53753(b) and pursuant to California Government Code Section 53753(c), each such notice shall contain an assessment ballot whereon the record owner may indicate his or her support

for or opposition to the proposed establishment of the assessments within Zone 37.

b. Except as provided in the following sentence, the assessments to be reflected in the assessment ballots shall be the proposed assessments for Zone 37 as set forth in the Assessment Engineers Report.

c. Upon the completion of the mailing of such notices, the City Clerk shall file with the City Council a certificate setting forth the time and manner of compliance with the requirements of this resolution for mailing notices.

8. Tabulation Official. For purposes of tabulating the assessment ballots for these proceedings as required pursuant to the Assessment Law, the City Council hereby designates the City Clerk to act as the tabulation official to tabulate the assessment ballots submitted.

9. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

Frank Schmitz
Engineering Department
City of Escondido
201 North Broadway
Escondido, CA 92025
(760) 839-4039

10. This Resolution shall take effect immediately upon its adoption.

Assessment Engineer's Report Zone 37

Fiscal Year 2015/16

City of Escondido

201 North Broadway – Escondido California 92025

Landscape Maintenance Assessment District

PRELIMINARY REPORT

July 23, 2014

Report pursuant to the Landscaping and Lighting Act of 1972, Part 2 Division 15 of the Streets and Highways Code, Article XIII.D. of the California Constitution, and Proposition 218 Omnibus Implementation Act (Government Code Section 53750 et seq.). The Streets and Highways Code, Part 2, Division 15, Article 4, commencing with Section 22565, directs the preparation of the Assessment Engineer's Report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements described herein.

**DUE TO THE NUMBER OF PAGES OF EXHIBIT(S) A COMPLETE SET IS
AVAILABLE IN THE OFFICE OF THE CITY CLERK OR CITY ATTORNEY.
For Councilmembers, a set is available in the Council reading file.**

SPECIAL DISTRICT FINANCING & ADMINISTRATION

437 West Grand Avenue
Escondido CA 92025
760.233.2630 Fax 233.2631

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 13

Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Public Works Director/City Engineer
Julie Procopio, Assistant Public Works Director

SUBJECT: A First Amendment to the Consulting Agreement with Brian F. Smith and Associates, Inc. for Archeological Mitigation Services for the Citracado Parkway Extension Project

RECOMMENDATION:

It is requested that City Council adopt Resolution No. 2014-102, authorizing the Mayor and City Clerk to execute a first amendment to the consulting agreement with Brian F. Smith and Associates, Inc. in the amount of \$227,438 for additional archeological mitigation services for the Citracado Parkway Extension Project.

FISCAL ANALYSIS:

Additional services in the amount of \$400,000 were anticipated to be needed when the overall project budget was developed. Staff continues to actively pursue additional project funding, including applying for a \$3 Million Economic Development Assistance Grant and a \$12.5 Million TIGER Grant.

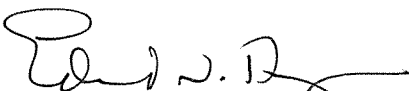
PREVIOUS ACTION:

On August 1, 2012, City Council approved a consulting agreement with Brian F. Smith and Associates in the amount of \$971,000 for archeological mitigation services required for this project.

BACKGROUND:

The Consultant has completed the data recovery phase of the archeological mitigation plan. Additional services are necessary to process the large number of artifacts discovered during excavations. In addition, the Economic Development Administration (EDA) has authorized the City to pursue a Section 106 permit with the State Historic Preservation Officer. EDA has advised the City that this permit will need to be secured in advance of their commitment of funding to the project. Please refer to Exhibit A of the resolution for scope of services.

Respectfully submitted,



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



Julie Procopio, P.E.
Assistant Public Works Director

RESOLUTION NO. 2014-102

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR AND CITY CLERK, TO EXECUTE, ON BEHALF OF THE CITY, A FIRST AMENDMENT TO THE CONSULTING AGREEMENT WITH BRIAN F. SMITH AND ASSOCIATES, INC. FOR ARCHEOLOGICAL MITIGATION SERVICES FOR THE CITRACADO PARKWAY EXTENSION PROJECT

WHEREAS, on August 1, 2012, City Council approved a Consulting Agreement for the archeological mitigation services for the Citracado Parkway, Andreasen Drive to West Valley Parkway Project ("Project") in the amount of \$971,000; and

WHEREAS, the Director of Public Works/City Engineer recommends the approval of a First Amendment to the Consulting Agreement for additional archeological mitigation services for the Project in the amount of \$227,438; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the First Amendment to the Consulting Agreement.

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

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the Director of Public Works/City Engineer.
3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, a First Amendment to the Consulting Agreement ("First Amendment") with Brian F.

Smith and Associates, Inc. for additional archeological mitigation services for the Citracado Parkway Extension Project. A copy of the First Amendment is attached as Exhibit "1" and is incorporated by this reference.



CITY OF ESCONDIDO
FIRST AMENDMENT TO CONSULTING AGREEMENT

This "Amendment" is made this 23rd day of July, 2014.

Between: CITY OF ESCONDIDO
 a municipal corporation
 201 N. Broadway
 Escondido, California 92025
 ("CITY")

And: Brian F. Smith and Associates, Inc.
 14040 Poway Road, Suite A
 San Diego, CA, 92064
 Attn: Brian F. Smith
 (858) 679-8218
 ("CONSULTANT")

Witness that whereas:

- A. CITY and CONSULTANT entered into an agreement on August 22, 2012 ("Agreement"), wherein CITY retained CONSULTANT to provide archeological mitigation services for the Citracado Parkway, W. Valley Parkway to S. Andreasen Drive project; and

- B. CITY and CONSULTANT desire to amend the Agreement to include additional work, which is defined in "Attachment A" to this Amendment, which is incorporated by reference;

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

- 1. The CONSULTANT will furnish the services described in "Attachment A" to this Amendment.

- 2. CITY will compensate the CONSULTANT in an additional amount not to exceed \$227,438, pursuant to the conditions contained in "Attachment A" to this Amendment.

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

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

CITY OF ESCONDIDO

Date: _____

Sam Abed
Mayor

Date: _____

Diane Halverson
City Clerk

Date: _____

BRIAN F. SMITH AND ASSOCIATES, INC.

Brian F. Smith
President, Brian F. Smith and Associates, Inc.

(The above signature should be notarized)

APPROVED AS TO FORM:

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

By: _____



July 2, 2014

Julie Procopio
 City of Escondido
 201 North Broadway
 Escondido, California 92025

Subject: Updated Citracado Parkway Cultural Resources Program: Change Order Request

Dear Julie:

Last month, I submitted to you a letter that incorporated a change order request for new tasks needed in support of the Citracado Parkway project, as well as existing tasks that are part of the mitigation program that require additional funding. I have revised the June 11, 2014 letter to include minor revisions to the change order request as well as to provide additional support for the requested budget increases. This change request will focus upon three separate tasks which are related to the Citracado Parkway cultural resources program. The tasks included in this change order request are listed below and subsequently described in greater detail in the following paragraphs:

1. Completion of the laboratory work for the collections from the excavations at SDI-12,209, followed by the preparation of the final technical mitigation report and curation of artifacts.
2. Prepare the cultural resources section for the AECOM CEQA EIR Addendum to discuss design changes for the bridge and portions of the road.
3. Complete a National Historic Preservation Act Section 106 Cultural Resources Study for Citracado Parkway for submittal to the US Army Corps of Engineers, SHPO, and any Federal or State agency involved in the environmental assessment of the project in advance of securing Federal/State funds for the road project.

1. Budget Increase for the Citracado Parkway Cultural Resources Mitigation Program

The data recovery effort at the two loci of SDI-12,209 has produced an abundance of artifacts from the cultural deposit that has proven to be larger in dimensions that originally depicted by EDAW. The large number of prehistoric features uncovered corresponded to a substantial focus of prehistoric occupation activity, which in turn has produced a large volume of artifacts that must be analyzed and curated to meet the conditions for mitigation listed in the final EIR.

At this point in time, all field excavations have been completed and all open test units have been backfilled. The wet screen platform has been removed and all elements of the archaeological

program have been removed from the property. Having passed this transition, it is appropriate to reconcile our contract budget to explain the change order request. A spreadsheet has been attached to this letter that provides an accounting of the budgets and invoices through the end of May. Of the total of \$971,000 in our contract, we have invoiced a total of \$835,463, leaving a balance of \$135,537. The specific task categories that will require additional funds are explained below:

- Locust 1 field excavations required \$87,356 more than budgeted to accomplish the data recovery program. The unusually high quantity of prehistoric hearth features required many hours of work by archaeologists to carefully expose, study, and disassemble. Because archaeology is a process of discovery, it is very difficult to anticipate what might be found and how that will affect budgets. In the case of the large number of hearth features at Locus 1, we certainly did not anticipate the discovery of this many features or the quantity of prehistoric artifacts that would be recovered around the hearth features.

During the screening of soil from the hearth features, we identified several beads that reflect a wide spectrum of the types of stone, shell, and bone beads made or traded by local prehistoric populations over the course the past 5,000 years. The frequency of beads lead the Native American representatives to request that we switch our screens to a smaller mesh in order to enhance the recovery of these very small items that might pass through standard-sized screens. Furthermore, because of the frequency of small fragments of potential human bone in these same areas, the use of finer-meshed screens was also seen as a means to recover more of the smaller bone fragments. The switching to finer mesh screens resulted in longer time spans to process the soil from the excavations, which affected the cost of the field program, but also represents an eventual affect on the projected laboratory work because of the very time-consuming process of sorting tiny bone fragments (again, many of which are considered possibly human) and beads from sand-sized grains of soil recovered from the fine-mesh screens.

To summarize, the projected man hours initially used to calculate the field budget for Locus 1 of SDI-12,209 included approximately 5,000 field archaeologist hours and 1,000 field supervisor/consultant hours. Due to the discovery of features and the request of the tribal representatives to conduct enhanced screening work, that estimate number of hours was exceeded by the actual number of hours used, which was 6,115.5 field archaeologist hours and over 1,700 supervisor/consultant hours. The actual number of hours used at Locus 1 exceeded the budget estimates by nearly 2,000 hours. It is also important to note that while the Locus 1 field operations were \$87,356 over budget, the Locus 2 field operations were \$58,900 under budget! The excavations at Locus 2 simply did not produce the quantity of artifacts or features found at Locus 1. Both of these totals (change order request to add \$87,356 for Locus 1 and subtract \$58,900 for Locus 2 fieldwork) are reflected in the attached *Contract Reconciliation and Change Order Request* spreadsheet.

- Native American monitoring at the project was \$17,818 over budget through the end of May, and we are expecting that the Native American monitoring invoices for the last few weeks in June will add \$6,600 to that total. The Native American monitoring used a total of 1,823.5 hours, which was approximately 400 hours for both the Luisno and Kumeyaay monitors

more that projected. Native American monitoring (which includes their mileage) will be over budget by **\$24,418**. This amount reflects the added field time spent by archaeologists to complete the excavations of the hearth features at Locus 1 as well as process soil through the finer mesh screens. Also included in this total are the hours spent by tribal members at our office where we were conducting the human bone evaluation with our forensic anthropologist Dr. Arion Mayes.

- Reimbursable expenses include both the costs of rental materials (fencing, storage unit, restroom) as well as services of contractors we used in the field. When the scope of work was being prepared in 2011, I anticipated that all of the archaeological pits would be backfilled by the grading contractor constructing Citracado Parkway. Obviously, that grading operation will not immediately follow our work, and we consequently had to hire an operator to backfill all of our excavations. That process, as well as removing the wet screen and contouring the BFSAs work area to return it to its previous appearance, required more budget than anticipated. We also had to employ a backhoe and operator three different times during the data recovery program to remove the volume of wet-screened soil from the receiving pit and to remove portions of the fill dirt layer that had covered portions of the prehistoric deposit at Locus 1 to a depth of two to three feet. The extended period of time needed to complete the field work also resulted in more rental fees for the protective fencing placed around the archaeological excavations, rental of storage and restroom containers, and water use charges. Our initial budget for reimbursable costs was \$7,000, but the actual charges were \$31,568. Therefore, the change order request will include an amount of **\$24,568** to cover this cost category.
- The field excavation program has consumed more of our budget than anticipated, especially in Native American monitoring costs, and we have had to shift budget funds from lab work and report categories to cover all of the fieldwork costs. Furthermore, with the request of the Tribes to conduct fine-mesh screening of several excavation units, the recovery from those many units has resulted in the very slow and tedious sorting of those unit levels due to the capture of so many tiny pieces of bone and flakes mixed with small-sized grains of rock. The rationale given by the Tribes that the fine-mesh screening would enhance the recovery of small beads and human remains appears to have some merit, as the recovery of very small items has been increased.

The budget impact of the sorting of the fine-mesh screening samples combined with the larger than anticipated recovery of artifacts and potential human remains will require a budget of \$201,000 to fully complete all of the laboratory processes. That process includes the very tedious process of sorting through the fine mesh recovery soil, as noted previously. As we still have \$48,860 remaining in our contract, the change order request will include **\$152,140** to cover all remaining tasks under the laboratory processing task for Locus 1. The laboratory budget for Locus 2 will not be entirely used, and we are projecting that the budget for that task can be reduced by \$50,113. These totals are reflected in the Contract Reconciliation and Change Order Request spreadsheet.

- The data generated by the field and laboratory programs will obviously represent a significant opportunity to analyze and interpret this information and to advance the various research questions listed in the research design and EIR section. To conduct all of the appropriate analyses (such as ceramics analysis, projectile point analysis for archaic and late prehistoric occupants, bead analysis, bone tool analysis), comparative studies between the collections from SDI-12,209 and other major prehistoric village sites in the region to discern patterns of similarity or dissimilarity, and special studies (such as radiocarbon dating, obsidian hydration analysis, and residue analysis, all of which are preformed by outside laboratories) needed to construct a foundation of the interpretative process and to compose the technical report sections, a budget of \$20,000.00 is estimated as necessary to successfully complete this work.
- The technical report for Locus 1 will be expansive and comprehensive, and sufficiently robust to meet the criteria of either CEQA or NHPA for local or Federal/SHPO review and acceptance. The large recovery of a wide spectrum of artifacts from this site reflects the complicated dispositional pattern related to the focused occupation of this site. In anticipation of the effort required, an additional \$7,500.00 will be added to the budget.
- The budget category for meetings was set originally at \$7,000. With the added tasks listed below that include the EIR additional work and the Section 106 study, the budget for meetings will be increased from \$7,000 to \$10,000. This will require a change order budget increase of \$1,981 to cover the difference between the remaining amount in that budget category and the revised budget total.

2. Budget Item 2: Citracado Parkway EIR Addendum for Project Redesign

In concert with AECOM's preparation of an addendum to the EIR for Citracado Parkway, BFSa will prepare an edited version of the previous Cultural Resources EIR section and technical report sections, as required. Obviously, since the footprint of the area to be affected is reduced, the revisions should be minimal. I anticipate that some graphics will need to be changed and we will revise the impact analysis accordingly. The budget for this effort will be \$3,500.00.

3. Budget Item 3: Citracado Parkway Section 106 Report

For the City's application for a grant from the Economic Development Administration, a NEPA review is needed. That process will require the preparation of a NHPA Section 106 cultural resources study for review by the SHPO. For the purposes of the Section 106 report, we will propose to utilize the previously completed cultural resources study prepared for the Citracado Parkway EIR and revise that study extensively to apply Federal terms, language, evaluation criteria, and mitigation measures. Of course, we will include summaries of the completed data recovery process and the fact that mitigation of impacts has already been achieved. This report is somewhat unique in this situation, and we will plan to interface with SHPO to discuss the best approach to take for the presentation of information and conclusions. The complete rewrite of various report sections, updating of records searches, editing, graphics changes, and data recovery descriptions will require an estimated budget of \$15,000.00 to complete. I also anticipate that will need to conduct Native

American consultation as part of this NEPA process and assist with a MOU preparation that includes the Tribal representatives. Unfortunately, this process is somewhat open-ended and I am not certain that the time I have budgeted for this process will be sufficient. At this point in time, I have included budgeted time to accomplish the Tribal consultation in support of the NEPA process and SHPO review. I am anticipating that we will have some responses to comments to deal with, and hopefully that effort can be accomplished within this budget. The preparation of the Section 106 report will require 30 days to complete.

In the attached Contract Reconciliation and Change Order Request table, the change order portion of the reconciliation provides the requested change order categories and amounts of increase or decrease. The total increase in the change order is \$227,438. This includes increased budgets for laboratory and report tasks, as well as the new categories for the supplemental EIR work and the Section 106 report. We are confident that this change order will cover all of the efforts required to complete the archaeological mitigation work and the supplemental studies for the EIR addendum and Federal agencies reviews.

Regards,



Brian F. Smith
BFS:ks

Attachment: Contract Reconciliation and Change Order Request spreadsheet

Citricado Parkway Project

Contract Reconciliation and Change Order Request
 City of Escondido

Budget to Actual Comparison: Citricado Parkway

Budget	Research Design	Native American Consultation	Clear Vegetation	Test Locus 1	Lab Locus 1	Report Locus 1	Test Locus 2	Lab Locus 2	Report Locus 2	Native American Monitoring	Artifact Curation	Meetings	Materials	Reimbursable Expenses	EIR Addition	Section 106 Report	Special Studies	Totals
Budget Phase 1	\$3,000	\$3,000	\$2,000	\$168,000	\$102,000	\$4,000	\$87,000	\$66,000	\$3,000	\$47,000	\$35,000	\$3,000	\$4,000	\$4,000				\$496,000
Budget Phase 2				\$148,000	\$95,000	\$38,000	\$56,000	\$35,000	\$17,000	\$40,000	\$35,000	\$4,000	\$4,000	\$3,000				\$475,000
Total Budget	\$3,000	\$3,000	\$2,000	\$316,000	\$197,000	\$42,000	\$143,000	\$101,000	\$20,000	\$87,000	\$70,000	\$7,000	\$8,000	\$7,000				\$971,000
Invoices to Date	Research Design	Native American Consultation	Clear Vegetation	Test Locus 1	Lab Locus 1	Report Locus 1	Test Locus 2	Lab Locus 2	Report Locus 2	Native American Monitoring	Artifact Curation	Meetings	Materials	Reimbursable Expenses	EIR Addition	Section 106 Report	Special Studies	Totals
9/18/12	\$3,000	\$2,850		\$1,500			\$1,500					\$1,575						\$10,425
11/28/12		\$125	\$1,200	\$5,170			\$4,725					\$750	\$1,820	\$2,493				\$17,333
1/9/13							\$49,710	\$5,916	\$4,290	\$4,290		\$959	\$2,489					\$52,374
2/4/13				\$30,543			\$28,115	\$11,985	\$7,680	\$7,680		\$375						\$78,698
3/11/13			\$800	\$72,401	\$19,131		\$3,071			\$5,870				\$3,564				\$104,838
4/15/13				\$17,698	\$31,136	\$4,000			\$2,050	\$3,030		\$438		\$1,126				\$59,471
5/28/13				\$4,803	\$349		\$1,500	\$3,878	\$2,340	\$2,340		\$500	\$1,141	\$2,921				\$17,431
7/19/13				\$11,115	\$10,838	\$5,630			\$22,678	\$3,055				\$778				\$30,112
8/9/13				\$14,753	\$35,690				\$5,651	\$5,651		\$1,375		\$1,596				\$25,285
10/2/13				\$44,673			\$11,068			\$7,670			\$462	\$1,960				\$59,067
12/18/13				\$46,980			\$4,660			\$6,215				\$3,353				\$65,832
1/18/14				\$45,900			\$3,668		\$1,798	\$6,215				\$3,353				\$61,228
2/10/14				\$42,225	\$12,525					\$17,209				\$3,353				\$68,940
3/19/14				\$30,403	\$3,105					\$6,860				\$602				\$62,257
5/14/14				\$30,075	\$18,441					\$6,860				\$1,089				\$41,476
6/9/14				\$2,120	\$11,295					\$4,345				\$1,570				\$54,431
Total Invoices	\$3,000	\$2,975	\$2,000	\$403,356	\$148,140	\$4,000	\$84,100	\$40,888	\$7,725	\$104,818	\$0	\$5,951	\$5,911	\$22,568				\$835,463
TOTAL BUDGET REMAINING	\$0	\$25	\$0	(\$87,356)	\$48,860	\$38,000	\$58,900	\$60,113	\$12,275	(\$17,818)	\$35,000	\$1,019	\$2,089	(\$15,568)				\$135,537

Change Order Reconciliation

Estimated Cost to Complete Project	Research Design	Native American Consultation	Clear Vegetation	Test Locus 1	Lab Locus 1	Report Locus 1	Test Locus 2	Lab Locus 2	Report Locus 2	Native American Monitoring	Artifact Curation	Meetings	Materials	Reimbursable Expenses	EIR Addition	Section 106 Report	Special Studies	Totals
Less: Contract Remainder (above invoice total)	\$0	\$25	\$0	(\$87,356)	\$48,860	\$38,000	\$58,900	\$60,113	\$12,275	(\$17,818)	\$35,000	\$1,019	\$2,089	(\$15,568)				\$135,537
REQUESTED CHANGE ORDER AMOUNT	\$0	(\$25)	\$0	\$87,356	\$152,140	\$7,500	(\$58,900)	(\$50,113)	\$0	\$24,418	\$0	\$1,981	\$11	\$24,568	\$3,500	\$15,000	\$20,000	\$237,438

ORDINANCE NO. 2014-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REZONING APPROXIMATELY 16.93-ACRES FROM RE-30 (RESIDENTIAL ESTATES, 30,000 SF MINIMUM LOT SIZE) TO RE-20 (RESIDENTIAL ESTATES, 20,000 SF MINIMUM LOT SIZE) FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF CRANSTON DRIVE, NORTH OF CITRACADO PARKWAY, AND ON BOTH SIDES OF CRANSTON CREST ADDRESSED AS 205 TO 270 CRANSTON CREST, AND 2414 TO 2470 CRANSTON DRIVE

Applicant: Bill Yen & Associates
Case No.: PHG13-0003, SUB13-0001 & ENV13-0004

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

SECTION 1. That proper notice of public hearings have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. That on May 27, 2014, the Planning Commission recommended approval of the proposed zone change from RE-30 to RE-20 and the Tentative Subdivision Map for six lots on 7.41-acres with easement access (Resolution #6012).

SECTION 3. That the City Council has reviewed and considered the Mitigated Negative Declaration prepared for this project issued on February 5, 2014, (City # ENV13-0004), in conformance with CEQA Section 21080 (c) (2), and has determined that all environmental issues have been addressed and no significant environmental impacts will result from the approval of this project.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 15

Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Diane Halverson, City Clerk

SUBJECT: Designation of Voting Delegate – League of California Cities Conference

RECOMMENDATION:

It is requested that Council designate a voting delegate, and up to two alternates, to represent the City of Escondido at the business meeting to be held during the League of California Cities Annual Conference, September 3-5, 2014 in Los Angeles.


FISCAL ANALYSIS:

Costs to attend the conference are included in the City Council's Training/Meeting budget.

BACKGROUND:

At the League of California Cities Annual Conference, the membership considers and takes action on resolutions that establish League policy. Each member city has a right to cast one vote on matters pertaining to the League's policies if their Council has taken action to designate a voting delegate prior to August 15, 2014. Should the designated delegate be unable to serve, we may also appoint up to two alternate voting delegates.

Respectfully submitted,



Diane Halverson
City Clerk

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 16

Date: July 23, 2014

TO: Honorable Mayor and Members of the City Council

FROM: Diane Halverson, City Clerk
Barbara Redlitz, Director of Community Development
Jay Petrek, Assistant Director of Planning

SUBJECT: Receipt of Elections Code § 9212 Report, Submission of Proposed Ordinance to be Placed on the Ballot for the General Municipal Election – November 4, 2014, and Budget Adjustment

RECOMMENDATION:

It is recommended that the City Council file and receive the Elections Code § 9212 report; adopt Resolution No. 2014-103 submitting the initiative measure to Adopt the Lakes Specific Plan on the November 4, 2014 General Municipal Election; adopt Resolution No. 2014-63R directing preparation of impartial analysis for all City measures, authorizing its members to file written arguments in favor of all City measures and providing for the filing of rebuttal arguments for all City measures; and adopt Resolution No. 2014-104 authorizing a budget adjustment in the amount of \$20,000 from the General Fund Reserves to the non-departmental Election Fund.

FISCAL ANALYSIS:

The estimated cost of printing this measure in the sample ballot is approximately \$20,000.

PREVIOUS ACTION:

A Notice of Intent, along with the written text of the initiative, was filed in the City Clerk's Office on March 20, 2014. The ballot title and summary, as prepared by the City Attorney's Office, was published on April 7, 2014. The initiative petition was found to be sufficient by the San Diego County Registrar of Voters on June 19, 2014. On June 25, 2014, the Escondido City Council accepted the certificate of sufficiency and ordered a report, pursuant to California Elections Code § 9212.

On June 25, 2014, the City Council adopted the basic resolutions providing for the upcoming General Municipal Election. These included Resolution No. 2014-61 calling for the holding of a General Municipal Election for the election of certain officers and the question relating to the Charter City Proposal; Resolution No. 2014-62 requesting consolidation with the County Registrar of Voters; and Resolution No. 2014-63 setting priorities for filing written arguments and rebuttals for City measures

and directing the City Attorney to prepare an impartial analysis for City measures submitted at the November 4, 2014 Municipal Election.


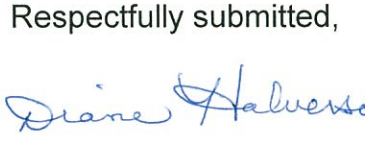
BACKGROUND

Based on the Council's direction on June 25, 2014, staff prepared a report pursuant to Elections Code § 9212. Elections Code § 9212(a) sets forth the parameters of the report on the proposed initiative which include the initiative's fiscal impact; the initiative's impact on the internal consistency of the City's general plan (including the housing element), specific plans, and zoning matters; the initiative's effect on the use of land, funding for infrastructure of all types, and the ability to attract and retain business; the initiative's impact on the uses of vacant parcels of land, agricultural lands, open space, traffic congestion, developed areas designated for revitalization and similar impacts; and other matters the legislative body requests to be in the report. City staff has evaluated these factors in the attached report.

Staff's evaluation includes an analysis of the potential impacts of the proposed initiative on the existing land uses, open space, traffic and public infrastructure in the area, financial impacts, and impacts to drainage, water quality and police and fire service. The report also provides a history of the development in the area addressed in the initiative and various other items requested by the City Council. The full report and attached exhibits are available at: <https://www.escondido.org/initiatives.aspx> It is recommended that the City Council file and receive the Elections Code § 9212 report.

It is recommended that the City Council adopt Resolution No. 2014-103 to submit the initiative measure to adopt the Lakes Specific Plan to the voters on November 4, 2014, at the General Municipal Election. This Resolution must be filed with the Registrar of Voters no later than August 8, 2014. It is further recommended that the City Council adopt Resolution No. 2014-63R to include this initiative measure in the previously adopted Resolution to set priorities for filing written arguments and rebuttals for City measures and directing the City Attorney to prepare an impartial analysis for City measures. Lastly, it is recommended that the City Council adopt Resolution No. 2014-104 authorizing a budget adjustment in the amount of \$20,000 from the General Fund Reserves to the non-departmental Election Fund.

Respectfully submitted,



Diane Halverson, CMC
City Clerk

Barbara Redlitz
Director of Community Development



Jay Petrek
Assistant Director of Planning



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: 7.07.14
Department: City Clerk's Office
Division:
Project/Budget Manager: Diane Halverson 4560
Name Extension
Council Date (if applicable): 7.23.14
(attach copy of staff report)

For Finance Use Only
Log #
Fiscal Year
Budget Balances
General Fund Accts
Revenue
Interfund Transfers
Fund Balance

Table with 4 columns: Project/Account Description, Account Number, Amount of Increase, Amount of Decrease. Includes entries for General Fund Reserves and Non-Departmental/Election.

Explanation of Request:

The Registrar of Voters has estimated a cost of \$20,000 printing the Initiative Petition entitled, An Initiative Measure to Adopt the Lakes Specific Plan in the sample ballot.

APPROVALS

Diane Halverson 7-7-14
Department Head Date
Michelle Jeff 07/09/14
Finance Date

City Manager Date
City Clerk Date

Distribution (after approval): Original: Finance



City of Escondido Report
On The Initiative Measure to Adopt
“The Lakes Specific Plan”

Report Prepared Pursuant to Elections Code § 9212
and City Council Directive from
June 25, 2014 City Council Meeting

July 23, 2014

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1.0 INTRODUCTION

On June 17, 2014 the San Diego County Registrar of Voters verified the sufficiency of a petition to place on the ballot, “An Initiative Measure To Adopt The Lakes Specific Plan” (the “SITR Initiative”).¹ The SITR Initiative concerns the real property which historically has been used as the Escondido Country Club (hereinafter, the “Country Club” or the “Country Club Property”).² At the regularly-scheduled City Council meeting on June 25, 2014, the City Clerk certified to the City Council the sufficiency of the signatures on the petition. On that same date, the Escondido City Council accepted the sufficiency of the petition and ordered the preparation of this report.

2.0 DESCRIPTION OF COUNTRY CLUB PROPERTY

The Country Club Property comprises approximately 110 acres in northwest Escondido, generally located west of Nutmeg Street, north of El Norte Parkway, and east of Woodland Parkway. The Country Club Property includes the following San Diego County Assessor Parcel Numbers: 224-210-53-00, 224-430-04-00, 224-211-05-00, 224-431-02-00, 224-211-15-00, 224-211-12-00, 224-491-01-00, 224-211-11-00, 224-490-06-00, 224-230-36-00, 224-431-01-00, 224-431-03-00, 224-811-28-00, and 224-230-43-00.³

3.0 PURPOSE OF REPORT

Elections Code § 9212(a) permits the legislative body to refer a proposed initiative measure to any city agency or agencies for a report on:

- The initiative’s fiscal impact.
- The initiative’s impact on internal consistency of the city’s general plan (including the housing element), specific plans, and zoning matters.
- The initiative’s effect on the use of land, funding for infrastructure of all types, and the ability to attract and retain business.
- The initiative’s impact on the uses of vacant parcels of lands, agricultural lands, open space, traffic congestion, areas designated for revitalization, and similar impacts.
- “Any other matters the legislative body requests to be in the report.”

¹ Ex. 1. The exhibits referenced in this report (designated with “Ex. ___”) are included in the Appendix of Exhibits submitted to the City Council concurrently with this report, entitled “Appendix of Exhibits for City of Escondido Report on The Initiative Measure to Adopt The Lakes Specific Plan” (“Appendix”).

² Ex. 2, SITR Initiative.

³ Ex. 2, § 2(A)(1).

The report must be presented to the legislative body within 30 days after the elections officer certifies to the legislative body the sufficiency of the petition. (Elec. Code, § 9212(b).) The Legislature designed Elections Code § 9212 (and the parallel statute applicable to initiatives presented to counties embodied in Elections Code § 9211) “to better inform [] the electorate and [législative body] about proposed initiatives.” (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, 777-778.)

On June 25, 2014, the City Council referred SITR’s Initiative to City staff to evaluate various matters listed in Elections Code § 9212(a). City staff has evaluated the following items which are addressed below in the body of this report:

- A summary of the ongoing dispute between Stuck in the Rough, LLC (“SITR”) (the current owner of the Country Club Property), the residents of the community surrounding the Country Club Property, and the City.
- A comprehensive summary of the development history of the Country Club Property and the surrounding “country club” community originally known as “The Golden Circle Valley.”
- An analysis of the potential impacts of the SITR Initiative on the existing land uses, open space, traffic and public infrastructure in the area.

4.0 THE DISPUTE BETWEEN SITR, THE RESIDENTS SURROUNDING THE COUNTRY CLUB, AND THE CITY

The Country Club Property has been the subject of an ongoing dispute between: (i) SITR; (ii) the residents of the surrounding community; and (iii) the City. The nature of the dispute is summarized below.

SITR is a Beverly Hills company owned by Michael Schlesinger. SITR acquired fee title to the Country Club Property in December 2012.⁴ Within four months after doing so, SITR terminated the Country Club memberships, closed the Country Club, and cut off all irrigation to the golf course and landscaping on the site.⁵ SITR also erected chain-link fencing around the perimeter of the Country Club Property, placing a chain-link screen between the rear-yards of the homes situated on the periphery of the golf course which had previously enjoyed an unobstructed view of the once lush, open space corridors provided and planned by the original developer of both the Country Club and initial housing tracts.

When it closed the Country Club, SITR also announced its plan to replace the recreational facilities, golf course, and open space corridors with hundreds of new residential homesites.⁶ The surrounding residents formed the Escondido Country Club Homeowners

⁴ Ex. 3, Trustee’s Deed Upon Sale, recorded December 6, 2012.

⁵ See San Diego Source article, 11/18/13, “How Not to Win Friends in Escondido Open Space Fight,” included in Ex. 12. See also, Ex. 4, 4/16/13 Union Tribune article entitled, “Ballot Measure Would Preserve Escondido Country Club.”

⁶ Ex. 4.

Organization (“ECCHO”), for the purpose of preventing the conversion of the Country Club Property into a housing development.⁷

In April 2013, ECCHO filed a Notice of Intent to Circulate Petition for an Initiative Measure entitled, “Citizens’ Property Rights Initiative” (the “Residents’ Initiative”).⁸ The Residents’ Initiative proposed to amend the City’s general plan, designating the Country Club Property for open space, golf course, active recreational, or other similar uses. The City Clerk certified the sufficiency of the signatures on the petition to the City Council on August 14, 2013.⁹ On that same date, and in accordance with Elections Code § 9215, the City Council adopted Ordinance No. 2013-10, implementing the Residents’ Initiative.¹⁰

In response to the Residents’ Initiative, SITR engaged in a multi-pronged effort to promote SITR’s plans to redevelop the Country Club Property. SITR’s effort is summarized below:

4.1. SITR Litigates Validity of Residents’ Initiative

On June 26, 2013, SITR filed in the San Diego County Superior Court a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, entitled *Stuck in the Rough v. City of Escondido, et al.*, SDCSC Case No. 37-2013-00054876-CU-WM-NC (the “Invalidation Lawsuit”). SITR named as defendants the City, ECCHO, and the individual proponents of the Residents’ Initiative. Among other things, the Invalidation Lawsuit was a pre-election challenge that sought to prohibit the City Clerk from certifying the signatures on the petition. The Invalidation Lawsuit also sought a judicial order declaring the Residents’ Initiative to be illegal.¹¹

On July 24, 2013, the Court denied SITR’s application seeking to prevent the City Clerk from certifying the signatures on the petition for the Residents’ Initiative.¹² Accordingly, as required by law, on July 29, 2013, the City Clerk executed a “Certificate of Sufficiency” of the

⁷ Ex. 5, mission statement from ECCHO website.

⁸ Ex. 6, 4/17/13 Notice to Circulate Petition re: Citizens’ Property Rights Initiative.

⁹ Ex. 7, City Clerk staff report and certificate of sufficiency re: Residents’ Initiative.

¹⁰ Ex. 8, CC Ordinance No. 2013-10. The Residents’ Initiative and Ordinance No. 2013-10 also require an amendment to City’s zoning code and map, designating the Country Club Property for “Open Space Private.” The City will process the required zoning changes and, to the extent SITR seeks to redevelop the Country Club Property for different uses, will continue to solicit applications from SITR for redevelopment consistent with the City’s General Plan and zoning requirements. The zoning provisions applicable to open-space-designated parcels permit (and conditionally permit) a large variety of private uses, including:: 1) agricultural uses such as field crops, orchards, vineyards and grazing; 2) colleges and universities; 3) common open space and recreational areas in planned communities; 4) country clubs; 5) equestrian centers and stables; 6) land-banks, mitigation sites, and conservations preserves; 7) preschool, elementary and secondary schools; 8) information and interpretive centers; 9) any variety of recreational uses, such as parks, playgrounds, sports activities, swimming areas, picnicking areas, golf courses, historic and cultural sites, band shells and stages; and 10) retreat centers. (Ex. 9, Escondido Municipal Code, §§ 33-41 and 33-42.)

¹¹ Ex. 10, Complaint filed in Invalidation Lawsuit.

¹² Ex. 11, minute order in Invalidation Lawsuit.

signatures on the petition, declaring that the “petition contained at least 5,956 verified signatures,” reflecting the minimum 10% of registered voters in Escondido.¹³ As noted, the City Council then adopted the Residents’ Initiative, without alteration, on August 14, 2013 pursuant to Elections Code § 9215.¹⁴

Because the Invalidation Lawsuit sought to prevent the City Clerk and City Council from acting on the Residents’ Initiative, the City’s Council’s August 14, 2013 adoption of the Residents’ Initiative (as permitted by the Court) rendered the Invalidation Lawsuit effectively “moot.” Nevertheless, the Invalidation Lawsuit is still pending on appeal with respect to an issue concerning the Court’s denial of a request by some of the defendants for attorney’s fees.

4.2. SITR’s Media Campaign

After the City Council adopted Ordinance No. 2013-10, SITR launched a two-pronged media campaign. First, SITR addressed the merits of its plans, and encouraged and contributed to several newspaper articles touting the benefits of SITR’s proposed redevelopment plans for the Country Club. Second, SITR asserted that by adopting the Residents’ Initiative, the City Council was frivolously exposing the citizens to a huge damages award and bankruptcy. Following the City Council’s vote, SITR released a statement through its publicist, stating: “Today was a bad day for Escondido taxpayers. The City’s gambling with public money on the hopes it will win a risky case and not end up with a taxpayer-funded bailout.”¹⁵

NBC7.com also ran an article reporting that SITR’s spokesperson explained that “there is still a legal battle ahead” and that “there have been cases where the developer was compensated hundreds of millions of dollars, an amount that could potentially bankrupt the City of Escondido.”¹⁶ SITR’s spokesman stated that SITR’s claims against the City “would leave Escondido on the hook for up to \$100 million.”

4.3. SITR Files Numerous Encroachment Lawsuits Against Individual Homeowners

Beginning in October 2013, SITR retained two law firms to file numerous “encroachment lawsuits” against individual residents throughout the community.¹⁷

The lawsuits allege that the individual homeowners unlawfully installed yard and wall improvements extending to some degree into SITR’s golf course. The lawsuits contain claims for “encroachment,” “trespass,” and “declaratory relief,” seeking both monetary damages and

¹³ Ex. 7.

¹⁴ Ex. 8, CC Ordinance No. 2013-10.

¹⁵ See sample collection of articles compiled in Ex. 12, including: 1) San Diego Source article, 11/18/13, “How Not to Win Friends in Escondido Open Space Fight;” 2) Union Tribune article, 11/17/13, “County Club Items Being Auctioned;” and 3) KPBS article, 11/14/13, “Escondido Golf Course Dispute Could Become Landmark Private Property Rights Case.”

¹⁶ Ex. 13, NBC7.com article, 8/15/13, “Escondido City Council Votes in Favor of Green Designation for Golf Course.”

¹⁷ Ex. 14, compilation of case summaries for encroachment lawsuits filed by SITR against individual homeowners in community.

injunctive relief compelling the removal of the encroachments.¹⁸ SITR filed a total of 24 “encroachment lawsuits” against individual homeowners, three of which were filed against the President, Treasurer and Director of ECCHO, respectively. The encroachment lawsuits include the following actions filed in the San Diego County Superior Court:

- 1) *SITR v. Swadley*, SDCSC Case No. 37-2013-00073610-CU-BC-NC (filed on October 31, 2013);
- 2) *SITR v. Mullenriex*, SDCSC Case No. 37-2013-00073617-CU-BC-NC (filed on October 31, 2013);
- 3) *SITR v. Delaurentis*, SDCSC Case No. 37-2013-00073621-CU-OR-NC (filed on October 31, 2013);
- 4) *SITR v. Fawley*, SDCSC Case No. 37-2013-00073626-CU-OR-NC (filed on October 31, 2013);
- 5) *SITR v. Rogers*, SDCSC Case No. 37-2013-00080116-CU-OR-NC (filed on October 31, 2013);
- 6) *SITR v. Mainwaring*, SDCSC Case No. 37-2013-00080113-CU-OR-NC (filed on December 17, 2013);
- 7) *SITR v. Wonacott*, SDCSC Case No. 37-2013-00080120-CU-OR-NC (filed on December 17, 2014);
- 8) *SITR v. Martin*, SDCSC Case No. 37-2013-00080131-CU-OR-NC (filed on December 17, 2014);
- 9) *SITR v. Johnsgard*, SDCSC Case No. 37-2013-00080135-CU-OR-NC (filed on December 17, 2014);
- 10) *SITR v. Ahler*, SDCSC Case No. 37-2013-00073625-CU-OR-NC (filed on December 17, 2013);
- 11) *SITR v. Schaefer*, SDCSC Case No. 37-2013-00080116-CU-OR-NC (filed on December 17, 2013);
- 12) *SITR v. Boyd*, SDCSC Case No. 37-2013-00080125-CU-OR-NC (filed on December 17, 2013);
- 13) *SITR v. Carter*, SDCSC Case No. 37-2013-00080129-CU-OR-NC (filed on December 17, 2013);
- 14) *SITR v. Croghan*, SDCSC Case No. 37-2013-00080134-CU-OR-NC (filed on December 17, 2013);

¹⁸ See, e.g., Complaint for Encroachments and Trespass filed in *SITR v. Swadley*, SDCSC Case No. 37-2013-00073610-CU-BC-NC, included in Ex. 15.

- 15) *SITR v. Hodges*, SDCSC Case No. 37-2013-00080136-CU-OR-NC (filed on December 17, 2013);
- 16) *SITR v. Kennedy*, SDCSC Case No. 37-2014-00008201-CU-OR-NC (filed March 25, 2014);
- 17) *SITR v. Mandelbaum*, SDCSC Case No. 37-2014-00008204-CU-OR-NC (filed March 25, 2014);
- 18) *SITR v. Maebert*, SDCSC Case No. 37-2014-0008226-CU-BC-NC (filed March 25, 2014);
- 19) *SITR v. Larue*, SDCSC Case No. 37-2014-00008236-CU-BC-NC (filed March 25, 2014);
- 20) *SITR v. Everest*, SDCSC Case No. 37-2014-00008246-CU-BC-NC (filed March 25, 2014);
- 21) *SITR v. Clauson*, SDCSC Case No. 37-2014-00008251-CU-OR-NC (filed March 25, 2014);
- 22) *SITR v. DeJong*, SDCSC Case No. 37-2014-00008253-CU-OR-NC (filed March 25, 2014);
- 23) *SITR v. Wesolowski*, SDCSC Case No. 37-2014-00008258-CU-OR-NC (filed March 25, 2014); and
- 24) *SITR v. Fieldman*, SDCSC Case No. 37-2014-00008263-CU-OR-NC (filed March 25, 2014).¹⁹

4.4. *SITR Litigates Validity of Ordinance No. 2013-10 and Seeks Millions of Dollars Against City Based on an Alleged “Regulatory Taking”*

On November 6, 2013, SITR filed another action against the City seeking: 1) to invalidate Ordinance No. 2013-10 on various grounds; and 2) monetary damages based on SITR’s allegation that the City’s action constituted a “regulatory taking” of the Country Club Property. SITR also asserted claims that the City violated SITR’s “due process” rights and deprived SITR of “equal protection” in violation of the United States and California Constitutions.

SITR claims it was entitled to redevelop its Country Club Property with residential home sites in a manner consistent with the Country Club’s “R-1-7” zoning and “Urban I” general plan designation in effect prior to the City’s adoption of Ordinance No. 2013-10. Although the historic use of the Country Club Property for golf course, country club, and recreational purposes was (and always has been) permitted under the City’s zoning and general plan designations with a special or conditional use permit, SITR claims that the underlying zoning and general plan designations entitled SITR (at its election) to convert the Country Club Property into a residential housing development.

¹⁹ Ex. 14.

Among other reasons, the City disputes SITR's claims for the following reasons:

- The Country Club development was originally proposed, approved and developed as the “centerpiece” of (and catalyst for) the surrounding development;
- The “country club” community which evolved over time was approved with substandard home sites specifically on account of the fact that the Country Club provided the open-space and green-space corridors needed to offset the substandard, overbuilt nature of the home sites;
- A landowner, as a matter of law, has no “right” to develop its property in accordance with the existing zoning or general plan designation (*see, e.g., HFH, Ltd. v. Superior Court* (1975) 15 Cal.3d 508, 515 [holding that mere down-zoning of property does not constitute a “taking” under the United States and California Constitutions, explaining that “the courts of this state and the United States Supreme court firmly rejected the notion that the diminution of value of previously unrestricted land by imposition of zoning could constitute a taking impermissible in the absence of compensation.”]; *Morse v. County of San Louis Obispo* (1967) 247 Cal.App.2d 600, 602-603 [“[L]andowners have no vested right in existing or anticipated zoning ordinances.”]; and *Long Beach Equities v. County of Ventura* (1991) 231 Cal.App.3d 1016, 1040 [upholding County’s down-zoning of property to open space allowing for minimal development and reasoning that the “[d]iminution in expected value, even if that loss is severe, does not constitute a taking.”]);
- In addition to the City’s retention of full discretionary land-use authority over any proposed redevelopment of the Country Club Property, any such development would be subject to full environmental review under the California Environmental Quality Act (“CEQA”); and
- Any subdivision of the Country Club Property would necessarily be subject to the California Subdivision Map Act, requiring the processing of tentative maps with the City over which the City would retain discretionary authority for approval.

SITR’s “takings” litigation against the City is currently pending in San Diego County Superior Court.

4.5. SITR Spreads Chicken Excrement Over Abandoned Fairways Located Closest to Adjacent Homes And Is Cited By The APCD For A Public Nuisance

As reported in the San Diego Union Tribune, in April 2014, SITR paid a firm to spread chicken manure over many of the abandoned fairways situated closest to the residential home sites existing along the periphery of the golf course. SITR did that even though it no longer irrigates or maintains the golf course. On April 14, 2014, the County’s Air Pollution Control District cited SITR for creating a public nuisance. The citation was issued after inspectors determined that the chicken excrement created a “Level 5” odor, which represents the worst rating under the County’s “smell-scale.” As explained by the inspector for the Air Pollution

Control District, “Level 5 is bad. Level 5 will just about make you gag.”²⁰ According to the County, Sitr could face “fines of \$10,000 a day for dumping chicken excrement on a number of abandoned fairways.”²¹

4.6. Sitr Now Seeks Approval of the Voters to Adopt “The Lakes Specific Plan”

Sitr has now decided to take the matter to the voters. In March 2014, Sitr began circulating its petition to place the Sitr Initiative on the ballot.²² If approved, the Sitr Initiative would repeal Ordinance No. 2013-10 and again amend the City’s general plan, general plan land use map, zoning code, and official zoning map, with respect to the Country Club Property.²³ It would enact “The Lakes Specific Plan,” which would permit the Country Club Property to be redeveloped with up to 430 new residences.

5.0 DEVELOPMENT HISTORY OF COUNTRY CLUB PROPERTY AND SURROUNDING COMMUNITY

5.1. Executive Summary

Originally developed in the 1960s, the Country Club served as the centerpiece and catalyst for a developer’s master plan to develop a new retirement community in northwest Escondido. At that time, Mr. Morgan Stivers (“Stivers”) owned several hundred acres of undeveloped land in the area. In 1962, he submitted a plan to develop his acreage with 1,030 homesites.²⁴ In order to attract the “out of town” retired and semi-retired homebuyers needed for this new community, Stivers oriented the development plan around a new 9-hole golf course, community and recreation center, open space, and related amenities that would serve as the centerpiece of the retirement community. According to Stivers, the golf course, community center, and recreational amenities were “necessary” for the new retirement development to be “successful.”²⁵ A graphic of the original “Golden Circle Valley” tentative map boundary in relation to the Country Club area’s current development pattern is depicted on the following page of this report.

²⁰ Ex. 16, Union Tribune article, dated April 9, 2014, entitled, “Stench Rankles Escondido Club Neighbors.”

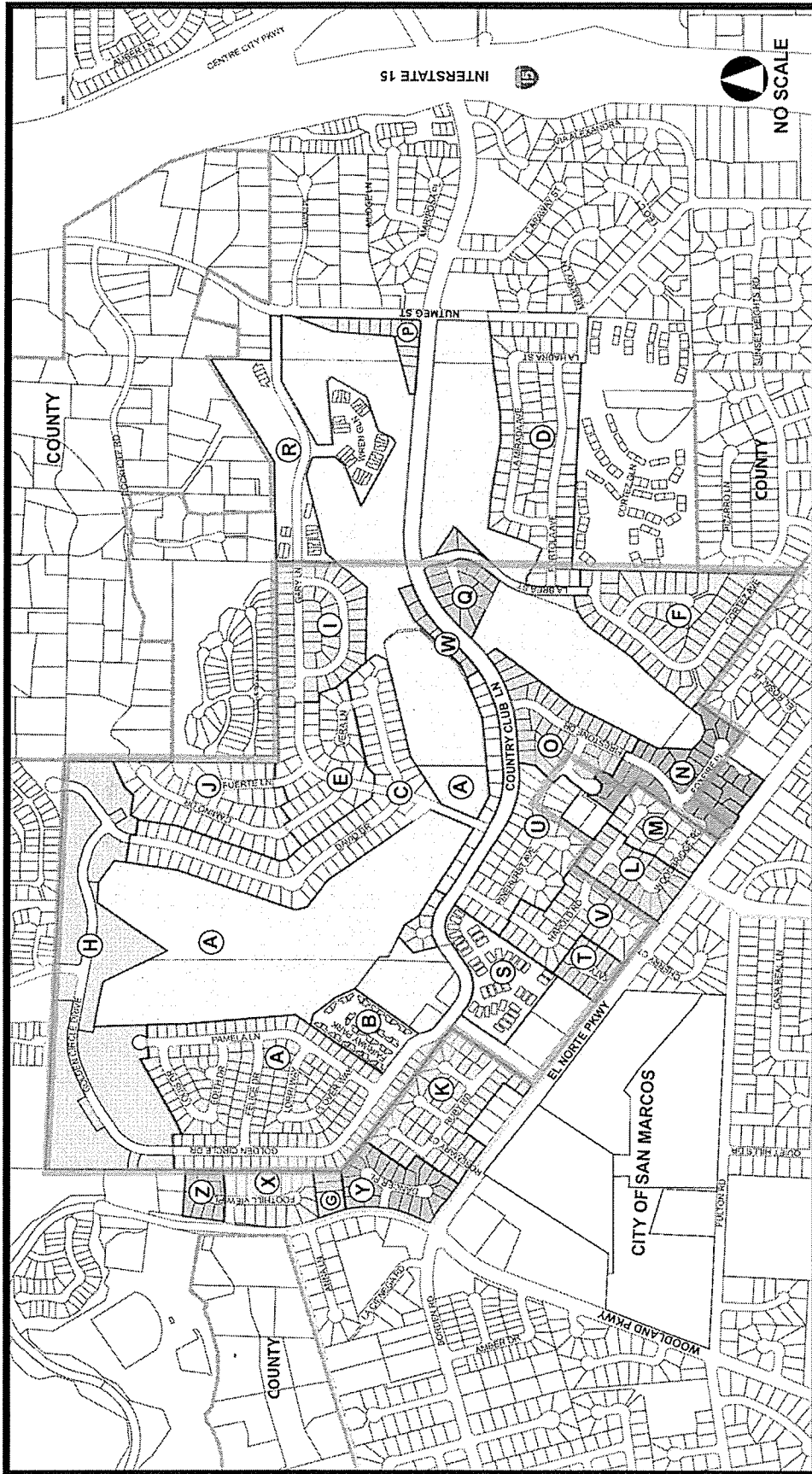
²¹ Ex. 17, Union Tribune article, dated April 14, 2014, entitled, “Chicken Manure Stink Could be Costly.”

²² See Notice of Intent to Circulate Petition re: Sitr Initiative included in Ex. 2.

²³ Ex. 2.

²⁴ Ex. 21, minutes from 12/12/62 Escondido Planning Commission (“PC”) meeting; Ex. 22, minutes from 12/26/62 PC meeting; Ex. 23, 12/26/62 letter from City Clerk to PC; Ex. 24, 12/26/62 application by Stivers for special use permit allowing “golf course and community center in R-1 zone;” Ex. 25, Notice of Proposed Special Use Permit; Ex. 26, minutes from 1/22/63 PC meeting; Ex. 27, minutes from 2/12/63 PC meeting; Ex. 28, PC Resolution No. 389.

²⁵ Ex. 24.



LETTER	TRACT AND MAP	RECORDED DATE	UNITS	ACRES	DEVELOPER
A	Golden Circle No. 2 Tract Map No. 5433	7/29/64	170 SFR	42.8 ac.	ROYART CORP
B	Golden Circle Annex - Tract Map No. 5512	12/29/64	37 UNITS		ROYART CORP
C	Escondido Tract No. 103 - Tract Map No. 5578	5/11/65	99 SFR	25.5 ac.	ROYART CORP
D	Escondido Tract No. 149 - Tract Map No. 6504	10/14/69	78 SFR	19.4 ac.	Country Club Homes
E	Escondido Tract No. 195-A - Tract Map No. 7681	6/13/73	44 SFR		
F	Escondido Tract No. 180 - Tract Map No. 7725	9/17/73	65 SFR	16.6 ac.	
G	Escondido Map 73-74 / PM 2321 (incl. Tr. 752)	2/5/74	4 SFR		Leadership Housing Syst.
H	Escondido Tract No. 221 - Tract Map No. 7917	4/10/74	132 UNITS		Country Club Homes
I	Escondido Tract No. 196-B - Tract Map No. 7984	8/6/74	46 SFR		Country Club Homes
J	Escondido Tract No. 196-C - Tract Map No. 8025	9/19/74	41 SFR	11.094 ac.	Buller Housing Corp.
K	Escondido Tract No. 284 - Tract Map No. 8372	9/17/76	53 SFR		
L	Escondido Tract No. 263-A - Tract Map No. 8478	1/31/77	20 SF		Cheshire Ent. Inc.
M	Escondido Tract No. 293-B - Tract Map No. 8503	6/29/77	21 SFR		Cheshire Ent. Inc.
N	Escondido Tract No. 305-B - Tract Map No. 8747	12/5/77	26 SFR		Dickerson Company
O	Escondido Tract No. 305-A - Tract Map No. 8721	11/14/77	35 SFR		Dickerson Company
P	Escondido Tract No. 328 - Tract Map No. 8900	6/22/78	13 SFR		Duffon Venton, Inc.
Q	Escondido Tract No. 338 - Tract Map No. 8901	6/22/78	16 SFR		Duffon Venton, Inc.
R	Escondido Tract No. 358 - Tract Map No. 9008	10/1/78	44 UNITS	14 ac.	Biddee Carter
S	Escondido Tract No. 503 - Tract Map No. 10553	12/30/82	38 UNITS		Rendick Dev. Inc.
T	Escondido Tract No. 604 - Tract Map No. 11224	5/7/85	11 SFR		Dansie/No. County
U	Escondido Tract No. 530-A - Tract Map No. 11863	5/6/87	43 SFR		TOS & Associates
V	Escondido Tract No. 530-B - Tract Map No. 11804	5/6/87	33 SFR		TOS & Associates
W	Escondido Tract No. 568 - Tract Map No. 12513	11/30/89	6 SFR		David & Dallas Price
X	Escondido Tract No. 752 - Tract Map No. 13095	4/27/84	17 SFR		Shares Communities
Y	Escondido Tract No. 808 - Tract Map No. 14330	12/28/01	28 SFR		Kelling Dev
Z	Escondido Tract No. 809 - Tract Map No. 14798	5/20/04	5 SFR		Hum. Development
TOTAL NUMBER OF UNITS					1,134 SFR

Boundary of original "Golden Circle Valley" tentative map

GOLDEN CIRCLE VALLEY SUBDIVISIONS

In February 1963, the City approved Stivers' application for the golf course, park/open space site, and community/recreation center, as well as the entire 1,030-unit development then known as the "Golden Circle Valley" subdivision.²⁶ The approval was memorialized in the tentative map for the Golden Circle Valley subdivision, and the special use permit for the golf course and related facilities embodied in Planning Commission Resolution No. 389.²⁷

Shortly after the City approved the original plan, Stivers transferred his project to H.L. Curfew of Royart Corporation.²⁸ Royart continued to move forward with the development as planned and approved, and completed the 9-hole golf course and recreational facilities in 1964.²⁹ By March of 1964, the 9-hole golf course was completed and in operation.³⁰ Royart, however, sought to enlarge the scope of the development to include additional adjoining property not included in the original approvals.³¹ The expanded scope of the development included additional land and a larger, 18-hole golf course and a modified housing layout surrounding the reconfigured golf course. To some degree, this necessitated "starting over" on the entitlements needed for the golf course, community/recreation center, and the new housing layouts surrounding the facilities.³² Thus, in May 1964, the Planning Commission adopted Resolution No. 478, approving the reconfigured golf course, open space/park, and community and recreation center. Resolution No. 478 replaced Resolution No. 389.³³

The expanded nature of the proposed development proceeded on a "piecemeal" basis. The overall Golden Circle Valley development started with the development of the originally smaller Country Club Property and 9-hole golf course (completed and operational in 1964) and the development of individual subdivisions situated along the periphery of the golf course. The Country Club expanded the development (to include an 18-hole golf course) a few years later.³⁴

The first five housing tracts in the Golden Circle Valley were developed by the developer of the Country Club (and its immediate successor-in-interest), who completed nearly half of the dwelling units originally proposed. The remaining subdivisions in Golden Circle Valley were completed by different ownerships generally in accordance with the "master plan" originally proposed by Stivers and Royart.

According to the sworn declarations of Stivers and Royart (the original owners and developers of *all* the property within the "Golden Circle Valley" master plan), the Country Club

²⁶ Ex. 27; Ex. 28.

²⁷ Ex. 27; Ex. 28.

²⁸ Ex. 28; Ex. 29, grant deed from Stivers to Royart, recorded June 1963.

²⁹ Ex. 18, booklet entitled "Echoes of the Escondido Country Club—1962 to 1992," pp. 3 and 6.

³⁰ Ex. 18, p. 6.

³¹ Ex. 30, minutes from 4/14/64 PC meeting; Ex. 31, 4/24/64 Royart Application for Special Use Permit for "Community and Recreation Center;" Ex. 32, applications for special use permit for golf course and recreational facilities; Ex. 33, PC Resolution No. 474 to hold public hearing on application for "constructing, maintaining and operating a golf course and related facilities, and a community and recreation center at the Golden Circle Development;" Ex. 18, pp. 3 and 6.

³² Ex. 34, minutes from 5/12/64 PC meeting.

³³ Ex. 34; Ex. 35, PC Resolution No. 478.

³⁴ Ex. 18, pp. 3 and 6.

was “necessary” for the new retirement community they envisioned. Thus, Royart’s development of the Country Club necessarily needed to precede the sale of homes to be developed around the Country Club.³⁵

In addition to developing the Country Club, Royart also subdivided the first three housing tracts for the retirement community, including: (1) Golden Circle Unit No. 2, a 187-lot subdivision primarily consisting of single-family residences flanking the northwesterly legs of the golf course for which the final map was recorded in July 1964;³⁶ (2) the Golden Circle Annex, a 37-unit condominium complex located adjacent to the golf course and community/recreational center for which the final map was recorded in December 1964;³⁷ and (3) Escondido Tract No. 103, a 98-lot single-family subdivision located along the northerly periphery of the golf course for which the final map was recorded in May 1965.³⁸

Significantly, Golden Circle Unit No. 2 and Escondido Tract No. 103 were approved with “below minimally-sized lots,” in return for the open space and recreational amenities provided in connection with the Country Club.³⁹ The City also approved setback and parking variances for numerous lots within those subdivisions due to the substandard nature of the lots and the open space/recreational amenities provided by the Country Club.

In 1966, Prudential Savings and Loan Association (“Prudential”) acquired Royart’s entire project, which included the unsold lots in the already subdivided housing tracts, the Country Club, and the balance of the undeveloped property included within Royart’s original proposed senior-citizen retirement community. Prudential completed the expansion of the golf course (to include an additional 9 holes, making it an 18-hole golf course), and two more single-family subdivisions located adjacent to the southeasterly legs of the golf course. These housing tracts included: (1) “Escondido Tract No. 149,” a 19.4 acre tract subdivided into 79 single-family residential lots;⁴⁰ and (2) “Escondido Tract No. 180,” a 16.6 acre tract subdivided into 65 single-family residential lots.⁴¹ As with the earlier tracts, the City granted setback variances for several home sites, including substantial rear-yard setbacks for homes “backing up” to the golf course.⁴²

³⁵ Ex. 31; Ex. 24.

³⁶ Ex. 36, final map recorded on July 29, 1964 for Golden Circle Unit No. 2.

³⁷ Ex. 37, final map for Golden Circle Annex recorded on December 29, 1964.

³⁸ Ex. 38, final map for Escondido Tract No. 103 recorded on May 11, 1965.

³⁹ Ex. 39, 2/25/65 letter from PC to CC re: waivers for Tract No. 103; Ex. 40, 1966 application, agenda report, correspondence and PC Resolution No. 708, approving setback and parking variances for numerous lots within Golden Circle Unit No. 2 and Escondido Tract No. 103 (Planning Case No. 66-65-V); Ex. 41, July 1968 application, minutes and PC Resolution No. 956, approving parking variance for numerous lots within Golden Circle Unit No. 2 (Planning Case No. 68-59-V); Ex. 42, October/November 1970 application, agenda report, minutes and PC Resolution No. 2202, approving variances for numerous lots within Golden Circle Unit No. 2 (Planning Case No. 70-118-V); Ex. 43, application, negative declaration, correspondence, agenda report and minutes for Escondido Tract No. 481.

⁴⁰ Ex. 44, final map for Escondido Tract No. 149, recorded on October 14, 1969.

⁴¹ Ex. 45, final map for Escondido Tract No. 180, recorded on August 17, 1973.

⁴² Ex. 52, 1971 application, minutes, agenda report and resolution approving set back variance for Lot 28, Escondido Tract No. 149 (Planning Case No. 71-32-V).

By 1973, Royart and its successor, Prudential, had completed the subdivision of the Country Club Property and the first five housing tracts. These housing tracts combined for a total of over 458 dwelling units—nearly half of the units included in Stivers’ originally proposed retirement community.

The balance of the (undeveloped) property within the proposed retirement community was thereafter conveyed to various ownerships, with individual subdivisions being processed and developed throughout the 1970s and 1980s. The entirety of the acreage included within Royart’s retirement community had been fully subdivided by 1989. This included a total of 977 housing units (53 units fewer than the 1,030-unit “Golden Circle Valley” tentative map originally approved by the City but later abandoned by Royart in favor of Royart’s proposed enlarged development).

All of these subdivisions were planned and designed to complement and incorporate the Country Club open space and recreational amenities integral to, and serving as the catalyst for, the entire retirement community. The developers used the Country Club, golf course, open space and recreational amenities as the primary selling-point to draw out-of-town homebuyers to the new community. Royart launched a “massive advertising campaign” in 1964, running ads in newspapers, magazines and the nationally-published Reader’s Digest. Royart also ran advertisements on radio throughout southern California. The ads touted the new “Golden Circle Valley” community as a “completely self-contained community” with “a dozen different pleasures to choose from” such as golf, tennis, swimming and the new “Town Hall.”⁴³ A later proposed subdivision (marketed as “Encanto del Sol” or “Enchantment Under the Sun”) touted the “built-in” nature of the recreational features, highlighting the golf, swimming, tennis and “beautiful scenery” suitable for “quiet walks” right at the back door.⁴⁴ The marketing campaign for these “golf course homes” also promised “an unparalleled combination of luxury, beauty, comfort and convenience creating extraordinary, lasting value.”⁴⁵

The Country Club and surrounding community is fully developed and for years has been referred to simply as the “Country Club” area of the Escondido community. The Country Club operated for nearly 50 years, serving to benefit the community that was planned and developed around it. The City’s General Plan originally designated the Country Club Property for golf-course/open-space use and most recently designated it as “urbanized,” reflecting the fully developed condition of the area. At no time has the Country Club been designated as a “revitalization” area. While SITR repeatedly refers to the Country Club Property as “blighted,” the City has never designated it as “blighted.”

5.2. Comprehensive Development History of “Golden Circle Valley” Retirement Community

A. Development of Country Club and First Five Housing Tracts by Original Developer of “Golden Circle Valley”

⁴³ Ex. 18, p.5, “Invest in Your Future” advertisement in Daily Times Advocate dated, March 30, 1964 .

⁴⁴ Ex. 18, p.11, “Encanto del Sol” advertisement.

⁴⁵ Ex. 18, p.12, “Encanto del Sol” advertisement.

Having acquired several hundred acres of raw, undeveloped land in and around the northwesterly portion of Escondido, in 1962, Stivers began processing entitlements for the development of a new retirement community centered around significant open space, golf course and recreational facilities intended to draw “out of town” homebuyers to the area. The specific development plans for the area evolved over time, but the area was ultimately developed in a manner generally consistent with Stivers’ original plan—to develop a “country club” retirement community featuring expansive open space corridors, viewsheds and recreational amenities that served as the intended “centerpiece” of the community. The specific land use proposals and approvals for the Country Club and surrounding retirement community are discussed below.⁴⁶

1) *The City Approves the Country Club Special Use Permit and “Golden Circle Valley” Tentative Map in 1963*

In 1962, Stivers processed a tentative map for the “Golden Circle Subdivision,” calling for the development of several hundred acres of land in the northwestern portion of Escondido.⁴⁷ The subdivision proposed 1,030 dwelling units, a 9-hole golf course, an open space/park parcel, a community/recreational center, and two parcels devoted to “religious worship.”⁴⁸

In accordance with the “R-1” zoning ordinance in effect at the time, the golf course and community/recreation center had to be processed under the “special use permit” procedures embodied in the City’s zoning ordinance (Ordinance No. 371).⁴⁹ In support the special use permit, Stivers declared in sworn testimony that the golf course and recreational facilities were “necessary” for the successful completion of the overall retirement community Stivers sought to develop:

“This request is submitted in conjunction with the Tentative Map for Golden Circle Subdivision, which is to be a senior citizens development. The construction of golf course and community center buildings is necessary for the successful completion of the overall project.”⁵⁰

On February 12, 1963, the Planning Commission held a hearing on Stivers’ application for special use permit.⁵¹ As of that time, the interests in Stivers’ application and tentative map had been transferred to the Royart Corporation.⁵² The Planning Commission adopted Resolution No. 389, approving the overall development, the construction of a 9-hole golf course, an open-space/park facility, a community center, and two parcels to be used for religious worship.⁵³ On

⁴⁶ See also “Golden Circle Valley Subdivision” graphic and chart reproduced at page 9 of this report, depicting and describing the various subdivisions of the Country Club community actually developed in and around the Country Club Property.

⁴⁷ Ex. 21, minutes from 12/11/62 PC meeting; Ex. 22, minutes from 12/26/62 PC meeting; Ex. 23, 12/26/62 letter from City Clerk to PC; Ex. 24, 12/26/62 application for Special Use Permit.

⁴⁸ Ex. 28, PC Resolution No. 389, pp.1-1C, 2-3, 5-8 of “Final Text of Special Use Permit” attached to resolution (“Special Use Permit Text”).

⁴⁹ Ex. 23.

⁵⁰ Ex. 24.

⁵¹ Ex. 27, minutes from 2/12/63 PC meeting.

⁵² Ex. 28, p.1 of Special Use Permit Text.

⁵³ Exs. 27 and 28.

that same date, the Planning Commission approved the “Golden Circle Valley” tentative map for the master planned housing development.⁵⁴ In light of the open-space corridors and recreational facilities integrated into the proposed retirement community, the Planning Commission approved minimally-sized home sites (on Lots 1 through 1,030), narrow lot widths and narrow widths for the internal street system of the proposed community.⁵⁵

The Planning Commission conditioned the issuance of the special use permit on a number of significant items.⁵⁶ First, with one noted exception, none of the home sites could be given a final inspection or occupied until the golf course, park, recreation and community center facilities had been constructed, inspected, and certified by the City Engineer.⁵⁷ In addition, the parcels devoted to golf course, open space, community center and church purposes were to be permanently reserved for such purposes.⁵⁸

2) *The City Approves Final Map for Golden Circle Unit No. 1 in May 1963*

With the tentative map and special use permit approved in February 1963 (for the entire “Golden Circle Valley” retirement community), on May 1, 1963, the City Council approved Royart’s final map for “Golden Circle Unit No. 1.”⁵⁹ Recorded on May 14, 1963, the final map for Golden Circle Unit No. 1 was the first legal subdivision covering a portion of the Golden Circle Valley retirement community. The recordation of the final map for Golden Circle Unit No. 1 created 163 legal lots, 156 of which were for single-family-residences on “minimally-sized” lots with small square footages, narrow lot-widths, and shallow depths.⁶⁰ It also created the legal lots for the community center and recreational facilities (shown as Lots 96, 97, and 98 on the final map) and the golf course and open space (shown as Lots 99, 100 and 105). In addition, Lot 162 was created for the development of multi-family uses.

⁵⁴ Ex. 27.

⁵⁵ Ex. 28, pp.1C-2 of Special Use Permit Text [“It appearing that in consideration of the proposed development, the character of the recreation facilities to be provided, the maintenance of gross area requirements for parking areas, and the size of the single family dwellings to be erected on the lots within Golden Circle, that the lot size prescribed for R-1 zone should be reduced to the minimum size as shown on said attached tentative map, and that the applicant be permitted to establish certain local streets shown on the tentative map as 50 foot width streets instead of 60 foot width streets as would be required for a normal subdivision, and that the applicant further shall be permitted to construct, maintain, and operate park, recreation and community center facilities as indicated on said attached map and as outlined in detail hereafter.”].

⁵⁶ Ex. 28, pp. 2-10 of Special Use Permit Text.

⁵⁷ Ex. 28, ¶¶ 2-3 of Special Use Permit Text. The exception to this requirement concerned the developer’s construction of five model homes and one four-unit apartment complex, which could be completed prior to completion of the recreational facilities.

⁵⁸ Ex. 28, ¶ 4.

⁵⁹ Ex. 46, final map for Golden Circle Unit No. 1, recorded May 14, 1963.

⁶⁰ As shown on the final map, the vast majority of the single family residential home sites in Golden Circle Unit No. 1 were less than 5,000 square feet and had lot widths generally between 55 and 60 feet.

3) *Royart Records Use Restrictions Permanently Restricting the Golf Course, Open Space and Community Center Lots to Park and Community Center Use on June 17, 1963*

As required by Resolution No. 389, on June 17, 1963, Royart recorded a “Declaration of Restrictions” expressly applicable to the legal lots created through the recordation of the final map for Golden Circle Unit No. 1.⁶¹ These restrictions were imposed as “mutual, beneficial restrictions under a general plan or scheme of improvement of all the lands in the tract and the future owners of those lands.”⁶² The restrictions imposed rules and covenants concerning the permitted and prohibited uses of the single family residences. In addition, Lots 96, 97 and 98 (the community and recreational center lots) were “restricted to Community Center use only.” Lots 99, 100, and 105 (the golf course and open space/park lots) were “restricted to golf course or park use only.”⁶³

4) *The City Approves a Revised (or “Replacement”) Tentative Map for the Entire Golden Circle Valley Retirement Community on July 9, 1963*

On July 9, 1963, the Planning Commission considered (and approved) Royart’s application to revise the previously-approved tentative map for the overall Golden Circle Valley development and to amend the special use permit (embodied in Resolution No. 389) accordingly.⁶⁴ The revised tentative map proposed slightly larger lots to accommodate homes with proper side-yard set-backs, to increase the size of the golf course and to modify the street pattern within the residential areas to allow for better traffic circulation.⁶⁵ The action taken by the Planning Commission on July 9, 1963, pertained to the overall Golden Circle Valley development, not just the area included within the previously-recorded final map for Golden Circle Unit No. 1. On that same date, the Planning Commission also approved Royart’s separate request for set-back variances on all lots within Golden Circle Unit No. 1.⁶⁶ The setback variances were granted based on the finding that Royart had provided substantial acreage for the golf course and park/open space.⁶⁷

5) *Royart Pursues Alternative Plan of Development in 1964*

After the final map for Golden Circle Unit No. 1 was recorded in 1963, Royart decided to reconfigure the home site and golf course parcels created by the recordation of the final map. Royart thereafter processed a new final map for the area, known as “Golden Circle Unit No. 2.”

⁶¹ Ex. 47, Declaration of Restrictions recorded on June 17, 1963.

⁶² Ex. 47, p.1.

⁶³ Ex. 47, ¶ 7(n).

⁶⁴ Ex. 48, minutes from 7/9/63 PC meeting.

⁶⁵ Ex. 48; Ex. 49, “Replacement” Tentative Map for Golden Circle Valley.

⁶⁶ Ex. 48; Ex. 50, PC Resolution No. 417.

⁶⁷ Ex. 51, application and PC Resolution No. 417, approving Royart’s request for setback variances for all lots within Golden Circle Unit No. 1; see Application for Variance included within Ex. 51, explaining: “Since many acres of park and golf course have been provided, this minor reduction in side yard sky area will not be detrimental or injurious to adjacent properties.”

On April 16, 1964, the Planning Commission considered and approved Royart's final map for the "Golden Circle Unit No. 2" subdivision.⁶⁸ Golden Circle Unit No. 2 included the same area that was previously subdivided in Golden Circle Unit No. 1, as well as additional land not included in Golden Circle Unit No. 1.⁶⁹ Golden Circle Unit No. 2 consisted of a larger, 186-lot subdivision, reconfiguring the street and lot layout to some degree, and slightly enlarging and modifying the boundary of the golf course lots.

As with Golden Circle Unit No. 1, Golden Circle Unit No. 2 created three lots to be devoted to the community center and recreational facilities (shown as Lots 1, 2 and 3 on the final map), three lots for the golf course and open space amenities (shown as Lots 185, 186 and 142), and one lot intended for multi-family dwelling units (shown as Lot 4).⁷⁰

At the April 16, 1964 Planning Commission meeting, Royart also raised an issue concerning its revised plan for development of the Golden Circle Valley retirement community. Royart sought to develop additional land outside the perimeter of the area subject to the approved "Golden Circle Valley" tentative map and special use permit embodied in Resolution No. 389.⁷¹ Accordingly, Royart proposed that future subdivisions be processed as "regular subdivisions," presumably on a "subdivision-by-subdivision" basis and by adoption of a new special use permit that would include the enlarged golf course.⁷²

On that same date, the Planning Commission set a public hearing for the issuance of a special use permit "for the purpose of constructing, maintaining and operating a golf course and related facilities, and a community and recreational center at the Golden Circle development."⁷³ The property subject to the proposed permit included the three community center lots, as well as Lots 185 and 186 designated on the final map for Golden Circle Unit No. 2 for golf course use. In addition, the proposed permit covered an expanded area not previously included in Resolution No. 389 or the approved tentative map.⁷⁴

On May 12, 1964, the Planning Commission held a hearing on Royart's application for a new special use permit to "construct, maintain and operate a golf course and related facilities,

⁶⁸ Ex. 30, minutes from 4/14/64 PC meeting.

⁶⁹ Compare final map for Golden Circle Unit No. 1 (Ex. 46) with final map for Golden Circle Unit No. 2 (Ex. 36); see also Ex. 30.

⁷⁰ Ex. 36.

⁷¹ Ex. 30; Ex. 32, Royart applications for special use permit for golf course and recreational facilities; Ex. 31.

⁷² Ex. 30. As noted, the original special use permit (PC Resolution 389 included in Ex.28) authorized the development of a 9-hole golf-course over the parcels labeled "Lot A" on the tentative map. See also Ex. 18, p. 3.

⁷³ Ex. 33, Resolution No. 474 setting hearing on Royart applications. See also Ex. 31, Royart application for special use permit; and Ex. 32, Royart applications for golf course and community/recreation center.

⁷⁴ See legal description set forth in PC Resolution No. 478 (Ex. 35, p.1) identifying Lots 96, 97, 98, and 105 [of Golden Circle Unit No. 1], Lots 185, 186 and "A" [of Golden Circle Unit No. 2], and additional land described as encompassing portions of Lot 3, Block 14 of Rancho los Vallecitos de San Marcos; and Sections 5 and 6 of Township 12 South, Range 2 West, San Bernardino Base and Meridian.

and a community and recreational center at the Golden Circle Development.”⁷⁵ The Planning Commission adopted Resolution No. 478, approving Royart’s application for a special use permit.⁷⁶ Resolution No. 478 authorized Royart to construct the following facilities in connection with its enlarged development proposal:

- A golf course, golf pro shop, dressing rooms and storage space, one putting green, and one driving range.
- A recreation and community facilities area containing:
 - A woodworking room, lapidary room, library room, ceramics room, sewing room, an arts room, and a film processing room.
 - A swimming pool, concrete shuffle board courts, croquet court, horseshoe pits, patio area, and bowling green.
- A town hall building with a kitchen, cafeteria, stage, dressing rooms, club rooms, and administrative offices.
- An open park and recreational area.
- Incidental uses similar in character and no more detrimental than the above-listed uses as determined by the Planning Commission.⁷⁷

The special use permit embodied in Resolution No. 478 included the same area subject to Resolution No. 389, plus the enlarged area not included in the original land-use application. As determined by the Planning Commission when adopting Resolution No. 478, Resolution No. 478 “replaced” the previously-adopted Resolution No. 389 which covered a smaller geographic area.⁷⁸

6) *The City Approves (and Royart Records) the Final Map for Golden Circle Unit No. 2 in July 1964*

The Planning Commission approved Royart’s “revised” tentative map for the Golden Circle Valley subdivision in July 1963.⁷⁹ The revised tentative map reconfigured the internal street system of the housing tract and golf course parcels previously subdivided in Golden Circle Unit No. 1.⁸⁰ Accordingly, Royart needed to process a new final map incorporating the previously subdivided property (in Golden Circle Unit No. 1) and some additional land extending outside the Golden Circle Unit No. 1 boundary. On July 21, 1964, the City Council approved the final map for Golden Circle Unit No. 2, which Royart recorded on July 29, 1964.⁸¹

⁷⁵ Ex.34, minutes from 5/12/64 PC meeting.

⁷⁶ Ex. 34; Ex. 35.

⁷⁷ Ex. 35, pp.2-3.

⁷⁸ Ex. 34; Ex. 35.

⁷⁹ Ex. 48, minutes from 7/9/63 PC meeting.

⁸⁰ Compare “Replacement” Tentative Map for Golden Circle Subdivision approved in July 1963 (Ex. 49) with final map for Golden Circle Unit No. 1 (Ex. 46, pp. 3-4.)

⁸¹ Ex. 36.

Golden Circle Unit Number 2 consisted of 186 numbered lots and an additional lot designated as “Lot A.” Lots 1, 2, and 3 included the same community/recreation center parcels that were designated as Lots 96, 97, and 98 in Golden Circle Unit No. 1. Lots 185, 186 and 141 included the reconfigured golf course and park lot previously designated as Lots 99, 100 and 105 in Golden Circle Unit No. 1.⁸²

The remaining 179 lots consisted of single-family residential home sites. Just like the home sites created in Golden Circle Unit No. 1, the Golden Circle Unit No. 2 home sites were minimally sized (on the order of 5,000 square feet or less), had narrow lot widths (60 feet or less), and shallow lot depths (less than 100 feet). As the City later acknowledged when granting several setback and parking variances for numerous home sites in Golden Circle Unit No. 2, the housing tract was predominated by “below minimally sized lots” due specifically to the fact that “the central recreation area and golf course compensated for these small lots.”⁸³

On July 31, 1964, Royart recorded another “Declaration of Restrictions,” specifically applicable to lots subdivided in Golden Circle Unit No. 2.⁸⁴ Like the prior restrictions, the new restrictions imposed certain rules and covenants concerning the uses of the single-family residences. The new restrictions, however, were not applicable to the lots devoted to golf course, park and recreational use.⁸⁵

On August 14, 1964, Royart recorded an amendment to the restrictions, adding a provision requiring that at least one member of each home site to be 50 years or older, and prohibiting anyone under the age of 16 from residing or occupying any home in the community.⁸⁶ Royart recorded another amendment to the restrictions on September 23, 1964, increasing the minimum age of residents from 16 to 18.⁸⁷

7) *Royart Subdivides 37-Unit Condominium Complex
 (“Golden Circle Annex” aka “Fairway Park”) in
 December 1964*

In September 1964, Royart applied for a special use permit to allow the development of a 37-unit condominium complex on Lot 4 of Golden Circle Unit No. 2.⁸⁸ On November 10, 1964, the Planning Commission approved both the tentative map and special use permit for the “Fairway Park” condominium complex (embodied in Resolution No. 516).⁸⁹ The text of the special use permit for the condominium complex makes express reference to (and approves) the recreational and community facilities adjoining the condominium complex.⁹⁰

⁸² Compare Ex. 36, pp. 3, 6-7, and 12, with Ex. 46, pp. 3-6.

⁸³ See 11/24/70 agenda report included in Ex. 42.

⁸⁴ Ex. 53.

⁸⁵ Ex. 53.

⁸⁶ Ex. 54.

⁸⁷ Ex. 55.

⁸⁸ Ex. 56, application for special use permit for 37-unit condominium complex.

⁸⁹ Ex. 57, minutes from 11/10/64 PC meeting; Ex. 58, PC Resolution No. 516.

⁹⁰ Ex. 59.

On December 1, 1964, the City Council approved and certified the final map for the “Golden Circle Annex” (i.e., “Fairway Park”). Royart recorded the final map on December 29, 1964.⁹¹ Golden Circle Annex consisted of a 37-unit condominium complex, wholly contained within Lot 4 of Golden Circle Unit No. 2. The condominium complex is situated adjacent to the recreational/community center facilities constructed on Lots 1, 2 and 3 of Golden Circle Unit No. 2.

8) *Royart Subdivides Escondido Tract No. 103 in May 1965*

In February 1965, Royart submitted a tentative map proposing a 93 lot, single-family residential subdivision, primarily along the northern periphery of the golf course parcels subdivided in Golden Circle Unit No. 2.⁹² In light of the adjacency of the golf course, Royart requested that the City “suspend” the requirement to place alleys at the rear of the lots and to allow Royart to exceed the maximum block length of 1,320 feet.⁹³ The City’s “Staff Development Committee” reviewed Royart’s proposal and concurred with the requested waivers. In addition, the committee recommended a “waiver of lots having less than 50 foot street frontage.”⁹⁴ On February 23, 1965, the Planning Commission approved Royart’s tentative map, approved the requested waiver of alleys at the rear of lots backing up to golf course, and allowed Royart to exceed the maximum block length due to terrain and the general layout of the surrounding area.⁹⁵ The City Council approved and certified the final map for Escondido Tract No. 103 on March 24, 1965.⁹⁶

9) *Prudential (Royart’s Successor) Obtains Conditional Use Permit for Clubhouse Allowing for Bar, Restaurant, and Snack-Bar Facilities on Lots 1, 2, and 3 of Golden Circle Unit No. 2 in 1968*

On November 14, 1967, William Godbey (on behalf of the Escondido Country Club and Prudential) applied for a conditional use permit (“CUP”) allowing for the construction of a “clubhouse” and related amenities (such as alcohol sales, restaurant, and snack bar) on the parcels previously approved for community and recreational amenities in Resolution No. 478.⁹⁷ In support of the request, the Escondido Country Club declared that it was “involved in the operation of an 18 hole championship golf course and that the golf course is not complete because of the lack of adequate clubhouse facilities. . . .”⁹⁸ The Planning Commission originally approved the CUP on December 12, 1967 when it adopted Resolution No. 865.⁹⁹ Thereafter, Escondido Country Club requested amendments to the CUP due, in part, to issues concerning Escondido Country Club’s inability to obtain an alcohol license if the facilities serving alcohol were not open to the general public.¹⁰⁰ On June 25, 1968, the Planning Commission adopted

⁹¹ Ex. 37.

⁹² Ex. 60, 2/15/65 letter to planning department.

⁹³ Ex. 60.

⁹⁴ Ex. 61, 2/23/65 letter to Planning Commission.

⁹⁵ Ex. 62, 2/25/65 letter from City Clerk to City Council.

⁹⁶ Ex. 38, final map for Escondido Tract No. 103, recorded on 5/11/65.

⁹⁷ Ex. 63, 11/14/67 application for conditional use permit.

⁹⁸ Ex. 63; Ex. 64, 12/12/67 agenda report re: Prudential’s application for conditional use permit.

⁹⁹ See reference to PC Resolution No. 865 in PC Resolution No. 884 included in Ex. 65.

¹⁰⁰ Ex. 65.

Resolution No. 944, amending the conditions allowing for the general public to patronize the bar, restaurant, and snack-bar facilities.¹⁰¹

10) *Royart and Prudential Obtain Numerous Set-Back and Parking Variances For Home Sites Throughout Golden Circle Unit No. 2 and Escondido Tract No. 103 Specifically on Account of the Golf Course and Recreational Facilities “Compensating” for the Substandard Lots*

The zoning ordinance in effect at the time Royart sought to develop the home sites in Golden Circle Unit No. 2 and Escondido Tract No. 103, required a minimum 5 yard setbacks on either side of the home and, for lots that did not abut alleys, one of the side-yards had to be at least 10 feet wide. In addition, the required rear-yard setback for all single-family dwellings was 20 feet. The zoning ordinance also required each single-family home site to have a structure suitable to accommodate two “off-street” parking spaces.

Upon obtaining approval of the final maps for Golden Circle Unit No. 2 (in 1964) and Escondido Tract No. 103 (in 1965), Royart applied for setback and parking variances for numerous home sites throughout the housing tracts. On October 11, 1966, the Planning Commission adopted Resolution No. 708, reducing the minimum side-yard setbacks from “5 and 10 foot side yards to 5 foot side yards and from 20 foot rear yard required to a 10 foot minimum rear yard.”¹⁰² This variance applied to 59 home sites scattered throughout the two housing tracts. For one of the home sites, the Planning Commission reduced the rear yard setback to 8 feet.¹⁰³ The Planning Commission also granted the requested variance for the minimum “two vehicle” off-street parking structure to one vehicle with respect to 6 home sites located within Golden Circle Unit No. 2.¹⁰⁴ On January 10, 1967, the Planning Commission granted another variance to the side-yard setbacks as to Lot 138 in Golden Circle Unit No. 2.¹⁰⁵

In 1966, Prudential Savings and Loan Association (“Prudential”) acquired all of Royart’s holdings.¹⁰⁶ Those holdings included the unsold home sites in Golden Circle Unit No. 2, and Escondido Tract No. 103, the Country Club Property, and a large amount of acreage which at that time had not been subdivided.¹⁰⁷

¹⁰¹ Ex. 66, PC Resolution No. 944. Resolution No. 944 was amended again in October 1968, to allow for certain signage at the clubhouse. (Ex. 67, PC Resolution No. 994.)

¹⁰² Ex. 40, application, minutes, agenda report, correspondence and PC Resolution No. 708, approving setback and parking variances for numerous lots throughout Golden Circle Unit No. 2 and Escondido Tract No. 103.

¹⁰³ Ex. 40, PC Resolution No. 708, § 2.

¹⁰⁴ Ex. 40, PC Resolution No. 708, § 3.

¹⁰⁵ Ex. 68, application, minutes, agenda report and PC Resolution No. 738 approving requested variance for Lot 138.

¹⁰⁶ Prudential acquired all of Royart’s holdings by way a trustee’s deed recorded on December 28, 1966. (Ex. 69.) Although Prudential conveyed all of its holdings to Unger Pacific, Inc. on March 31, 1971, Prudential held a deed of trust on the property and ultimately reacquired the same holdings held by Unger Pacific, Inc. by way of a trustee’s deed in August 1973. (Ex. 69.) Prudential, in turn, conveyed those holdings to the “Escondido Golf and Land Company” on the same date. (Ex. 69.)

¹⁰⁷ See legal description for Trustee’s Deed Upon Sale to Prudential recorded 12/28/66, included

Because some of the previously-issued variances had expired for several home sites for which construction had not commenced, in October 1970, Prudential applied for new setback and parking variances. Gary Day, the “manager of the Escondido Country Club development,” acknowledged the variances were needed for these “substandard lots.”¹⁰⁸ City staff recommended approval specifically because the developer had “compensated” for the “below minimally sized lots” with the recreation area and golf course that were central to the development:

“The variances have now expired, and this application is to cover those not constructed thereupon. The previous variances were granted because it was felt that these lots were created under a criteria that allowed below minimum sized lots since the central recreation area and golf course compensated for these small lots.”¹⁰⁹

On November 24, 1970, the Planning Commission adopted Resolution No. 2202, approving the Country Club’s request for setback and parking variances.¹¹⁰

Numerous other variances were approved for home sites within the Country Club community as requested by Royart and Prudential, including (among others): 1) a side-yard setback variance for Lot 14, Blk 1, Tract No. 103, to accommodate patio-cover that would “be facing the golf course” and would “not be close to anyone’s home;”¹¹¹ 2) a side-yard setback variance for Lot 138 of Golden Circle Unit No. 2; and 3) a single-vehicle “off street” parking variance for 54 lots located in Golden Circle Unit No. 2.¹¹²

11) Prudential Completes Subdivision of Escondido Tract No. 149 in October 1969

Having acquired Royart’s holdings in 1966, Prudential recorded the final map for Escondido Tract No. 149 on October 14, 1969.¹¹³ This subdivision consisted of 79 single-family residences on a 19.4 acre site. The property is located along the southerly edge of the most southeasterly leg of the golf-course. Like the earlier housing tracts, many of the lot depths were insufficient for constructing homes, prompting Prudential to seek and obtain setback variances for numerous lots backing up to the golf course.¹¹⁴

12) Prudential Completes Subdivision of Escondido Tract No. 180 in August 1973

in Ex. 69.

¹⁰⁸ See Application for Variance executed October 29, 1970, included within Ex. 42.

¹⁰⁹ See Agenda Report dated 11/24/70 included in Ex. 42.

¹¹⁰ See minutes from 11/24/70 PC meeting included in Ex. 42.

¹¹¹ Ex. 82, application, minutes, agenda report and PC Resolution No. 2259 approving setback variance.

¹¹² Ex. 71, application, minutes, agenda report and PC Resolution No. 956 adopted approving variance on account of “substandard lots.”

¹¹³ Ex. 44.

¹¹⁴ See Agenda Report for requested variance on Lot 28, Escondido Tract No. 149, dated 4/13/71 included in Ex. 52.

On August 17, 1973, Prudential recorded the final map for Escondido Tract No. 180.¹¹⁵ This was a single-family residential subdivision containing 65 homesites on a 16.6 acre property. The subdivision is situated on the southeasterly edge of the most southerly leg of the golf course.

B. Development of Remaining “Golden Circle Valley” Housing Tracts

Royart and its successor, Prudential, developed the golf course, community and recreational center, clubhouse, and first five housing tracts within the “Golden Circle Valley” community. By 1973, a total of 458 residential units had been created, including: 1) 179 SFR units in Golden Circle Unit No. 2; 2) 98 SFR units in Escondido Tract No. 103; 3) 37 multi-family dwelling units in Golden Circle Annex; 4) 79 SFR units in Escondido Tract No. 149; and 5) 65 SFR units in Escondido Tract No. 180.

The remaining undeveloped acreage (within the original Golden Circle Valley tentative map) was conveyed to different ownerships and developed over time. Like the initial tracts, all of these housing tracts were developed specifically in contemplation of the permanence of the Country Club golf course, open space, and recreational facilities serving as the catalyst to this new “country club” retirement community. The additional housing tracts developed included the following:

1) Escondido Tract No. 196

This housing tract was subdivided by “Country Club Homes” in 1973 and 1974, and is located just north of Escondido Tract No. 103.¹¹⁶ The overall tract contains three sub-tracts, which were subdivided by separate final maps. Escondido Tract 196-A (recorded 6/13/1973 in Tract Map No. 7661) contains 44 single-family residences. Escondido Tract 196-B (recorded in June 1974 in Tract Map No. 7984) contains 46 single-family residences. Escondido Tract 196-C (recorded 9/19/74 in Tract Map 8025) contains 41 single-family residences. Escondido Tract No. 196, in total, created 131 single-family lots.

2) Escondido Tract No. 221

This is a multi-family project subdivided by Leadership Housing System on April 10, 1974, when it recorded Tract Map No. 7917. This approximately 30-acre site is located immediately to the north of Golden Circle Unit No. 2 and Escondido Tract No. 103.¹¹⁷ A good portion of the southerly boundary of the site is located on the periphery of the most northerly legs of the golf course. The development consists of a 134-unit planned unit condominium project, designed with the express objective “to develop a recreationally-oriented retirement housing neighborhood which will meet current housing demands in the area and have a harmonious relationship with the existing golf course and the general neighborhood.”¹¹⁸ The development was specifically “designed for older families” and was “oriented to the adjacent

¹¹⁵ Ex. 45.

¹¹⁶ Ex. 72, final maps for Escondido Tract Nos. 196-A, 196-B and 196-C.

¹¹⁷ Ex. 73, final maps, EIR and related documents for Escondido Tract No. 221.

¹¹⁸ See planning department comments on EIR, p. 1, dated 3/27/73, included in Ex. 73.

golf course, both for recreation and additional open space.”¹¹⁹ The developer advertised and marketed the development towards semi-retired and retired homebuyers.¹²⁰

3) *Escondido Tract No. 305*

Dickerson Company subdivided this single-family development in 1977. It contains a total of 61 homesites. It is located along the westerly and southerly perimeter of the most southerly leg of the golf course. It was also subdivided in two separate tracts (Escondido Tract No. 305-A and Escondido Tract No. 305-B).¹²¹ Tract No. 305-A (containing 35 single-family residences) was recorded on November 14, 1977, as Tract Map No. 8721. Tract No. 305-B (containing 26 single-family residences) was recorded on December 5, 1977, as Tract Map No. 8747.¹²²

4) *Escondido Tract No. 326*

Dutton Vernon, Inc. subdivided this 13 unit, single-family subdivision in 1978. It is located on the northwest corner of Nutmeg Street and Country Club Lane. Each of the lots are located on the golf course. The subdivision was recorded on June 22, 1978 as Tract Map No. 8900.¹²³

5) *Escondido Tract No. 338*

Concurrently with Escondido Tract No. 326, Dutton-Vernon, Inc. subdivided this 16-unit, single-family subdivision in June 1978. This subdivision is surrounded on all sides by the golf course and Country Club Lane. Dutton-Vernon, Inc. recorded the final map on June 22, 1978, as Tract Map No. 8901.¹²⁴

6) *Escondido Tract No. 358*

This is a “Planned Unit Approval” for a 44-unit condominium complex subdivided by Biddie/Carter in October 1978 (as Tract Map No. 9008).¹²⁵ Portions of the complex are located along the northerly edge of the northeast legs of the golf course. Another large portion of the complex is completely surrounded by the golf course and designed as an “island” within the golf-course.

7) *Escondido Tract No. 503*

This is a multi-family development subdivided in 1982 by Wendick Development, Inc.¹²⁶ It is located directly across Country Club Lane from the clubhouse and recreational facilities. It contains 38 multi-family dwelling units.

¹¹⁹ See 5/22/73 Agenda Report, ¶ 6, included in Ex. 73.

¹²⁰ See minutes from 5/22/73 PC meeting included within Ex. 73.

¹²¹ Ex. 74, final maps for Escondido Tract Nos. 305-A and 305-B.

¹²² Ex. 74.

¹²³ Ex. 75, final map for Escondido Tract No. 326.

¹²⁴ Ex. 76, final map for Escondido Tract No. 338.

¹²⁵ Ex. 77, final map for Escondido Tract No. 358.

¹²⁶ Ex. 78, final map for Escondido Tract No. 503.

8) *Escondido Tract No. 530*

TDS & Associates subdivided this single-family housing development on May 6, 1987, when it recorded the final maps for Tract Nos. 530-A and 530-B as Tract Map Nos. 11803 and 11804, respectively.¹²⁷ It contains a total of 76 single-family residences, and fronts both Country Club Lane and El Norte Parkway. It is located just south of the Country Club and golf course facilities.

9) *Escondido Tract No. 568*

This is a 6 lot subdivision fronting Country Club Lane and bounded by the golf course on the rear.¹²⁸ This property was held by David Price (who also owned the Country Club) at the time,¹²⁹ and was developed to replace the maintenance yard used for the golf course. The property was subdivided on November 30, 1989, when Tract Map No. 12513 was recorded.

10) *Summary of Dwelling Units Developed in "Golden Circle Valley"*

As noted previously, Royart and its successor, Prudential, completed the subdivision of the first 5 housing tracts in the Golden Circle Valley. These tracts combined for a total of 458 dwelling units. The remaining subdivisions combined for an additional 519 units, including: (1) 131 SFR units in Escondido Tract No. 196; (2) 134 multi-family units in Escondido Tract No. 221; (3) 61 SFR units in Escondido Tract No. 305; (4) 13 SFR units in Escondido Tract No. 326; (5) 16 SFR units in Escondido Tract No. 338; (6) 44 multi-family units in Escondido Tract No. 358; (7) 38 multi-family units in Escondido Tract No. 503; (8) 76 SFR units in Escondido Tract No. 530; and (9) 6 SFR units in Escondido Tract No. 568.

In total, the Golden Circle Valley community planned and proposed by the original developer was actually developed with 977 dwelling units – 53 units shy of the 1,030-unit “Golden Circle Valley” tentative map approved by the City (but later abandoned by Royart in favor of the enlarged Country Club development). At the time the City approved the tentative map in 1963, the property was subject to the City’s “R-1” zoning ordinance which allowed for smaller lots. In 1966, the property was rezoned to “R-1-7,” imposing 7,000 sf minimum lot sizes. While Golden Circle Unit No. 2 and Escondido Tract No. 103 were approved under the prior “R-1” zoning ordinance, the single-family subdivisions which followed were subject to the larger, 7,000 sf minimum lot size requirement.

C. Other Development Proposals Within Country Club Community

1) *The City Approves Unger-Pacific’s Request to Rezone Entire 350 Acres in Golden Circle Valley to “Planned Development (P-D)” in 1971*

¹²⁷ Ex. 79, final maps for Escondido Tract Nos. 530-A and 530-B.

¹²⁸ Ex. 80, final map for Escondido Tract No. 568.

¹²⁹ Escondido Golf and Land Company conveyed its interests in the Country Club and other holdings in the area to David Price on July 30, 1985.

In 1971, Prudential conveyed its remaining holdings in the Country Club, golf course, open space, recreational facilities, unsold lots in the subdivided tracts, and undeveloped acreage, to Unger Pacific, Inc. (“Unger”).¹³⁰ Unger sought to move forward with the development of the remaining undeveloped acreage and proposed a “rezoning” of the entire 350 acres comprising the “country club” community to Planned Development (P-D).¹³¹ At that time, the only “subdivided” housing tracts included Golden Circle Unit No. 2, the Golden Circle Annex condominium complex, Escondido Tract 103, and Escondido Tract No. 149. This included 359 single-family residences, 1 condominium complex with 37 units, a commercial site, and the golf-course and club facilities.

The purpose of the proposed “Planned Development” was not to increase the density of the area as originally planned, but to provide more flexibility in developing the remainder of the community without the necessity of obtaining variances for substandard lots (which had been the practice up to that date).¹³² Staff was in favor of the proposal in order “to allow the flexibility without the requirement of variances.” Staff also noted that the proposal was in conformance with the City’s General Plan.¹³³ As proposed, the remaining development would accommodate an additional 670 units, for a total of 1,032 units (as identified in the original tentative map for the “Golden Circle Valley”).

On July 27, 1971, the Planning Commission adopted Resolution No. 2313, recommending approval of the proposed zone change of the 350 acres to Planned Development, and Resolution No. 2314, recommending approval of the preliminary development plan proposed by Unger.¹³⁴ On August 25, 1971, the City Council adopted Ordinance No. 1449, rezoning the area to Planned Development.¹³⁵

On February 16, 1972, however, the City Council adopted Ordinance No. 1489, repealing Ordinance No. 1449, and reinstating the prior zoning.

2) *The Campana Company Proposes 444-Unit Condominium Complex Located on Various Parcels Surrounding Golf Course in 1974*

In 1974, the Campana Company (“Campana”) proposed a new, 444-unit condominium project for various undeveloped parcels situated around the Country Club Property. Campana submitted its Environmental Impact Report for the project in September 1974.¹³⁶ The EIR for the project provided some background on the land-use history of the country-club area and noted that the underlying zoning for the entire area remained “R-1-7” until 1971, when it was rezoned to PUD.¹³⁷ The EIR noted that the “property remained zoned PD for approximately a year until

¹³⁰ Ex. 69.

¹³¹ Ex. 81, applications, studies, correspondence, resolutions and ordinances concerning Unger Pacific’s area-wide request for zone change in 1971.

¹³² Ex. 81.

¹³³ See 7/27/71 agenda report included in Ex. 81.

¹³⁴ See PC Resolution Nos. 2313 and 2314 included in Ex. 81.

¹³⁵ See CC Ordinance No. 1449 included in Ex. 81.

¹³⁶ Ex. 83, EIR for “A Retirement-Oriented Condominium Development” and related documents.

¹³⁷ See EIR for Campana Project, p.26, included in Ex. 83.

the PD zoning was revoked because of a legal problem, thereby restoring the original R-1-7 zoning.”¹³⁸ The EIR also identified the amount of developed acreage actually developed up to that date, including: Golden Circle Unit No. 2 (184 dwelling units on 42.8 acres), Tract No. 103 (98 dwelling units on 25.5 acres), Tract No. 149 (79 units on 19.4 acres) and Tract No. 180 (65 units on 16.4 acres).¹³⁹

Campana’s proposed condominium project never went forward. As discussed above, the parcels proposed for development by Campana were developed under different ownerships over time.

3) *The Country Club’s Proposed 7-Lot Subdivision
(Escondido Tract No. 481) in 1981*

In January 1980, the Escondido Country Club submitted an application for a small subdivision within the Country Club Property.¹⁴⁰ The Escondido Country Club proposed to construct 7 single-family residences on an approximately 2-acre site.¹⁴¹ As set forth in the Agenda Report for the May 26, 1981 Planning Commission meeting, although zoned R-1-7, the “Land Use Element and the Open Space Element of the General Plan identify this property as ‘Golf Course’ designation—an Open Space category. The existing and surrounding zoning however, would be consistent with a Low Density Residential classification on the General Plan.”¹⁴²

When evaluating the proposed subdivision, City staff emphasized that “one of the more significant issues” pertained to constructing additional home sites within the golf course, when the golf course and recreational facilities were “an integral part” of the development of the area. Nevertheless, it was City staff’s opinion that the relatively small proposed subdivision over 2.0 acres would not materially affect the surrounding land uses or the golf course. As explained in the City’s Agenda Report for the May 26, 1981 Planning Commission meeting:

“When the golf course was first constructed under a Conditional Use Permit, (64-15-58) it was an integral part of the Country Club development, which included the golf course, club house, associated recreational facilities, and units one and two of the Golden Circle Subdivision. As a part of that approval, several variances were granted with regard to setbacks, lot sizes, street widths, etc., for the proposed residences. These variances were justified, in the main, due to their proximity to adjacent open space or recreational areas, including the golf course. In addition, it is clear that the subsequent sales and sale price of many units in the Country Club area were based on their proximity to and views of the golf course. It seems obvious from past actions that the existing golf course was intended to remain as an integral of a planned

¹³⁸ EIR for Campana Project, p. 26, included in Ex. 83.

¹³⁹ Table 1 EIR for Campana Project, p. 26, included in Ex. 83. This summary omits the 37 condominium project developed in connection with the Golden Circle Annex project.

¹⁴⁰ Ex. 43.

¹⁴¹ See Agenda Report, p. 1, included in Ex. 43.

¹⁴² Agenda Report, p.1, included in Ex.43.

community. With regard to this particular piece of property, it would appear that this subdivision could be approved and constructed without significantly reducing either the area or playability of the existing golf course. The concern of surrounding property owners as well as staff is that future proposals of this kind, if approved, could result in a degradation or elimination of the existing golf course facility, to the detriment of the surrounding area.”¹⁴³

The Escondido Country Club never moved forward with this proposed subdivision.

6.0 IMPACTS OF THE DEVELOPMENT PROPOSED BY SITR INITIATIVE ON EXISTING LAND USES, AESTHETICS, FINANCES, OPEN SPACE AND PUBLIC INFRASTRUCTURE

This section of the report addresses the anticipated impacts of the development proposed by the SITR Initiative on existing land uses, aesthetics, open space, public finances, and public infrastructure. Because the initiative proponents have not provided the various economic, traffic and related reports upon which its initiative is based, the City is not in a position at this time to evaluate the specifics of those reports or the assumptions upon which SITR’s consultant reports may or may not be based. Given the statutory deadline for presenting this report to the City Council, there insufficient time to conduct a comprehensive impact analysis that might otherwise be performed if time permitted.

6.1. Impacts on Existing Land Uses and Aesthetics.

For nearly half a century the Escondido Country Club golf course has existed as the ‘signature’ open space in northwestern Escondido. The development was initially conceived in 1962 as a 9-hole golf course, open space, with related amenities involving approximately 1,000 home sites. The Country Club plan was expanded and reconfigured in 1964 to comprise an approximate 110-acre 18-hole golf course, open space/park, and community and recreation center surrounded by adjacent residential development. A detailed history of the golf course and surrounding residential development can be found in the preceding section of this report.

Aside from the golf course and its related amenities, the primary surrounding land uses comprise single family detached residential units, with several multi-family and attached residential projects interspersed around the golf course to establish a cohesive residential community. Nearly one-half of the approximately 1,000 units were initially developed by the developer/owner of the Country Club or his immediate successor within 10 years of the golf course’s creation. However, later developments associated within the Country Club area maintained compatibility with the overall vision that revolved around promoting a land use pattern oriented toward the Country Club’s environment.

Of the approximate 1,000 homes associated with the Country Club’s development, nearly 300 residential units share a common property boundary with the golf course and/or recreation center (approximately 120 single-family units, and 180 multi-family units). Associated with the approval of many of these residences bordering the golf course, and other developments in the Country Club area, were numerous concessions and variances that deviated from adopted

¹⁴³ See Agenda Report, p.3, included in Ex.43.

development standards. The concessions and variances included significantly reduced lot sizes and setbacks, modified street widths, reduced parking, and increased densities for various housing projects within the area. Approval of these ‘sub-standard’ lots, modified streets and increased densities was justified by findings that relied upon the open space provided by the golf course as a primary rationale for supporting the variations to adopted codes. Included in the rationale was that such variances and concessions were standard development practices found in golf course communities.

The open vistas and viewsheds associated with the golf course establish a community character and aesthetic quality for the neighborhood that provides a unique scenic resource for the entire city. In addition to home sites directly bordering the golf course are adjacent residences that, either by association or orientation, were developed in such a manner so as to relate to and benefit from proximity to the golf course. This included orienting home site view corridors toward the golf course and/or providing vehicular access around and through golf course links, as well as permitting golf carts on public streets to strengthen the entire community’s connection with the Escondido Country Club.

The SITR Initiative proposes to reconfigure the 110-acre facility with development of 430 single family residences, 5.7 acres of parks, buffer areas, trails, swimming pool and community center. Due to the thirty-day time restriction imposed by Elections Code § 9212(b), there is insufficient time to conduct a detailed analysis of the land use and aesthetic impacts which is typically done for such developments. The following discussion, however, provides a brief assessment:

A. Land Use Impact – Physical Division of an Established Community

For the past 50 years the Escondido Country Club golf course has been the primary unifying component for development in the immediate vicinity. However, the effort to establish and maintain the Country Club environment extends beyond the golf course. Land use decisions involving residential development patterns and densities, orientation, architecture, setback variances, modified street designs, and including businesses (i.e. restaurants, pro shop) and themed signage, etc. have focused on promoting a ‘country club community.’ Residential development in this established community is centered around the golf course, whether directly abutting the golf course property or oriented toward the links and fairways. Development as proposed in the SITR Initiative would alter the existing country club community, effectively eliminating the established theme and vision created for the area.

B. Land Use Impact – Conflicts with Land Use Plans, Policies and Regulations

While the country club environment, along with its theme and vision, would be eliminated by the development as proposed in the SITR Initiative, impacts from prior land use decisions would potentially impact existing property owners and conflict with land use plans and policies. Certain residential properties abutting the golf course were granted variances that greatly reduced rear yard setbacks significantly below the adopted 20-foot minimum depths. Additionally, many residential developments were approved with significantly increased intensities by reducing lot sizes or increasing densities. The SITR Initiative would potentially generate land use impacts by establishing new two-story housing adjacent to existing residences

with sub-standard yard areas. Conflicts with land use plans and policies are further exacerbated by the proposed development because it conflicts with the rationale for increasing development intensities in other areas based in reliance on the golf course's open space offsetting the impact.

C. Aesthetic Impact – Scenic Vistas

Projects that obstruct, interrupt, or detract from a scenic vista that is visible from a public viewpoint, including a roadway, recreational area, designated trail, scenic vista or highway are determined to generate significant visual impacts. Since its construction, the Country Club golf course has served as a scenic resource for the community substantiated by the residential development patterns that orient toward the golf course. Public roadways that serve the community extend along the golf course perimeter and traverse fairways in multiple locations offering unobstructed views of the grounds and surrounding hillsides.

The development proposed in the SITR Initiative would have potentially adverse impacts to scenic resources as a result of future development activity. The proposed 430 units on areas that served as golf course fairways would eliminate the scenic vistas and potentially block views of surrounding hillsides. The loss of these scenic vistas would be considered a potentially significant aesthetic impact given that over 71% of the golf course's original acreage (78.6 acres) would be developed for residential purposes.

6.2. Financial Impacts

The specific plan proposed by the SITR Initiative states that the project will result in the construction of a number of public infrastructure improvements, facilities and amenities, including water and wastewater infrastructure, passive and active space, lakes, ponds, trails, community center, Olympic-size pool, tennis courts, public streets and offsite traffic improvements. The specific plan also identifies a number of potential financing mechanisms for the construction and ongoing maintenance of these improvements; some of these mechanisms are tied to whether the facilities are made available to the public or available solely to the property owners and residents within the specific plan boundary or surrounding neighborhood. The community center is proposed to be constructed prior to occupancy of the "residential areas". However, if the approval of a financing plan for the ongoing maintenance of the community center is delayed for reasons beyond control of the developer, the specific plan states that developer can be issued occupancy permits for the residences.

A. Financial Impact – General Fund

The project proposed by the SITR Initiative would potentially generate new General Fund revenue from property tax generated by the sales of the 430 new homes, potential increase in assessed valuation of land and improvements on other non-residential property (e.g. community center) should it remain as private property, and potential increased sales tax revenue from the new residents who are likely to shop in Escondido. Assuming an average sales price of \$450,000-\$500,000 for the 430 homes on the 3,650 - 7,000 SF lots, the annual property tax revenue at buildout is estimated at \$251,000 - \$279,000. This, as discussed in more detail below, would be offset by maintenance and operations costs for City facilities and services to serve the new residents, including police and fire service, road maintenance, library, parks and open space.

B. Financial Impact – Construction of Offsite Transportation Improvements and Potential for Condemnation

The specific plan proposed by the SITR Initiative identifies a number of offsite street improvements that it deems necessary to mitigate the project's traffic impacts. Potential funding mechanisms include payment of traffic impact fees, developer constructed improvements, formation of assessment districts and/or reimbursement agreements. However, some of these improvements involve activities outside the SPA and would require cooperation and approval of third parties, including other public entities and agencies or private parties. Therefore, the implementation of these measures is predicated on the timely cooperation and approval by these third parties and could potentially result in the need for the City to initiate condemnation proceedings or waive the improvements.

C. Financial Impact – Water Service

The specific plan area proposed by the SITR Initiative is within two water districts: Rincon Del Diablo Municipal Water District (Rincon) and the City of Escondido (west of Gary Lane). Water service for the former golf course was provided by a combination of City, Rincon and well water. The specific plan indicates that the entirety of the specific plan area would be supplied with Rincon water. While the City has the ability to serve all properties within the City limits, the same does not apply to Rincon unless a negotiated agreement is reached between the service providers.

D. Financial Impact – Recreational Facilities and Active Open Space Areas

The specific plan proposed by the SITR Initiative identifies a number of public recreational amenities, including the community center, Olympic-size swimming pool and tennis courts, as well as active open space areas including parks and multi-use pathways (trails). Potential funding mechanisms include the developer-funded open space preservation program, and payment of impact fees. The developer-funded open space preservation program consists of a \$1M contribution to the City to acquire, preserve, protect and improve park space throughout the City. However, the specific plan states this contribution shall be used to achieve the purpose and objectives set forth in the plan, which calls for specific facilities within the SPA. While no preliminary cost estimate has been prepared by the City, it is likely that the proposed facilities within the SPA would use all available funds from this source, and additional funding sources would likely be needed to construct all the anticipated improvements. Use of the improvements by the general public is linked to the type of financing mechanism and does not guarantee public access to all proposed facilities.

E. Financial Impact – Maintenance and Operations Costs

The \$1M contribution proposed by the SITR Initiative does not appear to be intended or available for ongoing maintenance and operations (M&O) costs, nor has any specific funding mechanism or endowment been proposed for the ongoing M&O. Typically, maintenance and operations of a public community facility is financed by the City's General Fund. No financial analysis has been provided regarding the significant ongoing maintenance costs of a community center, pool, tennis courts, and other amenities that have been described as being intended for public use. Information from the City of Poway indicated that the city's municipal 50-meter pool

(similar to Olympic size facility) requires a \$210,000 annual budget for costs associated with equipment maintenance, security, chemicals and energy (heat and cooling). These costs do not include salaries for staffing. Information from the City of Carlsbad, who maintains both 25-meter and 50-meter swimming pools indicated that the maintenance and operation costs (including staffing) for their Olympic pool exceeds \$500,000 annually.

6.3. Open Space Impacts

The 110-acre golf course and recreational facilities included within the Country Club Property represent the largest block of open space in northwestern Escondido. For several decades after construction in the early 1960s, the facility operated as a private golf course, swimming pool, tennis courts and related recreational uses. During its later years of operation, the facility was maintained under private ownership and opened to the public for use on a fee basis. The development contemplated in the SITR Initiative proposes to develop 430 single family residences, 5.7 acres of parks, buffer areas, trails, swimming pool and community center on the 110-acre site.

Due to the statutory time restriction on the report, there is insufficient time to conduct a detailed analysis of the open space impacts associated with the development. Nevertheless, the proposed development will obviously have a significant impact on the open space provided in connection with the County Club Property, which includes vast acreage for golf course and open space. The development of residential units as proposed in SITR Initiative would reduce approximately 110 acres of designated open space to 27.2 acres (which includes buffer areas in and around the development not devoted to parks), constituting a 75% reduction. The open space featured in the Country Club Property would largely be replaced by housing, eliminating viewsheds and the visual respite the open space and green areas provided to the surrounding residents.

6.4. School Impacts

The development proposed by the SITR Initiative is served by three public school districts: 1) Escondido Union School District; 2) Escondido Union High School District; and 3) San Marcos Unified School District. The Escondido school districts' boundaries encompass approximately 95 acres on the eastern portion of the specific plan area proposed in the SITR Initiative. Marcos Unified School District's boundary encompasses approximately 15 acres of the western portion of this area.

Escondido Union School District provides public education services to K-8 students. The assigned schools for proposed "Lakes Specific Plan" are Reidy Creek Elementary School located at 2869 N. Broadway, and Rincon Middle School located at 925 Lehner Ave.

Escondido Union High School District provides 9-12 public education. The assigned school for the proposed specific plan is Escondido High School located at 1535 North Broadway.

San Marcos Unified School District provides K-12 educational services. The assigned schools for the proposed specific plan are Richland Elementary School located at 910 Borden Road, Woodland Park Middle School located at 1270 Rock Springs Road, and Mission Hills High School located at 1 Mission Hills Court.

School districts apply a dwelling unit student generation rate for calculating the number of students anticipated for attendance. Information from San Marcos Unified School District (below) has been utilized for calculating the number of students anticipated to be generated by SITR Initiative (information was not available from Escondido School Districts). However, given the similarities between the communities, the use of a single student generation rate is appropriate for general purposes. While there is insufficient time to conduct a detailed analysis of the impacts on each district from development called for by the SITR Initiative, the following table provides a general assumption of anticipated students based on the development of 430 new homes:

School	Student Generation Rate	Students
Elementary	0.2801	120
Middle	0.1269	55
High	0.1527	66
Total		241

6.5. Fire Services Impacts

The development proposed by the SITR Initiative is served by Fire Station #3 at 1808 N. Nutmeg Street, located 1.5 miles from the site. Fire Station #3 has an Engine with three personnel and a Brush Engine which is cross-staffed by those three personnel. A response time from this station to the site is approximately 2 minutes. Fire Station #3 responded to 1905 calls for service in 2013.

The closest ambulance will come from Fire Station #7 at 1220 N. Ash Street located 3.5 miles from the site. This station has an Engine with three personnel, as well as two ambulances, one 24-hour unit and one 12-hour unit. The 24-hour unit is staffed with one firefighter/paramedic and one non-safety paramedic. The 12-hour unit is staffed with two non-safety paramedics. A response time from this station to the site is approximately 7 minutes. Fire Station #7 responded to 2884 calls for service in 2013.

The addition of 430 dwelling units will increase the number of calls for each of these stations. The addition of these units will not create a service deficiency in this area.

6.6. Traffic Impacts

The project proposed in the SITR Initiative is expected to generate traffic in excess of 5,000 average daily trips. This traffic would be distributed to existing City of Escondido, City of San Marcos and County streets, including El Norte Parkway, Country Club Lane, Nutmeg Street, Woodland Parkway and several existing residential streets in the Country Club area, including Gary Lane, La Brea Street, Cortez Avenue, Sunset Heights Rd., Rees Road and La Paloma Avenue.

Typically, projects of this size and scope would be required to prepare a Traffic Impact Analysis (“TIA”) in advance of project approval. The TIA would analyze the current level of service of the surrounding streets and intersections. In addition, the TIA would determine the direct and cumulative impact that the project would have on surrounding streets and intersections. Lastly, the TIA would recommend measures to mitigate traffic impacts to below a level of significance and analyze the effectiveness of these mitigation measures. Because a Traffic Impact Analysis has not been provided by the project proponent, the current and future levels of services cannot be confirmed. In addition, it cannot be determined if the proposed mitigation measures are adequate to mitigate traffic impacts to below a level of significance.

It is anticipated that project traffic will use streets that are not fully improved. Portions of El Norte Parkway (Rees Road to Nutmeg) and Nutmeg (Gary Lane to El Norte Parkway) are narrower than City standards and lack sidewalks. The ability of these roadways to accept the anticipated additional vehicle, pedestrian and bicycle traffic cannot be confirmed.

Country Club Lane currently has a special designation as a golf cart zone resulting in a reduced speed limit of 25mph. The Traffic Impact Analysis conducted for the 2012 General Plan Update estimated that Country Club Lane carried approximately 5,000 average daily trips (Year 2011) between Nutmeg Street and Center City Parkway. It is anticipated that volumes west of Nutmeg are lower than 5,000 ADT.

The additional proposed trips are likely to change the character of the roadway. Currently, there are a number of intersections along Country Club Lane (Golden Circle Drive to Center City Parkway) that are controlled with stop signs for all directions. Additional traffic generated from the area subject to the specific plan proposed in the SITR Initiative is likely to result in poor levels of service at stop controlled intersections along Country Club Lane and may require signalization or other traffic control measures. In addition, the elimination of the golf course is likely to result in removal of the golf course reduced speed zone designation. Due to current geometric design of Country Club lane for low speeds, traffic impact from additional traffic volume from the Specific Plan area will require a traffic calming plan.

According to the Traffic Impact Analysis for the 2012 General Plan Update, it is estimated that El Norte Parkway carried approximately 29,700 average daily trips (Year 2011) between Nutmeg Street and I-15 South-bound Ramps, with a Level of Service of D.

6.7. Drainage Impacts

Large portions of the proposed specific plan area proposed by the SITR Initiative are within FEMA mapped 100-year floodplain areas that convey drainage from both on and offsite areas. Most of the drainage conveyance occurs within a system of natural and improved channels. However, there are existing pipelines within and directly downstream of the specific plan area that have been identified within the City’s Drainage Master Plan as not having adequate capacity to convey anticipated runoff.

Page C-40 of “The Lakes Specific Plan” proposed by the SITR Initiative states that “Stormwater runoff will increase with planned development of the SPA.” The SPA further states that detention ponds will be used “at major discharge points to reduce peak developed condition runoff to levels approaching pre-development condition peak flows.” These statements indicate that the project’s drainage impacts may not be fully mitigated and that mitigation may not be

implemented at all discharge points. It is expected that without full mitigation increases in storm water runoff draining to systems with inadequate capacity would increase the potential for flooding of the surrounding areas.

Typically, projects of this size and scope would be required to prepare a detailed grading and drainage plan and a drainage analysis in advance of project approval. The drainage analysis would determine the anticipated discharge rates from the site and from areas upstream of the site. Projects would then be conditioned to construct drainage improvements as necessary to convey anticipated discharge rates through the site. In addition, projects would be conditioned to improve downstream drainage facilities as necessary to convey increased flow rates anticipated from the site. Because neither a drainage analysis nor a grading and drainage plan have been provided by the project proponent, the effectiveness of the proposed detention ponds cannot be evaluated. Based on information available, it cannot be determined if the project would result in drainage impacts to surrounding areas.

Projects within FEMA mapped 100 year floodplain areas are required to elevate new buildings above the 100 year flood elevation. Because a grading plan has not been provided, it is unclear if the homes within the specific plan area are proposed to be elevated above 100 year flood elevations. Prior to placement of fill in the FEMA mapped floodplain, the applicant would be required to process a revision to the FEMA floodplain maps in accordance with FEMA standards.

6.8. Water Quality and Hydro-Modification Impacts

The project proposed by the Sitr Initiative drains to San Marcos Creek which discharges into Lake San Marcos and ultimately into Batiquitos Lagoon. In the 2012, 303(d) list,¹⁴⁴ San Marcos Creek is listed as impaired for DDE,¹⁴⁵ phosphorous, selenium and sediment toxicity. Lake San Marcos is listed as impaired for Ammonia as N and Nutrients.

Typically, projects of this size and scope would be required to prepare a Water Quality Technical Report (WQTR) in advance of project approval. The WQTR would analyze the potential impacts to water quality and provide calculations for treatment measures sized to retain or treat the anticipated pollutants of concern. In addition, the WQTR would determine the amount of storage necessary to detain peak flows to avoid impacts to downstream water bodies. Because a Water Quality Technical Report has not been provided by the project proponent, the effectiveness of the proposed detention ponds to treat or retain pollutants in the water cannot be confirmed. In addition, it cannot be determined if the project would result in hydro-modification of downstream water bodies, based on information provided by the project proponent.

6.9. Police Services Impacts

The development proposed by the Sitr Initiative development is located two miles from the police station and within the 43 Beat of the Escondido Police Department in the North-West area of the city. The 43 Beat encompasses the area from Valley Parkway on the south to the northern City limits. Its eastern boundary is Centre City Parkway and extends to the western

¹⁴⁴ “303(d) list” refers to the California Clean Water Act § 303(d) list compiled by the California State Water Resources Control Board.

¹⁴⁵ DDE is the abbreviation for Dichlorodiphenyldichloroethylene, a reproductive toxicant for bird species.

City limits. From July 13, 2013 to July 13, 2014, Escondido Police Officers responded to 7,516 calls for service on the 43 Beat.

The area of the proposed development is located within the Escondido Country Club. During the same time period, officers responded to 334 calls for service in the Country Club area. The addition of 430 residences will increase the calls for service in this area; however officers will be able to meet the existing response time goals with existing staffing.

6.10. Water Impacts

Escondido’s water supply originates primarily from two sources: local water, derived from precipitation and stored in surrounding lakes, and imported water from the San Diego County Water Authority. Potable water is treated at the City’s treatment plant on East Valley Parkway and conveyed to rate payers through a series of reservoir tanks, pumping and piping systems. The Escondido Country Club golf course was supplied potable water for irrigation by the City of Escondido Utilities through two meters, 1-3 inch and 1- 4 inch, as well as by the Rincon Water District through two meters, 1-3 inch and 1- 4 inch.

1. *Prior Water Usage*

The volume of water through all four meters was included for three consecutive years, fiscal years 2011, 2012, and 2013 then the average annual daily usage was calculated. These totals were based on usage prior to irrigation being terminated at the golf course. Additionally, because irrigation use is extremely seasonal the peak month of July was extracted for the same years (in the case of Escondido it was the July reads that were used).

Country Club Golf Course - Irrigation

Service Agency	Meter/ Account #	Meter Size	Average Annual	Average Annual Daily	Peak Month	Peak Month Average Daily
		Inches	Gallons	Gallons/Day	July-Gallons	Gallons/Day
Rincon	94-0400-1	4	14,007,000	38,567	2,804,663	90,473
Rincon	94-0200-1	3	7,126,333	19,524	1,507,344	48,624
Escondido	1376774	4	18,514,666	50,725	4,000,674	129,054
Escondido	1416910	3	2,182,666	5,980	350,672	11,312
Totals			41,830,665	114,796	8,663,353	279,463

2. *Estimated Water Usage from Proposed Development*

While there is insufficient time to conduct a detailed analysis of the impacts to the city’s water treatment plant regarding upgraded infrastructure needs to accommodate the SITR

Initiative, information from the City’s Water Master Plan has been incorporated for general estimating purposes to calculate future water demands (see following table). The estimated water demand indicates the SITR Initiative would generate a net increase of anticipated daily water usage totaling approximately 173,585 more gallons than when the golf course irrigation was operational and 453,048 more gallons than currently used for the site.

Estimated Water Demand

Proposed Use	Quantity	Units	Gallons/Acre	Gallons/DU	Totals
Single Family Residential	430	Dwellings		490	210,700
Active Parks	5.7	acres	2,980	19,524	16,986
Passive Landscaping	13.2	acres	0		0
Lakes & Ponds	8.3	acres	27,152		225,362
Gallons Per Day Totals					453,048

6.11. Wastewater Impacts

Escondido’s wastewater is treated at the Hale Avenue Resource Recovery Facility (HARRF) treatment plant at 1521 S. Hale Avenue. Wastewater is conveyed over land and discharged through an ocean outfall. The City’s Wastewater Master Plan did not assume residential development associated with the SITR Initiative. While there is insufficient time to conduct a detailed analysis of the impacts to the HARRF regarding upgraded infrastructure needs to accommodate the proposed Initiative, information from the City’s Waste Water Master Plan has been incorporated for general estimating purposes. Based on an average of 200 gallons of daily wastewater generated by each of the 430 units proposed, it is anticipated that approximately 86,000 gallons of daily wastewater will be generated by project.



Appendix of Exhibits
City of Escondido Report
On The Initiative Measure to Adopt
“The Lakes Specific Plan”

Report Prepared Pursuant to Elections Code § 9212
and City Council Directive from
June 25, 2014 City Council Meeting

July 23, 2014

DUE TO THE NUMBER OF PAGES OF EXHIBITS
A COMPLETE SET IS AVAILABLE IN THE OFFICE
OF THE CITY CLERK.
FOR COUNCIL MEMBERS, A SET IS AVAILABLE
IN THE COUNCIL READING FILE.

RESOLUTION NO. 2014-103

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
CALLING FOR THE HOLDING OF A
GENERAL MUNICIPAL ELECTION TO BE
HELD ON TUESDAY, NOVEMBER 4, 2014,
FOR THE SUBMISSION OF A PROPOSED
ORDINANCE

WHEREAS, pursuant to authority provided by statute a petition has been filed with the legislative body of the City Escondido, California, signed by more than 10% of the number of registered voters of the City to submit a proposed ordinance relating to the Initiative Measure to Adopt the Lakes Specific Plan; and

WHEREAS, the San Diego County Registrar of Voters examined the records of registration and ascertained that the petition is signed by the requisite number of voters, and has so certified; and

WHEREAS, on June 25, 2014, the City Council ordered a report pursuant to Elections Code Section 9212 and said report has been received, filed, and will be made available to the electorate; and

WHEREAS, the City Council of the City of Escondido, California, is authorized and directed by statute to submit the proposed ordinance to the voters;

NOW, THEREFORE, the City Council of the City of Escondido, California, does resolve, declare, determine and order as follows:

of Escondido, California, on Tuesday, November 4, 2014, a General Municipal Election for the purpose of submitting the following proposed ordinance, as well as other matters previously directed by the Council by means of Resolution 2014-61:

Shall the people of the City of Escondido approve the following: An initiative measure to adopt the Lakes Specific Plan?	YES
	NO

SECTION 2. That the full text of the measure submitted to the voters shall be maintained and available for public inspection on the City's website, in the office of the Escondido City Clerk and in the Escondido Public Library, and is attached to this Resolution as Exhibit "A" and incorporated by this reference.

SECTION 3. That the ballots to be used at the election shall be in the form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed, and directed to coordinate with the County of San Diego Registrar to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The people of the City of Escondido do ordain as follows:

Section 1. Title.

This initiative measure ("Initiative") shall be known as the "Escondido Open Space and Community Revitalization Initiative."

Section 2. Findings and Purpose.

A. Findings. The people of the City of Escondido find and declare the following:

1. The vacant property that is the subject of this Initiative is approximately 110 acres and is referred to by the following Assessor's Parcel Numbers: 224-210-53-00, 224-430-04-00, 224-211-05-00, 224-431-02-00, 224-211-15-00, 224-490-05-00, 224-211-12-00, 224-491-01-00, 224-211-11-00, 224-490-06-00, 224-230-36-00, 224-431-01-00, 224-431-03-00, 224-811-28-00, 224-230-43-00 (collectively, the "Property").
2. Since at least 1990 and until 2013, the City's General Plan designation for the Property was Urban I and the zoning classification for the Property was Single Family Residential (R-1-7), which together allowed single family residential development on lots that contain at least 7,000 square feet. The Property was not designated, zoned, nor restricted to open space or park uses.
3. The Property was proposed to be reclassified in 2013 pursuant to an initiative entitled the "Citizens' Property Rights Initiative"; that initiative proposed to change the General Plan designation for the Property to "Open Space-Park" (the "2013 initiative").
4. On August 14, 2013, the City Council adopted the 2013 initiative as Ordinance No. 2013-10 without submitting the 2013 initiative to the voters. The validity of Ordinance No. 2013-10 has been challenged in court.
5. An unnecessarily drawn out litigation process is unlikely to confer any benefit on the community and may result in significant expense to the City, and instead the voters wish to vote on and approve this Initiative, which will clearly establish City policies, pursuant to which the development of the Property will be allowed to proceed.
6. The best use of the Property, for the maximum use of the community and Escondido residents, is to include community-accessible parks, open space, multiuse pathways, a community center, Olympic-sized swimming

City of Escondido
City Clerk's Office

2014 MAR 20 PM 3:08

pool, tennis courts, and residential uses, rather than leaving the Property in its current state.

7. The adoption of a specific plan will guide future public and private actions relating to the Property's development and preservation of open space and natural resources, and also serve as a way to ensure that future development will be coordinated and occur in an orderly manner that results in a well-planned community that protects and enhances open space and property values.
8. The amendments to the General Plan, the City of Escondido General Plan Land Use and Community Form Element, and the official zoning map of the City of Escondido, referenced in Section 33-15 of the Code of the City of Escondido ("Zoning Map"), and the adoption of the Lakes Specific Plan ("Specific Plan"), all adopted by this Initiative (collectively, the "Amendments and Specific Plan"), will therefore allow for development of the Property with residential housing, not to exceed 430 residential dwelling units, as set forth collectively herein.
9. The development authorized by the Amendments and Specific Plan adopted by this Initiative will provide benefits to the City including 5.7 acres of new parks, providing active and passive recreational opportunities for all City residents, 21.5 acres of additional open space consisting of parkways, entry areas, lakes, ponds, and development of a public 10,000 square foot Community Center and associated recreational amenities including playgrounds, an Olympic-sized swimming pool and tennis courts.
10. The Specific Plan will require a \$1,000,000 contribution to the City to acquire, preserve, protect and improve additional park and open space areas throughout the City, improving the quality of life for all Escondido residents.
11. The Amendments and Specific Plan are in the public interest and the Specific Plan and amended official zoning map are consistent with the General Plan as amended by this Initiative. Pursuant to Section 33-390 of the Zoning Code, the Specific Plan is consistent with the property suitability criteria and the mandatory specific plan requirements presented in the general plan implementation techniques (Implementation Matrix) section of the General Plan. Specific Plan consistency with the amended General Plan is shown in **Exhibit D** hereto.
12. This Initiative serves the public health, safety, and welfare of the City of Escondido.

- B. Purpose. The purpose of this Initiative is to preserve open space while opening the Property to all Escondido residents through community accessible

parks, multiuse pathways, a community center, an Olympic-sized swimming pool, and tennis courts. The \$1,000,000 contribution to the City will allow the City to preserve, protect, and revitalize open space throughout the City. The Initiative will further allow reasonable residential housing, not to exceed 430 units, which promotes the unique character of the City of Escondido and the neighborhood surrounding the Property by creating a visually unified community that preserves the natural beauty of the area and enhances the quality of life of residents.

Section 3. City of Escondido General Plan Amendments.

The voters hereby amend the Land Use and Community Form Element and Land Use Map of the City of Escondido General Plan as follows:

The General Plan Land Use Map (General Plan Figure II-1) is hereby amended to re-designate the Property from Open Space-Park (or such other designation as may be in place at the time this Initiative is adopted) to Specific Plan Area, as set forth on page A-1 of **Exhibit A** hereto. (Page A-2 of **Exhibit A** hereto is an enlargement of General Plan Figure II-1, as amended by this Initiative, and is provided for informational purposes only.)

General Plan Figure II-8, is hereby amended to add SPA #14 and depict the Property as SPA 14, as set forth on page A-3 of **Exhibit A** hereto.

General Plan Figure II-9, is hereby amended to reflect that this Initiative designates the Property as Specific Plan Area, as set forth on page A-4 of **Exhibit A** hereto.

Page II-60 of the General Plan is amended as follows to add the Lakes Specific Plan (new language to be inserted into the General Plan is shown as underlined text):

14. Lakes Specific Plan SPA #14

Location: In the northwestern portion of the planning area, west of Interstate 15, north of Country Club Lane, and generally bounded by Pamela Lane to the west and N. Nutmeg Street to the east.

Size: Approximately 110 gross acres (see Lakes Specific Plan, Figure 1.2)

Current Status: The Specific Plan Area (SPA) consists of previously disturbed land. There are currently no active uses within the SPA.

Adopted Plan Details: The Lakes Specific Plan establishes development standards and guidelines for this SPA. SPA # 14 is envisioned as a high quality infill project that incorporates a variety of single-family residences, complementary community facilities and recreational opportunities, and necessary infrastructure improvements that are compatible with existing residential development that surrounds the SPA. Within the SPA, the Lakes Specific Plan contemplates the development of residential housing, not to exceed 430 residential single-family dwellings, a community center, parks offering both active and passive recreational

opportunities (including tennis courts and an Olympic sized pool), extensive landscaped open spaces, and multiuse pathways. The Lakes Specific Plan also contemplates contribution of \$1,000,000 to the City for acquisition, preservation protection and improvement of open space.

SPA 14 Guiding Principles: The SPA is comprised of 78.6 acres of residential subareas containing single-family residential lots ranging from 3,650 square feet to over 7,000 square feet in size. At the maximum proposed development of 430 single-family residences, an overall residential density of approximately 5.5 dwelling units per acre would result within these designated Residential areas. Another 27.2 acres of the SPA, or approximately 25 percent of the site, would be designated as Open Space. This includes 5.7 acres of recreational open space, 13.2 acres of landscaped open space, and 8.3 acres of lakes and ponds.

Section 4. Amendment to the Zoning Code.

The Property's current zoning classification is hereby changed to Specific Plan (S-P).

The official zoning map of the City of Escondido, referenced in Section 33-15 of the Code of the City of Escondido, is hereby amended to change the Property's zoning to Specific Plan (S-P). A depiction of the zoning adopted by this Initiative is attached hereto as **Exhibit B**, for informational purposes.

Section 5. Adoption of the Lakes Specific Plan.

The Lakes Specific Plan, attached hereto as **Exhibit C**, is hereby adopted. The full text of **Exhibit C** commences on page **C-1** of this Initiative.

Section 6. Implementation of this Initiative.

- A. Upon the effective date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative. This Initiative is considered adopted and effective upon the earliest date legally possible after the Elections Official certifies the vote on the Initiative by the voters of the City of Escondido.
- B. Upon the effective date of this Initiative, the provisions of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year.
- C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent and compatible statement of policies for the City, any

provision of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.

Section 7. Effect of Other Measures on the Same Ballot.

In approving this Initiative, it is the voters' intent to create a comprehensive regulatory plan to govern the future use and development of the Property. To ensure that this intent is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of the Property in any manner whatsoever (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. In no event shall this Initiative be interpreted in a manner that would permit its operation in conjunction with the non-conflicting provisions of any Conflicting Initiative. If this Initiative is approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law.

Section 8. Interpretation and Severability.

- A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion thereof is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.
- B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Escondido indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with the intent of this Initiative.

- C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

Section 9. Amendment and Repeal.

Except as otherwise provided in the Lakes Specific Plan (**Exhibit C** hereto), the provisions of this Initiative may only be amended or repealed by a majority of the voters of the City voting in an election held in accordance with state law.

Section 10. Exhibit List.

The following exhibits are attached to this Initiative and incorporated herein for all purposes:

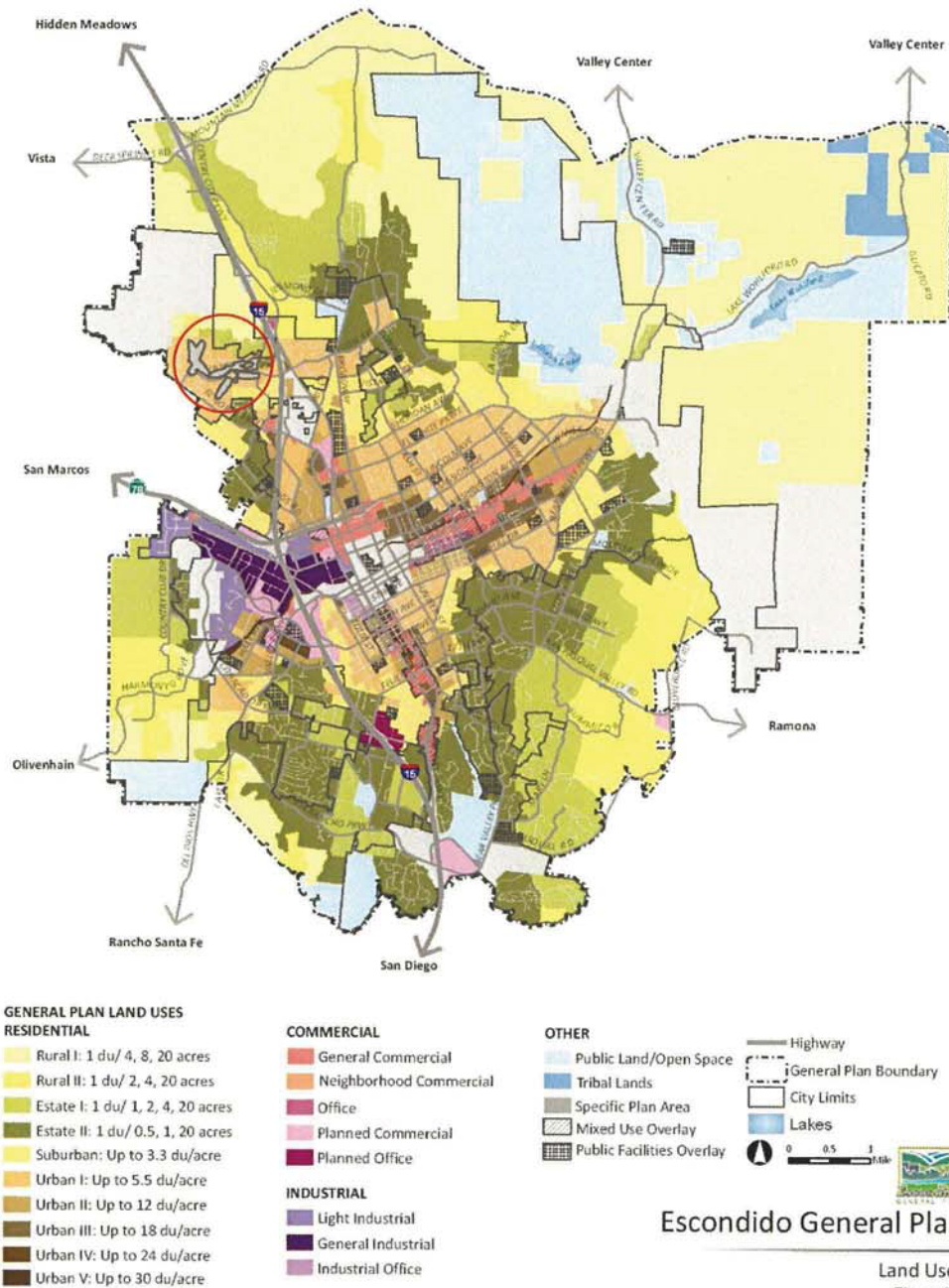
- | | |
|------------------|---|
| <u>Exhibit A</u> | Amendments to General Plan figures II-1, II-8, and II-9 |
| <u>Exhibit B</u> | Depiction of the zoning adopted by this Initiative |
| <u>Exhibit C</u> | The Lakes Specific Plan |
| <u>Exhibit D</u> | Lakes Specific Plan Consistency with Escondido General Plan |

**EXHIBIT A
TO THE INITIATIVE**

AMENDMENTS TO GENERAL PLAN FIGURES II-1, II-8, AND II-9

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS
AMENDMENT TO GENERAL PLAN LAND USE MAP, FIGURE II-1

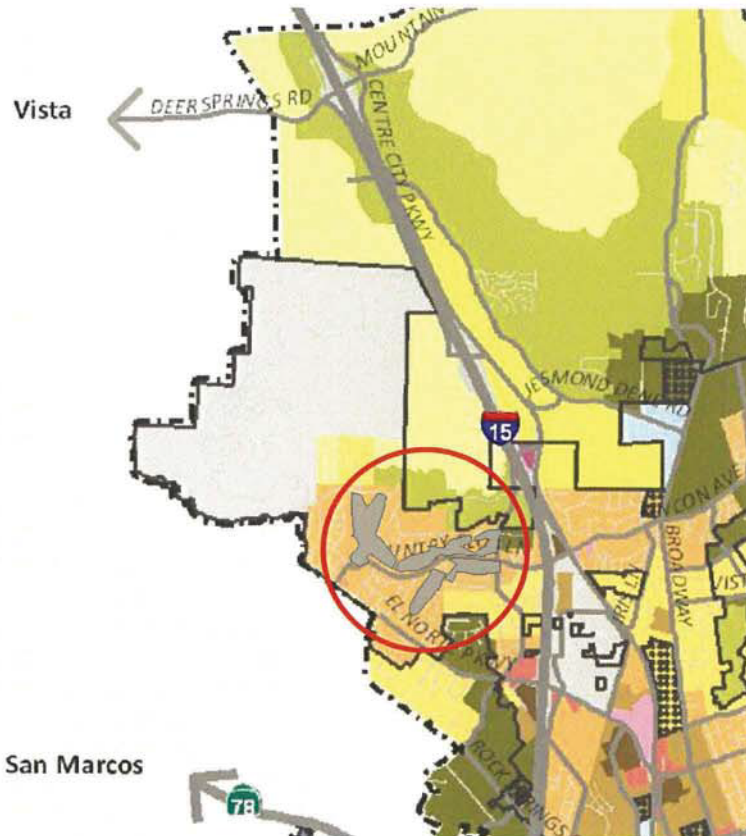
Figure II-1 on page II-3 of the General Plan is amended by this Initiative as shown in the image below to redesignate the Property from Open Space-Park to Specific Plan Area (the Property is located within the red circle on the map for ease of reference).



INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

AMENDMENT TO FIGURE II-1

Below is an enlargement of the portion of Figure II-1 that is amended by this Initiative (the Property is located within the red circle on the map for ease of reference).



GENERAL PLAN LAND USES

RESIDENTIAL

- Rural I: 1 du/ 4, 8, 20 acres
- Rural II: 1 du/ 2, 4, 20 acres
- Estate I: 1 du/ 1, 2, 4, 20 acres
- Estate II: 1 du/ 0.5, 1, 20 acres
- Suburban: Up to 3.3 du/acre
- Urban I: Up to 5.5 du/acre
- Urban II: Up to 12 du/acre
- Urban III: Up to 18 du/acre
- Urban IV: Up to 24 du/acre
- Urban V: Up to 30 du/acre

COMMERCIAL

- General Commercial
- Neighborhood Commercial
- Office
- Planned Commercial
- Planned Office

INDUSTRIAL

- Light Industrial
- General Industrial
- Industrial Office

OTHER

- Public Land/Open Space
- Tribal Lands
- Specific Plan Area
- Mixed Use Overlay
- Public Facilities Overlay
- Highway
- General Plan Boundary
- City Limits
- Lakes

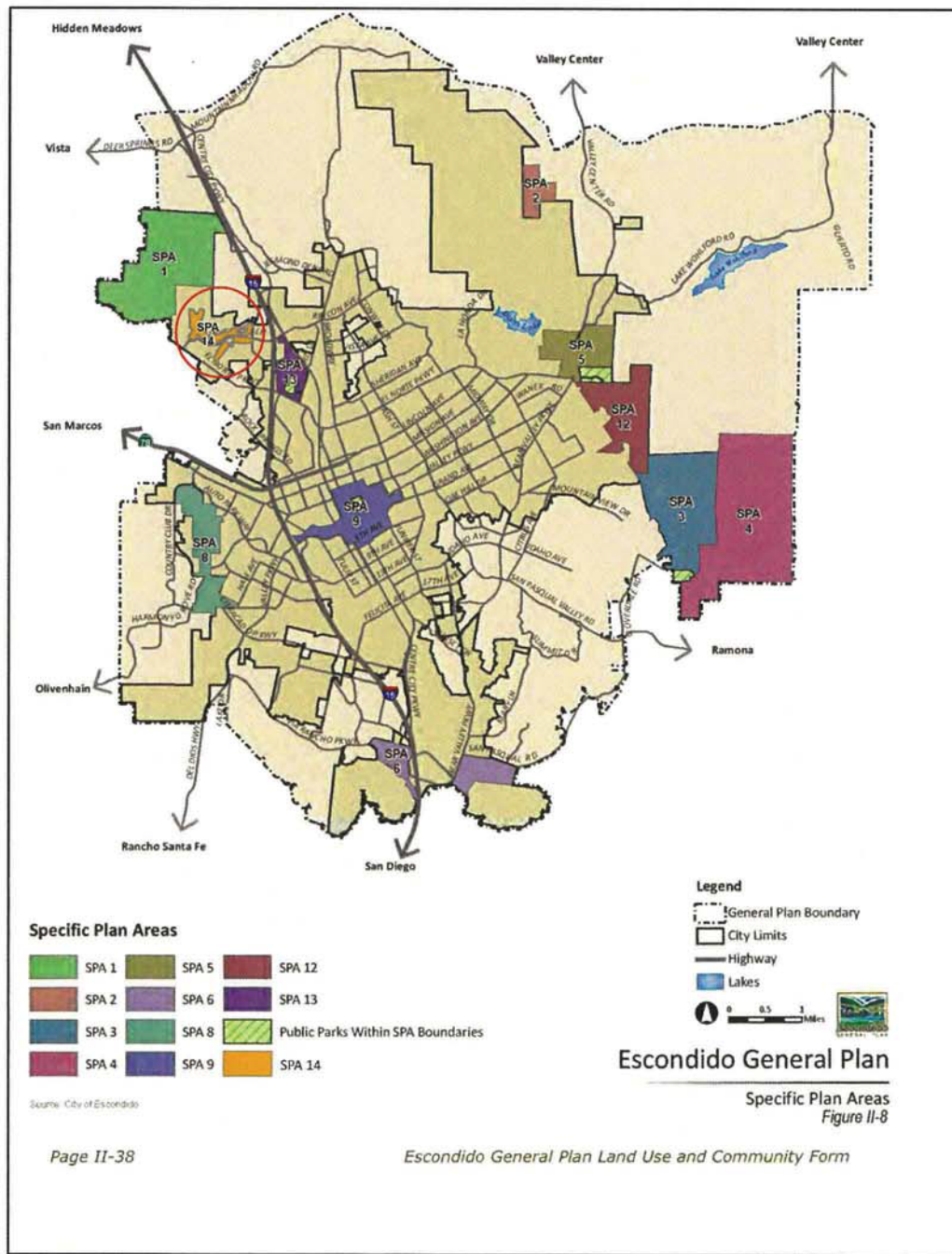


Escondido General Plan

Land Uses
 Figure II-1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS
AMENDMENT TO GENERAL PLAN FIGURE II-8

Figure II-8 on page II-38 of the General Plan is amended by this Initiative as shown in the image below to add SPA #14 and designate the Property as SPA 14 (the Property is located within the red circle on the map for ease of reference).



INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

AMENDMENT TO GENERAL PLAN FIGURE II-9

Figure II-9 on page II-39 of the General Plan is amended by this Initiative as shown in the image below to reflect that this Initiative designates the Property as Specific Plan Area (SPA) (the Property is located within the red circle on the map for ease of reference).

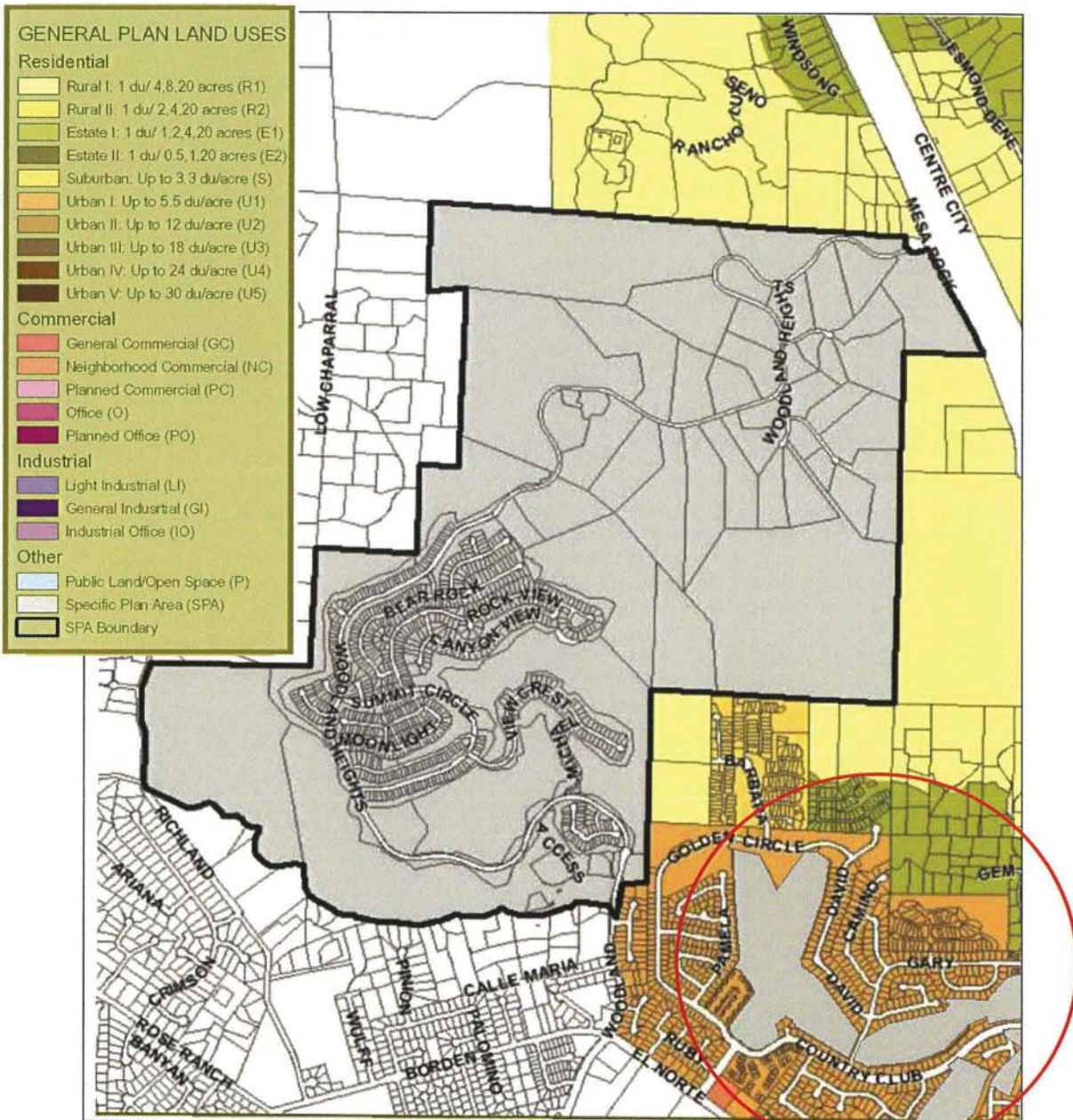


Figure II-9

1. Emerald Heights (Palos Vista) SPA #1

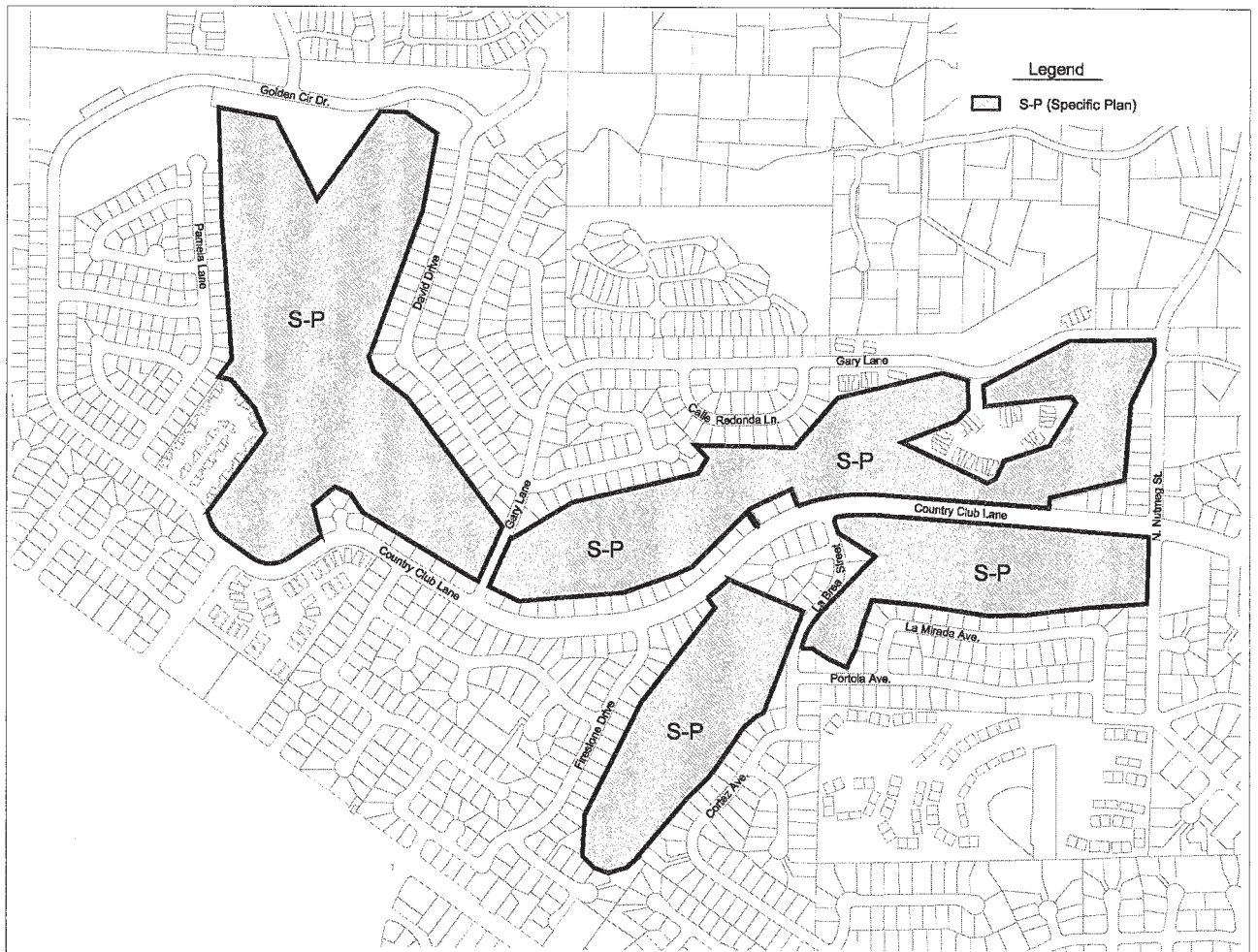
**EXHIBIT B
TO THE INITIATIVE**

**DEPICTION OF THE ZONING
ADOPTED BY THIS INITIATIVE**

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

ZONING ADOPTED BY THE INITIATIVE

The Property's zoning classification is changed by this Initiative to Specific Plan (S-P). A depiction of the zoning adopted by this Initiative is shown below for informational purposes.



**EXHIBIT C
TO THE INITIATIVE
THE LAKES SPECIFIC PLAN**

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Lakes Specific Plan

Escondido, California

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

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1 INTRODUCTION

1.1 PURPOSE AND OBJECTIVES

1.1.1 Purpose of Specific Plan

The Lakes Specific Plan (“Specific Plan”) has been prepared to guide and coordinate the future development of The Lakes Specific Planning Area (“The Lakes SPA” or “SPA”), which is identified as SPA #14 by the City of Escondido’s General Plan, as amended by the Escondido Open Space and Community Revitalization Initiative (the “Initiative”). The document’s primary function is to provide a comprehensive description of land use, circulation, infrastructure, design guidelines, development standards and implementation programs to assist developers with their preparation of future development applications, and to aid the City of Escondido (“City”) in its review of those applications.

The Specific Plan provides comprehensive development guidelines for the infill development of the approximately 110-acre SPA, which is generally located in the northwest quadrant of the City. The Specific Plan allows for the phased development of a largely vacant, underdeveloped site with single family residential dwellings, a community center, and extensive open space (the “Project”) that is compatible with the existing residential neighborhoods surrounding the SPA. The Specific Plan provides the necessary regulations so that subsequent development applications may be processed and approved by the City as a coordinated planning program, subject to the regulations set forth in the Specific Plan, the City’s Municipal Code, the Initiative, and other regulations or policies that may be applicable.

The Lakes Specific Plan contains development regulations and design guidelines (see Chapter 3) which will ensure the orderly, phased development within the SPA. Where these regulations and guidelines conflict with other plans, ordinances, and guidelines of the City of Escondido, the Specific Plan’s provisions shall control. Situations or conditions not covered by this Specific Plan shall continue to be subject to the City’s regulations.

The Specific Plan serves as a direct link between the policies of the City’s General Plan and the proposed Project, assuring that as the SPA is developed the Project will remain consistent with the General Plan. To be approved, all future subdivision maps, final project plans, and other land use entitlements within the SPA must be consistent with this Specific Plan.

1.1.2 Objectives of Specific Plan

This Specific Plan includes all components required by the State of California, as well as other components, which are necessary to implement the General Plan. The objectives of this Specific Plan are to:

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1. Promote quality development that will be consistent with the goals and objectives of the General Plan, including the General Plan open space preservation and park goals;
2. Contribute to improving the quality of life in Escondido through the dedication and preservation of significant amounts of open space through onsite preservation and by requiring a significant monetary contribution to the City for purposes of open space acquisition, preservation, protection, and improvements throughout the City of Escondido;
3. Fulfill General Plan and community goals of increasing the amount of public parks, multiuse pathways, and recreational amenities in Escondido.
4. Provide a comprehensive land use plan that designates the distribution, location and extent of all land uses, roadways and public facilities within the SPA;
5. Institute comprehensive planning which will allow for the orderly development of the SPA in relation to the existing community;
6. Contribute to the housing balance within the community and region by providing single-family dwelling units for a variety of age groups, family sizes and income ranges in a well-designed neighborhood environment;
7. Create convenient publicly accessible recreational facilities to encourage social gatherings, a healthy living environment and an enhanced sense of community both within the SPA as well as the surrounding area;
8. Preserve and enhance existing parks and open space, both within the SPA and at other locations in the City through the funding of open space acquisition, preservation, protection, and improvements;;
9. Promote and be consistent with the General Plan’s Quality of Life standards pertaining to public facilities and infrastructure;
10. Establish design guidelines, development regulations, and project approval procedures to control future development and improvements;
11. Develop a plan that is economically feasible and capable of being implemented based on existing and anticipated future economic conditions;
12. Deliver a Specific Plan that is “user friendly,” in the sense of being both comprehensive and understandable.

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1.1.3 Severability

If any provision of this Specific Plan or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Specific Plan, which can be given effect without the invalid provisions or application thereof, and to this end the provisions of this Specific Plan are severable.

1.2 AUTHORITY AND REQUIREMENTS

1.2.1 Authority for Specific Plan

The State of California's Government Code grants a local government (e.g., the City) the authority to prepare specific plans to implement its general plan. Specific plans are generally designed to:

1. Provide a greater level of detail than the traditional zoning ordinance, and serve as a tool to tailor development policies and regulations to a specific site;
2. Provide more specific development standards to create appropriate land use designations and design criteria that address project-specific issues; and
3. Provide decision makers with the opportunity to comprehensively review a master planned community in its entirety at the outset - considerate of land use, circulation, infrastructure and other issues important to the local government.

1.2.2 Requirements of Specific Plans

The Lakes Specific Plan has been prepared in accordance with California Government Code Sections 65450 through 65457, including Section 65451 which sets forth the following statutory requirements for specific plans as follows:

A specific plan shall include a text and a diagram or diagrams, which specify all of the following in detail:

- a. The distribution, location and extent of the uses of land, including open space, within the area covered by the plan;
- b. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;
- c. Standards and criteria by which improvements will proceed, and standards for the conservation, development and utilization of natural resources, where applicable; and

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- d. A program of implementation measures including regulations, programs, public works projects and the financing measures necessary to carry out paragraphs a, b, and c above.

The Specific Plan is designed to meet the requirements of the California Government Code. The Specific Plan is adopted by the Initiative, and thereby establishes the development regulations for the development of the SPA.

1.3 RELATIONSHIP TO THE GENERAL PLAN AND CEQA

1.3.1 Relationship of the Specific Plan to the Escondido General Plan

Pursuant to Government Code Section 65451, The Lakes Specific Plan implements the goals and policies of the Escondido General Plan within the SPA. As required by Government Code Section 65454, the Specific Plan is consistent with the Escondido General Plan, as amended by the Initiative. A consistency analysis demonstrating how the Specific Plan implements the goals and objectives of the Escondido General Plan was adopted with the Initiative.

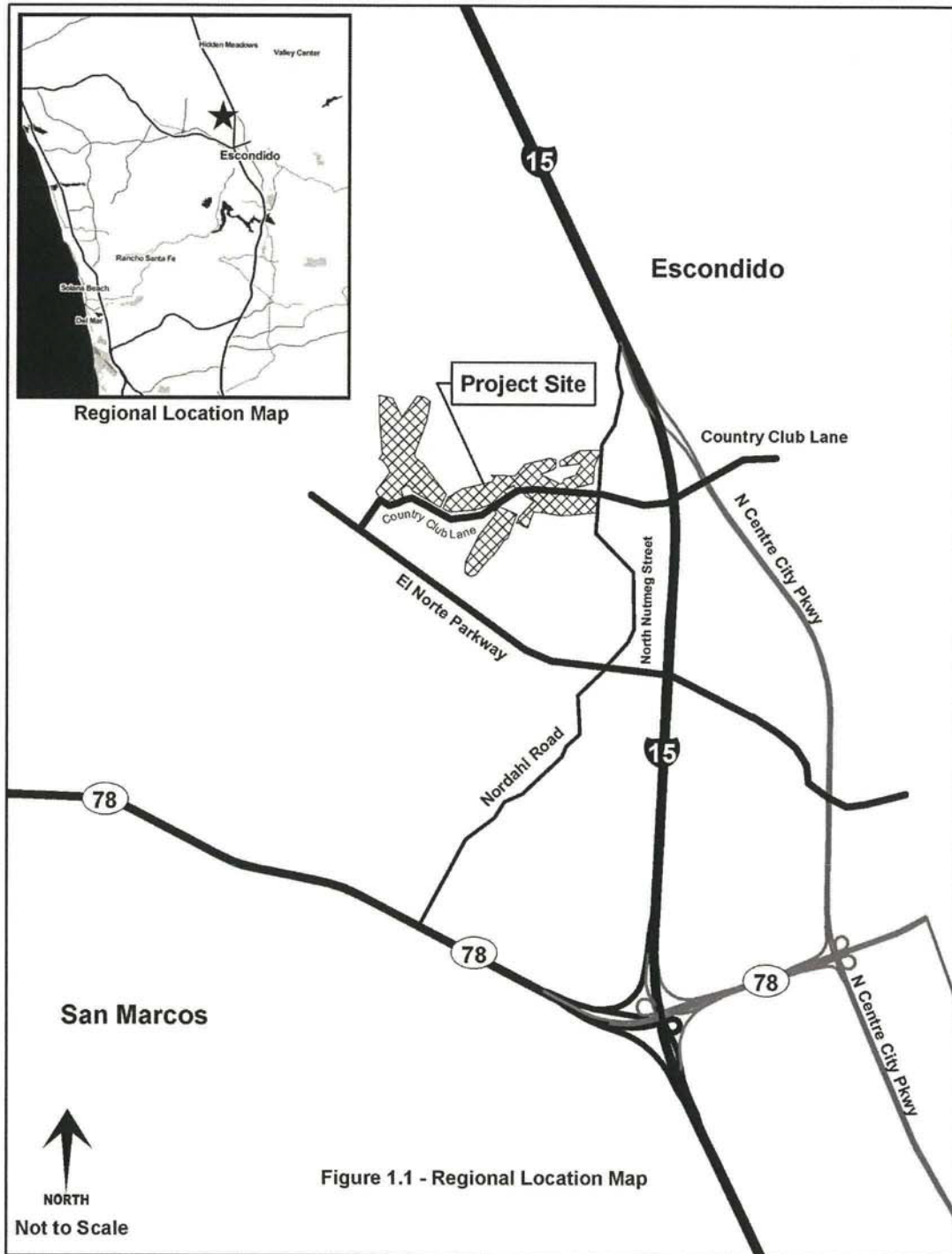
1.3.2 Relationship of the Specific Plan to the California Environmental Quality Act (CEQA)

Pursuant to Section 15378(b)(3) of the State of California's CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3), "the submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative" is not defined as a "project" under CEQA, and is therefore exempt from CEQA's environmental review process.

Notwithstanding this exemption, it is the desire that the potential environmental impacts of the Project are mitigated whenever possible. Accordingly, many of the Project's potential environmental issues have been identified and addressed through the Specific Plan's development and design standards, public facility improvement requirements, and other impact mitigation measures. Some of these improvement requirements and mitigation measures would involve activities outside of the SPA and would require the cooperation and approval of third parties, including other public entities and agencies. The developer of the Project or any of its phases shall be required to implement the identified off-site improvements and mitigation measures if provided timely cooperation and approval by these third parties.

Further, in 2012 the City certified an Environmental Impact Report for the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan (State Clearinghouse No. 201007164) (the "General Plan EIR"). The certified General Plan EIR assumed a residential designation of the SPA and pursuant to Public Resources Code Section 21083.3, this certified EIR may be used to eliminate, or to reduce the scope of, environmental review for later development projects consistent with the City's General Plan.

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Figure 1.2 - Site Vicinity Aerial

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1.4 PROJECT LOCATION AND DESCRIPTION

1.4.1 Project Location

The SPA is nearly 110 acres in size, and is located in the northwest quadrant of the City, approximately 13 miles inland from the Pacific Ocean and less than one-half mile east of Interstate 15. The Lakes SPA's regional location is illustrated by Figure 1.1.

Primary streets in the vicinity of the SPA include West Country Club Lane, Gary Lane, and North Nutmeg Street. Gary Lane runs north-south through the SPA, bisecting the site into eastern and western portions. West Country Club Lane runs east-west, and bisects the eastern portion of the SPA into northern and southern portions, while providing the southern boundary of the SPA along its western portion. North Nutmeg Street runs north-south and is located along the easternmost boundary of the SPA. See Figure 1.2 – Site Vicinity Aerial.

1.4.2 Existing Property Description

The Lakes SPA is comprised of fifteen (15) existing parcels that are irregularly shaped and relatively flat. The SPA is surrounded by established residential development consisting of single family residences. In the past the SPA was used as a private golf course (the Escondido Country Club), including a clubhouse and related ancillary structures and pathways. However, in 2013, the golf course operations ceased, and there are currently no active uses within the SPA.

Generally, due to its prior use as a golf course, the SPA consists of previously disturbed land, which will be suitable for the development of the Specific Plan's proposed uses. Limited portions of the SPA may contain sensitive resource areas which will be protected and preserved, and to the extent any impacts to those resource areas would likely occur, all necessary mitigation measures will be incorporated into final development plans, as required by this Specific Plan, and by regulations imposed by city, state, and federal agencies.

The SPA's existing site characteristics have been analyzed for the suitability of the Specific Plan's proposed development:

- No geologic hazards or other adverse geologic conditions have been identified within the SPA, and the SPA is suitable for the proposed development in accordance with the recommendations of a geotechnical analysis to be reviewed and approved by the City.
- The sloped areas that exist within the SPA are largely engineered slopes that were created as part of the SPA's prior use as a golf course, and as such, the grading that will be required for development of the SPA will not create significant impacts to natural landforms. Only 4 percent of the SPA contains slopes in excess of 25 percent, and these areas will be preserved within the SPA's open space areas.

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- No drainage constraints have been identified that would preclude development within the SPA. Development of the SPA will not increase the amount or velocity of runoff either during construction or at build out.
- Some areas within the SPA may be deemed to be subject to the jurisdiction of the U.S. Army Corps of Engineers (ACOE), California Department of Fish and Wildlife (CDFW), and/or the Regional Water Quality Control Board (RWQCB). Any such areas will be preserved to the greatest extent feasible within the SPA's open space areas. If any such areas are subject to the jurisdiction of the ACOE, CDFW, or RWQCB, and would be impacted by any proposed development activity, the appropriate permits will be obtained, and any required mitigation measures will be performed in accordance with the permitting agency's requirements.
- No biological constraints relating to plant species or common wildlife species are anticipated to exist within the SPA. If any constraints relating to plant or animal species were to be identified, any potential impacts would be avoided and/or mitigated in accordance with all applicable local, state, and federal requirements.

The Specific Plan's land use designations, density allocations, development and design standards, and conceptual public facility and infrastructure plans have been developed in accordance with this suitability analysis in order to ensure that development within the SPA will be compatible with the existing site conditions, and that no potential significant impacts to these resource areas would be unmitigated.

1.4.3 Surrounding Land Uses and Designations

The existing development surrounding the SPA is predominantly single family residential in character, with a limited number of low density multifamily residential developments and a senior residential community. In the larger vicinity of the SPA there are several churches and limited neighborhood serving commercial and office uses. Consistent with this existing development pattern, the predominant General Plan land use designation in the vicinity of the SPA is Urban I, which allows up to 5.5 single-family residential dwelling units per acre. In addition to Urban I, one small area near the SPA is designated as Neighborhood Commercial. Correspondingly, the predominant zoning designations in the vicinity of the SPA consist of Single Family Residential (R-1-6, R-1-7, R-1-10, and R-1-15) and Residential Estate (RE-40), with limited instances of Planned Development Residential (PD-R-5.5), and Commercial Neighborhood (CN).

1.4.4 Project Description

The Lakes SPA is envisioned as a high quality infill project that incorporates a variety of single-family residences, complementary community facilities and recreational opportunities, and necessary infrastructure improvements that are compatible with existing residential development

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that surround the SPA. Within the SPA, the Lakes Specific Plan contemplates the development of up to 430 residential single-family dwellings, a community center, public parks offering both active and passive recreational opportunities, extensive landscaped open spaces, and multiuse pathways.

Future development within the SPA will be guided by the Conceptual Land Use Plan shown in Figure 1.3, which depicts the SPA's three primary land use categories of Residential, Open Space, and Community Center. The SPA is divided into seven (7) Planning Subareas that will allow for the orderly, phased development of the SPA.

Approximately 78.6 acres of the SPA is designated as Residential. These Residential areas would contain single-family residential lots ranging from 3,650 square feet to over 7,000 square feet in size. At the maximum proposed development of 430 single-family residences, an overall residential density of approximately 5.5 dwelling units per acre would result within these designated Residential areas, which is consistent with the Urban I land use designation of the surrounding neighborhoods.

Another 27.2 acres of the SPA, or approximately 25 percent of the site, would be designated as Open Space. This includes 5.7 acres of active recreational open space, 13.2 acres of passive landscaped open space, and 8.3 acres of lakes and ponds. The parks to be developed within the SPA's 5.7 acres of active open space include a 3.9-acre park in Planning Subarea VI and a 1.8-acre park in Planning Subarea VII. The SPA's remaining open space consists of graded slopes, parkways, lakes, ponds, detention basins, and landscaped entrance points to the SPA, and will be distributed among the remainder of the SPA's Planning Subareas. The landscaping within these areas will be irrigated as necessary and planted with native and appropriate exotic species. Finally, a 2.2 mile network of multiuse pathways will be provided within the SPA's open space areas for use by pedestrians and non-motorized vehicles. See Figure 1.4 – Conceptual Open Space Plan. The SPA's active open spaces will be open to all residents of the City, while the passive open spaces will be protected by easements, which prevent future development of these areas.

The Specific Plan's third and final land use designation is the 3.6-acre Community Center, located in Planning Subarea I. The Community Center is intended to be a gathering place where SPA residents and community members can come together for recreational or social events, as well as for educational or public service uses deemed appropriate for the area. The Community Center will provide indoor and outdoor meeting and recreation facilities, including a lounge area, kitchen and dining facilities, meeting/activity rooms, a community pool, active sports courts, and multi-use playgrounds. The Community Center will be constructed in the first phase of the SPA's development, in accordance with the Conceptual Phasing Plan (Figure 4.1).

Access to the SPA will be provided at nine (9) locations from the City's surrounding circulation network, thereby integrating the SPA into the existing public street system. These entry points include three (3) entries from West Country Club Lane, which serves as the main arterial access for each of the SPA's Planning Subareas. Access to the SPA will also be provided by one (1)

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entry from North Nutmeg Street, two (2) entries from La Brea Street, and three (3) connections to Gary Lane.

To ensure the orderly development of the SPA as contemplated in this Specific Plan, the following chapters contain detailed use regulations, development standards, design guidelines, and required infrastructure improvements.

1.4.5 Conceptual Phasing Plan

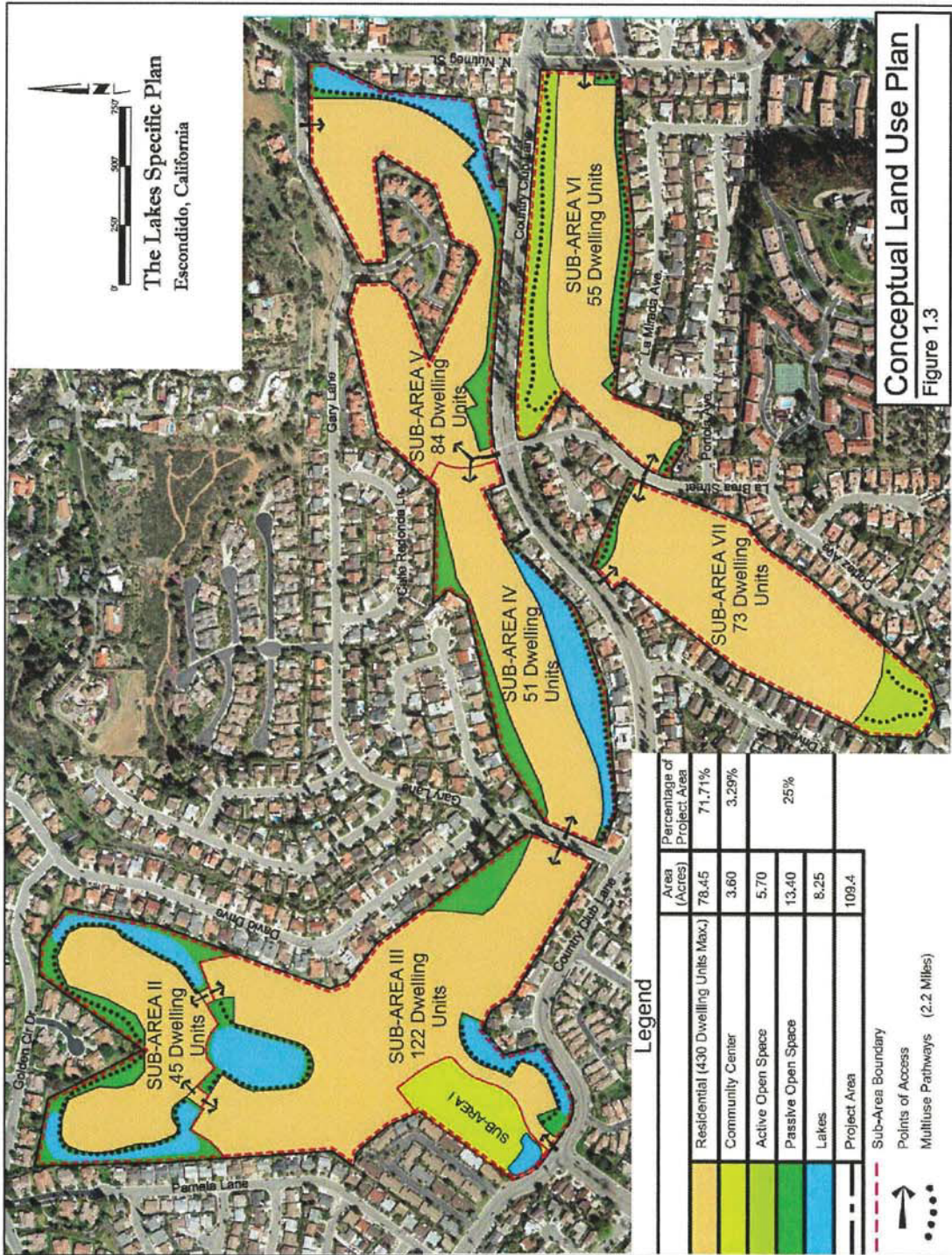
Buildout of the SPA is anticipated to be phased over a 3 to 7 year period. There are five (5) Phases in the Conceptual Phasing Plan. Each proposed Phase includes one or more of the SPA's Planning Subareas. The Planning Subareas may be developed in any order, except for Planning Subarea I, which shall be developed at the outset of the Project, in accordance with the Conceptual Phasing Plan in Section 4.1 of this Specific Plan. See Figure 4.1 – Conceptual Phasing Plan.

1.4.6 Project Benefits

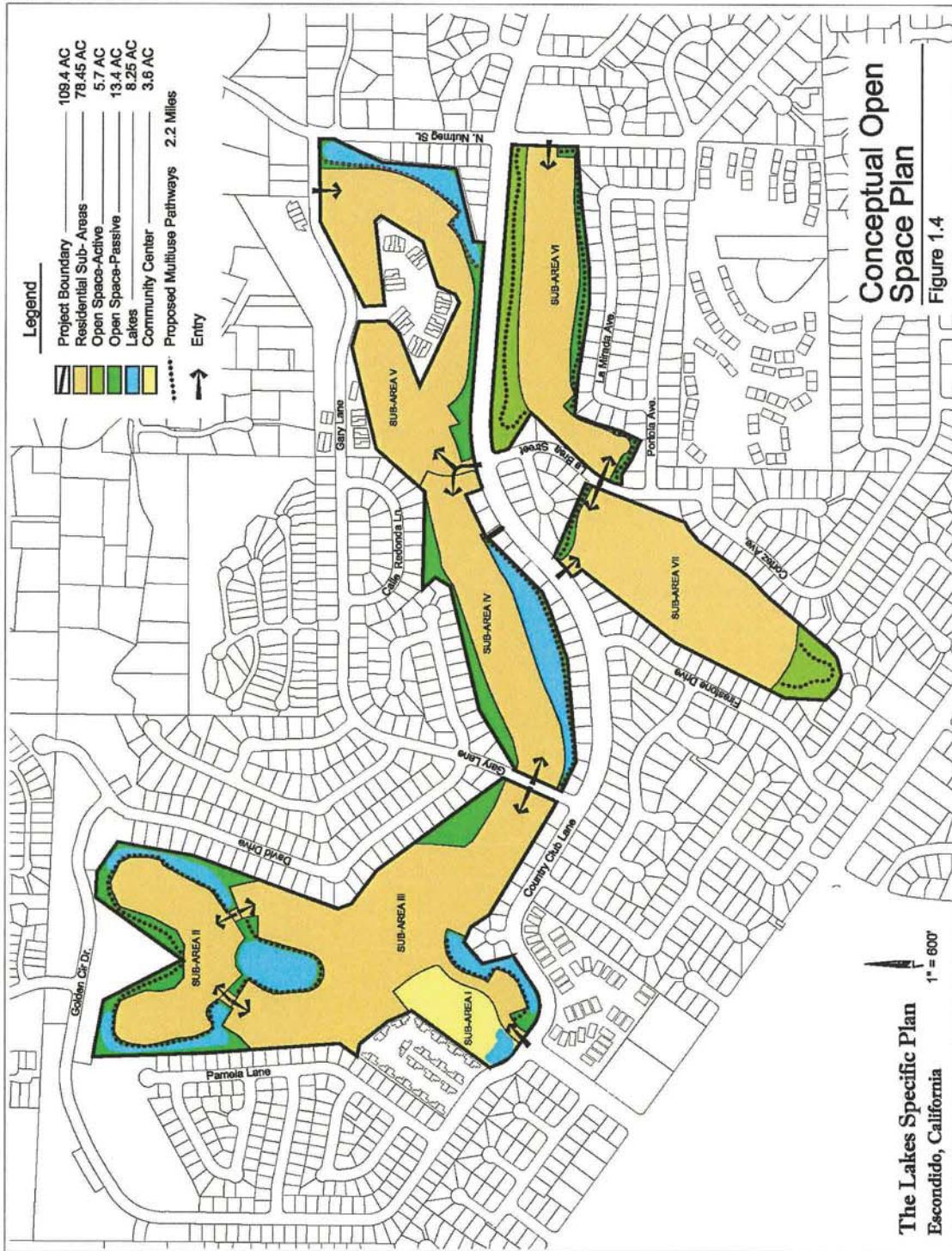
The development of the SPA will provide significant benefits to the City of Escondido, including:

- 5.7 acres of new parks that will provide recreational opportunities for City residents.
- 21.5 acres of additional open space consisting of sloped areas, parkways, entry areas, lakes and ponds.
- Contribution of \$1,000,000 to the City to acquire, preserve, improve and protect additional park and open space areas within the City.
- Development of a public 10,000 square foot Community Center and associated recreational amenities including an Olympic-sized swimming pool and two tennis courts.
- Improvements to the City's transportation network, including bicycle, pedestrian, and public transportation circulation improvements.
- Payment of significant development impact fees, including the City's public facilities impact fees for the benefit of law enforcement, fire protection, and library services.
- An estimated reduction in water usage of 65 percent, from approximately 650,000 gallons per day for the Project site's previous uses to approximately 220,500 gallons per day for the Specific Plan's proposed uses.

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2 DEVELOPMENT PLAN

2.1 OVERALL CONCEPT

The Lakes Specific Plan has been developed after conducting extensive planning, engineering, and design studies, which have produced this development plan, which satisfies the goals and objectives of the Escondido General Plan, as amended by the Initiative. In addition to establishing development guidelines for the proposed single-family residential development, the Specific Plan provides guidelines for the establishment of public amenities including a community center, public parks providing active and passive recreational opportunities, and landscaped open space.

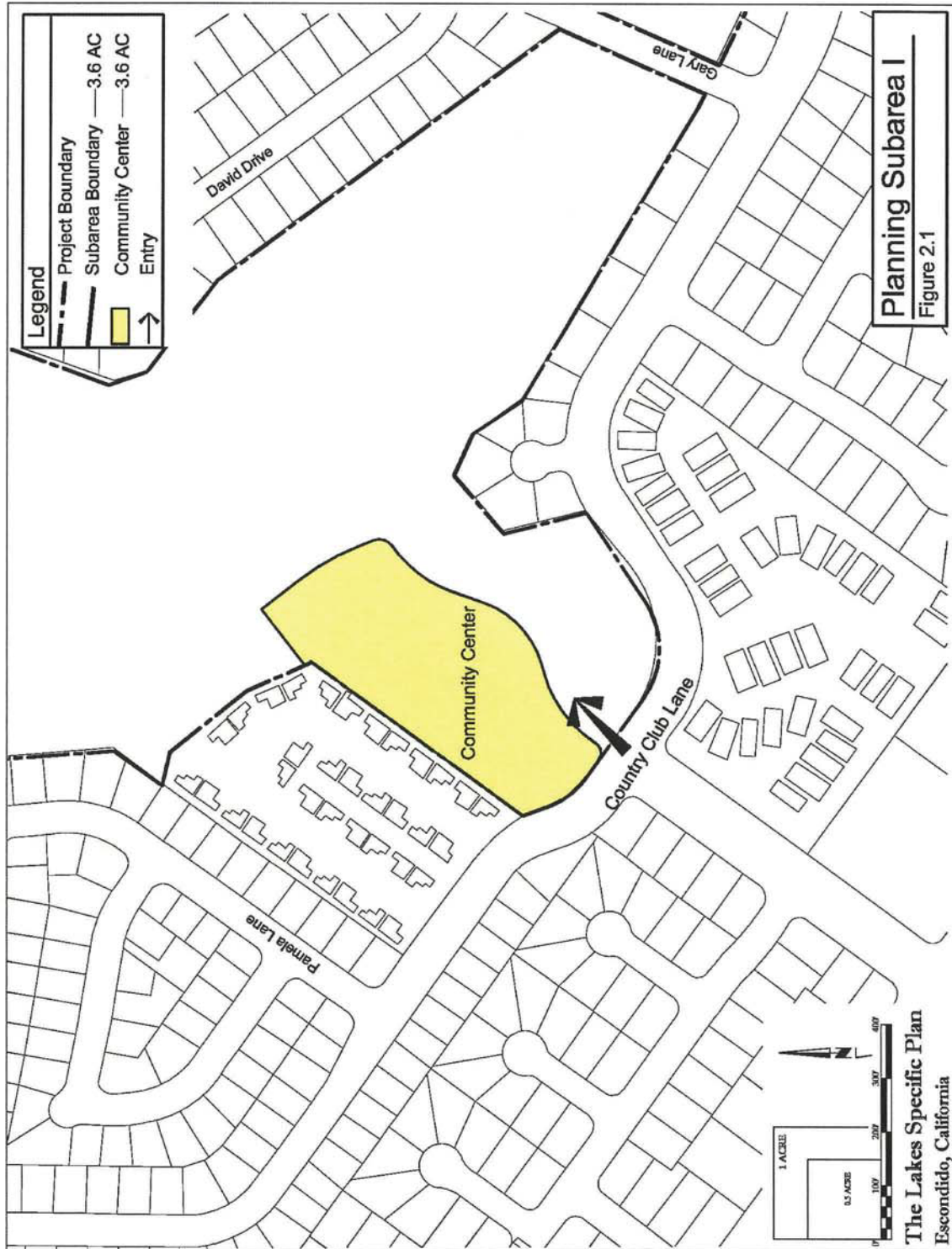
2.2 LAND USE DESCRIPTION

The Lakes Conceptual Land Use Plan is shown in Figure 1.3 and the Land Use Summary is shown on Table 2-1. The Land Use Plan divides the Specific Planning Area into seven (7) Planning Subareas with corresponding land use categories. Each of the individual Planning Subareas are depicted in Figures 2.1 through 2.7. The Land Use Summary identifies land uses, proposed densities, and acreages for each of the land use categories. A description of each land use designation is provided below. More specific details, including land use regulations and design guidelines, are presented in Chapter 3.

Table 2-1: Land Use Summary

Planning Subarea	Land Use	Gross Acres	Open Space Gross Acreage	Residential Gross Acreage	Dwelling Units
I	Community Center	3.6	0	0	0
II	Residential & Open Space	27.6	5.3	22.3	122
III	Residential & Open Space	13.8	5.6	8.2	45
IV	Residential & Open Space	14.6	5.0	9.6	51
V	Residential & Open Space	18.6	3.4	15.2	84
VI	Residential & Open Space	15.7	5.7	10.0	55
VII	Residential & Open Space	15.5	2.2	13.3	73
Totals:		109.4	27.2	78.6	430

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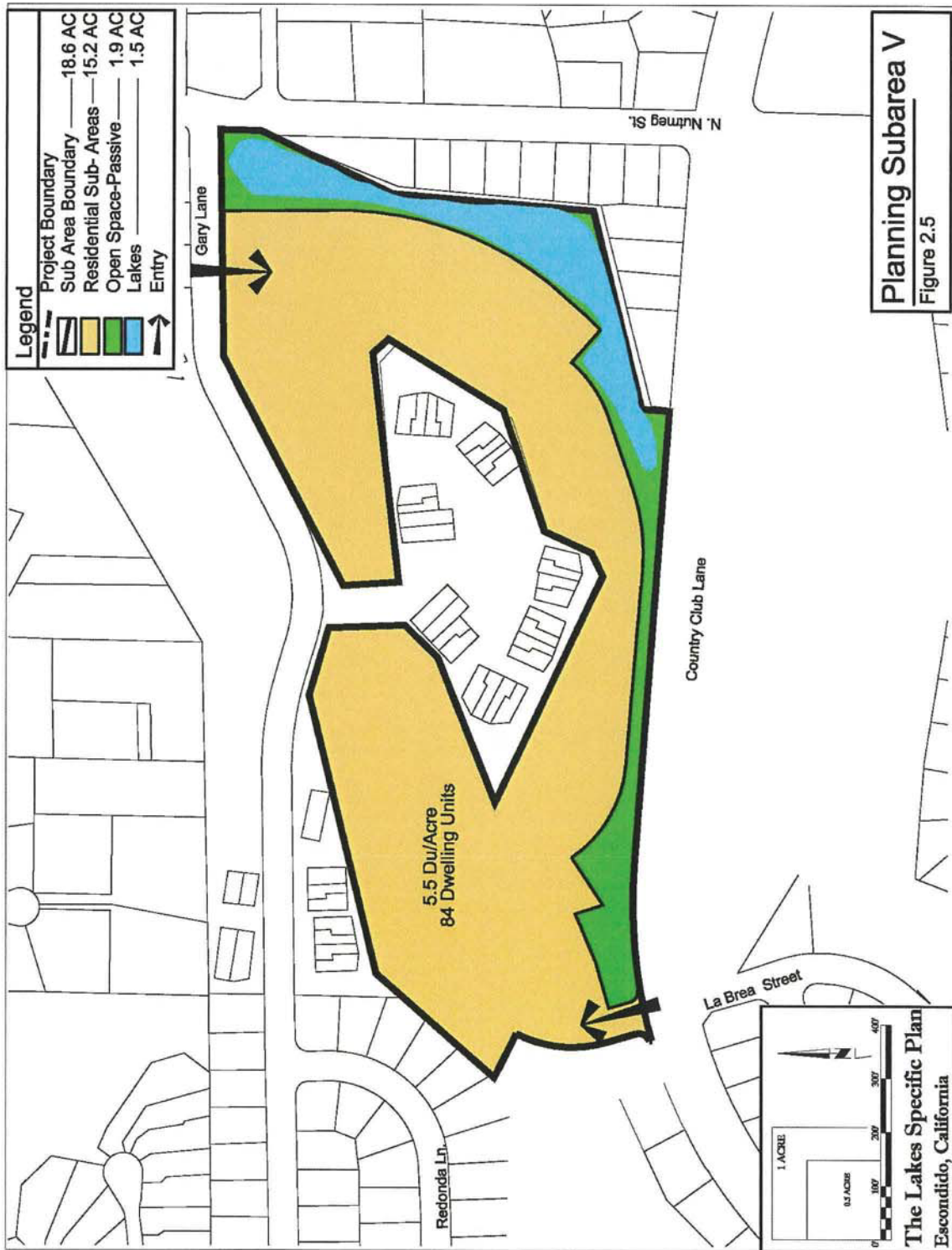
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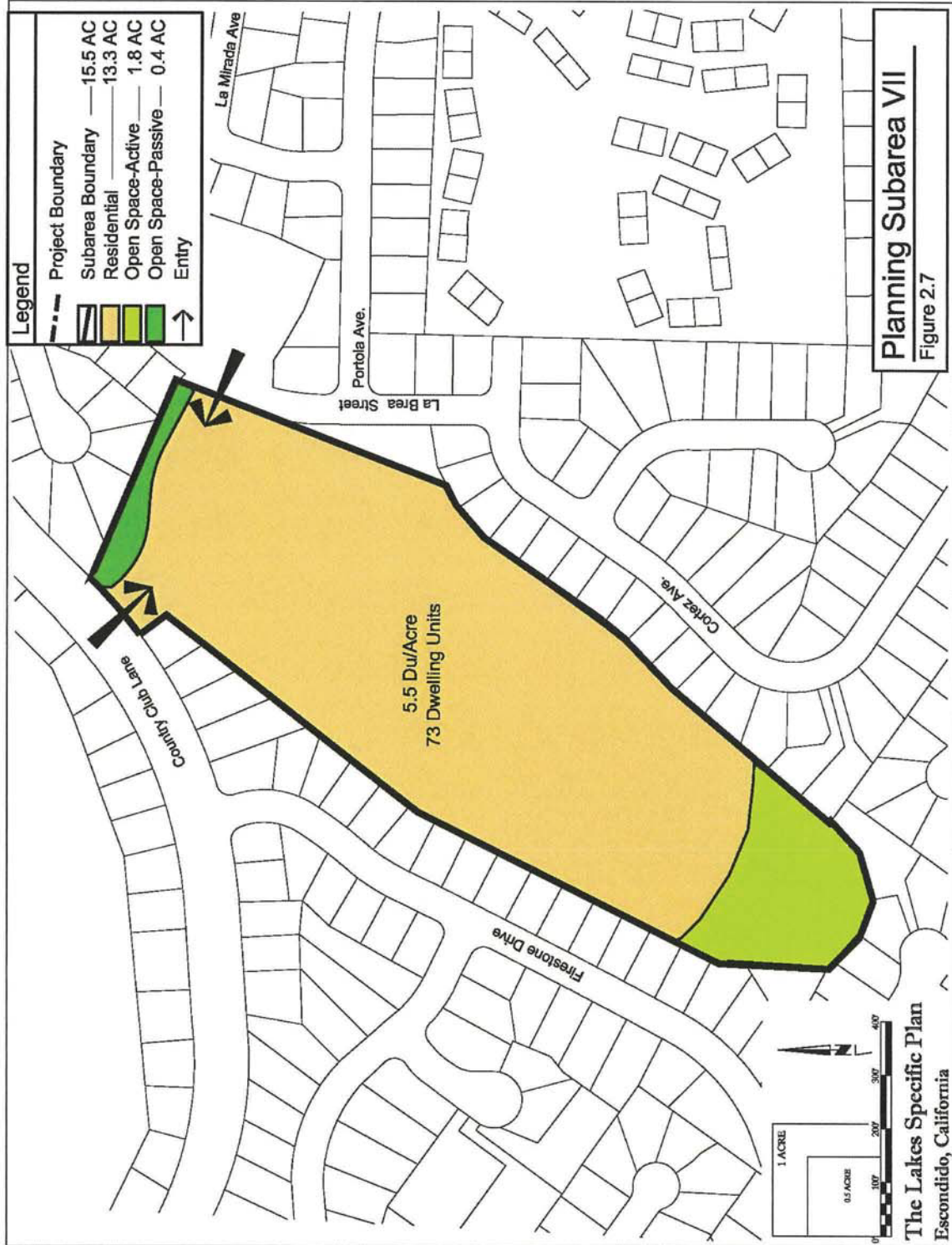
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2.2.1 Residential

The Lakes Specific Plan provides for the development of a maximum of 430 single-family residential dwelling units, with a corresponding density of 5.5 dwelling units per acre across the entire residential portion of the SPA. Residential lot sizes range from 3,650 square feet to over 7,000 square feet. See Figure 2.8 and 2.9 for the conceptual residential lot layout plans.

2.2.2 Open Space

The Lakes Specific Plan recognizes a total of approximately 27.2 acres of Open Space, which consists of active open space, passive open space, and lakes and ponds. See Figure 1.4 – Conceptual Open Space Plan. The active open space consists of park areas containing active and passive recreational amenities and facilities that would be accessible to SPA residents as well as the general public. The passive open space and lake and pond areas consist of landscaped graded slopes, parkways, lakes, ponds, detention basins, and landscaped entrance points to the Specific Planning Area. The passive open space areas will be protected by easements which prevent future development of these areas. The SPA's open space areas also include a 2.2 mile network of multiuse pathways for use by pedestrians and non-motorized vehicles that connect to the City's pedestrian trail system along Country Club Lane and on North Nutmeg Street. See Figures 2.10 and 2.11 for details relating to the multiuse pathway and trail connections.

2.2.3 Community Center

The Lakes Specific Plan designates the 3.6-acre Planning Subarea I for the development of a Community Center for use by residents of the SPA as well as residents of the surrounding neighborhoods. The Community Center's indoor facilities will consist of an approximately 10,000 square foot clubhouse which will house meeting/activity rooms, a community lounge area, and kitchen and dining facilities. The Community Center's outdoor facilities will consist of an Olympic-sized swimming pool, active sports courts including two tennis courts, multi-use playgrounds, a duck pond, and parking areas. See Figure 2.12 – Conceptual Community Center Design.

2.3 CIRCULATION

The Lakes Circulation Plan describes the transportation system and basic standards for safe vehicular and pedestrian movement within the Specific Planning Area. The circulation plan creates a system which provides for the extension of existing and proposed circulation routes in order to support the anticipate growth in the Specific Planning Area and adjoining existing and planned communities. In addition to planning for vehicular traffic, the Specific Plan requires the construction of pedestrian circulation improvements, including sidewalks and a pedestrian and non-motorized vehicle pathway system.

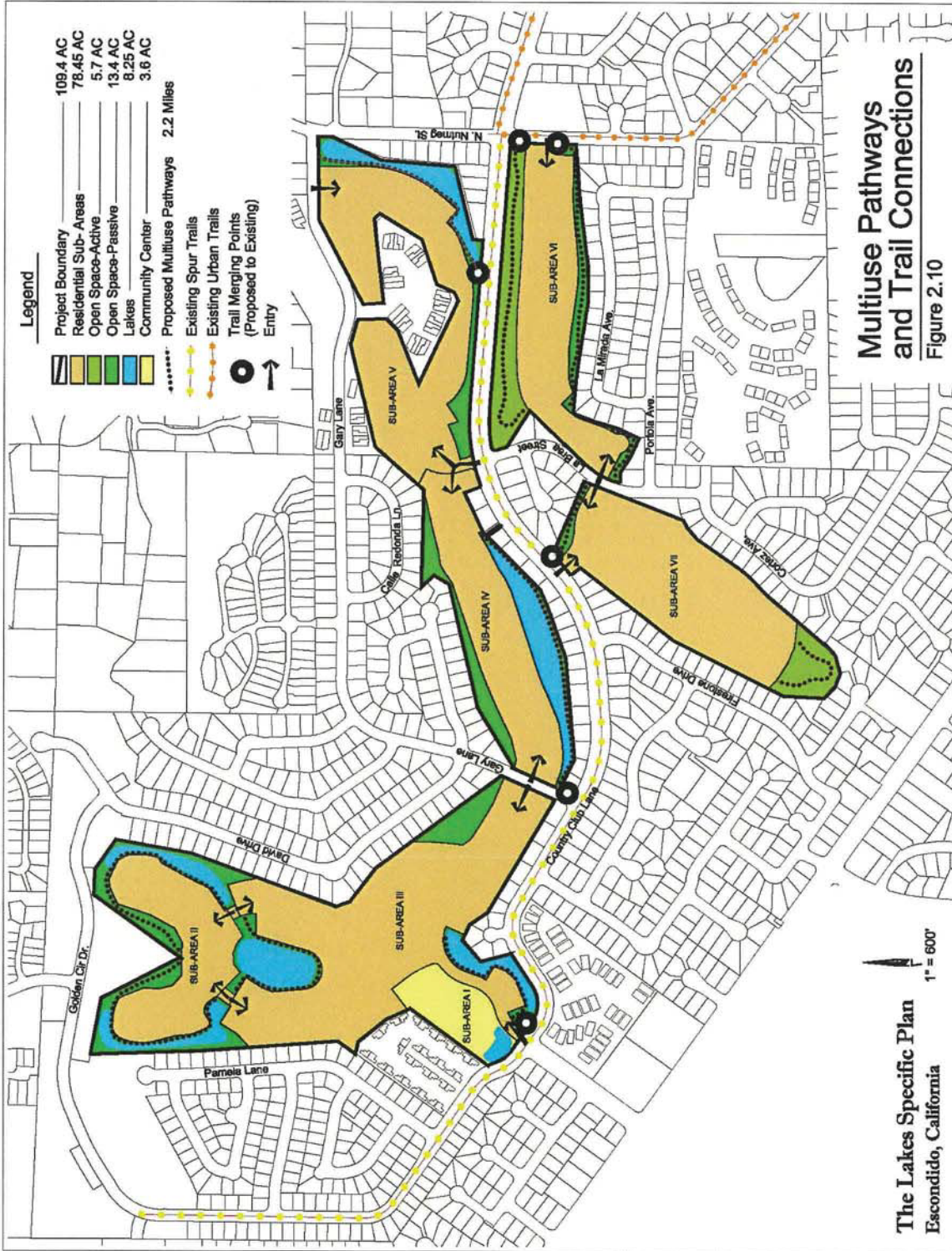
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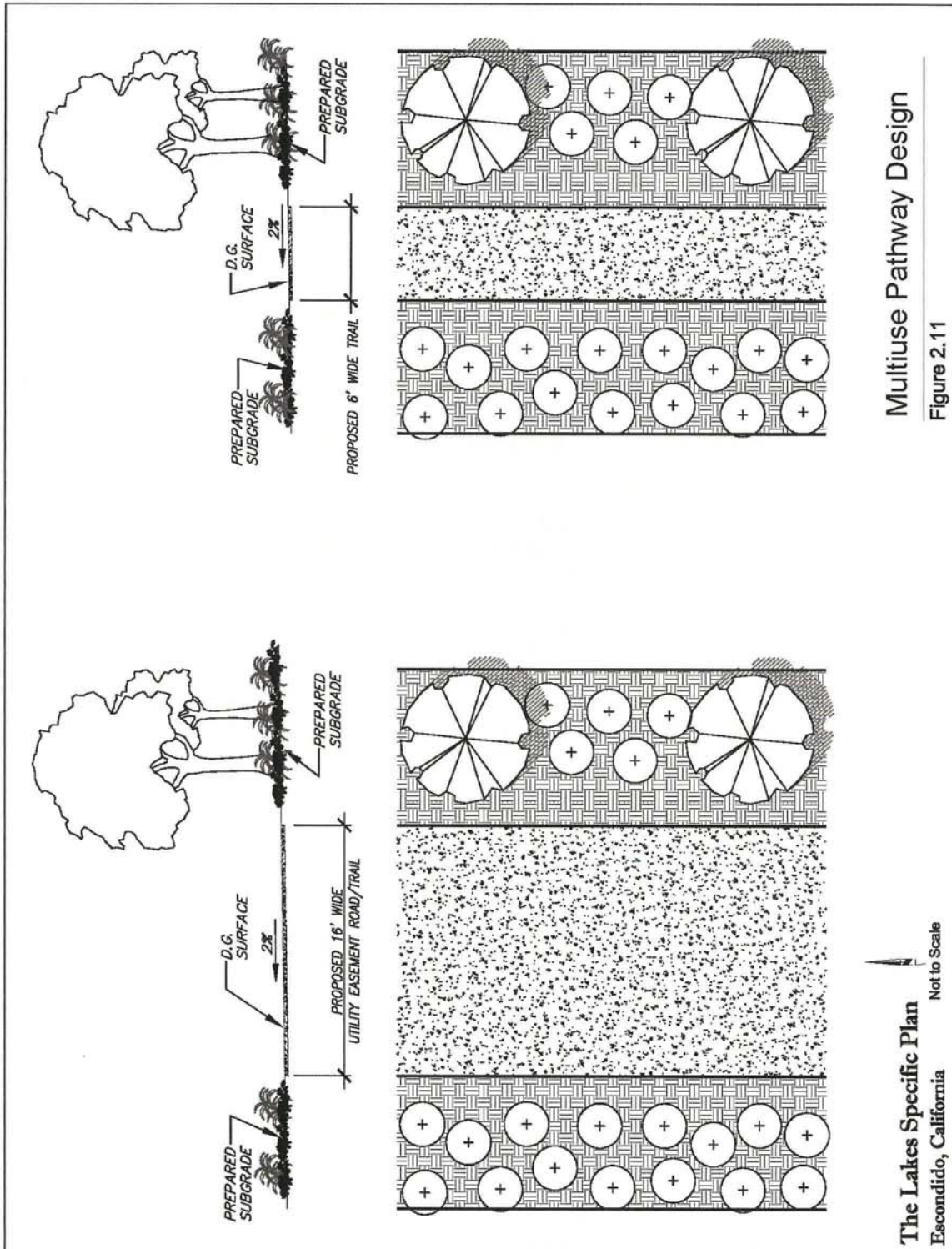
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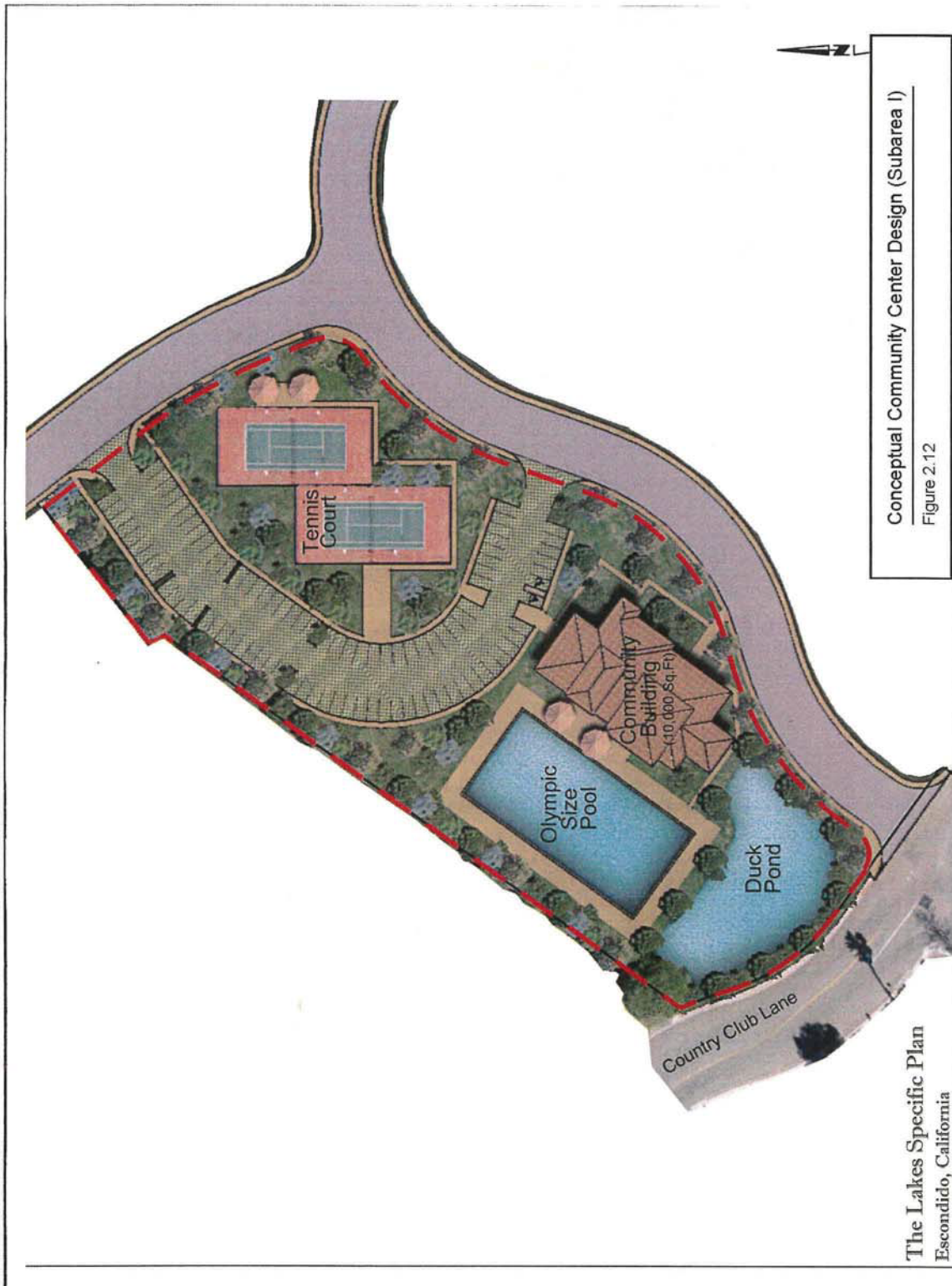
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2.3.1 Regional Access

The relationship of the Specific Planning Area to the regional circulation system is shown in the Regional Location Map (Figure 1.1). Regional access is provided to Escondido by Interstate 15 (I-15), a north-south transportation corridor, and State Highway 78 (SR-78), an east-west transportation corridor. Beginning at Interstate 5 in downtown San Diego, Interstate 15 extends northward through Escondido, to Riverside County and beyond. Interstate 15 is intersected in Escondido by State Highway 78. State Highway 78 extends eastward from Interstate 5 near the boundary between Oceanside and Carlsbad, through Escondido, to the community of Ramona to the east. Interstate 15 and State Highway 78 are both classified as freeways.

2.3.2 Project Access

Local access routes are illustrated in the Conceptual Land Use Plan (Figure 1.3). Primary access to the Specific Planning Area is provided by the following roadways:

El Norte Parkway is an east/west roadway constructed as a four lane undivided roadway from Nutmeg Street to Rees Road and four lane divided roadway from Rees Road to Woodland Parkway. El Norte Parkway is classified as a Major Road in the vicinity of the Project. Bike lanes are provided along both sides of the street.

Country Club Lane is an east/west roadway constructed as a two lane undivided roadway from Golden Circle Drive to Gary Lane and four lane divided roadway from Gary Lane to Center City Parkway. Country Club Lane is classified as a Collector in the vicinity of the Project.

Center City Parkway is a north/south roadway constructed as a four lane divided roadway, and is classified as a Super Major Road in the vicinity of the Project.

Nutmeg Street is a north/south roadway constructed as a two lane undivided roadway, and is classified as a Local Collector in the vicinity of the Project.

Woodland Parkway is a north/south roadway constructed as a four lane undivided roadway, and is classified as a Collector in the vicinity of the Project.

Most of the Planning Subareas will take access from Country Club Lane. Planning Subareas II, IV, and V will also take access from Gary Lane, Planning Subarea VI will take access from Nutmeg Street and La Brea Street, and Planning Subarea VII will take access from La Brea Street.

2.3.3 Project Circulation Plan

The Lakes Circulation Plan has been designed as an orderly extension of local circulation elements. The proposed development patterns within the Specific Planning Area, integrated with existing and proposed alignments, form the basis of this network. Implementation of The Lakes

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Specific Plan will result in the improvement of the following on-site vehicular and pedestrian improvements:

2.3.3.1 Vehicular Improvements

All of the Specific Plan's residential streets will be public streets dedicated to the City of Escondido and will be publicly maintained. Typical Project street sections and design standards are shown in Figure 2.13 – Conceptual Road Design and Figure 2.14 – Conceptual Road Schematic.

2.3.3.2 Non Vehicular Improvements

The Project's 2.2 miles of multiuse pathways will measure 6 feet in width and will maintain a soft surface of native soil or comparable material, in compliance with the City's Parks, Trails, and Open Space Master Plan. When in conformance with Chapter 3's landscape guidelines, shade trees and a native landscaping theme will be planted along the multiuse pathways.

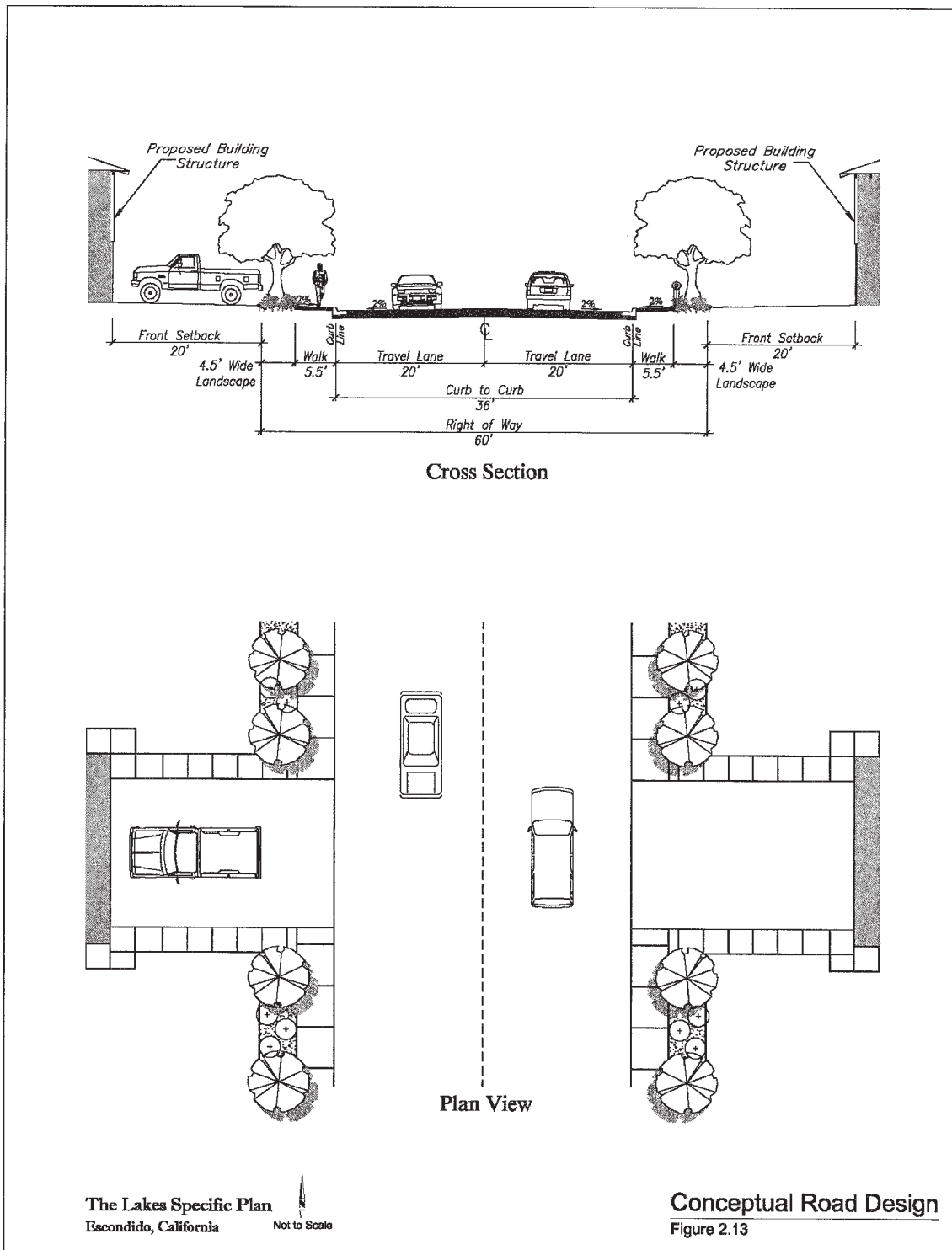
2.3.4 Off-Site Transportation Improvements

Based on an analysis of current traffic, current traffic plus Project traffic, cumulative traffic, and Project completion and horizon year conditions, specific off-site transportation infrastructure improvements have been identified and incorporated in the Circulation Plan. Implementation of The Lakes Specific Plan will result in the construction of the following improvements which will mitigate any potential significant traffic impacts resulting from the development of the SPA.

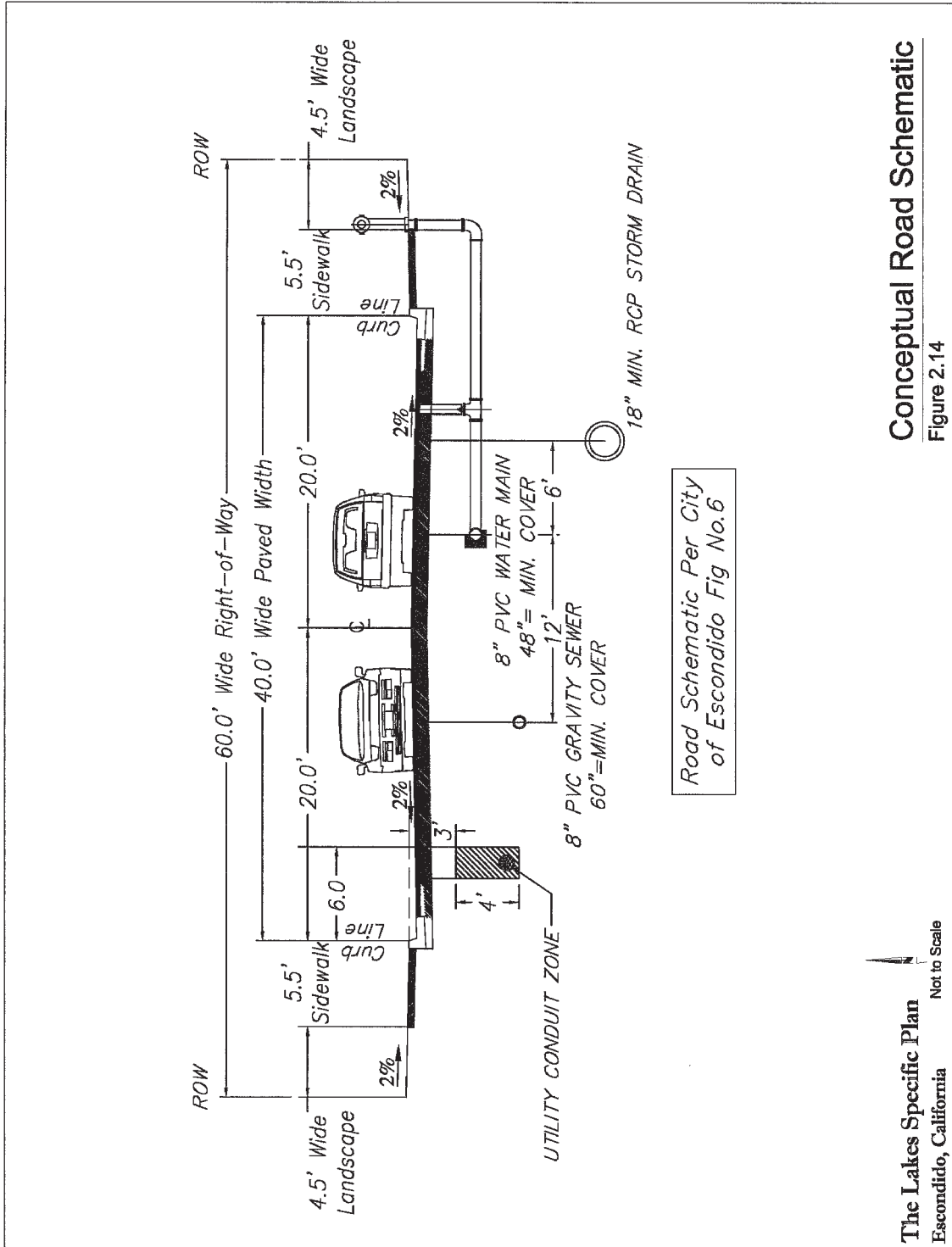
2.3.4.1 Specific Off-Site Improvements

- Signalization of Country Club Lane/Golden Circle Drive/Future Project Access Point intersection.
- Restriping one additional lane on the east side of El Norte Parkway from Nutmeg Street to the I-15 southbound ramps.
- One of the following required improvements to Nutmeg Street/El Norte Parkway intersection:
 - Option 1: Provide dual south bound left turns by restriping two left turns and one thru right turn shared lane.
 - Option 2: Provide dual south bound left turns by widening about 6 feet on the east side of Nutmeg Street to have two left turns, one thru and one right turn lanes.
 - Option 3: Provide dedicated west bound right turn lane by widening about 6 feet on El Norte Parkway to have one left turn, two thru and one right turn lanes.

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Road Schematic Per City of Escondido Fig No.6

Conceptual Road Schematic
 Figure 2.14

The Lakes Specific Plan
 Escondido, California
 Not to Scale

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- One of the following required improvements to the Country Club Road/El Norte Parkway intersection:
 - Option 1: Provide dedicated south bound left turn to have one left turn, one thru and one right turn lane.
 - Option 2: Widen about 6 feet to provide dedicated west bound right turn lane to have one left turn, two thru and one right turn lane.

2.3.5 Public Transportation Improvements

Public Transportation for the Specific Plan Area is provided by North County Transit District (NCTD). Specifically, Route 358/359 currently provides service for the Specific Plan Area. It is anticipated that new stops may be added to further provide access to public transportation. The number and location of these stops will be coordinated with NCTD staff.

2.4 PUBLIC FACILITIES

2.4.1 Water

Development within The Lakes Specific Planning Area will be supplied with potable water from the Rincon del Diablo Municipal Water District (Rincon). The existing Rincon water system is comprised of a 10-inch asbestos concrete pipe (ACP) within Country Club Lane and Nutmeg Street and an 8-inch ACP within Gary Lane. Rincon will serve the Specific Planning Area's water supply from R3 tanks located at the terminus of Jack Rabbit Acres, east of Interstate-15. These R3 tanks are comprised of two 3-million gallon reservoirs at high water level 1,000 feet, and the Specific Planning Area is at an approximate elevation of 775 feet (approximate 97 PSI static pressure zone). The R3 Tanks also feeds the Rockhoff Pump Station located at the intersection of Rockhoff Road and Nutmeg Street, which serves the R4 Tank and the pipes colored in red. Rincon provides three meters (663, 664, and 735) which currently serve the Specific Planning Area.

A portion of the Specific Planning Area (to the west of Gary Lane) is located within a designated exchange area that is served by City of Escondido water pipelines, comprised of an 8-inch ACP within Country Club Lane / Golden Circle Drive, an 8-inch ACP within David Drive, and a 10-inch ACP within Gary Lane. However, the entirety of the Specific Planning Area will be supplied with Rincon water. The City of Escondido also provides a 4-inch irrigation meter which currently services the Specific Planning Area.

Although the Vista Irrigation District (VID) does not supply water within the Specific Planning Area, three VID pipelines do cross the site, and are described as follows:

- The first line is a 36-inch diameter steel concrete mortar lined and coated pipeline located just south of Golden Circle Drive between David Drive and Jason Glen. This pipeline is part of the 11.25 mile long Vista Flume (flume and siphon) conveyance system that

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conveys water from the Escondido Vista Water Treatment Plant at Lake Dixon to the Pechtstein Reservoir. The flume system operates under gravity flow conditions and is a main component of VID's water supply system. The pipeline crossing the Specific Planning Area is a pressurized siphon reconstructed in the mid-1950s, and it is located within a fifty foot wide easement area. VID's existing siphon must be protected in place, and no grading and/or construction activity within the vicinity of the pipeline will be allowed without approval by VID

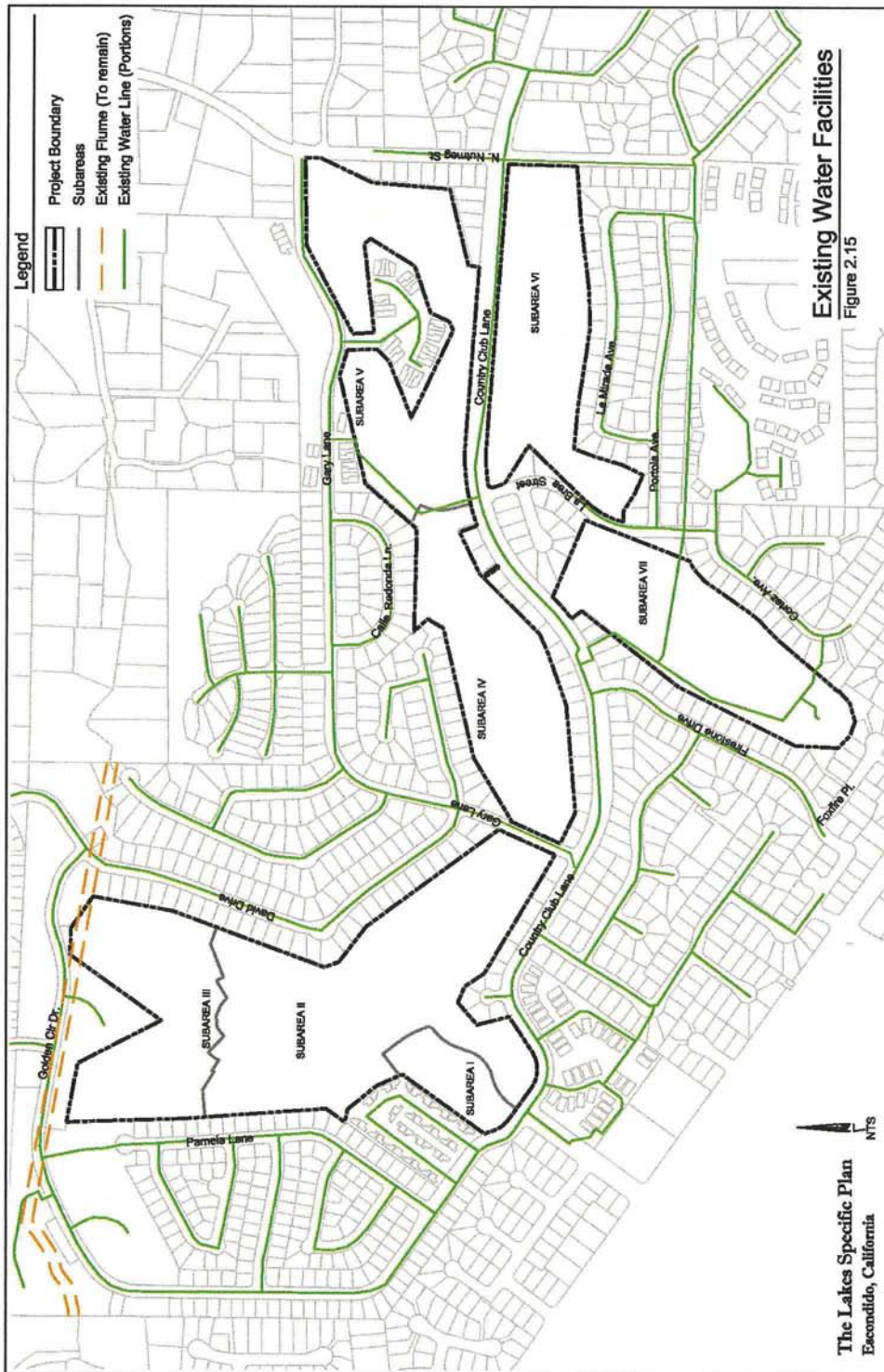
- A second VID line crosses the golf course just west of Lark Glen, north of Country Club Lane. This line consists of an 18-inch diameter ACP, which is also located within an easement. This water line serves as the connection from the MD Reservoir located at the end of Rockoff Lane to the Theodore Reservoir.
- Lastly, there is an abandoned line located just east of the 18-inch ACP line. According to VID staff, if necessary to accommodate the future development, the 18-inch line could be rerouted.

Water will be provided throughout the Specific Planning Area by a system that will be adequately sized to meet Project build-out demands and corresponding fire flows. New water service lines will be placed in the new roadway system with appropriately sized easements and connecting to existing service in Country Club Lane, Gary Lane, La Brea Street, and North Nutmeg Street. Both 18-inch VID lines will be relocated, and VID's 36-inch flume and siphon will remain in its current location. Existing water lines are illustrated on Figure 2.15 – Existing Water Facilities.

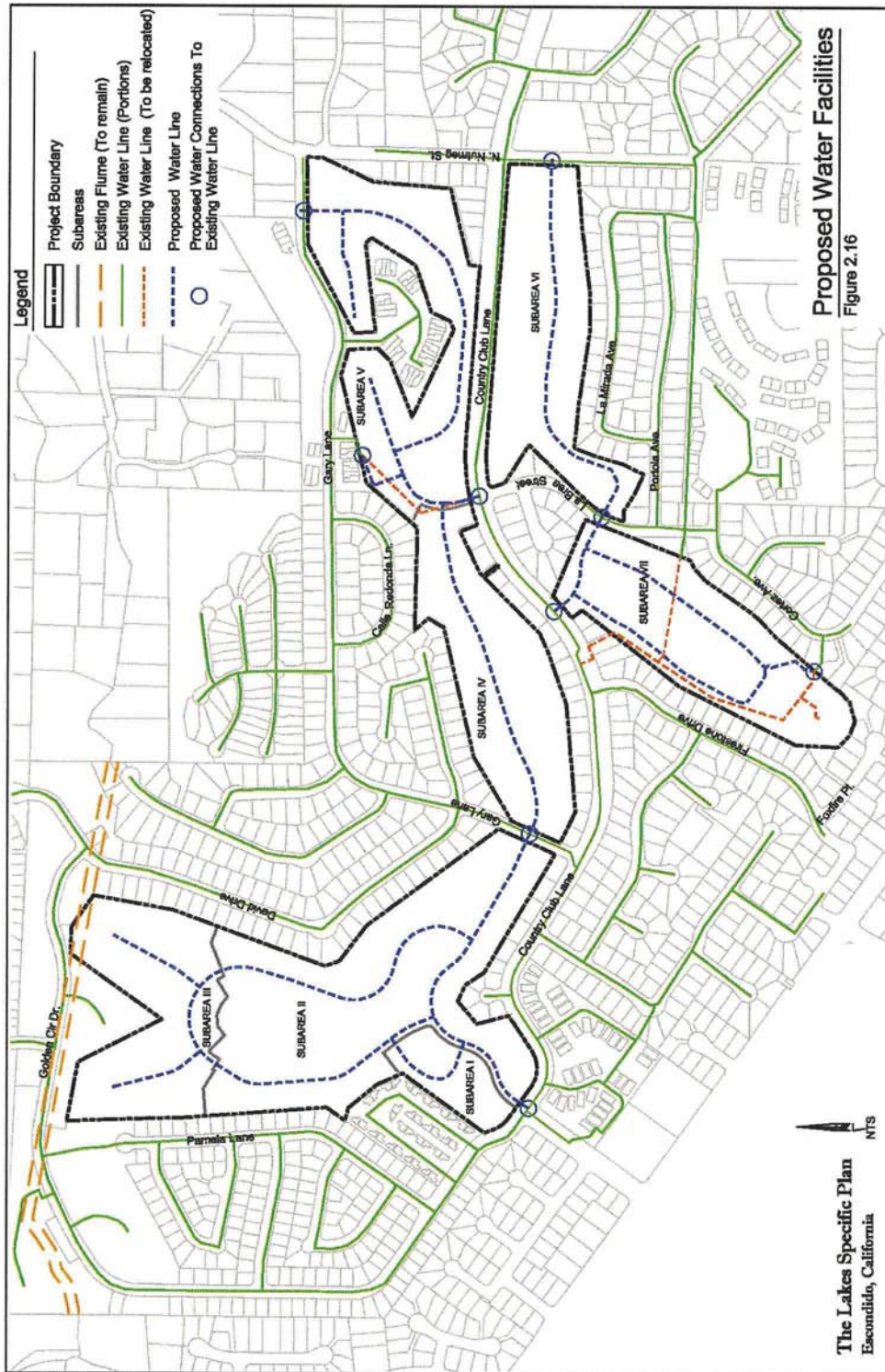
Approximately 17,000 lineal feet of new polyvinyl chloride (PVC) water service lines, 8-10 inches in size, will be placed within the SPA's new internal roadway system as depicted on Figure 2.16 – Proposed Water Facilities. These lines will be located within appropriately sized easements consistent with the City's standard requirements. The new water service lines will connect to the City's existing water system at the locations identified below.

- At the intersection of Country Club Lane and the entrance to Planning Subarea I;
- At the intersection of Gary Lane and the entrances to Planning Subareas II and IV;
- At the intersection of Country Club Lane and an entrance to Planning Subareas IV and V;
- At an existing water connection meter site beyond Gary Lane within Planning Subarea V;
- At the intersection of Gary Lane and an entrance to Planning Subarea V;
- At the intersection of Nutmeg Street and an entrance to Planning Subarea VI;
- At the intersection of La Brea Street and the entrances to Planning Subareas VI and VII;

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- At an existing water connection meter site beyond Cortez Avenue within Planning Subarea VII; and,
- At the intersection of Country Club Lane and an entrance to Planning Subarea VII.

The 36-inch flume and siphon will remain in its current location.

2.4.2 Wastewater

Wastewater collection for The Lakes SPA will be provided by the City of Escondido's existing sanitary sewer system. This system's facilities in the vicinity of the Specific Planning Area consist of the following:

- An 8-inch vitrified clay pipe (VCP) sewer main located within the Golden Circle Drive roadway collects sanitary flows from neighborhoods to the west of the Specific Planning Area and conveys flows southerly around the western portion of the site. The Specific Planning Area connects to this sewer main via an existing 8-inch concrete pipe connection located south of Lorraine Place.
- An 8-inch VCP and polyvinyl chloride (PVC) sewer main located within the Country Club Lane roadway collects sanitary flows from neighborhoods to the north and east of the Specific Planning Area and conveys flows southerly from David Drive, down Gary Lane toward El Norte Parkway.

All wastewater from the Specific Planning Area is conveyed to Lift Station #4 located off of El Norte Parkway across from Cherry Street. From this lift station, the wastewater is pumped up to the intersection of Nordahl Road and El Norte Parkway, where it flows via gravity to the City's Hale Avenue Resource Recovery Facility. Further, Lift Station #4 was recently renovated to increase pumping capacity to 1,120 gallons per minute (gpm), from the previous 214 gpm average flow and 452 gpm peak flow. Using the City of Escondido's 2012 Wastewater Master Plan demand figure, the anticipated flow for the proposed 430 dwelling units is 80 gpm for average flow and 180 gpm for peak flow. The available information indicates that the pumping capacity of the Lift Station #4 is more than adequate to serve future demands associated with the development of the SPA.

Wastewater services will be provided throughout the SPA by a system that will be adequately sized to meet Project build-out demands and corresponding flows. New wastewater service lines will be placed in the new roadway system with appropriate sized easements and connecting to existing service lines near Golden Circle Drive, David Drive, Country Club Lane, Gary Lane, North Nutmeg Street, La Mirada Avenue, Cortez Avenue and Foxfire Place. Existing wastewater lines are illustrated on Figure 2.17 – Existing Wastewater Facilities. During the development of the Specific Plan Area, several existing wastewater lines will be relocated. These include the 18-inch line situated just west of Lark Glen, north of Country Club Lane, the 18-inch line connecting to Country Club Lane and Cortez Avenue and the 18-inch line that loops Golden Circle Drive and David Drive. Approximately 16,000 lineal feet of new wastewater

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service lines will be placed within the SPA's new internal roadway system with appropriate sized easements consistent with the City's engineering design standards. The new wastewater service lines will connect to existing service lines near Golden Circle Drive, David Drive, Country Club Lane, Gary Lane, North Nutmeg Street, Lark Glen, La Mirada Avenue, Cortez Avenue and Foxfire Place, as depicted on Figure 2.18 – Proposed Wastewater Facilities. The new wastewater service lines will be up to 10-inches in size. Final sizes, locations and replacement will be determined during the City's review of final development plans.

2.4.3 Stormwater and Drainage

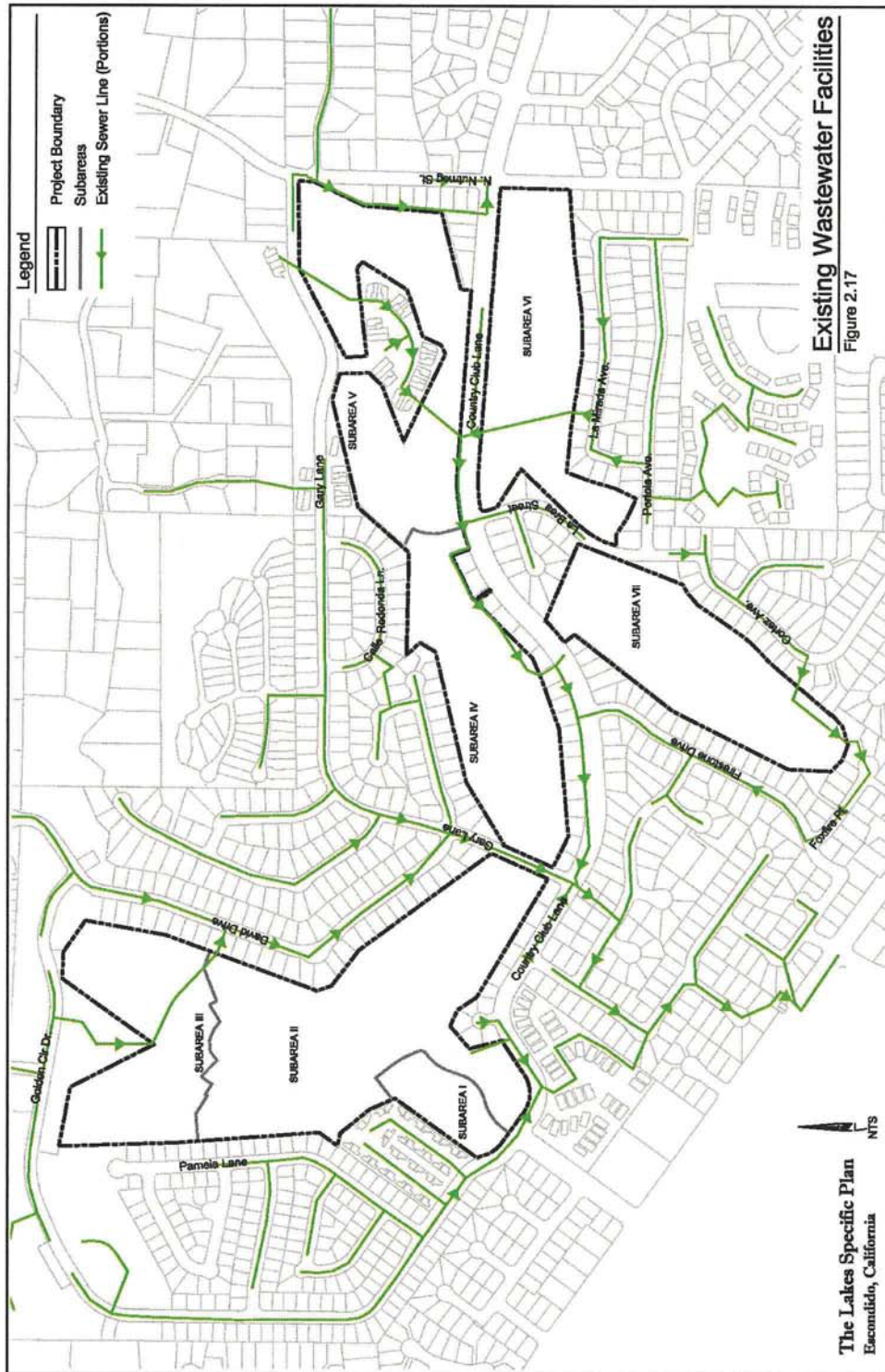
The federal Clean Water Act regulates non-point source stormwater pollution of the waters of the United States, and in California, the Act is administered by the State Water Resources Control Board, which issues construction and industrial permits for discharge of stormwater. The State Water Resources Control Board has identified San Diego County as the responsible agency for stormwater quality in the urbanized areas of the unincorporated areas of the County. Finally, the City's Department of Public Works, Stormwater Section is responsible for implementing all required stormwater discharge improvements.

Stormwater runoff will increase with the planned development of the SPA. Accordingly, drainage and flood control infrastructure improvements will be necessary to accommodate increased storm water flow resulting from the new development. See Figure 2.19 – Existing Stormwater and Drainage Facilities and Figure 2.20 – Proposed Stormwater and Drainage Facilities. Six permanent detention pond features and basins have been incorporated into the SPA's design at major discharge points to reduce peak developed condition runoff to levels approaching pre-development condition peak flows. In addition, the SPA's drainage plans utilize the Project's streets and storm drains to carry stormwater to and through existing natural drainage courses and to the existing drainage facilities within the immediate area. Currently, a portion of the existing road fronting the SPA project boundary is flooded during a 50-year storm event, and the Specific Plan's proposed improvements to this existing culvert will reduce this flooding. The City of Escondido Stormwater Section of the Department of Public Works will ensure the appropriate implementation of the required stormwater discharge improvements through the review of all applicable policies, ordinances, maps and other implementing permits for the proposed development.

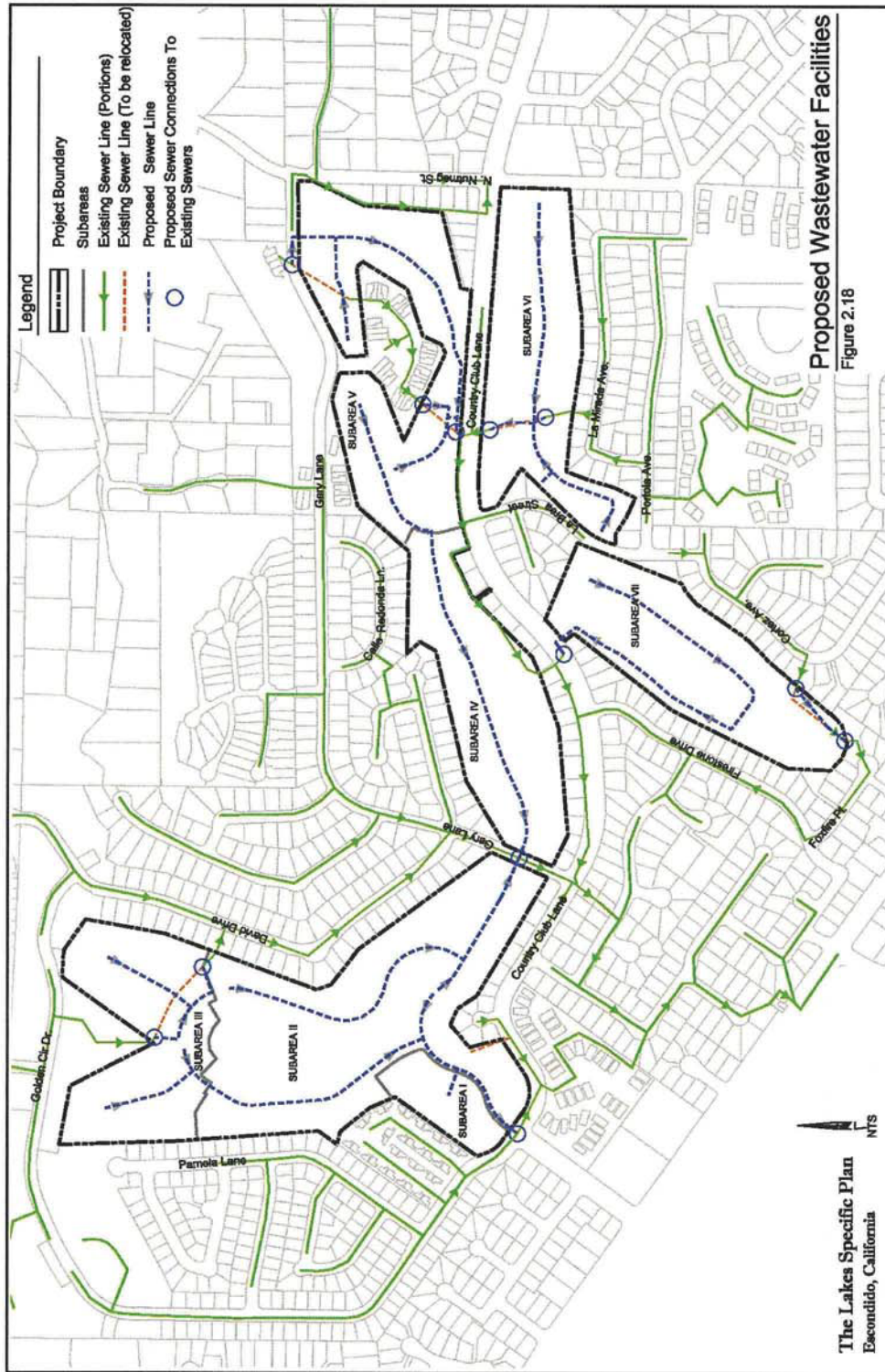
2.4.4 Solid Waste Disposal

Solid waste disposal services are provided to the Specific Planning Area by a solid waste disposal firm. Additional or different solid waste disposal service providers may provide service to the Project from time to time, as determined appropriate by the City of Escondido.

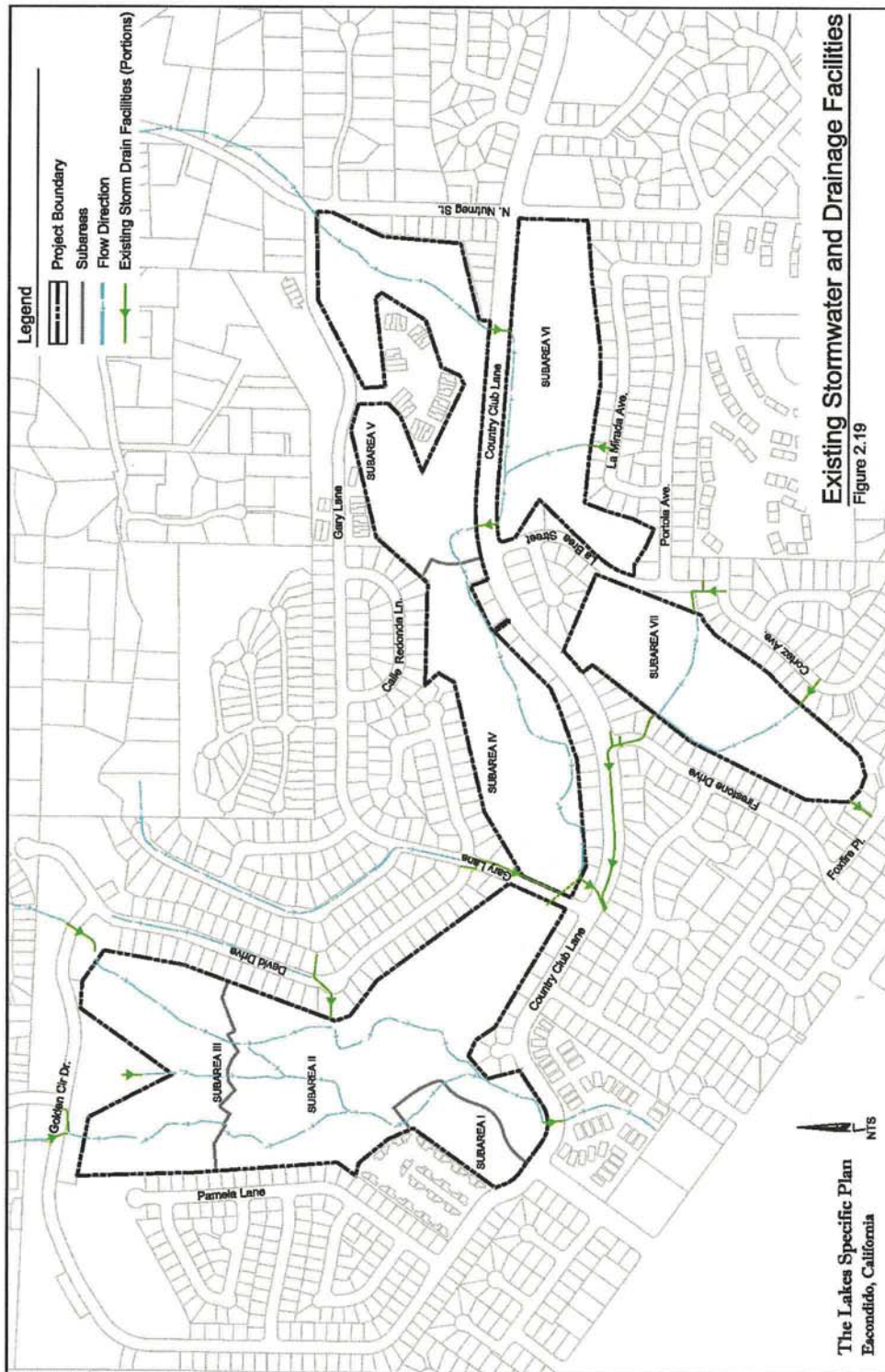
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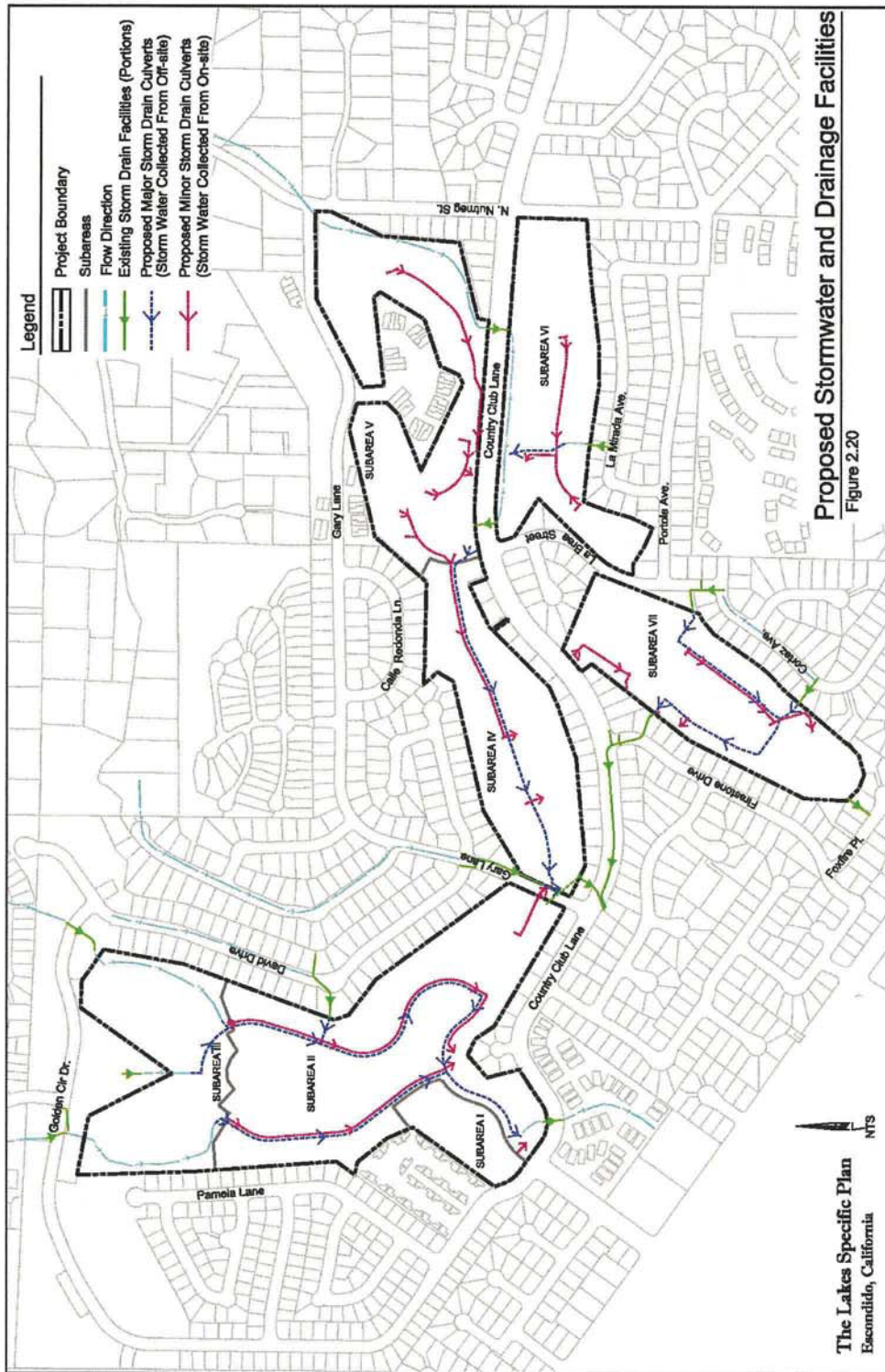
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2.4.5 Police Service

Police protection services for The Lakes SPA are provided by the Escondido Police Department. The closest police station is located at 1163 North Centre City Parkway, approximately 2 miles south of the SPA.

The City's Quality of Life Standard for police protection is an initial response time of no more than 5 minutes for Priority 1 calls (crimes in progress or life threatening incidents), and no more than 6 1/2 minutes for Priority 2 calls (serious, but not life threatening incidents). The Department has been successful in achieving times close to those standards.

The proposed SPA is not expected to result in activities that create unusual police protection needs. Furthermore, in connection with the future development of the SPA, the City's public facilities impact fees will be paid, a portion of which are allocated to the enhancement of existing law enforcement services. Accordingly, the Project will not create any significant impacts to the City's police services.

2.4.6 Fire Protection

Fire protection and safety services for The Lakes SPA are provided by the Escondido Fire Department. The closest station is Fire Station #3 which is located at 1808 Nutmeg Street, approximately 1/2 mile from the Specific Planning Area. This station houses 1 paramedic fire engine and 1 wildland brush engine.

The City's Quality of Life Standard for fire services is an initial response time of 7 1/2 minutes for all structure fire and emergency paramedic calls, and a maximum response time of 10 minutes for supporting companies. The Department has been successful in achieving times close to those standards.

The proposed SPA is not expected to result in activities that create unusual fire protection needs. Furthermore, in connection with the future development of the Specific Planning Area, the City's public facilities impact fees will be paid, a portion of which are allocated to the enhancement of existing fire protection services. Accordingly, the Project will not create any significant impacts to the City's fire protection services.

2.4.7 Schools

The Lakes Specific Planning Area is located within the Escondido Unified School District (EUSD), the Escondido Union High School District (EUHSD), and the San Marcos Unified School District (SMUSD). Specifically, the western edge of the SPA near Pamela Lane is located within the boundaries of the SMUSD, and the remaining portions of the Specific Planning Area are located within the boundaries of the EUSD and EUHSD.

Each of the three school districts has established school impact mitigation fees to address the facility impacts created by residential, commercial, and industrial development. Current state

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law requires that impacts to current school facilities be mitigated through mandatory development impact fees, which will be paid in connection with the future development of the Specific Planning Area.

2.4.8 Library Services

The closest branches of the Escondido Public Library are located at 239 S. Kalmia Street, the Technology Center at 2245 East Valley Parkway, the Literacy Annex at 200 South Broadway, and the Pioneer Room in the Mathes Community Center at 247 S. Kalmia Street.

The City's Quality of Life Standard for library services establishes goals for library stock (2 collection items per capita) and staffing (3 library staff per 8,000 City residents). A portion of the City's public facilities impact fee is allocated to the enhancement of existing library services, and these fees will be paid in connection with the future development of the SPA. Accordingly, the Project will not create any significant impacts to the City's library services.

2.4.9 Other Utility Services

2.4.9.1 Gas and Electric

Both gas and electrical services are currently provided to the SPA by San Diego Gas and Electric (SDG&E). All new electrical and gas lines services will be provided throughout the SPA by a system that will be adequately sized to meet Project build-out demands. Service lines will be placed underground in the new roadway system with appropriate sized easements.

2.4.9.2 Cable, Telephone and Internet

Cable, telephone and internet services are offered by various providers in the SPA. All such service lines will be placed underground in the new roadway system with appropriate sized easements.

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3 DEVELOPMENT REGULATIONS AND PROCEDURES

3.1 COMMUNITY DESIGN CONCEPT

Chapter 3 provides the land use regulations and design standards for development within the SPA, by which the Project will be developed in a phased manner. Design features and guidelines are given for grading, landscape design and architecture to establish a sense of community identity. Adherence to these regulations and standards will ensure that new development is visually and functionally integrated with pre-existing development adjacent to and within the SPA. These regulations and standards serve as the zoning standards for The Lakes SPA, and where they conflict with the City's municipal code or other planning or zoning regulations, this Specific Plan shall control. Conversely, for situations or conditions not addressed by the Specific Plan, the City's regulations, as well as other local, state, and federal regulations, shall apply.

3.2 LAND USE REGULATIONS

3.2.1 Introduction

The intent of this section is to provide a complete set of land use and zoning regulations for the SPA. After providing definitions that apply to the entire SPA, the following subsections describe the use regulations and development standards for each of the SPA's specific land uses.

3.2.2 Use Determination Procedure

Land uses not specified in the permitted uses section of these Land Use Regulations, which are found by the Director of Planning and Building to be consistent with the intent and purpose of the SPA and are similar to the allowed uses of the SPA may also be allowed. If the Director of Planning and Building is unable to make a determination on a specific land use not listed in the Specific Plan, a noticed, public hearing shall be conducted by the Planning Commission. The Planning Commission's determination shall be final unless appealed to the City Council. If appealed, a noticed, public hearing shall be held by the City Council and the City Council's determination shall be final.

3.2.3 Residential Use Regulations and Development Standards

Detached single-family residential development is permitted in six of the SPA's seven Planning Subareas (Planning Subareas II through VII). Approximately 78.6 acres of the SPA will be devoted to these residential uses and related circulation infrastructure. The Lakes Specific Plan allows up to 430 dwelling units to be located within the SPA, with lot sizes ranging from 3,650 square feet to over 7,000 square feet in size.

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3.2.3.1 Permitted Uses

The following uses are permitted in the SPA's Residential areas:

- Single-family dwellings
- Model home uses
- Small family day care centers
- Adult care facilities
- Accessory uses incidental and subordinate to the principal permitted use, pursuant to the requirements of the City of Escondido Zoning Code, including, but not limited to the following:
 - Accessory buildings such as garages, carports, lath houses, green houses, gardening sheds, recreation rooms and similar structures which are customarily used in conjunction with and incidental to a principal use or structure
 - Swimming pools, constructed in accordance with the provisions of the City of Escondido Zoning Code
 - Vegetable and flower gardens
 - Household pets as provided for in the City of Escondido Zoning Code.
 - Home occupations pursuant to the standards established in the City of Escondido Zoning Code
 - Subdivision directional and sales signs in accordance with the City of Escondido Zoning Code.
 - Storage of materials used for the construction of a building, including the contractor's temporary office, permitted only during the construction period and the thirty (30) days thereafter
 - Satellite dish antennas in conformance with the provisions of the City of Escondido Zoning Code
- Temporary uses pursuant to the standards established in the City of Escondido Zoning Code and consistent with the purposes of this District
- Bus stop shelters in conformance with the City of Escondido Municipal Code and the City of Escondido Zoning Code

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3.2.3.2 Conditionally Permitted Uses

The following uses and structures are permitted in the SPA's Residential areas only if a conditional use permit has first been issued, and subject to the terms thereof:

- Child day care centers
- Clubs and lodges
- Group housing
- Places of worship
- Public uses not permitted as a matter of right
- Public utilities or installations.
- Senior housing pursuant to the standards established by the City's Zoning Code.

3.2.3.3 Prohibited Uses

Any use not specifically authorized by this Specific Plan, or not permitted by the Director of Planning and Building as described in Section 3.2.2, is prohibited in the SPA's Residential areas.

3.2.3.4 Minimum Lot Size and Lot Width

The following lot sizes and corresponding minimum average lot width are permitted within the SPA's Residential areas.

Lot Size	Minimum Average Lot Width
3,650 sq. ft. up to 4,500 sq. ft.	45 feet
4,500 sq.ft. up to 5,500 sq.ft.	52 feet
5,500 sq.ft. up to 6,500 sq.ft.	55 feet
6,500 sq.ft. up to 7,500 sq.ft.	65 feet
7,500 sq.ft. and greater	65 feet

3.2.3.5 Minimum Lot Frontage and Access Requirements

Each residential lot or parcel shall abut a public street for a minimum of thirty-five (35) feet, on a line parallel to the centerline of the street or on a cul-de-sac improved to City standards.

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Frontage on a street end, which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement.

3.2.3.6 Yard Requirements

- A. Front Yard – Each single family residential lot or parcel of land shall have a front yard not less than fifteen (15) feet in depth, except that a garage having an entrance fronting on the street shall be set back at least twenty (20) feet from the street property line. A required front yard shall not be used for vehicle parking except such portion as is devoted to driveway use.
- B. Side Yard – Single family residential lots shall maintain a side yard of at least five (5) feet on each side of a lot. On corner lots, the side yard which is contiguous to the street shall not be less than ten (10) feet in width, except that a garage having access which is perpendicular to the street shall be set back at least twenty (20) feet from the street property line. A required side yard shall not be used for vehicle parking except such portion as is devoted to driveway use.
- C. Rear Yard – Each residential lot shall have a rear yard of not less than 20 feet in depth.

3.2.3.7 Maximum Height

No residential lot shall have a building or structure in excess of 35 feet in height.

3.2.3.8 Parking

Each single-family lot designated as Residential by the SPA shall have on the same lot an enclosed structure suitable for providing automobile shelter with space for at least two automobiles for each dwelling unit.

3.2.3.9 Walls and Fences

Walls and fences within required front yard setback areas may not exceed three and one half (3.5) feet in overall height. Walls and fences greater than three and one half (3.5) feet in these locations require Planning Director approval.

Walls and fences outside of required setback areas may not exceed six (6) feet in overall height. Walls and fences greater than six (6) feet in these locations require Planning Director approval.

3.2.4 Open Space Use Regulations and Development Standards

3.2.4.1 Permitted and Prohibited Uses

Open Space designated areas, consisting of both recreational open space and landscaped open space, are located in six of the seven SPA Planning Subareas.

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The uses permitted within the SPA's recreational open space areas will include:

- Neighborhood parks, urban parks, and mini-parks consistent with the City's General Plan and Parks, Trail, and Open Space Master Plan
- Active and passive recreational uses, including but not limited to:
 - Child friendly play equipment
 - Multi-purpose turf areas
 - Multiuse courts & athletic areas
 - Baseball, softball, and/or soccer fields
 - Lighted sports fields and facilities
 - Off-leash dog facilities
 - Multiuse pathways, including jogging paths and bike paths
 - Exercise courses
 - Restrooms and drinking fountains
 - Off-street parking for visitors
 - Picnic tables
 - Benches
 - Community gardens
 - Group picnic areas
 - Low intensity recreational facilities (e.g. horseshoes and frisbee golf)
 - Interpretive displays of natural and/or cultural resources
 - Public art displays
- Recreational buildings

The uses permitted within the SPA's landscaped open space areas will include:

- Ponds and water features
- Detention basins
- Landscaped areas

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- Multiuse pathways

Residential and commercial uses are prohibited in the SPA's recreational and landscaped open space areas.

3.2.4.2 Open Space Development Standards

- A. No more than forty (40) percent of any active open space area may be covered by impermeable surfaces.
- B. Hours of operation – Park facilities shall not open earlier than sunrise. Park facilities with electric lighting shall not close any later than 9 p.m., when all lights shall be turned off. Park facilities without electric lighting shall close at dusk.
- C. Parking areas may be provided, but shall not be required for the SPA's active open space areas. If parking lots are provided, pervious surfaces and other low impact development options should be considered as a design feature.

3.2.5 Community Center Use Regulations and Development Standards

3.2.5.1 Permitted and Prohibited Uses

Permitted uses within the SPA's Community Center designation include the following:

- Community center building of not more than 10,000 square feet of floor area. This building may contain the following types of uses:
 - Lounge areas
 - Meeting or activity rooms
 - Kitchen and dining facilities
- Temporary educational or public service events
- Community pool (Olympic-sized or larger)
- Playground areas and associated equipment
- Baseball, softball, and/or soccer fields
- Sports courts, including tennis courts
- Electric lighting for sports fields, playgrounds and/or sports courts
- Ponds and water features

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- Accessory uses, incidental and subordinate to the principal permitted use, pursuant to the requirements of the City of Escondido Zoning Code

Residential and commercial uses are prohibited in the SPA's Community Center area.

3.2.5.2 Maximum Height

The Community Center building shall not exceed 35 feet in height.

3.2.5.3 Parking

A maximum of 95 parking spaces shall be provided within the Community Center area of the SPA.

3.2.5.4 Walls and Fences

Walls and fences of sufficient height to prevent balls or other sports implements from encroaching upon other uses of the Community Center may be constructed around the proposed swimming pool, sports fields, sports courts, and/or playground areas.

3.2.5.5 Hours of Operation

The Community Center's indoor and outdoor facilities shall not open earlier than sunrise. The outdoor facilities (swimming pool, playground, sports fields, etc.) shall be permitted to remain open until 9 p.m. The Community Center building shall be permitted to remain open until midnight to accommodate community and public meetings, and similar events.

3.3 GRADING PROVISIONS

3.3.1 Grading Guidelines

The conceptual grading plan for the SPA reflects the fact that the majority of the SPA has been previously graded and designed with engineered slopes and fills to support the former golf course uses on the site. Therefore, the existing perimeter conditions, existing street grades and connections, and gravity sewer system designs will be considered and incorporated into the final Project grading plans. The conceptual grading plan will facilitate the development of each Planning Subarea so that it is compatible with the physical features of the surrounding Planning Subareas and adjacent existing residential development. Final grading plans will also remedy existing storm flow conditions to ensure that storm flows do not impact adjacent properties. To the extent natural topographic features remain within the SPA, future grading will be sensitive to those landforms and mitigate significant impacts to the greatest extent possible.

The preliminary grading concept plan indicates that approximately 750,000 cubic yards will be balanced on-site, and will not require significant import or export of material to or from the SPA.

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However, import of a minimal amount of material may be necessary to create the required impervious surfaces within the ponds and water features.

3.3.2 Grading Ordinance Development Standards

All grading within the SPA shall comply with the City's grading ordinance, except as follows:

1. Maximum permitted slope heights (including retaining wall height): Peripheral fill within 50' of property line – 15 feet; fill adjacent to public or private street – 10 feet; interior fill or any cut – 30 feet.

3.4 LANDSCAPE CONCEPT

The goal of The Lakes Specific Plan's landscape plan is to create a unified community reminiscent of both native and recent historical landscape traditions. This ornamental landscape theme will be created by the use of consistent introduced drought tolerant planting and landscape elements within the overall native landscape setting of the SPA. An informal Coast Live Oak and/or California Peppertree theme shall be supported by an informal shrub massing.

The following principles should guide landscape design within The Lakes SPA.

- Promote a local identity, when feasible, through the use of local materials.
- Create and establish connections to adjacent communities and land uses.
- Utilize sustainable design strategies when feasible, such as the use of drought tolerant plant materials.

3.4.1 Landscape Design Standards

Development projects shall comply with the following landscape design standards:

- **Vegetation Removal:** Existing mature, native trees and shrubs will be preserved to the maximum extent possible during development of the Specific Planning Area.
- **Native Vegetation:** Indigenous vegetation shall be emphasized in the landscape concept. Ornamental drought-tolerant plantings, which fit well with these vegetation types, may also be utilized but shall be limited to transition areas.
- **Revegetation:** Vegetation disturbed as a result of grading shall be replanted and irrigated. Revegetation programs shall try to use native species for reseeding as a first choice. Only if this is unavailable shall revegetation programs use "non-reseeding" species to hold soil until native vegetation can be established to allow the biological community to naturally reclaim slopes and protect the slopes from erosion.

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- **Invasive Species:** Invasive species *Cortaderia* spp. (Pampas grass) and *Arundo donax* (Giant reed) shall not be used in any landscaping or revegetation in the Specific Plan Area.
- **Planting on Slopes:** Planting along the slope side of development shall be designed to allow controlled views out, yet partially screen and soften architecture. Tree species type and placement shall be chosen such that the tree(s) is capable of exceeding the height of the top of the slope.
- **Transition Areas:** Landscaping shall make a gradual transition from ornamental to native vegetation. Planting plans shall be visually sensitive to the use of plant materials in the transition zone, which complement and harmonize in color and massing with the plant materials in both the irrigated ornamental and non-irrigated natural areas.
- **Fire Suppression Zones:** Sensitive fire suppression (fuel modification) landscape designs shall provide necessary protection while striving to maintain the visual and biological integrity of the native plant communities.
- **Irrigation:** Irrigation systems shall be water-efficient and emphasize the use of drip emitters, bubblers, and low-precipitation spray heads. An automatic controller shall be installed with all irrigation systems. All planting except for existing native vegetation shall be adequately irrigated and maintained to ensure viability. Lawn and shrub irrigation systems shall be separate. Avoid the use of sprinkler heads to cover both shrubs/ground cover and lawns simultaneously. All street trees shall be automatically irrigated.
- **Street Tree Planting:** Street trees shall be related to the classification of the street as follows, so as to provide a feeling of continuity from start to finish:
 - **Primary Theme Roads:** Large informal shade trees provide the best continuity and interest along longer collector streets. These streets shall have a single species of street tree, such as *Schinus molle* (California Pepper)
 - **Secondary Theme Roads:** Each residential streetscape shall have an identifiable street tree planting giving each neighborhood a distinctive look.
- **Landscape Edge Zones:** Landscape edge zones are defined as the parkway and setback from any Theme Roads and shall include all visible slopes from these roads. Design of these areas shall consider the following:
 - The landscape theme and palette at edge zones shall be compatible with the community-wide theme while allowing variety to be expressed for individual project landscape palettes; and
 - The primary landscape concept is to create an informal, attractive landscape buffer along roads and pathways. Consideration must be given at all times to the

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presentation and enhancement of views, and landscape softening of residential areas.

- **Monumentation:** Textured paving, flowering accents, shrubs and specimen trees shall be used to generate interest at entry points.
- **Screening:** Utility fixtures shall be located and screened with landscaping in order to reduce their visual impact in the community.
- **Groupings:** All landscaping shall be planted in informal groupings with an emphasis upon reflecting the natural character. Landscaping shall reinforce the form of the land, employing mounding and rounded plant forms when appropriate. Vegetation of varying heights and textures shall be placed along perimeter walls and fences to soften hard planes by creating interest and variety.

3.4.2 Planting Palette

Vegetation indigenous to the area shall be emphasized in the landscape concept; ornamental drought-tolerant plantings that fit well with these vegetative types shall also be utilized. Drought tolerant, deer tolerant, and native species shall be used wherever possible to minimize water usage and maintain the natural shape and rural character of the environment. The following is a general representation of the type and range of plantings, which are defined in the landscape concept. While not inclusive or exclusive, the plants represented define the intent of planting within the community:

- **Entry Treatment Areas**
 - *Olea Europaea* “Swan Hill” (Fruitless Olive)
 - *Pinus* Species (Pine)
 - *Platanus Acerifolia* (London Plane Tree)
 - *Quercus agrifolia* (Coast Live Oak)
 - *Rhus Lancea* (African Sumac)
- **Primary Theme Roads**
 - *Cinnamonum Camphora* (Camphor Tree)
 - *Rhus Lancea* (African Sumac)
 - *Schinus molle* (California Pepper)
 - *Tristania Conferta* (Brisbane Box)

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- **Secondary Theme Roads**
 - Arbutus Unedo (Strawberry Tree)
 - Heteromeles Arbutifolia (Toyon)
 - Jacaranda mimosifolia (Jacaranda)
 - Lagerstroemia indica (Crape Myrtle)
 - Pyrus Calleryana “Bradford” (Bradford Pear)

3.5 ARCHITECTURAL DESIGN GUIDELINES

The purpose of the Specific Plan’s design guidelines is to provide a clear set of design policies to project sponsors such as developers, property owners, architects and designers. These design guidelines are also to be reviewed by the Director of Planning and Building during final project plan review, and proposed development projects shall be deemed to be in conformance with these guidelines prior to receiving final approval, unless it is demonstrated that certain guidelines are not applicable, appropriate, or feasible under the circumstances.

Precise architectural styles are not described by these guidelines. Rather, the intent is to allow and encourage a variety of “looks” within the general architectural character envisioned and described by the guidelines.

3.5.1 General Architectural Concepts

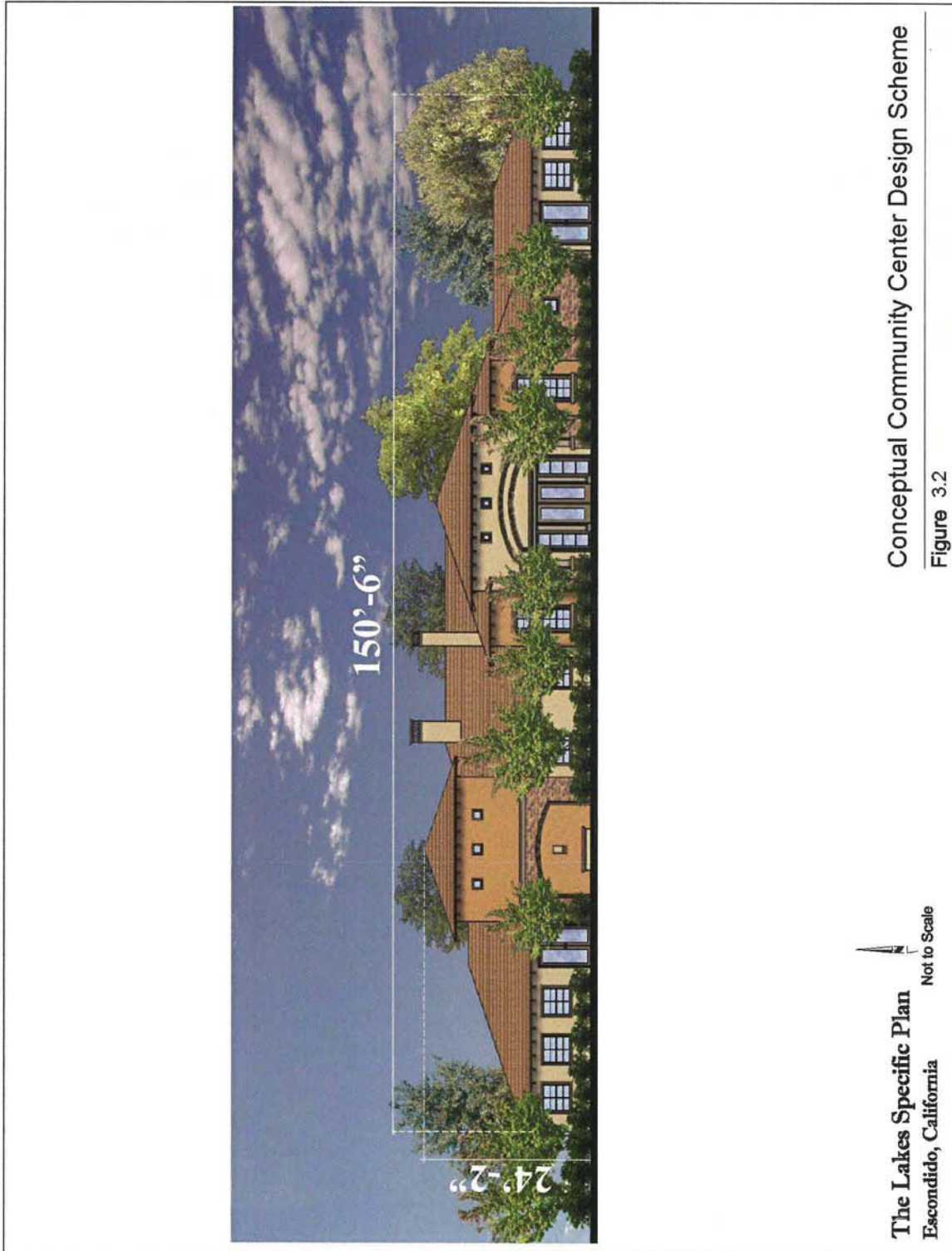
3.5.1.1 Residential Development

The architectural theme of the SPA is based on the goal to integrate seamlessly into the existing neighborhood, while providing for a variety of housing types and develop a strong sense of community. The residential architectural styles that are encouraged include, but are not limited to: Spanish Colonial, Craftsman, French Country, California Bungalow, California Ranch, and California Monterey. These styles are attractive, compatible with one another, and they can be easily integrated into the individual style and scale of each neighborhood. It is important to note that these styles are intended for modern adaptation, not re-creation of historic homes. The architecture is expected to be simplified, yet still maintain the unique characteristics that define the architectural style. The Conceptual Residential Design Scheme is shown in Figure 3.1, which represents a sample of residential buildings that could be developed using the guidelines contained in the Specific Plan.

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3.5.1.2 Community Center

The architectural design of the Community Center should not dominate the landscape, but rather be placed sensitively upon the land. Materials and colors for all buildings, accessory structures, walls, and fences should be selected to minimize their visual impact and to imitate the color and texture of the natural environs as much as possible. Particular attention should be paid to roof designs and materials where such roofs are viewed from above. The visible area of the buildings should be minimized through grading and landscaping techniques, and careful consideration of the building massing, use of earth berms, or use of plant materials will minimize the visual impact of structures.

Architecture within the Community Center area should also be responsive to the hot, dry climatic conditions of Southern California. Shade should be an important element for building design and placement, indoor/outdoor spaces, and gathering places. Arcades, covered walkways, and trellises are examples of architectural shading devices. These structures also provide a connection between buildings, protection from the elements, encourage and define pedestrian circulation patterns, and provide unity and organization to architectural elements.

See Figure 3.2 Conceptual Community Center Design Scheme.

3.5.1.3 Parks

The SPA's park areas are envisioned to be comfortable, memorable places that exhibit a character of quality and permanence. Park features should be designed to serve as gathering places, which reinforce the sense of community, connect a variety of public spaces, and are oriented to pedestrians.

3.5.2 Design Guidelines

The Specific Plan's design guidelines are provided for site planning, building design and landscape themes, and are intended to guide future development of the SPA while retaining flexibility so as not to preclude creative design solutions. The goal of these design guidelines is to create a unique community that blends seamlessly with the surrounding neighborhoods.

3.5.2.1 Site Planning

- **Connection to Residential Neighborhoods** – Project designs should connect to the adjacent neighborhoods and provide for future connections to currently undeveloped properties via streets or pedestrian and bike paths.
- **Building Orientation** – Residences should face streets, eliminating street facing rear yard fences or sound walls, unless the traffic or acoustic impacts are significant and cannot be feasibly addressed by the building design.

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- **Non Vehicular Connections** – Pedestrian, bike and visual connections will be made wherever auto connections are infeasible due to traffic, physical constraints or other considerations.

3.5.2.2 Circulation and Street Design

- **Internal Street Layout** – Internal street layouts should provide loop circulation wherever possible rather than dead end cul-de-sacs.
- **Connecting to Amenities** – Internal street and path layouts should connect to landmarks or amenity features such as parks or community buildings, tot lots or stands of major tree(s).
- **Vistas** – Streets and paths should focus on important vistas such as community buildings, mountains, trees or open spaces.
- **Pedestrian and Bike Connections** – Where loop street connections are not feasible, pedestrian and bike paths may be used as “shortcuts” to make walking and biking more convenient
- **Street Design Elements** – Residentially scaled street lights, separated sidewalks with street trees within planting strips or in tree wells and accent paving at neighborhood entries and crosswalks are strongly encouraged.

3.5.2.3 Entry Features and Sound Walls

- **Architectural Character for Entry Features** – Understated entry features are desirable, to integrate the development into the neighborhood rather than differentiate it. Accent landscaping and trellises to set off development entries are more desirable than walls or structures.
- **Minimize Soundwalls** – Perimeter residences which are part of new developments should be oriented to existing streets, minimizing the extent of sound walls or rear yard walls, except where necessary due to acoustical requirements. Frontage roads are preferred in lieu of soundwalls wherever possible.
- **Soundwall Design** – Sound walls should have a rhythm rather than a single monotonous design. Periodic entries help to minimize walking distances, connecting bike paths along major roads. Designs should reflect compatibility with building design
- **Landscaping** – Berming along soundwalls should create the appearance of walls no taller than 6 feet. Additional landscape setbacks, street trees and accent trees at entries are strongly encouraged to improve the appearance of the soundwalls.

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3.5.2.4 Massing, Articulation, and Proportion

- **Massing** – The design should break the main facade of the home into three to four distinct elements: entry; main building; a single story element and the roof. Gable roofs emphasize vertical proportions, create modulation and are strongly encouraged.
- **Articulation** – The massing should be further varied by articulation of elements such as bays, dormers, etc. Changing materials on these elements provides further articulation and adds variety.
- **Proportion** – Each home should have a vertical element to its massing, such as a bay, corner turret or dormer, etc. based on the architectural character.
- **Emphasizing Articulation** – The massing, articulation and proportion should have greater emphasis if the elements are differentiated by a change in detail, color and/or material

3.5.2.5 Roof Forms and Materials

- **Roof Forms** – A variety of hips and gables should be used, particularly on the front / street facade to further break up the mass of the homes. High pitched roofs and gables are most successful when used to emphasize vertical elements of the facade.
- **Overhangs and Trellising** – Roofs extended over windows for shading and associated brackets are strongly encouraged to add character and interest to the roof forms.
- **Single Story Roof Elements** – One story roofs, often over porches or bays assist in further breaking up the massing of the larger two story homes and are encouraged.
- **Gutters and Downspouts** – Exposed gutters will be colored to match-the roof or wall material. Exposed downspouts will be colored to match the surfaces to which they are attached.

3.5.2.6 Entries and Porches

- **Porches and Entry Requirements** – Entries and porches are encouraged to be the primary element of each home on the street facade.
- **Entry / Porch** – Locate entries and porches on the front street facade.
- **Corner Lot Entry Porches** – Entries and porches should be oriented to the street corners. At corner lots, side yard facades shall maintain the architectural design consistent with the front facade.

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- **Porch Massing / Articulation** – Porch / Entry features should primarily be single story elements, or incorporated into two story vertical elements to break up the building mass along the street.
- **Architectural Details** – Railings, short walls, trellises and roofs all add architectural detail and character to the residences, providing visual interest to the homes

3.5.2.7 Fencing

- **Corner Lots** – Fencing at corner lots should begin at or near the back end of the building, and fences which are visible from the street should have additional detailing to provide visual interest.
- **Fence Details** – Partially transparent fencing adds interest while maintaining privacy.
- **Gates and Entries** – Accents at gates such as arched gates or arbors add visual interest and demarcation to entrances.

3.5.2.8 Site Lighting

Heights, materials, colors, and configuration of lighting fixtures/standards shall be selected to blend with the natural backdrop to the extent practical. Outdoor lighting shall be energy-efficient, shielded and screened to prevent direct light from reaching adjacent properties. At the Community Center's outdoor sports courts and fields, and at certain public parks, outdoor lighting may be provided to extend the hours of use of these facilities, and to promote safe, well-lit environments. In Residential areas and along circulation routes, minimum exterior lighting shall be provided only to enhance the safety and security of motorists, pedestrians and cyclists, consistent with the City of Escondido standards. At community entry points, unique accent lighting may be used to feature architectural elements, landscaping, entrances and pedestrian areas.

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4 PROJECT IMPLEMENTATION

4.1 CONCEPTUAL PHASING PLAN

Phasing of The Lakes Specific Plan meets the following objectives:

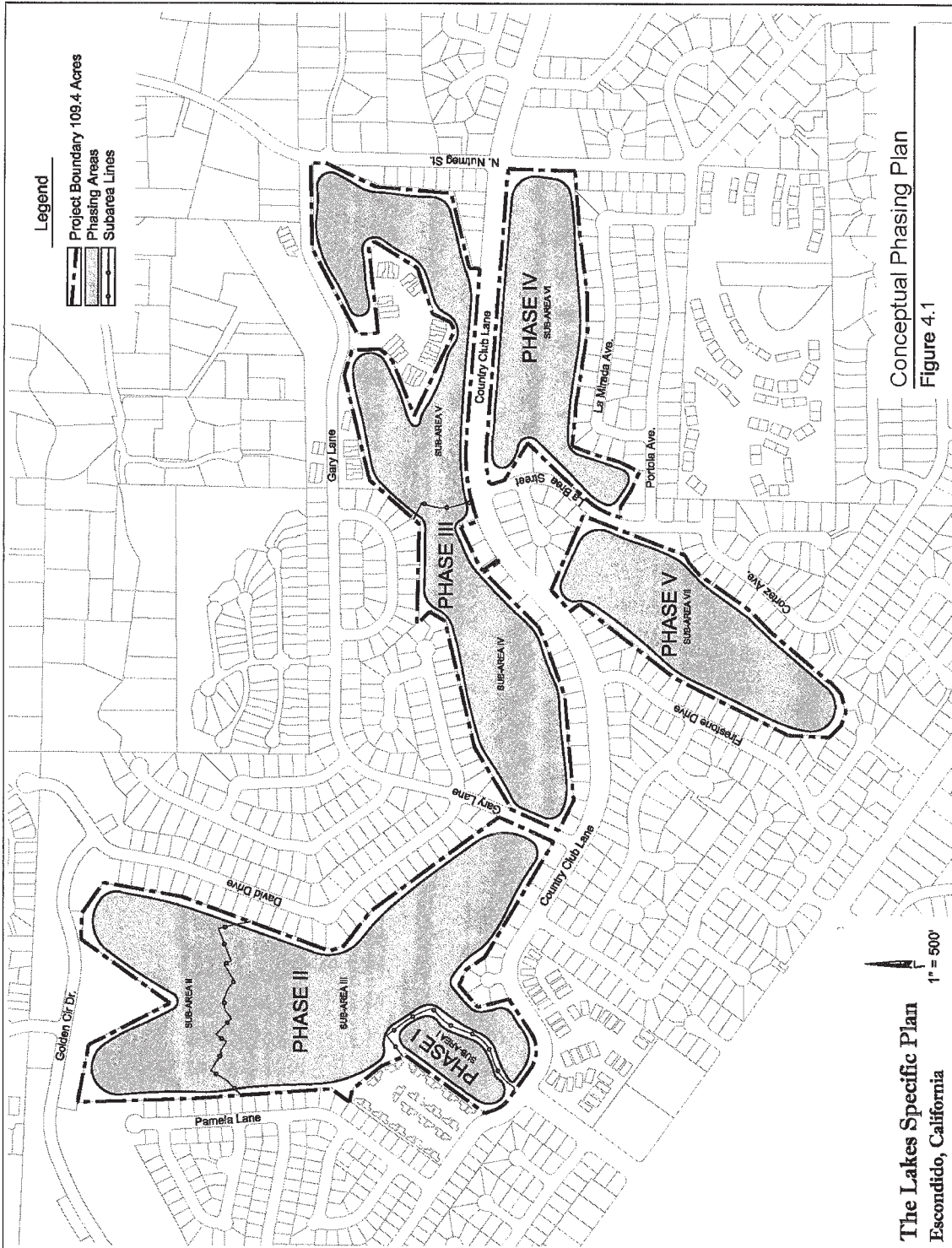
- The orderly buildout of the SPA based upon market and economic conditions.
- The provision of adequate infrastructure and public facilities concurrent with development of each phase.
- The protection of public health, safety, and welfare.

Development of the SPA is expected to occur over the course of approximately 3 to 7 years. Implementation of the Specific Plan will be accomplished through a five-phased development plan. Each proposed phase will encompass development of one or more of the SPA's Planning Subareas. The sequence of the development phases is dictated by grading, circulation improvements and public infrastructure requirements. See Figures 2.1-2.7 for information related to the Planning Subareas, Figure 2.16 for Proposed Water Facilities, Figure 2.18 for Proposed Wastewater Facilities, Figure 2.20 for Proposed Stormwater Facilities, and Figure 1.4 for the Conceptual Open Space Plan.

The Specific Plan's Conceptual Phasing Plan (Figure 4.1) illustrates the anticipated phasing of the SPA, as further described below:

- Phase 1 – Development of Planning Subarea I (Community Center and associated facilities). The proposed Community Center is intended to be constructed prior to occupancy of the Residential areas within the Specific Plan Area in order to facilitate the provision of a significant community benefit during the early stages of development within the SPA. However, if for reasons beyond the control of the developer of the SPA, or a successor, the City's final approval of a plan for the ongoing financing and maintenance of the Community Center is delayed, such occupancy permits for the Residential areas of the Specific Plan may be issued.
- Phase 2 – Development of Planning Subareas II and III. Access to Planning Subarea II is provided from Country Club Lane to the south and Gary Lane to the east, and access to Planning Subarea III will be provided via new roadways constructed in Planning Subarea II.
- Phase 3 – Development of Planning Subareas IV and V. Access to Planning Subarea IV is provided from County Club Lane and Gary Lane to the west, and access to Planning Subarea V is provided from County Club Lane to the south and Gary Lane to the north.
- Phase 4 – Development of Planning Subarea VI. Access to this Planning Subarea is provided from North Nutmeg Street to the east and La Brea Street to the west.

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- Phase 5 – Development of Planning Subarea VII. Access to this Planning Subarea is provided from La Brea Street from the east and Country Club Lane to the west.

Prior to the issuance of building permits for any residential unit within the SPA, the developer or a successor shall pay to the City \$1,000,000 for the purpose of acquiring, protecting, preserving, and improving open space throughout the City of Escondido. This contribution shall be used to achieve the open space purposes and objectives set forth in the Lakes Specific Plan and the Initiative..

Over the development lifetime of the Project, the SPA's Conceptual Phasing Plan may require revision in response to changing market conditions or other currently unforeseen conditions. The phasing of development may be modified provided it can be shown that the modifications are in conformance with the provisions of the Specific Plan and that all required public improvements will be provided at time of need as determined by the City Engineer. Amendments to the Conceptual Phasing Plan are considered administrative in nature and may be approved by the Director of Planning and Building, as described in Section 4.3 of this Chapter.

4.2 PROJECT FINANCING

The Specific Plan has been prepared in accordance with California Government Code Section 65451 which sets forth the basic content of specific plans including information relating to project financing and fees.

The improvements contemplated for the SPA may consist of elements for use by the general public, as well as elements for exclusive use of any residents and property owners. Once constructed, long-term maintenance of the improvements will be required, and the party that is responsible for maintaining those improvements will vary depending on whether the improvement is dedicated for general public use or privately owned within the SPA. For privately owned improvements, one or more homeowners' associations will be responsible for ongoing funding and maintenance of those improvements.

Although various techniques are available for financing infrastructure and Project components, it is anticipated that the Project shall be developed using private financing for the majority of the development costs. Certain elements of the infrastructure and Project may, however, use public financing mechanisms. The City's approval must be secured if financed by a public financing mechanism. Further, public financing would only be assessed against developers and/or property owners within the SPA. No property developers or property owners outside of the SPA shall be included in any proposed public financing. In addition to approval by the City, the selected public financing method must be approved by the property owners within the SPA. If the City and property owners do not approve public financing, the developer must utilize private financing.

At the time the Specific Plan was prepared, possible public financing tools include:

- Special assessment districts

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- Mello-Roos Community Facilities Districts
- Community Services Districts
- Landscaping and Lighting Districts

Table 4-1 - Public Facilities and Financing provides an overview of the public facilities and services required to be provided in connection with the development of the SPA, and the corresponding anticipated funding/financing mechanism(s). Where applicable, anticipated City development impact fees are also identified.

Table 4-1 - Public Facilities and Financing

Required Facility	Anticipated Financing Mechanism(s) and/or Required Fees
Off-Site Street Improvements	<ul style="list-style-type: none"> • Developer payment of local and regional traffic impact fees, and/or • Developer-constructed improvements, and/or • Formation of Assessment District, and/or • Reimbursement Agreement
Drainage and Stormwater Management	<ul style="list-style-type: none"> • Developer payment of drainage impact fees, and/or • Developer-constructed improvements, and/or • Formation of Assessment District and/or • Reimbursement Agreements
Water	<ul style="list-style-type: none"> • Developer payment to Rincon del Diablo Municipal Water District of capacity and connection fees, and/or • Developer-constructed improvements, and/or • Formation of Assessment District
Sewer	<ul style="list-style-type: none"> • Developer payment to the City of capacity and connection fees, and/or

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	<ul style="list-style-type: none"> • Developer-constructed improvements, and/or • Formation of Assessment District
Schools	<ul style="list-style-type: none"> • Developer payment of school impact fees to respective school districts
Parks and Multiuse Pathways	<ul style="list-style-type: none"> • Developer-funded open space preservation program, • Developer payment of required park impact fees, and/or • Developer-funded park and open space maintenance program
Police/Fire/Library Services	<ul style="list-style-type: none"> • Developer payment of City’s public facility fees

4.3 FUTURE PROJECT APPROVALS

4.3.1 Tentative Tract Map Approval

Subdivision of the SPA into individual single-family residential lots, active and passive open space lots, the Community Center lot, and circulation infrastructure will require the City’s approval of a tentative subdivision map in accordance with the City’s subdivision ordinance and the California Subdivision Map Act. It is currently anticipated that a single tentative subdivision map, encompassing the entire SPA, will be submitted to the City for approval by the Planning Commission. The Planning Commission shall determine the tentative map’s conformance with the Specific Plan and other applicable City regulations. The approved tentative subdivision map will be implemented through the recordation of one or more final subdivision maps, which are anticipated to be prepared and recorded in accordance with the Conceptual Phasing Plan.

4.3.2 Open Space and Community Center Approval

In connection with the City’s review and approval of a tentative map for the SPA, City shall, as a condition of approval, require that provisions be made for (1) public access to the Community Center, and to areas identified as active open space, and (2) perpetual maintenance of the Community Center and the active open space areas. Such ongoing maintenance provisions may involve the requirement to prepare agreements and covenants running with the land, which include provisions for charges to be levied for carrying out the specific functions and administrative expenses of said perpetual maintenance. The City shall be a party in interest to any such agreements and covenants.

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4.3.3 Potential Resource Agency Approvals

In addition to the approvals described above, development of The Lakes SPA may require the following state and federal agency approvals if any potential jurisdictional water impacts are identified:

- A U.S. Army Corps of Engineers 404 Permit
- A California Department of Fish and Wildlife 1603 Streambed Alteration Agreement
- A Regional Water Quality Control Board 401 certification

4.3.4 Final Project Plan Review

The purpose of final project plans is to determine that individual SPA Planning Subareas are being developed in a manner that conforms with the goals and standards specified by The Lakes Specific Plan, and to assure compatibility with applicable City policies and ordinances. Prior to the issuance of grading permits for any development within the SPA, a final project plan shall be submitted for review. Final project plans may be submitted for the entire SPA, a Planning Subarea, or for a portion of a Planning Subarea.

Final project plan applications shall include the following materials, which shall demonstrate compliance with the Specific Plan's development standards and design guidelines:

- Grading plans.
- Site plans.
- Elevation drawings.
- Fence/wall plans.
- Preliminary landscaping and irrigation plans. Final landscaping and irrigation plans shall be submitted for review and approval prior to issuance of ministerial building permits.
- Example floor plans for each home model.
- Sample color and materials boards.
- Proposed covenants, conditions and restrictions (CC&R's).
- Narrative documentation of conformance with The Lakes Specific Plan's development standards, conceptual phasing plan, and public facility improvement requirements.

After submittal of the above materials, the final project plan shall be reviewed by the Director of Planning and Building for conformance with The Lakes Specific Plan's development standards and design guidelines. This review shall be completed within a 30 day time period. The

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Director of Planning and Building shall either provide comments regarding noncompliance with the Specific Plan, or approve the final project plan within this 30 day period. Such approval shall be deemed a ministerial act, pursuant to California Public Resources Code Section 21080(b)(1) and California Code of Regulations, Title 14, Chapter 3, Sections 15268 and 15369.

4.3.5 Minor Specific Plan Modifications

An applicant for final project plan approval may request a minor modification, as defined herein, to the development plan or standards contained in Chapters 2 and 3 of this Specific Plan. Minor modifications made to the Specific Plan development plan or standards at the applicant's request do not require an amendment to the Specific Plan nor do they require a public hearing. Minor modifications shall be reviewed and approved by the Director of Planning and Building or a designee. The following modifications are defined as minor modifications:

- The transfer of residential dwelling units between Planning Subareas, provided that the maximum number of units within the SPA does not exceed 430 units.
- Expansions or reductions of the geographic area covered by a Planning Subarea, provided that the land area modification shall not exceed by more than 10 percent, the gross acreage of the Planning Subarea, as stated in Table 2-1 - Land Use Summary, provided all other land use requirements can be met.
- Minor realignments or modifications of internal streets serving the SPA, lot lines, easement locations and grading adjustments, if also approved by the City Engineer.
- Modifications of design features such as architectural details, paving and entry treatments, fencing, lighting and landscaping, including open space areas, may be approved providing the modifications are in keeping with the design elements described in the Specific Plan.
- Adjustments not exceeding ten percent (10%) in required minimum setbacks.
- Adjustments not exceeding two feet in the maximum allowable wall or fence heights.
- Modifications to the Conceptual Phasing Plan.
- Modifications of a similar nature to those listed above which are in keeping with the intent of this Specific Plan.

4.3.6 Major Specific Plan Modifications

A major modification shall be defined as any modification, other than a minor modification as defined in Section 4.3.4, to the development plan or standards contained in Chapters 2 and 3 of this Specific Plan. Major modifications to the development standards may be requested by an applicant for final project plan approval. Applications for a major modification shall be subject to review and approval by the Planning Commission and shall not require an amendment to the

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Specific Plan or voter approval. After the hearing, the Planning Commission shall, by resolution, render its decision. The Planning Commission shall approve a major modification if it makes the following findings:

- The modification is consistent with the goals and policies of the Specific Plan and General Plan.
- The modification is not detrimental to the public health, safety, or welfare.
- The modification does not create a nuisance or hazard.
- The modification does not have a significant effect on adjoining properties or the immediate neighbors.

4.3.7 Specific Plan Amendments

A Specific Plan amendment shall be required for any major modification for which the Planning Commission cannot make the findings set forth in Section 4.3.6 of this Specific Plan. Pursuant to the Initiative, any amendments to the Specific Plan shall be subject to approval by the voters of the City of Escondido. In addition, an amendment to the Specific Plan shall be required to allow:

- An increase in the maximum number of dwelling units (430 dwelling units).
- A decrease in the amount of open space proposed by the Specific Plan.

4.3.8 Appeals

An applicant shall have the right to appeal a decision of the Director of Planning and Building to the Planning Commission within 10 calendar days of the memorandum of the Director's decision. At a public hearing, the Planning Commission shall uphold the appeal and grant the applicant's request if it finds that:

- The applicant's request is consistent with the goals and policies of the Specific Plan and General Plan.
- The applicant's request is not detrimental to the public health, safety, or welfare.
- The applicant's request does not create a nuisance or hazard.
- The applicant's request does not have a significant effect on adjoining properties or the immediate neighbors.

The Planning Commission decision may be appealed to the City Council within 10 calendar days following the date of the Planning Commission's action. At a public hearing, the City Council shall grant the applicant's request if it makes the same four findings set forth above. The City Council's decision shall be final.

**EXHIBIT D
TO THE INITIATIVE**

LAKES SPECIFIC PLAN CONSISTENCY WITH ESCONDIDO GENERAL PLAN

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LAKES SPECIFIC PLAN CONSISTENCY WITH ESCONDIDO GENERAL PLAN

California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65440-65451) permits adoption and administration of specific plans as an implementation tool for elements contained in a local general plan. Specific plans must demonstrate consistency in regulations, guidelines, and programs with the goals and policies set forth in the general plan, but need not address every general plan goal or policy. The Lakes Specific Plan has been prepared in conformance with the goals and policies of the City of Escondido General Plan (“General Plan”).

As illustrated in the table below, the Lakes Specific Plan is consistent with the General Plan.

Chapter I – Vision and Purpose	
<p><u>Quality of Life Standard 1: Traffic and Transportation</u></p> <p>City streets and intersections shall achieve a minimum level of service “C”</p>	<p>Consistent: With the implementation of the Specific Plan’s traffic design features and off-site traffic improvements, a minimum level of service “C” will be maintained for all local road segments and intersections.</p>
<p><u>Quality of Life Standard 2: Public Schools</u></p> <p>The community shall have sufficient classroom space to meet state-mandated space requirements and teacher/student ratios, with student attendance calculated on prescribed state and/or local school board standards.</p>	<p>Consistent: Conformance with this standard will be ensured through the payment of all required school impact fees.</p>
<p><u>Quality of Life Standard 3: Fire Service</u></p> <p>In urbanized areas of the city, an initial response time of seven and one-half (7½) minutes for all structure fire and emergency Paramedic Assessment Unit (PAU) calls and a maximum response time of ten (10) minutes for supporting companies shall be maintained.</p> <p>A minimum of seven (7) total fire stations each staffed with a PSU engine company shall be in place prior to General Plan build-out.</p>	<p>Consistent: Conformance with this standard will be ensured through the payment of all required City public facility fees, a portion of which are allocated to the expansion of existing fire services.</p>
<p><u>Quality of Life Standard 4: Police Service</u></p> <p>Resources will be adjusted to maintain an initial response time for Priority 1 calls (crimes in progress or life threatening) of no more than</p>	<p>Consistent: Conformance with this standard will be ensured through the payment of all required City public facility fees, a portion of which are allocated to the expansion of</p>

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<p>five (5) minutes and an initial response time for Priority 2 calls (serious calls requiring rapid response but not life threatening incidents) of no more than six and one-half (6½) minutes.</p>	<p>existing police services.</p>
<p><u>Quality of Life Standard 5: Wastewater System</u></p> <p>The city wastewater system shall have adequate conveyance pipelines, pumping, outfall, and secondary treatment capacities to meet both normal and peak demands to avoid wastewater spills affecting stream courses and reservoirs. Capacity to treat a minimum of 250 gallons per day for each residence on said system or as established in the city's Wastewater Master Plan shall be provided.</p>	<p>Consistent: With the construction of the Specific Plan's required wastewater infrastructure improvements, and the required payment of all sewer connection and capacity fees, conformance with this standard will be ensured.</p>
<p><u>Quality of Life Standard 6: Parks System</u></p> <p>The city shall provide a minimum of 11.8 acres of active and passive parkland per 1,000 dwelling units. This parkland acreage shall involve a minimum of 5.9 acres of developed active neighborhood and community parks in addition to 5.9 acres of passive park land and/or open space for habitat preservation per 1,000 dwelling units.</p> <p>Prior to build-out, the city shall provide a minimum of two (2) community centers.</p>	<p>Consistent: The Specific Plan requires the provision of active and passive recreational open space, multiple parks, and a Community Center, all in conformance with this General Plan standard and the standards of the City's Parks, Trails, and Open Space Master Plan.</p>
<p><u>Quality of Life Standard 7: Library Service</u></p> <p>The public library system shall maintain a stock and staffing of two (2) collection items per capita and three (3) public library staff per 8,000 residents of the City of Escondido. The city shall provide appropriate library facilities with a minimum of 1.6 square feet of library facility floor area per dwelling unit of the city prior to build-out of the General Plan where feasible.</p>	<p>Consistent: Conformance with this standard will be ensured through the payment of all required City public facility fees, a portion of which are allocated to the expansion of existing library services.</p>
<p><u>Quality of Life Standard 8: Open Space</u></p>	<p>Consistent: The Specific Plan requires the protection and preservation of existing</p>

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<p><u>System</u></p> <p>A system of open space corridors, easements, acquisition programs and trails shall be established in the Resource Conservation Element. Sensitive lands including permanent bodies of water, flood-ways, wetlands, riparian and woodland areas, and slopes over 35 percent inclination shall be preserved. Significant habitat for rare or endangered species shall be protected in coordination with state and/or federal agencies having jurisdiction over such areas.</p>	<p>sensitive lands within the Specific Planning Area (“SPA”), and provides publicly accessible recreational open space areas as well as multiuse pathways, all in conformance with this standard.</p>
<p><u>Quality of Life Standard 10: Water System</u></p> <p>The city shall maintain provisions for an adequate water supply, pipeline capacity and storage capacity to meet normal and emergency situations and shall have the capacity to provide a minimum of 540 gallons per day per household or as established by the city’s Water Master Plan.</p>	<p>Consistent: With the construction of the Specific Plan’s required water infrastructure improvements, and the required payment of all connection and capacity fees, conformance with this standard will be ensured.</p>
<p><u>Quality of Life Standard 11: Economic Prosperity</u></p> <p>The city shall implement programs and support efforts to increase Escondido’s median household income and per capita wage.</p>	<p>Consistent: Development of the SPA with new high-quality residential units, as well as community amenities such as parks, open space, and a community center, will not only directly create job growth by providing new construction jobs, but following construction, the project will attract new homeowners to the City, enhancing the City’s economic base.</p>
<p>Chapter II – Land Use and Community Form</p>	
<p><u>Community Character Policy 1.1</u></p> <p>New development should serve to reinforce the city's present development pattern of higher-intensity development within the downtown area and lower-intensity development in outlying areas. As a guide toward accomplishing this objective, new development projects shall be at an appropriate density or clustered intensity based upon their</p>	<p>Consistent: The SPA’s maximum permitted densities are similar to and compatible with adjacent General Plan land use designations.</p>

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<p>compatibility with the majority of the existing surrounding land uses. This policy shall limit density transfers from constrained portions of a property as defined in the land use and open space goals.</p>	
<p><u>Community Character Policy 1.3</u></p> <p>Focus development into areas where land use changes achieve the community’s long term goals. Facilitate development that is consistent with the build out vision for each area through incentive programs and efficient administrative and discretionary approval processes for plot plans, Planned Developments, Area Plans, Specific Plans, and Zoning Overlays.</p>	<p>Consistent: The development of the SPA will proceed in accordance with The Lakes Specific Plan and its accompanying development standards, design guidelines, and public facility and infrastructure requirements.</p>
<p><u>Community Character Policy 1.5</u></p> <p>The city should maintain its single-family residential development pattern, except in locations such as the downtown, along major transportation corridors, and around commercial and public activity centers, where higher densities are more appropriate.</p>	<p>Consistent: The SPA allows the development of single-family residential units, and provides a significant amount of open space, thereby conforming to the existing single-family residential development pattern surrounding the SPA.</p>
<p><u>Community Character Policy 1.6</u></p> <p>Residential Categories are established for purposes of providing the City with a range of building intensities to address various site constraints and opportunities. Proposed development shall not exceed the densities shown on the Land Use Plan and outlined in Figure II-6.</p>	<p>Consistent: Development within the SPA will be consistent with the General Plan’s land use designation of SPA #14, as depicted on the General Plan’s Land Use Plan.</p>
<p><u>Community Character Policy 1.8</u></p> <p>Require development projects to locate and design buildings, construct energy and water efficient infrastructure, reduce greenhouse gas emissions, enhance community livability and economic vitality, and implement other practices contributing to sustainable resources.</p>	<p>Consistent: The conceptual development plans for the SPA locate residential neighborhoods in a manner that protects and preserves open space areas, facilitates the efficient development of energy and water infrastructure, and provides community benefits in the form of active and passive open spaces, parks, multiuse pathways, and a</p>

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	community center.
<p><u>Community Character Policy 1.10</u></p> <p>Reduce light pollution and preserve views of the night sky through the design and siting of light fixtures to minimize light spill-over onto adjacent properties.</p>	<p>Consistent: The Specific Plan's design guidelines and City regulations require that any potentially excessive artificial light be shielded or otherwise mitigated.</p>
<p><u>Community Character Policy 1.12</u></p> <p>No development shall be permitted on slopes greater than 35% or in natural 100-year floodways. If approved by the city and other appropriate local, state and federal agencies, an environmental channel may be considered within the floodway. Adequate landscaping, revegetation, flood control measures and usable open space beyond the embankments of the environmental channel shall be provided as determined by the City.</p>	<p>Consistent: The SPA does not propose development upon natural slopes greater than 35%, or within natural 100-year floodways. Any potential impacts to any other sensitive resources existing within the SPA will be avoided through avoidance of these areas, and/or mitigation measures approved by the City and if necessary, state and federal agencies.</p>
<p><u>Community Character Policy 1.16</u></p> <p>Support the formation of Homeowners' Associations to maintain private streets, common open space areas, and landscaping within and adjacent to such developments, and facilitate annexation into the city's Landscape Maintenance District (or an acceptable alternative) for maintenance of similar landscaping improvements where no Homeowners' Association is established.</p>	<p>Consistent: The financing mechanisms contemplated by the Specific Plan for maintenance of private and public areas within the SPA include homeowners' associations, the City's Landscape Maintenance District, a community facilities district, as well as other private and public forms of financing.</p>
<p><u>Residential Development Policy 3.5</u></p> <p>Establish minimum single family lot sizes as prescribed in Figure II-6 unless the development is clustered in accordance with the cluster provisions.</p>	<p>Consistent: The Specific Plan establishes minimum and maximum single-family lot sizes for the residential development proposed for each of the Specific Plan's subareas.</p>
<p><u>Residential Development Policy 3.10</u></p> <p>Encourage proportionate numbers of two-story dwelling units within single family detached</p>	<p>Consistent: The Specific Plan's development standards permit two-story dwelling units, and its design guidelines encourage variation in</p>

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subdivisions to promote variety and avoid monotonous streetscapes and visual impacts.	building heights within the SPA.
<p><u>Residential Development Policy 3.13</u></p> <p>The development potential on slopes greater than 35% or in natural floodways or in City-approved environmental channels may be transferred to other portions on the site at one dwelling unit per 20 acres in all residential land use categories.</p>	<p>Consistent: The SPA does not propose development upon natural slopes greater than 35%, or within natural 100-year floodways.</p>
<p><u>Neighborhood Maintenance & Preservation Policy 4.3</u></p> <p>Integrate pedestrian-friendly features, promote walkability, and work with residents to enhance existing neighborhood character and aesthetics.</p>	<p>Consistent: The SPA promotes a pedestrian-friendly environment by requiring the development of sidewalks along its proposed streets, as well as multiuse pathways within and providing access to its open space areas.</p>
<p><u>Specific Planning Area Land Use Policy 11.1</u></p> <p>Establish the Specific Planning Area land use designation and require submittal of a Specific Plan application to manage the phased and cohesive development of large scale, multi-use projects (in compliance with California Government Code Sections 65450, et seq.) as described in Figure II-6.</p>	<p>Consistent: The Lakes represents a new Specific Planning Area (SPA #14) to be included and described in Chapter II of the City of Escondido General Plan. The Lakes Specific Plan provides for the phased and cohesive development of the SPA with residential uses, open space areas, parks, multiuse pathways, a community center, and supporting public infrastructure improvements. The Specific Plan complies with the General Plan and the requirements of California Government Code Sections 65440, et seq.</p>
<p><u>Specific Planning Area Land Use Policy 11.2</u></p> <p>Allow additional areas to be designated as Specific Planning Areas as requested by landowners/property owners subject to criteria defining the type of project, the character of the intended development, proposed land uses and intensities, pertinent conditions or restrictions on development, appropriate application process, and demonstration of how the proposed Specific Planning Area furthers the goals and objectives of the General Plan</p>	<p>Consistent: The Lakes Specific Plan describes the multiple benefits of the Specific Plan, the type and character of the proposed development within the SPA, the land uses allowed within the SPA with corresponding development standards and design guidelines, and the required implementation process for the Specific Plan. This consistency analysis demonstrates how the Specific Plan is consistent with, and furthers the goals and policies of, the City of Escondido General</p>

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<p>more effectively than existing land use designation(s).</p>	<p>Plan.</p>
<p><u>Specific Planning Area Land Use Policy 11.3</u></p> <p>Specific Plans shall not be utilized in a wide-spread manner to circumvent or modify the character or intent of ordinances, land use designations and/or city goals and objectives, but rather should be reserved for a limited number of proposals which, by nature, are ideally suited for the comprehensive planning efforts involved in the Specific Planning process.</p>	<p>Consistent: The Lakes SPA, as a large infill development site that provides an opportunity to offer a significant amount of open space and extensive community amenities, is uniquely suited for the comprehensive planning regulations set forth by a Specific Plan.</p>
<p><u>Specific Planning Area Land Use Policy 11.4</u></p> <p>Specific Planning Areas (SPA's) shall be utilized to consider development proposals analyzing zoning regulations, development standards, land uses, densities, building intensities tailored to the need and unique characteristics of a particular area. Generally, SPAs should only be applied to larger areas and where community benefit can be demonstrated.</p>	<p>Consistent: The Lakes Specific Plan sets forth allowable land uses, required development standards, and design guidelines that apply throughout the large 110-acre SPA, and will ensure the orderly phased development of the SPA in a manner that produces numerous benefits to future residents of and visitors to the SPA, residents of adjacent communities, and the City as a whole.</p>
<p><u>Specific Planning Area Land Use Policy 11.5</u></p> <p>Specific criteria to evaluate the suitability of Specific Planning Areas shall be established which shall include:</p> <ul style="list-style-type: none"> a) The site should be of sufficiently large area to take advantage of density transfers where appropriate, thereby preserving significant open space areas within the Specific Plan area; b) The site should have unique physical characteristics, such as uneven terrain or hillside areas that, without a Specific Plan, might not be effectively protected and incorporated into the overall development plan; c) The site should be of sufficient area that 	<p>Consistent: The SPA contains nearly 110 acres, which provides a unique opportunity for a development plan that brings high-quality residential development and an extensive amount of active and passive open space to the community. The Lakes Specific Plan is the optimal planning tool to ensure that the future development of the SPA occurs in a comprehensive, orderly, and phased manner, for it provides a comprehensive set of use regulations, development standards, and design guidelines for its residential, open space, and community center areas. In addition, the Specific Plan's regulations ensure that existing sensitive resource areas are preserved and protected, and that the necessary public and private infrastructure improvements will be</p>

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<p>lends itself to a comprehensive site design utilizing a combination of attractive landscaping and open space amenities left in their natural condition;</p> <p>d) The site should be of sufficient area and nature that lends itself to long-term development phasing (e.g., in excess of five years) which can effectively be monitored and controlled; and</p> <p>e) The site should require flexibility in planning to deal with compatibility with different surrounding land uses and extensive public improvement requirements.</p>	<p>constructed in a comprehensive manner.</p>
<p><u>Specific Planning Area Land Use Policy 11.6</u></p> <p>No Specific Plan shall be adopted by the City Council until the Council has reviewed the proposed Plan for compliance with the following requirements which are in addition to requirements imposed by State Government Code Sections 65450, et seq.:</p> <p>a) Residential, industrial and commercial structures built within the Specific Plan area shall be constructed under rigorous quality control programs and safeguards (e.g., appropriate restrictive covenants running with the land);</p> <p>b) Appropriate protection against soil erosion, particularly where hillside development is involved, shall be assured;</p> <p>c) Assurance shall be provided that any hillside cutting will be minimized or appropriately landscaped so that visible scarring will be mitigated to the extent feasible;</p> <p>d) All open space areas shall be identified and appropriate measures providing for their preservation shall be included;</p> <p>e) Design criteria, development regulations and building standards shall be provided sufficient to ensure that residential, industrial and commercial structures are</p>	<p>Consistent: The Specific Plan meets each of these identified requirements by providing development and design standards for the SPA (including grading standards), describing the preservation and protection of existing sensitive resource areas, identifying the proposed open space areas, depicting the proposed circulation and access features within the SPA and requiring certain off-site improvements, and reviewing the necessary public facility and infrastructure improvements that will be required in conjunction with future development within the SPA. In addition, this consistency analysis demonstrates the Specific Plan's conformance with the goals and policies of the City's general plan.</p>

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<p>compatible with the surrounding environment;</p> <p>f) Adequate assurance shall be provided that the circulation and access needs of the project residents and the surrounding community are properly addressed;</p> <p>g) Appropriate arrangements to ensure that public facilities and services adequate to serve the project residents are available shall be described; and</p> <p>h) The Specific Plan demonstrates implementation of the goal and objectives of the General Plan and furthers the interests of the community.</p>	
<p><u>Open Space Land Use Policy 12.2</u></p> <p>Require any proposed land use change in areas designated as Open Space to conform in type and intensity with the surrounding land uses.</p>	<p>Consistent: The SPA's maximum permitted densities are similar to and compatible with adjacent General Plan land use designations.</p>
<p><u>General Plan Review and Amendment Policy 17.6</u></p> <p>Permitted land uses in the residential areas of the City shall be intensified only when the voters approve such changes. No General Plan Amendment or new Specific Planning Area shall be adopted which would:</p> <p>a) Increase the residential density permitted by law,</p> <p>b) Change, alter, or increase the General Plan Residential Land Use categories, or</p> <p>c) Change any residential to commercial or industrial designation on any property designated as: Rural, Estate, Suburban, Urban.</p> <p>Unless and until such action is approved and adopted by the voters of the City at a special or general election, or approved first by the City Council and then adopted by the voters in such election.</p>	<p>Consistent: The Specific Plan is proposed to be adopted by the voters.</p>
<p><u>Environmental Review Policy 18.2</u></p>	<p>Consistent: Any identified project impacts shall be reviewed and mitigated pursuant to</p>

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<p>Require environmental review and mitigation of impacts, if necessary, consistent with city, state and federal requirements for development projects the Planning Area [sic].</p>	<p>city, state, and federal requirements.</p>
<p><u>Environmental Review Policy 18.4</u> Require all development to conform to the General Plan, Facilities Plans, Areas Plans, and Quality of Life Standards.</p>	<p>Consistent: As demonstrated by this analysis, the development contemplated by the Specific Plan conforms with the City’s existing planning documents and Quality of Life standards.</p>
<p>Chapter III – Mobility and Infrastructure</p>	
<p><u>Complete Streets Policy 2.1</u> Ensure that the existing and future transportation system is interconnected and serves multiple modes of travel, such as walking, biking, transit, and driving for safe and convenient travel.</p>	<p>Consistent: The Specific Plan describes the existing and proposed transportation system in the vicinity of the SPA, and provides for on- and off-site transportation infrastructure improvements that will facilitate safe and convenient multi-modal travel by City residents.</p>
<p><u>Complete Streets Policy 2.4</u> Evaluate access, safety, and convenience of various transportation modes for every project involving the following eight user groups: pedestrians, children, disabled individuals, seniors, bicyclists, transit riders, motorists, and goods and services.</p>	<p>Consistent: The Specific Plan’s proposed transportation infrastructure improvements include streets and parkways designed to City standards, multiuse pathways designed for use by pedestrians and non-motorized vehicles, and coordination with transit operators to provide additional transit stops in vicinity of SPA.</p>
<p><u>Complete Streets Policy 2.6</u> Ensure that the entire right-of-way is designed to accommodate appropriate modes of transportation.</p>	<p>Consistent: The Specific Plan’s proposed streets will be designed to meet or exceed City standards, and will accommodate the appropriate vehicular (motorized and non-motorized) and pedestrian traffic both within and near the SPA.</p>
<p><u>Complete Streets Policy 2.9</u> Regularly review, update and collect adequate traffic impact fees and ensure the efficient allocation of state and regional funding sources for the development and maintenance of local transit and transportation improvements and</p>	<p>Consistent: In connection with the issuance of development permits for each phase of development within the SPA, required traffic impact fees will be paid.</p>

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<p>operations.</p>	
<p><u>Pedestrian Network Policy 3.4</u></p> <p>Preserve and enhance pedestrian connectivity within existing neighborhoods via the Escondido Creek trail, sidewalks, and trails, and require a pedestrian network in new developments that provides efficient and well-designed connections to adjacent land uses, commercial districts, schools, and parks.</p>	<p>Consistent: The Specific Plan’s proposed streets will be improved with public sidewalks that will be designed to meet or exceed City standards. In addition, the Project incorporates public multiuse pathways that connect to the City’s urban trail network at several locations. The multiuse pathways will also be improved to meet or exceed City trail standards.</p>
<p><u>Pedestrian Network Policy 3.5</u></p> <p>Promote walking and improve the pedestrian experience by requiring pedestrian facilities along all classified streets designated on the Circulation Plan; implementing streetscape improvements along pedestrian routes that incorporate such elements as shade trees, street furniture, and lighting; orienting development toward the street; employing traffic calming measures; and enforcing vehicle speeds on both residential and arterial streets.</p>	<p>Consistent: The Specific Plan provides both public sidewalks and multiuse pathways within the SPA. The sidewalks and multiuse pathways will be improved to City standards and will incorporate pedestrian elements to ensure an attractive pedestrian environment.</p>
<p><u>Pedestrian Network Policy 3.6</u></p> <p>Enhance pedestrian visibility by enforcing parking restrictions at intersection approaches, improving street lighting, and identifying required clearances to minimize obstructions.</p>	<p>Consistent: The Specific Plan’s proposed streets, residential street signage and lighting, and street parking will be designed to meet or exceed City standards.</p>
<p><u>Pedestrian Network Policy 3.10</u></p> <p>Design and construct pedestrian friendly streetscape improvements that reduce stormwater and pollutant runoff into the drainage system, using such techniques as urban bio-swales for the filtering of pollutants and permeable hardscapes.</p>	<p>Consistent: The Specific Plan provides public sidewalks and multiuse pathways that will be designed to City standards. The sidewalks will be located along the residential front yard setbacks. The multiuse pathways will be of natural material and surrounded by natural or landscaped open space. Other stormwater improvements are described in Section 2.4.3 of the Specific Plan.</p>
<p><u>Bicycle Network Policy 4.3</u></p> <p>Promote bicycling as a common mode of</p>	<p>Consistent: The Specific Plan includes multiuse pathways that can be accessed by non-motorized modes of transportation. In</p>

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transportation and recreation to help reduce traffic congestion and improve public health.	addition, the public streets within the SPA will be designed and constructed to City standards and will be accessible to bicyclists.
<p><u>Bicycle Network Policy 4.4</u></p> <p>Develop bicycle routes and facilities that connect to transit stations, employment and commercial centers, schools, libraries, cultural centers, parks, the Escondido Creek trail, and other frequently visited destinations throughout the community and region where they do not already exist.</p>	Consistent: The public streets within the SPA will be designed and constructed to City standards and will be accessible to bicyclists.
<p><u>Bicycle Network Policy 4.6</u></p> <p>Incorporate bicycle parking facilities in public places such as transit stops, libraries, and parks where feasible.</p>	Consistent: The public places within the SPA will be designed and constructed to City standards and will be accessible to bicyclists.
<p><u>Street Network Policy 7.1</u></p> <p>Plan, design, and regulate roadways in accordance with the street classification in the Circulation Element Diagram.</p>	Consistent: The Specific Plan's circulation plan creates a system which provides for the extension of existing and proposed circulation routes. The SPA's proposed streets will be designed and constructed in accordance with City standards.
<p><u>Street Network Policy 7.4</u></p> <p>Provide adequate traffic safety measures on all new roadways and strive to provide adequate traffic safety measures on existing roadways subject to fiscal and environmental considerations. These measures may include, but not be limited to, appropriate levels of maintenance, proper street design, traffic control devices (signs, signals, striping), street lighting, and coordination with the school districts and other agencies.</p>	Consistent: Implementation of the SPA will result in the construction of a variety of on- and off-site improvements which will mitigate any potential significant traffic impacts.
<p><u>Street Network Policy 7.7</u></p> <p>Require new development projects to analyze local traffic impacts, and construct and implement the improvements required for that</p>	Consistent: Implementation of the SPA will result in the construction of a variety of on- and off-site improvements which will mitigate any potential significant traffic impacts.

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<p>development.</p>	
<p><u>Street Network Policy 7.8</u></p> <p>Require new development projects to analyze traffic impacts on the regional transportation system, and pay a fair-share contribution to regional transportation improvements.</p>	<p>Consistent: The Specific Plan analyzes the regional circulation system, and requires the construction of a variety of on- and off-site improvements which will mitigate any potential significant traffic impacts. Applicable required traffic impact fees will be paid in conjunction with the development of the SPA.</p>
<p><u>Street Network Policy 7.11</u></p> <p>Enhance the safety and efficiency of accessing the public street network from private properties by:</p> <ul style="list-style-type: none"> a) Controlling driveway access locations on Prime Arterials and Major Roads; b) Installing medians and access controls on Collector Roads and higher classifications; c) Maintaining minimum distances from intersections for accessing Prime Arterials, Major Roads, and Collector streets; d) Consolidating driveway access; and, e) Encouraging interconnected parking lots. 	<p>Consistent: Implementation of the Specific Plan will require compliance with all applicable City traffic requirements, including street section and design standards.</p>
<p><u>Water System Policy 12.5</u></p> <p>Require new development to provide adequate water facilities and/or finance the costs of improvements necessary to serve the demands created by the development and/or anticipated growth determined by the city, as appropriate. Establish a system for the reimbursement of construction costs for backbone water system improvements in master planned development projects involving multiple phases and developers.</p>	<p>Consistent: See Section 2.4.1 of the Specific Plan for a discussion of the water facilities to be utilized and provided by development in the SPA.</p>
<p><u>Wastewater System Policy 13.5</u></p> <p>Require new development to provide adequate wastewater facilities and finance the costs of improvements necessary to serve the additional demands created by the development and /or</p>	<p>Consistent: See Section 2.4.2 of the Specific Plan for a discussion of the wastewater facilities to be utilized and provided by development in the SPA.</p>

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<p>anticipated growth determined by the city, as appropriate. Establish a system for the reimbursement of construction costs for backbone wastewater system improvements in master planned development projects involving multiple phases and developers.</p>	
<p><u>Storm Drainage Policy 14.6</u></p> <p>Require new development to minimize alterations to natural landforms and the amount of impervious surfaces to minimize erosion, while encouraging implementation of low impact development measures and the maximum use of natural drainage ways, consistent with sound engineering and best management practices.</p>	<p>Consistent: See Section 2.4.3 of the Specific Plan for a discussion of the drainage and stormwater facilities to be utilized and provided by development in the SPA.</p>
<p><u>Storm Drainage Policy 14.7</u></p> <p>Require new development and redevelopment to minimize storm water runoff and contaminants entering drainage facilities by incorporating low impact development measures and other on-site design features such as bioswales, retention ponds, and cisterns for storage and infiltration, treatment of flows, and appropriate best management practices (BMPs) consistent with the National Pollution Discharge Elimination System (NPDES).</p>	<p>Consistent: See Section 2.4.3 of the Specific Plan for a discussion of the drainage and stormwater facilities to be utilized and provided by development in the SPA.</p>
<p><u>Solid Waste and Recycling Policy 15.2</u></p> <p>Support efforts to maintain adequate solid waste facilities and services by working with local service providers of solid waste collection, disposal and recycling.</p>	<p>Consistent: See Section 2.4.4 of the Specific Plan for a discussion of the solid waste disposal services to be utilized by development in the SPA.</p>
<p>Chapter IV – Housing</p>	
<p><u>Housing Policy 1.1</u></p> <p>Expand the stock of all housing while preserving the health, safety, and welfare of residents, and maintaining the fiscal stability of</p>	<p>Consistent: The Specific Plan will expand the City’s housing stock by no more than 430 units, while preserving the health, safety, and welfare of residents, and maintaining the fiscal</p>

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the City.	stability of the City.
<u>Housing Policy 1.3</u> Channel residential growth to areas where the concurrent provision of services and facilities, including schools, parks, fire and police protection, and street improvements can be assured.	Consistent: The Specific Plan allows the development of single-family residential units within proximity to established single-family residential neighborhoods where the provision of services and facilities can be assured.
<u>Housing Policy 1.5</u> Encourage creative residential developments and partnerships that result in desirable amenities and contribute to infrastructure needs.	Consistent: The Specific Plan's conceptual development plans locate residential neighborhoods within the SPA in a manner that protects and preserves open space areas, facilitates the efficient development of necessary public infrastructure, and provides community benefits in the form of active and passive open spaces, parks, multiuse pathways, and a community center.
Chapter V – Community Health and Services	
<u>Health and Wellness Policy 1.1</u> Ensure adequate and convenient physical access to healthcare, parks, libraries, cultural arts, schools, childcare facilities, and services for all residents.	Consistent: The Specific Plan will provide access to parks, contribute development impact fees to support community facilities, and comply with local community health and service planning efforts.
<u>Health and Wellness Policy 1.7</u> Continue to provide city parks and recreation programs and support private recreational programs that provide opportunities for residents of all age groups to participate in activities as a means to promote a healthy lifestyle.	Consistent: The Specific Plan will provide access to parks, and comply with local community health and service planning efforts. In addition, the SPA's proposed parks and Community Center may be used to provide recreational activities.
<u>Parks and Recreation Policy 2.2</u> Provide an adequate system of neighborhood, community, urban, and regional parks and related recreational facilities/services for incorporation into the open space system.	Consistent: The Specific Plan will provide both active and passive recreational activities throughout the SPA with multiple park areas, multiuse pathways, and landscape features.

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<p><u>Parks and Recreation Policy 2.3</u></p> <p>Provide a minimum of 5.9 acres of developed active Neighborhood, Community, and Urban parks in addition to 5.9 acres of passive park land/open space for habitat preservation and additional recreational opportunities totaling 11.8 active and passive acres per 1,000 dwelling units. School play-ground areas can be included as park acreage if these facilities are approved by the school district(s) and open to the public as determined by the City Council.</p>	<p>Consistent: The Specific Plan will provide 27.2 acres of designated open space, including 5.7 acres of recreational open space, 13.2 acres of landscaped open space, and 8.3 acres of lakes and ponds.</p>
<p><u>Parks and Recreation Policy 2.4</u></p> <p>Require new residential development to contribute fees to finance acquisition and development of park and recreational facilities in compliance with the standards stipulated by Parks and Recreation Policy 2.3. Allow credit for the on-site dedication of land or facilities to be used for public park purposes, consistent with city standards.</p>	<p>Consistent: The Specific Plan will provide both active and passive recreational facilities throughout the SPA, and will contribute any additional required development impact fees.</p>
<p><u>Childcare Policy 7.1</u></p> <p>Allow small family day care facilities in all residential zones as a permitted use consistent with state law and local provisions.</p>	<p>Consistent: Small family day care centers are permitted uses under the Specific Plan.</p>
<p><u>Childcare Policy 7.2</u></p> <p>Allow large family day care facilities in all residential, commercial and professional zoning districts as a conditional use except where permitted by right pursuant to state law.</p>	<p>Consistent: Large family day care centers are conditionally permitted uses under the Specific Plan.</p>
<p><u>Older Adult, Disabled, Disadvantaged Services Policy 8.1</u></p> <p>Allow adult care facilities in all residential zones as a permitted use consistent with state law and local provisions.</p>	<p>Consistent: Adult care facilities are permitted uses under the Specific Plan.</p>

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Chapter VI – Community Protection	
<p><u>Emergency Services Policy 1.6</u></p> <p>Require minimum road and driveway widths and clearances around structures consistent with local and State requirements to ensure emergency access.</p>	<p>Consistent: The Specific Plan requires that the streets within the SPA will be designed to City standards.</p>
<p><u>Fire Protection Policy 2.6</u></p> <p>Require new development to contribute fees to maintain fire protection service levels without adversely affecting service levels for existing development.</p>	<p>Consistent: Pursuant to section 2.4.6 of the Specific Plan, any development in the SPA will pay the City's public facilities impact fees.</p>
<p><u>Police Services Policy 3.5</u></p> <p>Require new development to contribute fees to maintain police facilities and equipment that meet the needs of the community.</p>	<p>Consistent: Pursuant to section 2.4.5 of the Specific Plan, any development in the SPA will pay the City's public facilities impact fees.</p>
Chapter VII – Resource Conservation	
<p><u>Biological and Open Space Resources Policy 1.6</u></p> <p>Preserve and protect significant wetlands, riparian, and woodland habitats as well as rare, threatened or endangered plants and animals and their habitats through avoidance. If avoidance is not possible, require mitigation of resources either on- or off- site at ratios consistent with State and federal regulations, and in coordination with those agencies having jurisdiction over such resources.</p>	<p>Consistent: As set forth in section 1.4.2 of the Specific Plan, the SPA's existing site characteristics have been analyzed for the suitability of the Specific Plan's proposed development. Any identified biological constraints will be avoided or mitigated in accordance with all applicable law.</p>
<p><u>Biological and Open Space Resources Policy 1.7</u></p> <p>Require that a qualified professional conduct a survey for proposed development projects located in areas potentially containing significant biological resources to determine their presence and significance. This shall</p>	<p>Consistent: As set forth in section 1.4.2 of the Specific Plan, the SPA's existing site characteristics have been analyzed for the suitability of the Specific Plan's proposed development. Any identified biological constraints will be avoided or mitigated in accordance with all applicable law.</p>

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

<p>address any flora or fauna of rare and/or endangered status, declining species, species and habitat types of unique or limited distribution, and/or visually prominent vegetation.</p>	
<p><u>Biological and Open Space Resources Policy 1.8</u></p> <p>Require that proposed development projects implement appropriate measures to minimize potential adverse impacts on sensitive habitat areas, such as buffering and setbacks. In the event that significant biological resources are adversely affected, consult with appropriate state and federal agencies to determine adequate mitigation or replacement of the resource.</p>	<p>Consistent: As set forth in section 1.4.2 of the Specific Plan, the SPA's existing site characteristics have been analyzed for the suitability of the Specific Plan's proposed development. Any identified biological constraints will be avoided or mitigated in accordance with all applicable law.</p>
<p><u>Biological and Open Space Resources Policy 1.10</u></p> <p>Prohibit any activities in riparian areas other than those permitted by appropriate agencies to protect those resources.</p>	<p>Consistent: As set forth in section 1.4.2 of the Specific Plan, the SPA's existing site characteristics have been analyzed for the suitability of the Specific Plan's proposed development. Any identified biological constraints will be avoided or mitigated in accordance with all applicable law.</p>
<p><u>Biological and Open Space Resources Policy 1.12</u></p> <p>Promote the use of native plants for public and private landscaping purposes within the city.</p>	<p>Consistent: Section 3.4.2 of the Specific Plan emphasizes the use of vegetation indigenous to the area.</p>
<p><u>Trail Network Policy 2.3</u></p> <p>Integrate trails into new and existing developments, and ensure that trails safely interface with neighborhoods.</p>	<p>Consistent: The Specific Plan requires the construction of a pedestrian and non-motorized vehicle multiuse pathway system which will connect to and enhance the City's existing urban trail network.</p>
<p><u>Water Resources and Quality Policy 6.4</u></p> <p>Require new development to preserve areas that provide opportunities for groundwater recharge (i.e., areas where substantial surface water infiltrates into the groundwater),</p>	<p>Consistent: As set forth in the Specific Plan, new development will preserve areas that provide opportunities for groundwater recharge, stormwater management, and water quality benefits. In addition, the proposed development within the SPA will consume</p>

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

stormwater management, and water quality benefits.	approximately 65 percent less water than the site's prior uses.
<u>Water Resources and Quality Policy 6.5</u> Maintain natural and improved drainages as permanent open space.	Consistent: The SPA proposes to preserve these areas within its open space areas.
<u>Water Resources and Quality Policy 6.6</u> Control encroachments into wetlands and designated floodways to protect the community's water resources.	Consistent: The SPA proposes to preserve these areas within its open space areas.
<u>Water Resources and Quality Policy 6.14</u> Require new development to protect the quality of water resources and natural drainage systems through site design and use of source controls, stormwater treatment, runoff reduction measures, best management practices, and Low Impact Development measures.	Consistent: See Section 2.4.3 of the Specific Plan for a discussion of the drainage and stormwater facilities to be utilized and provided by development in the SPA.
Chapter VIII – Growth Management	
<u>Quality of Life Threshold Policy 1.1</u> Use the General Plan quality of life thresholds (or refinements adopted by subsequent master plans, as appropriate) as the standard to assess the impact of new facility and service demands created by growth, and apply those standards, as appropriate when considering discretionary projects.	Consistent: See above discussion of General Plan quality of life thresholds.

City of Escondido
 City Clerk's Office
 2014 MAR 20 PM 3:08

RESOLUTION NO. 2014-63R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, (i) DIRECTING PREPARATION OF IMPARTIAL ANALYSIS FOR CITY MEASURES (ii) AUTHORIZING ITS MEMBERS TO FILE WRITTEN ARGUMENTS IN FAVOR OF CITY MEASURES AND (iii) PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES

WHEREAS, a General Municipal Election is to be held in the City of Escondido, California, on November 4, 2014, at which there will be submitted to the voters the following measures; and

Shall the City of Escondido be changed from a general law city to a charter city through the adoption of the charter proposed by Resolution 2014-70 of the Escondido City Council?	YES
	NO
Shall the people of the City of Escondido approve the following: An initiative measure to adopt the Lakes Specific Plan?	YES
	NO

WHEREAS, Section 9282 of the Elections Code of the State of California authorizes the legislative body, or any member or members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, to file a written argument for or against any city measure; and

WHEREAS, Section 9285 of the Elections Code of the State of California authorizes the City Council to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections;

NOW, THEREFORE, the City Council of the City of Escondido, California, does resolve, declare, determine and order as follows:

SECTION 1. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected. The City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the City. The impartial analysis shall be filed by August 11, 2014, the date set by the City Clerk for the filing of primary arguments.

SECTION 2. That the City Council, being the legislative body of the City, hereby authorizes any and all members of the City Council to file a written argument in Favor of City measures, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including, August 11, 2014, the date fixed by the City Clerk after which no arguments for or against the City measures may be submitted to the City Clerk.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at

least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 3. That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal argument shall be filed with the City Clerk, signed, with the printed name(s) and signatures(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments, or August 21, 2014. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 4. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 2014-104

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
MODIFYING THE CITY OF ESCONDIDO
FUND BALANCE POLICY GENERAL FUND
RESERVE FOR THE PURPOSE OF
ELECTION EXPENSES

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. 2012-151, the Fund Balance Policy; and

WHEREAS, the Fund Balance Policy provides that the City Council may commit funds 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 \$16,533,659; and

WHEREAS, on June 11, 2014, the City Council approved the FY 2014-15 and FY 2015/16 Two Year Operating Budget for the General Fund/Non-Departmental/Election Fund; and

WHEREAS, certain unanticipated expenses for fees paid to the San Diego County Registrar of Voters for the printing of the initiative measure titled "An Initiative

Measure to Adopt the Specific Lakes Plan" in the sample ballot were required this fiscal year; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to provide additional funding in the amount of \$20,000 for unanticipated expenses for the November 2014 General Municipal Election;

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 at \$16,513,659 as of the date of this Resolution.
3. That \$20,000 will be added to the General Fund/Non-Departmental/Election Fund for unexpected expenses for the November 2014 General Municipal Election.

FUTURE CITY COUNCIL AGENDA ITEMS
July 17, 2014

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

July 30, 2014
No Meeting (5th Wednesday)

August 6, 2014
4:30 p.m.

	<p>CONSENT CALENDAR</p>
	<p>Award of Contracts: Escondido-Vista Water Treatment Plant Disinfection & Electrical System Upgrades Project (C. McKinney)</p> <p><i>This project will replace the existing disinfection system with a new sodium hypochlorite disinfection system, construct an onsite sodium hypochlorite generation system, upgrade the chlorine dioxide system and upgrade the 38 year-old plant electrical power systems. All of the upgrades will allow the City to provide a safer working environment for City staff and increase efficiencies and reliability in providing clean drinking water for the public.</i></p>
	<p>Authorize the Director of Administrative Services or the Assistant Finance Director to Execute all Documentation for Federal and State Disaster Assistance (S. Bennett)</p> <p><i>The Federal Emergency Management Agency (FEMA) and the Governor's Office of Emergency Services (OES) require a resolution authorizing a designated staff to execute all documents on behalf of the City.</i></p>
	<p>PUBLIC HEARINGS</p>
	<p>Zoning Code Amendment (AZ 14-0001) (B. Redlitz)</p> <p><i>The proposed Zoning Code amendments to commercial zones are related to General Plan implementation, the Council's Action Plan and streamlining of the Zoning Code. Adding the PD-O zone would implement the General Plan by establishing a commercial zoning category that is consistent with the existing Planned Office General Plan designation. Eliminating the HP zone and combining its development standards and permitted uses with the CP zone would eliminate confusion by the public over the term "hospital" and make it easier to attract businesses to the area. It would also help to streamline the Commercial zones section of the Zoning Code, as would the proposed amendments and updates to the permitted use matrix. The Planning Commission is scheduled to review this proposed amendment at its meeting on July 22, 2014.</i></p>
	<p>Alternative Compliance Program for Onsite Stormwater Structural Controls (C. McKinney)</p> <p><i>Municipal permit R9-2013-0001 has introduced more stringent requirements for development and redevelopment projects in the City of Escondido. An option has also been provided for developers to comply by funding, wholly or in part, projects to improve water quality within the watershed. As this is an optional item, staff is seeking direction from Council whether to pursue implementing an alternative compliance program.</i></p>
	<p>Future Agenda Items (D. Halverson)</p>



City Manager's WEEKLY UPDATE to City Council

July 16, 2014

ECONOMIC DEVELOPMENT

- Escondido was featured in the July issue of Interval World Magazine, a subscription travel publication. It has a circulation of 1.2 million readers in approximately 80 countries. To see the article, please visit the author's website at <http://www.floatingstreammedia.net/#/interval-world-escondido-july-2014/> Special thanks to Katherine Zimmer at our Visit Escondido office for assisting the author in coordinating interviews and other special arrangements.
- Kit Carson Park and Ryan Park will be filled with out of town visitors this weekend for the following tournaments:
 - Triple Crown World Series, based out of Colorado, will be hosting their girls fast pitch World Series softball tournament in Kit Carson Park from July 15th -19th, using all 8 softball fields for the 18 under and 16 under divisions. This is the largest softball tournament that the City of Escondido hosts annually. There will be 211 teams from 16 states and Guam with approximately 4500 participants and spectators visiting Escondido. We can expect 5,500 estimated room nights and \$4.5 million economic impact according to National Association of Sports commission which would be generated in the San Diego County area. Majority of the games and Championships will be played in Kit Carson Park. Other locations in San Diego include; Poway, Santee, Kearny Mesa, and Chula Vista. We can expect a high volume of vehicle and foot traffic in Kit Carson Park during the above dates.
 - The annual Dave Shelton youth soccer tournament hosted by the Escondido Soccer Club will be played on July 19th & 20th at Ryan Park. They will have 95 teams from mostly San Diego County, Orange County, and Riverside County. There are boys and girls age divisions from u8 to u16. We can expect around 4,000 players and spectators in the Ryan Park area over this weekend. They will be using all 8 soccer fields and overflow parking.

SPECIAL EVENTS

- No special events this weekend other than Cruisin' Grand.

COMMUNITY DEVELOPMENT

Planning:

- SANDAG is holding two public workshops on Monday, August 4th to discuss two transportation scenarios under consideration for San Diego Forward – The Regional Plan. The workshop flyer is attached.

City Manager's WEEKLY UPDATE to City Council

- Major Projects Update:
 - Oak Creek (NUW) – Staff continues to meet regularly with the applicant's team to address issues as they arise. The consultant's 2nd draft screencheck EIR has been submitted and is under review by staff. New letters have also been received from the Department of Toxic Substances Control, Regional Water Quality Control Board and a technical consultant regarding the need for information and environmental site assessment related to discharge from the Chatham site for inclusion in the EIR.
 - Amanda Lane (NUW) – Staff completed the review of the revised submittals and provided comments. The developer is negotiating with several neighboring property owners to secure the necessary letters of permission and easements which will be needed before the application can be deemed complete.
 - Centerpointe 78 Commercial: – Staff continues to coordinate with the applicant's traffic consultant regarding the traffic impacts and mitigation measures in order to finalize the traffic study for inclusion in the draft EIR.
 - North Broadway Deficiency Area Projects: – The mitigated negative declaration for the Pickering annexation and 13-lot subdivision was issued; the public review period ends July 21, 2014. The application for the Zenner annexation and the associated 40-unit subdivision at Vista Ave. and Lehner Ave. has been submitted and is under review for completeness. The Zenner annexation will trigger offsite improvement at the Vista/Ash intersection which will necessitate letters of permission before the application can be deemed complete, to avoid potential condemnation issues.

Housing Division:

- Congratulations to Karen Youel from the Housing Division regarding the successful submittal of the \$1 million HCD grant application for the 2014 CalHome Manufactured Set Aside Program for the mobilehome rehabilitation program. The State program provided a total of \$10M in grant funding automatically available in \$1M (non-competitive) grants to the first 10 jurisdictions that submitted their applications in person to the Sacramento office on July 10th. Karen prepared the application and personally delivered it as one of the first ten applications.

Building Division:

- The Building Department had a very busy week issuing 61 permits for the week with a total valuation of \$882,197. Inspections and counter contacts remain constant with average daily inspections of 25 and average daily counter contacts of 36.
- 19 Photovoltaic permits were issued last week, with 301 so far this year.

City Manager's WEEKLY UPDATE to City Council

- The Building Department has approved the plans for the San Diego Health and Human Services tenant improvement at 649 W Mission Ave. All other department approvals are still pending.
- Habitat for Humanity has poured the concrete foundations and slabs for their last two buildings at 537 N. Elm St.
- The new Chipotle restaurant at 1201 E. Valley Pkwy is preparing for a final inspection and Certificate of Occupancy.

PUBLIC WORKS UPDATE

Capital Improvement Projects:

Red Flex Camera Removal:

The contractor began removing advanced camera signage and camera stands on Monday, June 16. The surface restoration work at Valley Parkway and Centre City Parkway has been completed. Crews are working the intersection of Second Avenue and Juniper Street this week.

Private Development

Black Angus-North County Fair:

The construction of the onsite improvements is continuing.

Midway Avenue @ Grand Avenue 16" Gas Main Inspection:

The contractor began excavation on three observation holes along Midway Drive on Monday, June 16 and the work is proceeding smoothly. A 12' section of 16" pipeline has been successfully replaced during last week shut down. The backfill and surface restoration will begin this week.

Classical Academy: Pennsylvania Avenue and Juniper Street

The offsite improvements along Kalmia Street and Pennsylvania Avenue have been completed. The widening along Valley Parkway between Juniper Street and Kalmia Street has begun with the removal of the concrete surface improvements and the existing street light foundations.

Rincon del Diablo Recycled Water Main Extension:

Construction of a 3,300' section of 4" recycled water main began on Monday, July 7 along Gary Lane at Nutmeg Street in the Country Club area. The pipeline installation along Gary Lane has been completed this week and the work will now proceed on Avenida del Aquacate.



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

Heritage Garden:

The gazebo has been constructed at the corner of Grand Avenue and Juniper Street this past week completing the final element for this area.

PUBLIC SAFETY

Police

- Volunteer June Peever was recognized at the San Diego Crime Commission's annual Volunteer of the Year banquet. The Chief and Captains attended the event.
- Sgt. Rhett Gann will receive his advanced POST certificate tomorrow.
- Last week the Police Department hosted a webinar on top mistakes made in Law Enforcement Discipline.
- The Chief and Lt. Skaja participated in a fund raising golf tournament for the Police Athletic League on Monday. The proceeds of the event benefit the PAL program.

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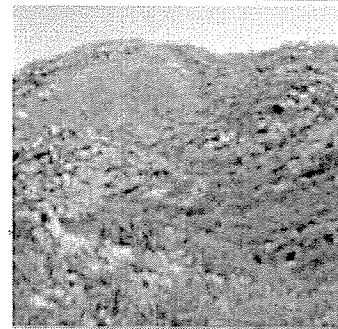
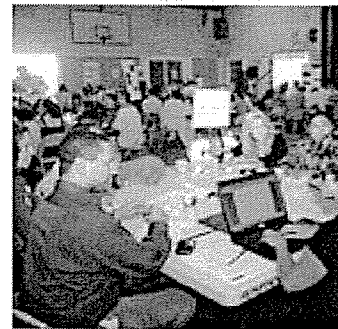
JOIN THE CONVERSATION ON OUR REGION'S FUTURE

Weigh in on Transportation Network Scenarios

Join us for an interactive workshop to discuss the two transportation scenarios under consideration for San Diego Forward: The Regional Plan. Come learn about the current regional transportation system, the investment choices in two possible scenarios, and the performance of each scenario. Interactive exercises are planned. Your feedback is needed on the scenarios – we encourage you to attend!

About San Diego Forward

Over the past year two years, the San Diego Association of Governments (SANDAG) and its partners have been working with communities and stakeholders from throughout the region to develop a vision that works for the economy, the environment, and our daily lives. The SANDAG Board will be asked to adopt San Diego Forward: The Regional Plan next summer. Previous workshops have focused on a wide range of topics to help provide the foundation for the plan. This workshop is focused specifically on mobility... Come provide your input on the transportation network scenarios. Your contributions are valuable!



**Monday, August 4, 2014,
11:30 a.m. – 2 p.m. or
5:30 p.m. – 8 p.m.
Lunch/refreshments provided**

**Caltrans Garcia Room
4050 Taylor St.
San Diego, 92110**

To ensure an adequate food order, RSVP to:
Dan Gallagher
Email: dan.gallagher@sandag.org
Phone: (619) 595-5354

For more information on San Diego Forward,
visit: www.sdforward.com
Facebook: [SANDAGregion](#)
Twitter: [SANDAG](#)
YouTube: [SANDAGregion](#)



Spanish translation will be available at the workshops.

