CITY OF ESCONDIDO

Planning Commission and Staff Seating

AGENDA

PLANNING COMMISSION

201 North Broadway
City Hall Council Chambers
VIDEO CONFERENCE
7 p.m.

April 27, 2021

A. CALL TO ORDER: 7 p.m.

B. FLAG SALUTE

C. ROLL CALL:

D. MINUTES: 04/13/21

E. SELECTION OF CHAIR AND VICE-CHAIR:

The Brown Act provides an opportunity for members of the public to directly address the Planning Commission on any item of interest to the public before or during the Planning Commission's consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker's slip and give it to the Minutes Clerk who will forward it to the Chair.

Pursuant to Governor Newsom's Executive Orders, including N-25-20 and N-29-20: Certain Brown Act requirements for the holding of a public meeting have been temporarily suspended and members of the Planning Commission and staff will participate in this meeting via teleconference. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit their agenda and non-agenda comments online at the following link https://www.escondido.org/public-comment-form.aspx. Council Chambers will be closed, no public allowed.

Public Comment: To submit comments in writing, please do so at the following link: https://www.escondido.org/public-comment-form.aspx. If you would like to have the comment read out loud at the meeting (not to exceed three minutes), please write "Read Out Loud" in the subject line. All comments received from the public will be made a part of the record of the meeting. The meeting will be available for viewing via public television on Cox Communications Channel 19 and AT&T u-verse Channel 99 (Escondido only). The meeting will also be live streamed online at the following link: https://www.escondido.org/ and click on the graphic showing **"live stream - meeting in progress**".

To watch the archived Planning Commission meeting(s) please visit:
https://escondido.12milesout.com/presentations/boards-and-commissions-and-state-of-the-city-videos

Availability of supplemental materials after agenda posting: any supplemental writings or documents provided to the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Division located at 201 N. Broadway during normal business hours, or in the Council Chambers while the meeting is in session.

The City of Escondido recognizes its obligation to provide equal access to public services for individuals with disabilities. Please contact the A.D.A. Coordinator, (760) 839-4643 with any requests for reasonable accommodation at least 24 hours prior to the meeting.

The Planning Division is the coordinating division for the Planning Commission. For information, call (760) 839-4671.

F. WRITTEN COMMUNICATIONS:

Under state law, all items under Written Communications can have no action, and will be referred to the staff for administrative action or scheduled on a subsequent agenda.

1. Future Neighborhood Meetings

G. ORAL COMMUNICATIONS:

Under state law, all items under Oral Communications can have no action, and may be referred to the staff for administrative action or scheduled on a subsequent agenda.

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

H. PUBLIC HEARINGS:
Please try to limit your testimony to three minutes.

None.

I. CURRENT BUSINESS:

Note: Current Business items are those that under state law and local ordinances do not require either public notice or public hearings. Public comments will be limited to a maximum time of three minutes per person.

1. Public Nuisance Appeal Case No. C 20-4286:

Request: An appeal of a notice and order to abate a public nuisance requiring the abatement of weeds and hazardous vegetation.

Location: 400 James Street (APN: 231-140-2000)

Staff Recommendation: Deny the appeal and uphold the Building Official's decision

Commission Action:

2. Housing and Community Investment Study

Staff will provide an informational report and status update to the Commission.

3. Planning Commission Annual Work Plan

Prepare the Commission's Annual Work Plan.

J. ORAL COMMUNICATIONS:

Under state law, all items under Oral Communications can have no action and may be referred to staff for administrative action or scheduled on a subsequent agenda.

This is the opportunity for members of the public to address the Commission on any item of business within the jurisdiction of the Commission.

K. PLANNING COMMISSIONERS

L. ADJOURNMENT

Agenda Item No.: D

CITY OF ESCONDIDO

ACTION MINUTES OF THE REGULAR MEETING OF THE ESCONDIDO PLANNING COMMISSION VIDEO/VIRTUAL CONFERENCE

April 13, 2021

The meeting of the Escondido Planning Commission was called to order at 7 p.m. by Chair Weiler, in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: Stan Weiler, Chair; Ingrid Rainey, Vice-Chair; Katharine Barba, Commissioner; Dao Doan, Commissioner; Rick Paul, Commissioner; Herminia Ramirez, Commissioner; and Nathan Serrato, Commissioner.

Commissioners absent: None.

Staff present: Mike Strong, Director of Community Development; Kurt Whitman, Senior Deputy City Attorney; Owen Tunnell, Assistant City Engineer; Jay Paul, Senior Planner; and Joanne Tasher, Minutes Clerk.

MINUTES:

Moved by Vice-Chair Rainey, with the correction to item G.1 SUB 20-0006 to state that the motion for that item was not carried unanimously, and seconded by Commissioner Barba to approve the Action Minutes of the March 23, 2021, Planning Commission meeting. Motion carried unanimously (7-0). Ayes: Barba, Doan, Paul, Rainey, Ramirez, Serrato, and Weiler.

WRITTEN COMMUNICATIONS: Received.

Communication from Laura Hunter, Chair, Sierra Club North County Group Conservation Committee, dated April 5, 2021, regarding public communications with the Planning Commission, was submitted into the record.

Communication from Laura Hunter, dated April 7, 2021, regarding the Escondido Community Advisory Group (ECAG) proposal for a Climate Engagement Commission, was submitted into the record.

Communication from Laura Hunter, dated April 9, 2021, regarding a Los Angeles Times news article about wildfire risk and the halting of a residential development project, was submitted into the record.

Letter from Laura Hunter, Chair, Sierra Club North County Group Conservation Committee, dated April 12, 2021, regarding a Community Coalition request for action in advance of the Harvest Hills project consideration, was submitted into the record.

Written Communication for Agenda Item No. G.1, revised Conditions of Approval related to Section E.4 “Design/Operation,” General Engineering Condition No. 8, and CC&Rs were submitted into the record.

FUTURE NEIGHBORHOOD MEETINGS: None.

ORAL COMMUNICATIONS: Received.

Correspondence from Patricia Borchmann, regarding the Housing and Community Investment Study from the March 23, 2021, Planning Commission meeting, was read into the record.

Correspondence from Laura Hunter, regarding public communications with the Planning Commission, was read into the record.

PUBLIC HEARINGS:

1. **TENTATIVE SUBDIVISION MAP, MASTER AND PRECISE DEVELOPMENT PLAN, AND SPECIFIC PLAN AMENDMENT– SUB 20-0001, PHG 20-0009, and ENV 20-0001:**

REQUEST: Tentative Subdivision Map, and Master and Precise Development Plan for the development of two, four-story buildings (up to approx. 65 feet in height) to accommodate up to 120 air-space condominium units with a density of approximately 51.5 dwelling units per acre. The design includes a mix of studio,

one-bedroom and two-bedroom units. 179 parking spaces are proposed that include a combination of enclosed garages with open tandem parking in front; on-site covered and uncovered spaces; angled parking along the S. Pine Street frontage; and perpendicular spaces along the W. 3rd Avenue frontage. Vacation of a portion of W. 3rd Avenue, S. Pine Street and public alley along the project frontages is requested. The proposed Planned Development includes a request for an approximately 14% (29 space) reduction in required parking from the required 208 spaces; allow a 49 percent reduction in the overall open space requirement and payment of in-lieu fees to off-set the reduction; minor encroachment into the 2nd Avenue setback to accommodate a screen wall; allow additional wall sign area up to 70 square feet; and reduction in covered parking spaces. An Amendment to the Downtown Specific Plan is requested to eliminate the ground-floor commercial requirement and permit ground floor residential units. All of the existing structures would be demolished. (The project is located on City-owned property and will require approval of a Purchase and Sale Agreement, as a concurrent discretionary action to be presented at the time the project is presented to the City Council.)

PROPERTY SIZE AND LOCATION: The approximately 2.33-acre site fronts onto 2nd Avenue, Pine Street, 3rd Avenue and Quince Street. Centre City Parkway is located to the east. The site is located within the Mercado District of the Downtown Specific Planning Area and is comprised of 11 parcels (APNs, 233-032-07-00, 233-032-08-00, 233-032-10-00, 233-032-11-00, 233-032-12-00, 233-032-13-00, 233-032-14-00, 233-032-17-00, 233-032-18-00, 233-032-19-00, and 233-032-21-00). The reference address is 235 S. Pine Street.

ENVIRONMENTAL STATUS:The Project is categorically exempt pursuant to California Environmental Quality Act (CEQA) Guidelines section 15332 (In-Fill Development Projects).

STAFF RECOMMENDATION: Approval to City Council

COMMISSIONER DISCUSSION:

The Commissioners discussed various elements of the project including parking for residents and guests, use of a “Transit Pass” to encourage residents to use public transportation, pedestrian access through the alley, and wanting affordable units offered.

PUBLIC COMMENTS (Submitted written comments, read aloud for the record):

Alicia Ruvalcaba, submitted comments in opposition to the project.
David Mathias, submitted comments in favor of the project.
Maritza Ruvalcaba, submitted comments in opposition to the project.
Ed McCoy, submitted comments in favor of the project.
John Jorgenson, submitted comments in opposition to the project.

COMMISSION ACTION:

Motion by Commissioner Paul and seconded by Commissioner Serrato to recommended approval to City Council with the modifications to the Conditions of Approval as provided by City staff and the recommendation to allow continued public access through the alleyway. Motion carried 4-3. Ayes: Paul, Rainey, Serrato, and Weiler. Noes: Barba, Doan, and Ramirez.

CURRENT BUSINESS:

1. **Housing and Community Investment Study**

   Staff provided an informational report and status update to the Commission.

   COMMISSIONER DISCUSSION:

   The Commissioners thanked Director Strong for his presentation and discussed the issue of affordable housing.

   COMMISSION ACTION:

   No action was taken; information was presented and discussed.

2. **Placing Items on Future Planning Commission Agendas and Commission Annual Work Plan**

   Staff provided information for the creation an Annual Work Plan.

COMMISSION DISCUSSION:

Discussion between City staff and the Commissioners on the process of putting items on future agendas and creating a new work plan.

COMMISSION ACTION:

Commission directed staff to initiate preparation of a Commission Work Plan to be presented on April 27, 2021.

3. **Discussion and direction regarding a "Green Infrastructure Plan" and related details such as staff support** (Commissioner Barba)

Commissioner Barba continued the discussion to the next Planning Commission meeting scheduled for April 27, 2021, to fold the discussion into the Commission Work Plan.

COMMISSION ACTION:

No action taken; the item was continued to next meeting on April 27, 2021.

4. **Communication logistics with the Planning Commissioners**

Discussion on how members of the public can contact or send comments to the Planning Commissioners and recommended approach from Planning and the City Attorney's Office to submitting public comments. (Commissioner Doan)

COMMISSIONER DISCUSSION:

Discussion between City staff and the Commissioners on the manner of how the public can communicate with the Commissioners. The City and Commission have to conform to the Brown Act. All public correspondence has to be retained in the administrative record.

COMMISSION ACTION:

No action was taken; information was presented and discussed.

ORAL COMMUNICATIONS: None.

PLANNING COMMISSIONERS: None.

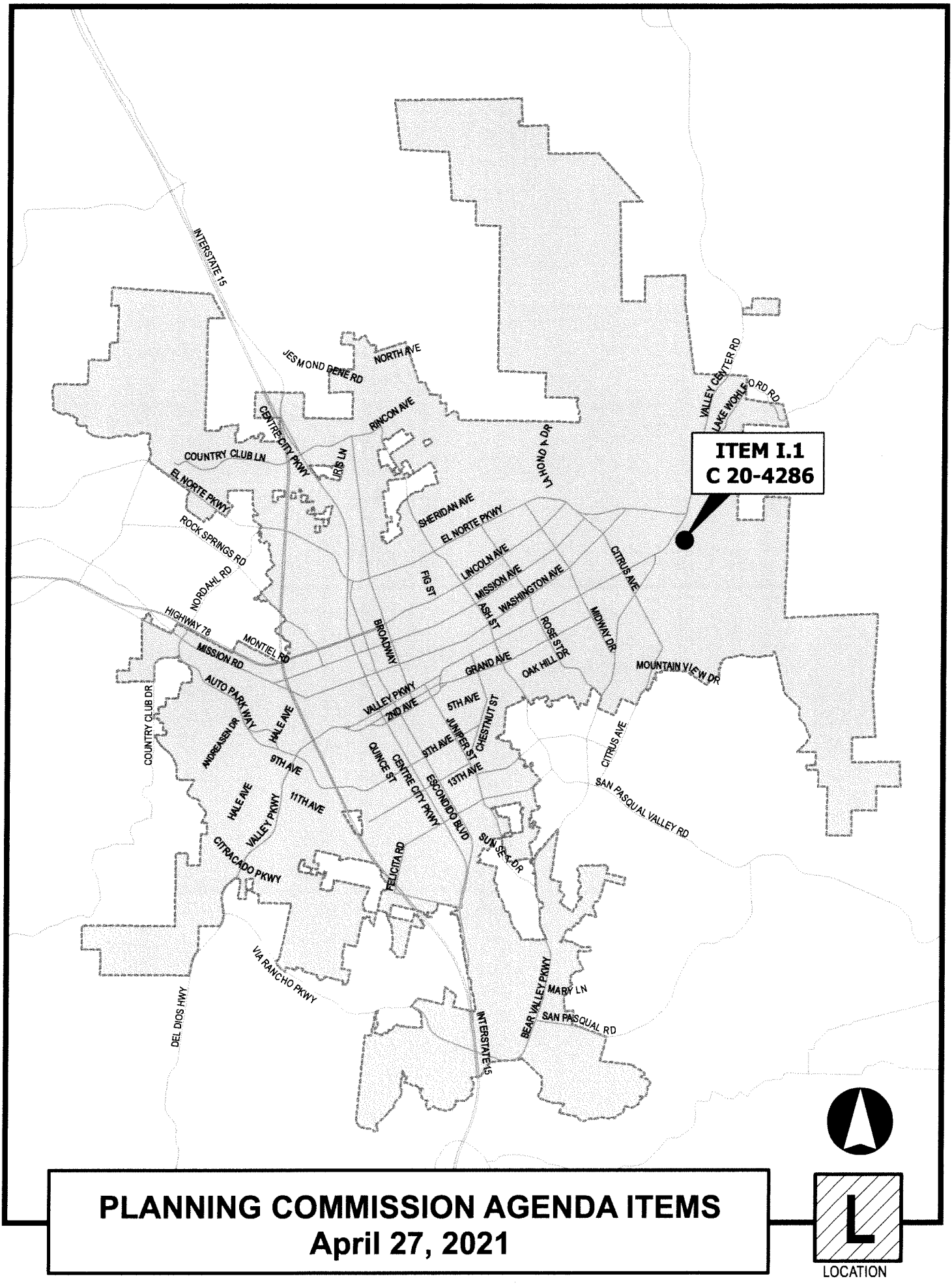
ADJOURNMENT:

Chair Weiler adjourned the meeting at 10:24 p.m.

_____ _____

Mike Strong, Secretary to the Escondido Planning Commission

Joanne Tasher, Minutes Clerk



PLANNING COMMISSION AGENDA ITEMS
April 27, 2021

Joanne Tasher

Written Communications

04/27/21 PC Meeting

Distributed to PC on 4/19/21

From: Joanne Tasher
Sent: Monday, April 19, 2021 4:12 PM
To: Joanne Tasher
Cc: Mike Strong; Adam Finestone; Kurt G. Whitman
Subject: Written Communication for 4/27/21 PC Meeting - FW: Clarification and response to April 14 discussion of Sierra Club request for official Commissioner emails

Good Afternoon All and Bcc'd Commissioners,
Enclosed below is an email from Laura Hunter, Sierra Club NCG. This correspondence will be included as Written Communications for the Planning Commission Meeting on April 27, 2021.

Best Regards,
Joanne

Joanne Tasher
Department Assistant
Planning Division | City of Escondido
Direct: 760-839-6250 | Fax: 760-839-4313
www.escondido.org

From: Laura Hunter <laurahunter744@gmail.com>
Sent: Monday, April 19, 2021 2:56 PM
To: Mike Strong <mstrong@escondido.org>; Joanne Tasher <jtasher@escondido.org>; Kurt G. Whitman <kwhitman@escondido.org>
Subject: [EXT] Clarification and response to April 14 discussion of Sierra Club request for official Commissioner emails

Dear Planning Commissioners,

I was traveling last week and did not have an opportunity to listen to the recording of your April 14th meeting until recently. There are a few things I'd like to clarify for the sake of the record.

First, thank you to Commissioner Doan for putting our request for official email accounts for Commissioners on the agenda so that, if the Commission had desired, it could have taken action. We now understand that Commissioners do not want to have their own individual, official emails dedicated to the Planning Commission work and prefer the status quo.

However, the reaction and discussion to our request sounded as if the Sierra Club was asking for something unique and that would put individuals at some kind of increased legal risk. This is not at all true. We were asking for the Commission to have the very same communication options as the City Council members. Each Councilmember has their own email and can be emailed directly, through the city's server, and all communications and replies can be easily captured for any preparation of record. The use of an individual official email, in our view, actually protects Commissioners more that

continued reliance on personal email addresses. We still don't understand why staff is making this communication distinction between the Commission and the Council.

Reference to the case related to Newland Sierra disclosure also needs to be clarified here and we are not clear why it was even mentioned in this context. We have asked the attorneys involved in that case and they report that the lawsuit involving the Newland Sierra CEQA case was one where the **County knowingly destroyed administrative record documents** related to the Newland Sierra Project. These included emails between the Newland Sierra consultants and County staff that related directly to the preparation of the EIR. It is known that the County destroyed these documents, because they told the court they destroyed these documents due to its short document retention window. The question before the court was what constitutes a CEQA record, and whether the County can arbitrarily decide what should be included and what should not be. The court of appeals ruling can be read here https://scholar.google.com/scholar_case?case=102934520511590229 9 It was not related to the issue of personal or official emails. The requirement for all emails, regardless of their location, that apply to a specific administrative record to be part of the record has been in place for a long time and is nothing new.

Last, I would like to say that last year we experienced problems related to timeliness of public communications being forwarded to Commissioners. But for us, this has improved since the beginning of the year. I am still not clear how to communicate small issues like requesting and scheduling a briefing with a commissioner, but we will do our best to figure it out.

I assume it goes without saying that all rules that apply to the public also apply to developers and proponents for projects. If I am misunderstanding that, I request that staff put me to rights.

Thank you for considering our request and we respect your decision. For us this issue is very important because the issues, at the project and strategic levels, covered by the Planning Commission are exceedingly important to the city's future. Please know that our request was not to put any of you (and we think it would not) at increased legal risk, but rather to formalize and ultimately facilitate communication.

Please feel free to contact me with any questions.

Laura Hunter, Chair

Sierra Club NCG Conservation Committee

ESCONDIDO
City of Choice

PLANNING COMMISSION

Agenda Item No.: I.1
Date: April 27, 2021

PROJECT NUMBER / NAME: C20-4286 / Public Nuisance Appeal

REQUEST: An appeal of a notice and order to abate a public nuisance related to weeds and hazardous vegetation.

LOCATION: 400 James Street

APN / APNS: 231-140-20-00

GENERAL PLAN / ZONING: Suburban (S) / Residential Estates (RE-20)

APPLICANT: Robin L. Stumbo

PRIMARY REPRESENTATIVE: Robin L. Stumbo

DISCRETIONARY ACTIONS REQUESTED: Appeal of a notice and order

PREVIOUS ACTIONS: N/A

PROJECT PLANNER: N/A

CEQA RECOMMENDATION: Approve the Categorical Exemption pursuant to CEQA Guidelines section 15321 (Enforcement Actions by Regulatory Agencies)

STAFF RECOMMENDATION: Deny the appeal and uphold the Building Official's decision, with modification of such decision to allow for an extension of time to abate the hazardous vegetation ("Option C")

REQUESTED ACTION: Approve Resolution No. 2021-03

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

REPORT APPROVALS:

☒ Mike Strong, Community Development Director
☐ Adam Finestone, City Planner

A. BACKGROUND:

James R. Stumbo ("Appellant") owns 4.24 acres of land located at 400 James Street in the City of Escondido situated in a Residential Estates zone neighbored to the south and west by single-family residential properties, and to the north and east by residential estates and residential agricultural properties (hereinafter, the "Property"). The Property contains one two-bedroom/two-bathroom residential unit comprising 1,616 square feet.

On July 10, 2019, the Escondido Fire Department ("EFD") received a complaint regarding a fire hazard at the Property. An inspection revealed a public nuisance and fire hazard as defined under Chapter 11, Article 2, Division 2 of the Escondido Municipal Code ("EMC"). That is, there were weeds on the Property that endangered public safety by creating a fire hazard. On August 15, 2019, the EFD mailed a notice to abate the hazard within 30 days, to Appellant at the Property. On re-inspection of the Property, it was noted the weeds had not been removed. On September 24, 2019, the EFD posted a notice to abate the hazard within 10 days, on the Property. A second re-inspection of the Property revealed the weeds had not been removed. On October 9, 2019, a final notice of forced abatement was mailed to Appellant at the Property. The Property was forced abated by the City of Escondido's weed abatement contractor on October 31, 2019, and the EFD's case was closed. Refer to Attachment 1, EFD case file (Case No. FWE2019-0027).

On August 12, 2020, the City's Code Enforcement Division received a complaint regarding overgrown vegetation causing a fire hazard on the Property. On October 18, 2020, Code Enforcement Officer Don Simpkins inspected the Property from the street and sidewalk, and observed tall weeds, grass, and dead vegetation. Officer Simpkins mailed a Notice of Violation on August 19, 2020, to Appellant at the Property. This Notice was returned to the City as undeliverable. Officer Simpkins then mailed the same Notice of Violation on September 1, 2020 to Appellant, at Appellant's second address in Hawaii. The Notice noted a violation of EMC section 6-484(d)(2) (dead, diseased, decayed, unsightly, overgrown, or hazardous vegetation maintained on the Property). The Notice ordered Appellant to cut and remove all hazardous vegetation from the Property within 10 days. On September 16, 2020, Officer Simpkins received a letter from Appellant requesting an extension of the time allotted to perform the work. The extension request was granted, giving Appellant an additional 10 days from September 21, 2020, to complete the work.

On November 10, 2020, Senior Code Enforcement Officer Jim Kurupas and Code Enforcement Officer Mark Nicklin conducted a re-inspection of the Property. They noted the hazardous vegetation had not been cut or removed from the Property. Officer Nicklin issued an Administrative Citation on November 12, 2020, and mailed it to Appellant at the Property. This citation was returned to the City as undeliverable and voided. Officer Simpkins then re-issued the Administrative Citation on December 9, 2020, and mailed it to Appellant at Appellant's Hawaii address. A second re-inspection revealed the hazardous vegetation had not been cut or removed from the Property. Officer Simpkins issued a second Administrative Citation on December 28, 2020, and mailed it to Appellant at Appellant's Hawaii address.

On January 25, 2021, Officer Simpkins received a letter from Appellant dated January 15, 2021, providing an updated mailing address in Hawaii. In the letter, Appellant disputed the issuing of the Administrative Citations for failure to cut and remove the hazardous vegetation. Appellant stated in the letter that he had traveled to Escondido in "November and early December" 2020 to cut and remove the hazardous vegetation on the Property. Appellant further requested in the letter that the City "cease and desist from assessing fines."

During this time, the EFD also inspected the Property on October 7, 2020 and January 13, 2021, again noting a public nuisance and fire hazard on the Property, as defined under Chapter 11, Article 2, Division 2 of the EMC. On January 18, 2021, Fire Prevention Specialist Robyn L. Taylor emailed Appellant referencing Code Enforcement's case on the Property and informing Appellant that the Property would once again be forced abated if Appellant did not cut and remove the hazardous vegetation. On February 1, 2021, Fire Prevention Specialist Taylor forwarded her January 18, 2021 email to Appellant after being informed that Appellant had accidentally deleted the email. On February 3, 2021, the EFD posted a Notice to Abate the Hazard within 10 days on the Property and mailed the Notice to Appellant at his updated mailing address in Hawaii. On February 14, 2021, Appellant responded to Fire Prevention Specialist Taylor's email stating his January 15, 2021 letter was his appeal of the City's "arbitrary process."

Officer Simpkins and Fire Prevention Specialist Taylor both met with Deputy City Attorney Alma Gurrola to discuss Appellant's appeal. It was determined the appeal was not received in a timely manner regardless of which notice Appellant was appealing because it was received past any appeal period and did not include the required fees. However, Deputy City Attorney Gurrola reviewed the case and advised that Appellant's confusion may have arisen from receiving notices from both Code Enforcement and the EFD. In order to provide Appellant clarity on the weed abatement process, and allow him his due process, it was determined the appropriate notice would be re-issued by either Code Enforcement or the EFD.

Code Enforcement took the lead on the case and Officer Simpkins re-issued a Notice and Order to Abate a Public Nuisance on March 24, 2021. Officer Simpkins mailed the Notice to Appellant via certified mail, return receipt requested at Appellant's updated mailing address in Hawaii. The Notice identified a violation of EMC section 6-484(d)(2) (dead, diseased, decayed, unsightly, overgrown or hazardous vegetation on the Property). Appellant was given 30 days from the issuing of the Notice to cut and remove the dead, diseased, decayed, unsightly, overgrown, or hazardous vegetation from the Property. Appellant was also informed that non-compliance with the Notice would result in the City causing the work to be done and billing Appellant for the costs or assessing the costs against the Property, re-inspection fees being assessed and administrative citation being issued, and the Notice being recorded against the Property. Furthermore, Deputy City Attorney Gurrola wrote a letter to Appellant explaining both Code Enforcement and the EFD's weed abatement process and authority, clarifying that Code Enforcement would be proceeding with the weed abatement process, and attaching a copy of the re-issued Notice and Order. Deputy City Attorney Gurrola also extended the appeal period from 10 to 15 days, due to Appellant's current location and his previous indication of his desire to appeal. The letter was

sent via electronic mail and certified mail to Appellant at Appellant's previous Hawaii address. Refer to Attachment 2, Code Enforcement case file (Case No. C20-4286).

Code Enforcement issued the Notice and Order dated March 24, 2021, pursuant to the Building Official's enforcement authority under Chapter 6, Article 20 of the EMC ("Property Maintenance Ordinance"). The Property Maintenance Ordinance authorizes the Building Official to address conditions that are deemed injurious and inimical to the public health, safety, and welfare of the residents of the City including property maintenance, building maintenance, polluted water, and landscape maintenance. Code Enforcement acts as the Building Official's designee utilizing EMC section 6-488 as a tool to abate nuisances that pose a danger to life or property. Code Enforcement has abated nuisances like storm damaged trees, fire hazards, and missing pool gates. The abatement procedures set forth in the Property Maintenance Ordinance are reasonable and afford due process to all affected persons. Refer to Attachment 3, Property Maintenance Ordinance.

On April 6, 2021, the City Clerk's Office received the Notice of Appeal Application and the required filing fee from Appellant. Refer to Attachment 4, Notice of Appeal.

B. SUMMARY OF REQUEST:

On April 6, 2021, Appellant submitted a Notice of Appeal Application ("Application") to the City Clerk's Office along with the appropriate filing fee. In the Application, Appellant provided a number of reasons why he cannot comply with the Building Official's orders referencing the reasons provided in his January 15, 2021 letter, and providing additional reasons under the Justification for Appeal section. Appellant also attached to the Application a copy of his January 15, 2021 letter, and a Kaiser Permanente professional medical bill. Appellant, in the Application, requests a "delay, not exemption," from the Building Official's orders. Refer to Attachment 4.

C. SUPPLEMENTAL DETAILS OF REQUEST:

Hazardous and unsafe conditions, including landscape maintenance, landslides, structural, electrical, plumbing, mechanical damage, may trigger enforcement action, including declaring a public nuisance on a property and assessing fees and civil penalties against responsible parties. If after a period of time as the Building Official considers to be reasonable, it is determined that the substandard conditions and/or health and safety violations remain unabated, the conditions may be abated by the City or City contractors. The property owner is typically given between 7 to 30 days to respond to a finding of a public nuisance before the City takes action. Upon receipt of a written request from any person required to comply with the order, the City may grant an extension of time if the extension will not create or perpetuate a situation imminently dangerous to life or property. Non-compliance will accrue fee assessments and civil penalties. Whenever a building, structure, portion thereof, or real property is in such immediately dangerous condition due to the existence of or to the perilous risk to the health and welfare of the tenants, property owners, and the community, the City may take immediate action that can include vacating the premises and abatement by the City or City contractors of dangerous conditions or defects.

D. PROJECT ANALYSIS:

Although the specific procedures for an appeal of a land use development permit may be found in Article 61, Section 33-1303 of the Escondido Zoning Code, the procedures for abatement of unlawful conditions is provided in Section 6-488 of Article 20 of Chapter 6 of the EMC. The purpose of the appeal process is to provide persons dissatisfied with an order or decision a venue for review and possible reversal of that decision. Pursuant to Section 6-488(c)(1), "Any person aggrieved by the action of the building official in issuing a notice and order pursuant to the provisions of this article may appeal to the planning commission within ten (10) calendar days of service of the notice and order." All appeals must be in writing, and must state the decision from which the appeal is taken, and must contain a concise statement of the reasons for the appeal. The April 6, 2021 appeal is provided in Attachment 4.

The April 6, 2021 appeal was analyzed by City staff and the City Attorney's Office for conformance with Article 20 of Chapter 6 of the EMC. The specific procedure for an appeal of a discretionary decision may be found in subsection (c) of the Application, which requires a written basis or reason for the appeal, among other things. An appeal not containing the basis for appeal may be rejected as incomplete. The following is an overview of the appellant's position, along with staff's response:

1a. Appellant's position- Previous attempts were made to abate the public nuisance.

1b. Staff response- Among other things, the City's abatement action(s) on the Property included an investigation, alleged violations of nuisance ordinances, notice(s), and the possibility of monetary fines and/or forcible removal of the nuisance. During the course of the abatement procedures, the status and condition of the Property has been well documented, suggesting that the City's application of local and state nuisance laws to declare overgrown weeds and hazardous vegetation be removed is supported by evidence. The Planning Commission should therefore focus its consideration on the evidence in the record, and the associated historical timelines, as prima facie evidence and need for the abatement of a Property-related public nuisance.

2a. Appellant's position- Escondido property inspection standards are vague, arbitrary, and changeable.

2b. Staff response- It is common knowledge that weeds and hazardous vegetation are or may become a public nuisance. The State Weed Abatement Act states that " '[w]eeds' means weeds which when mature bear wingy or downy seeds, which will attain such a large growth as to become a fire menace when dry, or which

are otherwise noxious or dangerous." (Gov't Code § 39560(b).) California Fire Code section 304 prohibits accumulation of combustible waste material creating a fire hazard upon premises, prohibits accumulation of, among other things, weeds and litter, on various kinds of properties including vacant lots, and requires removal of weeds, grass, vines or other growth that is capable of being ignited and endangering property. These state laws are not vague, arbitrary, and/or changeable.

It is also well settled that in the exercise of its police powers, a municipality may enact ordinances the object of which is to abate or prevent nuisances. The purpose of the City's Property Maintenance Ordinance (Article 20 of Chapter 6) is to require property owners to maintain their properties and remove or destroy the proscribed weeds; and in the event of a failure to do so, to have the same abated as a public nuisance by the City and to charge the expense of such abatement against the affected property. Article 20 of the EMC defines those conditions that constitute visual blight and that could result in harmful or deleterious conditions. Article 20 also establishes guidelines for the correction of violations and nuisances that afford due process and procedural guarantees to affected property owners. It is clear that the ordinance is intended to promote the health, safety, and welfare of the City – in a uniform and fair manner – and as such falls within the compass of municipal police powers.

3a. Appellant's position- Leniency should be provided because of the novel coronavirus pandemic.

3b. Staff response- The City has broad discretion to determine both what public interests are and the measures necessary for the protections of such interests. The City provides a uniform procedure to promote property maintenance and the enhancement of the livability, community appearance, and the social, economic, and environmental conditions of the community. The section of the code that addresses landscape maintenance requires that the owner or other specified person occupying or having charge of any building, lot or premises shall not permit weeds to remain on such premises or public sidewalks or streets, or alleys between said premises and the center line of any public street or alley. There are no waivers or exemptions from these local and state requirements.

4a. Appellant's position- The dead vegetation is a result of no water service.

4b. Staff response- In review of the appeal in its entirety, overgrown weeds and hazardous vegetation on the Property constitutes a public nuisance that requires abatement despite the Appellant's assertion that the conditions on the Property were not a nuisance or a result of actions set forth in previous steps or actions. The Planning Commission therefore is limited to consideration of the appeal and making the necessary findings based on the requirements in the ordinance and within the constraints of federal and state law governing the regulation of weed and rubbish abatement. It has no jurisdiction to go further. The Planning Commission does not have the authority to reverse billings, restore water service, or to waive fees and penalties related to water billing accounts.

5a. Appellant's position- Investigation on the property from reported burglaries might have led to the weed abatement notice.

5b. Staff response- In review of the appeal in its entirety, overgrown weeds and hazardous vegetation on the Property constitute a public nuisance that requires abatement despite the Appellant's assertion that the conditions on the Property may not have been identifiable or discoverable. The manner in which the public nuisance is identified or discovered is irrelevant to the appeal.

6a. Appellant's position- Requests for a delay in enforcement, not an exemption.

5b. Staff response- Over the past seven months, Appellant has been provided with multiple notices and an extended period of time to cut and remove the weeds and hazardous vegetation on the Property. Although Appellant does not deny the presence of dead vegetation on the Property and acknowledges the importance of weed abatement, the hazardous vegetation remains on the Property. As the property owner, Appellant is responsible for the maintenance of the Property. An extension of time is not warranted.

The Planning Commission's review of the Building Official's decision is de novo, that is, the Planning Commission may decide the matter without deference to the decision of the Building Official. The Planning Commission's review is not limited to the ground of the appeal as submitted by the Appellant, but may include all issues surrounding the maintenance of the Property. The Planning Commission can review the prior proceedings, reference applicable local regulations, the findings of the Building Official, and any written or oral testimony provided at the Planning Commission public hearing, and may utilize or adopt any, all, or none of them. Any decision of

the Planning Commission should be made through findings based on substantial evidence, in writing to the extent feasible. The actions available to the Planning Commission are:

Option A: Approve the appeal and set aside the decision of the Building Official based on specific reasons;

Option B: Deny the appeal and affirm the decision of the Building Official. This option would require the abatement of hazardous vegetation on the Property by 30 days of March 24, 2021; or

Option C: Deny the appeal, but provide an extended amount of time for compliance. This option would require the abatement of hazardous vegetation on the Property within 10 days of April 27, 2021. The modification of the Building Official's prior determination would allow the owner of the property an extended period of time to abate the hazardous vegetation.

E. FISCAL ANALYSIS: N/A

F. ENVIRONMENTAL STATUS:

California Environmental Quality Act ("CEQA") Guidelines list classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from further environmental review under CEQA. The notice and order related to the appeal qualifies for an exemption under CEQA Guidelines section 15321 (Enforcement Actions by Regulatory Agencies). This category includes public nuisance abatement orders and enforcement actions by the Code Enforcement Division. The CEQA Notice of Exemption prepared for the Project (included as Attachment 5 to the Planning Commission staff report) demonstrates that the Project qualifies for the exemption and does not have a significant effect on the environment.

G. PUBLIC INPUT: N/A

H. CONCLUSION AND RECOMMENDATION:

Weed and hazardous vegetation abatement is paramount in mitigating vegetation wildfires due to the highly flammable nature of the vegetation in the City. Throughout the years, California has been impacted tremendously by enormous wildfires which have resulted in loss of life and property, and financial loss in the billions of dollars. The pressing need for wildfire prevention has led to the development of the weed abatement program. Weed and hazardous vegetation abatement in the City can be addressed by Code Enforcement and the EFD. Both Code Enforcement and the EFD have inspected the Property and identified a public nuisance and fire hazard as defined under Chapters 6 and 11 of the EMC. The need to have the hazardous vegetation cut and removed from the Property becomes increasingly pressing as we reach higher temperatures and dryer weather in the year.

Over the past seven months, Appellant has been provided with multiple notices and an extended period of time to cut and remove the hazardous vegetation on the Property. Although, Appellant does not deny the presence of dead vegetation on the Property and acknowledges the importance of weed and hazardous vegetation abatement, the hazardous vegetation remains on the Property. As the property owner, Appellant is responsible for the maintenance of the Property. Although, the City does not dictate the manner in which a public nuisance must be abated, as long as it is carried forth in a legal manner, Appellant has been made aware of multiple options available to correct the violations, including the hiring of a contractor. Appellant's failure to take advantage of these options, failure to comply with the notices issued in the EFD's 2019 case, and failure to specify the amount of time needed to complete the abatement, indicates the hazardous vegetation will likely remain on the Property indefinitely.

The record does not show any new evidence presented by the Appellant in the Application that would have materially affected the Building Official's prior determination. Unless corrective measures are undertaken by the City, the existence of weeds and hazardous vegetation on the Property will continue to endanger public safety. City staff recommends that the Planning Commission determine that a substantial issue exists with respect to the Property. Staff recommends the Planning Commission deny Appellant's appeal, but provide an extended amount of time for compliance. allowing the City to abate the public nuisance identified in the Notice and Order issued March 24, 2021. In such event that Draft Resolution No. 2021-03 be adopted as recommended by City staff, the abatement of hazardous vegetation on the Property must occur within 10 days of April 27, 2021.

ATTACHMENTS:

1. EFD case file (Case No. FWE2019-0027)
2. Code Enforcement case file (Case No. C20-4286)
3. Property Maintenance Ordinance
4. Notice of Appeal
5. Notice of Exemption under CEQA Guidelines section 15321 (Enforcement Actions by Regulatory Agencies)
6. Draft Planning Commission Resolution No. 2021-03

ATTACHMENT 1

City of Escondido

Run on 4/14/2021 at 5:08:27PM

Cityworks PLL Fire - 1 Month Expiration Chronology

Case #: FWE2019-0027

Classification:

Owner: Stumbo Robin L

Location: 400 James St

APN: 2311402000

Zone: RE-20

Report ID: ESC052

Fire - 1 Month Expiration FWE2019-0027

Source	Task Code	Comment/Note Text	Created/Modified By	Date
CASE		OPENED: 08/14/2019 (SB) - CLOSED: 10/31/2019 (SB) - LAST ACTION: 12/11/2019 (SB) - FOLLOW UP: 09/16/2019 (SB) - COMP DATE: 10/31/2019 (SB) - REFERRED: FIRE	plladmin	8/14/19 12:00 am
TASK	CONVERT	CHRONOLOGY - CASE OPENED: (8/14/2019 2:11:18 PM SB) Action Created (8/14/2019 2:11 PM SB) Received a complaint from Fire Personnel regarding a fire hazard at this location Date Complet (Jul 10 2019 12:00AM) - SANDRA BAUER	plladmin	8/14/19 12:00 am
TASK	CONVERT	CHRONOLOGY - INITIAL INSPECTION VF: (8/14/2019 2:20:00 PM SB) Action Created (8/14/2019 2:20 PM SB) An inspection was conducted at this location and if was found to be in violation. See attached photo Date Completed (Aug 7 2019 12:00AM) - SANDRA BAUER	plladmin	8/14/19 12:00 am
TASK	CONVERT	CHRONOLOGY - NOTICE OF VIOLATION: (8/14/2019 2:20:29 PM SB) Action Created (8/14/2019 2:20 PM SB) See attached document Date Completed (Aug 15 2019 12:00AM) - SANDRA BAUER	plladmin	8/14/19 12:00 am
TASK	CONVERT	CHRONOLOGY - NO PROGRESS: (9/23/2019 3:06:42 PM SB) Action Created (9/23/2019 3:06 PM SB) A reinspection was conducted at this location and no progress has been made. This property will be posted for 10 days. See attached photo Date Completed (Sep 23 2019 12:00AM) - SANDRA BAUER	plladmin	9/23/19 12:00 am
TASK	CONVERT	CHRONOLOGY - NOTICE & ORDER: (9/23/2019 3:06:59 PM SB) Action Created (9/23/2019 3:06 PM SB) See attached document Date Completed (Sep 24 2019 12:00AM) - SANDRA BAUER	plladmin	9/23/19 12:00 am
TASK	CONVERT	CHRONOLOGY - NO PROGRESS: (10/9/2019 7:30:25 AM SB) Action Created (10/9/2019 7:30 AM SB) A reinspection was conducted after posting and no progress has been made, this property will b force abated. See attached document Date Completed (Oct 9 2019 12:00AM) - SANDRA BAUER	plladmin	10/8/19 12:00 am
TASK	CONVERT	CHRONOLOGY - NOTICE & ORDER: (10/9/2019 7:32:06 AM SB) Action Created Date Completed (Oct 9 2019 12:00AM) - SANDRA BAUER	plladmin	10/9/19 12:00 am

Fire - 1 Month Expiration FWE2019-0027

Source	Task Code	Comment/Note Text	Created/Modified By	Date
TASK	CONVERT	CHRONOLOGY - PROJECT COMPLETE: (12/11/2019 11:54:49 AM SB) Action Created (12/11/2019 11:54 AM SB) This property was force abated in October 2019 Date Completed (Oct 31 2019 12:00AM) - SANDRA BAUER	plladmin	12/11/19 12:00 am
TASK	CONVERT	CHRONOLOGY - CASE CLOSED: (12/11/2019 11:55:19 AM SB) Action Created Date Completed (Oct 31 2019 12:00AM) - SANDRA BAUER	plladmin	12/11/19 12:00 am

Weed Abatement

STUMBO ROBIN L
400 JAMES ST
ESCONDIDO CA 92027

ESCONDIDO
City of Choice

Escondido Fire Department

1163 North Centre City Pkwy. Escondido, CA 92026 Phone: 760-839-5417 Fax: 760-739-7060 weedabatement@escondido.org

NOTICE OF FORCED ABATEMENT

Date: October 9, 2019

Property Owner: STUMBO ROBIN L **Parcel Number: 231-140-20**

Location of Hazard: 400 JAMES STREET, ESCONDIDO, CA

Mailing Address: 400 JAMES STREET, ESCONDIDO, CA

Because of the highly flammable nature of the vegetation in our area, the Escondido Fire Department has the authority to administer a Weed Abatement Program under the City of Escondido Municipal Code. This program has proven effective in mitigating the spread of vegetation fires in our City and has played a part in reducing the amount of destruction due to these fires.

BY THIS NOTICE WE ARE WE INFORMING YOU THAT YOU HAVE FAILED TO ABATE THE HAZARDS ON YOUR PROPERTY AND THAT THE HAZARDS WILL BE ABATED BY THE CITY AT YOUR EXPENSE.

An inspection of your property on **August 14, 2019** determined that it was in violation of the *HAZARD REDUCTION AND VEGETATION CLEARANCE STANDARD*. As a result, a notice was sent to the mailing address of record requesting that these violations be corrected within thirty (30) calendar days. A follow-up inspection on **September 23, 2019** revealed that the property was still not in compliance. A notice was then posted on the property by the Fire Department and a certified letter was sent to the address of record granting ten (10) calendar days to complete the requested work. After ten (10) calendar days, on **October 8, 2019** the property was inspected once again. At that time, compliance had not been achieved. As such, the property has been referred to the City of Escondido's Weed Abatement contractor for forced abatement.

In addition to the failed re-inspection fee of $100.00 for the inspection on **September 23, 2019 and on October 8, 2019,** you are also responsible for the costs of forced abatement by the City of Escondido's Weed Abatement contractor for which you will be billed by the contractor directly.

If you have already cleared your property, or feel you have received this notice in error, please contact the Escondido Fire Department as soon as possible at 760-839-5417. If no one is available to take your call, leave a message with your phone number, property address or parcel number, and the best time to return your call.

Code section violation requiring abatement:
Escondido Municipal Code Ch.6, Article-2, Division-2, 11-41.

Al Dobynes, Fire Marshal
(760) 839-5417

Note: If you suspect your property may contain any rare/endangered species or related sensitive habitat such as coastal sage or a riparian zone, a permit from the California Department of Fish and Wildlife (858-467-4201) and/or the U.S. Fish and Wildlife Service (760-431-9440) may be required prior to clearing. Call for more information.

DO NOT
BLOCK
DRIVE
NOTICE TO
ABATE
HAZARD/
PUBLIC
NUISANCE


ABATE
HAZARD/
PUBLIC
NUISANCE
Notice is given that any weeds, grasses, dead shrubs, or dead trees upon this lot or parcel of land in the jurisdiction of the Escondido Fire Department, as described by Assessors Parcel Number : 231-140-20 and in the street, sidewalk, and in the parkway adjacent thereto are a public nuisance in that they are a fire hazard or in all probability will become a fire hazard, and that any rubbish, rubble, discarded asphalt, concrete, auto bodies and parts or other waste material thereof that might interfere with the abatement of the aforementioned public nuisance are also a public nuisance.
Said public nuisances are required to be abated within ten (10) days of the posted date. If not abated on or before this date, the Escondido Fire Department will authorize forced abatement and the costs thereof will be billed to the property owner directly. Should the bills not be settled, the cost will be assessed against the land and collected through tax billing. A lien will also be placed on the parcel. An administrative fee may be added to the costs.
This notice is given pursuant to the provisions of Escondido Municipal Code Ch.6, Article-2, Division-2, 11-41. Questions can be forwarded to: Escondido Fire Department, Fire Prevention 1163 N. Centre City Pkwy., Escondido, CA 92026, (760) 839-5417 weedabatement@escondido.org
Dated and posted this 24th day of September, 2019
Al Dabynes, Fire Marshal
Escondido Fire Department

Weed Abatement

STUMBO ROBIN L
400 JAMES ST
ESCONDIDO CA 92027

ESCONDIDO
City of Choice

Escondido Fire Department

1163 North Centre City Pkwy. Escondido, CA 92026 Phone (760) 839-5417 Fax (760) 739-7060 weedabatement@escondido.org

NOTICE TO ABATE HAZARD/ PUBLIC NUISANCE

Notice is given that any weeds, grasses, dead shrubs, or dead trees upon the lot or parcel of land in the jurisdiction of the Escondido Fire Department, as described by Assessor's Parcel Number:**231-140-20,** and in the street, sidewalk, and in the parkway, adjacent thereto are a public nuisance in that they are a fire hazard or in all probability will become a fire hazard; and that any rubbish, rubble, discarded asphalt, concrete, auto bodies and parts or other waste material thereon that might interfere with the abatement of the aforementioned public nuisance are also a public nuisance.

Said public nuisances are required to be abated within ten (10) days of the posted date. If not abated on or before this date, the Escondido Fire Department will authorize forced abatement and the costs thereof will be billed to the property owner directly. Should the bills not be settled, the cost will be assessed against the land and collected through tax billing. A lien will also be placed on the parcel. An administrative fee may be added to the costs.

This notice is given pursuant to the provisions of Escondido Municipal Code Ch.6, Article-2, Division-2, 11-41. Any questions can be forwarded to Fire Prevention (760) 839-5417.

Dated and posted this **24th** day of **September, 2019**

Al Dobynes, Fire Marshal
Escondido Fire Department
760-839-5417

Escondido Fire Department
1163 N Centre City Parkway
Escondido, CA 92026
Phone: 760-839-5400
fire.escondido.org

Aug 15, 2019

Stumbo Robin L
400 James St
Escondido CA, 92027

NOTICE TO ABATE HAZARD

Because of the highly flammable nature of the vegetation in our area, the Escondido Fire Department has been authorized to administer the Weed Abatement Program under the City of Escondido Municipal Code. This program has proven effective in mitigating the spread of vegetation fires in our district and has played a part in keeping the destruction due to these fires to a minimum.

By this notice we are requiring owners within the city to take responsibility to ensure that their property meets the enclosed hazard reduction & vegetation clearance standards. See attachments for additional information.

Location of Hazard: 400 James Street, Escondido (Parcel Number 2311402000)

Instructions for Abatement:

> **Combustible Debris:** *Maintain premise to be free of vegetation, combustibles and/or other debris. Remove all dead, dying, or diseased trees vegetation and shrubs.*

If you do not own this property, have already cleared your property, or feel you have received this notice in error, please contact Rincon Fire Protection District/Escondido Fire Department as soon as possible at (760) 839-5417. If no one is available to answer your call, leave a message with your phone number, property address or parcel number and best time to return your call.

This is your notice to abate fire hazards and/or public nuisances that may be existing on your property in accordance with the city of Escondido Municipal Code (Ordinance Number 2011-03 (RR) Division 2, Chapter 49, Section 4906.4). This clearance must be accomplished no later than **09/16/2019**. After this date, the property will be re-inspected. If the property does not comply with the abatement requirements, it will be posted with a notice giving 10 calendar days to complete the work and will be charged a $100 failed re-inspection fee. The property will be re-inspected after the ten days. If the abatement has not been completed, you may be charged an administrative fee and are subject to clearing by the fire department's weed abatement contractor at the owner's expense. Property owners are strongly urged to arrange for the clearing of their own parcels before the deadline, as these requirements will be strictly enforced and the clearing services will be substantially more expensive.

Note: If you suspect your property may contain any rare/endangered species or related sensitive habitat such as coastal sage or a riparian zone, a permit from the California Department of Fish and Wildlife (858-467-4201) and/or the U.S. Fish and Wildlife Service (760-431-9440) may be required prior to clearing. Call for more information.

Review/Appeal: Property owners may request a review of the determination that a nuisance or violation exists or to the administrative fee, or both, by filing a written objection with the Chief of the Escondido Fire Department within 5 days of the date of service of this Notice. The decision of the Chief of the Fire Department may be appealed as set forth in Escondido Municipal Code Ch.6, Article-2, Division-2, 11-41.

Al Dobynes, Fire Marshal
(760) 839-5417

ATTACHMENT 2

CODE ENFORCEMENT
CASE SYNOPSIS

CASE NUMBER: C20-4286

NAME OF RESPONSIBLE PARTY: ROBIN STUMBO, PROPERTY OWNER

SITE ADDRESS: 400 JAMES ST., ESCONDIDO, CA 92027

MAILING ADDRESS: 2205 MAKANANI DRIVE, # 2, HONOLULU, HI 96817

ASSIGNED OFFICER: DON SIMPKINS

Pending Violation(s):

EMC 6-484(d)(2); unlawful for any responsible person to allow or maintain on such property any dead, diseased, decayed, unsightly, overgrown or hazardous vegetation.

Actual contact with Responsible Party:

1. NOV issued 08/19/2020 for (EMC) 6-484(d)(2). Mailed to Robin Stumbo and posted on the property.
2. NOV issued 09/10/2020 for (EMC) 6-484(d)(2). Mailed to Robin Stumbo and posted on the property.
3. Notice and Order issued 03/24/2021 (EMC) 6-484(d)(2). Mailed via Certified Mail, return receipt requested.
4. Administrative Citation #3928, $100.00, issued 12/09/2020.
5. Administrative Citation #3978, $250.00, issued 12/28/2020.
6. The Fire Marshal posted the property on 2/3/2021 with a Notice to Abate a Hazard, Public Nuisance and mailed it to Robin Stumbo.

Current case(s):

C20-4286.
Previous case(s):

FEW 2019-0027. Fire Department

Key Issue(s):

Mr. Robin Stumbo is the listed owner of the large property at 400 James St. Mr. Stumbo is currently residing in Honolulu, Hi., at 2205 Makanani Dr. #2. There have been complaints issued by the residents who's properties border Mr. Stumbo's property. The complaints are of dead and overgrown vegetation that constitutes a fire hazard for their homes that border 400 James St. Mr. Stumbo has been sent several NOV's, several Administrative Citations, and a Notice and Order regarding the property and fire hazard it presents. Mr. Stumbo's property was posted as a fire hazard by the Fire Department.
Mr. Stumbo has written many emails and letters stating reasons why he could not return to take care of his property. His latest correspondence has been to seek an appeal to the Notice and Order and forced abatement of the hazardous vegetation on his property by the City.

Specific Actions Required to Correct the Violation(s):

Cut and remove hazardous vegetation.

8/18 -

C20-4286

Donald Simpkins

From: Code Enforcement
Sent: Monday, August 17, 2020 7:42 AM
To: Donald Simpkins
Subject: FW: Form Submission Received

James A. Kurupas: CRO,CCEO
Senior Code Enforcement Officer
Code Enforcement- Business Licensing | City of Escondido
Direct: 760-839-6376
www.escondido.org

From: noreply@escondido.org <noreply@escondido.org>
Sent: Wednesday, August 12, 2020 1:07 PM
To: Code Enforcement <codeenforcement2@ecity.ci.escondido.ca.us>
Subject: Form Submission Received

400 James Street – assigned to Don Simpkins - JK

From Url: https://www.escondido.org/request-for-investigation-eng.aspx
From IP Address: 98.176.168.158

Date: 8/12/2020
Address of Violation: 400 James Street
Apt. Number:
DETAILS OF COMPLAINT (Please be specific): Overgrown weeds are a fire hazard to properties abuting this property.
Date Reported to Property Manager/Owner:
Name:
Phone Number:
Address:
PERSON REGISTERING COMPLAINT (please specify):
Name:
Your Phone Number:
Your Street Address:
Your City:
Your State:
Your Zip Code:
E-mail Address:

A form has been submitted, click the link below to view the submission:

Parcel Details for APN: 2311402000

Parcel Data

Parcel Address:	400 James St, Escondido, CA, 92027-5318
Parcel Owners:	Stumbo Robin L
Parcel Owner Address:	400 James St, ESCONDIDO, CA, 92027
Jurisdiction	ES
Zoning Designation:	RE-20
General Plan Designation:	S
Acreage:	4.24 / 4.21 - (Assessor / GIS)
Square Footage:	184694 / 183518 - (Assessor / GIS)
Historic:	null
Legal Description:	BLK 244*LOT 8*POR*
Subdivision Name:	RANCHO RINCON DEL DIABLO RESURVEY SHEET A
Subdivision Map:	000723
Year Built:	45
Number of Units/Residences	1
Fraction Interest	1
Tract Number	04203
Land Use - Assessor	110
Assessor Use Classification	10
Document Type	1
Document Number	489594
Document Date	092696
Number of Bedrooms	002
Number of Bathrooms	020
Garage Conversion	N
Level Pad Area	
Total Living Space	1616
Building Addition Area	0
Number of Garage Stalls	002
Number of Carport Stalls	000
Pool on Grounds	N

Other Data

Cases: None

Special Districts: None

Building Permits: None

Addresses:

400 James St

Epic Viewer (v2.2) (Updated March 2020) 400 James St, Escondido

City of Escondido

Run on 4/16/2021 at 9:20:56AM

Cityworks PLL Code Enforcement Chronology
Case #: C20-4286
Classification: RPT-PROJECT NEAT-PROP MAINTNCE
Owner: Stumbo Robin L
Location: 400 James St
APN: 2311402000
Zone: RE-20

Report ID: ESC052

Code Enforcement C20-4286

Source	Task Code	Comment/Note Text	Created/Modified By	Date
CASE		From Request 558869: Code: CE PROP MAINT Description: CE PROPERTY MAINTENANCE Details: Comments: Overgrown vegetation. Fire hazard.	DSIMPKINS@ecity	8/18/20 2:44 pm
TASK	C-CASERVW	I received a submission form and have created a Code case.	DSIMPKINS@ecity	8/18/20 2:48 pm
TASK	C-INITINSP	I went out to the property on an inspection in response to a citizens submission form. The complaint was that the large undeveloped property behind her and other residences is overgrow with tall weeds, grass and dead vegetation. The R/P feels this is a fire hazard. During my inspection I could not gain access to the property however from the street and sidewalk the overgrown vegetation is visible.	DSIMPKINS@ecity	8/18/20 2:58 pm
TASK	C-NOTEVIOL	I issued a NOV to the listed owner of the property at 400 James St. I mailed the NOV via USPS. Robin L. Stumbo 400 James St. Escondido, CA. 92027	DSIMPKINS@ecity	8/18/20 3:01 pm
TASK	C-CASE-INF	I received the NOV that I had mailed to Robin Stumbo back in the mail as vacant and unable to forward. I have found another address for Stumbo and I am re-sending this NOV to her at the new address with a new compliance date. Robin Stumbo 2975 Ala Napuaa Pl. Honolulu, Hawaii 96818-2737	DSIMPKINS@ecity	9/1/20 2:27 pm
TASK	C-FLUPINSP	NOV mailed to Robin Stumbo 2975 Ala Napuaa Pl. #208 Escondido, CA. 96818-2737	DSIMPKINS@ecity	9/1/20 3:06 pm

Code Enforcement C20-4286

Source	Task Code	Comment/Note Text	Created/Modified By	Date
TASK	C-NOTEVIOL	I mailed a new NOV to the owner of the property. Robin A. Stumbo 2975 Ala Napuaa Pl. #208 Honolulu, Hawaii 96818-2737	DSIMPKINS@ecity	9/1/20 3:08 pm
TASK	C-CASE-INF	On 09/21/2020, I received a letter from Robin Stumbo from Hawaii requesting an extension to comply with the NOV issued to her. She stated that she has had travel issues with the state of Hawaii during the Covid 19 pandemic, and is going to have a surgical procedue. Stumbo states that she wants an extension so she can return to Escondido to supervise the cleanup of her property when she is able to. I wrote a letter to Stumbo giving her an additional ten days from the date of receiving my letter tc arrange for the clean up of her property or face fines.	DSIMPKINS@ecity	9/21/20 8:04 am
TASK	C-CASE-INF	Case re-assigned to Mark Nicklin.	JKURUPAS@ecity	11/10/20 9:08 am
TASK	C-FLUPINSP	Senior Code Officer Jim Kurupas and I conducted a follow-up inspection on the property. I saw weeds and dead vegetation in violation of Escondido Municipal Codes. I took photographs for documentation.	MNICKLIN@ecity	11/12/20 8:40 am
TASK	C-CITEISSU	I issued the property owner - Robin Stumbo Administrative Citation # 3964 and mailed it to her via U.S.P.S.	MNICKLIN@ecity	11/12/20 8:42 am
TASK	C-IREINSP	I completed the form "Intent to Assess Re-Inspection fees and addressed it to Robin Stumbo. I mailed it to her via U.S.P.S.	MNICKLIN@ecity	11/12/20 8:43 am
TASK	C-FLUPINSP	On 11/17/2020 an Administrative Citation that had been mailed to Robin Stumbo was returned tc City Hall as undeliverable. The address that had been used was not the current mailing address for Stumbo. The Admin Cite was voided and a new cite (3928) was sent out on 12/09/2020 to the correct address as well as a Notice of intent to assess re inspection fees.	DSIMPKINS@ecity	12/9/20 8:21 am
TASK	C-CITEISSU	A new Administrative Citation was issued and the previous citation was voided on 12/09/2020.	DSIMPKINS@ecity	12/9/20 8:23 am
TASK	C-FLUPINSP	On 12/24/2020 I went back by the property on an inspection. We are currently in a Red Flag fire hazard alert with currently blowing Santa Ana wind conditions. The property is overgrown with dead, overgrown and hazardous vegetation. There are dead trees, brush, shrubbery and dead palm frond skirts on the existing palm trees. This property is very large and butts up to many resident back yards along James Street. On 09/01/2020 the owner was issued and sent a NOV, via USPS for the violations. On 12/09/2020, an Administrative Citation #3928 on 12/09/2020. Ms. Stumbo has not made any attempt to correct the violation. As of 12/24/2020 the violation and fire hazard still exist. I am issuing a second Administrative Citation #3978, for $250.00 and assessing a $52.00 re-inspection fee. The Citation will be	DSIMPKINS@ecity	12/24/20 1:24 pm

Source	Task Code	Comment/Note Text	Created/Modified By	Date
		mailed via USPS. Robin L. Stumbo 2975 Ala Napuaa Pl. #208 Honolulu, Hawaii 96818-2737		
TASK	C-CITEISU2	On 12/28/2020, I issued Robin L Stumbo, the listed owner of the property a second Administrative Citation #3978 for $250.00 and assessed a $52.00 re-inspection fee. These wer mailed to her via USPS to her current address. Robin L Stumbo Property Owner 2975 Ala Napuaa #208 Honolulu, Hawaii 96818-2737	DSIMPKINS@ecity	12/28/20 6:34 am
TASK	C-FLUPINSP	On 01/13/2021 I met with Escondido Fire Inspector Robyn Taylor at 400 James St. We drove around the outside of the property to view the dead, overgrown and hazardous vegetation. The property is fenced off and the entrance to it chained and padlocked. The property borders many residential backyards along James Street and we have received numerous complaints from the residents that it is a fire hazard and has affected their fire insurance rates. I have sent the owne an NOV and issued 2 Administrative Citations. The owner has failed to comply with the NOV. She works and lives in Honolulu, Hawaii and refuses to hire anyone to clean the property for her She states that she wants to do it herself. Inspector Taylor agrees that the property is overgrown with dead and hazardous vegetation and a fire hazard that needs to be abated. Taylor stated that she will email the owner with a final warning and demand that she abate her property. If she doesn't comply, Taylor will post the property with a 10 abatement sign to clear the property. If the owner does not comply, a City Crew will be sent in to clear and clean the property and the owner will be invoiced. If she does not pay the invoice, a lien will be placed on the property and attached to her property tax statement.	DSIMPKINS@ecity	1/13/21 2:14 pm
TASK	C-CASE-INF	On 01/22/2021, I received an email from Escondido Fire Inspector, Robyn Taylor regarding the property at 400 James St. After completing an inspection with me, she agreed that the property needed to be abated. She said that she would send Robin Stumbo a letter advising that if she did not abate the weeds, the City of Escondido would post the property for abatement. On January 25, 2021 I received a letter from Ms. Stumbo stating that she has had an address change. She also went into a long explanation of how she is unable to return to Escondido during the Covid epidemic and how hard it is to travel to Escondido from Hawaii with her work schedule and the current lock downs in California and Hawaii. She continues to believe that the Administrative Citations and the re-inspection fees are unreasonable under the current situation. She also states that these punitive actions and any further punitive actions (Fire Abatement of the Property) is unfair.	DSIMPKINS@ecity	1/27/21 10:40 am

Source	Task Code	Comment/Note Text	Created/Modified By	Date
		Robin Stumbo 2205 Makanani Dr. #2 Honolulu, HI. 96817 Ph: 760-975-1185		
TASK	C-PRECOLLC	2/1/21-Pre-collection sent to Robin Stumbo for Cites #3978 & 3928.	AJANSSEN@ecity	2/2/21 2:42 pm
TASK	C-PRECOLLC	2/25/21-Cites #3978 & 3928 sent to Finance for collection.	AJANSSEN@ecity	3/3/21 1:19 pm
TASK	C-FLUPINSP	On 03/18/2021, I received an email from City Attorney Alma Gurolla asking me to go to 400 James Street and obtain some recent pictures of the property. I will also go to the R/P's residence and see if I can take some photos from their back yard.	DSIMPKINS@ecity	3/19/21 7:09 am
TASK	C-CASE-INF	On 4/23/2021, I received an email from City Attorney Alma Gurola with an attached NOTICE anc ORDER she wanted me to sign and send out via Certified Mail, returned receipt requested to Robin L. Stumbo. I signed the N. & O. and mailed it out.	DSIMPKINS@ecity	3/24/21 7:30 am
		Robin L Stumbo 2205 Makanani Dr.#2 Honolulu, CA. 96817		
TASK	C-CASE-INF	On 03/31/2021 Deputy City Attorney sent an email to Stumbo to inform Stumbo of the appeal procedure regarding the Code Case C20-4286.	DSIMPKINS@ecity	4/1/21 8:01 am

Maria Rocamora

From: Maria Rocamora
Sent: Wednesday, March 24, 2021 4:17 PM
To: 'robin.stumbo@gmail.com'
Cc: Alma Gurrola; Donald Simpkins
Subject: Letter re: 400 James Street, Escondido, California
Attachments: Stumbo Attorney Letter 032421.pdf

Please see attached letter from Deputy City Attorney Alma Gurrola.

Thank you.

Maria G. Rocamora
Legal Assistant
City Attorney's Office | City of Escondido
Direct: 760-839-4325 | Admin: 760-839-4608
www.escondido.org

ESCONDIDO
City of Choice

Michael R. McGuinness, City Attorney
Gary J. McCarthy, Senior Deputy City Attorney
Alma Gurrola, Deputy City Attorney
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4608 Fax: 760-739-7070

March 24, 2021

Sent Via Electronic Mail and
Certified Mail, Return Receipt Requested

Robin L. Stumbo
2975 Ala Napuaa Place, #208
Honolulu, Hawaii 96818-2737
Robin.stumbo@gmail.com

Re: 400 James Street, Escondido, California
Code Enforcement Case No. C20-4286

Dear Ms. Stumbo:

Code Enforcement has forwarded their case to the City Attorney's Office for review of the code violation at 400 James Street, in the City of Escondido ("Property"). The record indicates that on September 1, 2020, Code Enforcement Officer Don Simpkins provided you notice of the following violation: EMC § 6-484(d)(2) – dead, diseased, decayed, unsightly, overgrown or hazardous vegetation on the Property. The Notice of Violation ("NOV") ordered the hazardous vegetation be removed from the Property. Subsequent Administrative Citations issued on December 9, 2020 and December 28, 2020, reiterated this order. As of March 19, 2021, the hazardous vegetation has not been removed from the Property.

The Escondido Fire Department has the authority to administer a Weed Abatement Program ("Program") under the Escondido Municipal Code due to the highly flammable nature of vegetation in the City. The Program has proven effective in mitigating the spread of vegetation fires in our City and has played a part in reducing the amount of destruction due to these fires. The Property went through the Program in the fall of 2019. Despite going through the Program, the Property was again found to have hazardous vegetation in the fall of 2020.

Code Enforcement has similar weed abatement authority under Chapter 6, Article 20 of the Escondido Municipal Code. Such authority was granted to address conditions which are injurious and inimical to the public health, safety, and welfare of the residents of the City. The hazardous vegetation on the Property is not only injurious and inimical to the Property itself but to all neighboring properties and residents of the City. Code Enforcement issued the NOV on September 1, 2020, citing to this authority. The Fire

Department then issued two Notices to Abate under the Program on January 27, 2021 and February 3, 2021. However, for the sake of clarity, Code Enforcement will pursue this case under their weed abatement process. To avoid any misunderstandings, Code Enforcement has served the enclosed Notice and Order ("N&O") dated March 24, 2021, allowing an additional 30 days to remove the hazardous vegetation from the Property.

Despite Code Enforcement providing notice of the outstanding violations on the Property, no corrective action has been taken in the past 7 months. Property owners are responsible for the repair and maintenance of their properties even in their absence. It is their responsibility to carry out repairs and maintenance in a legal manner. As the owner of the Property, you are responsible for removing the hazardous vegetation on the Property in a legal manner within the time allotted in the enclosed N&O.

Failure to take corrective action may subject you to significant legal costs resulting from civil or criminal prosecution and/or costs resulting from the City's abatement of the violation. Voluntary compliance with the enclosed N&O is the most cost effective method of resolving this matter. I trust this letter will encourage you to correct the violation such that no further legal action and/or abatement action will be necessary. Please contact Officer Simpkins at (760) 839-4059 before April 23, 2021, with proof that you have complied. In the interim, I will take no further action.

PLEASE NOTE: The enclosed N&O allows for the appeal of the Building Official's issuing of the N&O within 10 days of the date of the notice. However, taking into consideration your current location, this appeal period will be extended to **within 15 days** of the date on the notice. The appeal and filing fee may be submitted to the City Clerk's Office electronically, personal appearance is not required. You may contact the City Clerk's Office at (760) 739-7010 for more information on how to submit an appeal electronically.

Sincerely,

Alma Gurrola
Deputy City Attorney

AG:mgr
Enclosure: Notice and Order dated March 24, 2021.

cc: Don Simpkins, Code Enforcement Officer II

ESCONDIDO
City of Choice

Code Enforcement Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4650 Fax: 760-432-6819

NOTICE AND ORDER
TO ABATE A PUBLIC NUISANCE
(Hazardous Vegetation)

March 24, 2021

Sent via Certified Mail
Return Receipt Requested

Robin L. Stumbo
2205 Makanani Drive, #2
Honolulu, HI 96817

Property Owner

CASE NUMBER: **C20-4286**
SUBJECT: **400 James Street, Escondido, CA 92027**
DESCRIPTION: **Assessor's Parcel Number 231-140-2000**

Pursuant to the Escondido Municipal Code, a Code Enforcement Officer inspected the above referenced property on March 19, 2021. As a result of the inspection, the Building Official for the City of Escondido has determined that a public nuisance, as defined by Escondido Municipal Code section 6-485, is being maintained on this property.

The Following Violation Was Found:

1. Escondido Municipal Code § 6-484(d)(2) – It is unlawful for any responsible person to use, allow or maintain on such property any dead, diseased, decayed, unsightly, overgrown or hazardous vegetation.

   There is dead, diseased, decayed, unsightly, overgrown and/or hazardous vegetation being used, allowed and/or maintained on the property.

AS THE RESPONSIBLE PERSON, OWNER OF RECORD, AND/OR TENANT(S)/ OCCUPANT(S), YOU ARE HEREBY ORDERED WITHIN THIRTY (30) DAYS OF THE DATE OF THIS NOTICE TO:

1. Cut and remove all dead, diseased, decayed, unsightly, overgrown or hazardous vegetation from the property.

Disposal of material involved in public nuisances shall be carried forth in a legal manner. If the required work is not commenced within the time specified, the Building Official will proceed to cause the work to be done, and bill the person(s) named in this notice for the abatement costs and/or assess the costs against the property.

Moreover, failure to comply with this notice in abating the violation as required, within the time allotted, may result in re-inspection fees being assessed and/or administrative citations being issued. The first citation has a mandatory fine of $100.00, the second citation is $250.00 and each subsequent citation is $500.00. Each day a violation exists is a separate violation and may be cited. Additionally, the case may be referred to the City Attorney's Office for other appropriate legal action.

Any person having any interest or record title in the property may appeal to the Planning Commission the Building Official's action in issuing this notice **within ten (10) days** of the date of this notice. Appeals must be filed with the City Clerk, be in writing, and be accompanied by the established filing fee. The appeal must state the decision from which the appeal is taken, and must contain a concise statement of the reasons for the appeal.

IF NO APPEAL IS FILED WITHIN THE TIME PRESCRIBED, THE ACTION OF THE BUILDING OFFICIAL WILL BE FINAL.

This notice will be recorded against the property in the office of the San Diego County Recorder, unless the violation is corrected.

If you have any questions regarding this case, please contact me at (760) 839-4059 between 8 a.m. and 4 p.m., Monday through Friday.

Sincerely,

Donald Simpkins

Don Simpkins
Code Enforcement Officer

PROOF OF SERVICE
BY CERTIFIED MAIL

I am employed in the City of Escondido, County of San Diego, California. I am over the age of 18 years. My business address is 201 N. Broadway, Escondido, California 92025.

On March 24, 2021, I served the attached **NOTICE AND ORDER TO ABATE A PUBLIC NUISANCE (Hazardous Vegetation)** on the responsible person(s) in Code Enforcement Case Number C20-4286 by placing a true copy thereof in a sealed envelope(s), addressed as follows:

ROBIN L. STUMBO
2205 MAKANANI DRIVE, #2
HONOLULU, HI 86817

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7018 1830 0001 3854 8186

I placed each such sealed envelope, with postage thereon fully prepaid for first-class mail for collection and mailing at the City of Escondido, Escondido, California, following ordinary business practices. I am familiar with the practice of the City of Escondido for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Escondido, California on March 24, 2021.

Don Simpkins
Code Enforcement Officer

Sirs:

This is in response to your recent letters and fine notifications regarding my property at 400 James St., Escondido. I've begun dating my letters, starting with this, to make it easier to follow the flow of events. I've enclosed copies of all yours I possess. Please note my mailing address has changed again. The new address is at the end of this letter and on the mailing envelope. I'm fairly confident this is the last change before I retire and permanently return to the property in question, which I expect to occur this year.

You assessed a fine for failure to remove all vegetation you judge objectionable, plus a reinspection fee. I dispute your conclusion. Your letters also threaten unlimited fines until resolution. I cherish my home in Escondido and wish to do all I can to protect it. However, as you are aware, I work for the federal government at Pearl Harbor Naval Shipyard. I'm still working and count myself lucky for that since many are unemployed. The shipyard considers me essential for submarine repair and is thus unwilling to allow me unlimited leave for immediate return and resolution. I'm also currently under a covid lockdown order and travel restriction from 2 different governors (as are you, from one of them). Here are quotations.

Gov. Newsome, CA (for Southern California)

All individuals living in the state of California are currently ordered to stay home or at their place of residence, except for permitted work, local shopping or other permitted errands, or as otherwise authorized.

Mayor Caldwell, HI (for Oahu)

Since this is too lengthy to quote, please see enclosure

Despite these orders, due to your earlier threat of unlimited fines, last fall, at considerable expense, firing risk, health risk due to covid exposure during the flight and legal risk due to violating state orders, I travelled to Escondido and mitigated for as long as work would allow (1 week mitigation + 2 weeks subsequent quarantine, which is very inefficient) last November and early December. I was unable to complete mitigation because my employer mandated my return (not unreasonably, given my 3 week absence). I am committed to more mitigation, so find your letters and fines grossly inappropriate and unreasonable given the situation and lengths to which I've already gone to meet your demands. I want to live in neat surroundings and don't need your punitive measures to motivate me. It appears I'm being punished for doing the best I can at a very difficult time.

Apparently you now think I should return to Escondido immediately to continue gardening. Until California and Hawaii lift their lockdown orders, or I get vaccinated, that would be illegal. I assume you are not asking me to break the law. As for hiring someone local for mitigation, in addition to potential theft and property damage (since I'd be unable to supervise), the same California lockdown orders would apply to local hires in my absence, though I suspect the same company you retain to inspect would be happy to be hired for the purpose. In fact their inspections as they travel about Escondido may themselves violate the lockdown order. Any effort to travel by me could be even more inefficient, as I could potentially now be subject to two 2 week quarantines. Other organizations have curtailed actions as follows:

- Medical service except most vital
- Rent and mortgage collection
- Police service except most vital
- Trespass on public property (homeless squatting)
- Property crimes (except mine?)

Why is your punitive "service" more important?

I'll return as soon as I can (perhaps permanently), but in consideration of all the factors I list above, I request you cease and desist from assessing fines, since that is penalizing me for circumstances beyond my control in this current, unique situation. I'm in a geographic location outside the continental US. Interstate travel for me absolutely mandates air travel and subsequent quarantines and consequent legal ramifications and limitations. You should consider my efforts and circumstance and suspend further threats until my safe return. I'm shocked there seems no compassion for property owners such as myself, truly trying to be responsible and responsive. I hope when similar circumstances occur in your own life (and they have or will) you're treated better. I'm sending copies of all correspondence to the federal and California state justice department offices indicated below. My research indicates they've assumed the function of addressing covid harassment issues such as this. If we can't resolve matters between ourselves, they may. Sincerely,

Robin J Stumbo

Rob Stumbo

2205 Makanani Dr. #2

Honolulu, HI 96817

(760) 975-1185

January 15, 2021

Cc: US Department of Justice

Civil Rights Division

950 Pennsylvania Ave. NW

Washington, DC 20530

Cc: Attorney General's Office, California Dept. of Justice

Attn: Public Inquiry Unit

PO Box 944255

Sacramento, CA 94244

Maria Rocamora

From: Donald Simpkins
Sent: Tuesday, February 16, 2021 6:32 AM
To: Terry Wilson; Alma Gurrola
Subject: FW: [EXT] Fwd: Property Located at 400 James St. ESCONDIDO

From: Robin Stumbo <robin.stumbo@gmail.com>
Sent: Sunday, February 14, 2021 8:53 PM
To: Robyn L. Taylor <rtaylor@escondido.org>; Donald Simpkins <dsimpkins@escondido.org>
Subject: [EXT] Fwd: Property Located at 400 James St. ESCONDIDO

All:
Sorry for a slow response. Though your email still went to spam I managed not to delete it this time and hope this response will prevent recurrence.
1. Have you received my letter? Is there a response? I'm fairly sure you have because I got a mailing to my new address and the only way you could know it is from that letter. I don't thoroughly understand your arbitrary process, but it seems to allow an appeal or contest. My letter is that appeal though I'm sure it doesn't meet your timelines or personal appearance reqirements. My letter explains why I can't personally appear immediately. If I could there'd be no issue.
2. Your process also seems to involve a cost determination after unilateral remediation. Who determines that cost, and can it be forecast? Are there limits? Is it a significant fraction of the property value? How's the weather? There's loose soil on the property and if mud stuck vehicle extraction costs were added, that would tend to indicate there's no fire prevention urgency.

I hope you're all safe and uninfected. I'm sure you intended to wish me the same. I'm fine though I haven't travelled. Vaccination seems to be progressing, though I'm not yet, and travel restriction relaxation closer. Please respond to my questions and I'll answer yours. Thanks,
Robin Stumbo

From: **Robyn L. Taylor** <rtaylor@escondido.org>
Date: Mon, Feb 1, 2021, 6:23 AM
Subject: FW: Property Located at 400 James St. ESCONDIDO
To: robin.stumbo@gmail.com <robin.stumbo@gmail.com>
Cc: Donald Simpkins <dsimpkins@escondido.org>, LaVona D. Koretke <lkoretke@escondido.org>

Good Morning Robin,

The Deputy Fire Marshal forwarded your email about accidentally deleting the email I sent on 1.18.21. I am forwarding it again (see below). I believe office Simpkins has granted a few additional days with regard to posting the property. As stated, you will receive the posting letter in the mail.

Please contact officer Simpkins, if you need. It sounds like email may be best, based on work schedules.

Sincerely,

Error! Filename not specified.

Robyn Taylor
Fire Prevention Specialist
Escondido Fire Department | City of Escondido
Direct: 760-839-5418
www.escondido.org

From: Robyn L. Taylor
Sent: Monday, January 18, 2021 10:39 AM
To: 'robin.stumbo@gmail.com' <robin.stumbo@gmail.com>
Cc: Donald Simpkins <dsimpkins@escondido.org>
Subject: Property Located at 400 James St. ESCONDIDO
Importance: High

Good Morning Ms. Stumbo,

Code Enforcement Officer Don Simpkins has brought me in on the Code Enforcement case for the property located at the above referenced address. He mailed you a Notice of Violation in August of 2020 and has substantially extended the time for you to complete the task. To date, nothing has been done. Furthermore, in my research of the property I found that you received a Notice of Violation in August of 2019 as well. And that after the initial notice of violation, and the 10-day posting notice, your property went to forced abatement in October 2019.

I am contacting you to inform you that the property will once again be posted, the end of this week. You will receive a copy of the posting notice/letter and will have 10 days from the date of that letter to comply, or it will once again be sent to forced abatement.

Please contact officer Simpkins, or myself, with any questions.

Error! Filename not specified.

Robyn Taylor
Fire Prevention Specialist
Escondido Fire Department | City of Escondido
Direct: 760-839-5418
www.escondido.org

No

Maria Rocamora

From: Robyn L. Taylor
Sent: Friday, January 22, 2021 7:22 AM
To: Stephen Jacobson; Donald Simpkins
Cc: LaVona D. Koretke
Subject: Posting Properties

Good Morning Gentlemen,

I wanted to touch base and let you know that I have not yet begun the posting process on either property. LaVona and I have a meeting Monday with Terry to discuss the process, and iron out some procedures.

Don – I did send an email to your property owner, stating the property would be posted the end of this week (she's a repeat offender, so she knows what that means). But a few more days will not make a huge difference, so we'll wait until early next week. All it does is buy her more time. Interesting though, she never responded to my email.

Stephen – apologies for not getting back to you sooner – it's been a busy week with a lot going on, and I am the duty investigator this week. Thanks for your patience.

Have a great weekend, both of you!

Robyn Taylor
Fire Prevention Specialist
Escondido Fire Department | City of Escondido
Direct: 760-839-5418
www.escondido.org

Maria Rocamora

From: Robyn L. Taylor
Sent: Monday, January 18, 2021 10:39 AM
To: robin.stumbo@gmail.com
Cc: Donald Simpkins
Subject: Property Located at 400 James St. ESCONDIDO

Importance: High

Good Morning Ms. Stumbo,

Code Enforcement Officer Don Simpkins has brought me in on the Code Enforcement case for the property located at the above referenced address. He mailed you a Notice of Violation in August of 2020 and has substantially extended the time for you to complete the task. To date, nothing has been done. Furthermore, in my research of the property I found that you received a Notice of Violation in August of 2019 as well. And that after the initial notice of violation, and the 10-day posting notice, your property went to forced abatement in October 2019.

I am contacting you to inform you that the property will once again be posted, the end of this week. You will receive a copy of the posting notice/letter and will have 10 days from the date of that letter to comply, or it will once again be sent to forced abatement.

Please contact officer Simpkins, or myself, with any questions.

Robyn Taylor
Fire Prevention Specialist
Escondido Fire Department | City of Escondido
Direct: 760-839-5418
www.escondido.org

Code Enforcement Division
201 N. Broadway, Escondido, CA 92025
(760) 839-4650, FAX (760) 839-4313

NOTIFICATION OF ASSESSMENT OF RE-INSPECTION FEES

December 28, 2020

Robin L. Stumbo
2975 Ala Napuaa Pl. #208
Honolulu, Hawaii 96818-2737

CASE NUMBER	**C20-4286**
ADDRESS	**400 James St., Escondido, CA 92027**
AMOUNT DUE	**$52.00** **($78.00 if not received within 30 days.)**
DATE OF INSPECTION	**12/24/2020**

A recent inspection of your property has shown that violations listed in the notice of violation dated 09/01/2020 have not been corrected.

Pursuant the authority of Escondido Municipal Code, Section 6-502(a), a re-inspection fee of $52.00 has been assessed and is now payable to the City of Escondido. **Payment is due within 30 days of the date of this letter.** An additional late fee of $26.00 is due if payment is not received within 30 days. Weekly inspections will be made until the violations have been corrected.

Payment may be made by mail using the enclosed envelope or in person at the Code Enforcement Division Counter located inside City Hall. Please make your check payable to the City of Escondido. Do not send cash. **Please write the case number and date of inspection on the front of your check or you may not receive proper credit for the payment.**

Donald Simpkins
Code Enforcement Officer II
(760) 839-4059

23

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ROBIN STUMBO
2205 MAKANANI DR. #2
HONOLULU, HI 96817

9590 9402 3893 8060 9050 83

2. Article Number *(Transfer from service label)*
7014 2120 0002 7876 5129

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X C014 ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* PAT | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

USPS TRACKING #

9590 9402 3893 8060 9050 83

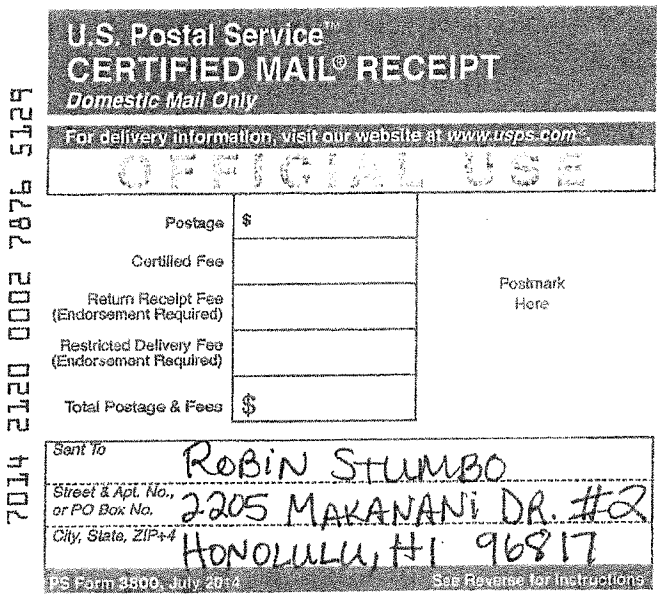
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

CITY OF ESCONDIDO
CODE ENFORCEMENT DIVISION
201 N. BROADWAY
ESCONDIDO, CA 92025-2798

C20-4286 D. SIMPKINS



U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

Sent To: ROBIN STUMBO
Street & Apt. No., or PO Box No.: 2205 MAKANANI DR. #2
City, State, ZIP+4: HONOLULU, HI 96817

PS Form 3800, July 2014 — See Reverse for Instructions

7014 0220 0002 9284 5215

CITY OF ESCONDIDO
Code Enforcement Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4650

AC# 3978

CASE # CED--#286

ADMINISTRATIVE CITATION

(PLEASE SEE INSTRUCTIONS ON BACK OF CITATION)

DATE OF VIOLATION	TIME	PENALTY AMOUNT
12/28/2020	0900 ☒AM ☐PM	$250.00

ADDRESS OF VIOLATION(S): 400 JAMES ST., ESCONDIDO, CA 92027

RESPONSIBLE PERSON OR PROPERTY OWNER OR LESSEE: ROBIN L. STUMBO — DATE OF BIRTH:

ADDRESS: 2975 ALA NAPUAA PL. # 208 — CITY: HONOLULU HAWAII — ZIPCODE: 96818-2737

CODE SECTION	DESCRIPTION OF VIOLATION
(EMC) 6-484(d)(2)	DEAD, DISEASED, UNSIGHTLY OVERGROWN, OR HAZARDOUS VEGETATION.

CORRECTIVE ACTION REQUIRED: CUT AND REMOVE ALL OF THE DEAD, DISEASED, DECAYED, UNSIGHTLY, OVERGROWN OR HAZARDOUS VEGETATION.

I ACKNOWLEDGE RECEIPT OF THIS NOTICE

PRINTED NAME | SIGNATURE

SERVED BY: U.S. MAIL ☒ PERSONAL SERVICE ☐ POSTED ON PROPERTY ☐

ISSUED BY DONALD SIMPKINS, CODE ENFORCEMENT OFFICER — 12/28/2020, ISSUE DATE

EX\186 (Rev. 10/16)

WHITE - FILE YELLOW - ADMIN PINK - RESPONSIBLE PARTY OR POST ON PROPERTY

44

Make checks payable to CITY OF ESCONDIDO. Mail penalty payments to:

CITY OF ESCONDIDO
CITATION PROCESSING CENTER
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798

IMPORTANT - READ CAREFULLY

The responsible party, property owner or lessee cited for violation shall, within *30 calendar days* from the issuance of this citation, pay the assessed amount by mail to the above address.

OR

If you dispute the underlying facts of this citation, you may file a written appeal within *10 calendar days* from the issuance of this citation. The appeal must be accompanied by the penalty amount, must include a return address, and specify in detail the basis for the appeal.

REPEATED VIOLATIONS

Each and every day a violation of any provision of the Municipal Code exists constitutes a separate and distinct offense. Each section of the Code violated constitutes a separate violation for any day at issue.

FAILURE TO ANSWER OR PAY PENALTY FOR VIOLATION(S)

(City of Escondido Municipal Code Section 1A-11(e),(f) and (g)

The failure of any person to pay a penalty assessed by administrative citation within the time specified on the citation constitutes a debt to the city. To enforce that debt, the city may file a civil action, impose a special assessment, or pursue any other legal remedy to collect such money.

Any administrative penalty assessed under this chapter may also include a re-inspection fee, as defined in section 1A-4.

ESCONDIDO
City of Choice

CITY OF ESCONDIDO
Code Enforcement Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4650

CE0-4286 — 400 JAMES ST., ESCONDIDO, CA 92027
Case Number — Address

DECLARATION OF SERVICE BY MAIL

I, DONALD SIMPKINS, am, and was at the time of service of the papers herein referred to, over the age of 18 years, and not a party to the action; and I am employed in the County of San Diego, California, in which county the within-mentioned mailing occurred. My business address is 201 North Broadway, Escondido, California 92025. I served the following document(s):

ADMINISTRATIVE CITATION #3978, $250.00

by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

ROBIN L. STUMBO
2975 ALA NAPUAA PL. #208
HONOLULU, HAWAII 96818-2737

I then sealed each envelope and, with the postage thereon fully prepaid, deposited each in the United States mail at Escondido, California, on 12/28/2020.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: 12/28/2020
Date

Donald Simpkins
Signature

DONALD SIMPKINS
Typed Name

ESCONDIDO
City of Choice

Code Enforcement Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4650 Fax: 760-432-6819

NOTICE OF INTENT TO ASSESS RE-INSPECTION FEES

12-09-2020

Robin L Stumbo
2975 Ala Napuaa Pl. #208
Honolulu, Hawaii 96818-2737

SUBJECT: 400 James St. Escondido 92027

CASE NUMBER: C20-4286

A recent inspection of your property has shown that the violations listed in the notice of violation 08/19/2020 have not been corrected as required.

Pursuant the authority of Escondido Municipal Code, Section 6-502(a), a re-inspection fee of $52.00 may be assessed for all inspections required after the first compliance inspection fails to document the required correction of outstanding violations by the specified deadline.

Your property will be re-inspected during the week of 12/23/2020. If the violations have not been corrected by that time, re-inspection fees may be assessed against you for all subsequent inspections.

The assessment of re-inspection fees does not limit the ability of the City to pursue additional remedies, if necessary, up to and including the issuance of administrative citations and, or the initiation of legal proceedings.

Please phone me at (760) 839-4059, so we may discuss these issues and I can explain what is necessary to correct the violations and therefore, avoid the fees.

Sincerely,

Donald Simpkins

Donald Simpkins,
Code Enforcement Officer

CITY OF ESCONDIDO
Code Enforcement Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4650

AC# 3928

CASE # CE20-0286

ADMINISTRATIVE CITATION

(PLEASE SEE INSTRUCTIONS ON BACK OF CITATION)

DATE OF VIOLATION	TIME	PENALTY AMOUNT
12/09/2020	0800 ☒AM ☐PM	$100.00

ADDRESS OF VIOLATION(S): 400 JAMES ST. ESCONDIDO, CA. 92027

RESPONSIBLE PERSON OR PROPERTY OWNER OR LESSEE: ROBIN L STUMBO — DATE OF BIRTH:

ADDRESS: 2975 ALA NAPUAA PL. #208 — CITY: HONOLULU — ZIPCODE: HAWAII 96818-2737

CODE SECTION	DESCRIPTION OF VIOLATION
(EMC) 6-484 (d)(2)	DEAD, DISEASED, UNSIGHTLY OVERGROWN, OR HAZARDOUS VEGETATION

CORRECTIVE ACTION REQUIRED: CUT AND REMOVE ALL OF THE DEAD DISEASED, DECAYED, UNSIGHTLY, OVERGROWN OR HAZARDOUS VEGETATION

I ACKNOWLEDGE RECEIPT OF THIS NOTICE

PRINTED NAME _____ SIGNATURE _____

SERVED BY: U.S. MAIL ☒ PERSONAL SERVICE ☐ POSTED ON PROPERTY ☐

ISSUED BY DONALD SIMPKINS (CODE ENFORCEMENT OFFICER) 12/09/2020 (ISSUE DATE)

EX\186 (Rev. 10/16)

WHITE - FILE YELLOW - ADMIN PINK - RESPONSIBLE PARTY OR POST ON PROPERTY

47

Make checks payable to CITY OF ESCONDIDO. Mail penalty payments to:

CITY OF ESCONDIDO
CITATION PROCESSING CENTER
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798

IMPORTANT - READ CAREFULLY

The responsible party, property owner or lessee cited for violation shall, within *30 calendar days* from the issuance of this citation, pay the assessed amount by mail to the above address.

OR

If you dispute the underlying facts of this citation, you may file a written appeal within *10 calendar days* from the issuance of this citation. The appeal must be accompanied by the penalty amount, must include a return address, and specify in detail the basis for the appeal.

REPEATED VIOLATIONS

Each and every day a violation of any provision of the Municipal Code exists constitutes a separate and distinct offense. Each section of the Code violated constitutes a separate violation for any day at issue.

FAILURE TO ANSWER OR PAY PENALTY FOR VIOLATION(S)

(City of Escondido Municipal Code Section 1A-11(e),(f) and (g)

The failure of any person to pay a penalty assessed by administrative citation within the time specified on the citation constitutes a debt to the city. To enforce that debt, the city may file a civil action, impose a special assessment, or pursue any other legal remedy to collect such money.

Any administrative penalty assessed under this chapter may also include a re-inspection fee, as defined in section 1A-4.

ESCONDIDO
City of Choice

CITY OF ESCONDIDO
Code Enforcement Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4650

C20-4286 — 400 JAMES ST., ESCONDIDO, CA. 92027
Case Number — Address

DECLARATION OF SERVICE BY MAIL

I, DONALD SIMPKINS, am, and was at the time of service of the papers herein referred to, over the age of 18 years, and not a party to the action; and I am employed in the County of San Diego, California, in which county the within-mentioned mailing occurred. My business address is 201 North Broadway, Escondido, California 92025. I served the following document(s):

ADMINISTRATIVE CITATION #3928 $100.00

by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

ROBIN L. STUMBO
2975 AIA NAPUAA PL. #208
HONOLULU, HAWAII 96818-2737

I then sealed each envelope and, with the postage thereon fully prepaid, deposited each in the United States mail at Escondido, California, on 12/09/2020.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: 12/09/2020
Date

Donald Simpkins
Signature

DONALD SIMPKINS
Typed Name

Code Dec of Service by Mail (05/06) — White – Case File — Yellow – Citation Processing Center

ESCONDIDO
City of Choice

Code Enforcement Division
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4650 Fax: 760-432-6819

NOTICE OF INTENT TO ASSESS RE-INSPECTION FEES

November 12, 2020

Robin L Stumbo **Owner**
400 James Street
Escondido CA 92027

SUBJECT: **400 James Street**

CASE NUMBER: **C20-4286**

A recent inspection of your property has shown that the violations listed in the notice of violations dated September 1, 2020 have not been corrected as required.

Pursuant the authority of Escondido Municipal Code, Section 6-502(a), a re-inspection fee of $52.00 may be assessed for all inspections required after the first compliance inspection fails to document the required correction of outstanding violations by the specified deadline.

Your property will be re-inspected during the week of April 28, 2020. If the violations have not been corrected by that time, re-inspection fees may be assessed against you for all subsequent inspections.

The assessment of re-inspection fees does not limit the ability of the City to pursue additional remedies, if necessary, up to and including the issuance of administrative citations and, or the initiation of legal proceedings.

Please phone me at (760) 839-6381 so we may discuss these issues and I can explain what is necessary to correct the violations and therefore, avoid the fees.

Sincerely,

Mark Nicklin
Code Enforcement Officer II
City of Escondido

CITY OF ESCONDIDO
Code Enforcement Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4650

AC# 3964

CASE # C20-4286

ADMINISTRATIVE CITATION

(PLEASE SEE INSTRUCTIONS ON BACK OF CITATION)

DATE OF VIOLATION	TIME	PENALTY AMOUNT
11/10/2020	2:49 ☐AM ☒PM	$100

ADDRESS OF VIOLATION(S): 400 James Street Escondido, CA 92027

RESPONSIBLE PERSON OR PROPERTY OWNER OR LESSEE: Robin L. Stumbo — DATE OF BIRTH: 92027

ADDRESS: 400 James Street — CITY: Escondido — ZIPCODE: 92027

CODE SECTION	DESCRIPTION OF VIOLATION
EMC 6-484(d)(2)	Dead, diseased, unsightly, overgrown or hazardous vegetation.

CORRECTIVE ACTION REQUIRED: Cut and remove all of the dead, diseased, decayed, unsightly, overgrown, or hazardous vegetation

I ACKNOWLEDGE RECEIPT OF THIS NOTICE

PRINTED NAME: Mailed via U.S.P.S. — SIGNATURE

SERVED BY: U.S. MAIL ☑ PERSONAL SERVICE ☐ POSTED ON PROPERTY ☐

ISSUED BY: Mark Nicklin #14545 (CODE ENFORCEMENT OFFICER) — 11/12/2020 (ISSUE DATE)

EX\186 (Rev. 10/16)

WHITE - FILE YELLOW - ADMIN PINK - RESPONSIBLE PARTY OR POST ON PROPERTY

Donald Simpkins

From: Andrew Modglin
Sent: Wednesday, October 7, 2020 8:32 PM
To: Donald Simpkins
Subject: Re: 400 James St. Weed abatement

Good afternoon Don

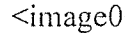
I went out to the property today and inspected it. I would see that this property does meet the criteria to have it forced abated. When did the property owner say that she would be out to clear it? There is a hazardous amount of dead vegetation close to the homes in the surrounding properties.

Thanks
Andrew Modglin.

Sent from my iPhone

On Oct 2, 2020, at 8:02 AM, Donald Simpkins <dsimpkins@escondido.org> wrote:

Andrew, I need someone in your department to come to 400 James St. and make a decision on whether or not the City should do an abatement on this vacant piece of property. Let me know if we can meet Monday at the property. Thanks, Don



Donald Simpkins
Code Enforcement Officer II
Code Enforcement City of Escondido
Direct: 760-839-4059 | Mobile: 760-802-0904
www.escondido.org

Donald Simpkins

From: Robin Stumbo <robin.stumbo@gmail.com>
Sent: Thursday, October 1, 2020 10:23 AM
To: Donald Simpkins
Subject: [EXT] 400 James St

Mr. Simpkins:
I appreciate your email address. Mail delay to Hawaii is significant. Rather than impose deadlines on one another I hope we can work together to solve our problems. Regarding who cleans for me, it has always been myself personally, with tools I possess on site (unless burgled in my absence). I would prefer to continue doing it myself since I really don't want strangers on my property. I've been burglarized when I've been on the premises, and really can't trust hiring people from afar. I will ask Pearl Harbor Naval Shipyard for permission to fly back to Escondido in October. Due to job commitments I think the earliest they'd permit me to leave is October 21 (I'll deal with time wasted in 2 week quaranteen on my return as best I can). But before going further, can you confirm that California and/or Escondido don't impose any restrictions on the use of equipment that may cause a spark (weed eaters, mowers, etc.)? Thanks
Robin Stumbo

ESCONDIDO
City of Choice

Sept. 21, 2020

Ms. Stumbo I received your letter requesting an extension on the Notice of Violation that has been issued regarding your property. We are currently in a heat wave and have been in a stage 1 fire alert for areas in the County. I understand that you are in Hawaii and have logistical issues in returning. However, this does not preclude the responsibility you have as the property owner of the property. One of my questions would be why you would not contact who ever in the past has cleaned up the vegetation on your property by phone and arrange for the cleanup. I am willing to work with you however, it is a concern of your neighbors as well as the City during this dangerous fire season. I've been instructed to give you 10 days from the date you receive this letter to arrange for the cleanup or fines will be imposed. Please call me at the number on the Notice of Violation or email me at Dsimpkins@escondido.org with the information.

Thank you,

Donald Simpkins

Donald Simpkins

Sirs:

You recently sent a citation for my home at 400 James St. I certainly will correct any of your concerns as soon as I possibly can, but can't immediately for the following reasons:

1. I currently live in Honolulu, Hawaii, and work for the Department of the Navy at Pearl Harbor Naval Shipyard (PHNSY). I normally travel home to Escondido twice a year to perform maintenance on my home and rent equipment to cut weeds/vegetation on my property. However, Covid-19 travel restrictions, travel risk and job obligations have prevented me from traveling to Escondido so far this year.
2. I have a gall bladder procedure Sunday September 13th that I would be ill advised to postpone for travel now, and if surgery is necessary, I probably won't be allowed to travel while I heal.
3. Travel from Hawaii to California currently seems unhindered, but when I return from abatement to my job I'll be compelled to quarantine for 14 days due to Covid -19. Though I have sufficient accrued work leave, that will require negotiation and timing with my employer, PHNSY. PHNSY is currently restricting leave to finish several submarine overhauls and will be unhappy with an extended absence.
4. I understand Escondido is currently experiencing a heat wave which may restrict spark producing tool operation. Arriving to wait until such restrictions are lifted would extend my work absence, which my employer may not accommodate.

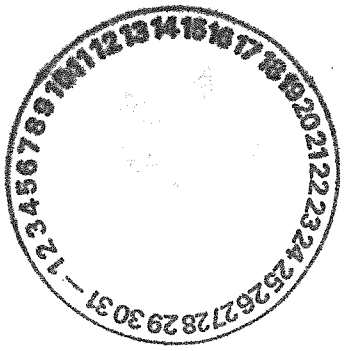
I'd rather personally perform or at least supervise abatement since I've had prior burglaries and wish to restrict access. I need time to resolve these issues and hope you'll allow it, and extend the time in which the abatement can take place. Since I began work in Hawaii I've had less time for maintenance, but I still returned and performed it adequately until the coronavirus issue restricted travel.

I assure you that I do plan to travel to Escondido and perform the abatement as soon as the impediments listed above are resolved, and I will be sure to keep you informed once I have firm travel dates. In the meantime, I request that you suspend any fines and/or legal action against me while the circumstances beyond my control prevent me from taking the immediate actions described in your citation.

Sincerely,

R. L. J Abel

4 C20 - 4286



ESCONDIDO
City of Choice

City of Escondido

NOTICE OF VIOLATION

September 01, 2020

Robin L. Stumbo
400 James St.
Escondido, CA 92027

Robin Stumbo
2975 Ala Napuaa Pl. #208
Honolulu, Hawaii 96818-2737

CASE NUMBER:	C20-4286
SUBJECT:	400 James St., Escondido, CA. 92027
DESCRIPTION:	Assessor's Parcel Number 2311402000

Pursuant to the Escondido Municipal Code, a Code Enforcement Officer inspected the above referenced property on 08/19/20. The property was found to be in violation of one or more federal, state, or local code statutes.

The violations noted are as follows:

1 Escondido Municipal Code 6-484 (d) (2)
(d) It is unlawful for any responsible person to use, allow or maintain on such property any of the following: (2) Dead, diseased, decayed, unsightly, overgrown or hazardous vegetation.

AS THE OWNER OF RECORD, YOU ARE HEREBY ORDERED WITHIN 14 DAYS OF RECEIVING THIS NOTICE TO:

1 Cut and remove all of the dead, diseased, decayed, unsightly, overgrown or hazardous vegetation from the vacant lot identified as Parcel Number 2311402000 per Fire Department clearance standards.

f you fail to comply with this notice in abating all violations as required, within the time allotted, re-inspection fees may be assessed and, or you may be issued an administrative citation. The first citation has a mandatory fine of $100.00, the second citation is $250.00 and each subsequent citation is $500.00. Each day a violation exists is a separate violation and may be cited. Additionally, the case may be referred to the City Attorney's Office for other appropriate legal action.

If you have any questions regarding this case, please contact the undersigned at (760)839-4059 between 8:00 a.m. and 4:00 p.m., Monday through Friday.

Sincerely,
Donald Simpkins
DON SIMPKINS
Code Enforcement Officer

Delivered By

X-Regular Mail Certified Mail Posting Personally Delivered

ESCONDIDO
City of Choice

City of Escondido

NOTICE OF VIOLATION

August 19, 2020

Robin L. Stumbo
400 James St.
Escondido, CA 92027

CASE NUMBER: C20-4286

SUBJECT: 400 James St., Escondido, CA. 92027

DESCRIPTION: Assessor's Parcel Number 2311402000

Pursuant to the Escondido Municipal Code, a Code Enforcement Officer inspected the above referenced property on 08/19/20. The property was found to be in violation of one or more federal, state, or local code statutes.

The violations noted are as follows:

1 Escondido Municipal Code 6-484 (d) (2)
(d) It is unlawful for any responsible person to use, allow or maintain on such property any of the following: (2) Dead, diseased, decayed, unsightly, overgrown or hazardous vegetation.

AS THE OWNER OF RECORD, YOU ARE HEREBY ORDERED WITHIN 10 DAYS OF RECEIVING THIS NOTICE TO:

1 Cut and remove all of the dead, diseased, decayed, unsightly, overgrown or hazardous vegetation from the vacant lot identified as Parcel Number 2311402000 per Fire Department clearance standards.

f you fail to comply with this notice in abating all violations as required, within the time allotted, re-inspection fees may be assessed and, or you may be issued an administrative citation. The first citation has a mandatory fine of $100.00, the second citation is $250.00 and each subsequent citation is $500.00. Each day a violation exists is a separate violation and may be cited. Additionally, the case may be referred to the City Attorney's Office for other appropriate legal action.

If you have any questions regarding this case, please contact the undersigned at (760)839-4059 between 8:00 a.m. and 4:00 p.m., Monday through Friday.

Sincerely,

Donald Simpkins

DON SIMPKINS
Code Enforcement Officer

Delivered By

X-Regular Mail Certified Mail Posting Personally Delivered

03/19/2021 11:25

03/19/2021 11:29


03/19/2021 11:26
59

03/19/2021 11:28

03/19/2021 11:28


PUBLIC
NUISANCE
02/03/2021 12:02


NOTICE TO ABATE HAZARD/ PUBLIC NUISANCE
CLOSE GATE AFTER ENTRY OR EXIT TO KEEP ANIMALS INSIDE
02/03/2021 12:02


CLOSE GATE
AFTER ENTRY
OR EXIT TO
KEEP ANIMALS
INSIDE
02/03/2021 12:02

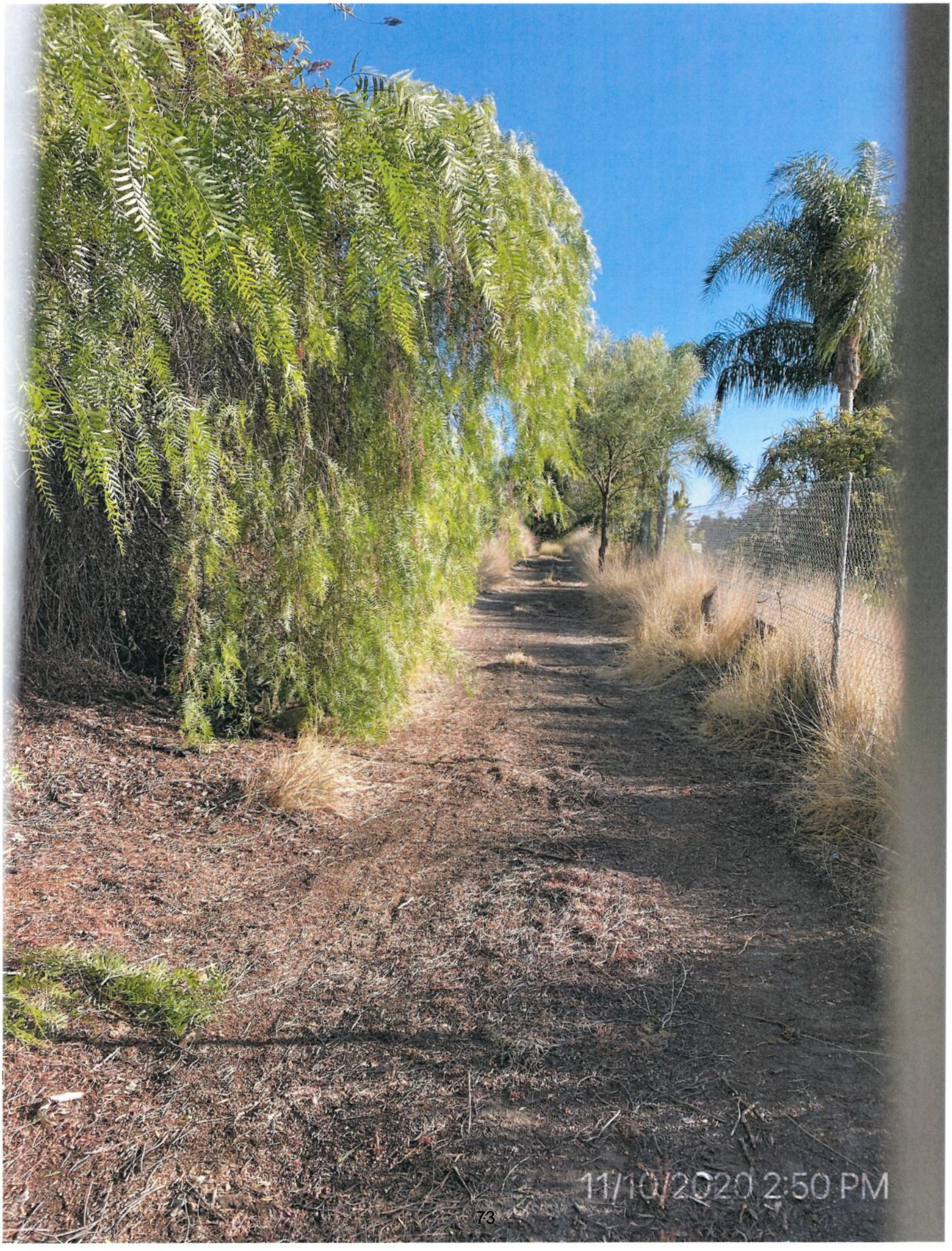
64

GRANIT
02/03/2021 12:02


PUBLIC
NUISANCE
Notice is given that any weeds, grasses, dead shrubs, or dead trees upon the lot or parcel of land in the jurisdiction of the Escondido Fire Department, as described by Assessors Parcel Number : 238 140 2600 and in the street, sidewalk, and in the parkway adjacent thereto are a public nuisance in that they are a fire hazard or in all probability will become a fire hazard, and that any rubbish, rubble, discarded asphalt, concrete, auto bodies and parts or other waste material thereon that might interfere with the abatement of the aforementioned public nuisance are also a public nuisance.
Said public nuisances are required to be abated within ten (10) days of the posted date. If not abated on or before this date, the Escondido Fire Department will authorize forced abatement and the costs thereof will be billed to the property owner. Should the bills not be settled, the cost will be assessed against the land and collected through tax billing. A lien will also be placed on the parcel. An administrative fee may be added to the costs.
This notice is given pursuant to the provisions of Escondido Municipal Code Ch.6, Article 2, Division 2, 11-31. Questions can be forwarded to: Escondido Fire Department, Fire Prevention 1163 N. Centre City Pkwy., Escondido, CA 92026. (760) 839-5477 weedabatement@escondido.org
Dated and posted this 2ND day of FEBRUARY
Al Delcynes, Fire Marshal
Escondido Fire Department
02/03/2021 12:02

02/03/2021 12:03


11/10/2020 2:49 PM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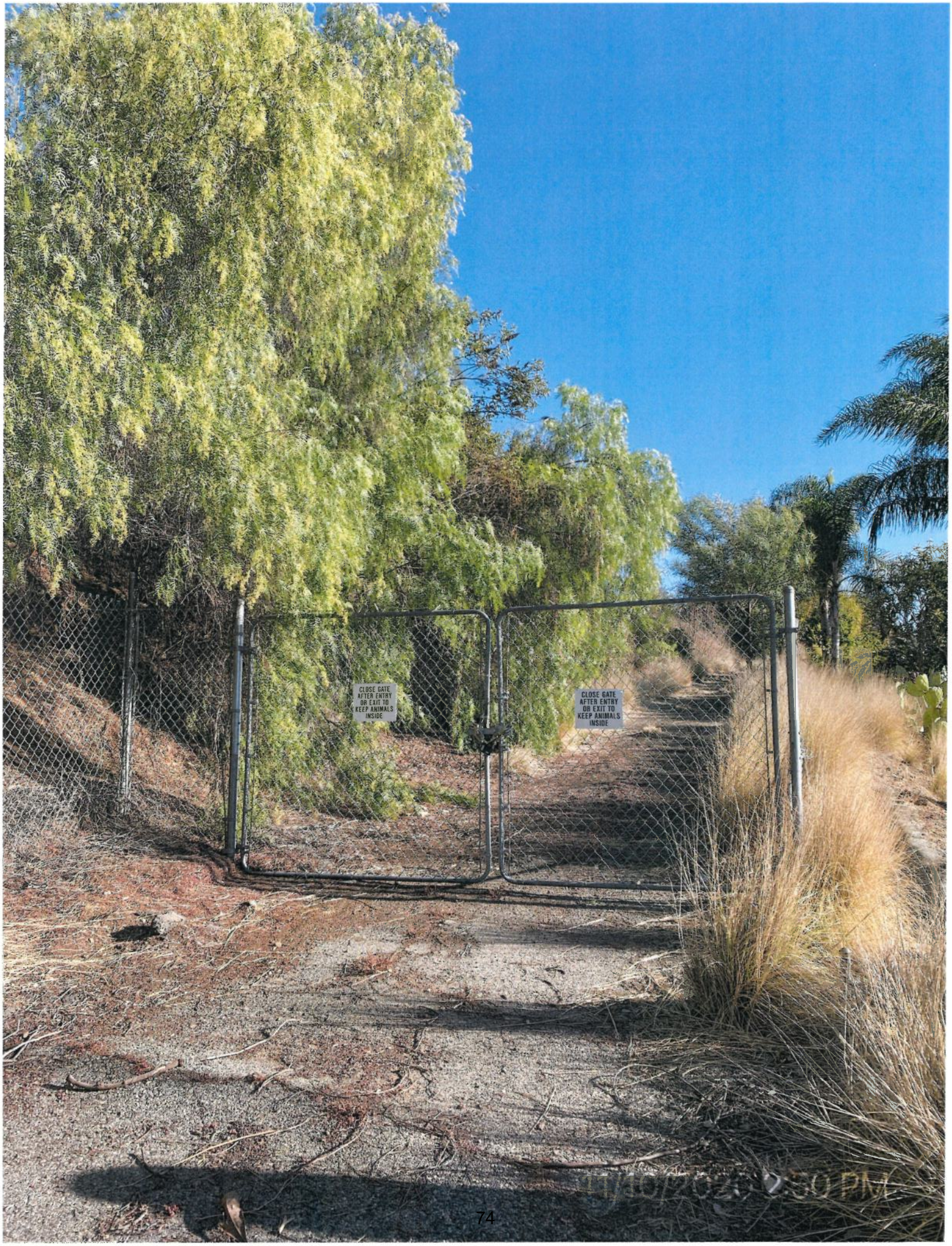

CLOSE GATE AFTER ENTRY OR EXIT TO KEEP ANIMALS INSIDE
CLOSE GATE AFTER ENTRY OR EXIT TO KEEP ANIMALS INSIDE


7/1/2020 2:50 PM


11/10/2020 2:49 PM


11/10/2020 2:49 PM


78
10/08/2020 09:36


10/08/2020 09:36
79

10/08/2020 09:39

10/08/2020 09:37

10/08/2020 09:38

10/08/2020 09:38

ARTICLE 20. PROPERTY MAINTENANCE

Sec. 6-480. Title.

This article shall be known as the "City of Escondido Property Maintenance Ordinance." (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-481. Findings.

The council finds and determines as follows:

(a) The city has a history and reputation for well-kept properties and the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private and public properties.

(b) There is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the city.

(c) The existence of such conditions described in this article is injurious and inimical to the public health, safety, and welfare of the residents of the city and contributes substantially and increasingly to the deterioration of neighborhoods.

(d) Unless corrective measures are undertaken to alleviate such existing conditions and assure the avoidance of future problems in this regard, the public health, safety, and general welfare, and specifically the social and economic standards of the community, will be depreciated.

(e) The abatement of such conditions will improve the general welfare and image of the city.

(f) The abatement procedures set forth in this article are reasonable and afford due process to all affected persons.

(g) The uses and abuses of property as described in this article reasonably relate to the proper exercise of police power to protect the health, safety, and general welfare of the public. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-482. Definitions.

The following words and phrases, whenever used in this article, shall be construed as defined in this section, unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(a) *Attractive nuisance* shall mean any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it. Attractive nuisances may include, but shall not be limited to:

(1) Abandoned and/or broken equipment,

(2) Hazardous pools, ponds, and excavations, and

(3) Neglected machinery.

(b) *Landowner* shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county and the City of Escondido.

(c) *Parkway* shall mean that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "parkway" shall mean the area of property from the property line to the edge of the pavement.

(d) *Property* shall mean any lot or parcel of land. For the purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk, parkway, or unimproved public easement abutting such lot or parcel of land.

(e) *Reinspection fee* shall mean a fee charged against a responsible person who has become the subject of city enforcement of state or local law, and for which there is a need to recover the city's actual cost of a second or any

subsequent inspection of the property, caused by the responsible party's failure to comply with a lawful order from an enforcement officer. The amount of this fee shall be set by periodic resolution of the city council.

(f) *Responsible person* shall mean a property owner, a tenant, a person occupying or having control or possession of any property, any person with a legal interest in real property (including banks or mortgage holders), and any person who directly manages a business or property or who demonstrates responsibility for the maintenance and repair of the property, or any agents thereof. (Ord. No. 85-44, § 1, 7-10-85; Ord. No. 2000-03, §§ 3 and 4; Ord. No. 2008-24, § 1, 10-22-08)

Sec. 6-483. Responsibility for enforcement.

The building official shall be responsible for the administration and enforcement of this article. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-484. Prohibited activities.

(a) It is unlawful for any responsible person to use, allow, maintain, or deposit on such property any of the following:

(1) Trash, junk, or debris including, but not limited to, household waste, litter, garbage, scrap metal or lumber, wood, concrete, asphalt, tires, piles of earth or construction material.

(2) Abandoned, discarded, or unused furniture, appliances, sinks, toilets, cabinets, fixtures, tools, vehicle parts, machinery, equipment, or similar items within public view.

(3) Trash cans, bins, boxes, recycle containers or other similar containers stored in front or side yards, within public view, except as permitted by section 14-27.

(4) Building supplies, materials, or equipment not associated with a valid building permit at the same address, unless entirely screened from public view.

(5) Tarpaulins, plastic sheeting, cloth and similar coverings unless used on a temporary basis, or used in conjunction with a valid building permit.

(A) Use of tarpaulins, plastic sheeting, cloth or similar coverings thirty (30) days after receiving notice from the city shall be prima facie evidence of a violation.

(B) Tarpaulins, plastic sheeting, cloth and similar temporary coverings shall not be used to screen items prohibited by section 6-484(a) from public view for any period of time.

(6) Abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof, including motor homes, trailers, campers and boats, or any portions of any of the above, unless stored within an entirely enclosed space.

(7) Signs which are broken, deteriorated, partially obscured, illegible or in a state of disrepair.

(b) Buildings. It is unlawful for any responsible person to use, allow, or maintain on such property any of the following:

(1) Buildings which are abandoned, partially destroyed, or partially constructed or incomplete.

(2) Buildings which have deteriorated to the point that exterior building coverings allow sun or water penetration.

(3) Broken windows, doors, attic vents and under floor vents.

(4) Building exteriors, walls, fences, patios, driveways, or walkways which are cracked, broken, defective, deteriorated or in disrepair.

(5) Building exteriors, walls, fences, driveways or walkways which are defaced due to any writing, inscription, figure, scratches or other markings commonly referred to as "graffiti."

(6) A gate that is not secure and latched or lacks a functional automatic self-closing device if the property contains a swimming pool.

(c) Polluted Water. It is unlawful for any responsible person to use, allow, or maintain on such property, a swimming pool, pond or other body of water which is abandoned, unattended, unfiltered or not otherwise maintained, resulting in the water becoming polluted. For the purpose of this subsection, polluted water means water contained in a swimming pool, pond or other body of water, which includes but is not limited to bacterial growth, including algae, remains of insects,

remains of deceased animals, reptiles, rubbish, refuse, debris, papers, and any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.

(d) Landscape Maintenance. It is unlawful for any responsible person to use, allow or maintain on such property any of the following:

(1) Weeds.

(2) Dead, diseased, decayed, unsightly, overgrown or hazardous vegetation.

(3) Vegetation growing into, upon or above a sidewalk, alley or any public right-of-way, except trees with at least eight (8) feet of vertical clearance above the surface.

(4) Roots growing beneath public or private sidewalks, streets or alleys and causing the improved surface to crack, buckle or rise.

(5) Barren patches of dirt, holes and ruts on any landscaped area in public view.

(6) Deteriorated or unsightly landscape elements including natural features such as rock and stone; and structural features, including fountains, reflecting pools, art works, screens, walls, fences and benches.

(7) Excess irrigation resulting in water flowing from the property. (Ord. No. 85-44, § 1, 7-10-85; Ord. No. 94-41, § 15, 1-11-95; Ord. No. 2008-24, § 2, 10-22-08; Ord. No. 2011-02RR, § 18, 3-16-11)

Sec. 6-485. Public nuisances.

It is hereby declared a public nuisance for any landowner or person leasing, occupying, directly controlling, or having possession of any property in this city to maintain any condition described in section 6-484 of this code or to maintain any attractive nuisance. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-486. Authority for adoption, application and purpose.

The procedures set forth in this chapter for the abatement of a public nuisance and the recovery of the cost of such abatement are adopted pursuant to the authority set forth in California Government Code Sections 38773 and 38773.5, and the police power of the city pursuant to the California Constitution.

The procedures set forth in this chapter shall apply to any public nuisance in the city.

The procedures set forth in this chapter are not exclusive and shall be in addition to the procedure for abatement of public nuisances permitted by California state law or other local ordinance. (Ord. No. 85-44, § 1, 7-10-85; Ord. No. 89-19, § 1, 5-3-89)

Sec. 6-487. Enforcement.

Enforcement of this article may be accomplished by the building official, or a designee of the building official, to include a contractor retained pursuant to the provisions of this code, in any manner authorized by law. The procedures set forth in this article shall not be exclusive, and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. No. 85-44, § 1, 7-10-85; Ord. No. 96-29, § 1, 9-4-96)

Sec. 6-488. Procedures for abatement of unlawful conditions.

(a) Notice and order. Whenever the building official or designee ("building official") has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exist thereon, the building official may use the procedures set forth in this section for the abatement of such nuisance.

(1) The building official shall issue a notice and order and mail a copy of such notice and order to the landowner and the person, if other than the landowner, occupying or otherwise in real or apparent charge and control of the property. The notice and order shall contain:

(i) The street address and a legal description sufficient for identification of the property on which the condition exists.

(ii) A statement that the building official has determined that a public nuisance is being maintained on the property with a brief description of the conditions which render the property a public nuisance.

(iii) An order to complete abatement of described conditions within such time as the building official considers to be reasonable, but in no event shall the total time allowed for abatement be more than sixty (60) days from the date of the notice and order. Provided that, in the event of work required due to fire, earthquake, or any other natural disaster, all appropriate permits shall be obtained and the work shall commence within sixty (60) days from the date of service of the notice and order, and shall be completed within one hundred eighty (180) days from the date of service of the notice and order.

(iv) A statement advising that the disposal of material involved in public nuisances shall be carried forth in a legal manner.

(v) A statement advising that if the required work is not commenced within the time specified, the building official will proceed to cause the work to be done, and bill the persons named in the notice for the abatement costs and/or assess the costs against the property.

(vi) A statement advising any person having any interest or record title in the property of the appeal process provided in this section.

(vii) A statement advising that the notice and order will be recorded against the property in the office of the county recorder, unless the violation(s) are corrected.

(2) The notice and order, and any amended notice and order shall be mailed by certified mail, postage prepaid, to each person as required pursuant to the provisions of subsection (a) of this section at the address as it appears on the last equalized assessment roll of the county or as known to the building official. The address of owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The failure of the building official to make or attempt service on any person required in this section to be served shall not invalidate any proceedings hereunder as to any other person duly served. Service by mailing shall be effective on the date of mailing. The failure of any person entitled to receive such notice shall not affect the validity of any proceedings taken under this article.

(3) Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made.

(4) If the violations are not corrected within a reasonable time, the building official shall file in the office of the county recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. The building official shall file a new certificate with the county recorder that the nuisance has been abated whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance on the property described in the certificate; or the notice and order is rescinded by the planning commission upon appeal; or whenever the city abates the nuisance and the abatement costs have been paid. Such certificate shall be filed within five (5) working days of the date of completion of such corrections.

(b) Extension of time to perform work. Upon receipt of a written request from any person required to comply with the order, the building official may grant an extension of time within which to complete said abatement, if the building official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The building official shall have the authority to place reasonable conditions on any such extensions.

(c) Appeal.

(1) Any person aggrieved by the action of the building official in issuing a notice and order pursuant to the provisions of this article may appeal to the planning commission within ten (10) calendar days of service of the notice and order. Notwithstanding section 6-491, if the building official's notice and order states a violation is dangerous to life or property and must be abated within seven (7) calendar days, then the appeal shall be filed with the city manager within five (5) calendar days of service. If no appeal is filed within the time prescribed, the action of the building official will be final.

(2) All appeals must be in writing, and must be accompanied by a filing fee, which will be established by resolution of the city council. The appeal must state the decision from which the appeal is taken, and must contain a concise statement of the reasons for the appeal.

(3) Appeals must be filed with the city clerk. The filing of an appeal will immediately stay the action proposed in the notice and order, until the planning commission has acted upon the appeal. Violations deemed dangerous to life or property will be promptly resolved by the city manager or designee ("city manager") based upon the written appeal. The city manager's decision shall be final. (4) Within ten (10) calendar days of the decision of the planning commission, any individual member of the city council may request review of the decision of the planning commission. Such review must be requested in writing, and must be filed with the city clerk. There is no appeal fee payable upon a request for a review by a member of the city council.

(5) Planning commission appeals will be placed on the next available agenda. The planning commission, by a majority vote, may approve, modify or disapprove the decision of the building official. The city council by a majority vote may approve, modify or disapprove the decision of the planning commission, by requesting a review pursuant to subsection (c)(4) of this section. (Ord. No. 85-44, § 1, 7-10-85; Ord. No. 88-28, § 1, 5-18-88; Ord. No. 96-29, § 1, 9-4-96; Ord. No. 98-17, § 1, 9-16-98; Ord. No. 2020-18 §§ 1—7, 8-26-20)

Sec. 6-489. Performance of abatement.

Abatement of the nuisance may, in the discretion of the building official, be performed by city forces or by a contractor retained pursuant to the provisions of this code. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-490. Entry on private property.

The building official may enter upon private property between the hours of 7:00 a.m. and 5:00 p.m. Mondays through Fridays, except holidays, to abate the nuisance pursuant to the provisions of this article. No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the city whenever such person is engaged in the work of abatement, pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this article. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-491. Additional proceedings for abatement of imminently dangerous public nuisances.

Notwithstanding any provision of this article to the contrary, whenever the building official determines that a public nuisance is so imminently dangerous to life or adjacent property that such condition must be immediately corrected, or isolated, the building official may institute the following procedures:

(a) Notice. The building official shall attempt to make contact through a personal interview, or by telephone with the landowner or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event contact is made, the building official shall notify such person, or persons, of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.

(b) Abatement. In the event the building official is unable to make contact as hereinabove noted, or if the appropriate persons, after notification by the building official, do not take action as specified by such official, within twenty-four (24) hours, then the building official may, with the approval of the city manager, take all steps deemed necessary to remove or isolate such dangerous condition, or conditions, with the use of city forces or a contractor retained pursuant to the provisions of this article.

(c) Cost. The building official shall keep an itemized account of the costs incurred by the city in removing or isolating such condition, or conditions. Such costs may be recovered in the same manner that abatement costs are recovered pursuant to this article. (Ord. No. 85-44, § 1, 7-10-85; Ord. No. 98-5, § 1, 3-4-98)

Sec. 6-492. Account of abatement costs.

(a) The building official shall keep an itemized account of the costs incurred by the city in the abatement of any public nuisance. Such costs may include, but shall not be limited to, the cost of relocating individuals to other suitable housing in accordance with applicable state or local law, demolishing buildings, grading land or accomplishing any other work reasonable and necessary to abate the public nuisance, together with any and all administrative costs, including reinspection fees.

(b) Upon completion of the abatement work, the building official shall prepare a report specifying the work done and the services performed, as well as the itemized costs of the work for each property, including direct and indirect costs, together with interest on all amounts expended by the city for such abatement. The report shall include a description of the real property and the names and addresses of any persons entitled to service pursuant to section 6-487.

(c) Each person named in the report shall be jointly and severally liable for all abatement costs and the amount of such costs shall be a debt owed to the city. (Ord. No. 85-44, § 1, 7-10-85; Ord. No. 89-19, § 2, 5-3-89; Ord. No. 2000-03, § 5, 2-16-00)

Sec. 6-493. Procedure for special assessment.

(a) City clerk. When any charges levied pursuant to this article remain unpaid for a period of sixty (60) days or more after the date on which they were billed, the building official shall forward the report

of abatement costs specified in section 6-492 to the city clerk.

(b) Hearing notice. Upon receipt of the abatement costs report, the clerk shall fix a time and place for hearing and passing upon the report. The clerk shall cause notice of the amount of the proposed assessment, shown in this report, to be given in the manner and to the persons specified in section 6-488. Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour, and place when the council will hear and pass upon the report, together with any objections or protests which may be raised by any landowner liable to be assessed for the costs of such abatement. Notice of the hearing shall be given not less than fifteen (15) days prior to the time fixed by the clerk for the hearing, and shall also be published once, at least fifteen (15) days prior to the date of the hearing, in a newspaper of general circulation published in the County of San Diego.

(c) Protests. Any interested person may file a written protest with the city clerk at any time prior to the time set for the hearing on the report of the building official. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The city clerk shall endorse on every such protest the date and time of filing, and shall present such protest to the council at the time set for hearing. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-494. Hearing on proposed assessment, personal obligation or assessment on real property.

(a) At the hearing, the city council shall consider the report of the building official, and any protests which have been filed with the city clerk. The council may make any revision, correction or modification in the report as it deems just, and when the council is satisfied with the correctness of the assessment, it shall confirm the assessment. The decision of the council shall be final.

(b) The city council may thereupon order that the assessment be made a personal obligation of the property owner, or assess the charge against the property involved.

(c) If the city council orders that the charge shall be a personal obligation of the property owner, it shall direct the city attorney to collect the same on behalf of the city by use of all appropriate legal remedies.

(d) If the city council orders that the charge shall be assessed against the property, it shall confirm the assessment, and cause the assessment to be recorded as described in section 6-496. (Ord. No. 85-44, § 1, 7-10-85; Ord. No. 89-19 § 4, 5-3-89)

Sec. 6-495. Contest of assessment.

The validity of any assessment levied under the provisions of this article shall not be contested in any action or proceeding unless such action or proceeding is commenced within thirty (30) days after the assessment is confirmed by the council. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-496. Notice of lien; form and contents.

(a) Notice of lien. Immediately upon the confirmation of the assessment by the council, the building official shall execute and file in the office of the county recorder a certificate in substantially the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the Building Official by the provisions of Article 20, Chapter 6 of the Escondido Municipal Code, said Building Official on or about the _____ day of _____, 19_____, caused the abatement of a nuisance on real property, and the Council for the City of Escondido, on the _____ day of _____, 19_____, assessed the cost of such abatement upon said real property and the same has not been paid nor any part thereof, and the City of Escondido does hereby claim a lien on said real property for the net expense of the doing of said abatement in the amount of $_____, and this amount shall be a lien upon said real property until the sum has been paid in full and discharged of record.

The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land in the City of Escondido, County of San Diego, State of California, and particularly described as follows:

(DESCRIPTION)

Dated: This _____ day of _____, 20_____.

_____

BUILDING OFFICIAL OF
THE CITY OF ESCONDIDO

(ACKNOWLEDGEMENT)

(b) Recordation. Immediately upon the recording of the notice of lien the assessment shall constitute a lien on the real property assessed. Such lien shall, for all purposes, be upon a parity with the lien of state and local taxes. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-497. Collection with regular taxes; procedure.

(a) Assessment book. The notice of lien, after recording, shall be delivered to the auditor of San Diego County, who shall enter the amount on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the auditor before the date fixed by law for the delivery of the assessment book to the county board of equalization.

(b) Collection. Thereafter the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary city taxes. All laws applicable to the levy, collection and enforcement of city taxes are hereby made applicable to such assessment.

(c) Refunds. The council may order a refund of all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the city clerk on or before November 1st after the tax became due and payable. The claim shall be verified by the person who paid the tax, or the legal representative of such person. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-498. Remedies of private parties.

The provisions of this article shall in no way adversely affect the right of the owner, lessee, or occupant of any such lot to recover all costs and expenses required by this article from any person causing such nuisance. (Ord. No. 85-44, § 1, 7-

10-85)

Sec. 6-499. Severability.

The city council of the City of Escondido hereby declares that should any section, paragraph, sentence or word of this article of the Code hereby adopted be declared for any reason to be invalid, it is the intent of the council that it would have passed all other portions of this article independent of the elimination herefrom of any such portion as may be declared invalid. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-500. Savings clause.

Neither the adoption of this article nor the repeal hereby of any other ordinance of this city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this article, insofar as they are substantially the same as ordinance provisions previously adopted by the city relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. (Ord. No. 85-44, § 1, 7-10-85)

Sec. 6-501. Declaration of purpose.

(a) The city council finds there is a need to recover costs incurred by the city for the time and expense of reinspecting properties throughout Escondido as part of the city's effort to ensure compliance with the Escondido Municipal Code or applicable state codes.

(b) The council further finds that the assessment of a reinspection fee is an appropriate method to recover costs incurred for reinspections made by city personnel which become necessary because the city's initial enforcement efforts have been ignored. The assessment and collection of reinspection fees shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the Municipal Code or applicable state codes. (Ord. No. 2000-03, § 6, 2-16-00)

Sec. 6-502. Authorization.

(a) Whenever a city enforcement officer reinspects a property to determine compliance with provisions of the Municipal Code and applicable state codes that have been listed in a notice and order to the responsible person, the enforcement official may assess a reinspection fee against the responsible person.

(b) Reinspection fees may be assessed for each inspection of the property after the issuance of a notice of violation to the responsible person. (Ord. No. 2000-03, § 6, 2-16-00)

Sec. 6-503. Assessment of reinspection fee.

The amount of the reinspection fee shall be based on the city's costs of conducting reinspections, and shall be established by periodic resolution of the city council, and shall be listed on the city's annual fee inventory. (Ord. No. 2000-03, § 6, 2-16-00)

Sec. 6-504. Notification of assessment of reinspection fee.

Notification of the reinspection fee shall be made in a written notice to the responsible person. The responsible person's refusal to receive notice of a reinspection fee shall not affect the validity of any fees imposed under this code. (Ord. No. 2000-03, § 6, 2-16-00)

Sec. 6-505. Failure to pay reinspection fee.

The failure of any person to pay the assessed reinspection fee by the deadline specified in the written notice described in section 6-504 shall result in the assessment of an additional late fee, which shall be established periodically by resolution of the city council. (Ord. No. 2000-03, § 6, 2-16-00)

Sec. 6-506. Collection of reinspection fee.

The building official shall collect the assessed reinspection and late fee(s) by the use of all appropriate legal means, including but not limited to civil action imposing a special assessment against the property. (Ord. No. 2000-03, § 6, 2-16-00)

CITY OF ESCONDIDO
City Clerk
201 North Broadway
Escondido, CA 92025
(760) 839-4617

FOR CITY USE ONLY
_____ Application Code(s)
_____ Fee (Non-Refundable)
_____ Receipt No.
_____ Date Filed
_____ Council Hearing Date
_____ Planning Case File No. (if applicable)

NOTICE OF APPEAL APPLICATION

Applicant: Robin L. Stumbo (Print) Phone: 760-975-1185

Mailing Address: 2205 Makanani Dr. #2 (Street) Honolulu (City) HI 96817 (Zip)

Legal Owner: Robin L. Stumbo (Print) Phone: 760-975-1185

Property Address: 400 James St. (Subject of Appeal)

Is legal owner aware of this application? ☒ Yes ☐ No

Justification for appeal *(May use additional paper, if necessary)*:

See attached

Robin L Stumbo
Signature of Applicant

4/6/2021
Date

Distribution:
Planning Department
City Manager
City Clerk
Other _____
Applicant

Councilmembers:

My attached letter dated January 15, 2021 explains the basic reasons I can't immediately comply with your code enforcement direction. I'll list here points not previously covered or amplify if I have additional information.

1. Your deputy attorney's letter I expect she'll provide has a factual error. It says I made no remediation attempt for the last 7 months. I have plane tickets, an attached Kaiser unpaid coronavirus test bill (they double billed me) and receipts for weed wacker and chainsaw parts purchase that prove otherwise. I was as timely as I could be, but had to delay departure for a medical procedure (Kaiser again, dated bill available on request). However, I agree my efforts over 2 weeks were inadequate, but I couldn't stay longer. I took a month off work (all that Pearl Harbor Naval Shipyard would allow) but was required by the state to spend 2 weeks of it in quarantine in Hawaii before returning to work. This is horribly inefficient and I hope changes soon. If it would help I can procure a letter from the shipyard specifying their limitations on my absence for national security reasons.
2. Escondido property inspection standards are vague, arbitrary and changeable. I and others in my situation (agricultural property) have known this for years. My place is not a dump unless some of my many neighbors are continuing to treat it so. When present, I pick up after them with no City help. I just have weeds. Frankly I'm frightened to discuss specifics with inspectors because it just gets worse. I know from visual inspection that public property (road rights of way, park verges) is often not held to the same standard and I could provide photos to prove it. Agricultural standards should not be the same as if my property were sold and subdivided into residences. I hope that's not your goal.
3. I see you've recently approved leniency for individuals who can't pay their rent due to covid. Aren't tax paying property owners owed a similar exemption in appropriate situations?
4. Much of the "dead vegetation" is because the city turned off my water. Yet I still pay $100 per month for no service. It's largely my own fault though. A neighbor complained his 15 foot vertical retaining wall, right at the property line (code enforcement?) seeps water whenever I irrigate. Since lately I haven't been present, I agreed to turning it off. There may be a slight leak which I will address, but I guarantee if I'm subdivided his experience will magnify a hundredfold. I'm sick about the dead trees and resent the high cost of no service.
5. I've been burglarized numerous times over the 25 years I lived and paid taxes in Escondido. Another occurred last fall and a neighbor led a cop to investigate. As far as I can tell, the only result may have been this weed abatement notice. I understand that's important, but maybe burglary prevention is more so. This reinforces my impression I get no return on my tax expenditures, only grief.
6. Finally, conditions are improving. For me to satisfy you long term, one of 2 things must happen. Either a vaccination quarantine exemption be given by Hawaii upon proper proof, or I retire to California and be present all day, every day, since remediation to your standards will require constant effort. My retirement is imminent, but I'd rather it be on my terms, not a regulator's. I'd want to be physically present even (or especially) if hired contractors did any work. I think you'd feel the same in my position. Basically I'm requesting a delay, not exemption, and will respond to any related questions you may have, remotely, in the interim. Thanks for your consideration,

Robin Stumbo

April 5, 2021

Sirs:

This is in response to your recent letters and fine notifications regarding my property at 400 James St., Escondido. I've begun dating my letters, starting with this, to make it easier to follow the flow of events. I've enclosed copies of all yours I possess. Please note my mailing address has changed again. The new address is at the end of this letter and on the mailing envelope. I'm fairly confident this is the last change before I retire and permanently return to the property in question, which I expect to occur this year.

You assessed a fine for failure to remove all vegetation you judge objectionable, plus a reinspection fee. I dispute your conclusion. Your letters also threaten unlimited fines until resolution. I cherish my home in Escondido and wish to do all I can to protect it. However, as you are aware, I work for the federal government at Pearl Harbor Naval Shipyard. I'm still working and count myself lucky for that since many are unemployed. The shipyard considers me essential for submarine repair and is thus unwilling to allow me unlimited leave for immediate return and resolution. I'm also currently under a covid lockdown order and travel restriction from 2 different governors (as are you, from one of them). Here are quotations.

Gov. Newsome, CA (for Southern California)

All individuals living in the state of California are currently ordered to stay home or at their place of residence, except for permitted work, local shopping or other permitted errands, or as otherwise authorized.

Mayor Caldwell, HI (for Oahu)

Since this is too lengthy to quote, please see enclosure

Despite these orders, due to your earlier threat of unlimited fines, last fall, at considerable expense, firing risk, health risk due to covid exposure during the flight and legal risk due to violating state orders, I travelled to Escondido and mitigated for as long as work would allow (1 week mitigation + 2 weeks subsequent quarantine, which is very inefficient) last November and early December. I was unable to complete mitigation because my employer mandated my return (not unreasonably, given my 3 week absence). I am committed to more mitigation, so find your letters and fines grossly inappropriate and unreasonable given the situation and lengths to which I've already gone to meet your demands. I want to live in neat surroundings and don't need your punitive measures to motivate me. It appears I'm being punished for doing the best I can at a very difficult time.

Apparently you now think I should return to Escondido immediately to continue gardening. Until California and Hawaii lift their lockdown orders, or I get vaccinated, that would be illegal. I assume you are not asking me to break the law. As for hiring someone local for mitigation, in addition to potential theft and property damage (since I'd be unable to supervise), the same California lockdown orders would apply to local hires in my absence, though I suspect the same company you retain to inspect would be happy to be hired for the purpose. In fact their inspections as they travel about Escondido may themselves violate the lockdown order. Any effort to travel by me could be even more inefficient, as I could potentially now be subject to two 2 week quarantines. Other organizations have curtailed actions as follows:

- Medical service except most vital
- Rent and mortgage collection
- Police service except most vital
- Trespass on public property (homeless squatting)
- Property crimes (except mine?)

Why is your punitive "service" more important?

I'll return as soon as I can (perhaps permanently), but in consideration of all the factors I list above, I request you cease and desist from assessing fines, since that is penalizing me for circumstances beyond my control in this current, unique situation. I'm in a geographic location outside the continental US. Interstate travel for me absolutely mandates air travel and subsequent quarantines and consequent legal ramifications and limitations. You should consider my efforts and circumstance and suspend further threats until my safe return. I'm shocked there seems no compassion for property owners such as myself, truly trying to be responsible and responsive. I hope when similar circumstances occur in your own life (and they have or will) you're treated better. I'm sending copies of all correspondence to the federal and California state justice department offices indicated below. My research indicates they've assumed the function of addressing covid harassment issues such as this. If we can't resolve matters between ourselves, they may. Sincerely,

Rob Stumbo

2205 Makanani Dr. #2

Honolulu, HI 96817

(760) 975-1185

January 15, 2021

Cc: US Department of Justice

Civil Rights Division

950 Pennsylvania Ave. NW

Washington, DC 20530

Cc: Attorney General's Office, California Dept. of Justice

Attn: Public Inquiry Unit

PO Box 944255

Sacramento, CA 94244

KAISER PERMANENTE®

Guide to understanding your bill

Depending upon the portion of cost collected at check-in and any additional services you received, you may receive another bill.
This sample professional bill explains some key terms and illustrates how services you received for medical care and your payments will be reflected.

	1 Service Date	2 Post Date	Location	Provider	Description	3 Billed to plan	4 Covered by plan	5 Your Share Paid by you	Your Share You owe
					DOE, JANE Q				
	03/31/18	03/14/08	SAMPLE CITY CLINIC	BROWN J	99212 OFFICE VISIT FOR LIMITED PROBLEM	$200.00	$130.00		$50.00
A					PATIENT PAYMENT (AT CHECK IN) (CREDIT CARD)			$20.00	
	03/31/18		SAMPLE CITY CLINIC	GREEN,M	80051 ELECTROLYTE PANEL LAB TEST	$65.00	$35.00		$30.00
	03/31/18		SAMPLE CITY CLINIC	GREEN,M	82565 BLOOD CREATININE LEVEL LAB TEST	$120.00	$70.00		$40.00
B		04/03/18			PATIENT PAYMENT (AT CHECK IN) (CHECK #111)			$10.00	
	03/31/18		SAMPLE CITY CLINIC	GREEN,M	84479 THYROID HARMONE UPTAKE LAB TEST	$60.00	-$30.00		$30.00
					PROFESSIONAL BILL TOTAL FOR DOE, JANE Q	$445.00	-$265.00	-$30.00	$150.00
					TOTAL	$445.00	-$265.00	-$30.00	$150.00

C

A **Office Visit:** In this example, Jane Doe visited Dr. Brown on March 31, 2018. Jane was charged $200 for the doctor's office visit, which included a medical exam.

Jane made a $20 payment when she checked in for her appointment, and it was posted to her account on the same day.

Since Jane is a Kaiser Permanente member, her insurance paid $130.00.

Jane still owes $50 ($200 - $130 - $20) for her visit.

B **Additional Charges**

That same day, Jane received three different lab tests with total charges of $245 ($65 + $120 + $60).

Her insurance paid $135 ($35 + $70 + $30). Additionally, a few days later, Kaiser Permanente posted the $10 payment Jane made at the lab. Jane is expected to pay a total of $100 ($30 + $40 + $30) for these tests.

C **Amount You Owe**

Adding up the remaining costs of the office visit and the lab tests, Jane's current bill is $150, due within 30 days of the bill date.

Key Terms and Definitions:

1. **Service Date:** The date you or a family member received medical services.
2. **Post Date:** The date Kaiser Permanente processed payments and adjustments related to services received.
3. **Billed to Plan:** The total cost for services received. These charges reflect the cost of Kaiser Permanente services before any consideration of insurance coverage.
4. **Covered by Plan:** The amount your insurance paid for the services provided to you, based on your plan benefits. Adjustments and discounts applied by Kaiser Permanente are also reflected here.
5. **Paid by You:** The amount you've paid to-date for services received.

Past Due (page 1): This reflects balances over 30 days old and not paid since your last bill.

Paid by You - Awaiting Charges (previous page, if applicable): This is the amount you have pre-paid for certain services that have not yet been charged or processed by Kaiser Permanente.

Bill Details (page 3): Includes all medical services and payments processed since your last bill, as well as previous medical services not yet paid in full.

KAISER PERMANENTE

ROBIN L STUMBO

Bill date: 02/19/2021

Account number: 218157742

Your professional medical bill

Details about your new charges and payments

Service date	Post date	Location	Provider	Description	Billed to plan	Covered by plan	Your share	
							Paid by you	You owe
				STUMBO, ROBIN L				
10/22/20		KP SAN DIEGO MEDICAL CEN*	OAKLEY, K	99442 - PHYSICIAN ASSESSMENT TELEPHONE CALL	$82.00	-$20.50		$61.50
								PAST DUE
10/30/20		CHINO HILLS REGIONAL LAB	MCLAREN, S	U0003 - INF AGT DET DNA/RNA;SARS-COV-2 COVID-19 AMP*	$199.00	-$49.75		$149.25
								PAST DUE
			PROFESSIONAL BILL TOTAL FOR STUMBO, ROBIN L		**$281.00**	**-$70.25**	**$0.00**	**$210.75**
				TOTAL	**$281.00**	**-$70.25***	**$0.00**	**$210.75**

* The total dollar amount in this column shows a discount we're giving you to help you with the cost of care, since you currently don't have insurance. It's part of our commitment to making health care more affordable for everyone. Your discount amount for this bill is $70.25.

99

Receipt No. 481863

ESCONDIDO
City of Choice

CITY OF ESCONDIDO
201 North Broadway • Escondido, California 92025

RECEIPT

Date 4/6/21

Received From Robin L. Strumbo

Address 2205 Makanin Dr. #2

Revenue Description	*(Required) Account	Fund	Dept	(Optional) Program	Project	Revenue Code	Collected Amount
Appeal - Public Nuisance w/o Notice	4271	001	000				40 00
						Total ▶	

PAID
APR -6 2021
DIRECTOR OF FINANCE

*Account & fund to be filled out if revenue is coded to a clearing (Abate) account; Department required if the account is an expenditure account.

Received By Jasmine Department City Clerk Phone No. x4614

1001 (4/02) WHITE - Finance PINK - Customer Copy YELLOW - Origination Department

CITY OF ESCONDIDO UTIL
201 N BROADWAY
ESCONDIDO, CA 920252709

04/06/2021 14:55:16

CREDIT CARD

MC SALE

Card #	XXXXXXXXXXX0669
SEQ #:	7
Batch #:	202
INVOICE	9
Approval Code:	63269B
Entry Method:	Manual
Mode:	Online
Avs Code:	YYY

SALE AMOUNT $40.00

CUSTOMER COPY

ATTACHMENT 5

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

Notice of Exemption

To: San Diego Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Highway, Room 260
San Diego, CA 92101
MS A-33

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

Project Title/Case No.: C20-4286 / Public Nuisance Appeal

Project Location - Specific: 235 S. Pine Street, APN 231-140-20-00.

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

Description of Project: An appeal of a notice and order to abate a public nuisance related to weeds and hazardous vegetation

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Robin L. Stumbo Telephone: N/A

Address: 400 James Street, Escondido CA 92025

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

Exempt Status: Categorical Exemption. CEQA Guidelines section 15321 (Enforcement Actions by Regulatory Agencies).

Reasons why project is exempt:

The proposed project involves the consideration of an appeal filed in protest of a notice and order to abate weeds and hazardous landscaping. Section 15321 provides an exemption for this enforcement actions by regulatory agencies, including public nuisance abatement orders and enforcement actions by the Code Enforcement Division.

Lead Agency Contact Person: Mike Strong, Director Area Code/Telephone/Extension (760) 839-4556

Signature: _____ _____
Mike Strong, Director of Community Development Date

☒ Signed by Lead Agency Date received for filing at OPR: N/A

ATTACHMENT 6

Planning Commission
Hearing Date: April 27, 2021

Effective Date: May 10, 2021

PLANNING COMMISSION RESOLUTION NO. 2021-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, DENYING THE APPEAL AND UPHOLDING THE BUILDING OFFICIAL'S DECISION, WITH MODIFICATION OF SUCH DECISION TO ALLOW AN EXTENSION OF TIME TO ABATE THE HAZARDOUS VEGETATION.

APPLICANT: Robin L. Stumbo

WHEREAS, James R. Stumbo ("Appellant") owns the property located at 400 James Street in the City of Escondido (hereinafter, the "Property"); and

WHEREAS, the City is authorized to investigate allegations of violations of the Escondido Municipal Code; and

WHEREAS, on August 12, 2020, the City received an allegation of a violation of the Escondido Municipal Code on the Property; and

WHEREAS, the City investigated said allegations and identified weeds and hazardous vegetation on the Property, a violation of the Escondido Municipal Code; and

WHEREAS, on March 24, 2021, a final Notice and Order was issued to the Appellant, the recorded owner of the aforementioned Property; and

WHEREAS, the City extended the appeal period on the Notice and Order to 15 days; and

WHEREAS, on April 6, 2021, Appellant submitted a Notice of Appeal Application ("Application") to the City Clerk's Office along with the appropriate filing fee; and

WHEREAS, pursuant to CEQA and the CEQA Guidelines (Title 14 of California Code of Regulations, Section 15000 et. seq.), the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project; and

WHEREAS, the Planning Division studied the notice(s), the appeal, performed necessary investigations, prepared a written report, and hereby recommends denial of the appeal with the modification to allow an extension to abate the hazardous vegetation; and

WHEREAS, on April 27, 2021, the Planning Commission conducted a meeting, at which time the Planning Commission received and considered the reports and recommendation of the Community Development Department and gave all persons full opportunity to be heard and to present evidence and testimony regarding the appeal. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

a. Written information including case summaries, notices, correspondence, and other material, submitted by the Appellant;
b. Oral testimony from City staff, interested parties, and the public;

c. The staff report, dated April 27, 2021, with its attachments as well as City staff's recommendation on the appeal, which is incorporated herein as though fully set forth herein; and

d. Additional information submitted during the April 27, 2021 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Escondido that:

1. The above recitations are true and correct.

2. The Planning Commission, in its independent judgment, has determined the Project to be exempt from environmental review pursuant to CEQA Guidelines section 15321 (Enforcement Actions by Regulatory Agencies). This category includes public nuisance abatement orders and enforcement actions by the Code Enforcement Division.

3. It is within the interest of the Planning Commission to provide a uniform and consistent procedure for the abatement of property related public nuisances.

4. The ordinances related to "Weed Abatement and Rubbish Abatement" (Division 2 of Chapter 11 of the EMC) and "Property Maintenance" (Article 20 of Chapter 6 of the EMC) constitute proper exercises of the City's police power, and all therein designate the responsibility of the owners of real property in the City of Escondido in the elimination of the public nuisance created by weeds, rubbish, and refuse on or about their property, including the subject Property.

5. The object of the "Weed Abatement and Rubbish Abatement Ordinance" and the "Property Maintenance Ordinance" is one which was properly invoked during the course of the investigation(s) on the subject Property; and the City, through a series of

steps (that have been well documented in the April 27, 2021 Agenda Report, which is incorporated herein by this reference as though fully set forth herein) has adequately determined the actions and corrective measures that are necessary to protect public health, safety, and general welfare.

6. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and on its behalf, the Planning Commission hereby denies the appeal with the modification that the order is extended to abate hazardous vegetation on the Property within 10 days of April 27, 2021. If the nuisance is not removed within the required time, the nuisance may be abated by the City of Escondido or a contractor hired by the City to remove the nuisance. The property owner will be billed for the cost of such abatement plus administrative fees. In addition, the property owner or other responsible party may be issued a citation and/or billed for the City's enforcement costs.

PASSED, ADOPTED, AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 27th day of April, 2021, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

_____
STAN WEILER, Chair
Escondido Planning Commission

ATTEST:

_____
MIKE STRONG, Secretary of the
Escondido Planning Commission

I hereby certify that the foregoing Resolution was passed at the time and by the vote above stated.

_____
JOANNE TASHER, Minutes Clerk
Escondido Planning Commission

Decision may be appealed to City Council
pursuant to Zoning Code Section 33-1303

ESCONDIDO
City of Choice

PLANNING COMMISSION

Agenda Item No.: I.2
Date: April 27, 2021

PROJECT NUMBER / NAME: HOUSING AND COMMUNITY INVESTMENT STUDY (HCIS)

REQUEST: Receive and file the informational report and status update

LOCATION: CityWide

APN / APNS: N/A

GENERAL PLAN / ZONING: N/A

APPLICANT: Community Development Department

PRIMARY REPRESENTATIVE: Mike Strong, Director of Community Development

DISCRETIONARY ACTIONS REQUESTED: N/A

PREVIOUS ACTIONS: Previous informational presentations to the Planning Commission as described in the staff report.

PROJECT PLANNER: Mike Strong, Director of Community Development

CEQA RECOMMENDATION: Approve the Categorical Exemption

STAFF RECOMMENDATION: Receive and file

REQUESTED ACTION: None

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

REPORT APPROVALS:

☒ Mike Strong, Community Development Director
☐ Adam Finestone, City Planner

A. BACKGROUND:

The City of Escondido ("City") was awarded grant funding to develop three different housing plans/studies: 1) a Housing Element Update, 2) a Sector Feasibility Study, and 3) a specific plan for the East Valley Target Area. These three housing studies and plans will be linked together, through a common work program theme, called the Housing Community and Investment Study ("HCIS"). The HCIS is a coordination of related studies intended to identify a comprehensive vision for maintaining, preserving, and developing housing to address Escondido's quality of life needs. The HCIS includes the following components.

- **Housing Element Update.** The Housing Element portion of the General Plan identifies housing needs and establishes clear goals and objectives to inform future housing decisions, including how best to accommodate population growth.
- **Sector Feasibility Study.** The Sector Feasibility Study explores all the direct and indirect costs associated with new construction to better understand market conditions and patterns of housing and community development policy.
- **The East Valley Specific Plan.** The East Valley Specific Plan will be a comprehensive planning and zoning document to streamline housing opportunities for a defined geographic area of the City, located just east of the former, downtown hospital site.

Background Project material is provided on the City's project website at https://www.escondido.org/hcis.aspx.

B. SUMMARY OF REQUEST:

Review and file the informational report and status update.

C. SUPPLEMENTAL DETAILS OF REQUEST:

At its March 23, 2021, meeting, the Planning Commission received a general overview presentation about the HCIS and was informed about the release of the Draft 2021-2029 Housing Element and Draft East Valley Specific Plan. Since this was an introductory session, the Commission did not walk through the details of the work program or learn much about the content of the draft plans. Rather, individual Planning Commission members provided some initial reactions. Some Commissioners also expressed interest in scheduling a series of meetings to cover certain issues in more detail before taking possible future discretionary action. The purpose of this discussion item is to establish a process to follow up on the request to bring back certain issues and facilitate Planning Commission review in advance of a formal public hearing process.

Pursuant to the overall work program schedule, the Planning Commission will be asked to take action on the HCIS in the late summer of 2021. During the course of the HCIS work program it is anticipated that the Planning Commission would continue to receive regular status updates. The Planning Commission received the second presentation on April 13, 2021. An overview of the remaining project milestones and study session schedule is provided below. The "review meetings" schedule is reflected below, in Table 1.

Table 1: HCIS Planning Commission Review Schedule

Meeting No.	Topic Or Discussion Item Covered	Milestone or Target Date
1	General overview about the process	March 23, 2021
2	RHNA Overview	April 13, 2021
3	Draft 2021-2029 Housing Element Goals, Policies, and Programs Review	April 27, 2021
4	Sector Feasibility Study Overview	May 2021
	Draft East Valley Specific Plan Overview	June 2021
5	Draft EIR Overview	Summer 2020
---	Planning Commission public hearing and recommendation to City Council.	*TBD*

D. PROJECT ANALYSIS:

The April 27, 2021 Planning Commission meeting consists of a review of the draft Housing Element goals, policies, and programs. The April 27, 2021 PowerPoint presentation will be used to facilitate the discussion of this item.

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a Housing Element. The Housing Element is the only part of a local general plan that is subject to substantial oversight by the State of California. The State's interest in local housing elements has been justified by the fact that housing is enshrined in state law as a matter of statewide importance. Housing Element Law [Government Code sections 65580 - 65589.8], passed in its original form in 1969, requires that all cities and counties in California plan for their residential needs by including housing as an element of their comprehensive plans. The State has an investment in this because housing is a basic human need. When a Housing Element is revised, the update process provides a vehicle for establishing land use strategies reflective of changing needs, resources, and conditions. Element updates can also be used by the community to re-examine how housing programs or services are delivered to the community. The State's purpose in mandating a Housing Element per Government Code section 65581, and its update every eight years, is to ensure that each local agency has a strategy for how they will contribute to the overall state housing goal. This portion of the law asks cities to plan for the needs of a wider region, not just those of current city residents. However, having an updated plan is also extremely important for local cities and counties. Overall, Housing Elements serve as a strategy to help cities prepare for the future. One of the most significant requirements is often called a "fair-share" law, with the term generally referring to a regional process by which each local community works together to accommodate a fair proportion of future housing needs. Regional councils of governments, such as the San Diego

Association of Governments ("SANDAG"), work from the State's estimates of regional housing needs and assign housing goals, or allocation, to each city and unincorporated county area in their region. The Regional Housing Need Allocation ("RHNA") is a state-mandated process, implemented by SANDAG, which identifies the total number of housing units that each jurisdiction must accommodate in a Housing Element.

About the Housing Element:

The Housing Element is not an isolated policy plan - it is directed by the policy framework of the General Plan and attempts to balance needs and values of a community while accomplishing the goals of Housing Element legislation. By law, a Housing Element must be updated on a regular basis to facilitate the improvement and development of housing. The element must also be reviewed and certified by the State Department of Housing and Community Development ("HCD"). Other elements of a General Plan do not have state mandated deadlines for updates. However, planning is a continuous process; a General Plan should be reviewed regularly and revised as new information becomes available and as community needs and values change. Housing Elements are developed to identify and analyze a city's housing needs, establish reasonable goals, objectives, and policies based on those needs, and set forth a comprehensive list of actions to achieve the identified goals and objectives.

The content and process by which a Housing Element is prepared is prescribed in Government Code section 65583. Under state Housing Element law, the Housing Element must include a discussion of the current and future needs of the community, including the allocated amount from the region's future housing need. This can be broken down into six housing-related categories, which are summarized below.

1. *Adequate Sites Inventory [Government Code sections 65583(a)(3) & 65583(c)(1)]*

   A local agency must identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services/facilities to accommodate the city's share of regional housing need for each income level. Government Code section 65583.2(c) establishes the minimum densities needed to potentially provide housing units for low- and very-low-income households (i.e., 20 units per acre density in rural/suburban areas and 30 units per acre in regional metropolitan areas).

2. *Affordable Housing [Government Code sections 65583(a)(7) & 65583(c)(2)]*

   A local agency must show how it intends to assist in the development of adequate housing to meet the needs of extremely low, very low, low, and moderate-income households.

3. *Mitigation of Constraints [Government Code sections 65583(a)(5) & 65583(c)(3)]*

A local agency must address, and where appropriate and legally possible remove governmental constraints to, the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities.

4. *Conservation [Government Code section 65583(c)(4)]*

A local agency must conserve and improve the condition of the existing affordable housing stock.

5. *Equal Housing Opportunities [Government Code section 65583(c)(5)]*

A local agency must promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, family status, or disability.

6. *At-Risk Housing [Government Code section 65583(a)(9)]*

A local agency must preserve for lower income households the assisted housing developments that are at risk of becoming homeless.

<u>The Process to Update Housing Element:</u>

The process to update a Housing Element begins with the State Department of Finance ("DOF") allocating a region's share of the statewide housing need to SANDAG based on population projections and regional population forecasts used in preparing regional transportation plans. This is called the RHNA determination. In turn, SANDAG works among the membership agencies to identify the total number of housing units that each jurisdiction must accommodate. (This is called the RHNA Plan, which is the methodology to distribute this need to local agencies.). Each local agency must then create land use plans that accommodate the minimum amounts of housing unit goals/allocations. The Planning Commission received a presentation on this process at its April 13, 2021, meeting.

Even though future housing needs and the "fair-share" law is a major component to the Housing Element update process, there is much more to it. In general, a housing element must at least include the following components:

1. Existing Needs and Projected Needs Analysis. Existing needs are the number of households overpaying for housing, living in overcrowded conditions, or

special housing needs (such as the elderly or homeless), etc. Projected needs analysis looks at the City's share of regional housing needs established in the RHNA Plan prepared by SANDAG. Pursuant to Government Code section 65583, all cities must accommodate their RHNA allocations in their Housing Elements by adopting land use plans that accommodate the minimum amounts of housing unit goals and RHNA allocations.

2. A Sites Inventory and Analysis. A sites inventory is a detailed land analysis of available sites including specific properties, parcel size and existing conditions, availability of infrastructure, and an evaluation of suitability and potential development capacity that can be used in addressing the RHNA Allocation and/or population growth. A jurisdiction must have enough land zoned at appropriate densities to ensure it can accommodate all of the units in its allocation. Cities can do this by identifying vacant land, but can also identify occupied sites that are underperforming or are underbuilt.

3. Analysis of Constraints. This includes an evaluation of land use controls, fees and exactions, permits and processing procedures, and related impacts on housing development.

4. Housing Programs. This addresses various programs to, among other things, accommodate the localities share of RHNA, remove or mitigate governmental constraints, conserve or improve housing stock, promote fair and equal housing. This also includes a description of what has been learned based on the analysis of progress and effectiveness of the previous element.

5. Quantified Objectives. Objectives estimate the number of units by income level to be constructed, rehabilitated, and conserved over a planning period.

The City's current Housing Element is broken down into three main sections: 1) Introduction, 2) Existing Conditions and Analysis of Needs, and 3) Goals and Policies. The purpose of the "Introduction" section is to set the format and organization of the Housing Element. The draft Housing Element includes a purpose statement and an overview of the public participation and engagement. Much of the existing text is outdated and requires an update to reflect current data and/or circumstances. The "Existing Conditions and Analysis of Needs" section assesses the factors that affect future housing such as population projections, employment market, household characteristics, and special needs groups, just to name a few. The draft Housing Element also lists potential constraints to housing, such as market constraints (e.g., economic factors, land and construction costs, financing availability); governmental constraints (e.g., land use controls, permit fees); and environmental constraints (seismic safety, flooding, storm water management, school and education, fire and emergency services). This section requires a significant re-write mainly because the socio-economic factors and related challenges impacting housing today are very different from the factors and challenges experienced during the prior planning period. Upon

review of the data and information used to develop this section, virtually all of the text is outdated and the section needed to be completely re-written. The "Goals and Policies" section covers the policy framework and the actions that the City intends to implement to address a number of important housing-related issues. This section sets the direction for how the City proposes to address its current and future housing needs, as well as many other housing related issues. Many of the 2012 goals and policies are still relevant today, so the text changes proposed to this section are minimal and are largely intended to reflect changes in state law/circumstances and new program requirements to implement during the 2021-2029 planning period. These programs are being proposed to show how the City intends to implement the established goals and policies over the planning period.

Penalties for Non-Compliance:

The intent of state law is to set forth principles to guide and facilitate the improvement and development of housing to improve regional mobility and job housing balance that reduce greenhouse gas emissions. When a local government fails to adopt an updated Housing Element by the deadline, or adopts an element that does not comply with the law, the city or county is regarded as noncompliant and is subject to penalties. These penalties include:

1. Legal action – the City may be sued if its Housing Element is not compliant with state law. If such a lawsuit is successful (i.e., the Housing Element does not substantially comply with state law), the Court may order mandatory compliance within 120 days; suspend the City's authority to issue building permits or grant zoning changes, variances, or subdivision map approvals; and/or intervene directly in the process by approving housing projects. If a City loses or settles a lawsuit, the City may also be forced to pay substantial attorney's fees to the prevailing party in addition to its own costs and fees.

2. Financing impacts – noncompliant communities are also ineligible for certain affordable housing programs administered by HCD. Also, a jurisdiction may not qualify for many grants available through SANDAG or other state programs that require good standing with HCD.

3. Carryover provision – state law mandates that previously identified housing needs not accommodated by a jurisdiction in one planning period be carried over to the next planning cycle.

4. More Frequent Update Cycles - State law requires regular updates to the Housing Element to ensure relevancy and accuracy. These updates are required every eight years. The time from one update to the next is called a housing cycle. All San Diego jurisdictions are in the fifth housing cycle that began in 2013 and will end in 2021. The upcoming sixth Housing Element cycle

> will cover the next eight-year planning period (2021-2029). To comply with state law, the City Council needs to adopt an updated element by August 15, 2021. Following adoption, and as a final step, the updated element will require state review and certification. If Escondido does not meet this deadline, the City would need to prepare a new Housing Element in just four years and could face fines and penalties until it approves the update. In addition, without an approved housing plan, the risk of housing-related lawsuits and challenges to the city's entire General Plan increase.

Having an approved Housing Element avoids these significant problems, helps maintain local control over land use decisions, and makes Escondido eligible for state grants to help fund infrastructure improvements. As the city's Housing Element is required to be regularly revised pursuant to a statutory schedule, the update process will provide housing and land use strategies that closely reflect changing local needs, resources, and conditions. For example, the Housing Element update can provide a mechanism to adopt new efficient land-use strategies such as infill, mixed-use, or revitalization; or address climate change and the reduction of greenhouse gas emissions. Therefore, the Housing Element Update process will most likely result in changes to the Land Use and Circulation Elements, as well as new implementing ordinances. Altogether, this planning process will ultimately address how (and if) the city can accommodate growth and mobility demands while enhancing the city's community character and quality of life.

E. FISCAL ANALYSIS:

The action before the Planning Commission is an overview of the next steps toward developing HCIS work program in order for the HCIS to be considered by both the Planning Commission and City Council for action in late summer 2021. There is no fiscal impact associated with this overview. The cost associated with the preparation of the report is included within the Community Development Department budget.

HCD has supported the HCIS planning effort by awarding the City $310,000 through an SB 2 Planning Grant; and $500,000 through a Local Early Action Planning ("LEAP") Grant Program. Preparing the draft Housing Element, Sector Feasibility Study, and East Valley Specific Plan and facilitating additional public outreach of the HCIS will be covered by the existing Community Development Department budget, which was recently augmented to account for planning grant awards.

F. ENVIRONMENTAL STATUS:

The City must prepare an environmental document prior to adopting the Housing Element Update and the East Valley Specific Plan portions of the HCIS. The City, as the lead agency, is preparing a Program-level Environmental Impact Report ("Program EIR") pursuant to CEQA Guidelines section 15168. A Program EIR examines the environmental impacts of an overall area that contain a series of subsequent, related actions that can be characterized as one large project

("Project"). This type of EIR focuses on the changes in the environment that would result from implementation of the overall Project, including development of land uses and transportation systems identified in the Project, as well as other infrastructure required to serve the Project.

The HCIS EIR will serve as the environmental review document for subsequent activities in the Project. This means that the HCIS would include comprehensive and thorough analysis and mitigation to help accelerate future housing production and assist developers by streamlining the environmental review and permitting process for individual housing projects or mixed use projects. Consistent with CEQA Guidelines section 15168(c), the City will review subsequent activities to determine whether a subsequent activity is within the scope of the Project covered by the Program EIR or whether an additional environmental document must be prepared.

The City, as the lead agency, has prepared a Notice of Preparation ("NOP") and circulated it to public agencies and interested parties (including the general public) on February 11, 2021, (SCH No. 2021020263) for the Project. The NOP provided an introduction to the Project. Comments on the scope of the Environmental Impact Report were requested by March 12, 2021, consistent with the requirements of the CEQA Guidelines. Comments received on the NOP will be included in the Draft EIR.

This agenda item specifically engages the Planning Commission in the planning process to learn more about the Project as part of a series of informational presentations and status report updates. General discussion pertaining to the HCIS does not have a legally binding effect on any possible future discretionary action. Public input received and technical information prepared during the process will be utilized in preparing the EIR to analyze the possible effects of the HCIS. The proposed approach to conducting the process for preparing the HCIS, including the Housing Element Update and East Valley Specific Plan portions of the work program, considers environmental factors, such as climate change and coordinated planning of land use, transportation, and housing, pursuant to Government Code section 65080.

G. PUBLIC INPUT:

The City is undertaking this public involvement process to help engage residents, businesses, and other community members in the development of three different housing studies and plans. On June 10, 2020, the City Council considered and endorsed a Public Participation Plan ("Outreach Plan") and associated timeline to involve the community. Among other things, the proposed work plan and schedule proposes a series of meetings with the Planning Commission to discuss different aspects and components related to the HCIS. The Outreach Plan can be accessed through the link provided below:

https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/EastValleySpecificPlan2020/HCISPPPJune102020.pdf.

The City has also developed a periodic review page that can be accessed online at the link below to help the public access key documents. Informational reports and data generated during the review will be available for the public to view online:

https://www.escondido.org/hcis.aspx.

H. CONCLUSION AND RECOMMENDATION:

Receive report and file.

ATTACHMENTS:

1. Public Comments

ATTACHMENT 1

From: Laura Hunter
To: Joe M. Garcia; Consuelo Martinez; Mike Strong; Joanne Tasher
Cc: Jeffrey Epp
Subject: [EXT] Sierra Club NCG comments on two Housing Element topics for consideration
Date: Monday, April 19, 2021 4:36:54 PM
Attachments: 19APR2021_NCG_to AdHocHousing_PC_HousingElementReview.pdf

---

Dear Housing Ad-Hoc Committee Councilmembers Garcia and Martinez and Planning Commissioners,
Please find attached the first in a series of comment letters related to the Housing Element and related issues that we would like to provide for your consideration.
We request an opportunity to meet with each of you about these important topics.
Please contact me if you are willing to have a zoom meeting to discuss this. I can be reached at laurahunter744@gmail.com or 619-997-9983
Thank you for your consideration,
Laura Hunter, Chair
Sierra Club NCG Conservation Committee

Written Communications
04/27/21 PC Meeting
Agenda Item No.: I.2

North County Group
Sierra Club San Diego
P.O. Box 2141
Escondido, CA 92033

April 19, 2021

Ad-Hoc Council Housing Subcommittee
Planning Commission
City of Escondido
Via Email

RE: NCG recommendations for Draft 2021 Escondido Housing Element

Dear Councilmembers Garcia and Martinez and Commissioners:

Sierra Club North County Group (NCG) appreciates the creation of the Ad-Hoc City Council Housing Committee and the interest of the Planning Commission to take a deeper review of housing issues in Escondido and the Draft Housing Element. NCG has previously submitted extensive comments in the planning stages on both the proposed Housing Element and the East Valley Specific Plan Update and a letter late last month when the new draft was discussed. We intend to submit additional comments on a variety of topics related to the Housing Element.

Now that there is time to focus on some key changes that should be made to the draft and strategies of the city. We would like to focus in this first letter on two important actions in this letter. To summarize, we support the following actions:

a. Adopt an inclusionary housing ordinance or other requirement which will result in a requirement to construct 10-20% affordable units with market rate housing like many other cities require;
b. Policy to prohibit housing be built within 500 feet of a freeway. Housing within 1,000 feet should be required to include mitigation measures outlined in the CARB Technical Advisory.

Rationale

There are a couple realities that should be acknowledged so that strategies can be based on resolving these challenges.

1. **Escondido has not produced adequate affordable housing with its 'voluntary, developer-driven' approach. We need an affordable housing requirement.**

While the city may have **designated** adequate land for very-low and low income housing, what matters is the **production** of it. This failure of actual production of affordable and workforce housing is why we have a significant housing problem in Escondido.

The practice of designation alone or market-driven voluntary strategy has not worked and must be strengthened.

The example of Palomar Heights demonstrates the failure of our current system. A site zoned for over 1,300 units, perfectly located on a transportation corridor, perfect for density, was built far under-density and with no guaranteed (deed-restricted) affordable housing.[1] If there had been even a very modest 10% requirement for affordable units in a project built to the density it was planned, the current total would have yielded 135 additional affordable units. Another example is from the April 14, 2021 Planning Commission meeting where a housing development for 120 market-rate rentals in an area zoned for 230 was approved. No deed-restricted affordable and barely 50% of the planned density for an area on a major transportation corridor.

Another issue that would be improved by requiring a percentage of housing to be affordable would be more inclusion and economic integration of residents. Without it, we are concerned that economic separation of affordable units and market rate units will continue.

Inclusionary housing policies are a critically important means to increase actually built affordable units in an economically inclusive manner.

A good working definition of inclusionary zoning is,

> Local requirement[s] and/or incentive[s] for developers to create below-market rental apartments or for-sale homes in connection with the local zoning approval of a proposed market-rate development project. Often accompanied by 'density bonus' to offset the cost of providing the below market-rate units.[2]

Inclusionary housing is used in hundreds of communities across the country to create units that are affordable to lower-income households in new market-rate residential developments. More than 170 cities and counties in California[3] and 900 country-wide[4], have inclusionary-housing policies to help address affordable-housing needs while advancing equitable-development goals.[5]

The Local Government Commission lists some benefits of an Inclusionary Ordinance,

A well-designed ordinance can generate numerous benefits for communities seeking to increase housing affordability and develop diverse, inclusive neighborhoods. These include:

- *More choices for lower-income households about where to live.*

[1] The senior units should not be qualified as affordable units. They are not deed-restricted and, merely by the fact they are designated for 'seniors', does not mean they will be affordable. While many seniors live on very limited means, many others do not.
[2] Draft National Sierra Club Guidance Document for Smart Growth and Urban Infill
[3] Local Government Commission, Meeting California's Housing Needs: Best Practices for Inclusionary Housing Website https://www.lgc.org/advancing-inclusionary-housing-policy/
[4] Draft National Sierra Club Guidance Document for Smart Growth and Urban Infill
[5] [5]Local Government Commission, Meeting California's Housing Needs: Best Practices for Inclusionary Housing Website https://www.lgc.org/advancing-inclusionary-housing-policy/

- *Reduced opposition to affordable housing by producing affordable units within communities as they develop, not after.*

- *Support for compact infill development, reduced sprawl and achievement of local Regional Housing Needs Assessment (RHNA) targets for all income levels.*

- *Reduced vehicle miles traveled (VMT) and greenhouse gas emissions by providing people at all income levels more opportunities to live closer to work and in transit-rich areas.*

- *Ensuring that the entire community benefits from a growing economy. Public and private investments help create economic growth that raises property values. Inclusionary housing helps capture some of the value created by these investments to ensure that the benefits do not accrue solely to property owners and helps buffer against displacement pressures by ensuring that lower-income residents can remain in the community.*

- *Reduced segregation and concentration of poverty.* [6]

Several cities in the County, including San Marcos, already have inclusionary ordinances. The County is developing one now. While Escondido has encouraged affordable housing on a voluntary basis, the voluntary, market-drive strategy has not met the need.

Further, the last two projects that have come before the Planning Commission have not proposed any affordable housing in spite of the fact that, at least one location, was designated as a RHNA location suitable for affordable housing. To understand the reason for this, we can just look to the March 23, 2021 meeting of the Planning Commission. A 60-unit infill project was proposed for South Escondido. A Commissioner asked why it didn't include any affordable housing (e.g. all market-rate), the answer was that 'it wasn't required.' This is exactly the problem. It would be nice if the voluntary effort worked, but it doesn't.

We need an affordable housing development **requirement**, such as an inclusionary ordinance or other such measure to effectively address this issue.

2. Location of housing within 500 feet of a freeway is known to be hazardous to human health and should be avoided.

Development locations within 500 feet of a major freeway or heavily trafficked road are hazardous for human health and should not be used to house vulnerable residents. The California Air Resources Board (CARB) did a Land Use Guidance document in 2005 and its guidance is clear,

> *Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day.* [7]

[6]Meeting California's Housing Needs: Best Practices for Inclusionary Housing https://www.lgc.org/wordpress/wp-content/uploads/2018/11/inclusionary-factsheet_v2.pdf

[7]AIR QUALITY AND LAND USE HANDBOOK: A COMMUNITY HEALTH PERSPECTIVE, April, 2005 https://ww3.arb.ca.gov/ch/handbook.pdf, page 4

While not a regulation, this guidance is heavily based on extensive science that underpins the recommendation and should be adopted as part of good planning. In fact, the hazard area is 1,000 feet from a freeway, which would be a more healthful buffer to adopt.

Then, in 2017, a CalEPA and CARB Technical Advisory was issued which cited evidence that the risks were actually higher than the 2005 report found. It states,

> *In spite of past successes and ongoing efforts to improve near roadway air quality in California, exposure to traffic pollution is still a concern because pollution concentrations and exposure levels near high-volume roadways continue to indicate that there is a lingering public health concern. In addition, the Office of Environmental Health Hazard Assessment (OEHHA) recently revised its methodology for risk assessment in order to estimate more accurately the health impacts of exposure.* ***This reanalysis has resulted in a revision of cancer risks from exposure to toxic air contaminants, including those emitted by transportation-related sources, to significantly higher levels***… (emphasis added)
>
> *These recent studies highlight the importance of protecting at-risk populations/communities from traffic emissions and indicate that exposure reduction strategies may be needed to protect* ***people that live and spend time in environments that are more than 500 feet from high volume roadways****.*[8] (emphasis added)

Further, they found that the air quality concerns will persist even with changes to regulations and technology.[9]

The Advisory does discuss the kind of development and measures that may be appropriate for these locations.

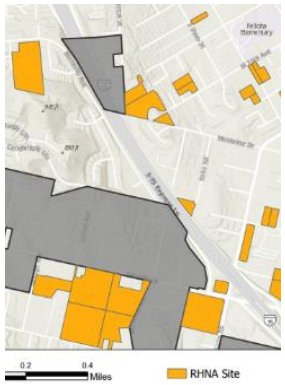
> *. … In fact, planners and developers may want to consider siting non-sensitive uses and developments that will be primarily used and occupied during the daytime—such as commercial uses and offices. … commercial and office buildings are often equipped with indoor filtration systems that can remove particulates from the air inhaled by building occupants, and these buildings are more likely to have permanently closed or sealed windows. This means that, when these buildings are sited close to roads, people that spend time in them are less likely to breathe harmful pollutants and experience negative health impacts.*[10]

[8] Technical Advisory, Strategies to Reduce Air Pollution Exposure Near High-Volume Roadways https://ww3.arb.ca.gov/ch/rd_technical_advisory_final.pdf, page 14

[9] Ibid

[10] Ibid

As you can see from these excerpts of housing locations in both the North and South City land use designations for RHNA site show a significant number of areas that are within the 500-foot buffer that the Air Resources Board states in its Land Use Guidance document is unhealthful. RNHA sites should be selected to respect ARB guidance on air quality buffers from freeways.



In closing, these are two areas that could use significant improvement in the draft 2021 Housing Element. We request that the Ad-Hoc and Planning Commission investigate and recommend the following actions.

NCG Recommendations for addressing healthful and affordable housing.

To address the issues discussed above, we request the draft Housing Element be revised to include the following:

a. Adopt an inclusionary housing ordinance or other requirement which will result in a requirement to construct 10-20% affordable units with market rate housing like many other cities require;
b. Policy to prohibit housing be built within 500 feet of a freeway. Housing within 1,000 feet should be required to include mitigation measures outlined in the CARB Technical Advisory.

In the future, we plan to provide additional comments and information on land value recapture policies, protection policies for renters, design and implementation of Eco-Planning Districts including urban greening, minimum densities, the danger of locating any housing in very-high fire risk zones, and other housing related policies.

Please contact us at conservation@sierraclubncg.org with any questions or for more information.

Sincerely,

Laura Hunter

Laura Hunter, Chair
NCG Conservation Committee

cc. City Manager

ESCONDIDO
City of Choice

PLANNING COMMISSION

Agenda Item No.: I.3
Date: April 27, 2021

PROJECT NUMBER / NAME: Commission Annual Work Plan

REQUEST: Prepare the Commission's Annual Work Plan

LOCATION: N/A

APN / APNS: N/A

GENERAL PLAN / ZONING: N/A

APPLICANT: Community Development Department

PRIMARY REPRESENTATIVE: Mike Strong, Director of Community Development

DISCRETIONARY ACTIONS REQUESTED: N/A

PREVIOUS ACTIONS: The Planning Commission initiated the preparation of the Work Plan at its meeting on April 13, 2021.

PROJECT PLANNER: Mike Strong, Director of Community Development

CEQA RECOMMENDATION: Not a project under CEQA, pursuant to CEQA Guidelines section 15378(b)(5).

STAFF RECOMMENDATION: Prepare the Commission's Annual Work Plan

REQUESTED ACTION: Provide direction to staff

CITY COUNCIL HEARING REQUIRED: ☐ YES ☒ NO

REPORT APPROVALS:

☒ Mike Strong, Community Development Director
☐ Adam Finestone, City Planner

A. BACKGROUND:

At its April 13, 2021 meeting, the Planning Commission briefly discussed the manner in which items could be placed on future Planning Commission Agendas and directed staff to initiate the preparation of a Commission Annual Work Plan.

B. SUMMARY OF REQUEST:

The primary purpose of the April 27, 2021 meeting is for the Planning Commission to conduct a kick-off discussion on existing work programs or known City Council priorities and to consider any major future agenda topics that might result in new work program ideas. The Planning Commission's annual report and work plan would become the manner in which the Planning Commission would comprehensively provide some direction to staff and establish some dialogue with the City Council about various work programs that could help implement the General Plan and Specific Plans, or improvement-related initiatives. As of this writing, it is anticipated that the Planning Commission would finalize the ideas and prioritize the work programs with specific metrics, priorities, and timelines at a future meeting. The Planning Commission would need to adopt its annual report and work plan to establish clear expectations on timeline, interim milestones, budget resources, and specific deliverables.

The City Council would ultimately be responsible for approving a work plan and may consider the Commission's annual report in carrying out its decision-making, implementing policy directives, or finalizing funding strategies for subsequent fiscal years. The Commission Annual Work Plan provides an opportunity for the City Council to evaluate and ensure continuous improvement to the City's land use and regulatory framework. It is important to note that an annual report and work plan would likely be revised each year or on a rolling two-year basis to ensure the proposed actions are contemporary and respond to changing circumstances.

C. SUPPLEMENTAL DETAILS OF REQUEST:

The Escondido Planning Commission was established pursuant to Escondido Municipal Code section 20-1. The Planning Commission serves in an advisory capacity to the City Council on land use policy planning matters, which guide the future development of the City. The Planning Commission has final approval authority on certain cases and recommends action to the City Council on others. Among other responsibilities, the Planning Commission assists the City Council in the formulation of policies and ordinances that implement the General Plan, such as amendments to the Zoning Code, the adoption of new code sections, and changes to the existing zoning text and maps.

The scope of the Commission's powers and duties are determined by the City Council, the Escondido Municipal Code, and state law (particularly the Planning and Zoning Laws in the Government Code). All matters of parliamentary procedure not specifically governed by the Planning Commission By-Laws (per Planning Commission Resolution No. 2018-01) or otherwise required by law are governed by the current edition of Robert's Rules of Order.

D. ANALYSIS:

At its April 13, 2021 meeting, the Planning Commission briefly discussed the manner in which to initiate the preparation of the Commission Annual Work Plan. The discussion resulted in a request for Commissioners to send preliminary recommendations to City staff and the City Attorney's Office representative, and those communications would be included within the April 27, 2021 agenda packet. Comments received from individual Planning Commissioners are provided in Attachment 1. Existing work programs or known City Council priorities that relate to the Community Development Department are provided in Attachment 2.

The April 27, 2021 Planning Commission meeting consists of Commissioner discussion and direction. The April 27, 2021 Agenda Report and PowerPoint presentation will be used to facilitate the discussion of this item.

E. FISCAL ANALYSIS:

There are no direct fiscal impacts associated with this item. Future funding needed to support the preparation of a work plan involves minor staff support and can be incorporated into the existing Community Development Department budget. Implementation of a work plan, if created, may require resources to accomplish the plan. Those resources will be identified and considered during future budget preparations. The Planning Commission understands that staff resources are limited, which may necessitate some level of prioritization.

F. ENVIRONMENTAL STATUS:

The primary purpose of this agenda item is to prepare an annual report and work plan. The content of this agenda report is provided for informational purposes only, and is "not a project" under the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines section 15378(b)(5), which excludes from the definition of "project" "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment."

G. PUBLIC INPUT:

None.

H. CONCLUSION AND RECOMMENDATION:

Provide direction to City staff as appropriate.

ATTACHMENTS:

1- Comments received from individual Planning Commissioners
2- Draft 2021/22 Commission Work Plan, dated April 21, 2021

ATTACHMENT 1

From: Rick Paul
To: Mike Strong
Cc: Kurt G. Whitman
Subject: [EXT] Agenda & Work Program
Date: Wednesday, April 14, 2021 10:19:36 AM

Hi Mike,

For consideration in the annual work program:

Green Infrastructure Plan Vs Park Master Plan Vs Project Open Space requirements. Including funding mechanisms.

Requirements for Commercial space in mixed use projects. Commercial space requirements for the entire City.

Comprehensive Transportation Plan

Parking requirement standards including minimum and maximum allowed. Impervious vs porous surfaces. Interrelationship with the Comprehensive Transportation Plan.

Review Signage requirements/standards

Review Trash Enclosure requirements in light of recent State recycling requirements.

Just an agenda item:

Will the Planning Commission receive a presentation on the VMT/Traffic Impact Analysis Guidelines before the City Council does?

Thanks
Rick

From: Herminia Ledesma
To: Mike Strong
Subject: [EXT] Re: Commissioner Work Plan
Date: Tuesday, April 20, 2021 12:28:02 PM
Attachments: image001.jpg

Hi Mike,
Thanks for the reminder. I was out of town and just got back in, so I am playing a bit of catch up.

Here is what I would like included:
1. Community engagement- keeping an eye to inclusivity whether that's project based or regarding general engagement of planning commission activities.
-An example would be: When appropriate, can we collect information from folks who use the space, going to them and incorporating creative strategies?
-Deliverable would be recommendation to council, and input into methods by the commission

2. The second would be a more general recommendation on starting "inside out". Are there any updates that need to be made to codes for example? Can we look to creating small changes that create more streamlined efforts? What are the work programs and efforts already ongoing?
-Deliverable would be recommendation to council

3. Exploring training and funding opportunities.

4. Ensuring we have an evaluation mechanism, as simple as reviewing the work plan every quarter.

Looking forward to supporting this process.

-H

On Tue, Apr 20, 2021 at 12:56 PM Mike Strong <mstrong@escondido.org> wrote:

> Herminia,
>
> Just a reminder to send me any comments that you want to have included in the agenda packet for the work plan discussion on April 27th.
>
> Thanks!

Mike Strong

Director of Community Development

Community Development Department | City of Escondido

Direct: 760-839-4556

www.escondido.org

For local information and daily updates on COVID-19, please visit **San Diego County Coronavirus.** To receive updates via text, send **COSD COVID19** to **468-311.**

From: Stan Weiler
To: Mike Strong; Kurt G. Whitman; Joanne Tasher
Subject: [EXT] Planning Commission Work Plan
Date: Tuesday, April 20, 2021 3:01:08 PM
Attachments: image001.jpg
image002.jpg
image003.png

During our last PC meeting, the Commission discussed having a work program. Below are a couple of items that I wanted to add to the list.

1. Review and or discuss code changes for the most common requested exemptions – grading, open space, parking
2. Overview of all Planning documents that will be up for review in the near future and the Planning Commissioners role related to community outreach and workshops to inform the Planning Commission of the changes being proposed.
3. Discussion regarding Planning Law and Housing Law as it relates to the potential legal ramifications regarding how the Commission votes. My concern is specifically regarding affordable/inclusionary housing. I have seen on two occasions, and I suspect there will be more in the future, where projects that do not provide affordable/inclusionary housing are getting a "no" vote presumably because there is no deed restricted affordable housing component. It seems to me (and this is where I need to be educated) that a legal issue could arise if the Commission actually denied a project because the project does not provide something that is not a requirement in the code. Granted, in practical terms, a denial could move forward to city council and city council could over turn the Planning Commission decision. However, it would seem more appropriate if we were better informed as a Commission regarding our legal responsibilities.

Best Regards,

L. Stan Weiler, AICP - Principal

HWL – Howes Weiler Landy – Planning, Engineering & Surveying
2888 Loker Avenue East, Suite 217
Carlsbad, CA 92010
P: 760.929.2288 Ext. 402
C: 760.801.4678
HWL-PE.COM

PLEASE NOTE: In response to the State-issued stay at home order and in order to protect the health and well-being of our staff and clients, HWL – Planning & Engineering has implemented remote working for all staff members so our work systems can remain operational and we continue to

perform for our clients. Thank you for your understanding of the challenges brought by this situation. We appreciate your continued support.

From:	Ingrid Rainey
To:	Mike Strong
Subject:	[EXT] Recommendations
Date:	Tuesday, April 20, 2021 3:34:37 PM

Dear Mr. Mike Strong:

Here are my recommendations:

1. Early project awareness and project consultation for comprehensive planning efforts under the planning commission purview.

2. Review and discuss code changes that will happen in the near future.

My aforementioned recommendations are to engage the planning commission earlier in the process. Therefore, nothing is rushed and the planning commission can make more informed decisions.

Thank you,

Ingrid Rainey | **Managing Partner**

Tel. 858.345.9400 | ingrid@raineylawpc.com
Mailing Address: 16870 West Bernardo Drive, Suite 400, San Diego, CA 92127
raineylawpc.com |

Escondido Planning Commission Workplan items for consideration (Kate Barba) April, 2021

1. Engage with City staff and Escondido communities to complete a Green Infrastructure Plan for the City (see overview, rationale in Apr 13 agenda packet)

2. Assure development of an inclusionary housing ordinance, related policies and vision as an integral update to the Housing Element #6 that reflects consideration of equity and EJ principles, results in a real increase in affordable housing; and enables integrated market rate and affordable housing projects to improve quality of life for all residents.

3. Consciously Integrate equity and environmental justice as a consideration in land use planning and decision-making. While the overview from the CA Adaptation Planning Guide below targets climate resilience planning, considerations of procedural, distributional and structural equity are applicable to land use planning across sectors.
   - Create a standard review process for City planners to utilize in revising Specific Area Plans; reviewing new projects and for Planning Commissioners to consider in project review and public hearings.

The *CA Adaptation Planning guide* does not identify "equity and environmental justice" as a separate climate adaptation sector, but instead looks at it as an overarching topic that should be integrated as applicable into all eleven of its adaptation sectors.

The environmental justice-related requirements and programs discussed in the *APG* and the kinds of adaptation strategies identified therein are more likely to be effective if proper attention is given to **procedural equity** ahead of any policy or program decisions. That begins with planners and public officials acknowledging the past inequities and the role their agencies may have played in perpetuating them, whether intentionally or not. Responses to current conditions need to be designed to address local conditions, based on an understanding of both the vulnerabilities and the underutilized assets of the communities in question. Residents of these communities (and non-resident members in the case of tribal communities), as well as local leaders and institutions, must have the opportunity to be integrally involved in planning to improve climate resilience. That includes restructuring the policies and procedures governing allocation of infrastructure and other resources.

Given the social and economic constraints which burden these communities, agencies need to make extraordinary efforts to engage with the residents and ensure that climate resilience planning considers their input and priorities. This may require extensive efforts to gain residents' trust through respectful and transparent interaction; holding meetings at times and in locations convenient for the residents (including virtual meetings by teleconference) and having them co-hosted by respected community leaders; facilitating participation by providing childcare, transit vouchers, and food; tailoring communications methods to the circumstances of the particular community; providing financial resources to enable residents to conduct their own research into community needs and priorities; and allowing more time than usual for the process to be completed. In the end, it also may require agencies to accept community preferences for what issues to prioritize and what adaptation strategies to implement, even when those run counter to the preferences of agency policy makers and planners. Without such extensive efforts, carried out consistently over a long period of time, the symbiotic goals of environmental justice and regional resilience are unlikely to be achieved.

Ensuring **distributional equity** requires not merely distributing new resources and/or burdens equally but giving disadvantaged communities greater resources and relieving them of more burdens in order to balance the inequities imposed on them historically, that is, establishing a "level playing field." This may take the form of new/upgraded educational facilities, larger investments in storm drains to avert flooding, tree cover to provide shade and reduce ambient temperature, and/or relocation of facilities threatened by sea level rise.

Consideration of **structural equity** may mean removing existing hazardous land uses and avoiding locating new ones in such communities, along with improving the social and economic conditions, e.g., high unemployment and poor educational opportunities, that contribute to making these communities more vulnerable in the first place.

ATTACHMENT 2

Draft 2021/22 Commission Work Plan (April 21, 2021)

	Project Name	Brief Description	Deliverable	Council Authorized (Y/N)	State Mandate (Y/N)	CAP Related Implementation (Y/N)	Status and Program Timeline	Budget Required	Funded (Y/N)	Planning Commission Role
1	Business Recovery Ordinance	Evaluate the City's regulatory business relief measures and determine if any measures should be effective on a more permanent basis	Zoning Code Amendment(s) or Specific Plan Amendment(s)	Yes	No	No	• In development • Timeline: 3 to 4 months • **Est. Summer 2021**	None	N/A	• Public Hearing(s)
2	Downtown Specific Plan Ground Floor Retail Amendment	Evaluate the ground floor retail requirements in the downtown specific plan and develop recommendations to remove the use requirement if it is not desired for a key pedestrian activity area	Specific Plan Amendment	Yes	No	No	• In development • Timeline: 6 to 8 months • **Est. Summer 2021**	None	N/A	• Public Hearing(s)
3	Annual Omnibus Code Clean-Up	Amendments to various sections of the Municipal and Zoning Codes to address recent changes in State law, to provide clarity in our regulations, and to correct errors	Zoning Code Amendment(s)	Yes	Yes	No	• In development • Timelines: 4 to 6 months • **Est. Summer 2021**	None	N/A	• Public Hearing(s)
4	Comprehensive Density Bonus Ordinance Update	Amendment to Article 67 of the Zoning Code to incorporate recent changes in State and to resolve other conflicts	Zoning Code Amendment	No	Yes	No	• In development • Timeline: 4 to 6 months • **Est. Summer 2021**	None	N/A	• Public Hearing(s)
5	Hotel Conversion Ordinance	Amendment to various section of the Municipal and Zoning Codes to address site and building design related issues associated with hotel conversions	Municipal Code and Zoning Code Amendments	No	No	No	• In development • Timeline: 6 to 8 months • **Est. Summer/Fall 2021**	None	N/A	• Public Hearing(s)
6	Housing Element Update	Update of the City's goals, policies, and programs to promote the maintenance, improvement, and development of housing opportunities	General Plan Amendment	Yes	Yes	No	• In development • Timeline: 14 to 18 months • **Est. Fall 2021**	$118,000 plus EIR costs	Yes	• Informational study sessions • Public Hearing(s)

	Project Name	Brief Description	Deliverable	Council Authorized (Y/N)	State Mandate (Y/N)	CAP Related Implementation (Y/N)	Status and Program Timeline	Budget Required	Funded (Y/N)	Planning Commission Role
7	Sector Feasibility Study	Development Cost/Revenue analysis to inform the Housing Element update and the East Valley Specific Plan	Informational report	Yes	No	No	• In development • Timeline: 14 to 18 months • **Est. Fall 2021**	$45,000	Yes	• Informational study sessions
8	East Valley Specific Plan	New rezoning program to accommodate future housing needs and the appropriate densities	Specific Plan adoption	Yes	Yes	No	• In development • Timeline: 14 to 18 months • **Est. Fall 2021**	$147,000 plus EIR costs	Yes	• Informational study sessions • Public Hearing(s)
9	Building and Permit Processing Guide	Collateral material and marketing material overview of City development services and how to process land use development projects	Informational report	No	No	No	• In development • Timeline: 6 to 8 months • **Est. Fall/Winter 2021**	None	N/A	• Receive and file
10	EV Parking Ordinance	Adopt standards for EV charging stations in new multi-family and commercial developments and in single-family model homes	Municipal Code and Zoning Code Amendments	N/A	No	Yes	• Not initiated • Timeline: 3 to 4 months • **Est. Winter 2021/22**	None	N/A	• Public Hearing(s)
11	TDM Ordinance	Amendments to the Zoning Code to require transportation demand management practices in new non-residential developments.	Zoning Code Amendment	N/A	No	Yes	• Not initiated • Timeline: 6 to 8 months • **Est. Winter 2021/22**	None	N/A	• Public Hearing(s)
12	Alternatively-Fueled Water Heater Ordinance	Amendment to the local Building Code (Chapter 6 of the Municipal Code) to require the installation of electric water heaters In new residential developments and significant remodels	Municipal Code and Zoning Code Amendments	N/A	No	Yes	• Not initiated • Timeline: 3 to 4 months • **Est. Winter 2021/22**	None	N/A	• Public Hearing(s)
13	Electric Cooking Appliance Ordinance	Amendment to the local Building Code (Chapter 6 of the Municipal Code)to require electric cooking appliances in all new multi-family development and significant remodels	Municipal Code and Zoning Code Amendments	N/A	No	Yes	• Not initiated • Timeline: 3 to 4 months • **Est. Winter 2021/22**	None	N/A	• Public Hearing(s)
14	Net Zero Energy Reach Ordinance	Amendment to the local Building Code (Chapter 6 of the Municipal Code) to require all new non-residential development to achieve net zero energy	Municipal Code and Zoning Code Amendments	N/A	No	Yes	• Not initiated • Timeline: 3 to 4 months • **Est. Winter 2021/22**	None	N/A	• Public Hearing(s)

	Project Name	Brief Description	Deliverable	Council Authorized (Y/N)	State Mandate (Y/N)	CAP Related Implementation (Y/N)	Status and Program Timeline	Budget Required	Funded (Y/N)	Planning Commission Role
15	Annual Progress Report for 2021	Annual report of General Plan and CAP implementation	Informational report	N/A	Yes	Yes	• Not initiated • Timeline: 2 to 3 months • **Est. Spring 2022**	None	N/A	• Receive and file
16	Comprehensive Nonconforming Ordinance Update	Amendment to Article 61 of the Zoning Code to update the standards and requirements for nonconforming uses and structures	Zoning Code Amendment	No	No	No	• Not initiated • Timeline: 8 to 12 months • **Est. Summer/Fall 2022**	None	N/A	• Public Hearing(s)
17	Pre-Approved ADU Plans	Develop sets of pre-approved floor plans to help incentivize new accessory dwelling unit production	Special study	Yes	No	No	• Not initiated • Timeline: 12 to 18 months • **Est. Summer/Fall 2022**	$70,000 to $100,000	Yes	• Receive and file
18	Comprehensive Sign Ordinance Update	Amendment to Article 66 of the Zoning Code to resolve conflicts with first amendment rights and standards for signage	Zoning Code Amendment	No	Yes	No	• Not initiated Timeline: 18 months • **Est. Fall 2022**	None	N/A	• Public Hearing(s)
19	Landscape Ordinance Update	Amendment to Article 62 of the Zoning Code to reduce water consumption, to install greywater and rain barrel systems in new single-family homes and to create new landscaping standards as required by the CAP, such as cool roofs on multi-family projects	Municipal Code and Zoning Code Amendments	N/A	No	Yes	• Not initiated • Timeline: 8 to 12 months • **Est. Fall 2022**	None	N/A	• Public Hearing(s)
20	Open Space standards Review and Ordinance update	Evaluate the open space standards in the downtown specific plan and develop recommendations to right-size the requirements and incorporate new strategies to incorporate green space in new projects	Special study and Specific Plan Amendment	Yes	No	No	• Not initiated • Timeline: 12 to 16 months • **Est. Fall/Winter 2022**	$40,000 to $60,000	Yes	• Public Hearing(s)
21	Downtown Parking Study and Ordinance Update	Develop a parking management plan and update off-street parking standards in the downtown area	Special study and Specific Plan Amendment	Yes	No	Yes	• Not initiated • Timeline: 16 to 24 months • **Est. Winter/Spring 2023**	$75,000 to $125,000	Yes	• Public Hearing(s)