



Council Meeting Agenda

MARCH 21, 2018

CITY COUNCIL CHAMBERS

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

201 N. Broadway, Escondido, CA 92025

MAYOR	Sam Abed
DEPUTY MAYOR	John Masson
COUNCIL MEMBERS	Olga Diaz Ed Gallo Michael Morasco
CITY MANAGER	Jeffrey Epp
CITY CLERK	Diane Halverson
CITY ATTORNEY	Michael McGuinness
DIRECTOR OF COMMUNITY DEVELOPMENT	Bill Martin
DIRECTOR OF ENGINEERING SERVICES	Julie Procopio

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

**March 21, 2018
3:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

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

ORAL COMMUNICATIONS

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

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

- I. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)**
 - a. **Agency Negotiator:** Sheryl Bennett and Jeffrey Epp
Employee Organization: Maintenance & Operations, Teamsters Local 911
- II. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
 - a. **Case Name:** Ellen Erwet, et al. v. KB Home California, LLC, et al.
Case No: 37-2017-00025068-CU-PO-NC
- III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
 - a. **Property:** 480 North Spruce Street, APN 232-091-28-00;
455 North Quince Street, APN 232-091-27-00;
525 North Quince Street, APN 232-091-06-00
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: RAF Pacifica
Under Negotiation: Price and Terms of Agreement

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

- a. One Case: Claim No. 4870
- b. One Case: Claim Nos. 4871/4872
- c. One Case: Claim No. 4962

ADJOURNMENT



Council Meeting Agenda

**March 21, 2018
4:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

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

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **[APPROVAL OF MINUTES: A\) Regular Meeting of February 14, 2018 B\) Special Meeting of February 28, 2018 C\) Special Meeting of March 7, 2018](#)**

4. **[NOTICE OF COMPLETION FOR SOLUTIONS FOR CHANGE \(PHG 15-0009, SUB 15-0008\) LOCATED AT 1560 SOUTH ESCONDIDO BOULEVARD -](#)**

Request the City Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the Solutions for Change Project (PHG15-0009, SUB15-0008).

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

5. **[CITY OF ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT - PRELIMINARY ENGINEER'S REPORT FOR ZONES 1-38 FOR FISCAL YEAR 2018/19 -](#)**

Request the City Council approve initiating the proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) for Zones 1 through 38 for the 2018/2019 Fiscal Year, approve the preliminary Engineer's Report for LMD Zones 1 through 38, and set a public hearing date of May 2, 2018, for LMD Zones 1 through 38.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

A) RESOLUTION NO. 2018-31 B) RESOLUTION NO. 2018-32

6. **[ANNUAL PROGRESS REPORT ON THE IMPLEMENTATION OF THE GENERAL PLAN AND ANNUAL HOUSING ELEMENT REPORT \(PHG 18-0001\) -](#)**

Request the City Council review and receive the General Plan Annual Progress Report and the 2017 Annual Housing Report, documenting the City's progress and compliance with State housing law on implementing the 2013-2020 Housing Element of the General Plan, and authorize submittal of the Reports to the State Office of Planning and Research (OPR), the State Department of Housing and Community Development (HCD), and SANDAG.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

7. **[REQUEST FOR AUTHORIZATION TO PROCESS A GENERAL PLAN TEXT AMENDMENT TO THE SUBURBAN LAND-USE DESIGNATION RELATED TO A PROPOSED RESIDENTIAL-CARE FACILITY LOCATED AT 1802 NORTH CENTRE CITY PARKWAY \(PHG 17-0025\) -](#)**

Request the City Council approve authorizing the processing of the proposed text Amendment to the General Plan to allow building height up to three stories for non-residential structures within the residential Suburban land-use designation.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

8. [EXTENSION OF TIME FOR A TENTATIVE SUBDIVISION MAP AND MASTER AND PRECISE DEVELOPMENT PLAN - AMANDA ESTATES DEVELOPMENT LOCATED AT 2115 AMANDA LANE \(SUB 13-0007 AND PHG 13-0034\) -](#)

Request the City Council approve a three-year extension of time for a 21-lot single-family residential planned development.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

RESOLUTION NO. 2018-30

9. [EXTENSION OF TIME \(SUB 17-0035\) FOR A TENTATIVE SUBDIVISION MAP, CONDITIONAL USE PERMIT AND GRADING EXEMPTIONS LOCATED AT 383 IDAHO AVENUE \(CITY FILE NOS.TR 848 AND 2005-56-CUP/GE\) -](#)

Request the City Council approve a three-year extension of time for a nine-lot single-family residential subdivision.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

RESOLUTION NO. 2018-34

10. [SANDAG ACTIVE TRANSPORTATION GRANT PROGRAM APPLICATION FOR COMPREHENSIVE ACTIVE TRANSPORTATION STRATEGIES PLAN -](#)

Request the City Council approve authorizing the Director of Community Development or his designee to complete an application to SANDAG for the Active Transportation Grant Program and to execute agreements if the grant is funded.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

RESOLUTION NO. 2018-35

11. [UPDATE OF CHAPTER 22 OF THE ESCONDIDO MUNICIPAL ORDINANCE -](#)

Request the City Council approve updating Chapter 22 of the Escondido Municipal Code to establish and clarify existing regulations and policies related to wastewater and storm water.

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

ORDINANCE NO. 2018-01 (First Reading and Introduction)

12. [SIXTH AMENDMENT TO COMMERCIAL PROPERTY PURCHASE AGREEMENT AND JOINT ESCROW INSTRUCTIONS: 700 WEST GRAND AVENUE -](#)

Request the City Council approve authorizing the Real Property Manager and the City Clerk to execute a Sixth Amendment to the Commercial Property Agreement and Joint Escrow Instructions for the sale of 700 West Grand Avenue to Lyon-Integral Escondido Gateway, LLC.

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2018-41

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

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

13. [AMENDMENT TO ARTICLE 57 \(MISCELLANEOUS USE RESTRICTIONS\) OF THE ESCONDIDO ZONING CODE AND AMENDMENT TO ARTICLE 11 OF CHAPTER 17 \(OFFENSES - MISCELLANEOUS PROVISIONS\) OF THE ESCONDIDO MUNICIPAL CODE \(AZ 17-0005\) -](#)

Approved on February 14, 2018 with a vote of 5/0

ORDINANCE NO. 2018-03R (Second Reading and Adoption)

PUBLIC HEARINGS

14. [REVIEW AND RE-AFFIRM COMMUNITY DEVELOPMENT PRIORITIES OF THE FISCAL YEARS 2015-2019 CONSOLIDATED PLAN AND APPROVE ALLOCATION PROCESS FOR FISCAL YEAR 2018-2019 FOR COMMUNITY DEVELOPMENT BLOCK GRANT \(CDBG\) AND EMERGENCY SOLUTIONS GRANT \(ESG\) FUNDING -](#)

Request City Council review and re-affirm the community development priorities adopted in the Amended 2015-2019 Five-Year Consolidated Plan for CDBG; approve an allocation process for Fiscal Year 2018-2019 CDBG funds to utilize the maximum 15 percent allowable for public service activities to address the priorities of the Consolidated Plan, and the maximum 20 percent allowable for administration of the CDBG program; authorize the release of a Request for Proposals (RFP) for public services and community redevelopment activities; review and re-affirm the homelessness and homelessness prevention priorities adopted in the Amended 2015-2019 Five-Year Consolidated Plan for ESG; and authorize the release of a Notice of Funding Availability (NOFA) for organizations providing assistance to persons experiencing homelessness or at risk of homelessness within the City.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

15. [SERIES OF ACTIONS TO IMPLEMENT THE SOUTH CENTRE CITY SPECIFIC PLAN \(PHG 15-0003 / ENV 17-0005\) -](#)

Request the City Council approve an Initial Study/Negative Declaration, and an amendment to the General Plan to change the land use designation of all properties within the planning area to Specific Plan #15 to support the South Centre City Specific Plan proposal; and approve the South Centre City Specific Plan, amending the Citywide Zoning Map, repealing the South Escondido Boulevard Area Plan, and adopting the Zoning Code Amendments to Articles 44 and 65 to support implementation of the South Centre City Specific Plan.

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

A) RESOLUTION NO. 2018-20 B) ORDINANCE NO. 2018-04 (First Reading and Introduction)

16. [AMENDMENT TO ARTICLE 37 \(PUBLIC ART\) OF THE ESCONDIDO ZONING CODE \(AZ 18-0001\) -](#)

Request the City Council approve an amendment to the Escondido Zoning Code pertaining to Article 37 (Public Art) involving: 1) amending the number of Public Art Commissioners from seven (7) to five (5) members; and 2) amend the Public Art Commissioner eligibility requirements to include allowing up to two members being employed by a business in the Escondido Planning Area.

Staff Recommendation: **Approval (City Manager's Office: Jay Petrek)**

ORDINANCE NO. 2018-05 (First Reading and Introduction)

CURRENT BUSINESS

17. [REQUEST THAT THE CITY COUNCIL CONSIDER AMENDMENTS TO THE CAMPAIGN CONTROL ORDINANCE IN THE ESCONDIDO MUNICIPAL CODE AND PROVIDE DIRECTION FOR FINAL CHANGES AND ADOPTION -](#)

Request the City Council consider amendments to Chapter 2, Article 7 of the Escondido Municipal Code to modernize and simplify the City's Campaign Control Ordinance by (1) modifying the definitions of "Committee" and "Contribution"; (2) eliminating the restrictions on extensions of credit greater than 30 days and greater than \$500; (3) eliminating section 2-104, which relates to campaign checking accounts; (4) allowing for expenditures by electronic payment; (5) modifying or eliminating the petty cash fund restrictions; and (6) modifying or eliminating the cash and anonymous contribution restrictions; and provide direction and feedback on these suggested changes and any other potential amendments which would be brought back for adoption.

Staff Recommendation: **Provide Direction (City Attorney's Office: Michael McGuinness)**

18. [ANNUAL APPOINTMENTS TO BOARDS AND COMMISSIONS -](#)

Request the City Council ratify the Mayor's appointments to serve on the following Boards and Commissions; terms to expire March 31, 2022 except as noted.

Staff Recommendation: **Ratify the Mayor's Appointments (City Clerk's Office: Diane Halverson)**

19. [ADOPTION OF RESOLUTION OF INTENTION TO AMEND THE CALPERS CONTRACT AND INTRODUCTION OF FIRST READING OF ORDINANCE AMENDING THE CALPERS CONTRACT](#)

Request the City Council adopt Resolution No. 2018-37, approving the intention to amend the contract between the City of Escondido (City) and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to provide employees sharing an additional cost of one percent for the Escondido Police Officers' Association/Safety Unit (POA) and Firefighters' Association (FFA) Bargaining Unit CalPERS Classic members, Government Code Section 20516; and introduce the first reading of Ordinance No. 2018-06 amending the contract between the City and CalPERS to provide employees sharing an additional cost of one percent for POA and FFA CalPERS Classic members, Government Code Section 20516.

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

A) RESOLUTION NO. 2018-37 B) ORDINANCE NO. 2018-06 (First Reading and Introduction)

20. [PROPOSED CHANGES TO ANNUAL INVENTORY OF CITY FEES -](#)

Request the City Council approve authorizing new City fees, making changes to certain existing fees for services, and deleting fees for services that are no longer used.

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

RESOLUTION NO. 2018-29

FUTURE AGENDA

21. [FUTURE AGENDA -](#)

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

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

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

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

- [WEEKLY ACTIVITY REPORT -](#)

ORAL COMMUNICATIONS

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ADJOURNMENT

UPCOMING MEETING SCHEDULE

Date	Day	Time	Meeting Type	Location
March 28	-	-	No Meeting	-
April 4	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers
April 11	Wednesday	4:00 p.m.	Town Hall Meeting	Council Chambers
April 18	Wednesday	3:30 & 4:30 p.m.	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

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

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

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

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

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

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

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

LIVE BROADCAST

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

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

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

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

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



If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4643. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

Listening devices are available for the hearing impaired – please see the City Clerk.

CITY OF ESCONDIDO
February 14, 2018
3:30 P.M. Meeting Minutes
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, February 14, 2018 in the City Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE:

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

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

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

- I. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
- a. **Case Name:** State Farm General Insurance Co. v. City of Escondido
Case No: 37-2018-00000335-CU-PO-NC
- II. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
- a. **Property:** 480 North Spruce Street, APN 232-091-28-00;
455 North Quince Street, APN 232-091-27-00;
525 North Quince Street, APN 232-091-06-00
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: RAF Pacifica
Under Negotiation: Price and Terms of Agreement
- b. **Property:** 507 North Spruce Street, APNs 232-090-46 & 232-090-48
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Schoeppner Family Trust, Flat Wheel Auto Body, Inc.
Under Negotiation: Consider Acquisition of Property Offered for Sale
- III. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))**
- a. One Case: Claim No. 4887

MAYOR ABED AND DEPUTY MAYOR MASSON ABSTAINED FROM ITEM II. A. AND LEFT THE CLOSED SESSION ROOM.

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:26 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

**February 14, 2018
4:30 P.M. Meeting**

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, February 14, 2018 in the City Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

Mel Bittner led the Moment of Reflection.

FLAG SALUTE

Councilmember Morasco led the flag salute.

ATTENDANCE:

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

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Bill Martin, Director of Community Services; Julie Procopio, Director of Engineering Services; Diane Halverson, City Clerk; and Jennifer Ekblad, Deputy City Clerk.

ORAL COMMUNICATIONS

Wayne Louth, Escondido, commented regarding an invoice for alarm fees and requested a letter from City Council and City Manager explaining outsourcing.

CONSENT CALENDAR

MOTION: Moved by Councilmember Gallo and seconded by Deputy Mayor Masson to approve the Consent Calendar item with the exception of items 4, 5, 8, 10, and 13. Motion carried unanimously.

- 1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
- 2. APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
- 3. APPROVAL OF MINUTES: Regular Meeting of January 24, 2018**
- 4. TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED DECEMBER 31, 2017 -**
Request the City Council receive and file the Quarterly Investment Report. (File No. 0490-55)

Staff Recommendation: **Receive and File (City Treasurer's Office: Douglas W. Shultz)**

Douglas W. Shultz, City Treasurer, was available to answer questions.

COUNCIL ACTION: Received and filed.

5. FINANCIAL REPORT FOR QUARTER ENDED DECEMBER 31, 2017 AND BUDGET ADJUSTMENT -

Request the City Council receive and file the second quarter financial report and approve a budget adjustment to amend the Fiscal Year 2017/2018 operating budget. (File No. 0430-30)

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

Jay Petrek, Assistant City Manager, and Sheryl Bennett, Deputy City Manager/Administrative Services, were available to answer questions.

Patricia Borchmann, Escondido, spoke in opposition to this item being placed on Consent Calendar and requested a more detailed description of the budget adjustment.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to receive and file the second quarter financial report and approve a budget adjustment to amend the Fiscal Year 2017/2018 operating budget. Ayes: Abed, Gallo, Masson, Morasco. Noes: Diaz. Motion carried.

6. FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION GRANT AWARD ACCEPTANCE AND BUDGET ADJUSTMENT -

Request the City Council approve accepting \$14,888.65 in grant funding from the Firehouse Subs Public Safety Foundation to purchase 91 wildland firefighting jackets; authorize the Fire Chief to execute, on behalf of the City, all documents required for the management of this grant; and authorize the necessary budget adjustment to establish new project numbers for tracking these grant funds. (File No. 0480-70)

Staff Recommendation: **Approval (Fire Department: Rick Vogt)**

7. FISCAL YEAR 2017-18 SAN DIEGO COUNTY LAW ENFORCEMENT FOUNDATION LESS LETHAL LIFE SAVING EQUIPMENT GRANT AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2018 San Diego County Law Enforcement Foundation Grant in the amount of \$2,797.19; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. (File No. 0480-70)

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

8. REQUEST FOR AUTHORIZATION TO PROCESS TWO SEPARATE AND UNRELATED AMENDMENTS TO THE DOWNTOWN SPECIFIC PLAN RELATED TO A PROPOSED AFFORDABLE SENIOR HOUSING PROJECT AT 220 NORTH QUINCE STREET (PHG 17-0028) AND A PROPOSED DRIVE-THRU COFFEE FACILITY LOCATED AT 350 WEST VALLEY PARKWAY (PHG 17-0014) -

Request the City Council approve the authorization to process two amendments to the Downtown Specific Plan to eliminate the ground floor retail or office requirement on a portion of the property located on the northeast corner of West Valley Parkway and North Quince Street (220 North Quince Street, APN 229-331-10-00) and allow drive-thru service facilities within the Center City Urban District of the Downtown Specific Plan, subject to approval of a Conditional Use Permit. (File No. 0800-70)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Morasco to approve the authorization to process two amendments to the Downtown Specific Plan to eliminate the ground floor retail or office requirement on a portion of the property located on the northeast corner of West Valley Parkway and North Quince Street (220 North Quince Street, APN 229-331-10-00) and allow drive-thru service facilities within the Center City Urban District of the Downtown Specific Plan, subject to approval of a Conditional Use Permit. Ayes: Gallo, Masson, Morasco. Noes: Diaz. Abstain: Abed. Motion carried.

9. STREET NAME CHANGE FOR A PUBLIC STREET IN THE ESTANCIA BERNARDO SUBDIVISION (TR 877) -

Request the City Council approve changing a street name from "Short Street" to "Estancia Place" located on the western side of Bernardo Avenue, west of Interstate 15, south of Eleventh Avenue, and north of Gamble Lane. (File No. 1020-35)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

RESOLUTION NO. 2018-15

10. EXTENSION OF LEASE TERM WITH AMERICAN HERITAGE CHARTER SCHOOLS AT 2255 AND 2269 EAST VALLEY PARKWAY -

Request the City Council approve authorizing a Second Amendment to the Lease Agreement and a First Amendment to the Ground Lease Agreement with Heritage K-8 Charter Schools to extend their current lease expiration from December 31, 2030 to June 1, 2046. (File No. 0600-10 [A-3175, A-3090])

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2018-17

Vince McCaw, Real Property Manager, was available to answer questions.

Paul McNamara, Escondido, requested that the City Council postpone the vote on this item until a time closer to the current agreement end date.

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Masson to approve authorizing a Second Amendment to the Lease Agreement and a First Amendment to the Ground Lease Agreement with Heritage K-8 Charter Schools to extend their current lease expiration from December 31, 2030 to June 1, 2046 and adopt Resolution No. 2018-17. Ayes: Abed, Gallo, Masson, Morasco. Noes: Diaz. Motion carried.

11. BID AWARD FOR ESCONDIDO CREEK BIKEWAY MISSING LINK PROJECT AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the bid award to Eagle Paving Company, Inc. determined to be the lowest responsive and responsible bidder and approve a budget adjustment in the amount of \$190,427. (File No. 0600-10 [A-3236])

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2018-19

12. VALIANO DEVELOPMENT TRAFFIC MITIGATION FUNDING AGREEMENT, FIRST AMENDMENT -

Request the City Council approve the First Amendment to Traffic Mitigation Funding Agreement with Eden Hills Project Owner, LLC. (File No. 0600-10 [A3174])

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2018-22

13. BID AWARD FOR THE BRINE LINE PROJECT - HARMONY GROVE TO BROADWAY AND BUDGET ADJUSTMENT -

Request the City Council approve authorizing the Mayor and the City Clerk to execute a Public Improvement Agreement with CCL Contracting, Inc., the lowest responsive and responsible bidder in the amount of \$5,587,420 for construction of the Brine Line Project - Harmony Grove to Broadway; authorize the Mayor and the City Clerk to execute a Consulting Agreement with Richard Brady & Associates, Inc. in the amount of \$419,028 for construction management services for the Brine Line Project - Harmony Grove to Broadway; and approve a budget adjustment in the amount of \$7,000,000. (File No. 0600-10 [A3235])

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

A) RESOLUTION NO. 2018-23 B) RESOLUTION NO. 2018-25

Angela Morrow, Deputy Director of Utilities/Construction & Engineering, Wastewater, was available to answer questions.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve authorizing the Mayor and the City Clerk to execute a Public Improvement Agreement with CCL Contracting, Inc., the lowest responsive and responsible bidder in the amount of \$5,587,420 for construction of the Brine Line Project - Harmony Grove to Broadway; authorize the Mayor and the City Clerk to execute a Consulting Agreement with Richard Brady & Associates, Inc. in the amount of \$419,028 for construction management services for the Brine Line Project - Harmony Grove to Broadway; and approve a budget adjustment in the amount of \$7,000,000 and adopt Resolution No. 2018-23 and Resolution No. 2018-25. Motion carried unanimously.

14. ESCONDIDO CHARITABLE FOUNDATION GRANT AUTHORIZATION -

Request the City Council approve authorizing the Housing and Neighborhood Services Manager to complete a grant application for up to \$50,000 to the Escondido Charitable Foundation for the partial restoration of the Victorian Country Home at the Escondido History Center. (File No. 0480-70)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

RESOLUTION NO. 2018-24

15. AWARD FOR MIDWAY STORM DRAIN REPAIR PROJECT -

Request the City Council approve by a four-fifths vote to award a contract with Shaw Equipment Rentals, Inc., who was determined to be the lowest responsive and responsible bidder and authorize the Mayor and City Clerk to execute a Public Service Agreement in the amount of \$110,000. (File No. 0600-10 [A-3238])

Staff Recommendation: **Approval (Engineering Services: Julie Procopio)**

RESOLUTION NO. 2018-26

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

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

PUBLIC HEARINGS

16. AMENDMENT TO ARTICLE 57 (MISCELLANEOUS USE RESTRICTIONS) OF THE ESCONDIDO ZONING CODE AND AMENDMENT TO ARTICLE 11 OF CHAPTER 17 (OFFENSES - MISCELLANEOUS PROVISIONS) OF THE ESCONDIDO MUNICIPAL CODE (AZ 17-0005) -

Request the City Council approve amending Article 57 (Miscellaneous Use Restrictions) of the Escondido Zoning Code and Chapter 17 (Offenses - Miscellaneous Provisions) of the Municipal Code to regulate all cannabis and marijuana-based land uses and activities to the extent permitted by state law. (File No. 0810-20)

Staff Recommendation: **Approval (Community Development Department: Bill Martin)**

ORDINANCE NO. 2018-03R (Introduction and First Reading)

Mike Strong, Assistant Director of Planning, presented the staff report and was available to answer questions.

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

Ron Stark, San Diego, voiced support for this item and suggested adding federal language to the definition of marijuana.

Carolina Flores, youth advocate for Escondido Education COMPACT, voiced support for the proposed ordinance.

Arturo Velasco, youth advocate for Escondido Education COMPACT, voiced support for the proposed ordinance.

Mayor Abed asked if anyone else wished to speak regarding this item. No one asked to be heard; therefore, he closed the public hearing.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve amending Article 57 (Miscellaneous Use Restrictions) of the Escondido Zoning Code and Chapter 17 (Offenses - Miscellaneous Provisions) of the Municipal Code to regulate all cannabis and marijuana-based land uses and activities to the extent permitted by state law and adopt Ordinance No. 2018-03R. Motion carried unanimously.

CURRENT BUSINESS

17. GRAND AVENUE VISION PLAN AND SMART GROWTH INCENTIVE PROGRAM APPLICATIONS -

Request the City Council approve the Grand Avenue Vision Plan and authorize the Director of Engineering Services or her designee to complete applications to SANDAG for the Smart Growth Incentive Program, and if awarded, authorize the Director of Engineering Services to accept grant funds, complete grant documents on behalf of the City, and process necessary budget adjustments. (File No. 1020-71)

Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2018-21R

Julie Procopio, Director of Engineering Services, presented the staff report utilizing a PowerPoint presentation.

Traci Bass, Escondido, spoke in opposition to a single lane in each direction and the removal of trees along Grand Avenue.

Sharon Sanders, Escondido, shared concerns regarding potential changes to Grand Avenue and spoke in opposition to a single lane in each direction and the removal of trees along Grand Avenue.

Carol Rea, Escondido, shared concerns regarding the proposed changes and requested additional time.

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Masson to approve the Grand Avenue Vision Plan and authorize the Director of Engineering Services or her designee to complete applications to SANDAG for the Smart Growth Incentive Program, authorize the Director of Engineering Services to accept grant funds, complete grant documents on behalf of the City, and process necessary budget adjustments and adopt Resolution No. 2018-21R. Motion carried unanimously.

18. SECTION 115 IRREVOCABLE PENSION TRUST AGREEMENT -

Request the City Council approve authorizing the establishment of a Section 115 Irrevocable Pension Trust with Public Agency Retirement Services (PARS); approve an initial deposit of \$1,984,000 from the General Fund "PERS Rate Smoothing Reserve" into the PARS Public Agencies Post-Employment Benefits Trust for the purpose of pre-funding pension obligations; authorize the Deputy City Manager/Administrative Services or her designee as the City's Plan Administrator of the Trust Program; approve and authorize the Mayor and the City Clerk to execute a Consulting Agreement between PARS and the City of Escondido to administer the Trust; and approve a budget adjustment to transfer General Fund proceeds to a Pension Trust Fund to establish the Section 115 Irrevocable Pension Trust. (File No. 0600-10 [A-3239])

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

RESOLUTION NO. 2018-11

Joan Ryan, Assistant Director of Finance, presented the staff report utilizing a PowerPoint presentation.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Gallo to approve authorizing the establishment of a Section 115 Irrevocable Pension Trust with Public Agency Retirement Services (PARS); approve an initial deposit of \$1,984,000 from the General Fund "PERS Rate Smoothing Reserve" into the PARS Public Agencies Post-Employment Benefits Trust for the purpose of pre-funding pension obligations; authorize the Deputy City Manager/Administrative Services or her designee as the City's Plan Administrator of the Trust Program; approve and authorize the Mayor and the City Clerk to execute a Consulting Agreement between PARS and the City of Escondido to administer the Trust; and approve a budget adjustment to transfer General Fund proceeds to a Pension Trust Fund to establish the Section 115 Irrevocable Pension Trust and adopt Resolution No. 2018-11. Motion carried unanimously.

FUTURE AGENDA

19. FUTURE AGENDA -

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

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

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

Councilmember Gallo reported attending the Escondido School District State of the District address, California State University San Marcos State of the University address, and SANDAG Borders Committee meeting.

Deputy Mayor Masson reported attending a League of California Cities meeting, where he was sworn in as 2nd Vice President, and reported attending the SANDAG retreat.

Mayor Abed shared that the State of the City will be Wednesday, February 28, 8:00 a.m. at the California Center for the Arts, Escondido; reported SANDAG is moving forward with hiring of an executive director; and reported attending the SANDAG retreat.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

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

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

Christian Meeker, Escondido, shared his experience working with City staff to make changes to his home and requested his house be removed from a historical survey list.

ADJOURNMENT

Mayor Abed adjourned the meeting at 7:19 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

**CITY OF ESCONDIDO
SPECIAL MEETING OF THE CITY COUNCIL
8:00 A.M. WEDNESDAY, FEBRUARY 28, 2018
CALIFORNIA CENTER FOR THE ARTS, ESCONDIDO
STATE OF THE CITY
MINUTES**

CALL TO ORDER

The Special Meeting of the City Council of the City of Escondido, California, was called to order at 8:00 a.m. on Wednesday, February 22, 2018 at the California Center for the Arts, Escondido with Mayor Abed presiding.

MASTER OF CEREMONIES

Craig Carter, Chief of Police, welcomed everyone to the annual State of the City Address and introduced Mayor Abed, Deputy Mayor John Masson, and Councilmembers Olga Diaz, Ed Gallo, and Michael Morasco.

INVOCATION

Chaplain Joe Garcia led the Invocation.

FLAG SALUTE AND PLEDGE OF ALLEGIANCE

Escondido Police and Fire Color Guard led the Flag Salute and Pledge of Allegiance.

NATIONAL ANTHEM

The San Pasqual Show Choir performed the National Anthem.

CHAMBER OF COMMERCE REMARKS

Kevin S. Svetich, Board of Directors, reported on the Chamber of Commerce sponsored activities that were held in the City.

ATTENDANCE

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

CITY COUNCIL AWARDS

Escondido City Council Awards were presented by Mayor Abed and members of the City Council to the following:

<u>Recipient</u>	<u>Category</u>
<i>Ashley Grncarevski</i>	<i>Youth</i>
<i>Marty Tiedeman</i>	<i>Arts</i>
<i>Stephanie Shumate</i>	<i>"Beyond the Call"</i>
<i>Sara Slade</i>	<i>Community</i>
<i>Barak Smith</i>	<i>Education</i>
<i>Cynthia Weir</i>	<i>Arts Leadership</i>
<i>Forgotten Barrel Winery</i>	<i>Historic Preservation</i>
<i>Tom Hawthorne</i>	<i>Mayor's Leadership Award</i>

STATE OF THE CITY ADDRESS

Mayor Abed noted the many achievements made in the past year in the areas of Economic Development, Financial Stability, Public Safety, and Neighborhood Improvement. Mayor Abed noted the challenges facing our city today: Homelessness and Pension Reform. Mayor Abed also shared the top priorities for 2018: Future Business Park, Neighborhood Improvement, Improved Water Infrastructure, and Smart City Innovation.

ORAL COMMUNICATIONS

ADJOURNMENT

Mayor Abed adjourned the meeting at 9:15 A.M.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY OF ESCONDIDO

MARCH 7, 2018
3:30 p.m. Meeting Minutes

Mitchell Room

Special Meeting of the Escondido City Council, Building Advisory and Appeals Board, Library Board of Trustees, and Transportation and Community Safety Commission

CALL TO ORDER

ATTENDANCE

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

Also present were: Diane Halverson, City Clerk; and Jennifer Ekblad, Deputy City Clerk.

Flag Salute

Councilmember Gallo led the flag salute.

ORAL COMMUNICATIONS

JOINT CITY COUNCIL AND BOARD/COMMISSION INTERVIEWS

3:30 – 4:00 p.m. Library Board of Trustees

Oral Communications

Brief description of the Library Board of Trustees (**Patricia Crosby, City Librarian; and Joanna Axelrod, Director of Communications and Community Services**)

Discussion among Council, current Board/Commission members and applicants regarding expectations and responsibilities and duties associated with membership on the Library Board of Trustees, and the role of the Library Board of Trustees in City Government.

Adjournment

4:00 – 4:15 p.m. Break

4:15 – 4:45 p.m. Transportation and Community Safety Commission

Oral Communications

Brief description of the Transportation & Community Safety Commission **(Ali Shahzad, Traffic Engineer)**

Discussion among Council, current Board/Commission members and applicants regarding expectations and responsibilities and duties associated with membership on the Transportation & Community Safety Commission and the role of the Transportation & Community Safety Commission in City Government.

Adjournment

4:45 – 5:00 p.m. Building Advisory and Appeals Board

Oral Communications

Brief description of the Building Advisory & Appeals Board **(David Calvani, Deputy Building Official)**

Discussion among Council, current Board/Commission members and applicants regarding expectations and responsibilities and duties associated with membership on the Building Advisory & Appeals Board, and the role of the Building Advisory & Appeals Board in City Government.

Adjournment

ADJOURNMENT

Mayor Abed adjourned the meeting at 5:09 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY COUNCIL STAFF REPORT

Consent Item No. 4

March 21, 2018

File No. 0800-40

SUBJECT: Notice of Completion for Solutions for Change (PHG15-0009, SUB15-0008)
Located at 1560 South Escondido Boulevard

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council approve and accept the public improvements and authorize staff to file a Notice of Completion for the Solutions for Change Project (PHG15-0009, SUB15-0008).

FISCAL ANALYSIS:

On November 18, 2015, the City Council approved Resolution No. 2015-194 allocating an amount not to exceed \$2,100,000 in Affordable Housing funds to Solutions for Change for affordable housing purposes.

PREVIOUS ACTION:

A Master and Precise Development Plan (PHG15-0009), in conjunction with a two-lot Tentative Parcel Map (TPM SUB15-0008), was approved by the City Council in 2015.

BACKGROUND:

Solutions for Change (PHG15-0009, SUB15-0008) is a mixed-use development consisting of 33 affordable residential rental units and 1,175 square-feet of commercial space located along South Escondido Boulevard (see Attachment 1 – Vicinity Map). The project includes the construction of new sidewalks, alley-type driveway, curb and gutter, and pedestrian ramp; water, sewer and fire service lines; three fire hydrants; storm drain extension; and seven bio-retention basins.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

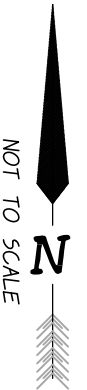
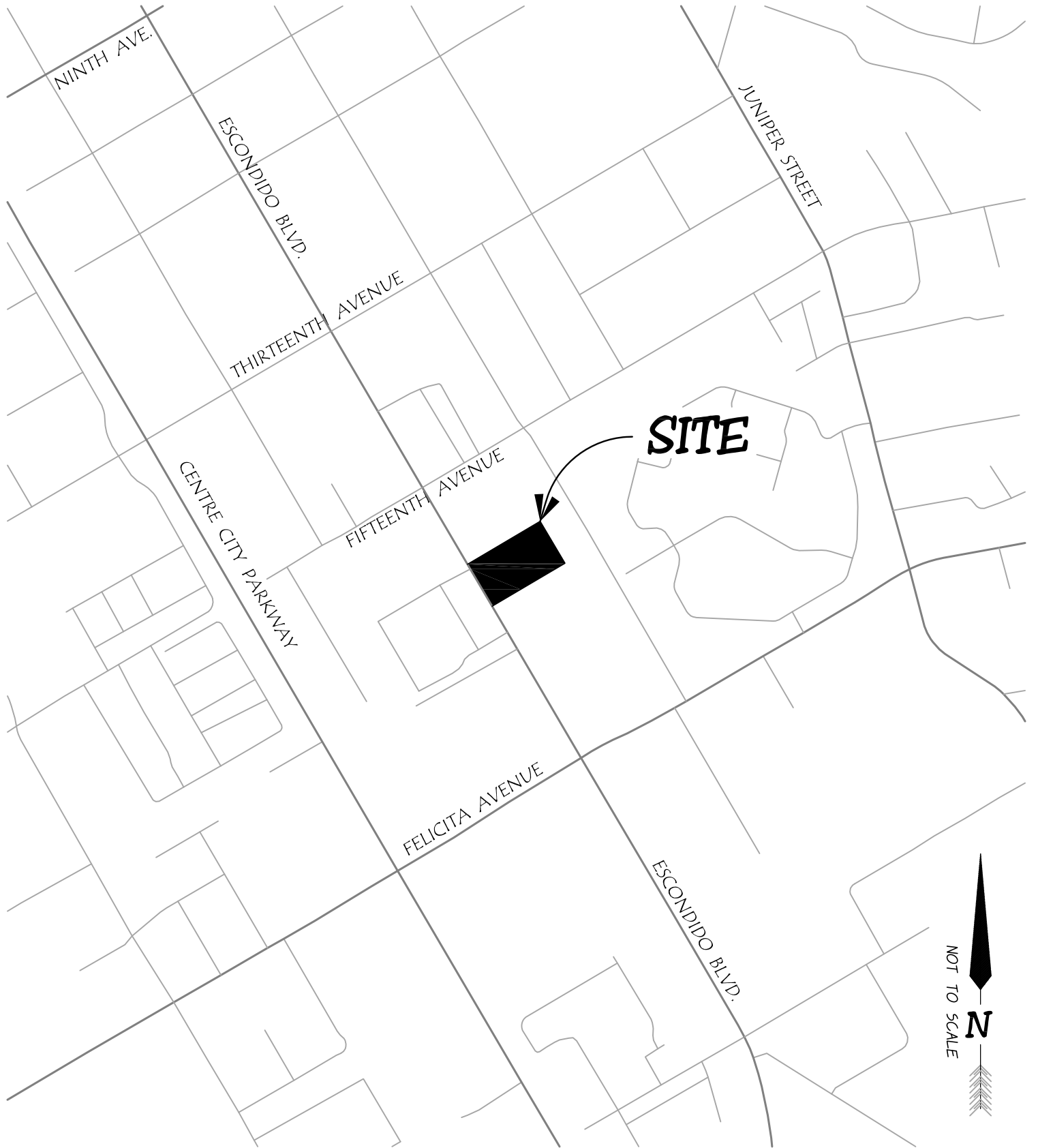
Julie Procopio, Director of Engineering Services
03/15/2018 9:34 a.m.

ATTACHMENTS:

1. Vicinity Map – Solutions for Change

SOLUTIONS for CHANGE

1560 S. ESCONDIDO BLVD.



NOTICE OF COMPLETION
CITY COUNCIL MEETING 03-21-2018



CITY COUNCIL STAFF REPORT

Consent Item No. 5

March 21, 2018

File No. 0685-10

SUBJECT: City of Escondido Landscape Maintenance Assessment District – Preliminary Engineer’s Report for Zones 1-38 for Fiscal Year 2018/2019.

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution Nos. 2018-31 and 2018-32 that will initiate the proceedings for the annual levy of assessments for the City of Escondido Landscape Maintenance Assessment District (LMD) (see LMD Map-Attachment 1) for Zones 1 through 38 for the 2018/2019 fiscal year, approve the preliminary Engineer’s Report for LMD Zones 1 through 38, and set a public hearing date of May 2, 2018, for LMD Zones 1 through 38.

FISCAL ANALYSIS:

The LMD reimburses all costs incurred by the City in all zones except Zones 12 and 13. The City of Escondido purchased property adjacent to the Reidy Creek environmental channel that lies within Zone 12 and therefore assumed the assessment assigned to this property. Zone 13 was formed to pay for the maintenance of the median landscaping in Centre City Parkway south of Felicita Avenue and north of Montview Drive. The City shares the cost of the maintenance in Zone 13 with the two shopping centers on either side of the parkway.

BACKGROUND:

The LMD was established as a means to fund the ongoing maintenance of certain landscape improvements associated with the development of specific properties within the City of Escondido. These landscape improvements have special benefit to those specific properties. The LMD is divided into various zones. Property owners of parcels within each zone are assessed for the benefit received within their zone for the maintenance of the landscape improvements.

Each year the City Council is required to review and approve the upcoming fiscal year budget and assessment for the LMD. The preliminary Engineer’s Report presented today details the proposed budget and assessment for Zones 1 through 38 within the LMD for fiscal year 2018/2019. As part of the approval process a public hearing will be held on May 2, 2018, to give property owners within Zones 1 through 38 of the LMD the opportunity to comment on the proposed budget and assessment. The final Engineer’s Report for LMD Zones 1 through 38 for fiscal year 2018/2019 will be presented to the City Council for approval on June 20, 2018.

March 21, 2018
LMD Preliminary Engineer's Report Zones 1-38
Page 2

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

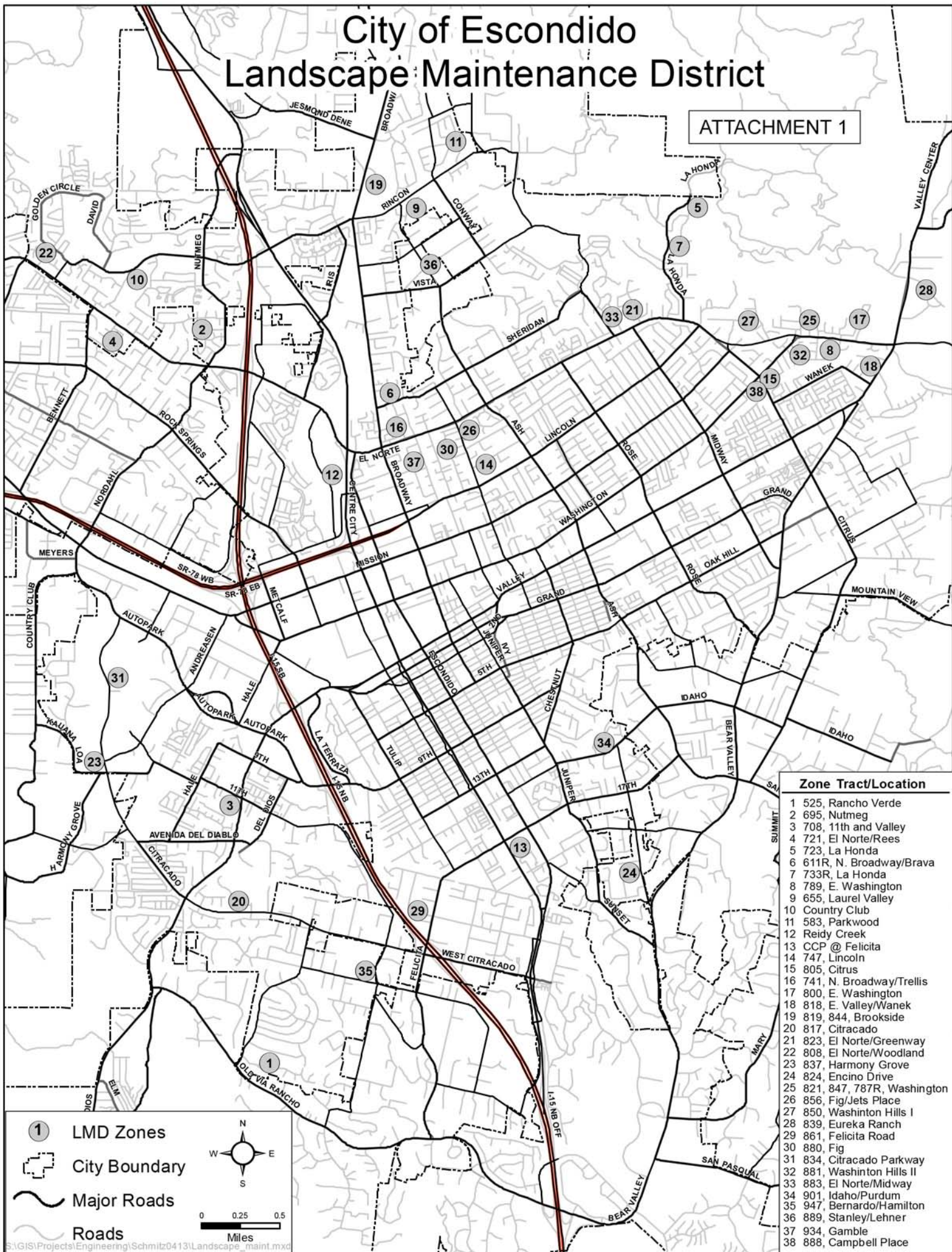
Julie Procopio, Director of Engineering Services
03/15/2018 9:34 a.m.

ATTACHMENTS:

1. Attachment 1 - LMD Map
2. Resolution 2018-31
3. Resolution 2018-32
4. Resolution 2018-32 - Exhibit "A"

City of Escondido Landscape Maintenance District

ATTACHMENT 1



Zone	Tract/Location
1	525, Rancho Verde
2	695, Nutmeg
3	708, 11th and Valley
4	721, El Norte/Rees
5	723, La Honda
6	611R, N. Broadway/Brava
7	733R, La Honda
8	789, E. Washington
9	655, Laurel Valley
10	Country Club
11	583, Parkwood
12	Reidy Creek
13	CCP @ Felicita
14	747, Lincoln
15	805, Citrus
16	741, N. Broadway/Trellis
17	800, E. Washington
18	818, E. Valley/Wanek
19	819, 844, Brookside
20	817, Citracado
21	823, El Norte/Greenway
22	808, El Norte/Woodland
23	837, Harmony Grove
24	824, Encino Drive
25	821, 847, 787R, Washington
26	856, Fig/Jets Place
27	850, Washinton Hills I
28	839, Eureka Ranch
29	861, Felicita Road
30	880, Fig
31	834, Citracado Parkway
32	881, Washinton Hills II
33	883, El Norte/Midway
34	901, Idaho/Purdum
35	847, Bernardo/Hamilton
36	889, Stanley/Lehner
37	934, Gamble
38	888, Campbell Place

RESOLUTION NO. 2018-31

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ORDERING THE PREPARATION OF AN
ASSESSMENT ENGINEER'S REPORT FOR
THE ANNUAL LEVY OF ASSESSMENTS IN
ZONES 1 THROUGH 38 OF THE
ESCONDIDO LANDSCAPE MAINTENANCE
ASSESSMENT DISTRICT

WHEREAS, the City Council of the City of Escondido has previously formed a Maintenance District pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act"); said Maintenance District known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, at this time the City Council desires to initiate proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for the annual costs of maintenance of improvements within Zones 1 through 38 of the Maintenance District and order the preparation and filing of an Assessment Engineer's Report for Zones 1 through 38.

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

1. That the above recitations are true.
2. That the public interest and convenience requires, and it is the intention of this legislative body to initiate proceedings for the annual levy and collection of special assessments for the payment of annual maintenance and/or servicing costs within Zones 1 through 38 of the Maintenance District for Fiscal Year 2018-2019.

3. That the City Engineer is hereby directed to prepare and file, or cause to be prepared and filed, an Assessment Engineer's Report as required by the provisions of the Act, Article XIIID of the Constitution of the State of California, the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following), and other applicable law, and generally containing the following:

A. Plans and specifications describing the general nature, location and extent of the existing improvements to be maintained;

B. An estimate of the cost of the maintenance and/or servicing of the existing improvements for Zones 1 through 38 of the Maintenance District;

C. A diagram of the Maintenance District, showing: (i) the exterior boundaries of the Maintenance District and Zones 1 through 38 therein; and (ii) the lines and dimensions of each lot or parcel of land within Zones 1 through 38 of the Maintenance District which is identified by a distinctive number or letter;

D. An assessment of the estimated costs of the maintenance and/or servicing of the existing improvements, assessing the net amount upon all assessable lots and/or parcels within Zones 1 through 38 of the Maintenance District in proportion of the special benefits received.

Upon completion of the preparation of said Assessment Engineer's Report, the original shall be filed with the City Clerk, who shall then submit the same to this City Council for its immediate review and consideration.

4. That the above mentioned Assessment Engineer's Report shall include all costs and expenses of said maintenance and/or servicing of existing improvements relating to Fiscal Year 2018-2019.

5. That this Resolution shall take effect immediately upon its adoption.

RESOLUTION NO. 2018-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, PRELIMINARILY APPROVING THE ASSESSMENT ENGINEER'S REPORT, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS IN ZONES 1 THROUGH 38 OF THE ESCONDIDO LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, AND SETTING THE TIME AND PLACE FOR PUBLIC HEARINGS THEREON

WHEREAS, the City Council of the City of Escondido has previously formed a Maintenance District pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California (the "Act"), which is also governed by Article XIID of the Constitution of the State of California ("Article XIID"), and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following) (the "Implementation Act") (the 1972 Act, Article XIID, and the Implementation Act are referred collectively as the "Assessment Law"). Such Maintenance District is known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, there has been established by the City 38 zones within the Maintenance District (each individually referenced as a "Zone"); and

WHEREAS, the City Council ordered the preparation of an Assessment Engineer's Report (the "Assessment Engineer's Report") to provide for the annual levy of assessments for Zones 1 through 38 of the Maintenance District for the next ensuing

fiscal year to provide for the costs and expenses necessary to pay for the maintenance and servicing of the improvements in Zones 1 through 38 of the Maintenance District; and

WHEREAS, there has been presented to the City Council and is on file with the City Clerk, the Assessment Engineer's Report for Zones 1 through 38 of the Maintenance District, attached hereto as Exhibit "A" and by this reference incorporated herein, as required by the Assessment Law, which Assessment Engineer's Report provides a full and detailed description of the improvements, boundaries of the Maintenance District and Zones therein, and the proposed assessments on the assessable lots and parcels of land within Zones 1 through 38 of the Maintenance District; and

WHEREAS, this City Council has now carefully examined and reviewed the Assessment Engineer's Report as presented, and is satisfied with each and all of the items and documents as set forth therein pertaining to Zones 1 through 38, and is satisfied that the assessments for Zones 1 through 38, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained, as set forth in the Assessment Engineer's Report; and

WHEREAS, the proposed annual assessments for Zones 1 through 38 for Fiscal Year 2018-2019 as set forth in the Assessment Engineer's Report do not exceed the maximum annual assessments as previously authorized to be levied by the previously approved formula for Zones 1 through 38 of the Maintenance District, and therefore in accordance with the Assessment Law, the proposed levy of assessments for Fiscal

Year 2018-2019 are not deemed to be “increased” over the maximum authorized annual assessments for such Zones; and

WHEREAS, the City Council desires to preliminarily approve such Assessment Engineer’s Report pertaining to Zones 1 through 38 and intends to conduct the proceedings to authorize the annual levy and collection of the assessments within Zones 1 through 38 of the Maintenance District for Fiscal Year 2018-2019.

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

1. The above recitals are true.
2. The public interest and convenience requires the levy and collection of assessments within the Maintenance District for Fiscal Year 2018-2019 to pay the annual costs and expenses for the maintenance and/or servicing of the improvements for Zones 1 through 38 of the above-referenced Maintenance District.
3. The existing improvements, which generally consist of landscape improvements located in the public rights-of-way and in dedicated landscape easements, are of special benefit to certain identified properties within the boundaries of Zones 1 through 38 of the Maintenance District.
4. The Assessment Engineer’s Report as it pertains to Zones 1 through 38, as presented, is hereby approved on a preliminary basis, and is ordered to be filed in the office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Assessment Engineer’s Report for (a) a full and detailed description of the existing improvements proposed to be maintained; (b) the

boundaries of the Maintenance District and Zones 1 through 38 therein; and (c) the proposed assessments upon assessable lots and parcels of land within Zones 1 through 38 of the Maintenance District. There are no substantial changes proposed to be made in the existing improvements. For further particulars, reference is made to the diagram of the Maintenance District as previously approved by this City Council, a copy of which is on file in the Office of the City Clerk of the City of Escondido and open for public inspection, and is designated by the name of the Maintenance District.

5. The public interest and convenience requires, and it is the intention of this City Council to order the annual levy and collection of the assessments for Zones 1 through 38 of the Maintenance District as set forth and described in the Assessment Engineer's Report, and further it is determined to be in the best public interest and convenience to levy and collect annual assessments to pay the costs and expense of said maintenance and improvements as estimated in the Assessment Engineer's Report. All costs and expenses of the maintenance and incidental expenses have been apportioned and distributed to the benefiting parcels in Zones 1 through 38 in accordance with the special benefits received from the existing improvements. Assessments are proposed to be levied as follows:

A. Assessments proposed to be levied on parcels within Zones 1 through 38 of the Maintenance District are not proposed to be increased from those as previously authorized to be levied within such Zones.

B. The majority of the Zones previously authorized an annual adjustment to the maximum assessment. The maximum assessments authorized to be levied in Zones 1, 4, 6, 7, 9, 10, 11, 13 through 30, and

32 through 38, have now been adjusted for inflation by the increase in the Consumer Price Index – All Urban Consumers, San Diego Area, as published by the Bureau of Labor Statistics. Adjustment of the maximum authorized assessments by such formula has been previously approved. No increase in the assessments beyond the maximum authorized assessments, as adjusted for inflation, is proposed for any of these Zones.

6. **NOTICE IS HEREBY GIVEN** that a public hearing will be held on May 2, 2018, at 4:30 p.m., or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, located at 201 North Broadway, Escondido, California 92025, which are the time, date, and place fixed by the City Council for the hearing of protests or objections in reference to the annual levy of assessments within Zones 1 through 38 of the Maintenance District, to the extent of the maintenance, by any interested person and any other matters contained in this Resolution. At such time the City Council will consider and finally determine whether to levy the proposed annual assessments.

The City Council shall consider all objections or protests, if any, to the annual assessments proposed to be levied on all properties located in Zones 1 through 38. Any person interested may file a written protest prior to the close of the public hearing referred to herein or, having filed such a protest, may file a written withdrawal of that protest prior to the close of such hearing, which shall occur upon the conclusion of public testimony. Any such written protest must state all grounds for objection. A written protest by a property owner must contain a description sufficient to identify the property owned by such person, e.g., assessor's parcel number.

Any interested person may mail a protest to the following address:

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

To be considered by the City Council, all protests must be received prior to the conclusion of the public hearing. **A postmark on an envelope returning a written protest which is postmarked prior to such date and time but not received until after the conclusion of the public hearing will not be considered.**

7. The City Clerk is authorized and directed to give notice of the public hearing for the annual levy and collection of the assessments within Zones 1 through 38 as required by law by causing a copy of this Resolution to be published one time in a newspaper of general circulation within the City of Escondido; said publication to be completed not less than ten (10) days prior to the date set for the public hearing.

8. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

Frank Schmitz
Engineering Department
City of Escondido
201 North Broadway
Escondido, CA 92025
(760) 839-4562

9. This Resolution shall take effect immediately upon its adoption.

Assessment Engineer's Report Zones 1 through 38

Fiscal Year 2018/19

City of Escondido

201 North Broadway – Escondido California 92025

Landscape Maintenance Assessment District

PRELIMINARY REPORT

March 21, 2018

Report pursuant to the Landscaping and Lighting Act of 1972, Part 2 Division 15 of the Streets and Highways Code, Article XIII.D. of the California Constitution, and Proposition 218 Omnibus Implementation Act (Government Code Section 53750 et seq.). The Streets and Highways Code, Part 2, Division 15, Article 4, commencing with Section 22565, directs the preparation of the Assessment Engineer's Report for each fiscal year for which assessments are to be levied and collected to pay the costs of the improvements described herein.

SPECIAL DISTRICT FINANCING & ADMINISTRATION

437 West Grand Avenue
Escondido CA 92025
760·233·2630 Fax 233·2631

*DUE TO THE NUMBER OF PAGES OF THIS
EXHIBIT A COMPLETE COPY IS AVAILABLE IN THE
OFFICE OF THE CITY CLERK OR CITY ATTORNEY.*

CITY COUNCIL STAFF REPORT

Consent Item No. 6

March 21, 2018

File No. 0830-07

SUBJECT: Annual Progress Report on the Implementation of the General Plan and Annual Housing Element Report (PHG 18-0001)

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is requested that the City Council review and receive the General Plan Annual Progress Report and the 2017 Annual Housing Report, documenting the City's progress and compliance with State housing law on implementing the 2013-2020 Housing Element of the General Plan, and authorize submittal of the Reports to the State Office of Planning and Research (OPR), the State Department of Housing and Community Development (HCD), and SANDAG.

FISCAL ANALYSIS:

No impact. Opportunities for HCD and SANDAG grants (Smart Growth, Active Transportation, transit-oriented development, etc.) rely upon the City's demonstration of its compliance with the Housing Element's objectives and deadlines.

BACKGROUND:

Government Code Section 65400 mandates that cities and counties submit an annual report on the status of their General Plan and progress in its implementation. The annual report is required to be submitted to OPR and HCD. The annual report is provided to OPR to help identify statewide trends in land use decision-making and how local planning and development activities relate to statewide planning goals. Providing a copy of the annual report to HCD fulfills statutory requirements to report certain housing information. This includes information on the progress in meeting the jurisdiction's share of regional housing needs determined pursuant to Government Code Section 65584 and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing pursuant to Government Code Section 65583(c)(3).

The City Council adopted a comprehensive update to the General Plan, as well as a new Housing Element for the 2013-2020 reporting cycle, on December 12, 2012. This staff report documents the second annual review of the 2012 General Plan, and the fifth annual review of the current Housing Element. In order to demonstrate compliance with the Housing Element, each city must report on the annual building activity of affordable units, the annual activity for units rehabilitated, preserved or acquired, the annual activity of above-moderate income units, the city's progress in meeting its Regional

Housing Needs Allocation (“RHNA”), and the city’s progress in its implementation of the Housing Element programs during calendar year 2017 (Attachment 1, Appendix D).

Senate Bill 341, as amended by Senate Bill 107, requires Housing Successor Agencies to prepare an additional report containing information on their housing activities. This information is attached to this staff report (Attachment 1, Appendix D, SB341 Annual Report) and is required to be submitted to HCD by the City at the same time as the Housing Element Annual Progress Report (“APR”).

ANNUAL REPORT FINDINGS:

The APR provides information for City Council to assess how the Escondido General Plan was implemented during the previous 12-month reporting period. The APR could help identify necessary "course adjustments" or modifications to the General Plan, and means to improve local implementation. The Housing Element portion of the Annual Report substantiates that the City is in compliance with State Housing Law, as detailed in the attached information. Table A delineates that permits were issued for 80 affordable units in Escondido in 2017. It is anticipated that several affordable units will be completed in the upcoming two years. Other Housing Element implementation items documented in Table C include the status of Zoning Code updates, the issuance of homeowner rehabilitation loans, and the continuation of the rental subsidy program for seniors and the disabled.

On September 15, 2017, the California Legislature responded to the state’s housing crisis by passing a package of fifteen housing-related bills. One of the bills intending to streamline local approval of housing projects is Senate Bill 35 (“SB 35”), which streamlines approval of housing projects meeting specific criteria. The bill provides that HCD make a determination for each “reporting period” whether a jurisdiction is subject to streamlining requirements for housing projects, based on progress made towards its RHNA. A “reporting period” is either the first half or second half of the eight-year Housing Element period. A jurisdiction is subject to streamlining when they have made insufficient progress toward either their Above-Moderate or Lower (Very Low and Low) RHNA. To be eligible for streamlining, a project must meet specific criteria, including affordable housing and labor requirements (prevailing wage), and it must meet the jurisdiction’s “objective” planning standards.

On February 1, 2018, HCD released a list of jurisdictions that are subject to SB 35 streamlining requirements. Ninety-eight percent of all jurisdictions in California have made insufficient progress on a portion of their RHNA and are subject to at least one form of streamlining of housing developments. All but thirteen California cities and counties are now required to review and streamline qualifying housing applications under the procedures in Government Code Section 65913.4 (SB 35). HCD made its determination based on RHNA numbers reported in APRs submitted to HCD by each jurisdiction as part of the annual Housing Element review. Thirteen jurisdictions (including Lemon Grove) are not subject to any permit streamlining based on HCD review. 378 jurisdictions (including Escondido and the majority of San Diego County jurisdictions) are determined to have made insufficient progress toward their Above Moderate RHNA and are subject to streamlining requirements for proposed developments with at least 10 percent of units affordable to households earning below 80 percent of the area’s median income. The remaining 148 jurisdictions in the state (including San Marcos and five

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other cities in San Diego County) are subject to streamlining for proposed developments with greater than or equal to 50 percent affordable units, because they have made insufficient progress toward their Lower Income RHNA.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
03/15/2018 8:59 a.m.

ATTACHMENTS:

1. Attachment 1: General Plan Annual Progress Report with Housing Element and SB341 Annual Reporting.

ATTACHMENT 1

Due to the number of pages of Attachment 1, a link has been provided to review the document electronically.

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/GPAnnualReport/GeneralPlanAnnualReport2017.pdf>

A hardcopy of the Attachment is available for review in the Office of the City Clerk during normal business hours. To obtain a copy, please the City Clerk at (760) 839-4617. For City Council members, a copy is available in the City Council reading file.

CITY COUNCIL STAFF REPORT

Consent Item No. 7

March 21, 2018

File No. 0830-20

SUBJECT: Request for Authorization to Process a General Plan Text Amendment to the Suburban Land-Use Designation Related to a Proposed Residential-Care Facility located at 1802 N. Centre City Parkway (PHG 17-0025)

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is requested that the City Council authorize the processing of the proposed text Amendment to the General Plan to allow building height up to three stories for non-residential structures within the residential Suburban land-use designation.

PROJECT DESCRIPTION:

The Planning Division received an application from The Mitchell Group (City File No. PHG17-0025) to develop a proposed residential-care facility project located at 1802 N. Centre City Parkway. The project would include up to 22 memory care units and 68 assisted living units within an approximately 71,316 square foot, three-story building. The approximately 3.03-acre parcel is located on the eastern side of North Centre City Parkway, south of Iris Lane. The Reidy Creek drainage course bisects the site from north to south. Escondido High School is located immediately to the east and southeast, and the Rincon Del Diablo Municipal Water District office and yard on the north. There is a mixture of single-family, multi-family, education, religious, care-facility, office and public works yard type uses around the project site.

Prior to the 2012 Comprehensive General Plan Update, the Suburban land-use designation did not have limits on building height or number of stories. These specific development requirements were contained in the Zoning Code for the underlying zoning category. The associated R-1-10 zone originally allowed buildings up to three stories and 35 feet in height. A Conditional Use Permit (City File No 2003-26-CUP) previously was approved in 2004 for the development of a three-story, 74,903 square foot residential-care facility on the subject site. Rough grading of the site was completed, but the care facility never was constructed and the Conditional Use Permit subsequently expired. In 2017, the Zoning Code was amended to consolidate all of the residential zones into one section (Article 6) and the R-1 limits on the number of stories deleted, but the overall height of 35 feet was retained.

The project proponent is requesting that the City initiate a General Plan Text Amendment to allow certain non-residential structures up to three-stories in height, with limitations to ensure compatibility with adjacent land-uses, require additional setbacks for three story structures and increased landscape buffers areas, as well as appropriate building orientation and architecture. This change would permit the continued processing of a land-use development application for the proposed three-

story care facility on the subject site. Authorizing this request to proceed with the Amendment to the General Plan text is not an approval of the proposed project(s) nor a guarantee of approval of the proposed project or General Plan Amendment.

FISCAL ANALYSIS:

For the purposes of this agenda item, the City Council only would be providing direction to staff on the processing of the prospective amendment to the General Plan. Authorization to process the amendment application will have no direct fiscal or staff impacts. The privately-initiated amendment application would be processed using existing staff resources with costs to be paid by the project proponent.

ENVIRONMENTAL REVIEW:

The action before the City Council is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, Feasibility and Planning Studies. This agenda item involves the consideration of processing a General Plan Amendment and land use development application. This general direction does not have a legally binding effect on any possible future discretionary action.

PREVIOUS ACTION:

In May 2012, the City Council adopted Resolution No. 2012-52, approving a comprehensive update to the General Plan. The update included revisions to land-use policies to include specific development standards for land-use designations to preserve and enhance the integrity and character of established residential neighborhoods, provide opportunities for future growth to meet the community's vision, and strengthen the economic viability of employment areas and commercial centers. In addition to development standards to allow maximum densities, minimum lot sizes and zoning classifications, the Suburban land-use designation now includes specific development limitations on the number of stories (up to two), where the previous General Plan Suburban designation did not contain limitations on building stories.

BACKGROUND:

The California Government Code Section 65358(a) provides that: "If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body." In accordance with its legislative discretion, the City of Escondido has established a set of General Plan Amendment Procedures to provide a process for preliminary review of proposed amendments. The purpose of which is intended to screen and/or prioritize land use development applications for review and identify applications the City Council has no interest in pursuing.

Based on the above, after receiving a General Plan Amendment, the City Council will consider which projects, if any, will be authorized to proceed with a formal amendment application. The decision does not in any way presume approval of the amendment or project. It only authorizes staff to process the application, but the City retains its discretion to consider the application in accordance with all applicable laws, including the California Environmental Quality Act and the City's zoning laws and ordinances. Consideration of the application will be in accordance with the City's Municipal Code and regulations.

Although the proposed amendment request covered by this agenda item should have been brought forward to the City Council prior to project intake, it was discovered by staff during project review that the Suburban land-use designation contained provisions that limits buildings to two stories in height. The applicant is aware that the development application cannot continued to be processed until City Council authorizes the proposed Amendment to the General Plan. They also understand that some of the application fees are nonrefundable.

In conversations with City staff, the applicant indicated the proposed amendment to the General Plan's text to allow a residential-care facility up to three stories on the subject site is warranted due to the mix of surrounding land uses that include a high school; creek; single- and three-story multi-family residential development and a municipal corporate yard. The project site is located adjacent to a Major Circulation Element road (Centre City Parkway) on the west and bisected by Reidy Creek on the east and south, which significantly limits the development area/potential for the property. The creek would be retained in its natural condition. The applicant indicated the number of rooms needed to make the project financially feasible, along with grading limitations, is not possible on the site without a third story element. The applicant also feels a three-story facility is warranted in this case because a three-story care facility previously was approved on the project site, and there is a nearby three-story care facility currently being constructed. Appropriate setbacks, landscape buffers and architectural elements would be incorporated into the design to be compatible with the mix of surrounding land uses.

In consideration of the proposed General Plan Amendment request, nearly all non-residential uses (i.e., large residential-care facilities, churches, schools, nurseries, wineries, etc.) allowed in most residential zones require the approval of a Conditional Use Permit. This helps ensure that such issues, such as structural height, intensity of use, and neighborhood compatibility can be discussed openly in a public hearing format, and duly considered with proper notices made to surrounding property owners. The underlying height limit of 35 feet is suggested to remain in place.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
03/14/2018 4:26 p.m.

Jay Paul, Senior Planner
03/14/2018 5:06 p.m.

CITY COUNCIL STAFF REPORT

Consent Item No. 8

March 21, 2018

File No. 0800-40

SUBJECT: Extension of Time for a Tentative Subdivision Map and Master and Precise Development Plan – Amanda Estates Development located at 2115 Amanda Lane (SUB 13-0007 and PHG 13-0034)

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2018-30 approving a three-year extension of time for a 21-lot single-family residential planned development.

PLANNING COMMISSION RECOMMENDATION:

The requested extension of time does not require consideration by the Planning Commission because Section 32.210.02A of the Escondido Subdivision Ordinance states that time extensions shall be granted or denied by the original approval body, which was the City Council.

PROJECT DESCRIPTION:

The proposed project includes a Tentative Subdivision Map, along with a Master and Precise Development Plan for 21 single-family residential lots on approximately 11.2-acres of land. The project site was rezoned to PD-R 1.9 (Planned Development Residential, 1.9 dwelling unit per acre) to correspond to the proposed Planned Development. Grading Exemptions for cut slopes in excess of 20 feet in height and fill slopes in excess of 10 feet in height, and retaining walls also were approved. The clustered lot sizes range from approximately 10,025 SF to 20,404 SF. The existing home on the site would be removed. The project included annexation/reorganization of the subject site to the City of Escondido, along with four off-site developed parcels, and a portion of a private road easement connecting Amanda Lane to Gamble Lane. Off-site roadway and drainage improvements are proposed along Amanda Lane and Gamble Lane from Eucalyptus Avenue on the east to the gated terminus on the west, which also includes a “Traffic Calming Plan” for Gamble Lane.

LOCATION:

The proposed “Amanda Estates” project is located at the northern terminus of Amanda Lane, north of Gamble Lane, addressed as 2115 Amanda Lane (APN 235-202-35).

FISCAL ANALYSIS:

The project is required to pay all applicable development fees and install improvements in conformance with City standards.

BACKGROUND:

The Planning Commission voted unanimously (6-0) to recommend approval of the proposed Amanda Estates Project on March 10, 2015, and the City Council approved the project on April 8, 2015 (See Attachment 1 and 2). The Tentative Map and corresponding planned development is valid for three-years, unless an extension of time is granted by the City Council. The project is scheduled to expire on April 8, 2018. The map is eligible for a local time extension up to five additional years. The applicant submitted an application to extend the map and planned development prior to the expiration date, which put a hold on the expiration until a final Council decision. The criteria for determining the appropriateness for granting an extension of time for a Tentative Subdivision Map is based on the map's compliance with the City's current General Plan, Zoning Ordinance, and the requirements of the California Environmental Quality Act (CEQA).

ENVIRONMENTAL REVIEW:

A Final Initial Study and Mitigated Negative Declaration (IS/MND) was adopted for the project in conformance with the California Environmental Quality Act (CEQA). Mitigation Measures were adopted to address impacts related to air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, transportation/traffic, and utilities and service systems. A Notice of Determination was filed with the County Clerk on April 24, 2015.

GENERAL PLAN ANALYSIS:

The General Plan land-use designation for the site is Estate II, which allows up to two dwelling units per acre with the maximum development yield of a property calculated according to topography/slope categories. Based on the variable slope provisions of the Estate II land use designation contained in the City's General Plan, up to 21 dwelling units/lots would be allowed on the project site. The proposed project density of 1.9 du/ac is consistent with the Estate II designation. The clustering provisions would allow lots within the Estate II land-use designation to reduce lot size from 20,000 SF to a minimum lot size of 10,000 SF, but the amount of lot size reduction less than 20,000 SF must be replaced as open space. Proposed lot sizes range from 10,205 SF to 20,404 SF, with an average lot size of approximately 13,000 SF. Through clustering, lot sizes have been reduced by a total of approximately 3.47 acres, and approximately 3.51 acres of open space (Lots A and B) has been provided which demonstrates conformance to the General Plan clustering policies. Lot sizes and the amount of open space provided is consistent with the Clustering Provisions for the Estate II land-use designation. Therefore, the project would be consistent with the General Plan.

ANALYSIS:

Since the project was approved, the annexation/reorganization was approved by the Local Agency Formation Commission (LAFCO) and the property annexed into the City. The project applicant has not yet submitted plans to record the map and develop the site. However, the applicant indicated the

extension is necessary to continue pursuing financing for the project. Staff believes the Tentative Map is still in conformance with the General Plan, Zoning Code requirements and CEQA provisions. The Planning Division and Engineering Conditions of Approval of been updated to conform to current storm water design and landscape requirements, and storm drain repayment for the Hamilton Basin which increases eight percent every July 1st. Therefore, staff recommends the requested three-year extension of time and updated Conditions of Approval be approved, which are reflected in the Council Resolution.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
03/14/2018 4:26 p.m.

Jay Paul, Senior Planner
03/14/2018 5:06 p.m.

ATTACHMENTS:

1. Attachment 1 – City Council staff report (April 8, 2015). Attachment 1 may be viewed at the following links:
<https://www.escondido.org/Data/Sites/1/media/PDFs/planning/AmandaEstates/032118AmandaEstatesEOTAttachment11of2.pdf>
<https://www.escondido.org/Data/Sites/1/media/PDFs/planning/AmandaEstates/032118AmandaEstatesEOTAttachment12of2.pdf>
2. Attachment 2 – City Council minutes (April 8, 2015)
3. Resolution No. 2018-30
4. Resolution No. 2018-30 – Exhibits A
5. Resolution No. 2018-30 – Exhibits B
6. Resolution No. 2018-30 – Exhibits C

ATTACHMENT 2

PUBLIC HEARINGS

6. AMANDA ESTATES PROJECT ANNEXATION, TENTATIVE SUBDIVISION MAP, MASTER AND PRECISE DEVELOPMENT PLAN, PRE-ZONE, GRADING EXEMPTIONS, AND FINAL MITIGATED NEGATIVE DECLARATION (SUB 13-0007 AND PHG 13-0034) -

Request Council approve a Tentative Subdivision Map, along with a Master and Precise Development Plan for 21 single-family residential clustered lots on approximately 11.2-acre of land located at 2115 Amanda Lane. Grading Exemptions for cut slopes in excess of 20 feet in height and fill slopes in excess of 10 feet in height, and retaining walls also are requested. Residential lot sizes range from approximately 10,025 SF to 20,404 SF. The project includes annexation/reorganization of the subject site to the City of Escondido, along with three adjacent developed parcels and a portion of a private road easement connecting Amanda Lane to Gamble Lane. The project includes pre-zoning of the subject site to City Planned Development-Residential (PD-R 1.9) and the three adjacent developed residential parcels to RE-20 (Residential Estate, 20,000 SF min. lot size). Off-site roadway and drainage improvements are proposed along Amanda Lane and Gamble Lane from Eucalyptus Avenue on the east to the gated terminus on the west. In compliance with SB 244, "Disadvantaged Unincorporated Community" eight additional properties would be included in the pre-zoning process, but would not be included in this annexation. A separate annexation application would be submitted to LAFCO for these parcels. The request authorizes applications to the Local Agency Formation Commission (LAFCO) for the subject annexation and additional parcels in conformance with SB 244. (File No. 0850-20)

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

- A) RESOLUTION NO. 2015-38 B) RESOLUTION NO. 2015-43 C) RESOLUTION NO. 2015-46
D) ORDINANCE 2015-08 (Introduction and First Reading)

Bill Martin, Deputy Director of Planning, presented the staff report, utilizing a PowerPoint presentation.

Jason Han, Applicant, presented information about Amanda Estates and stated New Urban West will bring high quality homes to Escondido.

Richard Cornell, Escondido, requested traffic calming measures on Eucalyptus Avenue and opening of end gate.

Sam Sullivan, Escondido, expressed opposition for a zoning change and grading exemptions.

Terry Austin, Escondido, questioned the Citracado Parkway progress and effects that it will have on her property; questioned the need for a gate.

Bill Ewing, Escondido, expressed his support for Amanda Estates.

Andrea Stout, Escondido, voiced her support for the project and the infrastructure improvements it will bring to the area.

Bill Dumey, Escondido, supports the Amanda Estates project and New Urban West.

Kathy Daniels, Escondido, urged the Council to support the project.

Jerry Kaufman, Escondido, representative for the Escondido Chamber of Commerce, stated the project is an economic benefit to the City.

Carl Skaja, Escondido, supports the Amanda Estates project and believes the City needs more quality housing.

Dave Shipley, Escondido, expressed his support for the project and the benefits of annexation.

MOTION: Moved by Councilmember Masson and seconded by Deputy Mayor Morasco to approve a Tentative Subdivision Map, along with a Master and Precise Development Plan for 21 single-family residential clustered lots on approximately 11.2-acre of land located at 2115 Amanda Lane. Grading Exemptions for cut slopes in excess of 20 feet in height and fill slopes in excess of 10 feet in height, and retaining walls also are requested.

Residential lot sizes range from approximately 10,025 SF to 20,404 SF. The project includes annexation/reorganization of the subject site to the City of Escondido, along with three adjacent developed parcels and a portion of a private road easement connecting Amanda Lane to Gamble Lane. The project includes pre-zoning of the subject site to City Planned Development-Residential (PD-R 1.9) and the three adjacent developed residential parcels to RE-20 (Residential Estate, 20,000 SF min. lot size). Off-site roadway and drainage improvements are proposed along Amanda Lane and Gamble Lane from Eucalyptus Avenue on the east to the gated terminus on the west. In compliance with SB 244, "Disadvantaged Unincorporated Community" eight additional properties would be included in the pre-zoning process, but would not be included in this annexation. A separate annexation application would be submitted to LAFCO for these parcels. The request authorizes applications to the Local Agency Formation Commission (LAFCO) for the subject annexation and additional parcels in conformance with SB 244, and adopt Resolution No. 2015-38, Resolution 2015-43, Resolution No. 2015-46 and introduce Ordinance No. 2015-08. Motion carried unanimously.

7. GENERAL PLAN AMENDMENT (PHG 14-0014) -

Request Council approve a General Plan Amendment (PHG 14-0014) from GC (General Commercial) to LI (Light Industrial), for a 2.11-acre parcel, with access off of W. Mission Avenue and Nordahl Road and certify the environmental review prepared for the project. There is no new development proposal associated with the General Plan Amendment. The existing development on-site includes two multi-tenant buildings, parking and landscaping. The proposal also includes the adoption of the environmental determination prepared for the project, addressed as 2120-2122 W. Mission Road (APN 226-112-49). (File No. 0830-20)

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

RESOLUTION NO. 2015-39

Jay Petrek, Assistant Planning Director, presented the staff report, utilizing a PowerPoint presentation.

Daren Parker, Planning, was available to answer questions.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Masson to approve a General Plan Amendment (PHG 14-0014) from GC (General Commercial) to LI (Light Industrial), for a 2.11-acre parcel, with access off of W. Mission Avenue and Nordahl Road and certify the environmental review prepared for the project. There is no new development proposal associated with the General Plan Amendment. The existing development on-site includes two multi-tenant buildings, parking and landscaping. The proposal also includes the adoption of the environmental determination prepared for the project, addressed as 2120-2122 W. Mission Road (APN 226-112-49) and adopt Resolution No. 2015-39. Motion carried unanimously.

FUTURE AGENDA

8. FUTURE AGENDA -

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

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

Councilmember Diaz requested an item regarding New Water Conservation Standards be discussed.

RESOLUTION NO. 2018-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A THREE-YEAR EXTENSION OF TIME FOR A TWENTY-ONE LOT TENTATIVE SUBDIVISION MAP AND PLANNED DEVELOPMENT

Case No. SUB 13-0007 and PHG 13-0034

WHEREAS, pursuant to Chapter 32 of the Escondido Zoning Code, the City Council did, on April 8, 2015, consider and approve a request for a Tentative Subdivision Map, along with a Master and Precise Development Plan for 21 single-family residential clustered lots on approximately 11.2-acres of land. The project site was zoned PD-R 1.9 (Planned Development Residential, 1.9 dwelling unit per acre) to correspond to the proposed Planned Development. Grading Exemptions for cut slopes in excess of 20 feet in height and fill slopes in excess of 10 feet in height, and retaining walls also are requested. The clustered lot sizes range from approximately 10,025 SF to 20,404 SF. The existing home on the site would be removed. The project included annexation/reorganization of the subject site to the City of Escondido, along with four off-site developed parcels, and a portion of a private road easement connecting Amanda Lane to Gamble Lane. Off-site roadway and drainage improvements are proposed along Amanda Lane and Gamble Lane from Eucalyptus Avenue on the east to the gated terminus on the west, which also includes a "Traffic Calming Plan" for Gamble Lane. The proposed "Amanda Estates" project is located at the northern terminus of Amanda Lane, north of Gamble Lane, addressed as 2115 Amanda Lane (APN 235-202-35), more particularly described in Exhibit "C," and incorporated by this reference; and

WHEREAS, the City Council reviewed and adopted the Initial Study/Negative Declaration prepared for the project and determined the project would not have any significant impacts to the environment because all project related impacts have been mitigated; and

WHEREAS, a Tentative Map and Planned Development, which has been approved or conditionally approved shall expire three years from the effective date of approval, unless additional time is granted pursuant to the Subdivision Map Act, or an extension of time is approved in accordance with Section 32.210.02 of the Escondido Municipal Code; and

WHEREAS, the applicant requests that the City Council approve an extension of time for three years as permitted by the Subdivision Map Act and Chapter 33, Article 2 of the City of Escondido Zoning Code. Pursuant to Section 32.210.02 of the City of Escondido Municipal Code, multiple extensions may be granted provided that the overall total of incremental extensions do not exceed five years; and

WHEREAS, this City Council has considered the extension request, the staff report, and incorporates by reference the findings made therein; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said extension of time.

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

1. That the above recitations are true.

2. That the Findings of Fact/Factors to be Considered attached as Exhibit "A" were made by said Council, and is incorporated by this reference.

3. That upon consideration of the Findings/Factors, all material in the staff report (a copy of which is on file in the Planning Division) this City Council extends the Tentative Subdivision Map (SUB13-0007) and associated Planned Development (PHG13-0034) for three years, as reflected on plans and documents on file in the offices of the City Clerk and Planning Division, and subject to the Conditions of Approval as set forth as Exhibit "B" and is incorporated by this reference.

4. That this Tentative Subdivision Map and Planned Development shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed within 36 months, or unless an additional Extension of Time is granted.

EXHIBIT "A"

FINDINGS OF FACT/FACTORS TO BE CONSIDERED

SUB 13-0007, PHG 13-0034
Amanda Estates

Tentative Subdivision Map

1. The Planning Commission finds that the extension request is reasonable, was filed within the time periods specified, and meets all requisite findings for extension of time on the Tentative Parcel Map.
2. The proposed tentative map with a density of 1.9 du/ acre (proposed 21 dwelling units) is consistent with the applicable General Plan land use designation of Estate II, 2.0 du/ac, maximum yield of 21 units based on site-specific slope conditions. No changes in City policy have occurred that would conflict with the project. This approval will extend the Tentative Subdivision Map to April 8, 2021.
3. All findings of fact and factors to be considered associated with the City Council Resolution No. 2015-38 and Ordinance No. 2015-08 which approved Case No. SUB13-0007 and PHG13-0034, are incorporated herein as though fully set forth. The proposed project will comply with all the applicable regulations, conditions, and polices imposed by the Escondido Municipal and Zoning Codes.
4. The site is physically suited for this type of development, which is zoned Planned Development Residential 1.9 and the proposed project would be consistent with the development standards of the Residential Development policies and goals in the General Plan.
5. The design of the tentative map and proposed improvements are not likely to cause substantial environmental damage or injury to fish, wildlife, or their habitat, as detailed in the Final Mitigated Negative Declaration prepared for the project.
6. The design of the tentative map and the type of improvements are not likely to cause serious public health problems since public water and sewer facilities exist in the area or will be provided to the site, and the project proposes appropriate on- and off-site street improvements to adequately accommodate the project. Storm water/drainage features also are proposed in accordance with current SUSMP requirements. The project proposed off-site improvements to Amanda Lane and Gamble Lane, including traffic calming along Gamble Lane to reduce current roadway and drainage deficiencies within the area, which would be a public benefit to existing city and county residents.
7. The design of the subdivision map and the type of improvements will not conflict with existing easements of record, or easements established through court judgments or acquired by the population at large, for access through, or use of, property within the proposed subdivision map. Otherwise, the project design reflects all existing easements.
8. The requirements of the California Environmental Quality Act have been met because it was found/determined the project will not have a significant effect on the environment because mitigation measures and project design features will avoid or reduce potential impacts to

less than a significant level, as demonstrated in the Final Mitigated Negative Declaration prepared for the project.

9. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code will be obtained prior to recordation of the map.
10. The design of the map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities. Landscaping shall provide passive cooling opportunities via shading of each unit.
11. The proposed map will not conflict with regional or local housing needs because all lots maintain all development standards of the applicable zone and observe the density of the General Plan. The removal of the existing home would be replaced with new single-family residential homes in conformance with the Planned Development land-use zoning designation.

Grading Exemptions

1. Granting the proposed new and modified Grading Exemptions is consistent with the Grading Design Guidelines for the following reasons:
 - a. The grading activity does not affect sensitive biological species or habitats, mature or protected trees, and required landscaping, and the development shall incorporate erosion control measures as defined in the City's stormwater management requirements.
 - b. The proposed Grading Exemptions would not create a negative visual impact upon neighboring properties and the public right of way because landscaping on the slopes will assist in softening the visual effect.
 - c. The proposed slopes would not intrude into or disturb the use of any adjacent property or adversely block the primary view of any adjacent parcels, which generally are situated at a higher elevation; disturb any utilities or drainage facilities; obstruct circulation patterns or access; nor preclude the future development of any adjacent parcel.
 - d. The proposed design of the slopes would not adversely affect any adjoining septic systems since the cut slope is located in an area of the project where no impacts would occur to nearby septic systems. The proposed project will be provided with sewer service.
 - e. The proposed cut and fill slopes would be structurally stable since all slopes will be manufactured to a standard 2:1 inclination.
2. All graded areas shall be protected from wind and water erosion through compliance with the City's stormwater management requirements. The development will be required to incorporate interim erosion control plans, certified by the project engineer and reviewed and approved by the City's Public Works Department.

Preliminary, Master and Precise Development Plan

1. The location, design and density of the proposed residential development is consistent with the goals and policies of the Escondido General Plan. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not

materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site.

2. The proposed location and design of the development allows it to be well integrated with its surroundings near residentially zoned property and will not cause deterioration of bordering land uses.
3. All vehicular traffic generated by the proposed development would be accommodated safely and without causing undue congestion on adjoining streets, according to the Final Mitigated Negative Declaration, the traffic impact analysis for the project prepared by Linscott, Law & Greenspan, and the Engineering Division. The project proposed off-site improvements to Amanda Lane and Gamble Lane, including traffic calming along Gamble Lane to reduce current roadway and drainage deficiencies within the area, which would be a public benefit to existing city and county residents.
4. All public facilities, sewer and water service are existing or will be available to the subject site, with proposed and anticipated improvements and annexation.
5. The overall design of the proposed residential development would produce an attractive, beautiful, efficient and stable environment for living, because adequate parking, open space and landscaping would be provided, and the design of the development is consistent with a high quality, urban infill project that will provide ownership housing in close proximity to schools, retail, commercial and office uses, consistent with the area's growing demand for high quality homes.
6. The proposed development would be well integrated into its surroundings, since excessive grading would not be required, the new structures would incorporate compatible and integrated architecture, materials and colors, the project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties.
7. The approval of the proposed Preliminary, Master and Precise Development Plan would be based on sound principles of land use because adequate parking, circulation, utilities and access would be provided for the development of the project (as detailed in the staff reports).
8. The requirements of the California Environmental Quality Act have been met because it was found/determined the project will not have a significant effect on the environment because mitigation measures and project design features will avoid or reduce potential impacts to less than a significant level, as demonstrated in the Final Mitigated Negative Declaration prepared for the project.

EXHIBIT "B"

CONDITIONS OF APPROVAL

SUB 13-0007, PHG 13-0034
Amanda Estates

Project Mitigation Measures

1. **Air-1 Construction Dust Control Measures.** The on-site construction superintendent shall ensure implementation of standard best management practices to reduce the emissions of fugitive dust to a level of less than significant during all grading and site preparation activities including, but not limited to, the following actions:
 - A. Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site, additional water shall be applied at a frequency to be determined by the on-site construction superintendent.
 - B. Operate all vehicles on the construction site at speeds less than 15 miles per hour.
 - C. Cover all stockpiles that will not be utilized within three days with plastic or equivalent material, to be determined by the on-site construction superintendent, or spray them with a non-toxic chemical stabilizer.
 - D. If a street sweeper is used to remove any track-out/carry-out, only PM10-efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carryout is prohibited under any circumstances.
2. **Bio-1** To avoid any direct impacts to raptors, removal of eucalyptus woodland habitat shall occur outside of the raptor breeding season (January 15 to August 31). If removal of eucalyptus woodland habitat must occur during the breeding season, the applicant shall retain a City approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting raptors in the proposed area of disturbance. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction activities (including the removal of vegetation). The applicant shall submit the results of the preconstruction survey to the City for review and approval prior to initiating any construction activities.
3. **Bio-2** Vegetation clearing or brushing shall occur outside of the typical breeding season for raptors and migratory birds (January 15 to August 31). If this is not possible, then a qualified biologist shall conduct a survey for nesting birds no more than five calendar days prior to construction to determine the presence or absence of nests on the project site. The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities. No construction activities shall occur within 300 feet of tree dwelling raptor nests, or within 800 feet of ground dwelling raptor nests, until a qualified biologist has determined that they are no longer active or that noise levels will not exceed 60 dB(A) Equivalent Energy Level (Leq) at the nest site. Alternatively, noise minimization measures such as noise barriers shall be constructed to bring noise levels to below 60 dB(A) Leq, which will reduce the impact to below a level of significance.
4. **Bio-3** During construction activities, the construction contractor shall ensure that dirt storage piles are stabilized by chemical binders, tarps, fencing or other erosion control measures.

5. **Bio-4** During construction activities, the construction contractor shall terminate grading activities if winds exceed 25 mph.
6. **Bio-5** Prior to issuance of a grading permit, the project applicant shall show on project plans that all landscape areas, including plant material within the plantable retaining wall, include native vegetation and drought tolerant plant materials.
7. **Bio-6** During construction activities, the construction contractor shall ensure that the limits of grading are flagged or marked with silt fencing prior to grading to prevent indirect impacts to off-site sensitive coastal sage scrub habitat to the northeast of the project site. Prior to grading, a qualified biologist shall review the flagging and silt fencing and during grading the qualified biologist shall monitor the limits of clear and grub and grading activities. Monitoring shall be conducted on an as needed basis as determined by the qualified biologist with reports submitted to the City of Escondido Planning Department on a weekly basis.
8. **Bio-7** To offset impacts associated with the loss of one mature oak tree, prior to issuance of a certificate of occupancy for the first residence, the applicant shall plant two oak trees within an open space area on the proposed project site, and the on-site homeowners' association shall ensure that they are maintained in perpetuity.
9. **Cul-1** The following mitigation monitoring and reporting program shall be implemented to address potential impacts to undiscovered buried archaeological resources within the proposed project impact area. This program shall include, but not be limited to, the following actions:
 - A. Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitor from a tribal group appropriate to this location have been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the lead agency. The archaeologist shall be responsible for coordinating with the tribal representative. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
 - B. The qualified archaeologist and a Native American representative shall attend the pregrading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.
 - C. During the original cutting of previously undisturbed deposits the archaeological monitor and Native American representative shall be on site full-time to perform inspections of the excavations. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The project archaeologist shall be responsible for determining the duration and frequency of monitoring.
 - D. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.
 - E. In the event that previously unidentified cultural resources are discovered, the archaeologist, with input from the Native American representative, shall have the authority to temporarily divert halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the City Planning Department at the time of discovery. The archaeologist, in consultation with the Native American representative, shall determine the significance of the discovered resources. The significance determination and any additional mitigation measures shall be submitted to the City of Escondido for review. The City must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a research design and data recovery program to mitigate impacts

shall be prepared by the consulting archaeologist and approved by the City, then carried out using professional archaeological methods. If any human remains are discovered, the County Coroner and City shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.

- F. Where any significant cultural deposits have been discovered, data recovery measures shall be implemented before construction activities are allowed to resume in the affected area.
 - G. All cultural material collected during the grading monitoring program shall be processed using appropriate protocols for cataloging, recording, and photographing, in addition to special studies, to facilitate a detailed and exhaustive analysis. When all research potential of the collection has been exhausted, the collection shall be repatriated to the Native American community, consistent with existing state law and the City's policies. Should the Native American community decline the collection, the collection shall be curated at the San Diego Archaeological Center.
 - H. A report documenting the field and analysis results and interpreting the artifact and research data within the research context, shall be completed and submitted to the satisfaction of the City Planning Department prior to the issuance of any building permits. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.
10. **Geo-1** Prior to the issuance of a grading permit, the applicant shall demonstrate that all recommendations contained in the GSI Preliminary Geotechnical Evaluation (2011) are incorporated into the proposed project during construction. All required recommendations from the Geotechnical Evaluation shall be documented on the project's grading plans and included in the grading permit application submitted and approved by the City's Engineering Division prior to the start of construction.
 11. **Haz-1** Prior to the issuance of a grading permit, the results of the Site Assessment Report, dated November 17, 2014, prepared by Tetra Tech to evaluate agricultural chemical residue at the site, shall be submitted to State of California Department of Toxic Substances Control (DTSC) for review. Based on the results of the Site Assessment Report, the environmental condition of the project site has been sufficiently characterized as soil with concentrations of metals, polyaromatic hydrocarbons, and dioxin/furan compounds exceeding DTSC-approved screening levels is limited to an area approximately 35 feet wide by 51 feet long by 2 feet deep adjacent to the westerly property boundary. A Response Plan shall be developed to remediate the impacted soils and shall be provided to DTSC for review. The Response Plan shall be submitted in accordance with the California Land Reuse and Revitalization Act (CLRRA) and shall be implemented under the oversight of the DTSC.
 12. **Haz-2** If asbestos-cement irrigation pipelines are encountered during site grading, they shall be handled in accordance with the U.S. Occupational Safety and Health Administration (OSHA), California OSHA, and County of San Diego Department of Environmental Health requirements and all federal, state, and local disposal regulations.
 13. **Haz-3** At least 10 working days prior to the issuance of the demolition permit or commencement of any asbestos stripping or removal work (such as site preparation that would break up, dislodge or similarly disturb asbestos containing material (ACM), the project applicant shall submit an Asbestos Demolition or Renovation Operational Plan (Notice of Intention) to the City Planning Department. The plan shall be prepared by an asbestos consultant licensed with the California State Licensing Board and certified by the California Occupational Safety and Health Administration (Cal OSHA) to conduct an asbestos inspection in compliance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) requirements. The Asbestos NESHAP, as specified under Rule 40 CFR 61, Subpart M, (enforced locally by the San Diego County Air Pollution Control District (SDCAPCD), under authority, per Regulation XI, Subpart M - Rule 361.145), requires the Asbestos Demolition or Renovation Operational Plan to include the facility information, project description, presence of asbestos, removal and demolition

contractors, means of waste transportation off site, contingency plan, and certified specialist who will be present on site during removal of asbestos. Removal of all ACM or presumed ACM on the project site shall be monitored by the certified asbestos consultant and shall be performed in accordance with all applicable laws, including California Code of Regulations, Title 8, Section 1529, Asbestos; OSHA and Cal OSHA standards; and the SDCAPCD Rule 361.145, Standard for Demolition and Renovation. Notification of at least 10 days of any removal or demolition work and payment of the appropriate fee(s) is required by SDCAPCD.

14. **Haz-4** Prior to the issuance of a grading permit or demolition permit, the project applicant shall show proof to the City Planning Department that a Certified Lead Inspector/Assessor, as defined in Title 17, CCR Section 35005, and in accordance with all applicable laws pertaining to the handling and disposal of lead-based paint, has been retained to perform demolition and removal of all existing on-site structures constructed pre-1979. Lead-based materials exposure is regulated by California Occupational Safety and Health Administration (Cal OSHA). Title 8 CCR Section 1532.1 requires testing, monitoring, containment, and disposal of lead based materials so that exposure levels do not exceed Cal OSHA standards.
15. **Haz-5** Prior to issuance of a grading permit, the project applicant shall hire an environmental consultant to prepare and submit to the lead regulatory agency (California Department of Toxic Substances Control (DTSC)) a Response Plan pursuant to California Land Reuse and Revitalization Act (CLRRA), for the excavation, testing and off-site disposal of polyaromatic hydrocarbons, dioxin, and furan compounds found within the undocumented fill in the natural drainage swale adjacent to the westerly property line of the project site. The Response Plan shall be implemented under DTSC oversight during site grading and excavation according to the method described below or otherwise required by DTSC.
 - A. The undocumented fill shall be excavated, profiled for proper disposal and transported to an appropriate landfill certified to accept Cal-hazardous waste by a licensed hazardous waste contractor.
 - B. Testing of soils exposed on the bottom and the sides of the remedial excavation shall be performed to confirm that the extent of excavation is sufficient for purposes of satisfying DTSC's requirements.

Following completion of the Response Plan, the proposed project applicant shall obtain a written regulatory closure letter from the DTSC specifying that no further action is necessary in regard to the undocumented fill in the natural drainage swale adjacent to the westerly property line of the proposed project site.

16. **Haz-6** Prior to issuance of a grading permit, the project applicant shall hire an environmental remediation contractor who shall be responsible for managing any grading, excavation or ground disturbance in the natural drainage swale adjacent to the westerly property line. The environmental remediation contractor and its staff shall be trained through the Occupational Safety and Health Administration (OHSA) 40-hour safety program (29 Code of Federal Regulations [CFR] 1910.120), and shall implement the Response Plan and a soil management plan (SMP) approved by the DTSC, under DTSC's oversight.
17. **Haz-7** Prior to the start of the construction, the construction contractor shall notify the Escondido Police Department of the location, timing, and duration of any lane closure(s) on Gamble Lane, or any other road in the project area, due to project construction activities. If determined necessary by the Police Department, local emergency services, including the Escondido Fire Department and appropriate ambulances services, shall be notified of the lane closure(s).
18. **Noi-1** Construction Activities Limitation. Construction activities associated with the project that occur within 75 feet of an existing residence shall only take place during the day as required by the Noise Ordinance. Sections 17-234, 17-238, and 17-240 of the City of Escondido Noise Ordinance limit operation of construction equipment to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Grading activities on Saturday may not begin until 10:00 a.m. and must end

by 5:00 p.m. Construction is prohibited on Sundays. Therefore, construction activities would not occur during nighttime hours.

19. **Noi-2** Prior to grading activities, the construction contractor shall implement and monitor the noise reduction measures described below to ensure that construction noise levels would not exceed an hourly average noise level of 75 dBA at any residential property line. Noise reduction measures are required for all off-site construction and on-site construction within 150 feet of an off-site residential lot. Any one or a combination of measures can be used as necessary. Typical measures that may be implemented include the following, as necessary, to achieve compliance with the Escondido Noise Ordinance:
- A. Use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) for construction equipment and trucks;
 - B. Use "quiet" gasoline-powered compressors or other electric-powered compressors, and use electric rather than gasoline or diesel powered forklifts for small lifting;
 - C. Locate stationary noise sources, such as temporary generators, as far from nearby receptors as possible;
 - D. Muffle and enclose stationary noise sources within temporary sheds or incorporate insulation barriers;
 - E. Limit simultaneous operation of construction equipment or limit construction time within an hour to reduce hourly average noise level; and/or
 - F. For on-site construction, install temporary noise barriers of a sufficient height and thickness around the perimeter of the project site to minimize construction noise to 75 dBA as measured at the applicable property lines of the adjacent uses. It is anticipated that a plywood barrier, 8 feet in height and 1 inch thick would be sufficient (FWHA 2006, City of New York 2013).

To ensure compliance with City noise ordinance, noise monitoring shall be conducted on the first day of typical on-site and off-site construction. A one-hour noise measurement shall be conducted in accordance with Section 17-228 of the City's noise ordinance at 50 feet from the most intensive construction activity. If it is determined that construction would have the potential to exceed the hourly construction noise level limit at any residential property, additional noise control measures shall be implemented as necessary and an additional noise measurement shall be conducted to confirm compliance.

Planning Division Conditions Tentative Map

1. This approval is subject to the project parcel(s) annexing into the City of Escondido, as described in the staff report. The proposed annexation shall be recorded prior to recordation of the final map and issuance of any City permits for the project.
2. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when permits are issued, including any applicable City-Wide Facilities fees. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
3. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department. All-weather paved access, able to support the weight of a fire engine (75K lbs.) and approved fire hydrants must be provided prior to the accumulation of any combustible materials on the job site (Escondido Ordinance 2011-03 (RR) Section 503.2.1).
4. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
5. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
6. All new utilities shall be underground, as determined by the Engineering Division.
7. All project generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
8. Three copies of a final Tentative Map, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading plans, landscape plans and the final map.
9. All residential lots shall meet the minimum 10,000 SF net lot area and 80-foot average lot width requirements as detailed in the approved Master and Precise Development Plan. In no event shall the reduction of lot sizes for this clustered residential development exceed the amount of open space area within the development. Conformance with these requirements shall be demonstrated on the final Tentative Map submitted for certification, the grading plan and final map. Non-compliance with these minimum standards will result in revisions to the map, as might be necessary to achieve compliance.
10. No street names are established as part of this approval. A separate request shall be submitted prior to final map.
11. Exemptions from the Grading Ordinance are approved as part of this project, as specifically detailed in the staff report, exhibits and details of request as follows:
 - Area 1: (Open Space Lots A & B) Fill Slopes ranging from 5' to 35' in height
 - Area 2: (Lots 15, 21 and Open Space Lots A & B) Fill slopes ranging from 20' to 38' in height
 - Area 3: (Lots 11 & 12) Cut slopes up to 24' in height

Area 4: (Lot 19 and Open Space Lot A) Cut slopes up to 28' in height

Note: The final engineering design may require slopes, including identified grading exemption slopes to vary up to approximately 1 foot in height from the heights described above, as may be determined by Director of Community Development.

12. Prior to recordation of the final map and issuance of a grading permit, two copies of the CC&Rs with the appropriate review fees shall be submitted to the Planning Division for review and approval. The CC&Rs shall contain provisions for the maintenance of any common landscaping, open space, fences/walls, roads, detention basins, common drainage facilities, fuel modification zones, etc. to the satisfaction of the Planning and Engineering Divisions. Other conditions of approval identified for inclusion into the CC&Rs shall be included to the satisfaction of the Planning Division. A review fee established in the current fee schedule shall be collected at the time of submittal.
13. This Tentative Subdivision Map and Planned Development shall expire three years (36 months) after the date of final approval if a final map has not been approved or an additional extension of time has not been granted. The life of the associated project entitlements shall run concurrently with the life of the Tentative Map. The expiration date with this extension is April 8, 2021.
14. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a certified check payable to "County Clerk", in the amount of \$2,260.00 for a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Wildlife filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Wildlife documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

Preliminary, Master and Precise Development Plan

1. All exterior residential lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All residential outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
2. The project shall be developed with the unit mix and location of proposed units as identified on the Plotting Plan. Deviations from the Plotting Plan may be approved on a case-by-case basis by the Director of Community Development. Lots 8, 12 and 17 shall be restricted to single-story homes (with no second story addition option allowed). This requirement shall be included in the project CC&Rs.
3. Colors, materials and design of the project shall be in substantial conformance with the plans/exhibits and details in the staff report to the satisfaction of the Planning Division.
4. General setbacks for primary and accessory structures shall be subject to the R-1-10 zoning standards unless otherwise prescribed in the approved Master and Precise Development Plan, details of request

section of the staff report and conditions of approval, and as illustrated on the project exhibits (Preliminary Plotting Plan). Appropriate setbacks from top and toe of slope shall be maintained, as determined by the Engineering Division. California rooms provided as an option by the builder must meet the rear yard setback. Single-story structures, such as patio covers, gazebos, outdoor kitchens and fireplaces may encroach 10 feet into the rear yard setback. Swimming pools, spas and associated equipment shall not be permitted in the front yard and must be located at least five feet from side and rear property lines.

2. Exterior stairways for the Plan 1X shall be required to meet all building setbacks required for the primary structure.
3. A minimum 15' separation between homes shall be maintained at all times.
4. Appropriate access shall be provided around all sides of the building (with appropriate separation/setback from slopes or retaining walls, generally min. 5 feet) or as determined by the Fire Department and Engineering Division on a case-by-case basis for each lot.
5. Prior to issuance of building permits for the first phase, the applicant shall submit a design review package to the Planning Division for the entry project identification signage. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs.
6. The perimeter retaining walls shall incorporate decorative materials and shall be indicated on the final grading and landscape plans (material type and color). Decorative masonry cap also shall be used (rolled mortar cap not allowed). Stucco finish shall not be allowed for perimeter retaining walls.

Landscaping Conditions

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Division prior to issuance of grading or building permits, and shall be equivalent or superior to the planting plan attached as an exhibit to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. Prior to issuance of grading permits, the final landscape plans shall be approved by the Engineering Division and Planning Division. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards contained in Article 62 of the Zoning Code (Water Efficient Landscape Regulations) and also in conformance with the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. All vegetation (including existing vegetation to be retained) shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
3. The installation of the common area and right-of-way landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
4. Street trees shall be provided along each of the site's street frontages, in conformance with the project planting plan and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.
5. The builder will be responsible for providing initial stabilization of the front yards, using hydro-seed and the homeowner shall be responsible for maintaining the method of stabilization through the completion of landscape improvements installed by the homeowner.

Fire Department Conditions:

Fire Protection Systems

1. NFPA 13 NFPA 13R NFPA 13D **automatic fire sprinkler system** will be required.
2. Fire hydrants capable of delivering 1,500 GPM 2,500 GPM at 20 PSI residual pressure are required every 500 feet 300 feet other _____
3. The project internal streets must maintain a minimum required access width of 28' (32' min. shown on TM) to allow for on-street parking, loading and unloading of vehicles and still provide clear and unobstructed emergency vehicle access. One side to be marked as "FIRE LANE" (must meet Escondido Fire Department standards).
4. 13 feet 6 inches of vertical clearance must be provided in all access and driveway areas. Trees that obstruct the vertical clearance or access width must be trimmed or removed and provisions to provide ongoing maintenance must be reflected in the CC&Rs. A copy of the CC&Rs listing this requirement must be submitted.
5. All-weather paved access, able to support the weight of a fire engine (75K lbs.) and approved fire hydrants must be provided prior to the accumulation of any combustible materials on the job site (Escondido Ordinance 2011-03 (RR) Section 503.2.1).
6. A 28' inside turning radius will be required on all corners.
7. Speed humps/bumps will not be allowed.

Engineering Conditions of Approval

GENERAL

1. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of the Final Subdivision Map.
2. Grading permit for the project may be issued prior to recordation of the final map provided that: 1) Grading, Erosion Control, Drainage and Landscaping Plans have been reviewed by the City Engineer and found to be ready for approval; and 2) Performance bond, satisfactory to City Engineer has been provided to the City; and 3) All Planning and Engineering conditions related to grading have been met.
3. Building Permits for model homes may be issued prior to recordation of Final Map provided that: 1) adequate securities are provided for demolition and removal of the model units that will be required if the map is not recorded; and 2) other conditions required for building permit issuance are met. Bonding for building demolition and removal may be included in the Grading and Private Improvements bonds.
4. The project owner will be allowed to submit project final plans and map for plan check by the City prior to annexation of the project.
5. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
6. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
7. The engineer shall submit to the Planning Division copy of the Tentative Map as presented to the Planning Commission and the City Council for certification. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public and private street improvements shall be designed and constructed to City Design Standards, Gamble Lane Traffic Calming Plan and the Amanda Estates Subdivision Tentative Map. Private Streets shall be designed and constructed in accordance with the City Design Standards and any modifications to the standards shall be in conformance with the approved Amanda Estates Tentative Subdivision Map and the project master development plans.
2. The developer shall construct street improvements, including but not limited to, new roadways, roadway removal and reconstruction, curb & gutter, sidewalk, street lights, street trees, signing and striping on the following streets consistent with the Amanda Estates Traffic Calming Plan and Subdivision Tentative Map:

<u>STREET</u>	<u>CLASSIFICATION</u>
Amanda Lane	Offsite Access Road
Gamble Lane	Offsite Access Road
Amanda Glen	Private Residential

3. The developer shall be responsible to improve the existing Gamble Lane between Eucalyptus Avenue and westerly end of Gamble Lane (at the gate) with widening the existing roadway to 24 feet, install a berm on both sides and sign and stripe in accordance with the "Traffic Calming Plan" prepared by the project engineer and by the City Engineer. Improvements shall include upgrading the existing structural section with asphalt concrete overlay to equal a residential street standard structural section.
4. The developer shall be responsible to construct a temporary turn around within the existing right-of-way and access easement in accordance with the "Traffic Calming Plan" and project tentative map, to the satisfaction of the City Engineer.
5. The developer shall be responsible to install a streetlight at the intersection of Amanda Lane and Gamble Lane.
6. The developer shall be responsible to replace the existing emergency access gate at the northerly end of Gamble Lane with a gate approved by the Fire Chief. The gate shall be operational, prior to first occupancy.
7. The developer shall be responsible to improve Amanda Lane (offsite) as a 24 feet roadway with residential street standard structural section as a green street with super-elevation and storm water treatment swale along the east side.
8. The developer shall be responsible to construct Amanda Glen (on-site) as a private residential standard street (32' wide) with rolled curb and sidewalk on one side.
9. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved roadways and traffic related improvements on and off site. The developer will be responsible for removal of all existing signing and striping and construction of all new signing and striping to the satisfaction of the City Engineer.
10. The address of each dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer and Fire Marshal.
11. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report and on the grading plan, that he/she has reviewed the grading and retaining wall design and found it to be in conformance with his or her recommendations.
2. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical Report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings.

3. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
4. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
5. A General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one (1) or more acres.
6. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
7. Unless specifically permitted to remain by the County Health Department, any existing wells within the project shall be abandoned and capped, and all existing septic tanks within the project shall be pumped and backfilled per County Health Department requirements.
8. Prior to approval of final plans, the developer will be required to obtain permission from adjoining property owners for any off-site street improvements, grading and slopes necessary to construct the project and/or the required improvements.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on the approved drainage study prepared by the developer's engineer. Drainage improvements shall include construction of offsite storm drain on Amanda Lane and Gamble Lane, including removal and reconstruction of a section of the existing storm drain system.
2. A Final Storm Water Quality Management Plan(SWQMP) in compliance with City's latest adopted Storm Water Standards (2015 BMP Manual) shall be prepared for all onsite and newly created impervious frontage and required offsite improvements and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-modification calculations, treatment calculations, post construction storm water treatment measures and maintenance requirements.
3. All onsite drainage system, storm water treatment and retention facilities and their drains including the bio-retention basins and bio swales shall be maintained by homeowners' association. Provisions stating this shall be included in the CC&Rs.
4. The developer will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement by the homeowners' association to the City Engineer. This Agreement shall be referenced and included in the CC&Rs.
5. All storm drain systems within the project are private. The responsibility for maintenance of these storm drains shall be that of the homeowners' association. Provisions stating this shall be included in the CC&Rs.

WATER SUPPLY

1. Fire hydrants together with adequate water supply shall be installed at locations approved by the Fire Marshal.

2. This project is located within the Rincon Del Diablo Water District. The developer shall coordinate all water related improvements for the project with Rincon staff. Approved water improvement plans for the project shall be submitted to the City Engineer prior to approval of grading or improvement plans by the City.

SEWER SUPPLY

1. The developer shall be responsible to design and construct a sewer system for the project in accordance with Design standards and the requirements of the Utilities Engineer. Sewer improvements shall include removal and replacement of a portion of the existing sewer on Gamble Lane to provide for gravity flow and meet the required depth of cover for sewer lines per the Amanda Estates Subdivision Tentative Map and to the satisfaction of the Utilities Director.
2. All onsite sewer mains shall be public. All on-site sewer laterals shall be private. The Homeowners' Association will be responsible for all maintenance and repair of these laterals. This shall be clearly stated in the CC&Rs.

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Division for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the homeowners' association of all, lightings, signing and striping, parkway landscaping and irrigation, storm water treatment basins and facilities, sewer laterals, common open spaces, Amanda Glen and Amanda Lane, including roadside bio swale. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Water Quality Technical Report for the project.
4. The CC&Rs must state that the homeowners' association assumes liability for damage and repair to City utilities in the event that damage is caused by the Property Owners' Association when repair or replacement of private utilities is done.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications public utilities and emergency access easements for the private streets according to the following street classifications.

<u>STREET</u>	<u>CLASSIFICATION</u>
Amanda Lane	Offsite Access Road (P.U.E./Emergency Access)
Amanda Glen	Private Residential (P.U.E./Emergency Access)

2. Necessary right-of-ways, public utilities and emergency access easements shall be granted on the Final Map.
3. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.

4. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the final map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.
5. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.

REPAYMENTS, FEES AND CASH SECURITIES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. The developer shall be required to pay all development fees, including any repayments in effect prior to approval of the Final Subdivision Map. All development impact fees are paid at the time of Building Permit.
3. Storm Drain Repayment of \$21,198 (increases 8% every July 1st) per acre for the 5.7 acres of project site (total \$120,829 total if paid prior to July 2018) within the Hamilton Basin is due to the City of Escondido for the Hamilton Basin Drainage improvements (Repayment #197, Reso. # 91-26).

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along frontage of the fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer will not be responsible for undergrounding of overhead utilities on the other side of the fronting streets.
2. All new dry utilities to serve the project shall be constructed underground
3. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

Mitigation Monitoring and Reporting Program for the Amanda Estates Development Project Initial Study / Mitigated Negative Declaration City No: PHG 13-0034 / SUB 13-0007

The City of Escondido adopts this Mitigation Monitoring and Reporting Program (MMRP) in accordance with Public Resources Code (PRC) Section 21081.6 and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines. The purpose of the MMRP is to ensure that the Amanda Estates Development Project (proposed project), which is the subject of the Initial Study / Mitigated Negative Declaration (IS/MND), complies with all applicable environmental mitigation requirements. The mitigation described in the IS/MND and summarized below provides a broad purpose and overview of actions that will occur in order to reduce identified environmental impacts.

For each project that is subject to CEQA, PRC Section 21081.6 requires the Lead Agency to monitor performance of the mitigation measures included in any environmental document to ensure that the specified mitigation is implemented. The City of Escondido is the designated Lead Agency for the proposed project. The City is responsible for review of all monitoring reports, enforcement actions, and document disposition related to implementation of the MMRP.

After review and approval by the Lead Agency, minor changes to the MMRP are permitted but can only be made by the City of Escondido. No deviations from this MMRP shall be permitted unless it continues to satisfy the requirements of PRC Section 21081.6, as determined by the City of Escondido.

The organization of the MMRP follows the subsection formatting style presented within the IS/MND. Only those subsections of the environmental issues presented in the IS/MND that have mitigation measures are provided below in the MMRP table. All other subsections in the IS/MND do not contain mitigation measures. For each specified mitigation measure, the MMRP table identifies the following: 1) Implementation Action, 2) Method of Verification, 3) Timing of Verification, 4) Responsible Agency/Party, and 5) Verification Date.

Mitigation Monitoring and Reporting Program

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Air Quality					
<p>Air-1 Construction Dust Control Measures. The on-site construction superintendent shall ensure implementation of standard best management practices to reduce the emissions of fugitive dust to a level of less than significant during all grading and site preparation activities including, but not limited to, the following actions:</p> <ol style="list-style-type: none"> 1. Water any exposed soil areas a minimum of twice per day, or as allowed under any imposed drought restrictions. On windy days or when fugitive dust can be observed leaving the construction site additional water shall be applied at a frequency to be determined by the on-site construction superintendent. 2. Operate all vehicles on the construction site at speeds less than 15 miles per hour. 3. Cover all stockpiles that will not be utilized within three days with plastic or equivalent material, to be determined by the on-site construction superintendent, or spray them with a non-toxic chemical stabilizer. 4. If a street sweeper is used to remove any track-out/carry-out, only PM₁₀-efficient street sweepers certified to meet the most current South Coast Air Quality Management District Rule 1186 requirements shall be used. The use of blowers for removal of track-out/carry-out is prohibited under any circumstances. 	<p>Require standard best management practices</p>	<p>Field monitoring</p>	<p>Prior to and during any construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Building Division; Construction Contractor; San Diego County Air Pollution Control District</p>	

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Biological Resources					
<p>Bio-1 To avoid any direct impacts to raptors, removal of eucalyptus woodland habitat shall occur outside of the raptor breeding season (January 15 to August 31). If removal of eucalyptus woodland habitat must occur during the breeding season, the applicant shall retain a City-approved biologist to conduct a pre-construction survey to determine the presence or absence of nesting raptors in the proposed area of disturbance. The pre-construction survey must be conducted within 10 calendar days prior to the start of construction activities (including the removal of vegetation). The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities.</p>	<p>Require that impacts to raptors be avoided during breeding season</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to initiating any construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Project Biologist; Engineering Division</p>	
<p>Bio-2 Vegetation clearing or brushing shall occur outside of the typical breeding season for raptors and migratory birds (January 15 to August 31). If this is not possible, then a qualified biologist shall conduct a survey for nesting birds no more than five calendar days prior to construction to determine the presence or absence of nests on the project site. The applicant shall submit the results of the pre-construction survey to the City for review and approval prior to initiating any construction activities. No construction activities shall occur within 300 feet of tree dwelling raptor nests, or within 800 feet of ground dwelling raptor nests, until a qualified biologist has determined that they are no longer active or that noise levels will not exceed 60 dB(A) Equivalent Energy Level (L_{eq}) at the nest site. Alternatively, noise minimization measures such as noise barriers shall be constructed to bring noise levels to below 60 dB(A) L_{eq}, which will reduce the impact to below a level of significance.</p>	<p>Require that impacts to raptors and migratory birds be avoided during breeding season</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to initiating any construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Project Biologist; Engineering Division</p>	

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>Bio-3 During construction activities, the construction contractor shall ensure that dirt storage piles are stabilized by chemical binders, tarps, fencing or other erosion control measures.</p>	<p>Require that erosion/dirt control measures are implemented</p>	<p>Field survey and documentation</p>	<p>During construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Field Engineer; Construction Contractor</p>	
<p>Bio-4 During construction activities, the construction contractor shall terminate grading activities if winds exceed 25 mph.</p>	<p>Require termination of construction activities if strong winds</p>	<p>Field survey and documentation</p>	<p>During construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Field Engineer; Construction Contractor</p>	
<p>Bio-5 Prior to issuance of a grading permit, the project applicant shall show on project plans that all landscape areas, including plant material within the plantable retaining wall, include native vegetation and drought tolerant plant materials.</p>	<p>Require native vegetation and drought tolerant plant materials</p>	<p>Review of plans/permits</p>	<p>Prior to issuance of any permits</p>	<p>City of Escondido Community Development Department Planning Division</p>	
<p>Bio-6 During construction activities, the construction contractor shall ensure that the limits of grading are flagged or marked with silt fencing prior to grading to prevent indirect impacts to off-site sensitive coastal sage scrub habitat to the northeast of the project site. Prior to grading, a qualified biologist shall review the flagging and silt fencing and during grading the qualified biologist shall monitor the limits of clear and grub and grading activities. Monitoring shall be conducted on an as needed basis as determined by the qualified biologist with reports submitted to the City of Escondido Planning Department on a weekly basis.</p>	<p>Require that silt fencing be implemented during construction and before grading activities</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to issuance of grading plan; During construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Field Engineer; Construction Contractor</p>	
<p>Bio-7 To offset impacts associated with the loss of one mature oak tree, prior to issuance of a certificate of occupancy for the first residence, the applicant shall plant two oak trees within an open space area on the proposed project site, and the on-site homeowners' association shall ensure that they are maintained in perpetuity.</p>	<p>Plant two oak trees on the project site prior to occupancy</p>	<p>Review of plans, documentation</p>	<p>Prior to issuance of a certificate of occupancy for the first residence</p>	<p>City of Escondido Community Development Department Planning Division; Construction Contractor</p>	

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
Cultural Resources					
<p>Cul-1 The following mitigation monitoring and reporting program shall be implemented to address potential impacts to undiscovered buried archaeological resources within the proposed project impact area. This program shall include, but not be limited to, the following actions:</p> <ol style="list-style-type: none"> 1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and Native American monitor from a tribal group appropriate to this location have been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the lead agency. The archaeologist shall be responsible for coordinating with the tribal representative. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program. 2. The qualified archaeologist and a Native American representative shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. 3. During the original cutting of previously undisturbed deposits, the archaeological monitor and Native American representative shall be on site full-time to perform inspections of the excavations. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The project archaeologist shall be responsible for determining the duration and frequency of monitoring. 	<p>Require verification and approval of qualified archaeologist</p> <p>Require monitoring program coordination</p> <p>Require on-site archaeological monitor</p>	<p>Meetings and documentation</p> <p>Meetings and documentation</p> <p>Field survey, documentation and monitoring report</p>	<p>Prior to issuance of permits and pre-construction meeting</p> <p>Prior to grading activities</p> <p>During grading activities</p>	<p>City of Escondido Community Development Department Planning Division</p> <p>City of Escondido Community Development Department Planning Division; Grading Contractor</p> <p>City of Escondido Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division</p>	

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
4. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.	Require documentation of non-significant deposits	Field survey, documentation and monitoring report	During grading activities	City of Escondido Community Development Department Planning Division; Project Archaeologist	
5. In the event that previously unidentified cultural resources are discovered, the archaeologist, with input from the Native American representative, shall have the authority to temporarily divert ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the City Planning Department at the time of discovery. The archaeologist, in consultation with the Native American Representative, shall determine the significance of the discovered resources. The significance determination and any additional mitigation measures shall be submitted to the City of Escondido for review. The City must concur with the evaluation before construction activities will be allowed to resume in the affected area. For significant cultural resources, a research design and data recovery program to mitigate impacts shall be prepared by the consulting archaeologist and approved by the City, then carried out using professional archaeological methods. If any human remains are discovered, the County Coroner and City shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.	Require identification and preservation of any undiscovered cultural resources or human remains	Field survey, documentation and monitoring report	During grading activities	City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner	

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
6. Where any significant cultural deposits have been discovered, data recovery measures shall be implemented before construction activities are allowed to resume in the affected area.	Require recovery of any undiscovered cultural resources or human remains	Field survey, documentation and monitoring report	Prior to construction activities resuming	City of Escondido Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division	
7. All cultural material collected during the grading monitoring program shall be processed using appropriate protocols for cataloging, recording, and photographing, in addition to special studies, to facilitate a detailed and exhaustive analysis. When all research potential of the collection has been exhausted, the collection shall be repatriated to the Native American community, consistent with existing state law and the City's policies. Should the Native American community decline the collection, the collection shall be curated at the San Diego Archaeological Center.	Require that the cultural material be preserved or adequately mitigated	Field survey, documentation, collection, reporting	Prior to project approval	City of Escondido Community Development Department Planning Division; Project Archaeologist	
8. A report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the City Planning Department prior to the issuance of any building permits. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.	Require documentation of analysis and data	Field survey, documentation and monitoring report	Prior to issuance of any building permits	City of Escondido Community Development Department Planning Division; Project Archaeologist	

Geology and Soils

Geo-1 Prior to the issuance of a grading permit, the applicant shall demonstrate that all recommendations contained in the GSI Preliminary Geotechnical Evaluation (2011) are incorporated into the proposed project during construction. All required recommendations from the Geotechnical Evaluation shall be documented on the project's grading	Require incorporation of geotechnical recommendations	Documentation and permit application	Prior to issuance of grading permit	City of Escondido Community Development Department Engineering Division	
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Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
plans and included in the grading permit application submitted and approved by the City's Engineering Division prior to the start of construction.					

**Hazards and Materials
 Hazardous**

<p>Haz-1 Prior to the issuance of a grading permit, the results of the Site Assessment Report, dated November 17, 2014, prepared by Tetra Tech to evaluate agricultural chemical residue at the site, shall be submitted to State of California Department of Toxic Substances Control (DTSC) for review. Based on the results of the Site Assessment Report, the environmental condition of the project site has been sufficiently characterized as soil with concentrations of metals, polyaromatic hydrocarbons, and dioxin/furan compounds exceeding DTSC-approved screening levels is limited to an area approximately 35 feet wide by 51 feet long by 2 feet deep adjacent to the westerly property boundary. A Response Plan shall be developed to remediate the impacted soils and shall be provided to DTSC for review. The Response Plan shall be submitted in accordance with the California Land Reuse and Revitalization Act (CLRRA) and shall be implemented under the oversight of the DTSC.</p>	<p>Submittal of Site Assessment report to DTSC. Submittal of the Response Plan to DTSC for review and approval.</p>	<p>Confirmation from DTSC that no further investigations are required</p>	<p>Prior to issuance of grading permit</p>	<p>City of Escondido Community Development Department Planning Division; County of San Diego Department of Environmental Health</p>	
<p>Haz-2 If asbestos-cement irrigation pipelines are encountered during site grading, they shall be handled in accordance with the U.S. Occupational Safety and Health Administration (OSHA), California OSHA, and County of San Diego Department of Environmental Health requirements and all federal, state, and local disposal regulations.</p>	<p>Require compliance with Safety and Health requirements</p>	<p>Monitoring and documentation</p>	<p>During grading activities</p>	<p>City of Escondido Community Development Department Planning Division; Project Grading Contractor</p>	
<p>Haz-3 At least 10 working days prior to the issuance of the demolition permit or commencement of any asbestos stripping or removal work (such as site preparation that would break up, dislodge or similarly disturb asbestos containing material (ACM)),</p>	<p>Require compliance with safety and health requirements</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to issuance of building permit for demolition</p>	<p>City of Escondido Community Development Department Planning Division; Building Division; San Diego</p>	

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>the project applicant shall submit an Asbestos Demolition or Renovation Operational Plan (Notice of Intention) to the City Planning Department. The plan shall be prepared by an asbestos consultant licensed with the California State Licensing Board and certified by the California Occupational</p>				<p>County Air Pollution Control District</p>	
<p>Safety and Health Administration (Cal OSHA) to conduct an asbestos inspection in compliance with the Asbestos National Emission Standard for Hazardous Air Pollutants (NESHAP) requirements. The Asbestos NESHAP, as specified under Rule 40 CFR 61, Subpart M, (enforced locally by the San Diego County Air Pollution Control District (SDCAPCD), under authority, per Regulation XI, Subpart M - Rule 361.145), requires the Asbestos Demolition or Renovation Operational Plan to include the facility information, project description, presence of asbestos, removal and demolition contractors, means of waste transportation off site, contingency plan, and certified specialist who will be present on site during removal of asbestos. Removal of all ACM or presumed ACM on the project site shall be monitored by the certified asbestos consultant and shall be performed in accordance with all applicable laws, including California Code of Regulations, Title 8, Section 1529, Asbestos; OSHA and Cal OSHA standards; and the SDCAPCD Rule 361.145, Standard for Demolition and Renovation. Notification of at least 10 days of any removal or demolition work and payment of the appropriate fee(s) is required by SDCAPCD.</p>					
<p>Haz-4 Prior to the issuance of a grading permit or demolition permit, the project applicant shall show proof to the City Planning Department that a Certified Lead Inspector/Assessor, as defined in Title 17, CCR Section 35005, and in accordance with all applicable laws pertaining to the handling and disposal of lead-based paint, has been retained to perform demolition and removal of all existing on-site structures constructed pre-1979. Lead-based materials exposure is regulated by California Occupational Safety and</p>	<p>Require compliance with safety and health requirements</p>	<p>Field survey, documentation and monitoring report</p>	<p>Prior to issuance of grading and building permits</p>	<p>City of Escondido Community Development Department Planning Division; Building Division</p>	

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>Health Administration (Cal OSHA). Title 8 CCR Section 1532.1 requires testing, monitoring, containment, and disposal of lead-based materials so that exposure levels do not exceed Cal OSHA standards.</p>					
<p>Haz-5 Prior to issuance of a grading permit, the project applicant shall hire an environmental consultant to prepare and submit to the lead regulatory agency (California Department of Toxic Substances Control (DTSC)) a Response Plan pursuant to California Land Reuse and Revitalization Act (CLRRRA), for the excavation, testing and off-site disposal of polyaromatic hydrocarbons, dioxin, and furan compounds found within the undocumented fill in the natural drainage swale adjacent to the westerly property line of the project site. The Response Plan shall be implemented under DTSC oversight during site grading and excavation according to the method described below or otherwise required by DTSC.</p> <ol style="list-style-type: none"> 1. The undocumented fill shall be excavated, profiled for proper disposal and transported to an appropriate landfill certified to accept Cal-hazardous waste by a licensed hazardous waste contractor. 2. Testing of soils exposed on the bottom and the sides of the remedial excavation shall be performed to confirm that the extent of excavation is sufficient for purposes of satisfying DTSC's requirements. <p>Following completion of the Response Plan, the proposed project applicant shall obtain a written regulatory closure letter from the DTSC specifying that no further action is necessary in regard to the undocumented fill in the natural drainage swale adjacent to the westerly property line of the proposed project site.</p>	<p>Require compliance with remediation plans</p>	<p>Certificate of Completion</p>	<p>Prior to issuance of permits</p>	<p>City of Escondido Community Development Department Planning Division; Grading Contractor; California Department of Toxic Substances Control</p>	

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>Haz-6 Prior to issuance of a grading permit, the project applicant shall hire an environmental remediation contractor who shall be responsible for managing any grading, excavation or ground disturbance in the natural drainage swale adjacent to the westerly property line. The environmental remediation contractor and its staff shall be trained through the Occupational Safety and Health Administration (OHSA) 40-hour safety program (29 Code of Federal Regulations [CFR] 1910.120), and shall implement the Response Plan approved by DTSC, under DTSC's oversight.</p>	<p>Require performance of the Response Plan and SMP</p>	<p>Field construction, remediation activities, confirmation sampling survey, documentation and reporting</p>	<p>Prior to issuance of permits</p>	<p>City of Escondido Community Development Department Planning Division; Field Engineering Division; California Department of Toxic Substances Control</p>	
<p>Haz-7 Prior to the start of the construction, the construction contractor shall notify the Escondido Police Department of the location, timing, and duration of any lane closure(s) on Gamble Lane, or any other road in the project area, due to project construction activities. If determined necessary by the Police Department, local emergency services, including the Escondido Fire Department and appropriate ambulances services, shall be notified of the lane closure(s).</p>	<p>Require notification to public service providers of road closures</p>	<p>Coordination, documentation and reporting</p>	<p>Prior to construction activities</p>	<p>City of Escondido Community Development Department Planning Division; Engineering Division; Construction Contractor; Police Department</p>	

Noise

<p>Noi-1 Construction Activities Limitation. Construction activities associated with the project that occur within 75 feet of an existing residence shall only take place during the day as required by the Noise Ordinance. Sections 17-234, 17-238, and 17-240 of the City of Escondido Noise Ordinance limit operation of construction equipment to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays. Grading activities on Saturday may not begin until 10:00 a.m. and must end by 5:00 p.m. Construction is prohibited on Sundays. Therefore, construction activities would not occur during nighttime hours.</p>	<p>Comply with City Noise Ordinance</p>	<p>Nighttime construction field check</p>	<p>During construction</p>	<p>City of Escondido Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division</p>	
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Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>Noi-2 Prior to grading activities, the construction contractor shall implement and monitor the noise reduction measures described below to ensure that construction noise levels would not exceed an hourly average noise level of 75 dBA at any residential property line. Noise reduction measures are required for all off-site construction and on-site construction within 150 feet of an off-site residential lot. Any one or a combination of measures can be used as necessary. Typical measures that may be implemented include the following, as necessary, to achieve compliance with the Escondido Noise Ordinance:</p> <ol style="list-style-type: none"> 1. Use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically attenuating shields or shrouds) for construction equipment and trucks; 2. Use "quiet" gasoline-powered compressors or other electric-powered compressors, and use electric rather than gasoline or diesel powered forklifts for small lifting; 3. Locate stationary noise sources, such as temporary generators, as far from nearby receptors as possible; 4. Muffle and enclose stationary noise sources within temporary sheds or incorporate insulation barriers; 5. Limit simultaneous operation of construction equipment or limit construction time within an hour to reduce hourly average noise level; and/or 6. For on-site construction, install temporary noise barriers of a sufficient height and thickness around the perimeter of the project site to minimize construction noise to 75 dBA as measured at the applicable property lines of the adjacent uses. It is anticipated that a 	<p>Require noise reduction measures and compliance with applicable noise ordinances</p>	<p>Field visits, documentation and reporting</p>	<p>Prior to grading activities</p>	<p>City of Escondido Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division</p>	

Mitigation Measure	Implementation Action	Method of Verification	Timing of Verification	Responsible Agency/Party	Verification Date
<p>plywood barrier, 8 feet in height and 1 inch thick would be sufficient (FWHA 2006, City of New York 2013).</p>					
<p>To ensure compliance with City noise ordinance, noise monitoring shall be conducted on the first day of typical on-site and off-site construction. A one-hour noise measurement shall be conducted in accordance with Section 17-228 of the City's noise ordinance at 50 feet from the most intensive construction activity. If it is determined that construction would have the potential to exceed the hourly construction noise level limit at any residential property, additional noise control measures shall be implemented as necessary and an additional noise measurement shall be conducted to confirm compliance.</p>					

EXHIBIT "C"

Legal Description SUB13-0007, PHG13-0034 AMANDA ESTATES

INCLUDING ANNEXATION TO THE CITY OF ESCONDIDO AND DETACHMENT FROM CSA NO. 135

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, BEING A PORTION OF BLOCK 14 IN HOMELAND ACRES ADDITION TO ESCONDIDO, SITUATED IN THE SAN BERNARDO RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1205, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 1, 1909, DESCRIBED AS FOLLOWS:

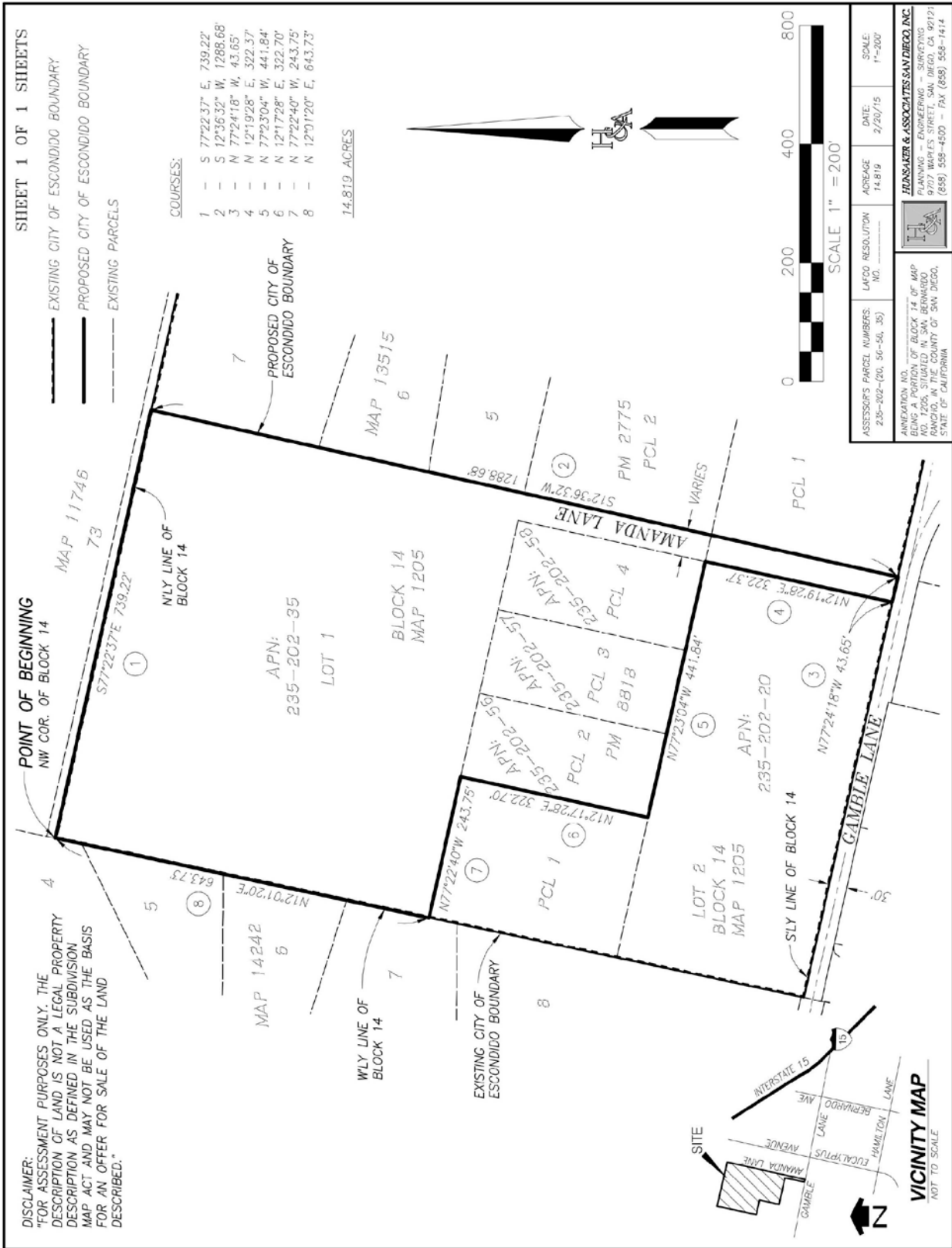
BEGINNING AT THE NORTHWEST CORNER OF SAID BLOCK 14, ALSO BEING AN ANGLE POINT IN THE EXISTING CITY OF ESCONDIDO BOUNDARY; THENCE, ALONG THE NORTHERLY LINE OF SAID BLOCK 14 AND SAID EXISTING CITY OF ESCONDIDO BOUNDARY, (1) SOUTH 77°22'37" EAST, 739.22 FEET; THENCE LEAVING SAID NORTHERLY LINE AND SAID CITY OF ESCONDIDO BOUNDARY, (2) SOUTH 12°36'32" WEST, 1288.68 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID BLOCK 14, BEING THE NORTHERLY SIDELINE OF GAMBLE LANE, ALSO BEING A POINT IN THE EXISTING CITY OF ESCONDIDO BOUNDARY; THENCE ALONG SAID SOUTHERLY LINE AND SAID EXISTING CITY OF ESCONDIDO BOUNDARY, (3) NORTH 77°24'18" WEST, 43.65 FEET; THENCE LEAVING SAID SOUTHERLY LINE AND SAID CITY OF ESCONDIDO BOUNDARY, (4) NORTH 12°19'28" EAST, 322.37 FEET; THENCE, (5) NORTH 77°23'04" WEST, 441.84 FEET; THENCE, (6) NORTH 12°17'28" EAST, 322.70 FEET; THENCE, (7) NORTH 77°22'40" WEST, 243.75 FEET TO A POINT IN THE WESTERLY LINE OF SAID BLOCK 14, ALSO BEING A POINT IN THE EXISTING CITY OF ESCONDIDO BOUNDARY; THENCE ALONG SAID WESTERLY LINE AND SAID EXISTING CITY OF ESCONDIDO BOUNDARY, (8) NORTH 12°01'20" EAST, 643.73 FEET TO THE **POINT OF BEGINNING**. CONTAINING, 14.819 ACRES, MORE OR LESS.

APNs 235-202-35 (Amanda Estate Project Site)

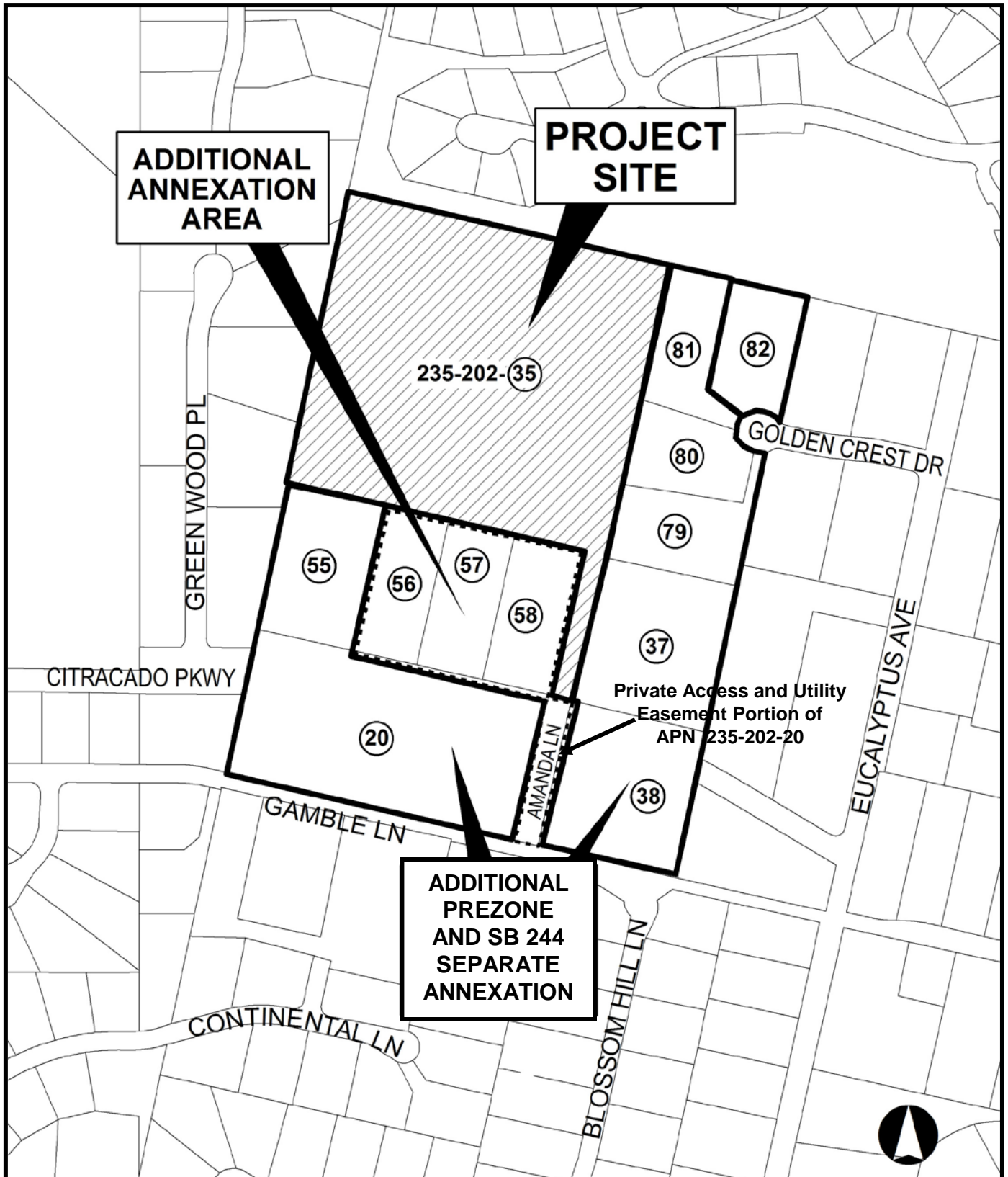
APNs 235-202-56, -57 and -58 (Three additional parcels in annexation)

Portion of 235-202-20 (Off-site Amanda Lane improvement)

Project Depiction SUB13-0007, PHG13-0034 AMANDA ESTATES



SUB13-0007, PHG13-0034
Amanda Estates



CITY COUNCIL STAFF REPORT

Consent Item No. 9

March 21, 2018

File No. 0800-10

SUBJECT: Extension of Time (SUB 17-0035) for a Tentative Subdivision Map, Conditional Use Permit and Grading Exemptions located at 383 Idaho Avenue (City File Nos. TR 848 and 2005-56-CUP/GE)

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2018-34 approving a three-year extension of time for a nine-lot single-family residential subdivision.

PLANNING COMMISSION RECOMMENDATION:

The requested extension of time does not require consideration by the Planning Commission because Section 32.210.02A of the Escondido Subdivision Ordinance states that time extensions shall be granted or denied by the original approval body, which was the City Council.

PROJECT DESCRIPTION:

A request for a three-year Extension of Time for a previously approved Tentative Subdivision Map (TR 848) for nine-lot single-family residential lots on approximately 3.55 acres of land within the R-1-10 zone (Single-Family Residential, 10,000 SF min. lot size). The proposed lots range in size from approximately 10,229 SF to 14,890 SF. All nine lots will take access from a new, 28-foot-wide private road extending from the existing panhandle from Idaho Avenue. A Conditional Use Permit (City File No. 2005-52-CUP/GE) was required in the R-1 zone to allow access from a private road. Grading Exemptions were approved for 1.5:1 cut slopes, fill slopes up to 27 feet in height and cut slopes up to 36 feet in height.

LOCATION:

On the southern side of Idaho Avenue, east of Juniper Street, addressed as 383 Idaho Avenue.

FISCAL ANALYSIS:

The project will pay all applicable development fees and install improvements in conformance with City standards.

GENERAL PLAN ANALYSIS:

The General Plan land-use designation for the property is Suburban, which allows up to 3.3 dwelling units per acre, with a minimum lot size of 10,000 SF. The proposed density for the project is 2.53 dwelling units per acre, which is less than the maximum density permitted in the Suburban land-use designation. The proposed lot sizes that range from 10,229 SF to 14,890 SF also are larger than the minimum lot size permitted. Therefore, the subdivision design and proposed improvements are consistent with all requirements of the General Plan and the Zoning Code because the proposed lots and configuration are consistent with the Suburban land-use designation and the R-1-10 zoning requirements. Although the General Plan was updated in 2012, no changes in City Policy have occurred that would conflict with this project.

ENVIRONMENTAL REVIEW:

A Final Initial Study and Negative Declaration (IS/MND) was adopted for the project in conformance with the California Environmental Quality Act (CEQA) on November 12, 2008 (City File No. ER 2007-19). A Notice of Determination was filed with the County Clerk on November 24, 2008.

BACKGROUND:

The proposed Tentative Subdivision Map (Attachment 1), Conditional Use Permit and Grading Exemptions initially were approved by the Planning Commission on September 23, 2008 (vote 6-1, Weber voted no), (Attachment 2). The original project applicant appealed a condition added by the Planning Commission that required single-story residences to be constructed on Lots 1 and 2. The City Council approved the appeal on November 12, 2008, (Attachment 3) and modified the condition only to require a single-story residence on Lot 2.

The Tentative Map is valid for three-years, unless an extension of time is granted by the City Council. The project was scheduled to expire on November 12, 2008. Previous State legislative actions (AB 333, AB 208 and AB116) automatically extended the Tentative Map until November 12, 2017. The map still is eligible for a local time extension up to five additional years. The applicant submitted an application to extend the map prior to the expiration date, which suspends expiration of the map until a final decision is made regarding the extension request. The criteria for determining the appropriateness for granting an extension of time for a Tentative Subdivision Map is based on the map's compliance with the City's current General Plan, Zoning Ordinance, and the requirements of the California Environmental Quality Act (CEQA).

ANALYSIS:

Since the project originally was approved, the applicant has been working towards recordation of the final map and improvement plans. However, storm water requirements have changed over the years and the project design has been modified to conform to these requirements to include a redesign of the storm water basin on Lot 1 and associated storm water improvements along the private access

road. When the project originally was approved, a Conditional Use Permit was required for a private easement roadway within the R-1 (single-family residential) zone. However, the Conditional Use Permit requirement for a private road within the R-1 zone was eliminated from the Zoning Code with the approved 2017 amendments to the residential zones (Article 6). Therefore, the CUP for the private road no longer is required for this project.

Staff believes the current Certified Tentative Map submitted with this application conforms to the General Plan, Zoning Code requirements and CEQA provisions, and is in substantial conformance with originally approved Tentative Map. The Planning Division and Engineering Conditions of Approval of been updated to conform to current landscape and storm water design provisions, water and sewer requirements, storm water basin fencing design, fire protection, and final project inspection requirements. Therefore, staff recommends the requested three-year extension of time and updated Conditions of Approval be approved, which are reflected in the Council Resolution.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
03/14/2018 4:26 p.m.

Jay Paul, Senior Planner
03/14/2018 5:06 p.m.

ATTACHMENTS:

1. Attachment 1 - Certified Tentative Map
2. Attachment 2 - City Council staff report (November 12, 2008). Attachment 2 may be viewed at the following link:
<https://www.escondido.org/Data/Sites/1/media/PDFs/planning/AmandaEstates/032118TR848EOTAttachment2.pdf>
3. Attachment 3 - City Council minutes (November 12, 2008)
4. Resolution No. 2018-34
5. Resolution No. 2018-34 – Exhibits A
6. Resolution No. 2018-34 – Exhibits B
7. Resolution No. 2018-34 – Exhibits C

ATTACHMENT 1

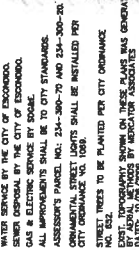
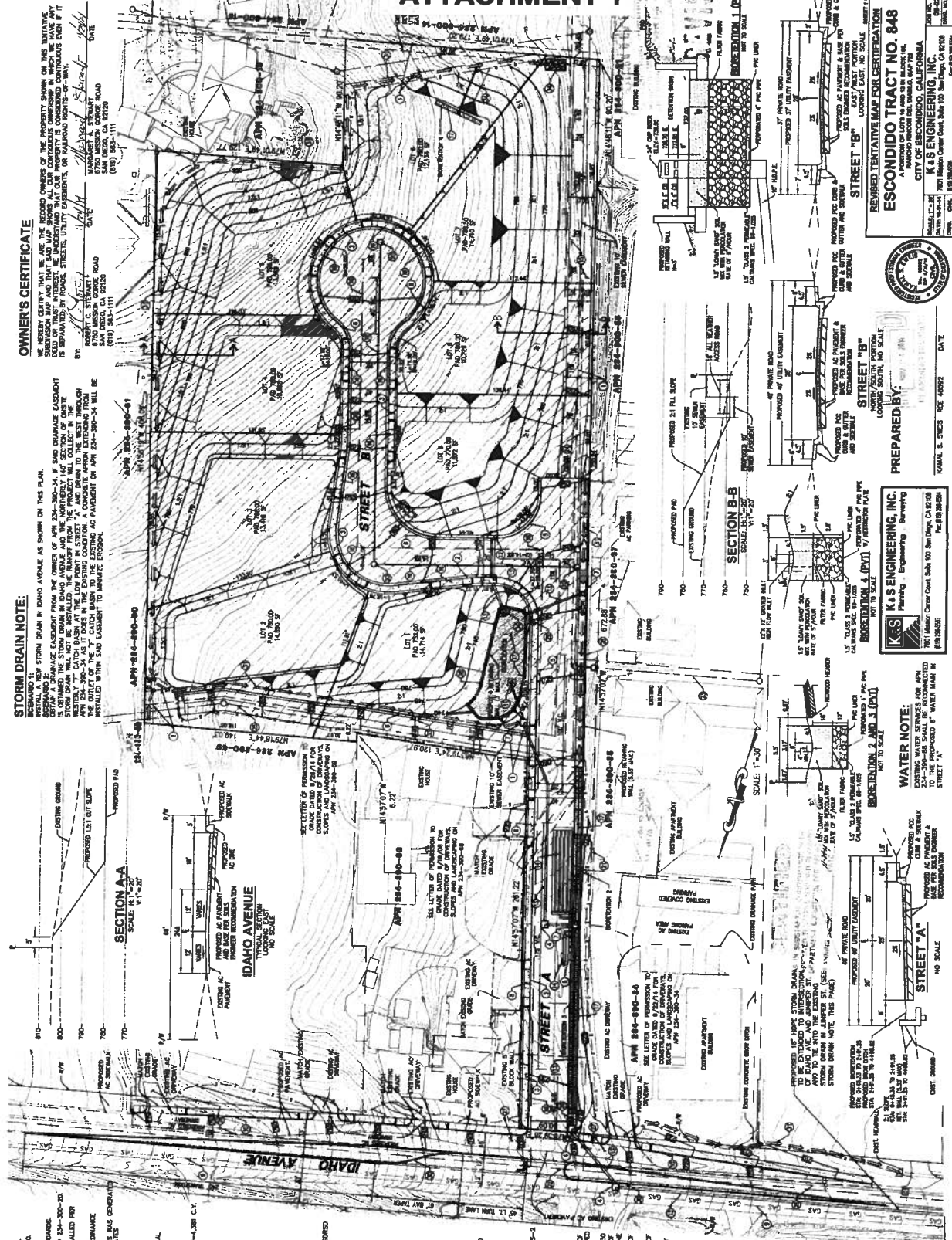
OWNER'S CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE RECORD OWNERS OF THE PROPERTY SHOWN ON THIS PLAN. WE HAVE OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ESCONDIDO AND THE RECORDS DEPARTMENT OF THE CITY OF ESCONDIDO. WE HAVE OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ESCONDIDO AND THE RECORDS DEPARTMENT OF THE CITY OF ESCONDIDO. WE HAVE OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF ESCONDIDO AND THE RECORDS DEPARTMENT OF THE CITY OF ESCONDIDO.

DATE: 12/15/2011
 BY: ROBERT C. STEWART
 5720 MESSINA DRIVE ROAD
 ESCONDIDO, CA 92026
 (951) 563-1111

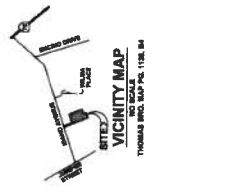
STORM DRAIN NOTE:

INSTALL A NEW STORM DRAIN IN IDAHO AVENUE AS SHOWN ON THIS PLAN. THE STORM DRAIN SHALL BE INSTALLED IN IDAHO AVENUE AS SHOWN ON THIS PLAN. THE STORM DRAIN SHALL BE INSTALLED IN IDAHO AVENUE AS SHOWN ON THIS PLAN. THE STORM DRAIN SHALL BE INSTALLED IN IDAHO AVENUE AS SHOWN ON THIS PLAN.



- NOTES:**
1. WATER SERVICE BY THE CITY OF ESCONDIDO.
 2. SEWER SERVICE BY THE CITY OF ESCONDIDO.
 3. GAS & ELECTRIC SERVICE BY SOGIE.
 4. ALL IMPROVEMENTS SHALL BE TO CITY STANDARDS.
 5. ASSESSOR'S PARCEL NO. 234-300-79 AND 234-300-80.
 6. CITY MAPS, PLANS, RECORDS, AND RECORDS DEPARTMENT OF THE CITY OF ESCONDIDO.
 7. STREET LOTS TO BE PLANTED PER CITY ORDINANCE.
 8. EXISTING UTILITY LINES ON THESE PLANS ARE GENERALIZED.
 9. EXISTING UTILITY LINES TO BE LOCATED BY SURVEYING ADJACENTS.
 10. EXISTING ZONING R-1-10.
 11. GENERAL PLAN DESIGNATION: LOW RESIDENTIAL.
 12. PROPERTY ADDRESS: 303 IDAHO STREET.
 13. ALL UTILITIES SHALL BE UNDERGROUND.
 14. CITY MAPS, PLANS, RECORDS, AND RECORDS DEPARTMENT OF THE CITY OF ESCONDIDO.

- LEGEND:**
1. PROPOSED SEWER EASEMENT
 2. PROPOSED CURB MILET TYPE "B" L-4"
 3. PROPOSED PCC SIDEWALK
 4. PROPOSED CLEAN OUT PER SPREAD 0-9
 5. PROPOSED PCC CURB
 6. PROPOSED PCC DRAIN AND GUTTER PER SPREAD
 7. PROPOSED TYPE "T" CATCH BASIN PER SPREAD 0-7
 8. PROPOSED DRIVEWAY PER SPREAD 0-10
 9. EXISTING 3" W.P. GAS LINE PER CITY OF ESCONDIDO D.W.C. NO. 1583
 10. PROPOSED 6" AC DRAIN PER RSD 0-5
 11. PROPOSED 24" CAP RISER
 12. PROPOSED CURB MILET TYPE "B" L-4"
 13. PROPOSED HOPE STORM DRAIN PIPE DETENTION STRUCTURE
 14. PROPOSED UNDERGROUND HOPE DETENTION STRUCTURE
 15. ALL WEATHER ACCESS ROAD
 16. PROPOSED DRIVEWAY PER RSD 0-10
 17. PROPOSED BROADCAST FACILITY
 18. PROPOSED WATER MAIN
 19. PROPOSED 6" PCC SEWER MAIN
 20. PROPOSED SEWER MANHOLE PER SPREAD 5-2
 21. EXISTING 4" WATER MAIN PER CITY OF ESCONDIDO WATER ATLAS NO. 4800
 22. EXISTING 6" WATER MAIN PER CITY OF ESCONDIDO D.W.C. NO. 1583
 23. EXISTING 6" VCP SEWER MAIN PER CITY OF ESCONDIDO D.W.C. NO. 1583
 24. EXISTING 6" VCP SEWER MAIN PER CITY OF ESCONDIDO D.W.C. NO. 1583
 25. EXISTING 6" VCP SEWER MAIN PER CITY OF ESCONDIDO D.W.C. NO. 1583
 26. EXISTING 6" VCP SEWER MAIN PER CITY OF ESCONDIDO D.W.C. NO. 1583
 27. EXISTING 6" VCP SEWER MAIN PER CITY OF ESCONDIDO D.W.C. NO. 1583
 28. EXISTING 6" VCP SEWER MAIN PER CITY OF ESCONDIDO D.W.C. NO. 1583
 29. EXISTING 6" VCP SEWER MAIN PER CITY OF ESCONDIDO D.W.C. NO. 1583
 30. EXISTING 6" VCP SEWER MAIN PER CITY OF ESCONDIDO D.W.C. NO. 1583



REVERSED TENTATIVE MAP FOR CERTIFICATION

ESCONDIDO TRACT NO. 848

A PORTION OF LOTS 1 AND 2 TO BE RELOCATED TO THE EXISTING STORM DRAIN IN JUMPER ST. (SEE PLANS 17-0035-1 AND 17-0035-2) AND TO BE RELOCATED TO THE EXISTING STORM DRAIN IN JUMPER ST. (SEE PLANS 17-0035-1 AND 17-0035-2).

PREPARED BY: K&S ENGINEERING, INC.
 7801 Mission Center Court, Suite 100, San Diego, CA 92108
 (619) 594-8556
 FAX: (619) 594-8558

SECTION B-B
 SCALE: 1/4"
 TYPICAL SECTION OF STREET A

SECTION A-A
 SCALE: 1/4"
 TYPICAL SECTION OF IDAHO AVENUE

SECTION C-C
 SCALE: 1/4"
 TYPICAL SECTION OF STREET B

SECTION D-D
 SCALE: 1/4"
 TYPICAL SECTION OF STREET C

SECTION E-E
 SCALE: 1/4"
 TYPICAL SECTION OF STREET D

SECTION F-F
 SCALE: 1/4"
 TYPICAL SECTION OF STREET E

SECTION G-G
 SCALE: 1/4"
 TYPICAL SECTION OF STREET F

PROPOSED PROJECT SUB 17-0035



TENTATIVE MAP

ATTACHMENT 3

CITY OF ESCONDIDO NOVEMBER 12, 2008 7:00 p.m. Meeting Minutes

Escondido City Council Community Development Commission

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Community Development Commission was called to order at 7:00 p.m. on Wednesday, November 12, 2008 in the Council Chambers at City Hall with Mayor Pfeiler presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Pfeiler led the flag salute.

ATTENDANCE

The following members were present: Abed, Daniels, Gallo, Waldron, and Pfeiler. Quorum present.

Also present were: Clay Phillips, City Manager; Jeffrey Epp, City Attorney; Jonathan Brindle, Community Development Director; Ed Domingue, Engineering Services director; Bob Zornado, Assistant City Clerk; and Liane Uhl, Minutes Clerk.

ORAL COMMUNICATIONS

Natalie Galt and Jennifer Keel, Escondido Jaycees Christmas Parade Co-Chairs, invited the Council to attend the Christmas Parade on December 13, 2008.

PUBLIC HEARINGS

24. **APPEAL OF A PLANNING COMMISSION DECISION (TRACT 848, 2005-56-CUP/GE) ADDRESSED AS 383 IDAHO AVENUE** - An Appeal of a Planning Commission decision to approve a Tentative Subdivision Map, Conditional Use Permit and Grading Exemption, at 383 Idaho Avenue, with an additional condition to require single-story residences to be constructed on Lots 1 and 2. (File No. 0800-10 Tract 848)

Staff Recommendation: Approval (Community Dev./Planning: Jon Brindle)

RESOLUTION NO. 2008-204

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

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

Robert Stewart, Applicant, indicated he was available for questions and requested Council approve the project.

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

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Daniels to approve an appeal of a Planning Commission decision to approve a Tentative Subdivision Map, Conditional Use Permit and Grading Exemption, at 383 Idaho Avenue, with an additional condition to require single-story residences to be constructed on Lots 1 and 2 and adopt Resolution No. 2008-204. Motion carried unanimously.

- 25. CONDOMINIUM PERMIT AND TENTATIVE PARCEL MAP AND (PHG 08-0031, SUB 08-0023) FOR PROPERTY ADDRESSED AS 1045 PENNSYLVANIA AVENUE** - A one-lot Tentative Parcel Map, in conjunction with a Condominium Permit, for the conversion of an approved, four-story, 9,600 SF, medical office building, which is currently under construction, to four condominium units. Each floor of the building consists of between 2,359 SF and 2,451 SF, and would comprise one condominium unit. No site plan modifications or increase in floor area are proposed. The project is addressed as 1045 Pennsylvania Avenue. (File No. 0800-40)

Staff Recommendation: Approval (**Community Dev./Planning: Jon Brindle**)

RESOLUTION NO. 2008-190

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

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

MOTION: Moved by Councilmember Abed and seconded by Councilmember Waldron to approve a one-lot Tentative Parcel Map, in conjunction with a Condominium Permit, for the conversion of an approved, four-story, 9,600 SF, medical office building, which is currently under construction, to four condominium units and adopt Resolution No. 2008-190. Each floor of the building consists of between 2,359 SF and 2,451 SF, and would comprise one condominium unit. No site plan modifications or increase in floor area are proposed. The project is addressed as 1045 Pennsylvania Avenue. Motion carried unanimously.

- 26. GENERAL PLAN CIRCULATION ELEMENT AMENDMENT AND MEMORANDUM OF UNDERSTANDING (NEW URBAN WEST) (CASE NO. PHG 08-0004)** – A General Plan Circulation Element Amendment (GPA) to add a new "Local Collector" street (Lariat Drive) and modify portions of an existing street classification (Harmony Grove Road) in the City's Circulation Element, and to approve a Memorandum of Understanding (MOU) delineating a traffic mitigation schedule involving fair share payments and improvements to various city street segments and intersections that would offset impacts associated with the approved 742-unit Harmony Grove Village in the unincorporated county area. (File No. 0830-20)

Staff Recommendation: Approval (**Community Dev./Planning: Jon Brindle; and Engineering Services: Ed Domingue**)

RESOLUTION NO. 2008-218R

RESOLUTION NO. 2018-34

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ESCONDIDO, CALIFORNIA, APPROVING A
THREE-YEAR EXTENSION OF TIME FOR A NINE
LOT TENTATIVE SUBDIVISION MAP

Case No. SUB17-0035 (TR 848)

WHEREAS, pursuant to Chapter 32 of the Escondido Zoning Code, the City Council did, on November 12, 2008, consider and approve a request for a nine-lot Tentative Subdivision Map (TR 848) on approximately 3.55 acres of land, along with a Conditional Use Permit (City File No. 2005-52-CUP/GE) for a private easement road within the R-1 10 zone (Single-Family Residential, 10,000 SF min. lot size) and Grading Exemptions for 1.5:1 cut slopes, fill slopes up to 27 feet in height and cut slopes up to 36 feet in height. The project site generally is located on the southern side of Idaho Avenue, east of Juniper Street, addressed as 383 Idaho Avenue, more particularly described in Exhibit "C," and incorporated by this reference; and

WHEREAS, the City Council reviewed and adopted the Initial Study/Negative Declaration prepared for the project (City File No. ER 2007-19) and determined the project would not have any significant impacts to the environment; and

WHEREAS, a Tentative Map, which has been approved or conditionally approved shall expire three years from the effective date of approval, unless additional time is granted pursuant to the Subdivision Map Act or an extension of time is approved in accordance with Section 32.201.02 of the City of Escondido Municipal Code. Subsequent automatic map extensions granted by the State Legislature (AB333, AB208 and AB116) extended the tentative map until November 12, 2017; and

WHEREAS, the applicant requests that the City Council approve an extension of time for three years as permitted by the Subdivision Map Act and Chapter 33, Article 2 of the City of Escondido Zoning Code. Pursuant to Section 32.210.02 of the City of Escondido Municipal Code, multiple extensions may be granted provided that the overall total of incremental extensions do not exceed five years; and

WHEREAS, this City Council has considered the extension request, the staff report, and incorporates by reference the findings made therein; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve said extension of time.

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

1. That the above recitations are true.
2. That the Findings of Fact, attached as Exhibit "A," were made by said City Council, and is incorporated by this reference.
3. That upon consideration of the Findings, all material in the staff report (a copy of which is on file in the Planning Division) this City Council extends the Tentative Subdivision Map (TR 848) for three years, as reflected on plans and documents on file in the offices of the City Clerk and Planning Division, and subject to the Conditions of Approval as set forth as Exhibit "B" and is incorporated by this reference.

4. That this Tentative Subdivision Map shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed within 36 months, or unless an additional Extension of Time is granted.

EXHIBIT "A"

FINDINGS OF FACT SUB17-0035 (TR848) Extension of Time

Tentative Subdivision Map

1. The Planning Commission finds that the extension request is reasonable, was filed within the time periods specified, and meets all requisite findings for extension of time on the Tentative Parcel Map.
2. The General Plan land-use designation for the property is Suburban, which allows up to 3.3 dwelling units per acre, with a minimum lot size of 10,000 SF. The proposed density for the project is 2.53 dwelling units per acre, which is less than the maximum density permitted in the Suburban land-use designation. The proposed lot sizes that range from 10,229 SF to 14,890 SF also are larger than the minimum lot size permitted. Therefore, the subdivision design and proposed improvements are consistent with all requirements of the General Plan and the Zoning Code because the proposed lots and configuration are consistent with the Suburban land-use designation and the R-1-10 zoning requirements. No changes in City policy have occurred that would conflict with the project. This approval will extend the Tentative Subdivision Map to November 12, 2020.
3. All findings associated with the City Council Resolution No. 2008-232, which approved Case No. TR 848 and 2005-52-CUP/GE, are incorporated herein as though fully set forth. The proposed project will comply with all the applicable regulations, conditions, and polices imposed by the Escondido Municipal and Zoning Codes.
4. The design and improvements of the proposed subdivision map are consistent with all requirements and development standards of the General Plan and the Zoning Code, because the proposed lot sizes, configuration, and access are consistent with the Suburban designation and the R-1-10 zone, based on the applicant's proposal and the conditions of approval. The proposed project would not disrupt or divide the physical arrangement of the area because the project is infill in nature and is residential development on all sides. The proposed project is adjacent to single-family residential development to the north, south and west, with similar lot sizes to the north and west. The project density, yield and lot sizes would be consistent with the underlying Suburban land-use designation and R-1-10 zoning designation. Access would be provided by a private easement road that intersects Idaho Avenue on the north. Development of the project and proposed improvements to the private easement road and Idaho Avenue would not adversely alter or impact the existing circulation pattern throughout the surrounding neighborhood, nor preclude the development of surrounding parcels. Adequate public facilities are available and water service can be provided to the project with nominal extension of nearby existing facilities.
5. The site is physically suited for the single-family residential type of development proposed, as the site is zoned for single-family development, and it is surrounded by multi-family and single-family developments of similar lot size and density. Adequate building pads can be provided without having an adverse impact on adjacent properties, and all access and utilities are available to the site.
6. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the project site is adjacent to similar single-and multi-family residential development on all sides. The project site is vacant and does not contain any significant visual resources or prominent topographical features. The property is not located on a ridgeline identified in the Community Open Space/Conservation Element of the General Plan. Existing vegetation would be permanently replaced by residential development, associated infrastructure and new landscaping. The development of the future homes on the proposed lots would not result in any adverse visual impacts or result in the obstruction of any scenic view or vista open to the public. The project also would not damage any significant scenic resources within a designated State scenic highway or create an aesthetically offensive site open to the public. Views on-site from surrounding properties would most likely consist of building pads, one- and two-story structures, perimeter

fencing/walls, and front and rear-yard landscaping. All manufactured slopes would be required to be landscaped in conformance with the City's Landscape Ordinance to screen and soften visual impacts, as well as views from surrounding properties.

7. The design of the subdivision map and proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish, wildlife, or their habitat because there is not sensitive habitat located on the site and no stream course or endangered wildlife occurs on the property, as determined during the environmental review of the project. The development of the proposed project would not conflict with the provisions of an adopted or proposed Habitat Conservation Plan. The project site is not considered biologically significant or strategically located to warrant being included in a regional or local natural open space preserve. The site is not listed as an open space corridor or animal migration corridor since much of the property is disturbed and surrounded by development. The project site is not listed on the City' Parks, Trails and Open Space Plan, or any local or regional plan.
8. The design of the residential map and the type of improvements are not likely to cause serious public health problems because the project would not degrade the levels of service on the adjoining streets or drainage systems. Adequate water and sewer could be provided to the site. The project would not create any significant noise impacts to adjacent properties due to the residential nature of the project, and limited traffic increase created by the project. Any grading and subsequent compaction of the site, as necessary, will be per City standards (Article 55, Escondido Zoning Code) to the satisfaction of the City Engineer.
9. The design of the map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map because any existing easements will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
10. All of the requirements of the California Environmental Quality Act (CEQA) have been met and a Negative Declaration (ER 2007-19) was adopted for the proposed project.
11. The design of the subdivision map has provided, to the extent feasible, for passive or natural heating or cooling opportunities in the subdivision. Unit sizes and configuration provide opportunities for passive/solar heating and landscaping provides passive cooling opportunities.
12. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code will be obtained prior to recordation of the map.
13. The proposed map will not conflict with regional or local housing needs because all lots maintain all development standards of the applicable zone and observe the density of the General Plan. The project site does not contain any existing housing or structures that would be removed. The project would be developed with single-family residential homes in conformance with the Suburban land-use designation.
14. For the reasons stated in Sections 1 – 13 above, the bulk, scale, density and overall character of the proposed development would be compatible with the surrounding neighborhood and with any natural, cultural, scenic and open space resources of the area. To the extent feasible, the location and design of the proposed development respects and preserves the natural landform, native vegetation and any sensitive wildlife that may be present, to the extent practical. As stated in the staff report(s) and environmental review, and provided in the conditions of approval, the location and design of the proposed development will protect the safety of current and future residents, and will not create a significant threat to life and property due to slope instability, fire, flood, mud flow, erosion or other hazards.

Grading Exemptions

Granting the Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:

- a. The proposed cut slopes, up to 36 feet high with an inclination of up to 1.5:1; and fill slopes up to 27 feet high, would not create a negative visual impact upon the neighboring properties as the manufactured slopes would be partially screened from view and a negative overlooking situation would not be created. The proposed slopes

would not block views from surrounding properties because there are limited existing view opportunities through the site and the single-family residences to the east, with westerly views, are located at higher elevations. The proposed slopes would be screened from view as much as possible by the proposed residences, and would be fully landscaped, meeting the City's Landscape Ordinance standards. In addition, the majority of the proposed fill slopes are sliver slopes which would follow the existing and surrounding topography to the extent feasible.

- b. The proposed cut and fill slopes would not block the views of any surrounding parcels because the proposed slopes would modify existing slopes, and the single-family residences to the east are located at a higher elevation. In addition, the pads are situated so that the future residential units would partially screen the proposed cut slopes and the fill slopes would not block any existing, significant view opportunity or lead to significant overlooking.
- c. The proposed design of the slopes would not adversely affect any adjoining septic systems because the slopes are within a development that would be provided with City of Escondido sewer service, the properties to the east and west are on sewer, and no grading would occur on adjoining properties to the south with septic systems.
- d. The proposed slopes would not intrude into or disturb the use of any adjacent property because they would not block views from adjacent parcels, create any overlooking opportunities onto adjacent properties, disturb any utilities or drainage facilities, obstruct circulation patterns or access, nor preclude the future development of any adjacent parcel. The project engineer has indicated that the proposed slopes would be stable.
- e. Prior to grading permit issuance, the design of the slopes would be engineered to ensure the stability of the cuts and fills, and associated buildings placed upon the new pad area.

EXHIBIT “B”

CONDITIONS OF APPROVAL (TR848) Extension of Time

Planning Division Conditions

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when Building Permits are issued, including any applicable citywide facilities fees.
2. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
3. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. All requirements of the Public Art Partnership Program (Ordinance No. 86-70) shall be satisfied prior to Building Permit issuance. The ordinance requires that a public art fee be added at the time of the Building Permit issuance for the purpose of participating in the City Public Art Program.
6. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code. All outdoor lighting shall be provided with appropriate shields to prevent light from adversely affecting adjacent properties.
7. The design of the project shall conform to the exhibits and references in the staff report, including the Supplemental Details of Request, to the satisfaction of the Planning Division.
8. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance (Ord. 92-47).
9. All new utilities shall be underground.
10. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
11. Three copies of a revised Tentative Map, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading and landscape plans and the final map.
12. All lots shall meet the average lot width and lot area requirements of the underlying R-1-10 zone. Conformance with these requirements shall be demonstrated on the grading plan and final map. Non-compliance with these minimum standards will result in revisions to the map.
13. No street names are part of this approval. A separate request shall be submitted prior to final map.

14. Due to the small amount of on-street guest parking available on the private easement road, sufficient on-site parking shall be provided for each lot to accommodate six vehicles. In order to accommodate on-site parking requirements, one of the following shall be provided:
 - a. A front yard setback of 40 feet shall be provided between the garage and the edge of the easement to provide for a driveway of sufficient length that can accommodate four cars in addition to a two-car garage.
 - b. A three-car garage shall be provided in addition to a driveway of sufficient width and length to accommodate an additional three cars outside of the easement.
 - c. A circular driveway shall be provided of sufficient width and length to accommodate three or four cars depending on whether a two- or three-car garage is provided on the lot
15. All habitable buildings shall be noise-insulated to maintain interior noise levels not exceeding 45 dBA or less.
16. The following exemptions from the City of Escondido Grading Ordinance are permitted in conjunction with the development of the project. All other grading shall be consistent with the exhibits presented in this staff report, and the Grading Ordinance:

Lot 1: A fill slope with a maximum height of 25 feet.

Lots 2-5: A cut slope with a maximum gradient of 1.5:1 and a maximum height of 36 feet.

Lots 6-9: A fill slope with a maximum height of 27 feet.
17. All manufactured fill slopes shall be permanently maintained by the future Homeowner's Association and detailed in the CC&Rs, to the satisfaction of the Planning Division.
18. Prior to recordation of the final map, two copies of the CC&Rs shall be submitted to the Planning Division for review and approval. The CC&Rs shall contain provisions for the maintenance of any common landscaping, parkway landscaping, slope landscaping, the private street, private street lights graded slopes, open space, fences/walls, common drainage facilities (including detention basin), etc., to the satisfaction of the Planning Division, Engineering Services Division and Fire Department. A plan check fee shall be collected at the time of submittal. The CC&Rs shall be recorded in conjunction with the recordation of the Final Map, and a copy of the recorded CC&Rs must be submitted to the Planning Division prior to the issuance of building permits.
19. This Tentative Subdivision Map shall expire three years after the date of final approval if a final map has not been approved or an extension of time has not been granted. The new expiration date associated with this three-year time extension is November 12, 2020.
20. The design of all future homes within the development shall be subject to review and approval by the Staff Design Review Board, prior to issuance of building permits.
21. Prior to issuance of a grading permit, a qualified arborist shall evaluate the oak tree on the northeastern portion of the site to determine whether it can be preserved or relocated elsewhere on the site. If it cannot be feasibly relocated, replacement is subject to the Tree Preservation Ordinance (Ord. 93-11).
22. The future residential unit on Lot 2 shall be limited to single-story.
23. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division,

within two (2) working days of the effective date of this approval (the “effective date” being the end of the appeal period, if applicable), a certified check payable to “County Clerk”, in the amount specified by the Resource Agency at the time of filing a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Wildlife filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Wildlife documenting the Department’s determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

Landscaping Conditions

1. Prior to occupancy of any future units, all perimeter, street, slope and open space landscaping shall be installed. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
2. Six copies of a detailed landscape and irrigation plan(s) with the required plan check fee shall be submitted prior to issuance of Grading or Building permits, and shall be equivalent or superior to the concept plan attached as exhibit(s) to the satisfaction of the Planning Division. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards contained in Article 62 of the Zoning Code (Water Efficient Landscape Regulations) and also in conformance with the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of a licensed landscape architect, or qualified professional.
3. All slopes over three vertical feet shall be irrigated with an individual lot irrigation system approved by the Planning Division. If landscaping of the slopes proves difficult due to the presence of rock, suggestions by a landscape architect, such as a combination of hydroseed, planting pockets, and wire lattice structure, shall be incorporated. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Community Development Department and City Engineer.
4. The installation of the landscaping and irrigation shall be inspected by the project landscape architect or qualified professional upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Field Engineering Division and request a final inspection.
5. All manufactured slopes, or slopes cleared of vegetation, shall be landscaped within thirty (30) days of completion of rough grading. If, for whatever reason, it is not practical to install the permanent landscaping, then an interim landscaping solution may be acceptable. The type of plant material, irrigation and the method of application shall be to the satisfaction of the Community Development Department and City Engineer.
6. Street trees shall be provided along every frontage within, or adjacent to, this subdivision in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.

7. Prior to issuance of a grading permit, a tree survey of the site shall be completed and submitted to the Planning Division showing the location and type of all (non-agricultural) mature trees on the site. Each tree shall be labeled on the plan as to whether it will remain or be removed. Any existing trees to remain within the project shall be identified on the landscape and grading plans, noted as "to remain". The project landscape design shall include replacement trees to mitigate the removal of each existing mature tree on the site, as required by the Tree Preservation Ordinance (Ord. 93-11), to the satisfaction of the Planning Division. Minimum 24"-box size trees on a 1:1 ratio shall be provided to mitigate the removal of each existing mature (non-protected) tree on the site. The project landscape design shall include minimum 36"-box size trees on a 2:1 ratio to mitigate the removal of each existing mature protected (oak) tree on the site, to the satisfaction of the Planning Division. The location, size and type of all replacement trees shall be shown on the landscape plans. All existing native and ornamental trees to remain within the development site and any trees proposed to be removed shall be identified on the landscape and grading plans, to the satisfaction of the Planning Division.
8. If the detention basin on Lot 1 is to be fenced, decorative fencing shall be utilized (such as wrought iron). Fencing height and setbacks shall be in conformance with the requirements for the underlying zone R-1-10 zone.

Fire Department Conditions

1. NFPA 13D **automatic fire sprinkler system** shall be required.
2. Access roads exceeding 20% slope are not allowed. Access roads over 15% slopes require fire sprinkler systems in the served homes. Homes with driveways exceeding 15% will require Portland cement with rake or broom finish.
3. Speed humps/bumps shall not be allowed.
4. Minimum 16' wide paved driveway shall be provided within 150' of the structure.
5. All-weather paved access, able to support the weight of a fire engine (75K lbs.) and approved fire hydrants shall be provided prior to the accumulation of any combustible materials on the job site.
6. Must maintain a minimum required access width of 28' to allow for on-street parking, loading and unloading of vehicles and still provide clear and unobstructed emergency vehicle access. One side to be marked as "FIRE LANE" (must meet Escondido Fire Department standards).
7. 13'6" vertical clearances shall be provided in all access and driveway areas. Trees that obstruct the vertical clearance or access width shall be trimmed or removed and provisions to provide ongoing maintenance must be reflected in the CC&Rs. A copy of the CC&Rs listing this requirement must be submitted.
8. The minimum Fuel Modification Zone is 100' from structures.
9. **To mitigate for the reduction of a 100' fuel modification zone, the following conditions are required:**
 - Because the project is located in a High Fire Severity Zone, a Fire Protection Plan and/or updated Fire Protection Plan shall be submitted with the submittal of building plans for the homes.

- Glass or other transparent, translucent, or opaque glazing shall be tempered glass, multi-layered glass panels or glass block, each having a fire protection rating of not less than 20 minutes. Glazing frames made of vinyl materials shall have welded corners, metal reinforcement in the interlock area, and be certified to ANSI/AAMA/NWDA 101/I.S.2.97 structural requirements. Skylights shall be tempered glass or a Class "A" rated assembly.
- Roofs shall have a Class A roof covering. For roof coverings where the profile allows a space between the roof covering and roof decking, the space at the eave ends shall be fire-stopped to preclude entry of flames or embers.
- Exterior wall surfaces shall comply with provisions of the 2016 C.B.C. and the following requirements: the exterior wall surface shall be of a non-combustible material. In all construction, exterior walls are required to be protected with 2-inch nominal solid blocking between rafters at all roof overhangs.
- Venting on roofs and in vertical walls shall be covered with non-combustible corrosion-resistant mesh. Vent openings shall not exceed $\frac{1}{4}$ " (6.4 mm), or shall be designed and approved to prevent flame or ember penetration into the structure. Attic vents in soffits are permitted only on areas of the building that do not face wildland fuel. Turbine attic vents shall be equipped to allow one-way direction rotation and shall not free-spin in both directions.
- Exterior doors shall be of approved non-combustible construction, solid-core wood not less than $1\frac{3}{4}$ " thick or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall comply with the above glazing requirements.
- Paper-faced insulation shall be prohibited in attics and ventilated spaces.
- Gutters and downspouts shall be constructed of non-combustible material. Gutters shall be designed to reduce the accumulation of leaf litter and debris that contribute to roof edge ignition.
- Fencing attached to or immediately adjacent to structures which face wildland fuels shall have the first five feet constructed of non-combustible heavy timber, or fire retardant pressure-treated wood or materials.
- Exterior balconies, carports, decks, patio covers, unenclosed roofs and floors, and other similar architectural appendages and projections shall be of non-combustible construction, fire retardant treated wood, heavy timber construction, or one-hour fire resistive construction.

ENGINEERING CONDITIONS OF APPROVAL ESCONDIDO TRACT 848 – Extension of Time

GENERAL

1. The applicant shall provide the City Engineer with a Subdivision Guarantee and Title Report covering subject property.
2. The location of all on-site utilities shall be determined by the Engineer. If a conflict occurs with proposed lots, these utilities shall be relocated.
3. As surety for the construction of required off-site and/or on-site improvements, bonds and agreements in a form acceptable to the City Attorney shall be posted by the developer with the City of Escondido prior to the approval of this Subdivision.
4. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled: or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
5. If site conditions change adjacent to the proposed development prior to completion of the project, the developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
6. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.
7. The engineer shall submit to the Planning Department a copy of the Tentative Map as presented to the Planning Commission and the City Council. The Tentative Map will be signed by the Planning Department verifying that it is an accurate reproduction of the approved Tentative Map and must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance in effect at the time of the Tentative Map approval and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.

2. The developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets within and adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
Street "A"	Private Residential (28' curb to curb / 40' Access & PUE)
Street "B"	Private Residential (28' curb to curb / 48' Access & PUE)

See appropriate typical sections in the current Escondido Design Standards for additional details.

3. The developer shall improve Idaho Avenue with adequate transition to allow for two lanes of traffic, a 12-foot-wide turn pocket and a 5' wide asphalt walkway along the south side to the satisfaction of the City Engineer. Improvements to Idaho Avenue will include relocation of the existing power poles, reconstruction of existing driveways, relocation of existing mail boxes and other private improvements with permission of the property owners. Idaho improvements shall also include preparation of signing and striping plans for review and approval by the City Engineer. The developer shall be responsible all signing and striping in accordance with the approved plans.
4. Access to this project shall be improved with alley-type driveways in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 28 feet.
5. The address of each lot/dwelling unit shall either be painted on the curb or, where curbs are not available, posted in such a manner that the address is visible from the street. In both cases, the address shall be placed in a manner and location approved by the City Engineer.
6. Sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
7. All cul-de-sacs shall conform to the current Escondido Design Standards.
8. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
9. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. Any removal of existing striping and all new signing and striping shall be done by the developer's contractor.
10. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the property owner's association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.
11. The developer shall be required to construct a 6,800 lumen LED street light in accordance with Escondido Standard Drawing E-1-E at the project entrance on Idaho Avenue.

12. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer.

GRADING

1. A site grading and erosion control plan shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report and on the grading plan, that he/she has reviewed the grading and retaining wall design and found it to be in conformance with his or her recommendations.
2. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical Report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings.
3. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
4. The proposed grading for Lot 5 may result in impact to the septic system for the adjacent property (APN 234-300-1900). In the event of any disturbance to the adjacent septic system, the developer shall be responsible to connect the existing residence to public sewer. The developer shall also arrange for abandoning the septic system and paying the required sewer connection fee and all plan check and inspection fees required by the San Diego County Health Department.
5. Cut slope setbacks must be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
6. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
7. A General Construction Activity Permit is required from the State Water Resources Board for all storm water discharges associated with a construction activity where clearing, grading and excavation results in a land disturbance of one or more acres.
8. Lot drainage shall meet the requirements of current Escondido Design Standards and the City Engineer and shall include the construction of necessary brow ditches.
9. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

Unless specifically permitted to remain by the County Health Department, all existing wells within the project or affected by the off-site improvements shall be abandoned and capped, and all existing septic tanks within the project or affected by the off-site improvements shall be pumped and backfilled per County Health Department requirements.

10. The developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
11. All driveway grades shall conform to current Escondido Design Standards and Standard Drawings.
12. All lot lines shall be located at the top of slope unless otherwise approved by the City Engineer.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the engineer of work. The drainage study shall be in conformance with the City of Escondido Design Standards. The developer shall construct off-site drainage improvements as necessary to connect to the public storm drain system in Idaho Avenue.
2. A Final Storm Water Quality Management Plan (SWQMP) in compliance with City's latest adopted Storm Water Standards shall be prepared for all onsite and newly created impervious frontage and required offsite improvements and submitted for approval together with the final improvement and grading plans. The Storm Water Quality Management Plan shall include hydro-modification calculations, treatment calculations, post construction storm water treatment measures and maintenance requirements.
3. All site drainage with emphasis on the roadway, parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
4. All on-site storm drains, ditches, inlets, junction structures, storm water storage facilities and bio-retention basins constructed with this project shall be considered private. The responsibility for maintenance of these storm drains and all post construction storm water treatment facilities shall be that of the Home Owners Association as designated in the recorded CC&Rs and the recorded Storm Water Control Facility Maintenance Agreement.
5. The Developer will be required to submit a signed, notarized copy of Storm Water Control Facility Maintenance Agreement to the City Engineer to be countersigned and recorded.

WATER SUPPLY

1. All water main locations and sizing shall be to the satisfaction of the City Engineer and Director of Utilities. Required water main improvements shall include the extension of a minimum 8-inch water main in the private road from the existing water main in Idaho Avenue into the project to the satisfaction of the City Engineer and Director of Utilities. All proposed water mains shall be sized to provide the required fire flow while still meeting City Standards.

Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.

2. The existing 4" water main from the existing main in Idaho Avenue to the tie in point near the end of "Street A" (Sta. 5+23.23) shall be abandoned. All existing water services connected to the 4" main shall be reconnected to the proposed 8" main in "Street A."
3. Because fire sprinklers are required by the Fire Department, a 1" minimum water service, 1" water meter, and back flow prevention device shall be required for each lot. Water meters and back flow prevention devices shall not be installed within the driveway apron or private drive areas.
4. No trees or deep rooted plants shall be planted within 10 feet of any water service.
5. All water services shall be installed per current City of Escondido Design Standards and Standard Drawings.
6. All on-site water lines and backflow prevention devices beyond meters will be considered a private water system. The Home Owner's Association will be responsible for all maintenance of these services. This shall be clearly stated in the CC&Rs.

SEWER

1. An 8" public sewer main shall be installed in "Street B" from the proposed manhole in "Street A" (Sta. 4+33.82) to the end of the proposed "Street B" to the satisfaction of the Director of Utilities. The existing 6" sewer main between the proposed manhole and the existing manhole in "Street A" (Sta. 3+63.57) shall be upsized to an 8" main.
2. A private 4" minimum PVC sewer lateral with a standard clean-out within 18" of the Public Utilities Easement shall be constructed for each Lot and shown on the Improvement and Grading plans. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings. The construction of all sewer laterals shall be included in the improvement plans and bonding quantities.
3. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral, or within 15' of any sewer main.
4. All sewer laterals will be considered a private sewer system. The property owners and/or the Home Owners Association will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.
5. The developer shall provide an all-weather access road (suitable for use by maintenance vehicles) to all sewer manholes within easements.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. The developer shall make all necessary dedications (or, if appropriate, offer of dedications) for public rights-of-way on the following streets contiguous to the project to bring the roadways to the indicated classification.

STREET

CLASSIFICATION

Street "A"

Private Residential (28' within 40' P.U.E.)

Street "B"

Private Residential (28' within 48' P.U.E.)

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Private drainage easements shall be shown on the Final Map and granted to the Home Owners Association upon transfer of title for all private drainage facilities including the bio-retention basin, and any brow ditches (5' min. wide) and drain pipes (10' min. wide) needed to convey storm water within the project.
4. Necessary public utility easements for sewer, water, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
5. A public utility easement shall be dedicated over the private streets. The public utility easement shall extend a minimum of five (5) feet beyond the improved, curb-to-curb roadway width. When sidewalks are required, the public utility easement shall extend a minimum of four (4) feet behind the back of sidewalk.
6. The developer is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to approval of the final map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for lots in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

REPAYMENTS AND FEES

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
2. The developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

CC&Rs

1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&Rs for maintenance by the Home Owners' Association of private roadways, driveways, parking areas, private utilities (including sewer and water), private street lighting, all onsite storm drain facilities, storm water treatment facilities and any common open spaces. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The developer shall make provisions in the CC&Rs for maintenance, repair and access to all brow ditches which pass from one lot through an adjacent lot. Copies of an approved wording and format for this section of the CC&Rs may be obtained from the Engineering Department.
4. The CC&Rs must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the Home Owners' Association or their contractor when repair or replacement of private utilities is done.
5. The CC&Rs must state that (if stamped concrete or pavers are used in the private street) the Home Owners' Association is responsible for replacing the stamped concrete or pavers in kind if the City has to trench the street for repair or replacement of an existing utility.

UTILITY UNDERGROUNDING AND RELOCATION

1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by City Council resolution.
2. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

EXHIBIT "C"

Legal Description (TR848) Extension of Time

Parcel 1:

All that portion of Lot 13 in Block 188 of Rancho Rincon Del Diablo, in the City of Escondido, in the County of San Diego, State of California, according to Map thereof No. 725, filed in the Office of the County Recorder of San Diego County, August 13, 1892, described as follows:

Beginning at the Northwestern corner of said Lot 13 which is the True Point of Beginning; thence North $78^{\circ}23'30''$ East along the Southerly line of Idaho Avenue 40.08 feet to a point in a line which is parallel with and distant 40.00 feet Easterly at right angles from Westerly line of said Lot 13; thence South $15^{\circ}32'50''$ West, parallel with the Westerly line of Lot 13, 261.22 feet; thence North $82^{\circ}45'30''$ East 120.89 feet; thence North $15^{\circ}32'50''$ West parallel with the Westerly line of Lot 13, 6.22 feet; thence Easterly in a straight line to a point on the Westerly line of land conveyed by Escondido Land and Town Company, a corporation, to G.W., Parmenter, by deed dated February 8, 1896 and recorded in Book 249, Page 6 of Deeds, records of said County, which is also the Easterly line of the Westerly 5 acres of Lot 13 that is distant thereon 265.00 feet Southerly from the Southerly line of said Idaho Avenue; thence Southerly along the Easterly line of the Westerly 5 acres of Lot 13, 408 feet more or less to a point on the Southerly line of Lot 13; thence South $78^{\circ}30'37''$ West along the Southerly line of Lot 13 to the Southwesterly corner of Lot 13; thence Northerly along the Westerly line of Lot 13, 673 feet more or less to the True Point of Beginning.

Parcel 2:

All that portion of Lot 10 in Block 188 of Rancho Rincon Del Diablo, in the County of San Diego, State of California, according to Map thereof No. 725, made by J.M. Graham, filed in the Office of the County Recorder of San Diego County, August 13, 1892, described as follows:

Beginning at the Northwest corner of said Lot 10 as the True Point of Beginning; thence along the Northerly line of said Lot 10, North $78^{\circ}36'50''$ East 179.20 feet to an angle point in the boundary line in a Parcel of Land described in Deed to Clarence E. Raish, et ux, recorded April 1, 1965 as File No. 57143 of Official Records; thence along said boundary line, South $15^{\circ}13'$ East 90.20 feet to the Southerly line of the Northerly 90 feet of said Lot 10; thence along said Southerly line, South $78^{\circ}36'50''$ West 179.20 feet to the Westerly boundary of said Lot 10; thence Northerly along the Westerly line of said Lot 10, 90.20 feet to the True Point of Beginning.

CITY COUNCIL STAFF REPORT

Consent Item No. 10

March 21, 2018

File No. 1020-71

SUBJECT: SANDAG Active Transportation Grant Program Application for Comprehensive Active Transportation Strategies Plan

DEPARTMENT: Community Development Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2018-35 authorizing the Director of Community Development or his designee to complete an application to SANDAG for the Active Transportation Grant Program and to execute agreements if the grant is funded.

FISCAL ANALYSIS:

Grant funding is anticipated to fund the Comprehensive Active Transportation Strategies (CATS) Plan. Completion of a CATS Plan is included as an action item in the City's General Plan and Climate Action Plan and will make the City of Escondido more competitive for local, state and federal active transportation funding.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Image and Appearance and Public Safety Facilities.

PREVIOUS ACTION:

On September 22, 1999, the City Council approved Resolution No. 99-215 approving the updated Parks, Trails, and Open Space Master Plan. On October 17, 2012, the City Council approved Resolution No. 2012-162 approving the current Bicycle Master Plan. On May 23, 2012, the City Council approved Resolution No. 2012-52 approving the current City of Escondido General Plan which includes the City of Escondido's Complete Streets Policy, which is consistent with the California Complete Streets Act.

BACKGROUND:

On December 15, 2017, the SANDAG Board of Directors released the call for projects for the Smart Growth Incentive Program (SGIP) and Active Transportation Grant Program (ATGP) to distribute \$27 million in SGIP funds and \$3.6 million in ATGP funds. SANDAG's ATGP provides funding for bike and pedestrian infrastructure improvements, as well as for plans and programs that seek to educate, encourage, and/or raise awareness about the use of bike and pedestrian facilities. The goals of the

program are to encourage the planning and development of complete streets and to provide multiple travel choices for the region's residents, visitors, and businesses through safe and well-connected bike and pedestrian networks. The program seeks to promote a comprehensive, neighborhood-based approach to planning and implementation of active transportation improvements and traffic calming by coordinating existing and planned land use and transit to increase connectivity for people walking or biking.

The City of Escondido will apply for funding to create a new Comprehensive Active Transportation Strategy (CATS) Plan, building upon the 1999 Trails Master Plan, 2012 Bicycle Master Plan, Complete Streets Policy, and 2013 Climate Action Plan. The overall goal of this work program is to build on the work that has already been completed, re-examine and establish more focused priorities, create a new pedestrian planning network, and incorporate these planning efforts into a single action plan. The Escondido CATS plan will lay the foundation for improved bicycle and pedestrian facilities within the City and connecting between adjacent jurisdictions. The plan will focus on enhancing the safety and comfort of bicycle and pedestrian facilities near land uses where vulnerable populations frequent, such as schools, transit, neighborhood commercial, and medical facilities. The City will use the CATS planning process to educate community members about the importance of physical activity and active transportation; and to set in place bicycle and walking programs that can be implemented over time, and position the City to qualify for funding to support these programs.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
03/15/2018 8:59 a.m.

ATTACHMENTS:

1. Resolution No. 2018-35
2. Resolution No. 2018-35 – Exhibit A – SANDAG Grant Agreement Template

RESOLUTION NO. 2018-35

AUTHORIZING THE FILING OF AN
APPLICATION FOR TRANSNET GRANT
FUNDS FROM THE SAN DIEGO
ASSOCIATION OF GOVERNMENTS AND
ACCEPTING THE TERMS OF THE GRANT
AGREEMENT

WHEREAS, \$27 million of *TransNet* funding for Smart Growth Incentive Program (SGIP) projects is available to local jurisdictions and the County of San Diego from Fiscal Years 2017-2019, and up to \$1 million of the SGIP funding is available for the preparation of Climate Action Plans (“CAPs”) and Complete Streets (“CS”) Policies; and

WHEREAS, \$3.6 million of *TransNet* and Transportation Development Act (“TDA”) funding for Active Transportation Grant Program (“ATGP”) projects is available to local jurisdictions and the County of San Diego from Fiscal Years 2017-2019; and

WHEREAS, City of Escondido wishes to receive grant funding from SANDAG; and

WHEREAS, City of Escondido understands that in order to be eligible to receive grant funds for SGIP and ATGP projects, jurisdictions must have an adopted CAP and CS Policy (or the equivalent) in place before grant funds will be disbursed; and

WHEREAS, City of Escondido certifies that it adopted a CAP in a public meeting on December 4, 2013, that includes measures to reduce greenhouse gas (“GHG”) emissions to 1990 levels by 2020 and achieves further reductions beyond 2020 consistent with adopted regional or local GHG emissions reduction targets; and

WHEREAS, City of Escondido certifies that it adopted a CS Policy or the equivalent (such as policies in the General Plan or other documents adopted by the local jurisdiction)

in a public meeting on May 23, 2012, that is consistent with the California Complete Streets Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California that the City of Escondido is authorized to submit the following grant application(s) to SANDAG.

Grant Program	Project Name	Total Project Cost (Grant Request + Matching Funds)	Grant Request	Matching Funds
ATPG Planning	Comprehensive Active Transportation Strategy Plan	\$234,000.00	\$195,000.00	\$39,000.00

BE IT FURTHER RESOLVED that, if a grant award is made by SANDAG to fund these projects, City of Escondido commits to providing the total match amounts identified per project.

BE IT FURTHER RESOLVED that if a grant award is made by SANDAG, City of Escondido authorizes staff to accept the grant funds, execute the grant agreement(s) with no exceptions in substantially the same form as attached, and complete the Project(s). A copy of the Grant Agreement Template has been provided for information only, attached to this Resolution as Exhibit "A," and is incorporated herein by this reference.

GRANT AGREEMENT TEMPLATE *for Information Only*

SELECT APPLICABLE PROGRAM:

***TransNet SMART GROWTH INCENTIVE PROGRAM – CAPITAL / PLANNING
OR TransNet SMART GROWTH INCENTIVE PROGRAM – CLIMATE ACTION PLAN
OR TransNet SMART GROWTH INCENTIVE PROGRAM – COMPLETE STREETS POLICY
OR TransNet ACTIVE TRANSPORTATION GRANT PROGRAM – CAPITAL / NON-CAPITAL***

FOURTH FUNDING CYCLE

**GRANT AGREEMENT AGREEMENT NUMBER BETWEEN
THE SAN DIEGO ASSOCIATION OF GOVERNMENTS AND
INSERT JURISDICTION NAME
REGARDING INSERT FULL PROJECT TITLE**

THIS GRANT AGREEMENT Agreement Number (Agreement) is made this Day day of Month, 2018, by and between the San Diego Association of Governments, 401 B Street, Suite 800, San Diego, California, hereinafter referred to as SANDAG, and the Grant Recipient and Address, hereinafter referred to as Grantee. SANDAG and Grantee are hereinafter collectively referred to as the Parties. This agreement expires on Month Day, Year.

Note to Grant Recipient: This Agreement Template covers provisions for the Smart Growth Incentive Program (SGIP) – Capital and Planning; SGIP – Climate Action Plan (CAP); SGIP – Complete Streets Policy; and Active Transportation Grant Program (ATGP) – Capital and Non-Capital grant programs. Prior to contract execution, the Grant Agreement will be tailored to reflect the applicable grant program.

The following recitals are a substantive part of this Agreement:

Smart Growth Incentive Program, SGIP-Climate Action Plan Grant Program, and SGIP-Complete Streets Policy Grant Program Recitals:

- A.** The SANDAG Board of Directors allocates funds under the *TransNet* local sales tax program to support local transportation-related infrastructure projects in the San Diego region through a competitive process.
- B.** The *TransNet* Extension Ordinance contains provisions to fund the Smart Growth Incentive Program (SGIP) for which funding began on April 1, 2008. The SGIP encompasses projects that better integrate transportation and land use and recognizes the comprehensive effort to integrate smart growth place making, access to transit, and environmental justice.
- C.** In January 2010, the SANDAG Board of Directors approved Board Policy No. 035: Competitive Grant Program Procedures, which is included as Attachment B. This Grant Award, Agreement and the Grantee's performance thereunder are subject to Board Policy No. 35, which includes multiple "use it or lose it" provisions.
- D.** On December 15, 2017, SANDAG issued a call for projects from local jurisdictions in San Diego County wishing to apply for a portion of the *TransNet* SGIP funds for use on capital improvement and planning projects meeting certain criteria, and authorizing up to \$1 million

from the SGIP to be used for the development of climate action plans and complete streets policies through two new subprograms.

- E.** On **Month, Day, Year**, the SANDAG Board of Directors approved a list of recommended SGIP, SGIP-Climate Action Plan, or SGIP-Complete Streets projects for the fourth competitive grant cycle, and one of those projects is the subject of this Agreement. The Scope of Work, Project Schedule, and Approved Project Budget are included as Attachment A.
- F.** Grantee's Project is funded with **dollar amount** in *TransNet* SGIP funds and is included in the Regional Transportation Improvement Plan (RTIP). The *TransNet* MPO ID for the Project is **ID number**.
- G.** The purpose of this Agreement is to establish the terms and conditions for SANDAG to provide Grantee with funding to implement the Project.
- H.** Although SANDAG will be providing financial assistance to Grantee to support the Project, SANDAG will not take an active role or retain substantial control of the Project. Therefore, this Agreement is characterized as a funding agreement rather than a cooperative agreement.
- I.** Grantee understands that *TransNet* funds derive from retail transactions and use tax revenues which fluctuate. The SANDAG funding commitment to SGIP Projects, including this Project, is subject to these fluctuations, which may impact funding availability for this Project.

Active Transportation Grant Program Recitals:

- A.** The SANDAG Board of Directors allocates funds under the *TransNet* local sales tax program and the Transportation Development Act (TDA) to support local bicycle and pedestrian transportation projects in the San Diego region through a competitive process.
- B.** The *TransNet* Extension Ordinance contains provisions to fund the Bicycle, Pedestrian, and Neighborhood Safety Program (BPNSP) for which funding began on July 1, 2008. The BPNSP encompasses bicycle and pedestrian travel projects and recognizes the comprehensive effort to integrate smart growth place making, access to transit and environmental justice.
- C.** Article 3 of the TDA provides funding for Bicycle and Pedestrian Facilities and Programs.
- D.** Together the *TransNet* BPNSP and TDA Article 3 funding are commonly referred to as the SANDAG *TransNet* Active Transportation Grant Program (ATGP).
- E.** In January 2010, the SANDAG Board of Directors approved Board Policy No. 035: Competitive Grant Program Procedures, which is included as Attachment B. This Grant Award, Agreement and the Grantee's performance thereunder are subject to Board Policy No. 035, which includes multiple "use it or lose it" provisions.
- F.** On December 15, 2017, SANDAG issued a call for projects from local jurisdictions in San Diego County wishing to apply for SANDAG ATGP funds for use on capital improvement and planning projects meeting certain criteria.
- G.** On **Month, Day, Year**, the SANDAG Board of Directors approved a list of recommended ATGP projects for the fourth competitive grant cycle, and one of those projects is the subject of this

Agreement. The Scope of Work, Project Schedule, and Approved Project Budget are included as Attachment A.

- H. The SANDAG Board of Directors approved programming of approximately \$3.6 million in TDA funds on Month, Day, Year, by Resolution Number Resolution Number.
- I. Grantee's Project is funded with dollar amount in ATGP funds, which includes dollar amount in *TransNet* BPNSP funds and is included in the Regional Transportation Improvement Plan (RTIP), and dollar amount in TDA funds. The *TransNet* MPO ID for the Project is ID number and the TDA Claim Number is ID number.
- J. The purpose of this Agreement is to establish the terms and conditions for SANDAG to provide Grantee with funding to implement the Project.
- K. Although SANDAG will be providing financial assistance to Grantee to support the Project, SANDAG will not take an active role or retain substantial control of the Project. Therefore, this Agreement is characterized as a funding agreement rather than a cooperative agreement.
- L. Grantee understands that *TransNet* funds derive from retail transactions and use tax revenues which fluctuate. SANDAG's funding commitment to ATGP Projects, including this Project, is subject to these fluctuations, which may impact funding availability for this Project.

I. GRANT AWARD

- A. The total amount payable to Grantee pursuant to this Agreement by SANDAG shall be the proportion of actual Project costs allocated to grant funding in the Approved Project Budget and shall not exceed the grant award of dollar amount.
- B. It is agreed and understood that this Agreement fund limit is a ceiling and that SANDAG will only reimburse the allowable cost of services actually rendered as authorized by SANDAG at or below that fund limitation established herein.

II. APPROVED PROJECT BUDGET

Except to the extent that SANDAG determines otherwise in writing, the Grantee agrees as follows: The Grantee and SANDAG have agreed to a Project budget that is designated the "Approved Project Budget." The Grantee and/or third-party contractor(s) will incur obligations and make disbursements of Project funds only as authorized by the Approved Project Budget. An amendment to the Approved Project Budget requires the issuance of a formal amendment to the Agreement per Board Policy No. 035, unless the re-allocation of funds among budget items or fiscal years does not increase the total amount of the funding awarded for the Project, does not negatively impact the benefits obtained from the Project, and is consistent with applicable laws, regulations, and policies. Prior written SANDAG Project Manager approval is required for transfers of funds between approved project budget line items.

III. MATCHING FUNDS

Grantee agrees to provide matching funds in an amount of dollar amount percent of the actual cost of the Project, estimated to be dollar amount based on the Approved Project Budget. If the actual cost of the Project exceeds the Project budget, Grantee is responsible for 100 percent of the actual cost greater than the budgeted cost.

A. Availability of Grant Funding

Except where expressly allowed in writing herein, reimbursement of credits for local matching funds will be made or allowed only for work performed on and after the Notice to Proceed date and prior to the termination date of this Agreement, unless expressly permitted by SANDAG, in writing.

B. Reduction of Matching Funds

The Grantee agrees that no refund of, or reduction in, the amount of matching funds may be made unless a reduction of the proportional share of the grant funding provided under this Agreement also is made to SANDAG.

C. Prompt Payment of Matching Funds

The Grantee agrees to complete all proceedings necessary to provide its share of the Project costs at or before the time the matching funds are needed for Project costs. The Grantee agrees to provide not less than its required match amount of Project costs on a proportional basis as Project costs are incurred and coinciding with usual invoicing. Each of Grantee's invoices must include its proportional matching fund contribution, along with supporting, descriptive and/or explanatory documentation for the matching funds provided such that the Grantee maintains a cumulative match percentage no less than the required match percentage as specified above.

IV. PROJECT MANAGERS

Grantee's Project Manager is **Project Manager**.

The SANDAG Project Manager is Tracy Ferchaw.

Project manager continuity and experience is deemed essential in Grantee's ability to carry out the project in accordance with the terms of this Agreement. Grantee shall not change the project manager without first providing written notice to SANDAG.

V. NOTICE

All notices required to be given, by either party to the other, shall be deemed fully given when made in writing and received by the parties at their respective addresses:

San Diego Association of Governments
Attention: Tracy Ferchaw
401 B Street, Suite 800
San Diego, CA 92101

Grantee:
Jurisdiction Name
Attention: **Project Manager**
Address
City, CA, ZIP

VI. PROJECT IMPLEMENTATION

A. General

The Grantee agrees to carry out the Project as follows:

1. **Project Description.** Grantee agrees to perform the work as described in the Scope of Work included as Attachment A.
2. **Effective Date.** The effective date of this Agreement or any amendment hereto is the date on which this Agreement or an amendment is fully executed. The Grantee agrees to undertake Project work promptly after receiving a Notice to Proceed from SANDAG.
3. **Grantee's Capacity.** The Grantee agrees to maintain or acquire sufficient legal, financial, technical, and managerial capacity to: (a) plan, manage, and complete the Project as described in Attachment A and provide for the use of any Project property; (b) carry out the safety and security aspects of the Project; and (c) comply with the terms of the Agreement and all applicable laws, regulations, and policies pertaining to the Project and the Grantee, including but not limited to the *TransNet* Extension Ordinance and Board Policy No. 035.
4. **Project Schedule.** The Grantee agrees to complete the Project according to the Project Schedule included in Attachment A and in compliance with Board Policy No. 035, as amended, and included as Attachment B.
5. **Project Implementation and Oversight.** Grantee agrees to comply with the Project Implementation and Oversight Requirements, included as Attachment C, and Board Policy No. 035, as amended.
6. **Changes to Project's Scope of Work.** This Agreement was awarded to Grantee based on the application submitted by Grantee with the intention that the awarded funds would be used to implement the Project as described in the Scope of Work (included in Attachment A). Any substantive deviation from Grantee's Scope of Work during project implementation may require reevaluation or result in loss of funding. If Grantee knows or should have known that substantive changes to the Project will occur or have occurred, Grantee will immediately notify SANDAG in writing. SANDAG will then determine whether the Project is still consistent with the overall objectives of the grant program and whether the changes would have negatively affected the Project ranking during the competitive grant evaluation process. SANDAG reserves the right to have grant funding withheld from Grantee, or refunded to SANDAG, due to Grantee's failure to satisfactorily complete the Project or due to substantive changes to the Project.
7. **Media and Community Outreach Coordination.** The Grantee agrees to notify and/or assist SANDAG of/with any media and community outreach efforts, including presentations to community groups, other agencies, and elected officials and/or community events related to the Project, such as ground breaking and ribbon cutting activities. Press materials shall be provided to SANDAG staff for review before they are distributed. SANDAG logo(s) should be included in press materials and other project collateral based on SANDAG logo usage guidelines provided by SANDAG, but may never be included in such documents without advance approval from SANDAG.

As part of the quarterly reports submitted to SANDAG, the Grantee agrees to provide project milestone information to support media outreach and communications efforts. This includes project photos taken throughout the project at program events or as part of project tasks. The photos should be high resolution (at least 4 inches by 6 inches with a minimum of 300 pixels per inch) and contain captions with project descriptions, dates, locations, and the names of those featured, if appropriate. SANDAG reserves the right to use the information provided by the Grantee for any combination of the following, including but not limited to: social media posts, online photo albums, videos, press releases, PowerPoint presentations, web updates, newsletters, and testimonials. In submitting photos to SANDAG, the Grantee agrees that the photos have been obtained with the consent of all persons featured in the photo (or that of a parent or guardian of persons under the age of 18) using the SANDAG Photo and Testimonial Release form to be provided by SANDAG, or a similar release form developed by Grantee and agreed upon by SANDAG, and to release the rights of the photos to SANDAG for its use.

8. Project Signage and Designation of *TransNet* Funded Facilities. Each capital project of \$250,000 or more funded in whole or in part by revenues from the *TransNet* Extension Ordinance shall be clearly designated during its construction or implementation as being provided by revenues from the *TransNet* Extension Ordinance.

Grantee agrees to follow the project signage specifications and to install appropriately sized signs in the quantity called for by the *TransNet* Signage Guide (provided by SANDAG). Grantee agrees to follow sign specifications and submit proof files to SANDAG for approval before production.

9. Baseline Data Collection. For capital projects, Grantee is required to coordinate with SANDAG staff on the development of a baseline data collection plan in accordance with the Project Implementation and Oversight Requirements.

B. Application of Laws

Should a federal or state law pre-empt a local law, regulation, or the *TransNet* Extension Ordinance, the Grantee must comply with the federal or state law and implementing regulations. No provision of this Agreement requires the Grantee to observe or enforce compliance with any provision, perform any other act, or do any other task in contravention of federal, state, territorial, or local law, regulation, or ordinance. If compliance with any provision of this Agreement violates or would require the Grantee to violate any law, the Grantee agrees to notify SANDAG immediately in writing. Should this occur, SANDAG and the Grantee agree that they will make appropriate arrangements to proceed with or, if necessary, terminate the Project or affected portions thereof expeditiously.

C. Changes in Project Performance

The Grantee agrees to notify SANDAG immediately, in writing, of any change in local law, conditions (including its legal, financial, or technical capacity), or any other event that may adversely affect the Grantee's ability to perform the Project in accordance with the terms of the Agreement and as required by Board Policy No. 035. The Grantee also agrees to notify SANDAG immediately, in writing, of any current or prospective major dispute, breach, default, or litigation that may adversely affect SANDAG's interests in the Project; and agrees to inform

SANDAG, also in writing, before naming SANDAG as a party to litigation for any reason, in any forum. At a minimum, the Grantee agrees to send each notice to SANDAG required by this subsection to SANDAG's Office of General Counsel.

D. Notice Regarding Prevailing Wages

This Project is funded in whole or in part by *TransNet* revenues consistent with the *TransNet* Extension Ordinance adopted by the voters in November 2004 (SANDAG Ordinance 04-01). Although SANDAG Ordinance 04-01 does not require payment of prevailing wages, California law may require that Grantee's public works projects pay prevailing wages for workers. Grantee acknowledges that SANDAG has strongly encouraged Grantee to seek legal counsel regarding whether the Project will be subject to prevailing wage laws consistent with Labor Code Section 1720, *et seq.* This Agreement requires Grantee's compliance with all federal, state, and local laws and ordinances as applicable.

E. Standard of Care

Grantee expressly warrants that the work to be performed pursuant to this Agreement shall be performed in accordance with the applicable standard of care. Where approval by SANDAG, its Executive Director, or other representative of SANDAG is indicated in the Scope of Work, it is understood to be conceptual approval only and does not relieve the Grantee of responsibility for complying with all laws, codes, industry standards, and liability for damages caused by negligent acts, errors, omissions, noncompliance with industry standards, or the willful misconduct of the Grantee or its subgrantees.

F. Third-Party Contracting

Although the Grantee may delegate any or almost all Project responsibilities to one or more third-party contractors, the Grantee agrees that it, rather than any third-party contractor, is ultimately responsible for compliance with all applicable laws, regulations, and this Agreement.

1. **Competitive Procurement.** Grantee shall not award contracts over \$3,000 on the basis of a noncompetitive procurement for work to be performed under this Agreement without the prior written approval of SANDAG. Contracts awarded by Grantee, if intended as local match credit, must meet the requirements set forth in this Agreement regarding local match funds.

If Grantee hires a third-party contractor to carry out work funded under this Agreement, Grantee shall: prepare an Independent Cost Estimate prior to soliciting proposals/bids; publicly advertise for competing proposals/bids for the work; for professional services, use cost as an evaluation factor in selecting the third-party contractor and for construction services, award the work to the lowest responsive and responsible bidder; document a Record of Negotiation establishing that the amount paid by Grantee for the work is fair and reasonable; and pass through the relevant obligations in this Agreement to the contractor.

2. **Debarment.** Grantee shall execute and cause their third-party contractors to execute debarment and suspension certificates stating they have not been disqualified from doing business with government entities.

3. **Flowdown.** Grantee agrees to take appropriate measures necessary, including the execution of a subagreement, lease, third-party contract, or other, to ensure that all Project participants, including alternate payees or third-party contractors at any tier, comply with all applicable federal laws, regulations, policies affecting Project implementation and Agreement requirements. In addition, if an entity other than the Grantee is expected to fulfill any responsibilities typically performed by the Grantee, the Grantee agrees to assure that the entity carries out the Grantee's responsibilities as set forth in this Agreement.
4. **No SANDAG Obligations to Third-Parties.** In connection with the Project, the Grantee agrees that SANDAG shall not be subject to any obligations or liabilities to any subgrantee, lessee, third-party contractor at any tier or other person or entity that is not a party to the Agreement for the Project. Notwithstanding that SANDAG may have concurred in or approved any solicitation, subagreement, lease, alternate payee designation, or third-party contract at any tier, SANDAG has no obligations or liabilities to any entity other than the Grantee.
5. **Equipment Purchases.** Grantee shall maintain ownership of any equipment purchased using Agreement funding and shall use such the equipment only for the purposes set forth in this Agreement. The parties agree to meet and confer in good faith to ensure the continued use of the equipment for the purposes intended, which may include reimbursement to SANDAG when the fair market value of the equipment at Project completion exceeds \$5,000.

SANDAG and Grantee agree that Grantee shall keep an inventory record for each piece of equipment purchased under this Agreement and maintain each piece of equipment in good operating order consistent with the purposes for which they were intended. SANDAG shall have the right to conduct periodic maintenance inspections for the purpose of confirming the existence, condition, and proper maintenance of the equipment.

VII. ETHICS

A. Grantee Code of Conduct/Standards of Conduct

The Grantee agrees to maintain a written code of conduct or standards of conduct that shall govern the actions of its officers, employees, council or board members, or agents engaged in the award or administration of subagreements, leases, or third-party contracts supported with grant funding. The Grantee agrees that its code of conduct or standards of conduct shall specify that its officers, employees, council or board members, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from any present or potential subgrantee, lessee, or third-party contractor at any tier or agent thereof. The Grantee may set *de minimis* rules where the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value. The Grantee agrees that its code of conduct or standards of conduct shall also prohibit its officers, employees, board members, or agents from using their respective positions in a manner that presents a real or apparent personal or organizational conflict of interest or personal gain. As permitted by state or local law or regulations, the Grantee agrees that its code of conduct or standards of conduct shall include penalties,

sanctions, or other disciplinary actions for violations by its officers, employees, council or board members, or their agents, or its third-party contractors or subgrantees or their agents.

B. Personal Conflicts of Interest

The Grantee agrees that its code of conduct or standards of conduct shall prohibit the Grantee's employees, officers, council or board members, or agents from participating in the selection, award, or administration of any third-party contract or subagreement supported by grant funding if a real or apparent conflict of interest would be involved. Such a conflict would arise when an employee, officer, board member, or agent, including any member of his or her immediate family, partner, or organization that employs, or intends to employ, any of the parties listed herein has a financial interest in a firm competing for award.

C. Organizational Conflicts of Interest

The Grantee agrees that its code of conduct or standards of conduct shall include procedures for identifying and preventing real and apparent organizational conflicts of interest. An organizational conflict of interest exists when the nature of the work to be performed under a proposed third-party contract or subagreement may, without some restrictions on future activities, result in an unfair competitive advantage to the third-party contractor or subgrantee or impair its objectivity in performing the contract work.

D. SANDAG Code of Conduct

SANDAG has established policies concerning potential conflicts of interest. These policies apply to Grantee. For all awards by SANDAG, any practices which might result in unlawful activity are prohibited including, but not limited to, rebates, kickbacks, or other unlawful considerations. SANDAG staff members are specifically prohibited from participating in the selection process when those staff have a close personal relationship, family relationship, or past (within the last 12 months), present, or potential business or employment relationship with a person or business entity seeking a contract with SANDAG. It is unlawful for any contract to be made by SANDAG if any individual Board member or staff has a prohibited financial interest in the contract. Staff also are prohibited from soliciting or accepting gratuities from any organization seeking funding from SANDAG. SANDAG's officers, employees, agents, and board members shall not solicit or accept gifts, gratuities, favors, or anything of monetary value from consultants, potential consultants, or parties to subagreements. By signing this Agreement, Grantee affirms that it has no knowledge of an ethical violation by SANDAG staff or Grantee. If Grantee has any reason to believe a conflict of interest exists with regard to the Agreement or the Project, it should notify the SANDAG Office of General Counsel immediately.

E. Bonus or Commission

The Grantee affirms that it has not paid, and agrees not to pay, any bonus or commission to obtain approval of its grant funding application for the Project.

F. False or Fraudulent Statements or Claims

The Grantee acknowledges and agrees that by executing the Agreement for the Project, the Grantee certifies or affirms the truthfulness and accuracy of each statement it has made, it

makes, or it may make in connection with the Project, including, but not limited to, the Grantee's grant application, progress reports and invoices.

VIII. PAYMENTS

A. Method of Payment

The method of payment for this Agreement will be based upon actual allowable costs described herein.

B. Alternate Payee

If the Grantee designates a party as an Alternate Payee, Alternate Payee is authorized to submit payment requests directly to SANDAG to receive reimbursement for allowable Project costs. This does not alleviate Grantee from all obligations under this Grant Agreement.

C. Invoicing

Grantee or Alternate Payee is required to submit invoices quarterly. Invoices must be accompanied by a quarterly report (template to be provided by SANDAG). SANDAG will make payments for eligible amounts to Grantee or Alternate Payee as promptly as SANDAG fiscal procedures permit upon receipt of Grantee's or Alternate Payee's itemized signed invoice(s). SANDAG shall retain 10 percent from the amounts invoiced until satisfactory completion of work. SANDAG shall promptly pay retention amounts to Grantee or Alternate Payee following satisfactory completion of work, receipt of final invoice, and all required documentation.

D. Eligible Costs

The Grantee agrees that Project costs eligible for grant funding must comply with the following requirements, unless SANDAG determines otherwise in writing. To be eligible for reimbursement, Project costs must be:

1. Consistent with the Project Scope of Work, the Approved Project Budget, and other provisions of the Agreement.
2. Necessary in order to accomplish the Project.
3. Reasonable for the goods or services purchased.
4. Actual net costs to the Grantee (i.e., the price paid minus any refunds, rebates, or other items of value received by the Grantee that have the effect of reducing the cost actually incurred, excluding program income). Project generated revenue realized by the Grantee shall be used in support of the Project. Project generated revenue and expenditures, if any, shall be reported at the end of the Agreement period.
5. Incurred for work performed on or after the SANDAG Notice to Proceed date, and before the termination date, and also must have been paid for by the Grantee.
6. Satisfactorily documented with supporting documentation, which is to be submitted with each invoice.

7. Treated consistently in accordance with generally accepted accounting principles and procedures for the Grantee and any third-party contractors and subgrantees, (see Section entitled "Accounting Records").
8. Eligible for grant funding as part of the grant program through which the funds were awarded.
9. Indirect Costs are only allowable with prior SANDAG approval. Grantee must submit the following documentation as part of the grant application materials: (1) an indirect cost allocation audit approved by a qualified independent auditor or (2) the applicant's proposed method for allocating indirect costs in accordance with federal guidelines. Indirect cost allocation plans must be reviewed and renewed annually.

E. Excluded Costs

Certain costs associated with bike and pedestrian projects that do not directly benefit people walking and biking are ineligible. These ineligible expenses include, but are not limited to: curb, gutter, and other drainage improvements; newly installed driveway ramps; roadway shoulders, where roadway design standards require a roadway shoulder width at least as wide as would be required for a standard bike lane; and any required element under a different capital improvement project other than the Project. Expenses related to the replacement of existing infrastructure as a result of Project work may be eligible for reimbursement, but Grantee will be required to justify the necessary inclusion of such improvements prior to requesting reimbursement.

The Grantee understands and agrees that payment to the Grantee for any Project cost does not constitute SANDAG's final decision about whether that cost is allowable and eligible for payment under the Project and does not constitute a waiver of any violation by the Grantee of the terms of this Agreement or Board Policy No. 035. The Grantee acknowledges that SANDAG will not make a final determination about the allowability and eligibility of any cost until the final payment has been made on the Project or the results of an audit of the Project requested by SANDAG or its Independent Taxpayers' Oversight Committee (ITOC) has been completed, whichever occurs latest. If SANDAG determines that the Grantee is not entitled to receive any portion of the grant funding requested or paid, SANDAG will notify the Grantee in writing, stating its reasons. The Grantee agrees that Project closeout will not alter the Grantee's responsibility to return any funds due to SANDAG as a result of later refunds, corrections, performance deficiencies, or other similar actions; nor will Project closeout alter SANDAG's right to disallow costs and recover funds provided for the Project on the basis of a later audit or other review. Upon notification to the Grantee that specific amounts are owed to SANDAG, whether for excess payments of grant funding, disallowed costs, or funds recovered from third parties or elsewhere, the Grantee agrees to promptly remit to SANDAG the amounts owed, including applicable interest, penalties and administrative charges.

IX. ACCOUNTING, REPORTING, RECORD RETENTION, AND ACCESS

A. Project Accounts

The Grantee and/or Alternate Payee agree to establish and maintain for the Project either a separate set of accounts or separate accounts within the framework of an established accounting system that can be identified with the Project. The Grantee and/or Alternate

Payee also agree to maintain documentation of all checks, payrolls, invoices, contracts, vouchers, orders, or other accounting documents related in whole or in part to the Project so that they may be clearly identified, readily accessible, and available to SANDAG upon request and, to the extent feasible, kept separate from documents not related to the Project.

B. Reports

The Grantee agrees to submit to SANDAG all reports required by law and regulation, policy, this Agreement, and any other reports SANDAG may specify. SANDAG reserves the right to specify that records be submitted in particular formats.

C. Quarterly Reports

Grantee shall submit written quarterly reports to SANDAG detailing the progress of its work, expenditures incurred, and information regarding whether the Project is projected to be completed within the limits of the Approved Project Budget, Project Schedule, and consistent with Board Policy No. 035 and any policy amendments thereto. Grantee shall document the progress and results of work performed under this Agreement to the satisfaction of SANDAG. This includes progress and final reports, plans, specifications, estimates, and other evidence of attainment of the Agreement objectives, which are requested by SANDAG or ITOC. Grantee may be required to attend meetings of SANDAG staff and committees, including but not limited to ITOC, the Regional Planning Committee, the Transportation Committee, and the SANDAG Board of Directors, to report on its progress and respond to questions.

D. Record Retention

During the course of the Project and for three years thereafter from the date of transmission of the final expenditure report, the Grantee agrees to maintain, intact and readily accessible, all communications, data, documents, reports, records, contracts, and supporting materials relating to the Project, as SANDAG may require. All communications and information provided to SANDAG become the property of SANDAG and public records, as such, may be subject to public review. Please see SANDAG's Board Policy 015: Records Management Policy, which is available at www.sandag.org/legal, for information regarding the treatment of documents designated as confidential.

E. Access to Records of Grantees and Subgrantees

The Grantee agrees to permit, and require its subgrantees to permit, SANDAG or its authorized representatives, upon request, to inspect all Project work, materials, payrolls, and other data, and to audit the books, records, and accounts of the Grantee and its subgrantees pertaining to the Project.

F. Communities Served Data and Reporting

If requested, Grantee shall provide SANDAG with data regarding how the Project's benefits and burdens were equitably distributed among socio and economic populations in the area affected by the Project, and associated smart growth data, and/or any other relevant information.

X. PROJECT COMPLETION, AUDIT, SETTLEMENT, AND CLOSEOUT

A. Project Completion

Within 90 calendar days following Project completion or termination by SANDAG, the Grantee agrees to submit a final certification of Project expenses and final reports, as applicable. All payments made to the Grantee shall be subject to review for compliance by SANDAG with the requirements of this Agreement and shall be subject to an audit upon completion of the Project.

B. Project Audit

Note to Grant Recipient: Only the applicable sections will be included.

For TransNet-funded projects:

The Grantee agrees to have financial and compliance audits performed as SANDAG may require consistent with the *TransNet* Extension Ordinance. The Grantee agrees that Project closeout will not alter the Grantee's audit responsibilities. Audit costs are allowable Project costs.

For TDA-funded projects:

The Grantee agrees to have financial and compliance audits performed as SANDAG may require consistent with Public Utilities Code Section 99245, for TDA funds; and consistent with the *TransNet* Extension Ordinance for *TransNet* funds. The Grantee agrees that Project closeout will not alter the Grantee's audit responsibilities. Audit costs are allowable Project costs.

C. Performance Audit

The Grantee agrees to cooperate with SANDAG or ITOC with regard to any performance audit that is performed on the Project pursuant to the *TransNet* Ordinance.

D. Project Closeout

Project closeout occurs when SANDAG notifies the Grantee that SANDAG has closed the Project, and, if applicable, either forwards the final grant funding payment and or acknowledges that the Grantee has remitted the proper refund. The Grantee agrees that Project closeout by SANDAG does not invalidate any continuing requirements imposed by the Agreement or any unmet requirements set forth in a written notification from SANDAG.

E. Project Use

Grantee was awarded this Agreement based on representations in its grant application regarding the Project's intended use. If the Project is a capital project, Grantee hereby commits to continued use of the Project for the purposes stated in its application for a period of at least five years after completion of construction. SANDAG may require Grantee to refund grant funding provided for the Project in the event Grantee fails to use the Project for its intended purposes as stated in the grant application or for any disallowed costs.

XI. TIMELY PROGRESS AND RIGHT OF SANDAG TO TERMINATE

- A.** Grantee shall make diligent and timely progress toward completion of the Project within the timelines set forth in the Project Schedule, and consistent with Board Policy No. 035 and any policy amendments thereto.
- B.** In the event Grantee encounters or anticipates difficulty in meeting the Project Schedule, the Grantee shall immediately notify the SANDAG Project Manager in writing, and shall provide pertinent details, including the reason(s) for the delay in performance and the date by which Grantee expects to complete performance or delivery. This notification shall be informational in character only and receipt of it shall not be construed as a waiver by SANDAG of a project delivery schedule or date, or any rights or remedies provided by this Agreement, including Board Policy No. 035 requirements.
- C.** Grantee agrees that SANDAG, at its sole discretion, may suspend or terminate all or any part of the grant funding if the Grantee fails to make reasonable progress on the Project and/or violates the terms of the Agreement or Board Policy No. 035, or if SANDAG determines that the purpose of the laws or policies authorizing the Project would not be adequately served by the continuation of grant funding for the Project.
- D.** In general, termination of grant funding for the Project will not invalidate obligations properly incurred by the Grantee before the termination date to the extent those obligations cannot be canceled. If, however, SANDAG determines that the Grantee has willfully misused grant funding by failing to make adequate progress, or failing to comply with the terms of the Agreement, SANDAG reserves the right to require the Grantee to refund to SANDAG the entire amount of grant funding provided for the Project or any lesser amount as SANDAG may determine.
- E.** Expiration of any Project time period established in the Project Schedule will not, by itself, automatically constitute an expiration or termination of the Agreement for the Project, however, Grantee must request and SANDAG may agree to amend the Agreement in writing if the Project Schedule will not be met. An amendment to the Project Schedule may be made at SANDAG's discretion if Grantee's request is consistent with the provisions of Board Policy No. 035.

XII. CIVIL RIGHTS

The Grantee agrees to comply with all applicable civil rights laws, regulations and policies and shall include the provisions of this section in each subagreement, lease, third-party contract or other legally binding document to perform work funded by this Agreement. Applicable civil rights laws, regulations and policies include, but are not limited to, the following:

A. Nondiscrimination

SANDAG implements its programs without regard to income level, disability, race, color, and national origin in compliance with the Americans with Disabilities Act and Title VI of the Civil Rights Act. Grantee shall prohibit discrimination on these grounds, notify the public of their rights under these laws, and utilize a process for addressing complaints of discrimination. Furthermore, Grantee shall make the procedures for filing a complaint available to members of the public and will keep a log of all such complaints. Grantee must notify SANDAG immediately if a complaint is lodged that relates to the Project or program funded by this

grant. If Grantee receives a Title VI-related or ADA-related complaint, Grantee must notify SANDAG in writing within 72 hours of receiving the complaint so that SANDAG can determine whether it needs to carry out its own investigation.

B. Equal Employment Opportunity

During the performance of this Agreement, Grantee and all of its subcontractors, if any, shall not unlawfully discriminate, harass, or allow harassment, against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, denial of family and medical care leave, denial of pregnancy disability leave, veteran status, or sexual orientation. Grantee and its subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Grantee and its subcontractors shall comply with the provisions of the Fair Employment and Housing Act (California Government Code Section 12900, *et seq.*) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0, *et seq.*). The applicable regulations of the Fair Employment and Housing Commission implementing California Government Code Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations, are incorporated into this Agreement by this reference and are made a part hereof as if set forth in full. Grantee and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

XIV. DISPUTES AND VENUE

A. Choice of Law

This Agreement shall be interpreted in accordance with the laws of the State of California.

B. Dispute Resolution Process

In the event Grantee has a dispute with SANDAG during the performance of this Agreement, Grantee shall continue to perform unless SANDAG informs Grantee in writing to cease performance. The dispute resolution process for disputes arising under this Agreement shall be as follows:

1. Grantee shall submit a statement of the grounds for the dispute, including all pertinent dates, names of persons involved, and supporting documentation, to SANDAG's Project Manager. The Project Manager and other appropriate SANDAG staff will review the documentation in a timely manner and reply to Grantee within 20 calendar days. Upon receipt of an adverse decision by SANDAG, Grantee may submit a request for reconsideration to SANDAG's Executive Director. The request for reconsideration must be received within ten calendar days from the postmark date of SANDAG's reply. The Executive Director will respond in writing to the request for reconsideration within ten working days.
2. If Grantee is dissatisfied with the results following exhaustion of the above dispute resolution procedures, Grantee shall make a written request to SANDAG for appeal to the SANDAG Regional Planning Committee for SGIP projects or to the SANDAG Transportation Committee for ATGP projects. SANDAG shall respond to a request for

mediation within 30 calendar days. The decision of the Regional Planning Committee or Transportation Committee shall be final.

C. Venue

If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of San Diego, State of California. In the event of any such litigation between the parties, the prevailing party shall be entitled to recover all reasonable costs incurred, including reasonable attorney's fees, litigation and collection expenses, witness fees, and court costs as determined by the court.

XV. ASSIGNMENT

Grantee shall not assign, sublet, or transfer (whether by assignment or novation) this Agreement or any rights under or interest in this Agreement.

XVI. INSURANCE

Grantee shall procure and maintain during the period of performance of this Agreement, and for 12 months following completion, policies of insurance from insurance companies authorized to do business in the State of California or the equivalent types and amounts of self-insurance, as follows:

A. General Liability

Combined single limit of \$1,000,000 per occurrence and \$2,000,000 general aggregate for personal and bodily injury, including death, and broad form property damage. The policy must include an acceptable "Waiver of Transfer Rights of Recovery Against Others Endorsement." The policy must name SANDAG as an additional insured in the endorsement. A deductible or retention may be utilized, subject to approval by SANDAG.

B. Automobile Liability

For personal and bodily injury, including death, and property damage in an amount not less than \$1,000,000.

C. Workers' Compensation and Employer's Liability

Policy must comply with the laws of the State of California. The policy must include an acceptable "Waiver of Right to Recover from Others Endorsement" naming SANDAG as an additional insured.

D. Other Requirements

Grantee shall furnish satisfactory proof by one or more certificates (original copies) that it has the foregoing insurance. The insurance shall be provided by an acceptable insurance provider, as determined by SANDAG, which satisfies the following minimum requirements:

1. An insurance carrier qualified to do business in California and maintaining an agent for service of process within the state. Such insurance carrier shall maintain a current A.M. Best rating classification of "A-" or better, and a financial size of "\$10 million to \$24 million (Class V) or better," or

2. A Lloyds of London program provided by syndicates of Lloyds of London and other London insurance carriers, providing all participants are qualified to do business in California and the policy provides for an agent for service of process in California.
- E.** Certificates of insurance shall be filed with SANDAG. These policies shall be primary insurance as to SANDAG so that any other coverage held by SANDAG shall not contribute to any loss under Grantee's insurance. Insurance policies shall not be canceled without first giving 30 days advance written notice to SANDAG. For purposes of this notice requirement, any material change in the policy prior to its expiration shall be considered a cancellation.

XVII. INDEMNIFICATION AND HOLD HARMLESS

A. Generally

With regard to any claim, protest, or litigation arising from or related to the Grantee's performance in connection with or incidental to the Project or this Agreement, Grantee agrees to defend, indemnify, protect, and hold SANDAG and its agents, officers, Board members, and employees harmless from and against any and all claims, including, but not limited to prevailing wage claims against the Project, asserted or established liability for damages or injuries to any person or property, including injury to the Grantee's or its subgrantees' employees, agents, or officers, which arise from or are connected with or are caused or claimed to be caused by the negligent, reckless, or willful acts or omissions of the Grantee and its subgrantees and their agents, officers, or employees, in performing the work or services herein, and all expenses of investigating and defending against same, including attorney fees and costs; provided, however, that the Grantee's duty to indemnify and hold harmless shall not include any claims or liability arising from the established sole negligence or willful misconduct of SANDAG, its Board of Directors, agents, officers, or employees.

B. Intellectual Property

Upon request by SANDAG, the Grantee agrees to indemnify, save, and hold harmless SANDAG and its Board of Directors, officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Grantee of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under the Project. The Grantee shall not be required to indemnify SANDAG for any such liability caused solely by the wrongful acts of SANDAG employees or agents.

XVIII. INDEPENDENT CONTRACTOR

A. Status of Grantee

Grantee shall perform the services provided for within this Agreement as an independent contractor, and not as an employee of SANDAG. Grantee shall be under the control of SANDAG as to the result to be accomplished and not the means, and shall consult with SANDAG as provided for in the Scope of Work. The payments made to Grantee pursuant to this Agreement shall be the full and complete compensation to which Grantee is entitled. SANDAG shall not make any federal or state tax withholdings on behalf of Grantee. SANDAG shall not be required to pay any workers' compensation insurance on behalf of Grantee. Grantee agrees to indemnify SANDAG for any tax, retirement contribution, social security, overtime payment, or workers' compensation payment which SANDAG may be required to make on behalf of Grantee or any employee of Grantee for work done under this Agreement.

B. Actions on behalf of SANDAG

Except as SANDAG may specify in writing, Grantee shall have no authority, express or implied, to act on behalf of SANDAG in any capacity whatsoever, as an agent or otherwise. Grantee shall have no authority, express or implied, to bind SANDAG or its members, agents, or employees, to any obligation whatsoever, unless expressly provided for in this Agreement.

XIX. SEVERABILITY AND INTEGRATION

If any provision of the Agreement is determined invalid, the remainder of that Agreement shall not be affected if that remainder would continue to conform to the requirements of applicable laws or regulations. This Agreement represents the entire understanding of SANDAG and Grantee as to those matters contained in it. No prior oral or written understanding shall be of any force or effect with respect to those matters covered herein. This Agreement may not be modified or altered except in writing, signed by SANDAG and the Grantee.

XX. SIGNATURES

The individuals executing this Agreement represent and warrant that they have the legal capacity and authority to do so on behalf of their respective legal entities.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date written above.

SAN DIEGO ASSOCIATION OF GOVERNMENTS

JURISDICTION NAME

KIM KAWADA OR DESIGNEE
Chief Deputy Executive Director

FULL NAME
Title

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Office of General Counsel

Full Name
Title

ATTACHMENT A

Scope of Work, Schedule, and Approved Project Budget

Project Location

(Specific project location including jurisdiction, community, neighborhood, corridors, and intersections)

Project Description

(Project type [design and/or construction, master plan, etc.], types of improvements/recommendations, project goals)

(Insert Scope, Schedule, and Approved Project Budget)

TransNet MPO ID NO. _____

ATTACHMENT B



BOARD POLICY NO. 035

COMPETITIVE GRANT PROGRAM PROCEDURES

Applicability and Purpose of Policy

This Policy applies to all grant programs administered through SANDAG, whether from *TransNet* or another source, including but not limited to the Smart Growth Incentive Program, Environmental Mitigation Program, Bike and Pedestrian Program, Senior Mini Grant Program, Federal Transit Administration grant programs, and Active Transportation Grant Program.

Nothing in this Policy is intended to supersede federal or state grant rules, regulations, statutes, or contract documents that conflict with the requirements in this Policy. There are never enough government grant funds to pay for all of the projects worthy of funding in the San Diego region. For this reason, SANDAG awards grant funds on a competitive basis that takes the grantees' ability to perform their proposed project on a timely basis into account. SANDAG intends to hold grantees accountable to the project schedules they have proposed in order to ensure fairness in the competitive process and encourage grantees to get their projects implemented quickly so that the public can benefit from the project deliverables as soon as possible.

Procedures

1. Project Milestone and Completion Deadlines
 - 1.1. When signing a grant agreement for a competitive program funded and/or administered by SANDAG, grant recipients must agree to the project delivery objectives and schedules in the agreement. In addition, a grantee's proposal must contain a schedule that falls within the following deadlines. Failure to meet the deadlines below may result in revocation of all grant funds not already expended. The final invoice for capital, planning, or operations grants must be submitted prior to the applicable deadline.
 - 1.1.1. Funding for Capital Projects. If the grant will fund a capital project, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary construction contract must be awarded within two years following execution of the grant agreement, and construction must be completed within eighteen months following award of the construction contract. Completion of construction for purposes of this policy shall be when the prime construction contractor is relieved from its maintenance responsibilities. If no construction contract award is necessary, the construction project must be complete within eighteen months following execution of the grant agreement.
 - 1.1.2. Funding for Planning Grants. If the grant will fund planning, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary consultant contract must be awarded within one year following execution of the grant agreement, and the planning project must be complete within two years following award of the consultant contract. Completion

of planning for purposes of this policy shall be when grantee approves the final planning project deliverable. If no consultant contract award is necessary, the planning project must be complete within two years of execution of the grant agreement.

1.1.3 Funding for Operations Grants. If the grant will fund operations, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary services contract for operations must be awarded within one year following execution of the grant agreement, and the operations must commence within six months following award of the operations contract. If no services contract for operations is necessary, the operations project must commence within one year of execution of the grant agreement.

1.1.4 Funding for Equipment or Vehicles Grants. If the grant will fund equipment or vehicles, the project must be completed according to the schedule provided in the grant agreement, but at the latest, any necessary purchase contracts for equipment or vehicles must be awarded within one year following execution of the grant agreement, and use of the equipment or vehicles for the benefit of the public must commence within six months following award of the purchase contract.

2. Project Milestone and Completion Deadline Extensions

2.1. Schedules within grant agreements may include project scopes and schedules that will identify interim milestones in addition to those described in Section 1 of this Policy. Grant recipients may receive extensions on their project schedules of up to six months for good cause. Extensions of up to six months aggregate that would not cause the project to miss a completion deadline in Section 1 may be approved by the SANDAG Executive Director. Extensions beyond six months aggregate or that would cause the project to miss a completion deadline in Section 1 must be approved by the Policy Advisory Committee that has been delegated the necessary authority by the Board. For an extension to be granted under this Section 2, the following conditions must be met:

2.1.1. For extension requests of up to six months, the grantee must request the extension in writing to the SANDAG Program Manager at least two weeks prior to the earliest project schedule milestone deadline for which an extension is being requested. The Executive Director or designee will determine whether the extension should be granted. The Executive Director's action will be reported out to the Board in following month's report of delegated actions.

2.1.2. A grantee seeking an extension must document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes.

2.1.3. If the Executive Director denies an extension request under this Section 2, the grantee may appeal within ten business days of receiving the Executive Director's response to the responsible Policy Advisory Committee by sending the appeal to the SANDAG Program Manager.

2.1.4. Extension requests that are rejected by the Policy Advisory Committee will result in termination of the grant agreement and obligation by the grantee to return to SANDAG any unexpended funds within 30 days. Unexpended funds are funds for project costs not incurred prior to rejection of the extension request by the Policy Advisory Committee.

3. Project Delays and Extensions in Excess of Six Months

3.1. Requests for extensions in excess of six months, or that will cause a project to miss a completion deadline in Section 1 (including those projects that were already granted extensions by the Executive Director and are again falling behind schedule), will be considered by the Policy Advisory Committee upon request to the SANDAG Program Manager.

3.2 A grantee seeking an extension must document previous efforts undertaken to maintain the project schedule, explain the reasons for the delay, explain why the delay is unavoidable, and demonstrate an ability to succeed in the extended time frame the grantee proposes. The grantee must provide the necessary information to SANDAG staff to place in a report to the Policy Advisory Committee. If sufficient time is available, and the grant utilized *TransNet* funds, the request will first be taken to the Independent Taxpayer Advisory Committee (ITOC) for a recommendation. The grantee should make a representative available at the meeting to present the information to, and/or answer questions from, the ITOC and Policy Advisory Committee.

3.3 The Policy Advisory Committee will only grant an extension under this Section 3 for extenuating circumstances that the grantee could not have reasonably foreseen.

4. Resolution and Execution of the Grant Agreement

4.1 Two weeks prior to the review by the Policy Advisory Committee of the proposed grants, prospective grantees must submit a resolution from their authorized governing body that includes the provisions in this Subsection 4.1. Failure to provide a resolution that meets the requirements in this Subsection 4.1 will result in rejection of the application and the application will be dropped from consideration with funding going to the next project as scored by the evaluation committee. In order to assist grantees in meeting this resolution deadline, when SANDAG issues the call for projects it will allow at least 90 days for grant application submission.

4.1.1 Grantee governing body commits to providing the amount of matching funds set forth in the grant application.

4.1.2 Grantee governing body authorizes staff to accept the grant funding and execute a grant agreement if an award is made by SANDAG.

4.2 Grantee's authorized representative must execute the grant agreement within 45 days from the date SANDAG presents the grant agreement to the prospective grantee for execution. Failure to meet the requirements in this Subsection 4.2 may result in revocation of the grant award.

5. Increased Availability of Funding Under this Policy

- 5.1. Grant funds made available as a result of the procedures in this Policy may be awarded to the next project on the recommended project priority list from the most recent project selection process, or may be added to the funds available for the next project funding cycle, at the responsible Policy Advisory Committee's discretion. Any project that loses funding due to failure to meet the deadlines specified in this Policy may be resubmitted to compete for funding in a future call for grant applications.

Adopted: January 2010

Amended: November 2014

ATTACHMENT C

PROJECT IMPLEMENTATION AND OVERSIGHT REQUIREMENTS

All Grant Types (Capital, Non-Capital, and/or Planning Projects)

1. **Contact Information:** Grantee must provide SANDAG with contact information for the project manager. Grantee must provide SANDAG with updated contact information in a timely manner if there are any changes to staff assigned.
2. **Request for Proposals and Consultant Selection:** Upon request by SANDAG, Grantee must submit draft Request for Proposals or bid solicitation documents to SANDAG staff for review and comment for consistency with the agreed upon Scope of Work with SANDAG (Attachment A).
3. **Design Development, Stakeholder, and Community Meetings:** Grantee must provide SANDAG with agendas and meeting summaries for all design development (for capital projects only) and community meetings. SANDAG staff may attend any meetings as appropriate.
4. **Quarterly Reports, Invoices, and Deliverables:** Grantee must submit quarterly reports and invoices to SANDAG, detailing accomplishments in the quarter, anticipated progress next quarter, pending issues and actions toward resolution, and status of budget and schedule. Furthermore, the Grantee agrees to provide project milestone information (such as presentations to community groups, other agencies, and elected officials, ground-breakings, and ribbon-cuttings) to support media and communications efforts. Grantee needs to document and track in-kind contributions designated as matching funds as part of project management. Grantee must provide all deliverables identified in the Scope of Work.
5. **Media and Community Outreach Coordination:** Press materials shall be provided to SANDAG staff before they are distributed. SANDAG and *TransNet* logo(s) should be included in press materials and other project collateral based on logo usage guidelines to be provided by SANDAG. Grantee agrees to provide project milestone information to support media and communications efforts.
6. **Photo Documentation:** Grantees are responsible for the following photo documentation:
 - Existing conditions photos (as applicable), which should illustrate the current conditions of the project site and demonstrate the need for improved facilities
 - Project milestone photos (such as workshops, presentations to community groups, other agencies, and elected officials)

Photos should be high resolution (at least 4 inches by 6 inches with a minimum of 300 pixels per inch) and contain captions with project descriptions, dates, locations, and the names of those featured, if appropriate. Grantees must obtain consent of all persons featured in photos (or that of a parent or guardian of persons under the age of 18) by using the SANDAG Photo and Testimonial Release form to be provided by SANDAG, or a similar release form developed by Grantee and agreed upon by SANDAG.

Capital Grants Only

- 1. Baseline Data Collection:** Prior to the construction of grant-funded improvements, the Grantee is responsible for developing a baseline data collection plan with SANDAG to gather information on pedestrian and bike activity. At a minimum, data should be collected for observed bike and pedestrian volumes, behavior, and attitudes in the project area. Once the data collection plan is approved by SANDAG staff, the Grantee is responsible for carrying out the plan and returning collected data to SANDAG as a deliverable. Standardized forms required for data collection will be provided by SANDAG.

Grantees are encouraged to use the National Bicycle and Pedestrian Documentation Project methodology and plan for the following:

- Conduct counts prior to project construction, during National Documentation Days in the second week of September. Supplementary counts and surveys can be conducted during January, May, and July to provide seasonal data, if desired
- Conduct counts for two hours, at peak times relative to the facility. For example, facilities attracting utilitarian trips should be counted on a Tuesday, Wednesday, or Thursday from 5 to 7 p.m., whereas facilities attracting recreational trips should be counted on a Saturday, from 9 to 11a.m.

In the case that the above timeframes are deemed infeasible due to the project schedule, the Grantee and SANDAG will collaborate on an alternative data collection methodology and procedure.

A subset of project areas may be selected for in-depth evaluation by SANDAG, in which case, SANDAG will conduct the data collection effort with required participation from Grantee staff. Such in-depth evaluation conducted by SANDAG will take place solely for the purpose of SANDAG Active Transportation data collection and monitoring efforts, and will not impact Grantees' budgets.

Grantees should plan to budget \$5,000 for data collection.

- 2. Plan Review:** Grantee must submit project design drawings and cost estimates (if available) to SANDAG for review and comment at 30 percent, 60 percent, 90 percent, and 100 percent design. SANDAG staff may meet with the Grantee to comment on submitted plans and assure substantial conformance. SANDAG may comment on submitted plans regarding:
 - Whether the plans are consistent with the Project proposed in the original grant application
 - Consistency with accepted pedestrian/bike facility and smart growth design standards
- 3. Project Signage:** Each project or program of \$250,000 or more funded in whole or in part by revenues from the *TransNet* Extension Ordinance shall be clearly designated during its construction or implementation as being provided by such revenues. SANDAG will provide sign specifications. Grantee agrees to follow sign specifications in *TransNet* Signage Guide and submit proof files to SANDAG for approval before production.
- 4. Performance Monitoring:** SANDAG staff may measure performance of the constructed capital improvements against stated project objectives, and evaluate the overall grant program. Grantee is expected to meet with SANDAG staff to identify relevant performance measures and data sources, and provide available data and feedback regarding the program as appropriate.

CITY COUNCIL STAFF REPORT

Consent Item No. 11

March 21, 2018

File No. 0680-50

SUBJECT: Update of Chapter 22 of the Escondido Municipal Ordinance

DEPARTMENT: Utilities Department, Wastewater and Environmental Programs Divisions

RECOMMENDATION:

It is requested that the City Council adopt Ordinance No. 2018-01, updating Chapter 22 of the Escondido Municipal Code to establish and clarify existing regulations and policies related to wastewater and storm water.

FISCAL ANALYSIS:

The changes are clarifications and corrections to existing code and do not result in a fiscal impact.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Economic Development by providing more clarity to sewer users (including current and prospective business owners) on existing regulations.

PREVIOUS ACTION:

Changes to Chapter 22 were last adopted on May 6, 2015, to comply with changes in municipal storm water requirements and to update policies (Ordinance No. 2015-09 and Resolution No. 2015-74). Changes specific to sewer regulation were last adopted on December 7, 2011 (Ordinance No. 2011-18).

BACKGROUND:

The City of Escondido (City) is subject to the requirements of a National Pollutant Discharge Elimination System (NPDES) Permit to safely operate the Hale Avenue Resource Recovery Facility (HARRF) wastewater treatment plant. Regional Water Quality Control Board (Regional Board) Order Number R9-2010-0086, as updated, requires the City to regulate its sewer collection and treatment system to ensure effluent limits are met. In addition, the City is subject to an NPDES Permit for operation of the Municipal Separate Storm Sewer System (MS4), Order No. R9-2013-0001 as amended. Chapter 22 of the Escondido Municipal Code, "Wastewaters, Stormwaters, and Related Matters," implements those NPDES permits and establishes general requirements, discharge controls and prohibitions, private connections, pretreatment, and industrial waste programs to help prevent sewage spills and other illicit discharges.

The Utilities Department and the City Attorney's Office have reviewed and updated the following provisions in Chapter 22 in accordance with state and federal law (see Attachment 1):

- Update select definitions. (Sec. 22-1)
- Establish a process for agreements between the City and other public agencies for the provision of sewer services outside the City limits. Such agreements would be considered by City Council based on capacity and the interest of the City. (Sec. 22-5)
- Add reference to require compliance with the City's Storm Water Design Manual and Jurisdictional Runoff Management Plan. (Sec 22-26)
- Clarify definition for Fats Oil and Grease (F.O.G.) removal equipment, and update requirements for businesses related to sewer pretreatment and hazardous waste management. Establish the authority of the Director of Utilities to promulgate rules, regulations, and requirements related to pretreatment equipment, thus removing certain requirements from the Municipal Code. A pretreatment policy addressing F.O.G. removal equipment will be established by the Director of Utilities concurrent with this Code update. (Sec. 22-38 and 22-185)
- Clarify volume and reduce the acceptable concentrations of suspended solids or five-day Biological Oxygen Demand in wastewater flows from 500 to 300 milligrams per liter (mg/l). (Sec. 22-40)
- Change Industrial User Classifications from five to three classes, to better categorize all industrial user types within the City and allow the Director of Utilities to create any additional classifications, such as Zero Discharger, if needed. (Sec. 22-172)
- Remove the Discharge Local Limits from the ordinance due to changes in values, instead referencing unlawful discharge of any wastewater in excess of the limits set by Resolution of City Council. (Sec. 22-174) Utilities staff will bring the resolution to City Council for approval at the meeting on April 4, 2018.
- Add requirements for dischargers to the Industrial Brine Collection System (IBCS) related to pollution and spill prevention, response, and reporting. (Sec 22-203-205)
- Other housekeeping amendments for clarity and compliance.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Christopher W. McKinney, Director of Utilities
03/15/2018 9:22 a.m.

ATTACHMENTS:

1. Attachment 1 - Escondido Municipal Code Chapter 22 tracked changes
2. Ordinance No. 2018-01

ATTACHMENT 1

Sec. 22-1. Definitions.

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

Authorized representative shall mean the following:

(1) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy or decision making functions, if the discharger is a corporation;

(2) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if the discharger is a corporation, and authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(3) A general partner or proprietor if the discharger is a partnership or proprietorship, respectively;

(4) A principal executive officer or director having responsibility for the overall operation of the discharging facility or a ranking elected official if the discharger is a governmental entity, charitable organization or other such unincorporated entity; ~~or~~

(5) A representative authorized in writing by an individual designated above, if the authorization is submitted to the director and specifies an individual or a position having responsibility for the overall operation of the facility. This includes the position of plant manager, a position of equivalent responsibility for environmental matters for the company. If an authorization under this subsection is no longer accurate because a different individual or position has the responsibility for the overall operation of the facility, or overall responsibility for environmental matters of the company, a new authorization satisfying the requirements of this subsection must be submitted to the director prior to or together with, any reports to be signed by such person; ~~or-~~

(6) the Director or the Director's designee, for purposes of submitting reports or certifications required of the City in relation to the subject matters contained in this Chapter.

Enforcement Response Procedures is a document that describes and outlines enforcement response procedures used as a general control mechanism required by 40 CFR 403.8(f)(5) to accomplish compliance as well as determine monetary remedies for non-compliance.

ATTACHMENT 1

F.O.G. Removal Equipment shall include grease interceptors, grease traps, clarifiers, sand/oil separators and similar equipment or technology designed to reduce discharge of fats, oils and grease.

Stormwater shall mean storm water runoff, snow melt runoff, and surface runoff and drainage resulting from precipitation events.

Sec. 22-5. Sewer service outside city limits authorized.

Property outside the boundaries of the city may be connected to the city sewerage system if the city council finds there is sufficient capacity to serve such property and it appears to be in the best interests of the city to supply such service. Agreements between the City and other public agencies for the provision of sewer service outside of the boundaries shall be approved by the City Council. Any other sewer service outside the boundaries of the City shall be temporary and subject to cancellation upon reasonable notice. ~~Such sewer service shall be temporary and subject to cancellation upon reasonable notice. (Code 1957, § 8330; Ord. No. 76-13, § 5-26-76; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11)~~

Sec. 22-8. Improper disposal of sewage unlawful.

(a) It is unlawful for any person to cause, suffer or permit the disposal of sewage, human excrement or other liquid wastes in any place or manner except through and by means of an approved plumbing and drainage system or an approved sewage disposal system installed and maintained in accordance with the provisions of Article 97 of Chapter 6 and this chapter. ~~(Code 1957 § 8412; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11)~~

(b) It is unlawful for any person to establish, use or maintain any unauthorized connection to the Sanitary sewer system.

Sec. 22-11. Enforcement and remedies.

(a) It is unlawful for any person, or entity to violate provision of this chapter. Any violation of this chapter shall be a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned for a period of not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) The violation of any provision of this chapter, any standard adopted by this chapter, or any permit or permit condition issued under this chapter is hereby declared a public nuisance, and shall be abated by any means available under the law. The city may also pursue any of the alternative civil remedies herein against any discharger who violates the provisions of this chapter. The city may pursue any of the following alternative remedies against any person, or entity who violates the provisions of this chapter:

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_____(1) Repair of damage to facilities. When a discharge to a MS4, a prohibited discharge to the sewage system, or a prohibited discharge to the sewage system~~IBCS~~, causes an obstruction, damage, or other impairment to the MS4, ~~or~~ the sewage system, or the IBCS, any person or entity causing such obstruction, damage, or impairment shall be liable for the work required to clean or repair the system.

_____(2) Injunction. Whenever a discharge to a MS4 or a prohibited discharge to the sewage system or IBCS is in violation of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the city may petition the Superior Court for the issuance of injunctive relief as may be appropriate, preventing the continuance of such discharge.

_____(3) Reimbursement. Whenever the city is assessed any fine, fee, or penalty as a result of a discharge to a MS4, or a prohibited discharge to the sewage system or IBCS, in violation of this chapter, the city may seek reimbursement of such fine, fee, or penalty from the discharger.

_____(4) Cost recovery. Whenever the city incurs any costs or expenses abating any discharge in violation of any provision of this chapter, the city may seek reimbursement of such costs from the person, or entity causing such violation. Any such expense shall constitute a debt owed to the city, and shall include both the direct and indirect costs involved in the abatement of the illegal discharge and in collecting such reimbursement.

_____(5) Stop work notice. Whenever any violation of this chapter exists, a stop work notice may be issued and all regular work on a project must cease until the required remedies are implemented.

_____(6) Administrative citation. Any person violating this chapter may be issued an administrative citation, as provided in Chapter 1A, Administrative Remedies, of this code. Failure to satisfactorily respond to a written notice of violation within the time frame specified by the director or a duly authorized designee can result in the issuance of an administrative citation. Each and every day a violation of any provision of this chapter constitutes a separate and distinct offense. In accordance with the fees set by the city, a graduated schedule of administrative fines will be used to assess the first and any successive violations.

_____(7) Ten thousand dollar (\$10,000.00) per day penalty. Any person who violates any order issued by the director or any provision of this chapter, shall be liable civilly to the city in a sum not to exceed ten thousand dollars (\$10,000.00) for each day in which such violation occurs. The city attorney shall have authority to petition the superior court to impose, assess and recover any such sums.

_____(8) Termination of service. The city may terminate or cause to be terminated wastewater treatment or water service to any premises if a violation of any provision of this chapter pertaining to control of wastewater is found to exist or if a

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discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance, as defined in this chapter. This provision is in addition to other statutes, rules or regulations authorizing termination of service. (~~Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 2, 12-14-11; Ord. No. 2015-09, § 3, 5-20-15~~)

Sec. 22-26. Reduction of pollutants in stormwater.

Any person engaged in activities which may result in pollutants entering the MS4 shall, to the maximum extent practicable, undertake all measures to reduce the risk of nonstormwater or pollutant discharges. At the discretion of the enforcement official, the following requirements shall be applied to any persons engaged in such activities:

(a) Stormwater pollution prevention plan. The enforcement official shall require any business in the City of Escondido that is engaged in activities which may result in pollutant discharges to develop and implement a SWPPP, which must include an employee training program. Business activities which shall require a SWPPP include maintenance, storage, manufacturing, assembly, equipment operations, vehicle loading or fueling, or cleanup procedures, which are carried out partially or wholly out of doors.

(b) Parking lots and impervious surface. Persons owning or operating a parking lot or impervious surfaces used for similar purposes shall clean those surfaces frequently and thoroughly to prevent the discharge of pollutants to the MS4 to the maximum extent practicable. Sweepings or cleaning residue from parking lots or impervious surfaces shall not be swept or otherwise made or allowed to go into any gutter or roadway.

(c) Street parking. No person shall stand or park any vehicle or equipment on any public street, if such vehicle or equipment is determined by the enforcement official to be leaking fluids such as oils or other fluids that contribute or have the potential to contribute to a discharge of pollutants to the MS4 or the receiving waters.

(d) Trash areas.

(1) Trash and recycling storage facilities shall be located in a roofed, four (4) sided enclosure. The enclosure may not include any storm drain inlets. These storage facilities must have a grade-break at the entrance or be otherwise designed to prevent liquids draining from the enclosure.

(2) Trash areas shall be kept free of debris and liquid waste at all times. Trash dumpster container lids shall remain closed when not actively in use.

(3) Properties with existing trash areas without a roofed, four (4) sided enclosure may be required to install said enclosure following the receipt of storm water violation notices.

(e) New developments and redevelopments. Any person performing construction work in the City of Escondido shall, to the maximum extent practicable,

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prevent pollutants from entering the MS4 by complying with all applicable local ordinances, and applicable provisions of any general construction NPDES permit issued by the State Water Resources Control Board. The enforcement official shall establish controls on the volume and rate of stormwater runoff from new developments and redevelopments as may be reasonably necessary to minimize the discharge and transport of pollutants.

(f) Compliance with general permits. Each industrial discharger, discharger associated with construction activity, or other discharger subject to any general stormwater NPDES permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board, or the San Diego Regional Water Quality Control Board, shall comply with all requirements of such permit, which may include the general industrial stormwater permit, the general construction activity stormwater permit, and/or the general dewatering permit.

(g) Coordination with hazardous materials release response plans and inventory. Any activity subject to the hazardous materials release response plan, Chapter 6.95 of the California Health and Safety Code, shall include in that plan provisions for compliance with this section, including the prohibitions on non-storm water discharges and illegal discharges, and the requirement to reduce release of pollutants to the maximum extent practicable.

(h) Compliance with best management practices. Every person undertaking any activity or use of a premises which may cause or contribute to stormwater pollution or contamination, illegal discharges, or nonstormwater discharges shall comply with best management practices guidelines or pollution control requirements as may be reasonably established by the enforcement official.

(i) Maintenance of structural BMPs for function and appearance. Property owners with structural BMPs shall maintain those BMPs associated with their property and its development.

(j) Grading, ground clearing, stockpiling. All work shall be done in accordance with the requirements of this chapter and any permits required by the city or other applicable agencies.

(k) Ground surface landscape preservation. No person shall remove ground surface landscaping that could result in erosion without installation of pollution control measures. (~~Ord. No. 2001-22, § 3, 8-22-01; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2015-09, § 4, 5-20-15~~)

(l) Compliance with the City of Escondido Storm Water Design Manual and Jurisdictional Runoff Management Plan. Every person undertaking any activity or use of a premises which may cause or contribute to stormwater pollution or contamination, illegal discharges, or nonstormwater discharges shall comply with design, reporting, certification and other requirements set forth in the City of Escondido Storm Water Design Manual

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and Jurisdictional Runoff Management Plan as if fully set forth herein. The Director may administratively interpret and apply any requirements consistent with industry practice.

Sec. 22-35. When discharge of industrial cooling, process waters in sewers, natural outlets permitted.

Industrial cooling water or unpolluted process waters may be discharged only after prior written approval from the eDirector, into a ~~stormwater conveyance system~~, sanitary sewer or natural outlet. (~~Code 1957, § 8311; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 3, 12-14-11~~)

Sec. 22-38. ~~Interceptors, grease traps, clarifiers and sand oil separators required; type, construction, location~~F.O.G. removal equipment required; type, construction, location.

(a) ~~Interceptors, grease traps, clarifiers and sand oil separators~~F.O.G. removal equipment shall be provided in all cases required by published building codes, unless in the sole and absolute opinion of the eDirector or a designee, in writing, that they are not necessary for the proper handling of liquid wastes containing grease or other potential hazardous wastes in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Living quarters or dwelling unit(s) with a commercial kitchen must have F.O.G. removal equipment.

(b) Where installed, all ~~interceptors, grease traps, clarifiers and sand oil separators~~F.O.G. removal equipment shall be of a type and capacity approved by the director or designee, and shall be located as to be readily and easily accessible for cleaning and inspection. ~~Interceptors, grease traps, clarifiers and sand oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. All grease traps, clarifiers and sand oil separators shall be of substantial construction, watertight and equipped with easily removable covers. All covers must be load rated to withstand vehicle traffic. All grade rings/risers must have a water tight seal and have a concrete collar or like material. All baffle walls must be easily visible for inspection purposes.~~

(c) The Director, or designee, shall have the authority to promulgate rules, regulations and requirements consistent with the provisions of this chapter, and state and federal requirements, to regulate the type, capacity, placement, and maintenance of F.O.G. removal equipment. A violation of the rules, regulations or requirements shall be deemed a violation of this chapter.

(d) When needed for maintenance, the owner must install clean outs for maintenance and inspection purposes at his or her cost. Each separate chamber of the grease interceptor must have a manhole lid to access, inspect and maintain all of the internal plumbing. ~~All interceptors, grease traps, sand oil separators, and clarifiers~~

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(e) All F.O.G. removal equipment must have an approved sample tee, or sample box installed on the effluent discharge line. The sample tee or box shall be installed on any equipment that does not currently have an approved sample point, at the discretion of the ~~e~~Director or designee to ensure compliance with local discharge limits set forth by this chapter. The sample point shall be installed at the business owner's expense, and be approved by the pretreatment department and building department prior to installation. (~~Code 1957, § 8313; Ord. No. 82-97, § 1, 9-29-82; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 3, 12-14-11~~)

Sec. 22-40. Preliminary treatment of water, waste prior to discharge into sewers.

The admission into the public sewers of any water or waste having: (a) a five (5) day B.O.D. greater than ~~five-three~~ hundred (~~500300~~) milligrams per liter (mg/l); or (b) containing more than ~~five-three~~ hundred (~~500300~~) milligrams per liter (mg/l) of suspended solids; or (c) containing any quantity of substances having the characteristics described in section 22-37; or (d) having an average daily flow greater than ~~two (2) percent of the average daily sewage flow of the city 25,000 gallons per day~~ shall be subject to review and approval of the ~~e~~Director. Where necessary in the opinion of the ~~e~~Director, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to: (a) reduce the B.O.D. to ~~five-three~~ hundred (~~500300~~) milligrams per liter (mg/l) and the suspended solids to ~~five-three~~ hundred (~~500300~~) milligrams per liter (mg/l); or (b) reduce objectionable characteristic or constituents to within the maximum limits provided for in section 22-37; or (c) control the quantities and rates or discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director, and no construction of such facilities shall be commenced until said approval is obtained in writing. (~~Code 1957, § 8315; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 3, 12-14-11~~)

Sec. 22-172. Industrial user(s).

(a) Industrial users are broken down into ~~five (5) categories and mean the following three (3) classes as set forth in this section:~~

(1) Class I – Significant Industrial User (SIUs). All industries that are currently regulated under Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I subchapter N., or any industrial users that discharge an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the HARRF, contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the HARRF, or is designated as such by the city on the basis that the Industrial User has a reasonable potential for adversely affecting the HARRF's operation or for violating any pretreatment standard or requirement. All must be permitted, inspected and sampled.

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(2) Class II – Non-Categorical Non-Significant Industrial Users: These are non-categorical, non-SIUs whose flow discharges are less than twenty-five thousand (25,000) gpd: -

Class II-a: Pretreatment Required: These are the non-SIU dischargers who are required to have pretreatment. Usually interceptors, grease traps, clarifiers, sand oil separators, amalgam separator, silver recovery system, and or any type of source control equipment. This classification is primarily automotive service establishments, food service establishments, and some industrial and commercial facilities.

~~(3) Class III – Nonpermitted. Nonpermitted is defined as industries~~
Class II-b: No Pretreatment Required: These are non-SIU dischargers that have no potential to adversely affect the wastewater treatment process and operation at the HARRF and do not violate any pretreatment standard, prohibition or requirement of this chapter ~~and flow discharges are less than twenty five thousand (25,000) gpd and are not required to treat before discharging.~~

(43) Class ~~IV-III~~ – Non-Significant Categorical Industrial ~~Users. Non-significant categorical industrial users~~User (NSCIU) is defined as ~~any industrial or categorical industrial user that has a manufacturing or production process or procedure that generates wastewater and/or waste and that wastewater and/or waste is not discharged to the HARRF due to the user reclamation recycling segregation and/or off-site disposal of the wastewater or waste; or a user an Industrial User subject to a~~ categorical pretreatment standard which never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow-down wastewater) and ~~has~~has also meets the following conditions:

~~(i)(A) Consistent compliance~~The Industrial User has consistently complied with all applicable ~~pretreatment~~ categorical pretreatment standards and requirements;

~~(ii)(B) The industrial user annually submits~~Has submitted a certification statement required by 40 CFR ~~Part~~ 403.12(q) together with any additional information necessary to support the certification statement; and

~~(iii)(C) And~~The Industrial User never discharges more than one hundred (100) gallons per day of total categorical wastewater (excluding domestic waste, non-contact cooling and blowdown wastewater) or never discharged any untreated or treated concentrated process wastewater.

~~(5) Class V – Groundwater or Batch Discharge. Groundwater or batch discharge is defined as groundwater remediation sites, and/or groundwater dewatering site or facility that has a need to discharge to the HARRF. The discharger shall meet all the city's local discharge limits at the end of the pipe before it discharges into the city~~

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~~sewage system. May or may not require pretreatment and will be charged sewer use fees based on loading and current wastewater rates.~~

(b) The Director may create additional classifications for Industrial Users. The pretreatment requirements applicable to such classifications shall comply with local, state and federal law. The Director may, in accordance with 40 CFR 403.3(v)(3), determine that an Industrial User that meets the criteria for Class I, Significant Industrial User, has no reasonable potential for adversely affecting the HARRF or for violating any pretreatment standards or requirement, and, upon such finding, the Director may determine that the Industrial user is not a Significant Industrial User.

The Director's power includes, but is not limited to, issuing a Zero Discharge Certification to Zero Discharge Categorical Users. Zero Discharge Categorical Users are industrial users subject to federal pretreatment standards, as described in 40 CFR 405 *et seq.*, that have any connection to the sanitary sewer system, but do not discharge wastewater from the categorical process to the sanitary sewer. Such certifications shall include all information the Director deems necessary to ensure compliance with this Chapter and all applicable state and federal laws.

(bc) Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions set out in this chapter within the time limits specified by EPA, the state or the city, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(ed) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestream, and such other conditions as may be necessary to protect the POTW and determine the users' compliance with the requirements of this chapter.

(de) The city may require any person discharging into the POTW to install and maintain on their property and at their expense a suitable storage and flow-control facility to ensure equalization of flow.

(ef) All non-domestic dischargers are required to have a current business license with the city.

(fg) Industrial users in significant noncompliance. An industrial user is in significant noncompliance if its violation meets one (1) or more of the following criteria:

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_____(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 302.2(l);

_____(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for biochemical oxygen demand ("BOD"), total suspended solids ("TSS"), fats, oil, and grease, and 1.2 for all other pollutants except pH);

_____(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

_____(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

_____(5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

_____(6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

_____(7) Failure to accurately report noncompliance;

_____(8) Any other violation(s) or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation of implementation of the local pretreatment program. (~~Ord. No. 2011-18, § 8, 12-14-11~~)

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Sec. 22-173. Prohibited discharges.

The following general prohibitions apply to all users of the HARRF whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirement. No facility or person shall, discharge, deposit, or cause or allow to be discharged or deposited or passed through into the city's wastewater system or industrial brine collection system any wastewater containing or exhibiting the following:

(a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods specified in 40 CFR 261.21;

(b) Any toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create pass through or interference as defined by section 22-1, or create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the wastewater system;

(c) A pH lower than 6.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the wastewater system;

(d) Any solids or viscous substance of such size or character, or in such quantity that they may cause obstruction to flow in the collection system or be detrimental to proper wastewater treatment plant operations. Any particulate material that has not been ground sufficiently to pass through a three-eighths (3/8) inch screen;

(e) Any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water, [unless approved in writing by the Utilities Director or designee](#);

Sec. 22-174. Limitations on discharges.

(a) General limitations. No person shall discharge or convey, or permit or allow to be discharged or conveyed, to the city wastewater system any pollutants of such character or quantity that will:

(1) Not be susceptible to treatment or interfere with the process of efficiency of the treatment system;

(2) Constitute a hazard to human or animal life, or to the stream or watercourse receiving the treatment plant effluent;

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(3) Violate any federal, state or local pretreatment standards, including federal categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471;

(4) Any material or quantity of material which will cause or have the potential to cause the HARRF's effluent to exceed the concentration limits of its NPDES permit as established by the San Diego regional water quality control board, and any subsequent amendments as are duly adopted from time to time by the Regional Water Quality Control Board.

(b) City of Escondido local limits shall apply to all discharges to the city's sewage system. The local limits may be allocated among industrial user classes or individual users as uniform or non-uniform concentration limits and mass loading limits. The industry being issued daily maximum concentrations may vary depending on the type of industry, flow and loading that may impact the HARRF and will be issued limits applicable to that specific industry.

The following values represent the daily maximum concentration levels limits of specific contaminants which may be present in a user's discharge to the city sewage system shall be set by Resolution of the City Council. It is unlawful to discharge wastewater containing contaminants in excess of the Daily Maximum Limits set by Resolution of the City Council:-

Discharge Local Limits	
Parameter	Local Limits Daily Maximum (mg/L)
Arsenic (T)	0.1
Cadmium (T)	0.107
Chromium (T)	0.96
Copper (T)	1.05
Lead (T)	0.58
Mercury (T)	0.8
Nickel (T)	1.34
Silver (T)	0.214
Zinc (T)	2.63
Cyanide (T)	0.207
TTO	2.13
Boron	3.0
Manganese	2.9
Fluoride	6.4
Oil and grease	100
pH	6.0—10.0

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~~(Ord. No. 95-8, § 1, 7-12-95; Ord. No. 97-34R, § 1, 1-21-98; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)~~

Sec. 22-178. Terms and conditions of permit.

(a) Terms. All wastewater discharge permits shall be expressly subject to all provisions of this article. All permits shall also contain the following terms:

- (1) A group classification designation;
- (2) Monitoring requirements;
- (3) Requirements for reports of initial and continuing compliances;
- (4) Requirements for pretreatment facilities; and

(5) A statement of all applicable civil and criminal penalties for violation of this article, and any applicable compliance schedule.

(b) Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this article and all other applicable regulations established by the city. Permits may contain the following:

- (1) A permit application fee;
- (2) Limitations on wastewater strength for the flow in each side sewer, including average and maximum concentrations of the wastewater constituents and characteristics;
- (3) Limits on average and maximum rate of discharge, restriction of discharge to certain hours of the day, or requirements for flow regulation and equalization;
- (4) Requirements for the installation of flow measurement or other facilities;
- (5) Requirements for installation and maintenance of inspection and sampling facilities, including city access to the facilities;
- (6) Specifications for monitoring programs which may include sampling locations, method of sampling, those chemical constituents to be reported upon, frequency of sampling, number, types and standards for tests;
- (7) Requirements for submission of technical reports or discharge reports, and authority for the director or designee to copy all such reports kept at the premises of the user;

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(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording access to the city for the purposes of inspection and copying; and/or

(9) Requirements for facilities to prevent accidental discharge or slug discharge of prohibited materials or other wastes regulated by this article. (~~Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11~~)

Sec. 22-179. Permit duration.

Permits shall be issued for a time period not to exceed five (5) years and shall ~~be stated to~~ expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit. (~~Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11~~)

Sec. 22-185. Pretreatment.

(a) Pretreatment requirements for food service establishments, automotive service establishments, and other commercial/industrial establishments.

(1) Each establishment shall have their own separate F.O.G. removal equipment.

(2) Each food service establishment must have their own separate rendered oil container.

~~(23) Any tenant improvement, addition of fixtures or remodel of an existing facility shall require install-installation or upgrade of F.O.G. removal equipment. F.O.G. removal equipment sizing will must be determined-approved by the pretreatment department prior to installation and must comply with the most recently adopted version of the Uniform Plumbing Code by the Building Standards Commission, as well as any other requirements mandated by the pretreatment department. Any equipment added must be approved by the pretreatment department prior to the installation of F.O.G. removal equipment. Any establishment that uses oil shall have a grease recycling container with a locking lid supplied and serviced by a certified waste hauler. Hauling and disposal manifests shall be kept on-site and readily available for inspection at all times. Falsified maintenance records shall result in an administrative citation and any other enforcement action.~~

(34) ~~Interceptors, grease traps, clarifiers and sand/oil separators~~F.O.G. removal equipment shall be provided when, in the expert view of the director or designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or regulated wastes, sand and other harmful or potentially harmful materials;

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except that such ~~interceptors equipment~~ shall not be required for private living quarters or dwelling units. All ~~interceptors F.O.G. removal equipment~~ shall be of a type and capacity as required by the most recently approved Uniform Plumbing Code (~~UPC~~) and approved by the ~~e~~Director or designee and located so as to be readily and easily accessible for cleaning and inspection.

~~The requirement for installation of an interceptor, grease trap, clarifier or sand oil separator shall be indicated in the user's wastewater discharge permit. Interceptors, grease traps, clarifiers and sand oil separators shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight. All interceptors, grease traps, clarifiers and sand oil separators deemed necessary shall be installed and maintained at the owner's expense. Interceptors, grease traps, clarifiers and sand oil separators shall be in efficient operation at all times. Maintenance records must be current, kept on-site and available for inspection. Each individual discharger shall retain their own maintenance records for pretreatment equipment, even when there is existing communal pretreatment equipment on-site.~~

(5) All stored liquid waste must be stored under cover and have secondary containment.

(6) The requirement for installation of F.O.G. removal equipment shall be indicated in the user's wastewater discharge permit.

(7) All F.O.G. removal equipment deemed necessary shall be installed and maintained at the owner's expense.

(8) All pretreatment equipment shall be cleaned by a licensed hauler and in efficient operation at all times. Pretreatment equipment that is failing or damaged must be replaced to current standards.

(9) Food waste disposal units and waste pulper systems are not allowed in commercial kitchens. Food service establishment dishwasher units must discharge downstream of the facilities grease removal equipment.

(410) Any maintenance service establishment that generates automotive waste shall have a proper California Hazardous Waste Permanent ID number provided by the Department of Toxic Substances Control. All generated waste shall be disposed of properly through a licensed hauler for the automotive wastes generated on-site including, but not limited to, motor oil, oil filter, antifreeze, transmission fluid, and paint waste wet and dry. ~~Hauling manifests shall be kept on-site and available for inspection at all times. Falsified maintenance records shall result in an administrative citation and any other enforcement action.~~

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(11) Automotive detail establishments must have an approved pretreatment system that meets the requirements of this Chapter and is approved by the Director or the Director's designee.

(12) Maintenance records, and hauling and disposal manifests shall be current, and kept on-site and readily available for inspection at all times. Each individual discharger shall retain their own maintenance records for pretreatment equipment, even when there is existing communal pretreatment equipment on-site. Falsified records shall result in an administrative citation and may also result in additional enforcement action pursuant to Section 22-11.

(b) Mercury reduction program. The city may require on-site silver recovery and/or mercury pretreatment at photographic, medical, dental facilities or the like, in order to insure compliance with the city's local limits for silver and mercury. The city will regulate these industries under Class II-a permits.

(c) Pretreatment requirements for a beer manufacturer, winegrower, brandy manufacturer, or distilled spirits manufacturer may be determined administratively by the director based on the quality and quantity of the operations and in accordance with all provisions of this chapter. (~~Ord. No. 95-8, § 1, 7-12-95; Ord. No. 97-34R, § 2, 1-21-98; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11; Ord. No. 2014-11, § 3, 3-19-14~~)

Sec. 22-186. Protection from accidental/slug discharge and Bypass of the Treatment Facility.

(a) Protection from accidental/slug discharge.

(a~~1~~) The city shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The city may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges.

(~~b~~2) Each nonresidential user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Facilities to prevent accidental discharge of such materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the director or designee for review, and shall be approved by the director or designee before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this article.

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(~~e~~3) Each user required to provide facilities for protection from accidental discharge shall be identified in the user's wastewater discharge permit. Permit provisions shall describe the extent of facilities required and shall outline a compliance schedule.

(~~d~~4) If, for any reason, a facility does not comply with or is unable to comply with the protection from accidental discharge limitations of this article, the facility responsible for such discharge shall immediately notify the POTW or appropriate response authority so that corrective action may be taken to protect the treatment system.

(~~e~~5) In the event of any accidental discharge, a written report addressed to the director or designee detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent

future discharges, shall be filed by the responsible nonresidential facility within five (5) days of the occurrence of the noncomplying discharge.

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(~~f~~6) At least once every two (2) years, the director or designee shall evaluate whether each significant industrial user needs an accidental discharge/sludge control plan. The director or designee may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director or designee may develop such a plan for any user. An accidental discharge/sludge control plan shall address, at a minimum, the following:

_____ (~~4~~A) Description of discharge practices, including non-routine batch discharges;

_____ (~~2~~B) Description of stored chemicals;

_____ (~~3~~C) Procedures for immediately notifying the director of any accidental or slug discharge, as required by this section; and

_____ (~~4~~D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(~~g~~7) Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge. (~~Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11~~)

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(b) Bypass of a Treatment Facility. For purposes of this section, bypass shall mean the intentional diversion of regulated wastestreams around an Industrial User's pretreatment system. Any bypass is prohibited unless otherwise permitted by 40 CFR 403.17. In the event of a bypass, the Industrial User must comply with all the requirements of 40 CFR 403.17.

Sec. 22-199. Limitations on discharges.

The discharger of effluent through the IBCS shall comply with the following:

(a) ~~Waste~~ Wastewater management systems that discharge to the Pacific Ocean through IBCS must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.

(b) ~~Waste~~ Wastewater discharged to the Pacific Ocean through IBCS must be free of:

(1) Material that is floatable or will become floatable upon discharge;

(2) Settleable material or substances that may form sediments, which will degrade benthic communities or other aquatic life;

(3) Substances, which will accumulate to toxic levels in marine waters, sediments, or biota;

(4) Substances that significantly decrease the natural light to benthic communities and other marine life; and

(5) Materials that result in aesthetically undesirable discoloration of the ocean surface.

(c) Waste that contains pathogenic organisms or viruses shall be discharged through the IBCS at a sufficient distance from shellfishing and water contact sports areas to maintain applicable bacterial standards without disinfection. Where conditions are such that an adequate distance cannot be attained, reliable disinfection in conjunction with a reasonable separation of the discharge point from the area of use must be provided. Disinfection procedures shall be used that do not increase effluent toxicity and that constitute the least environmental and human hazard.

(d) The discharge of effluent shall not result in the increase in the natural water temperature exceeding four (4) degrees Fahrenheit at: (A) the shoreline; (B) the surface of any ocean substrate; or (C) the ocean surface beyond one thousand (1,000) feet from the discharge system.

(e) The discharge of effluent shall not affect the natural temperature of designated areas of special biological significance.

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(f) The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in Clean Water Act Section 13050, as a result of the treatment or discharge of wastes.

(g) Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the San Diego Regional Water Quality Control Board.

(h) Any material or quantity of material which will cause HARRF effluent to exceed the concentration limits of its NPDES permit as established by the San Diego Regional Water Quality Control Board, and any subsequent amendments as are duly adopted from time to time by the Regional Water Quality Control Board. (~~Ord. No. 2011-18, § 9, 12-14-11~~)

(i) The most recent version of the State Water Resources Control Board's California Ocean Plan.

Sec. 22-200. Required reports.

(a) Discharge reports. The director or designee may require discharge reports including, but not limited to, technical reports, sampling reports, test analysis, and periodic reports of IBCS wastewater discharge.

(b) Reports of potential problems. In the case of any discharge, including, but not limited to, accidental discharges, non-routine discharges, a noncustomary batch discharge, or a slug load, that may cause potential problems, the user shall immediately telephone and notify the director or designee of the incident. This notification shall include the caller's name, phone number, location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(c) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the director or designee within twenty-four (24) hours of becoming aware of the violation.

(d) Certification statements. The following certification statement must be signed by an authorized representative on all reports required under this section:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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(Ord. No. 2011-18, § 9, 12-14-11)

Sec. 22-203. Best Management Practices and Pollution Prevention.

The Director shall establish, apply and enforce an industrial user's evaluation and regulatory program which will establish discharge regulations, discharge prohibitions, and requirements under which industrial dischargers will be allowed to discharge to the IBCS.

Sec. 22-204. Spill Prevention and Response Plans.

(a) For purposes of this section, a spill is a discharge of brine wastewater that occurs at a location from the IBCS in violation of the Discharge Prohibitions of this Chapter. This section does not include sanitary sewer overflows reportable under separate waste discharge requirements.

(b) The IBCS discharger shall maintain a Spill Prevention Plan (SPP) for the IBCS in an up-to-date condition and shall amend the SPP whenever there is a change (e.g., in the design, construction, operation, or maintenance of the IBCS) which materially affects the potential for spills. The City shall review the SPP as appropriate after each spill from the IBCS. The SPP and any amendments thereto shall be subject to the approval of the Director or designee. The IBCS discharger shall ensure that the up-to-date SPP is readily available to the personnel at all times and that personnel are familiar with it.

(c) The IBCS discharger shall maintain a Spill Response Plan (SRP) for the IBCS in an up-to-date condition and shall amend the SRP, as necessary. The IBCS user shall review and amend the SRP as appropriate after each spill from the IBCS. The SRP and any amendments thereto shall be subject to the approval of the Director or designee. The IBCS discharger shall submit the SRP and any amendments thereto to the Director or designee upon request of the City. The IBCS discharger shall ensure that the up-to-date SRP is readily available to personnel at all times and that personnel are familiar with it.

Sec. 22-205. Spill Reporting Requirements.

(a) Report the spill to the Industrial Waste Environmental Inspector by telephone, by voice mail, or by FAX within 24 hours from the time the Discharger becomes aware of the spill. The IBCS discharger shall inform the Regional Water Board of the date of the spill, spill location and its final destination, time the spill began and ended, estimated total spill volume, and type of spill material. Submit a written report, as well as any additional pertinent information, to the Regional Water Board no later than five days following the starting date of the spill event.

(b) The IBCS discharger shall submit a written report, as well as any additional pertinent information, in which the spill occurred.

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(c) For spills of material other than brine wastewater that cause, may cause, or are caused by significant operational failure, or endangers or may endanger human health or the environment, the IBCS discharger shall notify the Regional Water Board and Industrial Waste Environmental Inspector by telephone, by voice mail, or by FAX within 24 hours from the time the IBCS becomes aware of the spill. The IBCS discharger shall inform the Regional Water Board and Industrial Waste Inspector of the date of the spill, spill location and its final destination, time the spill began and ended, estimated total spill volume, and type of spill material.

(d) The spill reporting requirements do not relieve the IBCS discharger of responsibilities to report to other agencies, such as the Office of Emergency Services (OES) and the County of San Diego Department of Environmental Health Services.

ORDINANCE NO. 2018-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING CHAPTER 22 OF THE ESCONDIDO MUNICIPAL CODE TO UPDATE WASTEWATER, STORMWATER, AND INDUSTRIAL PRETREATMENT REQUIREMENTS AS WELL AS TO CLARIFY REQUIREMENTS FOR INTERAGENCY SEWER EXCHANGES

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

SECTION 1. That the definition of “Authorized Representative” in Section 22-1, Article 1, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Authorized representative shall mean the following:

- (1) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy or decision making functions, if the discharger is a corporation;
- (2) The manager of one (1) or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if the discharger is a corporation, and authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (3) A general partner or proprietor if the discharger is a partnership or proprietorship, respectively;

(4) A principal executive officer or director having responsibility for the overall operation of the discharging facility or a ranking elected official if the discharger is a governmental entity, charitable organization or other such unincorporated entity;

(5) A representative authorized in writing by an individual designated above, if the authorization is submitted to the director and specifies an individual or a position having responsibility for the overall operation of the facility. This includes the position of plant manager, a position of equivalent responsibility for environmental matters for the company. If an authorization under this subsection is no longer accurate because a different individual or position has the responsibility for the overall operation of the facility, or overall responsibility for environmental matters of the company, a new authorization satisfying the requirements of this subsection must be submitted to the director prior to or together with, any reports to be signed by such person; or

(6) The Director or the Director's designee, for purposes of submitting reports or certifications required of the City in relation to the subject matters contained in this Chapter.

SECTION 2. That the definitions of "Enforcement Response Procedures," "F.O.G. Removal Equipment," and "Stormwater" are hereby added in their respective alphabetical listed position to Section 22-1 of Article 1, Chapter 22 of the Escondido Municipal Code is as follows:

Enforcement Response Procedures is a document that describes and outlines enforcement response procedures used as a general control mechanism required by 40 CFR 403.8(f)(5) to accomplish compliance as well as determine monetary remedies for non-compliance.

F.O.G. Removal Equipment shall include grease interceptors, grease traps, clarifiers, sand/oil separators and similar equipment or technology designed to reduce discharge of fats, oils and grease.

Stormwater shall mean storm water runoff, snow melt runoff, and surface runoff and drainage resulting from precipitation events.

SECTION 3. That Section 22-5 of Article 1, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-5. Sewer service outside city limits authorized.

Property outside the boundaries of the city may be connected to the city sewerage system if the City Council finds there is sufficient capacity to serve such property and it appears to be in the best interests of the city to supply such service. Agreements between the City and other public agencies for the provision of sewer service outside of the boundaries shall be approved by the City Council. Any other sewer service outside the boundaries of the City shall be temporary and subject to cancellation upon reasonable notice.

SECTION 4. That Section 22-8 of Article 1, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-8. Improper disposal of sewage unlawful.

(a) It is unlawful for any person to cause, suffer or permit the disposal of sewage, human excrement or other liquid wastes in any place or manner except through and by means of an approved plumbing and drainage system or an approved sewage disposal system installed and maintained in accordance with the provisions of Article 7 of Chapter 6 and this Chapter.

(b) It is unlawful for any person to establish, use or maintain any unauthorized connection to the Sanitary sewer system.

SECTION 5. That Section 22-11 of Article 1, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-11. Enforcement and remedies.

(a) It is unlawful for any person, or entity to violate provision of this chapter. Any violation of this chapter shall be a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned for a period of not exceeding six (6) months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(b) The violation of any provision of this chapter, any standard adopted by this chapter, or any permit or permit condition issued under this chapter is hereby declared a public nuisance, and shall be abated by any means available under the law. The city may also pursue any of the alternative civil remedies herein against any discharger who violates the provisions of this chapter. The city may pursue any of the following alternative remedies against any person, or entity who violates the provisions of this chapter:

(1) Repair of damage to facilities. When a discharge to a MS4, a prohibited discharge to the sewage system, or a prohibited discharge to the IBCS, causes an obstruction, damage, or other impairment to the MS4, the sewage system, or the IBCS, any person or entity causing such obstruction, damage, or impairment shall be liable for the work required to clean or repair the system.

(2) Injunction. Whenever a discharge to a MS4 or a prohibited discharge

to the sewage system, of IBCS is in violation of this chapter or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the city may petition the Superior Court for the issuance of injunctive relief as may be appropriate, preventing the continuance of such discharge.

(3) Reimbursement. Whenever the city is assessed any fine, fee, or penalty as a result of a discharge to a MS4, or a prohibited discharge to the Sewage system or IBCS, in violation of this chapter, the city may seek reimbursement of such fine, fee, or penalty from the discharger.

(4) Cost recovery. Whenever the city incurs any costs or expenses abating any discharge in violation of any provision of this chapter, the city may seek reimbursement of such costs from the person, or entity causing such violation. Any such expense shall constitute a debt owed to the city, and shall include both the direct and indirect costs involved in the abatement of the illegal discharge and in collecting such reimbursement.

(5) Stop work notice. Whenever any violation of this chapter exists, a stop work notice may be issued and all regular work on a project must cease until the required remedies are implemented.

(6) Administrative citation. Any person violating this chapter may be issued an administrative citation, as provided in Chapter 1A, Administrative Remedies, of this code. Failure to satisfactorily respond to a written notice of violation within the time frame specified by the director or a duly authorized designee can result in the issuance of an administrative citation. Each and every day a violation of any provision of this chapter constitutes a separate and distinct offense. In accordance with the fees set by

the city, a graduated schedule of administrative fines will be used to assess the first and any successive violations.

(7) Ten thousand dollar (\$10,000.00) per day penalty. Any person who violates any order issued by the director or any provision of this chapter, shall be liable civilly to the city in a sum not to exceed ten thousand dollars (\$10,000.00) for each day in which such violation occurs. The city attorney shall have authority to petition the superior court to impose, assess and recover any such sums.

(8) Termination of service. The city may terminate or cause to be terminated wastewater treatment or water service to any premises if a violation of any provision of this chapter pertaining to control of wastewater is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution or nuisance, as defined in this chapter. This provision is in addition to other statutes, rules or regulations authorizing termination of service.

SECTION 6. That subsection (l) is hereby added to Section 22-26 of Article 2, Chapter 22 of the Escondido Municipal Code as follows:

(l) Compliance with the City of Escondido Storm Water Design Manual and Jurisdictional Runoff Management Plan. Every person undertaking any activity or use of a premises which may cause or contribute to stormwater pollution or contamination, illegal discharges, or nonstormwater discharges shall comply with design, reporting, certification and other requirements set forth in the City of Escondido Storm Water Design Manual and Jurisdictional Runoff Management Plan as if fully set forth herein. The Director may administratively interpret and apply any requirements consistent with industry practice.

SECTION 7. That Section 22-35 of Article 3, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-35. When discharge of industrial cooling, process waters in sewers, natural outlets permitted.

Industrial cooling water or unpolluted process waters may be discharged only after prior written approval from the Director, into a sanitary sewer or natural outlet.

SECTION 8. That Section 22-38 of Article 3, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-38. F.O.G. removal equipment required; type, construction, location.

(a) F.O.G. removal equipment shall be provided in all cases required by published building codes, unless in the sole and absolute opinion of the Director or a designee, in writing, that they are not necessary for the proper handling of liquid wastes containing grease or other potential hazardous wastes in excessive amounts, or any flammable wastes, sand and other harmful ingredients. Living quarters or dwelling unit(s) with a commercial kitchen must have F.O.G. removal equipment.

(b) Where installed, all F.O.G. removal equipment shall be of a type and capacity approved by the Director or designee, and shall be located as to be readily and easily accessible for cleaning and inspection.

(c) The Director, or designee, shall have the authority to promulgate rules, regulations and requirements consistent with the provisions of this chapter, and state and federal requirements, to regulate the type, capacity, placement, and maintenance of F.O.G. removal equipment. A violation of the rules, regulations or requirements shall be deemed a violation of this chapter.

(d) When needed for maintenance, the owner must install clean outs for maintenance and inspection purposes at his or her cost. Each separate chamber of the grease interceptor must have a manhole lid to access, inspect and maintain all of the internal plumbing.

(e) All F.O.G. removal equipment must have an approved sample tee, or sample box installed on the effluent discharge line. The sample tee or box shall be installed on any equipment that does not currently have an approved sample point, at the discretion of the Director or designee to ensure compliance with local discharge limits set forth by this chapter. The sample point shall be installed at the business owner's expense, and be approved by the pretreatment department and building department prior to installation.

SECTION 9. That Section 22-40 of Article 3, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-40. Preliminary treatment of water, waste prior to discharge into sewers.

The admission into the public sewers of any water or waste having: (a) a five (5) day B.O.D. greater than three hundred (300) milligrams per liter (mg/l); or (b) containing more than three hundred (300) milligrams per liter (mg/l) of suspended solids; or (c) containing any quantity of substances having the characteristics described in section 22-37; or (d) having an average daily flow greater than 25,000 gallons per day shall be subject to review and approval of the Director. Where necessary in the opinion of the Director, the owner shall provide, at his or her expense, such preliminary treatment as may be necessary to: (a) reduce the B.O.D. to three hundred (300) milligrams per liter

(mg/l) and the suspended solids to three hundred (300) milligrams per liter (mg/l); or (b) reduce objectionable characteristic or constituents to within the maximum limits provided for in section 22-37; or (c) control the quantities and rates or discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the director, and no construction of such facilities shall be commenced until said approval is obtained in writing.

SECTION 10. That Section 22-172 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-172. Industrial users.

(a) Industrial users are broken down into three (3) classes as set forth in this section:

(1) Class I – Significant Industrial User (SIUs). All industries that are currently regulated under Federal Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N., or any industrial users that discharge an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the HARRF, contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the HARRF, or is designated as such by the city on the basis that the Industrial User has a reasonable potential for adversely affecting the HARRF's operation or for violating any pretreatment standard or requirement. All must be permitted, inspected and sampled.

(2) Class II – Non-Categorical Non-Significant Industrial Users: These are non-categorical, non-SIUs whose flow discharges are less than twenty-five thousand

(25,000) gpd:

Class II-a: Pretreatment Required: These are the non-SIU dischargers who are required to have pretreatment. Usually interceptors, grease traps, clarifiers, sand oil separators, amalgam separator, silver recovery system, and or any type of source control equipment. This classification is primarily automotive service establishments, food service establishments, and some industrial and commercial facilities.

Class II-b: No Pretreatment Required: These are non-SIU dischargers that have no potential to adversely affect the wastewater treatment process and operation at the HARRF and do not violate any pretreatment standard, prohibition or requirement of this chapter.

(3) Class III – Non-Significant Categorical Industrial User (NSCIU) is defined as an Industrial User subject to a categorical pretreatment standard which never discharges more than 100 gallons per day of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater) and also meets the following conditions:

(i) The Industrial User has consistently complied with all applicable categorical pretreatment standards and requirements;

(ii) The industrial user annually submits a certification statement required by 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

(iii) The Industrial User never discharges any untreated concentrated wastewater.

(b) The Director may create additional classifications for Industrial Users. The pretreatment requirements applicable to such classifications shall comply with local, state and federal law. The Director may, in accordance with 40 CFR 403.3(v)(3), determine that an Industrial User that meets the criteria for Class I, Significant Industrial User, has no reasonable potential for adversely affecting the HARRF or for violating any pretreatment standards or requirement, and, upon such finding, the Director may determine that the Industrial user is not a Significant Industrial User.

The Director's power includes, but is not limited to, issuing a Zero Discharge Certification to Zero Discharge Categorical Users. Zero Discharge Categorical Users are industrial users subject to federal pretreatment standards, as described in 40 CFR 405 et seq., that have any connection to the sanitary sewer system, but do not discharge wastewater from the categorical process to the sanitary sewer. Such certifications shall include all information the Director deems necessary to ensure compliance with this Chapter and all applicable state and federal laws.

(c) Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and prohibitions set out in this chapter within the time limits specified by EPA, the state or the city, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under

the provisions of this chapter.

(d) Whenever deemed necessary, the city may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestream, and such other conditions as may be necessary to protect the POTW and determine the users' compliance with the requirements of this chapter.

(e) The city may require any person discharging into the POTW to install and maintain on their property and at their expense a suitable storage and flow-control facility to ensure equalization of flow.

(f) All non-domestic dischargers are required to have a current business license with the city.

(g) Industrial users in significant noncompliance. An industrial user is in significant noncompliance if its violation meets one (1) or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 302.2(l);

(2) Technical review criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined

by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for biochemical oxygen demand (“BOD”), total suspended solids (“TSS”), fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within forty-five (45) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; and

(8) Any other violation(s) or group of violations, which may include a violation of best management practices, which the POTW determines will adversely affect the operation of implementation of the local pretreatment program.

SECTION 11. That subsection (e) of Section 22-173 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-173. Prohibited discharges.

(e) Any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds or lawn sprays or any other uncontaminated water, unless approved in writing by the Utilities Director or designee;

SECTION 12. That subsection (b) of Section 22-174, Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

(b) City of Escondido local limits shall apply to all discharges to the city's sewage system. The local limits may be allocated among industrial user classes or individual users as uniform or non-uniform concentration limits and mass loading limits. The industry being issued daily maximum concentrations may vary depending on the type of industry, flow and loading that may impact the HARRF and will be issued limits applicable to that specific industry.

The daily maximum concentration level limits of specific contaminants which may be present in a user's discharge to the city sewage system shall be set by Resolution of the City Council. It is unlawful to discharge wastewater containing contaminants in excess of the Daily Maximum Limits set by Resolution of the City Council.

SECTION 13. That subsection (a) of Section 22-178, Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

(a) Terms. All wastewater discharge permits shall be expressly subject to all provisions of this article. All permits shall also contain the following terms:

- (1) A group classification designation;
- (2) Monitoring requirements;

- (3) Requirements for reports of initial and continuing compliances;
- (4) Requirements for pretreatment facilities; and
- (5) A statement of all applicable civil and criminal penalties for violation of this article, and any applicable compliance schedule.

SECTION 14. That Section 22-179 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-179. Permit duration.

Permits shall be issued for a time period not to exceed five (5) years and shall expire on a specific date. The user shall apply for permit reissuance a minimum of one hundred eighty (180) days prior to the expiration of the user's existing permit.

SECTION 15. That Section 22-185 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-185. Pretreatment.

(a) Pretreatment requirements for food service establishments, automotive service establishments, and other commercial/industrial establishments.

(1) Each establishment shall have their own separate F.O.G. removal equipment.

(2) Each food service establishment must have their own separate rendered oil container.

(3) Any tenant improvement, addition of fixtures or remodel of an existing facility shall require installation or upgrade of F.O.G. removal equipment. F.O.G. removal equipment must be approved by the pretreatment department prior to installation and must comply with the most recently adopted version of the Uniform Plumbing Code

by the Building Standards Commission, as well as any other requirements mandated by the pretreatment department.

(4) F.O.G. removal equipment shall be provided when, in the expert view of the director or designee, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or regulated wastes, sand and other harmful or potentially harmful materials; except that such equipment shall not be required for private living quarters or dwelling units. All F.O.G. removal equipment shall be of a type and capacity as required by the most recently approved Uniform Plumbing Code and approved by the Director or designee, and located so as to be readily and easily accessible for cleaning and inspection.

(5) All stored liquid waste must be stored under cover and have secondary containment.

(6) The requirement for installation of F.O.G. removal equipment shall be indicated in the user's wastewater discharge permit.

(7) All F.O.G. removal equipment deemed necessary shall be installed and maintained at the owner's expense.

(8) All pretreatment equipment shall be cleaned by a licensed hauler and in efficient operation at all times. Pretreatment equipment that is failing or damaged must be replaced to current standards.

(9) Food waste disposal units and waste pulper systems are not allowed in commercial kitchens. Food service establishment dishwasher units must discharge downstream of the facilities grease removal equipment.

(10) Any maintenance service establishment that generates automotive

waste shall have a proper California Hazardous Waste Permanent ID number provided by the Department of Toxic Substances Control. All generated waste shall be disposed of properly through a licensed hauler for the automotive wastes generated on-site including, but not limited to, motor oil, oil filter, antifreeze, transmission fluid, and paint waste wet and dry.

(11) Automotive detail establishments must have an approved pretreatment system that meets the requirements of this Chapter and is approved by the Director or the Director's designee.

(12) Maintenance records, and hauling and disposal manifests shall be current, and kept on-site and readily available for inspection at all times. Each individual discharger shall retain their own maintenance records for pretreatment equipment, even when there is existing communal pretreatment equipment on-site. Falsified records shall result in an administrative citation and may also result in additional enforcement action pursuant to Section 22-11.

(b) Mercury reduction program. The city may require on-site silver recovery and/or mercury pretreatment at photographic, medical, dental facilities or the like, in order to insure compliance with the city's local limits for silver and mercury. The city will regulate these industries under Class II-a permits.

(c) Pretreatment requirements for a beer manufacturer, winegrower, brandy manufacturer, or distilled spirits manufacturer may be determined administratively by the director based on the quality and quantity of the operations and in accordance with all provisions of this chapter.

SECTION 16. That Section 22-186 of Article 8, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-186. Protection from accidental/slug discharge and Bypass of the Treatment Facility.

(a) Protection from accidental/slug discharge.

(1) The city shall evaluate whether each significant industrial user needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The city may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges.

(2) Each nonresidential user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Facilities to prevent accidental discharge of such materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the director or designee for review, and shall be approved by the director or designee before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this article.

(3) Each user required to provide facilities for protection from accidental discharge shall be identified in the user's wastewater discharge permit. Permit provisions shall describe the extent of facilities required and shall outline a compliance schedule.

(4) If, for any reason, a facility does not comply with or is unable to comply with the protection from accidental discharge limitations of this article, the facility responsible for such discharge shall immediately notify the POTW or appropriate

response authority so that corrective action may be taken to protect the treatment system.

(5) In the event of any accidental discharge, a written report addressed to the director or designee detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible nonresidential facility within five (5) days of the occurrence of the noncomplying discharge.

(6) At least once every two (2) years, the director or designee shall evaluate whether each significant industrial user needs an accidental discharge/sludge control plan. The director or designee may require any user to develop, submit for approval, and implement such a plan. Alternatively, the director or designee may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

(A) Description of discharge practices, including non-routine batch discharges;

(B) Description of stored chemicals;

(C) Procedures for immediately notifying the director of any accidental or slug discharge, as required by this section; and

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(7) Significant industrial users are required to notify the POTW immediately of any changes at its facility affecting the potential for a slug discharge.

(b) Bypass of a Treatment Facility. For purposes of this section, bypass shall mean the intentional diversion of regulated wastestreams around an Industrial User's pretreatment system. Any bypass is prohibited unless otherwise permitted by 40 CFR 403.17. In the event of a bypass, the Industrial User must comply with all the requirements of 40 CFR 403.17.

SECTION 17. That Section 22-199 of Article 9, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

Sec. 22-199. Limitations on discharges.

The discharger of effluent through the IBCS shall comply with the following:

(a) Wastewater management systems that discharge to the Pacific Ocean through IBCS must be designed and operated in a manner that will maintain the indigenous marine life and a healthy and diverse marine community.

(b) Wastewater discharged to the Pacific Ocean through IBCS must be free of:

- (1) Material that is floatable or will become floatable upon discharge;
- (2) Settleable material or substances that may form sediments, which will degrade benthic communities or other aquatic life;

- (3) Substances, which will accumulate to toxic levels in marine waters, sediments, or biota;

- (4) Substances that significantly decrease the natural light to benthic communities and other marine life; and

- (5) Materials that result in aesthetically undesirable discoloration of the

ocean surface.

(c) Waste that contains pathogenic organisms or viruses shall be discharged through the IBCS at a sufficient distance from shellfishing and water contact sports areas to maintain applicable bacterial standards without disinfection. Where conditions are such that an adequate distance cannot be attained, reliable disinfection in conjunction with a reasonable separation of the discharge point from the area of use must be provided. Disinfection procedures shall be used that do not increase effluent toxicity and that constitute the least environmental and human hazard.

(d) The discharge of effluent shall not result in the increase in the natural water temperature exceeding four (4) degrees Fahrenheit at: (A) the shoreline; (B) the surface of any ocean substrate; or (C) the ocean surface beyond one thousand (1,000) feet from the discharge system.

(e) The discharge of effluent shall not affect the natural temperature of designated areas of special biological significance.

(f) The discharger shall not cause pollution, contamination, or nuisance, as those terms are defined in Clean Water Act Section 13050, as a result of the treatment or discharge of wastes.

(g) Collected screenings, sludges, and other solids removed from liquid wastes shall be disposed of in a manner approved by the San Diego Regional Water Quality Control Board.

(h) Any material or quantity of material which will cause HARRF effluent to exceed the concentration limits of its NPDES permit as established by the San Diego Regional Water Quality Control Board, and any subsequent amendments as are duly

adopted from time to time by the Regional Water Quality Control Board.

(i) The most recent version of the State Water Resources Control Board's California Ocean Plan.

SECTION 18. That subsection (d) of Section 22-200, Article 9, Chapter 22 of the Escondido Municipal Code is hereby amended and replaced as follows:

(d) Certification statements. The following certification statement must be signed by an authorized representative on all reports required under this section:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

SECTION 19. That Section 22-203 of Article 9, Chapter 22 of the Escondido Municipal Code is hereby added as follows:

Sec. 22-203. Best Management Practices and Pollution Prevention.

The Director shall establish, apply and enforce an industrial user's evaluation and regulatory program which will establish discharge regulations, discharge prohibitions, and requirements under which industrial dischargers will be allowed to discharge to the IBCS.

SECTION 20. That Section 22-204 of Article 9, Chapter 22 of the Escondido Municipal Code is hereby added as follows:

Sec. 22-204. Spill Prevention and Response Plans.

(a) For purposes of this section, a spill is a discharge of brine wastewater that occurs at a location from the IBCS in violation of the Discharge Prohibitions of this Chapter. This section does not include sanitary sewer overflows reportable under separate waste discharge requirements.

(b) The IBCS discharger shall maintain a Spill Prevention Plan (SPP) for the IBCS in an up-to-date condition and shall amend the SPP whenever there is a change (e.g., in the design, construction, operation, or maintenance of the IBCS) which materially affects the potential for spills. The City shall review the SPP as appropriate after each spill from the IBCS. The SPP and any amendments thereto shall be subject to the approval of the Director or designee. The IBCS discharger shall ensure that the up-to-date SPP is readily available to the personnel at all times and that personnel are familiar with it.

(c) The IBCS discharger shall maintain a Spill Response Plan (SRP) for the IBCS in an up-to-date condition and shall amend the SRP, as necessary. The IBCS user shall review and amend the SRP as appropriate after each spill from the IBCS. The SRP and any amendments thereto shall be subject to the approval of the Director or designee. The IBCS discharger shall submit the SRP and any amendments thereto to the Director or designee upon request of the City. The IBCS discharger shall ensure that the up-to-date SRP is readily available to personnel at all times and that personnel are familiar with it.

SECTION 21. That Section 22-205 of Article 9, Chapter 22 of the Escondido Municipal Code is hereby added as follows:

Sec. 22-205. Spill Reporting Requirements.

(a) Report the spill to the Industrial Waste Environmental Inspector by telephone, by voice mail, or by FAX within 24 hours from the time the Discharger becomes aware of the spill. The IBCS discharger shall inform the Regional Water Board of the date of the spill, spill location and its final destination, time the spill began and ended, estimated total spill volume, and type of spill material. Submit a written report, as well as any additional pertinent information, to the Regional Water Board no later than five days following the starting date of the spill event.

(b) The IBCS discharger shall submit a written report, as well as any additional pertinent information, in which the spill occurred.

(c) For spills of material other than brine wastewater that cause, may cause, or are caused by significant operational failure, or endangers or may endanger human health or the environment, the IBCS discharger shall notify the Regional Water Board and Industrial Waste Environmental Inspector by telephone, by voice mail, or by FAX within 24 hours from the time the IBCS becomes aware of the spill. The IBCS discharger shall inform the Regional Water Board and Industrial Waste Inspector of the date of the spill, spill location and its final destination, time the spill began and ended, estimated total spill volume, and type of spill material.

(d) The spill reporting requirements do not relieve the IBCS discharger of responsibilities to report to other agencies, such as the Office of Emergency Services (OES) and the County of San Diego Department of Environmental Health Services.

SECTION 22. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 23. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 24. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

CITY COUNCIL STAFF REPORT

Consent Item No. 12

March 21, 2018

File No. 0690-20

SUBJECT: Sixth Amendment to Commercial Property Purchase Agreement and Joint Escrow Instructions: 700 West Grand Avenue

DEPARTMENT: Engineering Services Department, Real Property Division

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2018-41, authorizing the Real Property Manager and the City Clerk to execute a Sixth Amendment to the Commercial Property Agreement and Joint Escrow Instructions for the sale of 700 West Grand Avenue to Lyon-Integral Escondido Gateway, LLC.

FISCAL ANALYSIS:

Sale proceeds in the amount of \$2.2 million, less closing costs, will be deposited into the General Fund Reserve Account.

PREVIOUS ACTION:

The City Council approved the original Commercial Property Purchase Agreement and Joint Escrow Instructions via Resolution No. 2015-132, on August 5, 2015. The First Amendment to the Agreement was entered into on October 20, 2015, the Second Amendment to the Agreement was entered into on November 18, 2015, the Third Amendment to the Commercial Property Purchase Agreement and Joint Escrow Instructions on September 7, 2016, the Fourth Amendment to the Commercial Property Purchase Agreement and Joint Escrow Instructions on August 16, 2017. The City Council approved the Fifth Amendment to the Commercial Property Purchase Agreement and Joint Escrow Instructions, and First Amendment to the Demolition Agreement for the sale of 700 West Grand Avenue to Lyon-Integral Escondido Gateway, LLC via Resolution No. 2018-16, on January 24, 2018.

BACKGROUND:

The City and Lyon-Integral Escondido Gateway, LLC ("Buyer" or "Developer") opened escrow following the City Council's approval of the Commercial Property Purchase Agreement and Joint Escrow Instructions on August 5, 2015 ("Agreement"), for the development of a mixed-use housing project at the City's former Police Headquarters property, located at 700 West Grand Avenue ("Project"). As stated above, the Agreement was previously amended five times. The proposed Sixth Amendment to the Agreement would address a delay in finalizing financing documents, which will not be completed in time for the scheduled close of escrow. The proposed Sixth Amendment would also authorize the City Manager to extend the scheduled close of escrow up to sixty days.

The proposed amendments include:

- 1) Buyer will deposit with escrow an increased deposit in the amount of \$50,000, which will be applied towards the purchase price.
- 2) The close of escrow would occur on April 27, 2018, or may be extended up to sixty days upon approval by the City Manager and the payment of an additional deposit of \$50,000.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
03/15/2018 9:34 a.m.

ATTACHMENTS:

1. Resolution No. 2018-41
2. Resolution No. 2018-41 - Exhibit "A" - Sixth Amendment to Commercial Property Purchase Agreement and Joint Escrow Instructions

RESOLUTION NO. 2018-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE REAL PROPERTY MANAGER AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A SIXTH AMENDMENT TO THE COMMERCIAL PROPERTY PURCHASE AGREEMENT AND ESCROW INSTRUCTIONS FOR THE SALE OF 700 WEST GRAND AVENUE TO LYON-INTEGRAL ESCONDIDO GATEWAY, LLC

WHEREAS, the City of Escondido ("City") and Lyon-Integral Escondido Gateway, LLC ("Buyer"), entered into a Commercial Property Purchase Agreement and Joint Escrow Instructions dated August 5, 2015; and

WHEREAS, the City entered into a First Amendment on October 20, 2015, a Second Amendment on November 18, 2015, a Third Amendment on September 7, 2016, a Fourth Amendment on September 13, 2017, and a Fifth Amendment on January 24, 2018; and

WHEREAS, the City and Buyer also entered into a Demolition Amendment in May 2017, and a First Amendment on January 24, 2018; and

WHEREAS, the City and Buyer desire to amend the Commercial Property Purchase Agreement and Joint Escrow Instructions to change the close of escrow date; and

WHEREAS, the City and Buyer desire to amend the Commercial Property Purchase Agreement and Joint Escrow Instructions to include an increased deposit

from Buyer to escrow in the amount of \$50,000, which will be applied towards the purchase price; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the Sixth Amendment to the Commercial Property Purchase Agreement and Joint Escrow Instructions.

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

1. That the above recitations are true.
2. The Real Property Manager and City Clerk are authorized to execute, on behalf of the City, the Sixth Amendment to the Commercial Property Purchase Agreement and Joint Escrow Instructions which is attached to this Resolution as Exhibit "A" and incorporated by this reference in substantially similar form, subject to the City Attorney's approval.

**SIXTH AMENDMENT TO COMMERCIAL PROPERTY PURCHASE
AGREEMENT AND JOINT ESCROW INSTRUCTIONS**

THIS SIXTH AMENDMENT TO COMMERCIAL PROPERTY PURCHASE AGREEMENT AND JOINT ESCROW INSTRUCTIONS ("*Amendment*") is made as of March __, 2018, by LYON-INTEGRAL ESCONDIDO GATEWAY, LLC, a Delaware limited liability company ("*Buyer*"), and CITY OF ESCONDIDO, a municipal corporation ("*Seller*").

RECITALS

A. Buyer, as successor in interest to The Gateway Grand Investor, LLC, as successor in interest to The Gateway Grand Project Owner, LLC, as successor in interest to Integral Partners Funding, LLC, and Seller are parties to the Commercial Property Purchase Agreement and Joint Escrow Instructions dated as of August 5, 2015, as supplemented by Addendum One thereto dated as of August 5, 2015, as amended by First Amendment thereto dated as of October 20, 2015, Second Amendment thereto dated as of November 18, 2015, Third Amendment thereto dated September 7, 2016, Fourth Amendment thereto dated as of September 13, 2017, and Fifth Amendment thereto dated as of January 24, 2018 (collectively, the "*Purchase Agreement*"), with respect to the purchase and sale of the real property located in the City of Escondido, County of San Diego, State of California, as more particularly described in the Purchase Agreement. Unless otherwise defined in this Amendment, all capitalized terms used in this Amendment shall have the meanings ascribed to such terms in the Purchase Agreement.

B. Buyer and Seller desire to amend the Purchase Agreement in accordance with the terms and provisions set forth in this Amendment.

AGREEMENT

NOW, THEREFORE, in consideration of the covenants herein contained and the respective undertakings of Buyer and Seller hereinafter set forth, it is hereby agreed:

1. **Close of Escrow**. Paragraph 1D of the Purchase Agreement, as previously supplemented and amended, is deleted and replaced with the following:

“**CLOSE OF ESCROW** shall occur on Friday, April 27, 2018 (the "*Closing Date*").

If the Buyer requests an additional extension, the Seller may grant an additional sixty (60) day extension to the Closing Date, or less. The City's City Manager may authorize that extension at the City's discretion. If authorized by the City, the Buyer shall deposit an additional fifty thousand dollars (\$50,000) into escrow within one (1) business day from the

authorization. Said deposit for the additional extension shall not be applied to the Purchase Price. Buyer shall have the right, at any time and its sole and absolute discretion after the satisfaction (or waiver by Buyer) of the conditions precedent to the Close of Escrow for the benefit of Buyer, to designate a Closing Date earlier than the Closing Date otherwise described in this Paragraph by giving Seller and Escrow Holder written notice of Buyer's earlier designated Closing Date at least ten (10) days in advance of such earlier designated Closing Date."

2. **Additional Deposit.** Within three (3) days after the execution and delivery of this Amendment by Buyer and Seller, Buyer shall deliver to Escrow Holder Fifty Thousand Dollars (\$50,000.00) (the "***Additional Deposit***"). The Additional Deposit shall be applicable to the Purchase Price, shall be deemed part of the "Deposit," and shall be non-refundable to Buyer except as provided in the Purchase Agreement.

3. **Counterparts.** This Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall constitute one agreement. To facilitate execution of this Amendment, Buyer and Seller may execute and exchange by facsimile or electronic mail counterparts of the signature pages, which facsimile or electronic mail counterparts shall be binding as original signature pages.

4. **Conflict.** In case of any inconsistency between this Amendment and the Purchase Agreement, the provisions containing such inconsistency shall first be reconciled with one another to the maximum extent possible, and then to the extent of any remaining inconsistency, the terms of this Amendment shall control.

5. **Entire Agreement.** The Purchase Agreement, together with this Amendment, embodies the entire understanding between Seller and Buyer with respect to its subject matter and can be changed only by an instrument in writing signed by Seller and Buyer.

6. **Force and Effect.** Except as modified by this Amendment, the Purchase Agreement are ratified, affirmed, in full force and effect, and incorporated herein by this reference.

IN WITNESS WHEREOF, this Amendment has been executed as of the date first set forth above.

SELLER:

CITY OF ESCONDIDO,
a municipal corporation

By: _____
Name: Vince McCaw
Title: Real Property Manager

By: _____
Name: Diane Halverson
Title: City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
Michael R. McGuinness, City Attorney

BUYER:

LYON-INTEGRAL ESCONDIDO GATEWAY,
LLC, a Delaware limited liability company

By: Lyon Housing (West Grand) LXVI, LLC,
a Delaware limited liability company,
its Managing Member

By: _____
Name: Michael Barmettler
Title: Secretary of Managing Member

ORDINANCE NO. 2018-03R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ARTICLE 57 OF THE ESCONDIDO ZONING CODE; AND AMENDING ARTICLE 11, CHAPTER 17 OF THE ESCONDIDO MUNICIPAL CODE TO ADDRESS CHANGES IN STATE LAW REGARDING CANNABIS

WHEREAS, the City Council of the City Escondido desires to amend Article 57 of the Escondido Zoning Code and Chapter 17 of the Escondido Municipal Code to provide protection for the public health, safety, and welfare by adopting regulations regarding the use of cannabis within the City; and

WHEREAS, the City Council finds proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue; and

WHEREAS, the City Council has duly reviewed and considered all evidence submitted at said hearings; and

WHEREAS, the City Council has reviewed and considered the Notice of Exemption prepared for this project, in conformance with the California Environmental Quality Act ("CEQA") Section 15061(b)(3) "General Rule," and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving the Zoning Code Amendment and Municipal Code Amendment; and

WHEREAS, upon consideration of the staff report; Planning Commission recommendation; Findings of Fact/Factors to be Considered, attached as Exhibit "A" to this Ordinance and incorporated herein by this reference as though fully set forth herein, and all public testimony presented at the hearing held on this project, this City Council

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

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 14

March 21, 2018

File No. 0870-10; 0871-11

SUBJECT: Review and Re-affirm Community Development Priorities of the Fiscal Years 2015-2019 Consolidated Plan and Approve Allocation Process for Fiscal Year 2018-2019 for Community Development Block Grant (CDBG) and Emergency Solutions Grant (ESG) Funding

DEPARTMENT: Community Development Department, Housing and Neighborhood Services

RECOMMENDATION:

It is requested that the City Council conduct a public hearing to:

1. Review and re-affirm the community development priorities adopted in the Amended 2015-2019 Five-Year Consolidated Plan for CDBG.
2. Approve an allocation process for Fiscal Year 2018-2019 CDBG funds to utilize the maximum 15 percent allowable for public service activities to address the priorities of the Consolidated Plan, and the maximum 20 percent allowable for administration of the CDBG program.
3. Authorize the release of a Request for Proposals (RFP) for public services and community redevelopment activities.
4. Review and re-affirm the homelessness and homelessness prevention priorities adopted in the Amended 2015-2019 Five-Year Consolidated Plan for ESG.
5. Authorize the release of a Notice of Funding Availability (NOFA) for organizations providing assistance to persons experiencing homelessness or at-risk of homelessness within the City.

FISCAL ANALYSIS:

CDBG and ESG activities and related administrative costs will be funded solely by grant funds and will not impact the General Fund.

The specific amount of funding to be received from HUD for FY 2018-2019 has not yet been decided by Congress. However, the current state of the national economy will most likely have an impact on the final funding levels. In 2017-2018, the City of Escondido received approximately \$1.5 million in CDBG entitlement funds and \$136,000 in ESG funds from the U.S. Department of Housing and Urban Development (HUD) for Fiscal Year 2017-2018.

Staff anticipates presenting specific recommendations for allocations of CDBG and ESG funds to the City Council on May 2, 2018, for adoption in the Fiscal Year 2018-2019 One-Year Action Plan. HUD has issued guidance instructing grantees not to submit their Action Plan until after 2018-2019 allocations have been announced. If allocations are delayed, staff recommendations may also be delayed.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the City Council's Action Plan regarding Neighborhood Improvement.

PREVIOUS ACTION:

On April 22, 2015, the City Council approved the Fiscal Year 2015-2019 Five-Year Consolidated Plan for CDBG funds, which includes six community development priorities as outlined in this report.

On July 20, 2016, the City Council approved an amended FY 2015-2019 Consolidated Plan, which included priorities for ESG funds.

BACKGROUND:

Based on community needs assessments and public participation, six community development priorities and five priorities for assisting persons experiencing homelessness or at-risk of homelessness were identified and adopted as part of the Fiscal Year 2015-2019 Five-Year Consolidated Plan for CDBG and ESG. Each year, prior to adoption of the One-Year Action Plan for CDBG, the City Council is asked to review and re-affirm these priorities and may choose to adopt changes at that time.

Past Performance of the City of Escondido CDBG Program

A comprehensive review of Fiscal Year 2016-2017 CDBG funded activities is included in the Consolidated Annual Performance and Evaluation Report (CAPER), which was submitted to HUD in September 2017 and is available on the Neighborhood Services Division Web page at: <https://www.escondido.org/neighborhood-services.aspx>. HUD's overall assessment of the program rated the City of Escondido's performance as 'Satisfactory'.

HUD Regulations for CDBG

CDBG regulations place limitations on the amount of funding grantees may use for administration and public services. No more than 15 percent of a grantee's annual CDBG allocation may be used for public service activities and no more than 20 percent of a grantee's annual CDBG allocation may be used for program administration (including fair housing counseling). There is no cap on the percentage of a grantee's annual CDBG allocation that may be used for capital and other special

activities in low and moderate-income neighborhoods. These CDBG-eligible low and moderate-income neighborhoods are highlighted in the map included as Attachment 2.

CDBG-funded activities must meet at least one of three national objectives set forth by HUD: 1) benefit low and moderate-income persons; 2) aid in the elimination of slum and blight; or 3) meet a particular urgent community need because existing conditions pose a serious threat and no other source of funds is available. Historically, all CDBG funded activities in the City of Escondido have focused on the first national objective of benefitting low and moderate-income persons.

City of Escondido's Community Development Priorities

The community development priorities approved for the Fiscal Year 2015-2019 Five-Year Consolidated Plan for CDBG are:

1. Youth: Increase quality-of-life opportunities for low and moderate-income students and their families by improving their social and physical environment.
2. Economic Development: Provide economic development opportunities for low and moderate-income residents.
3. Seniors: Explore and develop coordinated, low-cost, flexible transportation alternatives and related services for seniors.
4. Neighborhood Revitalization: Identify and improve low-income neighborhood areas appropriate for revitalization through direct citizen involvement.
5. Homelessness: Support comprehensive, integrated service systems to transition local homeless families and individuals to permanent or residential housing and self-sufficiency.
6. ADA Improvements: Continue to utilize CDBG and General Fund resources, as they become available, to address the public facility needs identified in the City's ADA Transition Plan.

CDBG Funded Activities in Escondido

Progress continues to be made towards addressing the community development priorities of the Fiscal Year 2015-2019 Five-Year Consolidated Plan. Additional efforts are still required to improve the quality of life for Escondido's low and moderate-income residents. Such activities are currently underway for Fiscal Year 2017-2018, the third year of the Consolidated Plan period, and are listed in Attachment 1. Priorities of the Consolidated Plan and their corresponding activities also address the current City Council Action Plan priorities, specifically Neighborhood Improvement and Economic Development.

For Fiscal Year 2018-2019, the fourth year of the Five-Year Consolidated Plan, it is recommended that the City Council re-affirm the community development priorities. The City's and the community's efforts in addressing these priorities, to date, support the continuation of services directed toward targeted low and moderate income neighborhoods. City sponsored activities continue to build upon previous successes in neighborhoods such as West Side Involved Neighbors, Rose to Foxdale, and Park Place in the Mission Park Area.

In the alternative, the City Council may direct that the community development priorities of the Consolidated Plan be amended to include new or additional priorities.

Allocation Process for Fiscal Year 2018-2019 CDBG-Funded Activities

In keeping with HUD regulation, the City of Escondido has used the allowable 15 percent public service allocation to provide services in targeted low and moderate-income neighborhoods to address the Five-Year Consolidated Plan priorities. The City conducts two public hearings in accordance with its Consolidated Plan policy, and utilizes a streamlined allocation process for CDBG. Staff has prepared the draft CDBG Program Guidelines (included as Attachment 3) and RFP (included as Attachment 4) for the use of FY 2018-2019 CDBG funds. Upon authorization of the City Council, staff will distribute the RFP to prospective applicants immediately. A public hearing to approve the Fiscal Year 2018-2019 One-Year Action Plan for CDBG, allocating the Fiscal Year 2018-2019 funds, is tentatively scheduled for May 2, 2018.

HUD Regulations for ESG

2018-2019 will be the third year in which the City of Escondido receives ESG funds. The ESG program provides funding to meet the following objectives: (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly re-house homeless individuals and families, and (6) prevent families/individuals from becoming homeless. ESG regulations place limitations on the amount of funding grantees may use for administration and program delivery. No more than 7.5 percent of a grantee's annual ESG allocation may be used for program administration. No more than 60 percent of the total fiscal year grant may be used for street outreach and emergency shelter activities combined.

City of Escondido's Homelessness and Homelessness Prevention Priorities

Based on community needs assessments and public participation, eligible ESG objectives were prioritized to meet the greatest needs in the City of Escondido:

1. Rapid re-housing for homeless individuals and families,
2. Homelessness prevention,
3. Emergency shelters,
4. Essential services to shelter residents, and
5. Engagement of homeless individuals and families.

In the alternative, the City Council may direct that the objectives be re-prioritized.

Staff has prepared the draft ESG NOFA (included as Attachment 5) for the use of FY 2018-2019 ESG funds. Upon authorization of the City Council, staff will distribute the RFP to prospective applicants

immediately. A public hearing to approve the Fiscal Year 2018-2019 One-Year Action Plan for ESG, allocating the Fiscal Year 2018-2019 funds, is tentatively scheduled for May 2, 2018.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
03/15/2018 8:59 a.m.

ATTACHMENTS:

1. Attachment 1 – Fiscal Year 2017- 2018 Activities
2. Attachment 2 – Map of CDBG-Eligible Census Blocks
3. Attachment 3 – Draft CDBG Program Guidelines
4. Attachment 4 – Draft CDBG RFP
5. Attachment 5 – Draft ESG NOFA

Attachment 1

**City of Escondido, Fiscal Year 2017-2018
CDBG Allocations
2017 HUD Allocation: \$1,588,664**

Administration - 20% cap of allocation (\$317,732 max.)		
116-109	CDBG Administration	\$ 283,687
343259	Fair Housing	\$ 34,045
	Total	\$ 317,732
Public Service - 15% cap of total available (\$238,299 max.)		
343469	Learn to Swim	\$ 24,500
343429	Senior Transportation	\$ 24,000
343489	Senior Nutrition	\$ 45,500
343419	Senior CARE	\$ 13,000
343640	Neighbor to Neighbor	\$ 53,684
343379	In Home Meal Delivery	\$ 25,000
343439	The Alliance (formerly the Winter Shelter)	\$ 43,000
343661	San Diego Children's Museum	\$ 7,500
	Total	\$ 236,184
Uncapped Capital Improvement & Other Neighborhood Revitalization Activities - (No max.)		
343580	Code Enforcement	\$ 117,487
343359	Grants to Blocks	\$ 87,751
343500	Project Neat	\$ 50,000
343610	Graffiti Removal	\$ 115,000
338129	**Tulip St. Improvements (West Hillside)	\$ 400,000
342650	Street Light LED Retrofit Program	\$ 237,677
343662	Washington Ave-Harding Street Lighting	\$ 289,615
343663	Escondido Child Care Development Center	\$ 25,000
	Total	\$ 1,322,530
Total CDBG Allocations		\$ 1,876,446

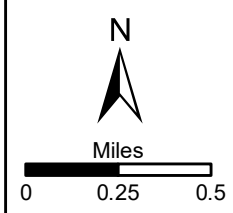
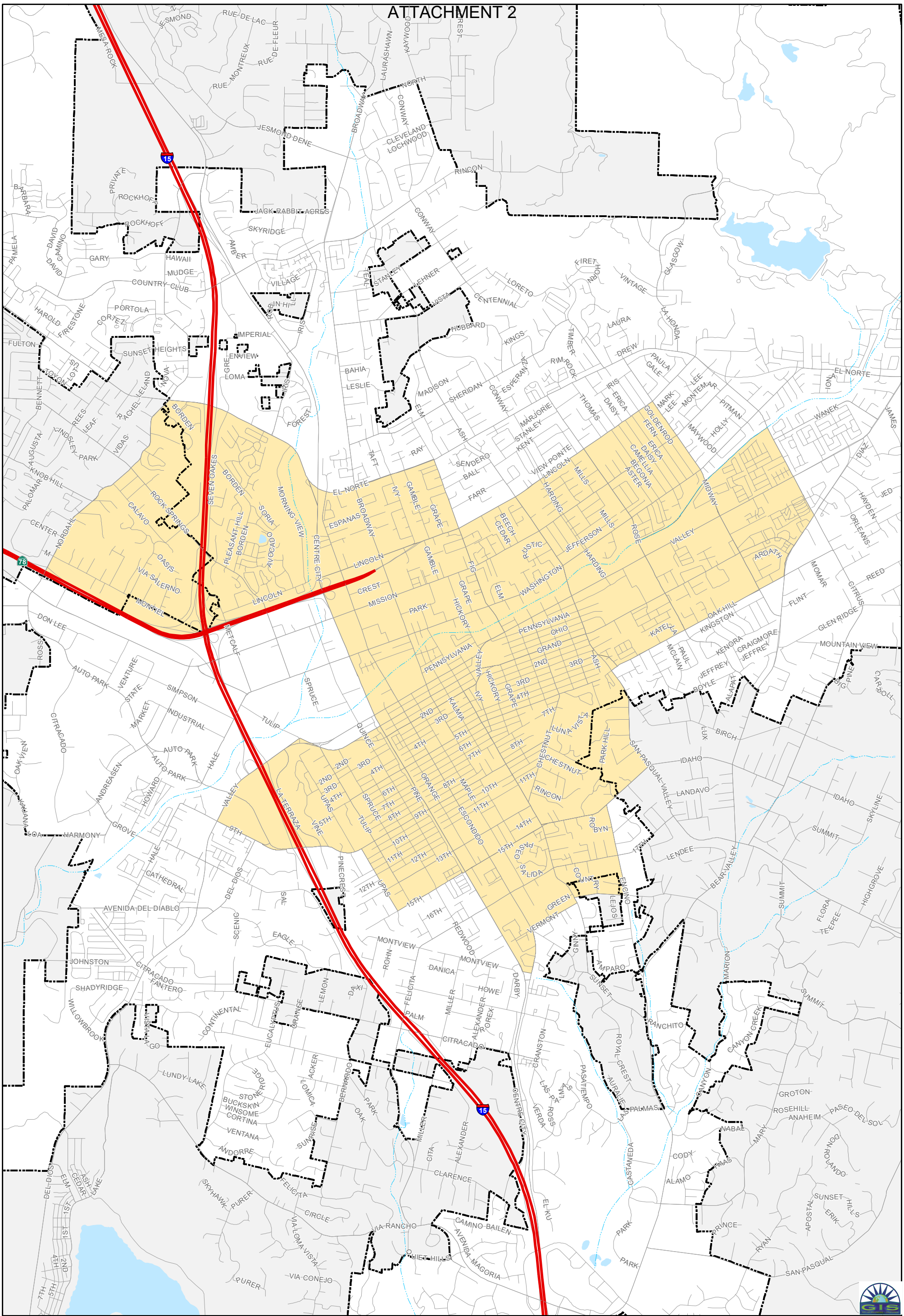
** Staff is requesting a budget adjustment of unallocated CDBG funds (\$287,783) to be programmed to the Tulip Street Improvements (West Hillside)



City of Escondido, Fiscal Year 2017-2018 ESG Allocations
2017 HUD Allocation: \$136,391

FY 17-18

Administration -7.5% cap of allocation (\$10,229 max)	
ESG Administration	\$ 10,229
Total	\$ 10,229
Total Available for Other Activities (\$126,162 max)	
Interfaith	\$ 96,162
Escondido Education Compact	\$ 30,000
Total	\$ 126,162
Total ESG Allocations	\$ 136,391

ATTACHMENT 2



-  City Boundary
-  CDBG Eligible Census Tracts

Escondido CDBG Areas

Attachment 3



Housing & Neighborhood Services Division

**FY 2018-2019 Community
Development Block Grant (CDBG)
Program**

CFDA 14.218

(FOR PUBLIC SERVICES AND PUBLIC FACILITIES APPLICATIONS AND PROPOSALS)

Submission Deadline:
Thursday, April 19, 2017, 4:00 p.m.

201 N Broadway
Escondido, CA 92025

Introduction & Community Development Block Grant Program Overview

Funding for the federal Community Development Block Grant (CDBG) Program is authorized under Title I of the Housing and Community Development Act. The US Department of Housing and Urban Development (HUD) provides grants on a formula basis to entitled cities and counties, including the City of Escondido, to develop viable urban communities through the provision of decent housing, a suitable living environment, and by expanding economic opportunities for lower income persons.

These Guidelines are for projects seeking funding during the fiscal year beginning on July 1, 2018. The specific amount of funding to be received from HUD for FY 2018-2019 has not yet been decided by Congress. However, the current state of the national economy will most likely have an impact on the final funding levels. No final decisions can be made until federal allocations are finalized.

In FY 2017-2018, the City received approximately \$1,588,664. If the City receives a similar award in FY 2018-2019, a maximum of 15% of the total allocation (approximately \$238,300) may be made available for public service programs and projects to be administered by the City or by subrecipients. Another 20% of the CDBG allocation is reserved for administration and mandatory fair housing requirements; the remainder will be available for public facilities and infrastructure projects, to be administered by the City or by subrecipients. The City may choose to reserve funding for City administered programs including senior and youth services, graffiti remediation and code enforcement activities.

For FY 2018-2019, two types of activities will be considered for funding through this application process: 1) Public Services projects and programs; and 2) Public Facilities/ Capital Improvement projects.

APPLICANT ELIGIBILITY

The following organizations are eligible to apply for this funding:

- Non-profit organizations, City departments, neighborhood organizations, schools, and faith-based organizations may apply for this funding. Non-profit organizations must be granted non-profit status under the internal Revenue Code (Section 501(c)(3), (c)(4) or (c)(5)), and must be incorporated for at least one (1) year by the application submittal date.

Faith-based organizations cannot use CDBG funds to support worship, religious instruction or proselytization. Religious activities must be offered separately from the CDBG supported activity. Faith-based organizations that participate in the CDBG program will retain independence from federal, state, and local governments and may carry out its mission provided CDBG funds are not used to support religious activities. Faith-based organizations that participate in the CDBG program shall not discriminate against a program beneficiary on the basis of religion or religious belief.

NOTE: The City of Escondido does not directly fund individuals through this program.

PROJECT ELIGIBILITY

In order to qualify for CDBG funding, federal regulations require that all programs and projects must (A) meet one of three national Objectives; (B) address one or more of the local Consolidated Plan Goals and Priorities; (C) be an eligible activity as set forth in 24 CFR §570.201; and D) not be ineligible as set forth in 24 CFR §570.207, among other requirements. **Projects that fail to meet these applicable tests will NOT BE considered for CDBG funding.**

A. **National Objectives.** CDBG projects must meet one of the National Objectives:

- 1) **Benefit a majority of low and moderate-income (LMI) residents.** "Low and moderate-income" is defined as those persons and households who earn at or below 80% of the Area Median Income (AMI) adjusted for family size for the San Diego Metropolitan Service Area (MSA) as defined in Section 102 of the Housing and Community Development Act of 1974, as amended. Income limits are adjusted annually by HUD. (See Attachment A of these Guidelines for current AMI limits.) Documentation of benefit to LMI persons is required for all CDBG-funded projects; or
- 2) Meet a community need having a particular urgency because existing conditions pose a serious and immediate threat to the health and/or welfare of the community and no other financial resources are available to meet the need; or
- 3) Aid in the prevention or elimination of conditions of slum and blight.

The City of Escondido has typically funded projects filling the first National Objective.

B. **Consolidated Plan Goals and Priorities.** In addition, the City has adopted local Goals and Priorities for allocation of CDBG funding. The Goals and Priorities, summarized below, are more fully described in the FY 2015-2019 Five-Year Consolidated Plan which is available for review at the Housing & Neighborhood Services public counter, located at 201 N Broadway, Escondido, CA 92025. The Amended FY 2015-2019 Consolidated Plan is also available for review on the City's website at https://www.escondido.org/Data/Sites/1/media/pdfs/Neighborhood/FY_2015-2019_Five-Year_Consolidated_Plan.pdf. CDBG projects must address one or more of the local Goals/Priorities to qualify for funding:

Goal 1: Youth

Priority Need: Providing educational and recreational programs

Goal 2: Neighborhood revitalization

Priority Need: Improve the livability of neighborhoods

Goal 3: Homeless services

Priority Need: Support homeless shelter and other services when feasible

Goal 4: ADA improvements

Priority Need: Incorporate ADA assessable features in all CDBG public improvement projects and address public facility needs as they are identified

Goal 5: Economic Development

Priority Need: Support adult education and training

Goal 6: Senior Assistance

Priority Need: Support senior services

C. Eligible Activities. Further, CDBG Projects and activities must be eligible as set forth in 24 CFR §570.201:

Public Service Activities: Eligible programs under the Public Services category include services concerned with employment, crime prevention, child care, health, drug abuse, education, fair housing counseling, energy conservation and others.

Examples of services and programs potentially eligible under this category include:

- Crime awareness and prevention programs serving low-income residents
- Programs providing services to homeless and non-homeless special needs persons, such as disabled persons, the elderly and other persons with special needs
- Neighborhood revitalization services - programs that support neighborhood revitalization efforts in targeted areas

Public Facilities/Capital Improvement Activities: Eligible projects under this category include public facilities, community facilities, and public improvement projects, including but not limited to all facilities that are publicly-owned or privately-owned (by an organization or school) and open to the general public, and provide a benefit to low income residents or low income areas that are primarily residential.

Examples of projects potentially eligible under this category include:

- Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements, including Americans with Disabilities Act (ADA) improvements
- Infrastructure improvements (construction or installation) including but not limited to streets, curbs, and water and sewer lines
- Neighborhood facilities including libraries, recreational facilities, community centers, parks, playgrounds
- Facilities for persons with special needs such as senior centers, facilities for the homeless, or group homes for the disabled

D. Ineligible Activities. CDBG projects must not be ineligible as set forth in 24 CFR §570.207.

Examples of activities that will render a project ineligible include:

- Programs or services that primarily serve non-Escondido residents

- Projects or programs that do not serve primarily LMI persons
- New housing construction
- Political activities
- Income payments, stipends, marketing and fundraising
- Purchase of equipment, furnishings or personal property
- Services that promote religious activities
- Payment of debt or pre-award expenses
- Entertainment, furnishings and personal property

DOCUMENTATION OF BENEFIT TO LOW AND MODERATE-INCOME BENEFICIARIES

As noted above, all programs and projects funded with CDBG funds must benefit primarily LMI individuals and families (the primary national objective). In order to determine whether and how a project benefits LMI persons, the applicant must clearly define who will be served by the project or service (the “target population”). Documentation of benefit to LMI persons is required for all CDBG-funded projects.

Once the target population is determined, the proposed project will be categorized as either Area Benefit or Limited Clientele. Housing & Neighborhood Services staff will make the final determination of which category a project or program will fall into and the level of documentation required.

- A. **Area Benefit.** If the program or project serves all residents of a particular area that contains primarily LMI persons, the project may qualify as an Area Benefit activity. For these activities:
1. The boundaries of the service area must be clearly defined. Applicants must attach a map showing the project location and draw lines on the map outlining the boundaries of the geographic Area served; and
 2. At least 51% of the residents in the service area must be LMI.
- B. **Limited Clientele.** If the project serves a particular clientele that is primarily LMI (but serves the whole city), the project may qualify as a Limited Clientele activity. For these activities:
1. Intake and/or qualification procedures must be in place (or be developed) that capture demographic information from each participant, including race, ethnicity, household size and the income levels of all persons being served; AND
 2. At least 51% of the persons served by the proposed program must be LMI (see Attachment A – Area Median Income Limits); OR

3. Presumed benefit: If the program exclusively serves clientele that are “presumed” to be LMI, information about income does not need to be collected; however, information about race, ethnicity, etc. must still be collected. “Presumed benefit” populations include abused children, battered spouses, elderly persons (age 62 and older), severely disabled adults, homeless persons, illiterate adults, persons living with AIDS, and migrant farm workers.

HUD’S DEFINITION OF DISABLED PERSON:

A person who is determined to:

- A. Have a physical, mental, or emotional impairment that:
 - Is expected to be of long-continued and indefinite duration;
 - Substantially impedes his or her ability to live independently; and
 - Is of such a nature that the ability could be improved by more suitable housing conditions; or
- B. Have a developmental disability, as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001-6007); or
- C. Be the surviving member or members of any family that had been living in an assisted unit with the deceased member of the family who had a disability at the time of his or her death.

HUD’S DEFINITION OF ELDERLY PERSON / HOUSEHOLD:

A household where either the head of the household, or spouse/co-head, is age 62 or older.

ENVIRONMENTAL REVIEW REQUIREMENTS

An Environmental Review is required for each project or program that receives CDBG funding. Premature commitment or expenditures of any funds prior to completion of the environmental review will jeopardize the eligibility of the project. This includes use of an agency’s matching funds from other sources. Environmental reviews are required to comply with National Environmental Policy Act (NEPA) and HUD’s enforcement measures. The review includes analysis of 13 federal laws designed to protect certain environmental areas. If the Application is funded, City staff will initiate the review and the agency will be kept informed about the estimated length of time to clear the project.

The environmental review process for Public Service programs usually (but not always) requires a lower level review, normally can be completed at no cost, and can usually be cleared quickly so as not delay the program start up. However, especially for Public Facilities projects, if an Environmental Assessment or higher level of review is required, the project applicant may be

required to engage a qualified professional from an outside environmental consulting organization whose qualifications must be approved by the City prior to engagement, at its own cost. Depending upon the project location and environmental conditions, projects involving construction, rehabilitation and demolition can take up to 120 days to obtain an environmental clearance.

ADA ACCESSIBILITY FOR PERSONS WITH DISABILITIES

The Americans with Disabilities Act (ADA), State Title 24, and the Fair Housing Act prohibit discrimination based on disability. Please be advised that your project will be reviewed for compliance with federal and state laws as they relate to accessibility. Accessibility includes such things as: entrance ramps, parking with universal logo signage, grab bars around commodes and showers, required height for toilet seats, space for wheelchair maneuverability, accessible water fountains and counters, and other improvements needed to assure full access for the disabled, including the blind and deaf. Additional information can be found at www.ada.gov.

FINGERPRINTING

CDBG-funded staff working with children, persons with disabilities, and the elderly must be fingerprinted. This is an eligible CDBG cost and should be reflected in the budget. Contact AAA Livescan ((760) 480-6900), located at 431 W. Grand Ave., Escondido, CA 92025.

CONFLICT OF INTEREST

Conflicts of interest (or appearance thereof) can plague activities supported with federal funds. The general rule is that no employee, board member, officer, agent, consultant, elected official, or appointed official of the recipients or sub-recipients that are receiving funds under a CDBG-assisted program who have responsibilities with respect to the CDBG activities or are in a position to participate in decision making processes or have access to inside information with regard to the activities can obtain a financial interest or benefit from a CDBG assisted activity during their tenure or for one year thereafter (Federal Regulation 24 CFR 570.611). Agencies should maintain a written code of standards of conduct governing the purchase of materials, product, supplies, and services and awarding and administering sub-recipient contracts. Personnel involved in the procurement process must be trained to recognize situations that create conflicts of interest, or the appearance of a conflict of interest.

The agency personnel should:

- Be familiar with the agency's code of ethics and potential conflict of interest issues.

- Not take gifts or gratuities from persons or organizations associated with the procurement process.

DAVIS-BACON LABOR STANDARDS

Construction work that is financed in whole or in part with CDBG funds is most likely subject to the Federal labor standards requirements, including the Davis-Bacon and Related Acts, for payment of prevailing wages. Additional information is available in the publication Contractor's Guide to Davis-Bacon: Prevailing Wage Requirements for Federally-Assisted Construction Projects. A copy of this publication may be obtained from the HUD Labor Relations website located at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/labor_standards_enforcement , which contains additional labor compliance resources that may be of assistance. Triggering of Davis-Bacon and Related Acts may increase the project costs.

If construction work is proposed, contact CDBG Program staff at (760) 839-4579 for assistance in determining whether your project is subject to Davis-Bacon requirements.

LEAD-BASED PAINT REGULATIONS

HUD has issued final regulations on notification, evaluation, and reduction of lead-based paint hazards in some facilities receiving federal assistance. Rehabilitation of facilities where children are served may be affected by this new regulation resulting in testing the painted surfaces that will be disturbed to determine the presence of lead-based paint. If paint surfaces are not lead-free, safe work practices will be required along with possible methods of removal.

ASBESTOS TESTING

An asbestos survey (AHERA) will be required on all renovation projects to determine the presence of asbestos. The agency should include the cost of the survey and provide for contingency funds for remediation if asbestos is present. The survey will visually review all suspect asbestos containing materials (ACMs) associated with the building's interior and will collect samples for laboratory analysis prior to the Public Facilities renovation project. The survey will identify whether asbestos containing materials were found and what classification.

SECTION 3 REQUIREMENTS

All housing construction, demolition, rehabilitation and other public construction projects funded with CDBG funds must comply with Section 3 requirements to the greatest extent feasible. The City is committed to improving economic conditions in our community. The City will

actively implement Section 3 regulations to direct work paid for by federal funds to Section 3 Residents and to Section 3 Business Concerns. Under the federal regulations, Contractors will satisfy the “greatest extent feasible” requirements by meeting the following numerical goals:

- 1) 30% of all New Hires shall be Section 3 Residents. A New Hire is defined as a new, full-time employee hired on a permanent, temporary or seasonal basis for a position that is generated from the expenditure of HUD funds covered by the Section 3 regulations. New Hire refers to a person who is not on the Contractor’s payroll at the time of award of a Section 3 Covered Contract or at the time of receipt of Section 3 Covered Assistance.
- 2) 30% of the total dollar amount of all covered construction contracts and subcontracts shall be awarded to Section 3 Business Concerns; and
- 3) 3% of the total dollar amount of all covered non-construction contracts shall be awarded to Section 3 Business Concerns. This includes professional service agreements provided that the work to be performed by the professional is for work generated by the expenditure of the Section 3 Covered Assistance or for work arising in connection with a Section 3 Covered Project.

VOLUNTEERS

The use of volunteers on a Public Facilities project, who are not otherwise employed by the agency or contractor, requires City approval. Depending on the work the volunteers will perform, state-licensing requirements will apply. For example, volunteers performing trade work (electrical, plumbing) must be licensed. To determine in-kind volunteer contributions requested in the budget, use the estimated amount of what a paid worker would earn doing the same type of work.

MATCHING OR LEVERAGED FUNDS (COST SHARING)

Matching or leveraged funds are those other agency resources (non-CDBG) immediately accessible and firmly committed that are to be applied to the program or project. Leveraged funds can include a combination of cash, grants, loans, or in-kind resources available to finance the program costs. Program costs can be shared among all leveraged funding sources. In-kind contributions must have a specific dollar value established in accordance with generally accepted accounting principles. The basis of determining the value for personal services and donated materials and supplies must be identified and documented in the Application. Volunteer services may be counted if the service is an integral and necessary part of an approved CDBG-funded program. Rates for hours should be consistent with those paid for similar work in the labor market in which the applicant competes for the services involved. The value assigned to donated materials and supplies should be reasonable and should not exceed market value at the time of donation.

CDBG APPLICATION REVIEW PROCESS

The City of Escondido's CDBG funds will be allocated annually through an Application process to the maximum extent practicable within the City of Escondido. To encourage public participation in the development of the CDBG program, the City has adopted a Citizen Participation Plan which outlines the procedures to be followed by public officials and private citizens to establish projects to be funded for a given program year that address identified needs in the Five Year Consolidated Plan. The complete Citizen Participation Plan is available for review in the City of Escondido's Housing & Neighborhood Services Division, 201 N Broadway, Escondido, CA 92025.

A summary of the Application Review Process is provided below for applicants and/or private citizens who wish to participate in the City's CDBG program:

- Upon receipt of an Application received prior to the deadline, Housing & Neighborhood Services staff will log the Application and mark it with the date and time received.
- Staff will initially review all Applications for completeness, conformance with technical criteria as listed in these Guidelines and the Application itself, and if appropriate, will transmit a copy of the Application submittal to appropriate City departments for additional review. Criteria for review will include, but not be limited to:
 - Eligibility of the activity under CDBG regulations;
 - Compliance with a CDBG national objective;
 - Consistency with the priorities and specific Goals established in the Five-Year Consolidated Plan;
 - Prior experience with CDBG and/or other grant programs;
 - Prior experience in the community;
 - Agency administrative and financial capacity to carry out the proposed activity;
 - Pre-award risk analysis based on a variety of criteria including but not limited to funding, subrecipient history, complexity of the project;
 - Feasibility and appropriateness of the project budget; and
 - Appropriateness of the design of the proposed project or program delivery approach.
- Staff may request additional information from applicants for further clarification as required. This review summarizes the project and notes any concerns with the proposal.
- An internal review committee may be utilized. If utilized, review committee members will be provided with the Applications, the technical review summaries, and any agency response, if additional information was requested.
- Staff (and the review committee, if any) will review each eligible Application, and will forward recommendations to City Council at the first Public hearing. Staff will make copies of all eligible Applications available for City Council and public review 72 hours prior to the Public hearing(s).
- The City Council will review and adopt final allocations to projects and programs at a Public Hearing (typically held in April/May). These final allocations will be included in the One Year Action Plan that will be submitted to HUD on or before May 16, 2018.

- Once the One Year Action Plan is approved by HUD and all other stated conditions are met (including completion of the required Environmental Review), project activities may begin (but no earlier than July 1, 2017).

TECHNICAL ASSISTANCE AVAILABLE

The CDBG program staff are available to provide technical assistance in determining project/program eligibility and to ensure proposed projects are in compliance with the CDBG National Objectives and other regulations established by HUD. Staff cannot provide assistance in developing a program or writing the Application.

Technical assistance is available from 8:00 a.m. to 5:00 p.m. Monday through Friday. Please call Housing and Neighborhood Services staff at (760) 839-4579 for assistance by telephone or to make an appointment in the office.

SUMMARY OF ADDITIONAL CDBG PROGRAM REQUIREMENTS

- Congress created the CDBG program and numerous federal regulations apply. Agencies that are funded (subrecipients) will be required to execute a contract with the City listing their responsibilities for meeting all federal requirements along with the City.
- Affirmative action, nondiscrimination in services and employment practices and ADA requirements apply; certification of a Drug Free Work Place is required.
- Subrecipients and contractors must not be de-barred.
- Funded agencies cannot be indebted to the IRS or to the City of Escondido nor have judgments or liens.
- The City's Section 3 and MBE/WBE goals must be met to the greatest extent feasible.
- Subrecipients and contractors must have a verifiable DUNS number.
- City and HUD shall have access to the project records and payroll records as set forth in the funding agreement.
- Subrecipients are responsible for Worker's Compensation benefits, or claims by employees and must indemnify and hold the City harmless against any and all claims.
- CDBG funds are reimbursed monthly and based upon required source documentation, i.e. timecards, cancelled checks, receipts, bank statements, etc.
- Quarterly and Annual performance reports are required (see Attachment B for additional information).
- Proof of Insurance is required if funding is awarded (see Attachment C for additional information).
- Subrecipients will be subject to desk and/or on-site monitoring throughout their contract period.
- Organizations are strongly discouraged from applying for funds unless they are ready to implement the activity proposed for funding. If contracts are not signed within 6

months of the start of the fiscal year (December 31, 2018), funds are subject to cancellation. CDBG Public Service projects must be implemented by July 1, 2018 and must start providing services effective July 1, 2018.

- Subrecipients will be subject to timeliness of funds. Subrecipient should design their program with an eye to minimize the amount of CDBG funds that will sit idle for a long period of time. The City will require that the subrecipient submit reimbursements on a monthly or quarterly basis in order to meet this criteria.

PREMATURE COMMITMENT OR EXPENDITURE OF FUNDS PROHIBITED

IMPORTANT: Program expenses that have been committed or expended prior to HUD approval of the One Year Action Plan, City Council approval of the project allocation, NEPA environmental clearance, and execution of the CDBG contract are not eligible for reimbursement.

DRAFT

Attachment A – Area Median Income Limits for San Diego County

(subject to annual revisions)

ELIGIBLE INCOME LIMITS CHART 2017									
San Diego-Carlsbad-San Marcos									
HOUSEHOLD SIZE									
		1	2	3	4	5	6	7	8
30%	Extremely low	\$0 to \$ \$19,100	\$0 to \$21,800	\$0 to \$24,550	\$0 to \$27,250	\$0 to \$29,450	\$0 to \$31,650	\$0 to \$33,800	\$0 to \$36,000
50%	Low	\$19,100 to \$31,850	\$21,800 to \$36,400	\$24,550 to \$40,950	\$27,250 to \$45,450	\$29,450 to \$49,100	\$31,650 to \$52,750	\$33,800 to \$56,400	\$36,000 to \$60,000
80%	Moderate	\$38,220 to \$50,950	\$43,680 to \$58,200	\$49,140 to \$65,500	\$54,540 to \$72,750	\$58,920 to \$78,600	\$63,300 to \$84,400	\$67,680 to \$90,250	\$72,000 to \$96,050
Income Limits effective April 11, 2017									

Attachment B – Reporting Requirements for Funded Agencies

Applicants receiving FY 2018-2019 City of Escondido Community Development Block Grant (CDBG) funding must be aware of the following additional reporting requirements.

Why Accurate Reports are Necessary:

CDBG funds are allocated to projects and programs throughout the City of Escondido; however the funds originate at the federal level, through the U.S. Department of Housing and Urban Development (HUD). The City of Escondido is required to report to HUD the accomplishments of each grant given to agencies.

How long will CDBG-Funded Agencies be required to report:

Agencies funded for Public Services programs: Agencies will be required to submit Quarterly and Annual performance reports on forms provided by the City **for the entire fiscal year in which the program is funded.**

Agencies funded for Public Facility improvement projects: Pursuant to the CDBG regulations, any real property acquired or improved in whole or in part with CDBG funds in excess of \$25,000 shall be used to meet one of the national objectives (benefit low/moderate income persons) **until five years after expiration of the contract with the City.** Therefore, agencies receiving this category of funding will be required to submit Quarterly and Annual performance reports on forms provided by the City for the duration of the contract and **for five years after completion of the project.**

What reports will be required of CDBG-Funded Agencies:

All projects that provide benefit to LMI residents (except those providing an Area Benefit) will be required to collect, and keep records of specific demographic data about their program participants, and to report that data quarterly and annually on forms provided by the City (the Periodic Program Report). Intake and/or qualification procedures must be in place (or be developed) to capture demographic data and other information from **each participant**. Required report measures include:

- The number of persons assisted;
- Income levels of all persons assisted (30, 50, or 80% of the median income, adjusted for household size; see Attachment A – Area Median Income Limits table);
- Race and ethnicity of the persons assisted;
- The number of persons assisted that are homeless;
- The number that are disabled; and
- The number that female heads-of-household.

In addition, a narrative report must accompany each Periodic Program Report and can be tailored to report progress on the objectives of the contract with the City, as well as analyze the benefits of the program to the community. Report measures will be negotiated and may include:

- The progress of the activity (include at least one performance measurement: progress of construction, % of completion, etc.);
- Amount of Other funds leveraged for the program (how and to what extent CDBG funds were helpful in attracting other grant or donor funds);
- Additional measures of success that were volunteered in the original project Application to attract CDBG funding (number of parents attending meetings, number of new jobs created, etc.)

Reimbursement Claims:

This is a cost reimbursement program. No funds will be provided to grantees upfront. Back-up documentation will be required for all costs submitted for reimbursement. Only those items included in the approved budget, or through an approved budget amendment, will be eligible for reimbursement.

**CITY OF ESCONDIDO
CDBG PROGRAM
PERIODIC PROGRAM REPORT**

FY Period Reported: FY 16-17

Quarter Reported: _____

Agency Name: _____

Reporter's Name: _____

Program Name: _____

Phone Number: _____

Numbers reported must reflect number of Persons served. Persons served is defined as all program clients assisted with Escondido's CDBG funding that are not already counted by other cities' CDBG funding. If your program receives funding from other sources and/or assists clients from more than one city, you should count them as long as they are not already counted by the other city(ies). Households (H) may only be reported with previous approval of the Housing & Neighborhood Services Division only.

Check Here only if program is counting Households (H) Instead of Persons (P) <input type="checkbox"/>	<u>QUARTERLY</u> Total Number of new <u>Persons served</u> this Quarter	<u>New Persons served</u> this Quarter who reported Hispanic ethnicity (by Race)	<u>YEAR-TO-DATE</u> Total number of <u>Persons served</u> (since July 1 of current FY)	<u>YEAR-TO-DATE</u> Number of <u>Persons served</u> who reported Hispanic (by Race)
1. TOTAL				

	Total # Each Race	Total # of Hispanics Each Race	Year-to-date Total # Each Race	Year-to-date Total # of Hispanics Each Race
White				
Black / African American				
Asian				
American Indian / Alaskan Native				
Native Hawaiian / Other Pacific Islander				
American Indian / Alaskan Native and White				
Asian and White				
Black / African American and White				
American Indian / Alaskan Native & Black / African American				
Other/Multi-Racial				
2. TOTAL				

DO NOT FILL IN THE SHADED BOXES BELOW.

Extremely Low Income (0-30% MFI)				
Low Income (>30-50% MFI)				
Moderate Income (>50-80% MFI)				
Income above 80% MFI				
3. TOTAL				

Homeless				
Female Headed Households				
Disabled/Special Needs				

IMPORTANT—PLEASE NOTE: 1) Hispanic is no longer considered a race, but an ethnicity and must be reported separately. A member of any race may also report as Hispanic. "Other" is for multi-racial reports only and must be identified in the narrative report. 2) **Totals for lines 1, 2a, and 3 must match each other for each column.** 3) List only unduplicated program participants—clients receiving continued services from previous fiscal year may be counted only once during the contract year (usually in the first month). 4) **A narrative report must accompany this form.** The narrative should reflect all other data collected as agreed in the contract, such as number of families served, number of projects completed, number of program hours provided, or other performance outcome measurements. For questions about this report form, please contact Nancy Melander at (760) 839-4579 or nmelander@escondido.org.

Attachment C – Insurance Requirements for Public Service Proposals

If the Application is funded, the agency will enter into a contract with the City of Escondido. All City contracts require insurance and indemnification language so that the responsibility for paying claims is established with the agency and ensures that financial resources are available to pay claims. The subrecipient shall agree to provide an acceptable certificate of insurance and endorsements evidencing coverage. The insurance requirements listed are minimum requirements and the City in no way warrants that the minimum limits are sufficient to protect the agency from liabilities that might arise from carrying out the funded program. The agency is free to purchase additional insurance, as they deem necessary.

Depending upon the program activities and the program beneficiaries, several types of insurance coverage will be required. This information is provided to help in the development of the overall operating cost of the proposed program and to ensure sufficient funds are set aside for insurance.

Minimum Scope and Limits of Insurance - coverage with limits of liability not less than those stated below are required for funded CDBG Public Service programs.

Commercial General Liability

- General Aggregate \$2,000,000
- Products – Completed Operations Aggregate \$1,000,000
- Each Occurrence \$1,000,000

Automobile Liability - Combined Single Limit \$1,000,000

- Required only if activities involve the use of transportation in the provision of services
- Bodily Injury and Property Damage for any owned, hired, and non-owned vehicles used in the performance of this Contract.

Worker's Compensation and Employers' Liability

- Workers' Compensation
- Statutory
- Employers' Liability

Professional Liability - Errors and Omissions Liability

- Required only if activities involve providing professional services
- Each Claim \$1,000,000

NOTICE OF CANCELLATION: Insurance policies must be the appropriate coverage for and shall not be suspended, voided, canceled, reduced in coverage or endorsed to lower limits.

ACCEPTABILITY OF INSURERS: Insurance is to be placed with insurers duly licensed in the state of California and with an “A.M. Best” rating of not less than A-, with a V or better in the Financial Size Category. The City in no way warrants that the above-required minimum insurer rating is sufficient to protect the Agency from potential insurer insolvency.

VERIFICATION OF COVERAGE: The City must receive certificates of insurance (ACORD form or equivalent approved by the City) as required. The certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage. The City of Escondido must be listed as an additional insured (to the extent City is indemnified pursuant to the Indemnity Provisions herein) on all certificates of insurance.

PROFESSIONAL LIABILITY INSURANCE: Professional liability insurance protects against losses that occur when a "professional" fails to practice his or her art to the usual and customary standards of that profession.

Therefore, there can be risks to the Agency associated with errors (or allegations of errors) in the professional’s work product or judgment. In order to determine if your proposed program will need professional liability insurance, ask yourself:

- Will the program employ professional licensed or certified workers (i.e. accountants, teachers, medical professionals, psychologists, etc.)?
- Will the information developed by the professional be used in a decision-making process within the Agency that could create a liability?

If the answer is **yes** to either of these questions, then professional liability insurance would be required.

The types of losses that can occur under such circumstances are often excluded under general liability policies. They can be covered through separate professional liability insurance policies, also known as “**errors and omissions**” (E&O) liability insurance.

Examples of services that would require professional liability coverage include but are not limited to:

Accountants	Childcare workers	Consultants
Auditors	Financial consultants	Teachers
Attorneys	Medical professionals	Social Workers

Attachment 4



Housing & Neighborhood Services Division

**FY 2018-2019 Community Development
Block Grant (CDBG) Program Funding
Application (CFDA 14.218)**

(FOR PUBLIC SERVICES AND PUBLIC FACILITIES APPLICATIONS AND PROPOSALS)

Submission Deadline:

Thursday, April 19, 2018 , 4:00 p.m.

For technical assistance, contact:
Nancy Melander, Management Analyst
Neighborhood Services Division
201 N. Broadway
Escondido, CA 92025
(760) 839-4579

NMelander@escondido.org

[GUIDELINES FOR COMPLETION OF CDBG APPLICATION](#)

GUIDELINES FOR PREPARATION OF PROJECT NARRATIVE

- A. Statement of Problem/Need: Describe the problem or need that the proposed activity is intended to address, based on your understanding of the priorities.
- B. Target Population: Describe the characteristics of the population to be served (i.e., youth, seniors, persons with disabilities, etc.) or the area to be benefited, and how this population meets CDBG guidelines.
- C. Project Goal and Objectives:
1. State the overall goal of the project and list up to 3 specific objectives; describe the method of approach to be used to accomplish the goals and objectives. One of the objectives will be used for performance measurement during the year (measuring impact of the program).
 2. Indicate the number of service units that will be provided (for example, number of counseling sessions, health screenings, hours of after school activities, etc.), the number of unduplicated clients who will be served, the number of unduplicated clients who are low/moderate-income, and the number of unduplicated clients who are residents of Escondido.
- D. Project Description:
1. Describe the work to be performed, activities to be undertaken, or the services to be provided.
 2. Describe the procedures for documenting program participation, including the racial, ethnic, income and gender characteristics of participants.
 3. Describe the relationship of the proposed activity to other community services addressing the same or similar problem.
 4. Describe the level and form of coordination with other agencies or organizations in this project.
 5. Describe who will be involved with the project. If applicable, attach letters of intent from each participating agency specifying the agency's role, function and contributions to the project.
- E. Previous Accomplishments:
1. If the project has previously received City of Escondido CDBG funding, describe the accomplishments achieved with that funding and the degree to which the objectives were met. If there were difficulties in achieving the objectives, describe how these difficulties or obstacles will be overcome.
 2. If this is a new project, describe how the agency has managed similar projects in the past, the funding sources used in those projects and the accomplishments achieved.
- F. Evaluation:
1. Describe how the project will be evaluated and how the agency will determine outcomes of the project, i.e., the positive results that the project is intended to accomplish. Outcomes (measuring impact of the program) must relate back to objectives and the overall goal.
 2. State one objective (from C1) that will be used for performance measurement.

GUIDELINES FOR PREPARATION OF AGENCY INFORMATION SUMMARY

A. Background:

1. Include the agency's mission statement.
2. Indicate the length of time the agency has been in operation and how long the agency has provided services to Escondido residents.
3. Describe the type of services currently being provided by the agency, including the number and characteristics of clients served.

B. Qualifications:

1. Discuss the agency's capacity to develop, implement and administer the proposed project.
2. Discuss any other projects the agency has managed that are similar to the proposed project.
3. Provide a list of staff persons who will be involved with the project and their qualifications for this work.

C. Financial:

1. Describe the agency's fiscal management, accounting systems, and audit practices.
2. Describe the experience of the agency in managing federal or State grants.

GUIDELINES FOR PREPARATION OF ATTACHMENT A WORK PLAN

The work plan should stand as an independent explanation of your proposal, i.e., a reader should be able to clearly understand what you are proposing to do, for whom, how you propose to do it, and by when, without referring to the project narrative. Using the attached work plan sample, **Example 1**, and guidelines below, describe your implementation schedule.

GOALS

A goal is a general statement of how a group of individuals, system organization or community will be different as a result of your project. The statement describes who/what will be affected, in what respect they will be change/improved, and how this change will be accomplished.

Example:

The goal of the La Vida Buena Project is to increase years of healthy life among low income Hispanic residents of Escondido by reducing sedentary lifestyles to decrease the risk of chronic diseases.

OBJECTIVES

Objectives are specific statements about what will be done to accomplish goals. They answer the basic questions of who, what, how and when. Objectives are specific, measurable and time-limited. Often a single goal has multiple objectives. Please complete a separate work plan form for each objective.

Example:

Involve 550 Hispanic adults in regular aerobic exercise by increasing the availability and accessibility of these activities in Escondido by June 30, 2015.

KEY ACTIVITIES

The Key Activities section of the work plan should provide a detailed description of the steps you will follow to accomplish the stated objectives. This section should demonstrate that you have thoroughly considered your proposal and clearly identified how you intend to implement it if funded. See **Example 1** for specific examples.

GUIDELINES FOR PREPARATION OF THE BUDGET

THE BUDGET CONSISTS OF TWO PARTS -- A LINE ITEM BUDGET AND A BUDGET NARRATIVE.

LINE ITEM BUDGET

- Please provide an itemized budget detailing all project expenses. Include the total cost of the project and indicate the amount of CDBG funds and other funding sources to be allocated to each line item. Please develop budget line items appropriate to your project expenses. Line items are not specified to accommodate the variety in types of project expenses submitted for CDBG funds. **Example 2 is provided as an example and is not intended to serve as a model.**

BUDGET NARRATIVE

- Please provide a description and justification of each budget line item. In general, each narrative statement should describe:
 - what the specific item is
 - how the specific item relates to the project
 - how the amount was arithmetically determined
- Please refer to **Example 3** for an example of the level and type of information to be included in the budget narrative.

**CITY OF ESCONDIDO
COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM
APPLICATION FOR FUNDS**

Name of Organization: _____

Mailing Address: _____
Street City/State Zip

Phone Number: _____ Fax: _____

Contact Person: _____ Title: _____

E-mail address: _____

Project Name: _____

Project Address (if different than above): _____

Project Manager: _____

Brief Summary of the Project: _____

Total Project Cost: \$ _____

Less Other Funding Sources (Required):

_____ \$ _____

_____ \$ _____

Total 2018-2019 CDBG Funding Request: \$ _____

Which National Objective will be met? (Section B above) _____

Which local priorities will be met? (Section D above) _____

Number of unduplicated clients to be served during the year: _____

Has agency received past CDBG or human services funding through the City of Escondido?
_____yes _____no

If yes, please identify year, amount, and purpose (1995 to present only). _____

Signature of Agency Director or Board President **Date**

Print Name and Title: _____

Application Document Checklist

A complete application for CDBG funding shall include the required information listed below. Applications/proposals should be presented in the following sequence:

- Project Narrative (Statement of Problem/Need, Target Population, Project Goal and Objectives, Project Description, Previous Accomplishments, and Evaluation)
 - Agency Information Summary (Background, Qualifications, Financial)
 - Application for Funds form (form on Page 4 of this packet)
 - Attachments:
 - A. Project Work Plan (form on Page 6)
 - B. Project Line Item Budget and Budget Narrative (form on Page 7, plus narrative)
 - C. Environmental Review form (form on Page 8)
 - Current List of Agency's Board of Directors
 - Proof of Tax Exempt Status (IRS letter)
 - Letters of Collaboration (if applicable)
 - Articles of Incorporation of Agency
 - By-laws of Agency
 - Request for Taxpayer Identification Number
 - Letter from Board of Directors designating the authorized agent for the contract
 - City of Escondido Business License (required, unless deemed exempt)
- **Applications which are missing any of the above information will be deemed "incomplete" and may not be considered.** City reserves the right to request clarification or any additional information deemed necessary from the applicant.
- Insurance requirements **must** be met before execution of the contract. Insurance is an eligible expense. **(Guidelines for Obtaining Approval of a Certificate of Insurance Naming the City of Escondido as Additionally Insured are available from the Housing and Neighborhood Services Division Counter or, (760) 839-4579. An original Certificate and Additional Insured Endorsement must be submitted prior to contract execution.)**

ATTACHMENT A
PROJECT WORKPLAN
Fiscal Year 2018-2019

Organization: _____

Project Title: _____

Goal Statement: _____

Objective: _____

Key Activities	Date
DRAFT	

If the proposed program has more than one objective, please submit a separate work plan form for each objective. You may wish to make a copy of this page prior to completion.

ATTACHMENT B

BUDGET

Fiscal Year 2018-2019

Organization: _____

Project Title: _____

ITEM	ESCONDIDO FUNDING	OTHER FUNDS		PROJECT TOTAL
		AMOUNT	SOURCE	
Personnel				
Salaries/Labor				
Benefits				
Other				
Operating Expenses				
Professional Services				
Total				

A budget narrative must accompany this form.

ATTACHMENT C

ENVIRONMENTAL REVIEW SECTION

FOR COMPLIANCE WITH FEDERAL REGISTER 24 CFR PART 58

1. Project Name: _____
2. Supporting Agency/Representative: _____
3. Contact Name: _____ Phone/FAX: _____
4. Detailed Project Description (or attachment): _____
5. Location of Proposed Site (address): _____
6. *Assessor Parcel Number: _____
7. *Assessor Parcel Map - to be attached: _____
8. *Zone and General Plan designation: _____
9. *Permitted Use or Conditional Use: _____
10. **Is the site within a 100-year or 500-year floodplain _____
If yes, give community number and map panel number: _____
11. Size of Site: _____
12. Site of Facility (proposed or existing): _____
13. Size of Expansion (if proposed): _____
14. Number of Staff: _____
15. Number of Clients: _____
16. Schedule - Days & Hours of Operation: _____
17. Client Capacity & Staff Level: _____
18. Client Profile: _____
19. Amount of Funding Requested: _____
20. Is there more than one funding year involved? _____

* Information available through City of Escondido's Planning Department (760) 839-4671

** Information available through City of Escondido's Engineering Department (760) 839-4651 x3823

EXAMPLES

Example 1

PROJECT WORKPLAN

Organization: ABC Agency Fiscal Year 2018-2019

Project Title: Project Help

Goal Statement: Reduce the risk of violent crime and drug/alcohol use among middle school youth from low-income families in Mission Park Area by improving learning, social and parenting skills.

Objective: #3. By June 30, 2018, 100 low-income parents of Mission Middle School youth will have enrolled and 80 parents will have completed 4 parent education sessions.

Key Activities	Date
3.1 Conduct needs assessment with target population gatekeepers	10/31/15
3.2 Conduct focus groups with parents of participating youth to determine most effective approaches and strategies	11/30/15
3.3 Design parent education curriculum and program structure and materials	01/14/16
3.4 Train staff and parent volunteers to lead/facilitate parent education programs	02/01/16
3.5 Pilot parent education program at Grant Middle School	02/15/16
3.6 Graduation and evaluation	05/01/16

Example 2

BUDGET

Organization: ABC Agency

Fiscal Year 2018-2019

Project Title: Project Help

ITEM	CITY FUNDING	OTHER FUNDS		PROJECT TOTAL
		AMOUNT	SOURCE	
PERSONNEL				
A. Salaries				
1. Executive Director \$3,000/mo @ 5% for 12 mos		1,800	SDCF	1,800
2. Project Coordinator \$2,000/mo @ 100% for 11 mos	11,000	11,000	SDCF	22,000
3. Instructors 3 @ \$10/hr. 4hrs/wk, 18 weeks	2,160			2,160
B. Benefits				
20% of salaries	2,630	2,560	ABC	5,190
OPERATING EXPENSES				
A. Space Rent	1,080			1,080
B. Materials	175			175
C. Transportation	135			135
D. Incentives		1,890	ABC	1,890
TOTALS	17,180	17,250		34,430

Example 3

BUDGET NARRATIVE - PROJECT HELP

OVERVIEW

The total cost of Project Help is \$34,430. This proposal requests \$17,180 in CDBG Public Services funding from the City of Escondido. The agency also plans to generate \$17,250 from other sources to fully support Project Help. ABC Agency plans to provide \$4,450 from its reserve fund and has applied to the San Diego Community Foundation for the balance of \$12,800 to fully fund Project Help.

EXPENSES

I. PERSONNEL

A. Salaries

1. Executive Director - Provides general oversight and fiscal management for the project. \$3,000/month @ 5% for 12 months = \$1,800.
2. Project Coordinator - Provides program development and administrative management of project. \$2,000/month @ 100% for 11 months = \$22,000.
3. Instructors - Provide parent education classes. 3 instructors @ \$10/hr, 4 hrs/wk, 18 weeks = \$2,160.

B. Benefits

Includes health and dental coverage, social security, disability insurance and life insurance. Estimated at an average of 20% of salaries. $\$25,960 \times .20 = \$5,190$.

II. OPERATING EXPENSES

A. Space Rent

Rental of classroom space for parent education sessions. 3 rooms/week @ \$20 x 18 weeks = \$1,080.

B. Materials

Paper, notebooks and duplicating expenses to produce 100 parent notebooks and 8 facilitator notebooks. Estimate $100 @ 50/\text{pgs} @ .03 + 8 @ 100/\text{pgs} @ .03 = \175 .

C. Transportation

Mileage for parent volunteers. 3 volunteers @ 10 mi/wk @ .25/mi x 18 wks = \$135.

D. Incentives

Cash stipends and discount coupons for focus group participants (12), childcare volunteers (5) and parent facilitators (4). Estimate 21 stipends @ average \$5 x 18 weeks = \$1,890.

Attachment 5



CITY OF ESCONDIDO
HOUSING & NEIGHBORHOOD SERVICES DIVISION

NOTICE OF FUNDING AVAILABILITY (NOFA)
for the U.S. Department of Housing and Urban Development
Emergency Solutions Grant (ESG) Programs: CFDA – 14.231

RFP RELEASE DATE:
March 21, 2018

PROPOSAL SUBMITTAL DATE:
April 19, 2018

City of Escondido
Housing & Neighborhood Services Division
201 N. Broadway, Escondido, CA
(760) 839-4356



It is the intention of the City of Escondido to comply with the Americans with Disabilities ACT (ADA). To request this document in alternate formats, or to request special assistance at a City meeting, please contact Nancy Melander at (760) 839-4579 or via e-mail at NMelander@escondido.org.

Section One - Notice of Funding Availability (NOFA)

INTRODUCTION

Under this NOFA:

- The City of Escondido (City) Housing and Neighborhood Services Division (HNS) is accepting proposals from eligible organizations providing assistance to persons experiencing homelessness or at-risk of homelessness within the City.
- Funds to be used for this NOFA are from the federal Emergency Solutions Grant (ESG) Program.
- The ESG program provides funding to meet the following objectives: (1) engage homeless individuals and families living on the street; (2) improve the number and quality of emergency shelters for homeless individuals and families; (3) help operate these shelters; (4) provide essential services to shelter residents, (5) rapidly re-house homeless individuals and families, and (6) prevent families/individuals from becoming homeless.
- Homeless Management Information System (HMIS) participation is required by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act).

BACKGROUND

The HEARTH Act, enacted into law on May 20, 2009, consolidated three separate homeless assistance programs, administered by HUD under the McKinney-Vento Homeless Assistance Act, into a single grant program. One of the main revisions in the HEARTH Act was the revision of the existing federal Emergency Shelter Grant program into the new Emergency Solutions Grant (ESG) Program. The ESG regulations can be found at 24 Code of Federal Regulations (CFR), Part 576.

FUNDING AVAILABILITY: Up to \$136,390

The City anticipates receiving ESG funds through the U.S. Department of Housing and Urban Development (HUD). The specific amount of funding to be received from HUD for FY 2018-2019 has not yet been decided by Congress, however the City anticipates being able to commit up to \$136,390 in **one-time** ESG funds available under this NOFA. These funds are available to non-profit organizations and/or public entities sponsoring projects within the City. Funds under this NOFA must be implemented and fully expended during Fiscal Year 2018-19 (July 1, 2018 - June 30, 2019). The contract term will be limited to 12 months, ending June 30, 2019.

PRIORITIZATION OF ESG OBJECTIVES

For this NOFA, the following ESG objectives have been prioritized in the order below:

1. Rapid re-housing for homeless individuals and families,
2. Homelessness prevention,
3. Emergency shelters,
4. Essential services to shelter residents, and
5. Engagement of homeless individuals and families.

Proposals for projects that will address higher priority objectives will be receive priority ranking.

NOTE: Due to the limited amount of ESG funds available, applications for rehabilitation, renovation or conversion will not be accepted at this time.

CONDITIONS

The City reserves the right to determine which funding source will be used to fund specific proposals, negotiate and award contracts to multiple applicants, and request additional information from applicants. By the act of submitting a proposal, applicants acknowledge and agree to the terms and conditions of this NOFA and to the accuracy of the information they submit in response. The City reserves the right to reject any and all submittals, waive any irregularities in the submittal requirements, or cancel this NOFA at any time. All submittal packages become the property of the City.

All requirements of the ESG Program apply under this NOFA. The HEARTH Act significantly revised the ESG Programs regulations at [24 CFR Part 576](#) and established new requirements for the ESG Program. HNS recommends that all organizations applying for funding review ESG Program eligibility criteria carefully.

PROPOSAL REVIEW

Proposals are subject to preliminary review for threshold criteria. Applicants providing incomplete or ineligible proposals will be so notified. A determination will be made concerning the consistency of the proposal with the priorities outlined in the City of Escondido 2015-2019 Consolidated Plan with amendments.

Following the above review, the proposal and HNS staff comments will be considered by a NOFA Review Panel. The NOFA Review Panel will make funding recommendations to the Escondido City Council at for consideration on May 2, 2018 (tentative date). Applicants are encouraged to attend and participate at this public meeting.

TECHNICAL ASSISTANCE, CLARIFICATION AND ADDENDA

Requests for clarifications regarding this NOFA should be directed to Nancy Melander at (760) 839-4579, or by email at NMelander@escondido.org by April 13, 2018. Responses will be posted on the City's website at www.escondido.org/neighborhood-services.aspx.

Substantive changes in the submittal requirements, if any, will be made and issued in the form of an addendum posted on the City of Escondido website and sent to all organizations requesting a NOFA package.

SUBMITTALS

Applications must be received no later than **5:00 p.m. on Thursday, April 19, 2018**, at City of Escondido Housing & Neighborhood Services Counter at the address listed below.

Submit an original set and three (3) copies and 1 electronic copy:

City of Escondido
Housing & Neighborhood Services Division
Attn: Housing & Neighborhood Services Manager
201 N Broadway
Escondido, CA 92025

Faxed and/or emailed applications will not be accepted.

Section Two - NOFA Funding Source

EMERGENCY SOLUTIONS GRANT PROGRAM

- The federal ESG Program regulations are located at [24 CFR Part 576](#).
- Under this NOFA, ESG funds will be awarded to non-profit organizations and/or public entities sponsoring projects within the City of Escondido.
- ESG funds will be awarded for a maximum of twelve months.
- All funds awarded under this NOFA must be fully expended by June 30, 2019.

SUMMARY OF ESG ELIGIBLE PROJECT COMPONENTS

Project Component	Main Eligible Activities
Emergency Shelter*	Renovation (Major Rehabilitation and Conversion), Essential Services, Shelter Operations, and Assistance required under URA. See 24 CFR 576.102 .
Rapid Re-Housing Assistance	Housing Relocation and Stabilization Services Financial Assistance: Moving Costs, Rent Application Fees, Security Deposits, Last Month's Rent, Utility Deposit and Utility Payment. Assistance may also include a one-time payment of rental arrears for up to 6 months. Services: Housing Search, Housing Placement, Housing Stability, Mediation, Legal Services, Credit Repair, Budgeting, Money Management. Rental Assistance: Short - Up to 3 months, Medium – 4-24 months. See 24 CFR 576.103 , 576.105 and 576.106 .
Street Outreach*	Essential Services necessary to reach out to unsheltered homeless individuals and families, connect them with emergency shelter, housing, or critical services, and provide them with urgent, non-facility-based care. Component services generally consist of engagement, case management, emergency health and mental health services, and transportation. For specific requirements and eligible costs, see 24 CFR 576.101 .
Homelessness Prevention	Same activities as Rapid Re-Housing
HMIS**	Grant funds may be used for certain HMIS and comparable database costs, as specified at 24 CFR 576.107 .

* ESG regulations limit street outreach and emergency shelter activities (combined) to no more than 60% of the fiscal year grant.

** HMIS participation is required as a project component within all proposals, but may not be the sole project component.

See HUD's [ESG Program Components Quick Reference](#) for more information.

NOTE: Due to the limited amount of ESG funds available, applications for rehabilitation, renovation or conversion will not be accepted at this time.

ELIGIBLE COSTS:

As of December 5, 2011, the Department of Housing and Urban Development issued an interim in regards to Emergency Solutions Grant funding. Please refer to Federal Register Notice Vol. 76, No. 233.

http://www.hudhre.info/documents/HEARTH_ESGInterimRule&ConPlanConformingAmendments.pdf

<http://www.hudhre.info/index.cfm?do=viewResource&ResourceID=4517>

<http://www.hudhre.info/documents/EmergencySolutionsGrantsProgramFactSheet.pdf>

COMPLIANCE WITH APPLICABLE LAWS, RULES, AND REGULATIONS:

Projects that are awarded ESG, funding must act in accordance with all relative federal, State of California, and City of Escondido laws, rules, and regulations. These include but are not limited to the following:

- **24 CFR Part 1 and 6, Public Law 90-284, Fair Housing Act** – The regulations issued following Title VI of the 1964 Civil Rights Act and Section 109 of the 1975 Housing and Community Development Act that prohibits discrimination in HUD programs based on sex, race, color, national origin, and religion and requires all programs and activities to be administered in a manner to affirmatively further the policies of the Fair Housing Act.
- **24 CFR Part 107 and 108** – The regulations issued following Executive Order 11063 and Executive Order 12892 which prohibit discrimination and promote equal opportunity in housing.
- **Section 504 of the Rehabilitation Act of 1973, 24 CFR Part 40 and 41** – The regulations that set forth policies and procedures for the enforcement of standards and requirements for disabled accessibility. The Architectural Barriers Act of 1968 and the Americans with Disabilities Act provide additional laws on accessibility and civil rights to individual with disabilities.
- **Age Discrimination Act of 1975 (42 U.S.C. 6101)** – The regulations that prohibit discrimination on the basis of age.
- **29 CFR Parts 3 and 5** – The regulations on labor standard provisions that include the payment of prevailing wages on federally assisted projects as mandated by the Davis-Bacon Act and Contract Work Hours and Safety Standards Act. 24 CFR Part 70 provides information on the use of volunteers.
- **Copeland “Anti-Kickback” Act (18 U.S.C. 874 and 40 U.S.C. 276c)** – The regulations on contracts for construction or repair awarded by subrecipients shall include a provision for compliance.
- **24 CFR Part 58** – The regulations prescribing the Environmental Review procedure under the National Environmental Policy Act of 1969.
- **National Flood Insurance Act of 1968, 24 CFR Part 55 under Executive Order 11988** – The regulations for proposed projects and properties located in a floodplain.
- **36 CFR Part 800** – The regulations outlining the procedures for the protection of historic and cultural properties.
- **Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970** – the policies for displacement, relocation assistance, and real property acquisition as defined by 42 U.S.C. 4601 (URA) and implementing regulations issued by the Department of Transportation at 49 CFR part 24 and section 104(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(d)).
- **24 CFR Part 7 and 41 CFR Part 60** – The regulations outlining equal employment opportunity without regard to race, sex, color, religion, age, national origin, and disability in federally assisted construction contracts.

- **24 CFR 135** – Regulations outlining requirements of Section 3 of the Housing and Urban Development Act of 1968 providing for economic opportunities for low and very low local residents. All projects must, to the greatest extent feasible, provide opportunities for training and employment for low and moderate income persons residing within the City of Escondido, and contracts or work in connection with the project be awarded to eligible business concerns which are located in or owned in substantial part by persons residing in the City of Escondido.
- **Residential Lead Based Paint Hazard Reduction Act of 1992** – The regulations implemented by 24 CFR Part 35, Subpart B imposes certain requirements on disclosure of lead based paint hazards.
- **24 CFR Part 24** – The regulations that prohibit use of debarred or suspended contractors on federally assisted projects and Drug Free Workplace requirements, issued according to Executive Order 12459.
- **2 CFR Part 200** – Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards. These regulations include Conflict of Interest and Procurement provisions under 2 CFR 200.112 and 2 CFR 200.317-326.
- **2 CFR Part 200 Subpart E** – The regulations that identify cost principals for nonprofits.
- **2 CFR Part 200 Subpart F** – The regulations concerning annual audits.
- **24 CFR Part 49** – The regulations on eligibility restrictions for certain resident aliens.
- **24 CFR Part 87 and Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)** – The regulations for restrictions on lobbying and required certifications.
- **Executive Order 13170** – The regulations on increasing opportunities and access for Disadvantaged Businesses.
- **HUD Requirements** – All other applicable required reports, circulars, and procedures.
- **Administrative Procedures** – The rules issued by the City of Escondido in relation to contracts, process, and procedures.
- **Clean Air Act (42 U.S.C. 7401) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.)** – The regulations that require compliance with all applicable standards, orders, or regulations issued following the rule.

The following resources are available on HUD's website for your use:

- ESG Regulations: Interim Rule:
http://www.hudhre.info/documents/HEARTH_ESGInterimRule&ConPlanConformingAmendments.pdf
- "Monitoring Checklists": <http://www.hud.gov/offices/cpd/library/monitoring/handbook.cfm>
- The Code of Federal Regulations (CFR) and Executive Orders may be found at:
CFR: www.gpoaccess.gov/cfr/index.html
Executive Orders: <http://www.archives.gov/federal-register/index.html>
- Emergency Solutions Grant: <http://www.hudhre.info/index.cfm?do=viewEsgProgram>
- Limited English Proficiency Requirements:
<http://www.hud.gov/offices/fheo/promotingfh/lep-faq.cfm>

Section Three - Proposal Parameters

REQUIREMENTS FOR SUBMITTAL

To be responsive, a complete NOFA Application must contain the following items:

A. Affordability

Attachment A outlines income eligibility levels.

- “Extremely-Low Income” households are households whose adjusted household income is at or below 30% of the area median income (“AMI”).
- “Very-Low Income” households are households whose adjusted household income is between 31% and 50% of AMI.
- “Low-income” households are defined here as households whose adjusted household income is between 51% and 80% of AMI.
- “Median income” is defined and published periodically by HUD for the San Diego Standard Metropolitan Statistical Area.

B. Project Location

Projects must be located within the jurisdiction of the City of Escondido or serve residents of the City. Describe the project location and service area in as much detail as possible, including the street address, cross streets and Assessor Parcel Number. All homeless prevention activities must assist households within the incorporated areas of the City of Escondido.

C. Consistency with the FY 2015-2019 City of Escondido Consolidated Plan

Applicants are required to demonstrate that their project is consistent with the City of Escondido’s current HUD-approved Consolidated Plan and proposed amendments. Item 5 in the NOFA application addresses this requirement.

D. Match Requirements

[Section 576.201](#) of ESG regulations requires a 100 percent funding match. For this NOFA, applicants must match dollar-for-dollar the ESG funding provided by the City with funds from other public or private sources.

Qualifying project match includes, but is not limited to cash and value of donated materials and labor. Proposed match sources must be approved and consistent with program regulations.

E. Board Resolution

An applicant must submit a resolution of its Board of Directors authorizing the submittal of a proposal and identifying who is authorized to execute documents. Use EXHIBIT 2.

F. Articles of Incorporation and By-Laws

All proposals must include current Articles of Incorporation and By-Laws for the organization.

G. Audited Financial Statements - Submit the following information for the last two (2) fiscal years:

- Audited financial statements of the entire organization with the applicable notes;
- Independent Auditor’s Report on Compliance and Internal Control over Financial Reporting based on an Audit of the Financial Statements in Accordance with Government Accounting Standards.
- Independent Auditor’s Statement of Findings and Questioned costs.

H. Evidence of Funding Commitments

Applicants must demonstrate reasonable and efficient costs of operations and project implementation. The proposal must identify secured matching funds. Letters from other funding sources must include the name, title, and telephone number of the responsible contact person and funding amount.

I. Cost Allocation Plan

All applicants must submit a cost allocation plan that clearly demonstrates how direct and indirect costs are shared between the project and other agency projects.

J. Position Descriptions

Provide a position description for all proposed staffing positions funded by the project.

K. Organizational/Staffing Chart

Applicants must include an organizational/staffing chart that describes the overall organization and illustrates the relationship of the proposed program with other organizational divisions, programs and sections. Indicate the lines of organizational management, authority, and responsibility. The staffing chart identifies program staff positions (by name and title, if known) and reporting responsibility.

L. Project/Program Description

Applicant must describe the proposed project/program (work to be performed, components to be undertaken, or services to be provided) and also describe specifically how the requested ESG funds will be used. Describe how this project will benefit persons experiencing homelessness or at risk of homelessness. Describe the problem or need that the proposed project is intended to address.

M. Homeless Management of Information System Participation

ESG recipients will assure compliance with all HUD record-keeping provisions, including use of the HMIS **for clients served by ESG-funded programs**. The cost of complying with this requirement must be reflected in the project budget.

N. Recordkeeping

Under ESG, programs are also required to keep a record of all clients that are screened and classified as ineligible. The ESG recordkeeping and reporting requirements state that for each individual and family determined ineligible to receive ESG assistance, the record must include documentation of the reason for that determination. (See 24 CFR § 576.500(d)).

REQUIREMENTS FOR FUNDING

The following items must be completed prior to funding:

A. Environmental Review

From the time the application has been submitted, the contractor must not commit funds or take any choice limiting actions (including option agreements or contracts for site purchase, excavation, filling, construction, rehabilitation, renovation, conversion or other physical activities) until completion of the environmental processing and HUD's formal Release-of-Funds, regardless of whether the work would be accomplished with federal funds or other matching funds. Failure to comply will jeopardize the availability of HUD funds for the project. An environmental review must be completed before the City will execute a contract. City staff conducts this review using information provided in the application.

B. Insurance Requirements

Proof of insurance meeting these requirements must be submitted to the City ten (10) days prior to contract execution.

General Liability Insurance: Funding recipients will be required to obtain and provide evidence of general liability insurance in the amount of \$1,000,000 per occurrence for bodily injury, personal injury and property damage. The General Aggregate limit shall be \$2,000,000, and \$1,000,000 Products/Completed Operations Aggregate.

Automobile Liability Insurance: Funding recipients will be required to obtain and provide evidence of automobile liability insurance in the amount of \$1,000,000 combined single-limit per accident for bodily injury and property damage.

Endorsement to General Liability and Automobile Insurance: Each Contractor is required to name the City of Escondido as an additional insured on their general liability and automobile insurance policies.

Workers' Compensation and Employer's Liability Insurance: as required by the State of California.

PROJECT ADMINISTRATION AND MONITORING

The City is the administrative and monitoring agency for projects awarded through this NOFA. Note the following project funding conditions:

A. Disbursement of Funds

It is estimated that it will take up to two months before contract documents are executed. The actual time will vary according to the complexity of the approved project(s), environmental constraints, and contract negotiations. HNS expects to execute one-time ESG contract(s) effective July 1, 2018.

Under this NOFA, City will award ESG funds in the form of grants. City distributes funds through a reimbursement program. Expenses incurred prior to the effective date of the executed contracts are not eligible for reimbursement. Billings for reimbursement must be submitted in accordance with contract specifications, 24 CFR Part 84 and 2 CFR Part 200.

B. Funding Reallocations

City reserves the right to reallocate funds from one approved project to another or to a new activity, or to cancel fund reservations at its discretion if projects are not proceeding satisfactorily (in the sole opinion of City) towards commencement of the proposed activity.

Section Four – Project Proposal Ranking

Each proposed project is rated on the merits of the application using criteria for need, feasibility, fiscal, and project management capacity. A minimum score of 70 (seventy) out of 100 (one hundred) points is required for a project to be recommended for funding by the review panel.

All proposals will be reviewed for completeness and threshold criteria. All proposals must meet the threshold criteria to be forwarded for further review by a NOFA review panel. The threshold criteria for ESG NOFA proposals are as follows:

Threshold Criteria

- _____ Serves residents whose incomes are at or below 30% of the AMI
- _____ Serves persons experiencing homelessness or at risk of homelessness
- _____ City of Escondido Benefit
- _____ Consistent with the 2015-2019 Consolidated Plan and amendments
- _____ 100% match funding is proposed and funding source is identified
- _____ All submittal requirements have been met

Once proposals have been screened for threshold criteria and have been forwarded for competitive review, a NOFA Review Panel will be convened. The next page contains scoring criteria that will be used for the NOFA process. Funding recommendations will then be made to the Escondido City Council for consideration.

PROJECT PROPOSAL RANKING

Maximum Possible Points	
A. Project Need	
1. Target Population – Does the applicant describe the target population or subpopulation and how they are accessed? Does it address the needs of the population? Does it describe challenges and barriers?	5
2. Geographic Area – Does the applicant describe the location? Does the project benefit the needs of City Residents?	15
3. Consolidated Plan – Does the applicant demonstrate how the proposal meets with the priorities outlined in the City of Escondido 2015-2019 Consolidated Plan?	10
30	
B. Project Description	
1. Project Goals/Objectives/Activities – Does the applicant provide a complete description of program?	10
2. How does the project benefit persons experiencing homelessness or at risk of homelessness? Proposals for projects that will address higher priority objectives will be receive priority ranking (See Section One, Subsection IV).	20
30	
C. Experience, Management and Staffing	
1. Agency/Program Experience – Does the applicant describe in detail the agency/program experience in developing, implementing and evaluating the proposed project or comparable project?	9
2. Government Contracts – Does the applicant have any experience with government contracts for similar projects? Have there been any corrective actions and were they resolved? If none, does the applicant have other contracts for similar projects?	6
3. Organizational/Staffing Chart – Did the applicant include an organizational/staffing chart? Does the chart illustrate organizational management, authority, and responsibility? Does the chart identify program staff (including title and FTE) and demonstrate the lines of accountability and reporting responsibility for the proposed project?	2
4. Position Descriptions – Does the applicant provide a position description for all the proposed staffing of the project? Does the position description reflect the proposed project? Does the applicant provide a résumé for the Executive Director/Chief Executive Officer? Does the résumé demonstrate capacity/experience to support the project?	3
20	
D. Fiscal Capacity	
1. Match – Does the applicant provide evidence of at least 100% Match?	5
2. Audited Financials – Does the applicant provide last two (2) fiscal years' Audited Financial Statements of the entire organization with the applicable notes, Independent Auditor's Report on Compliance and Internal Control over Financial Reporting based on an Audit of the Financial Statements in Accordance with Government Accounting Standards and Independent Auditor's Statement of Findings and Questioned costs?	5
3. ESG Cost Allocation Plan – Does the applicant provide a detailed cost allocation plan that clearly demonstrates how direct and indirect costs are shared between the project and other agency projects? Is it consistent with 2 CFR Part 200 Subpart E?	10
20	
E. Total	100

APPLICATION CHECK LIST

Please complete the following checklist and submit this form with the application.

All pages 8.5 x 11 inches

One master copy (no staples or binders) and three copies; both signed.

One CD/portable drive with electronic file copies.

Requirements for Submittal

- NOFA Application with Exhibits (pages 10-15)

ATTACHMENTS:

- Articles of Incorporation and By-Laws
- Audited Financial Statements/Single Audit (last two (2) fiscal years)
- Board Resolution
- For non-profit organizations, proof of 501(c)(3) status
- Evidence of Funding Source Commitments (evidence of 100% match)

Requirements for Funding

- Environmental Review
- General Liability Insurance, Automobile Liability Insurance and Workers Compensation Insurance.

The proposal and its submittals have been reviewed for completeness using the checklist above.

Authorized Signature: _____ Title: _____ Date: _____

NOFA
APPLICATION

DRAFT

**City of Escondido
Housing and Neighborhood Services Division**

Emergency Solutions Grant (ESG)

1. PROJECT TITLE: _____

2. APPLICANT: _____

Contact Person: _____

Contact Person's Title: _____ Telephone _____

Email: _____

Organization Address: _____

Phone: _____ Fax: _____

3. ORGANIZATIONAL STATUS (Check all that apply):

___ Non-profit Organization ___ Public Entity

Does your organization expend \$500,000 or more a year in federal funds? ___ Yes ___ No

4. SUMMARY OF FUNDING REQUEST (List by funding activity):

<i>Activity</i>	ESG
<i>TOTAL REQUEST</i>	\$

5. GENERAL PROJECT INFORMATION

NOTE: Due to the limited amount of ESG funds available, applications for rehabilitation, renovation or conversion will not be accepted at this time.

Attach pages as necessary to describe the following:

Describe how your project is consistent with the priorities outlined in the City of Escondido 2015-2019 Consolidated Plan and amendments. Identify which of the Consolidated Plans goal(s) and objective (s) your project will help accomplish. Identify which special needs and disabled population(s) will be served in accordance with the Consolidated Plan and amendments.

Describe how your project aligns with the San Diego Community Plan to End Homelessness.

Describe how your project aligns with the San Diego Continuum of Care goals, objectives, and community standards.

Provide a summary description of project proposed, including the projected number of clients or units/beds to be served.

6. TARGETING

Attach pages as necessary to describe the following:

Describe the characteristics of the population to be served (e.g. youth, seniors, persons with disabilities, etc.) and the geographic area to be benefited. It is important to also attach a map (e.g. Thomas Bros. Map) showing the project location and draw a line on the map outlining the boundaries of the geographic area served.

- (1) Total number of housing units/beds upon project completion: _____
- (2) Total number of assisted units/beds upon project completion: _____
- (3) Total number of extremely low-income households (at or below 30% of AMI) to be served: _____
- (4) Total number of very low-income households (31-50% of AMI) to be served: _____
- (5) Total number of low income households (51-80% of AMI) to be served: _____
- (6) Total number of persons experiencing homelessness to be served: _____
- (7) Total number of persons at risk of homelessness to be served: _____
- (8) Other project objectives:

Median income is defined and published periodically by the United States Department of Housing and Urban Development (HUD) for the San Diego Standard Metropolitan Statistical Area. Please refer to Attachment A.

7. APPLICANT EXPERIENCE

Attach pages as necessary to describe the following:

A. Organization

Describe the following for the organization:

- (1) Mission Statement
- (2) Past activities/experience
- (3) Administrative structure
- (4) Cost Allocation Plan

B. Technical Capacity

- (1) Describe the organization's capability to administer the project proposed.
- (2) Attach resumes of staff and consultants specifically assigned to this project and describe contractual relationship.

8. OTHER

State anything else pertinent about the proposed project.

9. CERTIFICATION

The undersigned certifies under penalty of perjury that all statements made in this proposal are true and correct to the best of the undersigned's knowledge.

Authorized Signature [Board Officer]

Typed Name

Title

Date Signed

Submit an original set and three (3) sets of hard copies for a total of four (4) sets of your application and one (1) CDs (or thumb drive) in WORD or PDF Format prior to the date and time specified in the cover letter.

City of Escondido
Housing & Neighborhood Services Division
Attn.: Housing & Neighborhood Services Manager
201 N Broadway
Escondido, CA 92025

Faxed and/or emailed applications will not be accepted.

EXHIBIT 1
ESG PROGRAM BUDGET 2018-2019

APPLICANT: _____

PROGRAM NAME: _____

Sources of Funds:	ESG Funds:	Applicant's Funds:	Other Sources: (List each separately)	TOTAL:
Street Outreach ¹ : Service Activity:				
Service Activity:				
Service Activity:				
Emergency Shelter ² : Operational Activity:				
Operational Activity:				
Operational Activity:				
Homelessness Prevention: Activity:				
Activity:				
Activity:				
Rapid Re-Housing Assistance Activity:				
Activity:				
Activity:				
HMIS ³ : Activity:				
TOTAL:				

¹: Limited up to 60% of the total fiscal year grant for street outreach and emergency shelter activities combined

²: Limited up to 60% of the total fiscal year grant for street outreach and emergency shelter activities combined.

³: HMIS participation is required by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act).

Exhibit 2
Board Resolution

RESOLUTION OF BOARD OF DIRECTORS
OF

WHEREAS, this entity has a minimum of four directors who constitute a quorum for conducting organization business; the organization conducts quarterly board meetings; quarterly financial statements are reviewed by the board; and, the executive director and other paid staff do not serve as voting board members;

WHEREAS, _____ is a _____ [Status of Corporation; i.e., A Non-profit Public Benefit Corporation, qualified pursuant to the provisions of Internal Revenue Code Section 501 (c) (3), etc.];

WHEREAS, _____, recognizes that the community at large, and especially low-income residents have many diverse needs for social, housing, education and other services;

WHEREAS, _____, is committed to effectively serving the communities referenced in the prior recital; and

NOW THEREFORE BE IT RESOLVED as follows:

1. That _____ is committed to providing safe, decent and affordable housing for persons of very low, low and moderate-income levels;
2. That on or about _____, 20____, the Board of Directors voted to authorize the _____ [title of person authorized], or his designee, to apply for and accept assistance of the _____ Project, for the purpose of obtaining a grant to provide for the _____ [purpose; i.e., service provision, etc.] of the Project, in an amount not to exceed _____ (\$_____) from the City of Escondido.
3. That the Board of Directors further voted to authorize the _____ [title of person], or his designee, to execute any and all documents required by the City of Escondido, Housing and Neighborhood Services Division to document and secure its grant.
4. That the Board of Directors further authorized the _____ [title of person], or his designee, to perform all acts and to do all things necessary, in the opinion of the City of Escondido, Housing and Neighborhood Services Division to implement the funding and making of the grant.

I, the undersigned, certify that this Resolution was adopted at regularly or specially noticed meeting of the Board of Directors on _____, 20____, at which a quorum of the Board of Directors was present, and at which the requisite percentage of the quorum voted to adopt the Resolution and that the Resolution has not been rescinded, modified or canceled as of the date of my execution of the same and that it remains in full force and effect as of this date. I further understand that the City of Escondido, Housing and Neighborhood Services Division is relying on the validity of this Resolution in taking the actions to process and approve the application. I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed this ____ day of _____, 20____, at _____, California.

By: _____

Title: _____

DRAFT

**NOFA
ATTACHMENTS**

DRAFT

ATTACHMENT A
HUD Income Limits for the County of San Diego
Effective April 11, 2017

The following are the annual income limits for moderate, low and extremely low-income families, adjusted for family size.								
	FAMILY SIZE							
Income	1	2	3	4	5	6	7	8
Low Income (80% of AMI)	50,950	58,200	65,500	72,750	78,600	84,400	90,250	96,050
Very Low Income (50% of AMI)	31,850	36,400	40,950	45,450	49,100	52,750	56,400	60,000
Extremely Low Income (30% of AMI)	19,100	21,800	24,550	27,250	29,450	31,650	33,800	36,000

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 15

March 21, 2018

File No. 0800-70

SUBJECT: Series of Actions to Implement the South Centre City Specific Plan (PHG 15-0003 / ENV 17-0005).

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt Resolution No. 2018-20 approving an Initial Study / Negative Declaration, and an amendment to the General Plan to change the land use designation of all properties within the planning area to Specific Plan #15 to support the South Centre City Specific Plan proposal; and
2. Introduce Ordinance No. 2018-04 approving the South Centre City Specific Plan, amending the Citywide Zoning Map, repealing the South Escondido Boulevard Area Plan, and adopting the Zoning Code Amendments to Articles 44 and 65 to support implementation of the South Centre City Specific Plan.

PROJECT DESCRIPTION:

The Project involves a series of City-initiated actions to implement the South Centre City Specific Plan, which includes new zoning standards and design guidelines to allow for housing, commercial, and industrial/employment land uses within the specified planning area. The planning area is located within an area of the City that is described by the General Plan as a future growth area (also called Target Area). The South Quince Street Target Area, South Escondido Boulevard Target Areas, and the Centre City Parkway Target Area are identified in the 2012 City of Escondido General Plan (Figures 11-19 of the General Plan, Target Areas C, D, E, and F). These interconnected Target Areas comprise approximately 420 acres of Escondido's more established and older sectors of the City and extends 2.25 miles along Centre City Parkway and Escondido Boulevard.

A General Plan Amendment is proposed to change the existing General Plan Land Use for each property within the planning area to Specific Planning Area #15. A companion rezone is proposed to change the existing Zoning to SP (Specific Plan) to facilitate the implementation of new Specific Plan, with use allowances, development standards, and design guidelines. In approving the Specific Plan, as set forth in the attachments, the City Council must also reconcile the alignment of the Old Escondido Neighborhood boundary that is represented on a map in Article 65 of the Escondido Zoning Code to remove one (1) commercial parcel from the historic district and annex it into the South Centre City Specific Plan. The City Council must also review and consider approval of an amendment to Article 44 to support the major home occupation permit process, which is major concept of change intended to provide more small business opportunities for the Quince sub-district

area of the proposed Specific Plan. The proposal also includes the adoption of the environmental determination prepared for the Project.

All relevant reports and related items for this Project are available on the City maintained project page at the following website address:

<https://www.escondido.org/south-centre-city-area-plan.aspx>

FISCAL ANALYSIS:

The Project consists of the adoption of City policies and regulations related to creating and implementing the South Centre City Specific Plan. The overall budget for this work program is \$172,754, which was funded through a grant and was utilized to fully fund consultant's efforts and City staff time during the course of developing the draft Specific Plan. On March 4, 2015, the City Council adopted Resolution No. 2015-25 approving a consulting agreement and scope of services with *CityPlace Planning* in an amount to not exceed \$156,230. The Project remains on budget. No new funds are required.

The proposed changes to the General Plan, Zoning Map, and Zoning Code regulations will not result in any direct fiscal impacts for the City of Escondido. Staff costs related to the processing of future planning entitlements and permits within the project area, would be covered predominately by permit fee cost recovery. Future entitlements are subject to the applicable fees established in the Master Fee Schedule.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Economic Development. The task to develop the South Centre City Specific Plan is an identified priority in the 2017 City Council Action Plan.

PLANNING COMMISSION RECOMMENDATION:

On January 9, 2018, the Planning Commission voted 6-0 (with Garcia absent) to recommend that the City Council approve the General Plan Amendment, approve the Rezone, adopt the Specific Plan, repeal the South Escondido Boulevard Area Plan, and adopt the proposed Zoning Code Amendments based upon the findings and requested modifications. The modifications were identified by City staff and provided non-substantive and technical changes to the document. The changes were requested to ensure internal consistency. The recommended actions section of this report reflects the Planning Commission recommendation and incorporates all requested modifications.

Four (4) members of the public spoke at the meeting. In general, all speakers were in support of the overall planning effort. One speaker requested additional density rights on 9th and 10th avenues. The other speakers asked for clarification on public noticing, land use allowances in the Quince District sub-district, or if there would be future roadway expansions or improvements. The Planning

Commission Meeting Minutes are provided in Attachment “2,” which includes detailed comments from the speakers.

PREVIOUS ACTION:

The South Centre City Specific Plan is the result of a multi-year, community-based effort known as “Envision South Centre City.” The scope and development of the work program that supports the South Centre City Specific Plan proposal has been before the City Council on several occasions. On February 12, 2014, the City Council adopted Resolution No. 2014-23 to authorize staff to pursue grant funding to support the development of the Specific Plan. After being awarded funds through the Strategic Growth Council / Department of Conservation, City Council helped initiate the consultant procurement process by authorizing the release of a Request for Qualifications (RFQ) on November 19, 2014. Then on March 4, 2015, the City Council adopted Resolution No. 2015-25 approving a consulting agreement with *CityPlace Planning* for professional services related to Plan preparation. After a far-reaching public engagement and visioning effort in 2015 and 2016, the City Council received an overview of the work program and its progress on November 2, 2016. The focus of that staff-facilitated overview was to present information about the planning process and initiate dialogue on key issues related to the first phase of outreach and key concepts for change that were identified during the public visioning and outreach activities. After this meeting, City staff and the consultant set to work on preparing the draft Specific Plan. The second phase of public outreach was initiated in late summer 2017.

The City Council held a workshop for the development of the 2017-2018 City Council Action Plan on February 15, 2017. A draft of the City Council Action Plan was presented to the City Council for their review and comment on April 5, 2017, where the plan was also approved for implementation. A key component to the Economic Development goal setting was to review and consider the adoption of the South Centre City Specific Plan by November 2018.

BACKGROUND:

The General Plan was adopted in May 2012 via Resolution No. 2012-52. The planning area is located within an areas of the City that is described by the General Plan as a future growth area (also called Target Area). The South Quince Street Target Area, South Escondido Boulevard Target Areas, and the Centre City Parkway Target Area are identified in the 2012 City of Escondido General Plan (Figures 11-19 of the General Plan, Target Areas C, D, E, and F). These interconnected Target Areas comprise approximately 420 acres of Escondido’s more established and older sectors of the City and extends 2.25 miles along Centre City Parkway and Escondido Boulevard.

State law and the City of Escondido General Plan allows for the development and implementation of tailored plans for specific geographic areas through something called “area plans” or “specific plans.” As stated in the General Plan, the goal of these documents are to incorporate smart growth principles which promote compact, walkable development patterns in close proximity to transit and strong multi-modal connections; focus infrastructure improvements to promote development and redevelopment;

enhance employment growth; increase housing options; and revitalize the community. Preparing and updating “Plans” for South Quince Street and South Escondido Boulevard have been identified as an implementation measure in the General Plan. The current South Escondido Boulevard Neighborhood Plan was adopted in July 1996 and does not address more-recently adopted General Plan policies promoting sustainability, smart growth principles, healthy lifestyles, and economic prosperity.

The four (4) contiguous General Plan Target Areas were combined for the South Centre City Specific Plan. These four (4) Target Areas have a variety of existing land uses, including older single- and multi-family housing stock; new mixed-use commercial/residential development and stand-alone residential development; small scale retail, office, and service uses; low intensity suburban-style general commercial development; and older small scale industrial and manufacturing uses. In spite of the differences, the four Target Areas are physically connected and share many common features, challenges, and opportunities, which makes combining them into one (1) specific plan the most effective and comprehensive way to achieve the desired vision for the area.

ANALYSIS:

A specific plan is a tool for the systematic implementation of the General Plan. It effectively establishes a link between implementing policies of the General Plan and the individual development proposals in a defined area. A specific plan may be as general as setting forth broad policy concepts, or as detailed as providing direction to every facet of development. To an extent, the range of issues that is contained in a specific plan is left to the discretion of each local agency; however, all specific plans must meet basic content requirements as specified by Sections 65450 - 65457 of the Government Code.

In 2015 the City of Escondido embarked on a process to create a specific plan for the more established sections of the southwest portion of the City. The planning area, as it currently exists, is a function of past decisions and policies. A lot has changed since then, including the adoption of the 2012 General Plan. If approved, the new South Centre City Specific Plan would effectively establish a link between implementing policies of the General Plan and the future, individual development proposals within the defined area. The overall process provided community members with an opportunity to vision a future for the area, and each respective sub-district, that reflects community-supported solutions and commonly-shared priorities. Through public involvement, the community assessed community opportunities, identified the planning area’s purpose, core values, and vision of the corridor of the future, with the development of the following thematic statements.

1. Quality Housing:

New and creative infill single- and multi-family development helps support housing choice and opportunity. Providing a range of different housing types within close proximity of commercial and recreational areas help optimize prior infrastructure investments, while also providing a full range of support uses for a healthier and more livable community.

2. *Environmentally sensitive development:*

Sustainable design concepts and energy-efficient and “green” development helps to conserve resources, reduce pollution and greenhouse gas emissions, protect sensitive habitats, and improve water quality.

3. *Improved recreation opportunities:*

The community is safe, friendly and connected. Children can play outdoors, and residents can walk or bike safely for exercise and recreation. Residents have access to parks, pathways, recreation areas, and other pleasant community spaces that help strengthen neighborhood pride and community identity.

4. *Integrated transportation and supportive land uses:*

A mix of land uses allows people to live near their jobs, entertainment, shopping and recreation. The community provides safe routes and convenient access to all of these destinations, regardless of mode (i.e. cars, trucks, transit, bicyclists, or pedestrians). The overall transportation system is complete, fully connected, and accommodates a full range of ages and abilities.

5. *Attractive design:*

Architecture and landscaping within South Centre City is high quality and well maintained. There are ample places and opportunities for people to interact, recreate, innovate, and collaborate. Public art is creatively located along streets and pathways to add visual interest and interactive opportunities.

6. *Economically viable:*

The community facilitates job growth, access, place making and economic vitality. The area is economically stable and strong due to business-friendly policies that encourage entrepreneurship and business development in the form of smaller home-based businesses or locally owned shops and restaurants.

The vision that was developed in the beginning of the process acted as a guide for the rest of the Plan. As noted earlier in this staff report, the development of the Specific Plan relied heavily on community input to determine plan direction. Public input in the first phase of outreach also establish community supported parameters for future development. To fully address this community-based input, new zone standards are necessary to allow for development and land use standards that accommodate needed new housing, commercial, and industrial/employment land uses. These new zones would also allow the City to more effectively guide quality development and design, which is compatible with existing community character, through the establishment of a number of different sub-districts. There are various zoning districts within the project area, including: R-1 (single-family residential), R-2 (light-multiple residential), R-3 (medium-multiple residential), R-4 (high-multiple residential), R-5 (very high-multiple residential), General Commercial, Planned Development Mixed-Use, Planned Development Commercial, Planned Development Residential, M-1 industrial, M-2 industrial, and mixed-use overlay. The location, density, and intensity of suburban-style development

within the surrounding communities have mainly developed over time, but is typical of the older sections of the City, generally characterized by low-density single-family neighborhoods with pockets of medium-density single-family development (duplex units and small detached homes) or civic-related uses. Understanding the nature of the existing, built environment and character of prior development helped establish and organize new sub-districts, as proposed in the Specific Plan, which include the West Mercado District, Quince Street District, 9th Avenue Overlay District, 13th Avenue Corners District, Felecita District, South Orange Street District, Escondido Boulevard District, and Southern Entry District. The description of each sub-districts would be also completed by new zoning standards and regulations that would provide development standards for various contexts that appear throughout the Centre City corridor in order for new development to "fit in" depending on where the site is located and the surrounding context and uses - allowing for an appropriate transition of land use, building height, and new residential density or commercial / industrial use intensity. (Refer to Chapters 3.0 and 4.0 of the proposed Specific Plan for more information about the land use goals and plan priorities of each sub-district.)

Whereas the zoning standards address amount and type (i. e. quantitative and measurable), the design guidelines would provide direction for the more qualitative aspects of a project and address design topics where more flexibility to site and building design is appropriate. Chapter 5.0 of the proposed Specific Plan emphasizes transitional space, land use compatibility, and/ or community-specific character. The design guidelines are intended to promote building design that would promote efficient use of space, encourage high-quality development, and protect and enhance neighborhood character. The proposed sets of standards and design guidelines are intended to work together. Future projects would be evaluated for their ability to comply with the proposed standards and design guidelines, as well as demonstrate an ability to promote the intent of the goals and objectives of the South Centre City Specific Plan.

Conforming and Ancillary Amendments:

Other planning documents were reviewed to ensure continued consistency and/or to support the implementation of the proposed Specific Plan. Based on this document-review, conforming and ancillary amendments are needed to support the overall "Envision South Centre City" work program. Therefore, amendments to the General Plan Land Use Element, Zoning Map, and Zoning Code regulations are necessary to provide consistency between the goals and polices of the various elements of the General Plan and between the General Plan and Zoning. Discretionary actions to be considered by the decision-making body also include the following:

- As part of the implementation of the Specific Plan, the City is proposing a new land use designation of Specific Planning Area No. 15 to supplement existing land use policies. This would require General Plan text and land use map changes.
- Amend the citywide Zoning Map (Rezone) to provide for implementation of the new Specific Plan.

- The South Escondido Boulevard Area Plan needs to be repealed since it covers a portion of the Specific Plan planning area.
- Future discretionary actions must also reconcile the alignment of the Old Escondido Neighborhood (Article 65) to annex one (1) commercial parcel from the historic district.
- Approval of an amendment to Article 44 to support major home occupation permits, which is major concept of change in the proposed Specific Plan. The addition of a major home occupation land use category type would expand the City's current policy of allowing residents to operate small businesses from their residence. It introduces a type of home based business that would generate a limited customer base, subject to new regulations and only permitted as a potential land use activity in the Quince District. Major home occupation permits would be prohibited elsewhere in the City.

PUBLIC INPUT:

Public outreach has been heavily emphasized in the planning process to ensure that the South Centre City Specific Plan reflects the community's vision for the future. Because this issue was of significant interest to the public, the City began the process with a far reaching public outreach and engagement effort. Through advertisements, e-newsletters, and other forms community outreach, a broad range of residents, businesses, and other community members were given the opportunity to learn more about the "Envision South Centre City" planning process and participate in the Specific Plan's development. The dialogue and input received during this phase of outreach helped describe collective preferences, interests and concerns on the type of land use, density, and character of new development within different areas of Centre City corridor. This exchange helped identify the vision for the Specific Plan and was utilized to establish a preliminary set of themes, which resonate throughout the draft Specific Plan.

After a far-reaching public outreach effort in 2015 and 2016, significant progress was made to develop the draft South Centre City Specific Plan, which was released for public review on September 12, 2017. Because the community's values and views of the existing planning area have greatly influenced the development of the draft Specific Plan, it was important to continue engaging the community during the second phase of outreach to confirm the Specific Plan's direction and focus, prior to its consideration for adoption. The City conducted multiple outreach efforts to inform and engage residents, property owners, business and stakeholder groups, which included community events, stakeholder presentations and community conversations, informational open houses, commission meetings, and media/print. Altogether, the City held 18 briefings, meetings, and presentations over a five (5) month period. A summary of these activities and the collective reach of the effort is summarized in the January 9, 2018 Planning Commission staff report (Attachment 1).

Subsequent to the January 8, 2018, Planning Commission meeting, City staff has continued its engagement and conversations with interested property owners and developer. Based on these conversations, it became apparent that additional changes were necessary to support growth and

change, while not changing the nature of existing property owner rights. For this reason, modifications to the land use table for the Mercado sub-district have been made, as illustrated in Attachment 3. The recommended actions section of this report represents the penultimate version on the draft Specific Plan. Ordinance No. 2018-04 also provides for a couple of other changes that allows parking to reasonably encroach into side and rear yard setback areas to not unduly constrain new development.

ENVIRONMENTAL REVIEW:

An Initial Study / Negative Declaration (IS/ND) was prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the State CEQA Guidelines Title 14 California Code of Regulations (CCR) Section 15000 et seq. The IS/ND was available for public review and comment from November 20, 2017, to December 11, 2017, in accordance with CEQA Guidelines Sections 15073 and 15105.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
03/15/2018 8:59 a.m.

ATTACHMENTS:

1. Attachment 1 - January 9, 2018, Planning Commission Staff Report
2. Attachment 2 - January 9, 2018, Planning Commission Meeting Minutes
3. Attachment 3 - Errata of Changes
4. Resolution No. 2018-20
5. Resolution No. 2018-20 Exhibit A,
6. Resolution No. 2018-20 Exhibit B
7. Resolution No. 2018-20 Exhibit C
8. Ordinance No. 2018-04
9. Ordinance No. 2018-04 Exhibit A
10. Ordinance No. 2018-04 Exhibit B
11. Ordinance No. 2018-04 Exhibit C

ATTACHMENT 1

JANUARY 9, 2018 PLANNING COMMISSION STAFF REPORT

Due to the number of pages of Attachment 1, a link has been provided to review the document electronically.

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/SouthCentreCityAreaPlan/PHG15-0003SCCSpecificPlan01.09.18.pdf>

A hardcopy of the Attachment is available for review in the Office of the City Clerk during normal business hours. To obtain a copy, please the City Clerk at (760) 839-4617. For City Council members, a copy is available in the City Council reading file.

ATTACHMENT 2

JANUARY 9, 2018 PLANNING COMMISSION MEETING MINUTES

Due to the number of pages of Attachment 2, a link has been provided to review the document electronically.

<https://www.escondido.org/Data/Sites/1/media/minutes/PC/2018/PCMinutesAPPROVED01.09.18.pdf>

A hardcopy of the Attachment is available for review in the Office of the City Clerk during normal business hours. To obtain a copy, please the City Clerk at (760) 839-4617. For City Council members, a copy is available in the City Council reading file.

ATTACHMENT 3

ERRATA OF CHANGES

Due to the number of pages of Attachment 3, a link has been provided to review the document electronically.

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/SouthCentreCityAreaPlan/FinalPlan/new/January25/Errata.pdf>

A hardcopy of the Attachment is available for review in the Office of the City Clerk during normal business hours. To obtain a copy, please the City Clerk at (760) 839-4617. For City Council members, a copy is available in the City Council reading file.

RESOLUTION NO. 2018-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING AN INITIAL STUDY/NEGATIVE DECLARATION AND ADOPTING AN AMENDMENT TO THE GENERAL PLAN TO CHANGE THE DESIGNATION OF PROPERTIES WITHIN THE PLANNING AREA TO SPECIFIC PLAN #15 TO SUPPORT THE SOUTH CENTRE CITY SPECIFIC PLAN PROPOSAL

CASE NOS.: PHG 15-0003 and ENV 17-0005

WHEREAS, the City of Escondido has undertaken the development of a specific plan for the South Centre City planning area to provide a key land use and planning policy document to guide decision-making in the coming years for an area of the City comprising of approximately 420 acres, which extends 2.25 miles along Centre City Parkway and Escondido Boulevard. A verified application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case Nos. PHG 15-0003 and ENV 17-0005 in accordance with the rules and regulations of the Escondido Municipal and Zoning Codes, and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and CEQA (Public Resources Code Section 21000 et seq.); and

WHEREAS, said application consists of, among other things, a General Plan Amendment request. The City Council of the City of Escondido is authorized by State law to adopt and, from time to time, amend the General Plan governing the physical development of the City of Escondido; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State

CEQA Guidelines), 14 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. In accordance with CEQA and its implementing guidelines, an Initial Study was prepared and determined by City staff that the proposed Project would not have any significant environmental impacts and that a Negative Declaration (IS/ND) was the appropriate environmental document for the Project; and

WHEREAS, appropriate notices were provided of the public review period on the IS/ND, as required by law. Hard copies of the environmental document were available at the main public libraries and at the front counter of the Planning Division of the Community Development Department at City Hall (located at 201 North Broadway, Escondido, CA 92025), and electronically available on the City's website; and

WHEREAS, public participation was an integral part of the South Centre City Specific Plan planning process, from inception to completion. During the two (2) year planning process of creating the South Centre City Specific Plan, the City provided many opportunities for public participation and input, which has been incorporated into the planning document. After conducting an approximate two (2) year study with residents, businesses, and other community members, the City is prepared to proceed with the implementation of the Specific Plan for this area; and

WHEREAS, the Planning Division of the Community Development Department scheduled a public hearing regarding the application before the Planning Commission for January 9, 2018, at which interested persons were given the opportunity to appear and present their views with respect to said proposed General Plan Amendment and other related Project actions. Following the public hearing on January 9, 2018, the

Planning Commission adopted Resolution No. 6111, which recommended that the City Council, among other things, adopt the IS/ND and approve the General Plan Amendment; and

WHEREAS, an original copy of the proposed General Plan Amendment and all other related Project materials are on file in the Office of the City Clerk, with a copy of each document submitted to the City Council for its consideration. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act; and

WHEREAS, the City Council did on March 21, 2018 hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a) Written information including all application materials and other written and graphical information posted on the Project website.
- b) Oral testimony from City staff, interested parties, and the public.
- c) The City Council staff report, dated March 21, 2018, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.
- d) Additional information submitted during the public hearing; and

WHEREAS, that upon consideration of the Findings/Factors to be Considered, attached as Exhibit "A" and incorporated herein by this reference as though fully set

forth, the March 21, 2018, City Council staff report, the Planning Commission recommendation, based on the totality of the record and evidence described and referenced in this Resolution, the City Council desires to adopt the proposed Specific Plan, called the South Centre City Specific Plan, to govern the physical development of that area of the City of Escondido; and

WHEREAS, a Specific Plan is a tool for the systematic implementation of a General Plan. The City of Escondido General Plan requires amendment to provide consistency with the proposed South Centre City Specific Plan. The City Council will consider adopting Ordinance No. 2018-04 to adopt the Specific Plan and to amend the Citywide Zoning Map to ensure internal consistency of the City's policy and regulatory framework following adoption of this General Plan Amendment. Approval of Resolution No. 2018-20 will enable City Council adoption of Ordinance 2018-04, in accordance with the Government Code Section 65454.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Escondido, in its independent judgment and after fully considering the totality of the record and evidence described and referenced in this Resolution, hereby declares that:

1. That the foregoing recitations are true and correct and are incorporated herein by this reference as though set forth in full.

2. The City Council approves final IS/ND for the South Centre City Specific Plan, attached as Exhibit "C," and incorporated herein by reference as though fully set forth, and authorizes the filing of a Notice of Determination with the County Clerk within in five (5) working days.

3. That the General Plan is hereby amended to change the Land Use designation for all properties within the planning area to Specific Plan #15, as set forth in Exhibit "B" and incorporated herein by reference as though fully set forth.

4. That under Government Code Section 65300.5, no policy conflicts can exist either textual or diagrammatic, between the components of an otherwise complete and adequate General Plan. The Project requires conforming amendments to the Land Use Element portion of the General Plan. Said amendments and text/map changes are necessary to provide consistency between the goals and policies of the various elements of the General Plan and between the General Plan and Zoning. The proposed amendments shown in Exhibits "B" are required to establish Specific Plan #15.

5. That the proposed General Plan Amendments are consistent with sound planning principles in that the proposed implementing regulations are compatible and ensure that the goals and policies of the General Plan can be adequately implemented to achieve the community's vision.

6. That the City Council will consider adopting Ordinance No. 2018-04 to approve the South Centre City Specific Plan, and will consider adopting Ordinance No. 2018-04, which also includes an amendment to the Citywide Zoning Map, to ensure continued, horizontal consistency between various planning documents. The South Centre City Specific Plan and Rezoning of the subject site from to Specific Plan ("SP"), all of which are more particularly described in Ordinance No. 2018-04, shall be adopted to ensure consistency with the General Plan, as revised by this City Council Resolution No. 2018-20.

7. That the findings of the Planning Commission, contained in Planning Commission Resolution No. 6111, on file with the Office of the City Clerk and incorporated herein by reference, are hereby adopted as the findings of the City Council.

8. That concurrently with this Resolution, the City Council is taking a number of actions in furtherance of the Project, as generally described by the March 21, 2018 City Council staff report. This Resolution is hereby approved in conjunction with Ordinance 2018-04. No single component of the series of actions made in connection with the Project shall be effective unless and until they are all approved by an Ordinance or Resolution and are procedurally effective within their corporate limits as a statute in the manner provided by state law.

EXHIBIT "A"

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Environmental Documentation Determinations:

1. Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), 14 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.
2. An Initial Study of potential environmental effects from the potential adoption of the Project indicated that the proposal would have minimal effects on the environment and a Negative Declaration would be prepared. A notice of the proposed environmental decision was given by publication in the Daily Transcript on November 20, 2017 and sent to various agencies and representatives, and neighborhood groups inviting written comments during a 20-day period from November 20, 2017 to December 11, 2017 in accordance with CEQA Guidelines Section 15073 and 15105. No written comments were received during the time period.
3. The City Council has received the material record supporting all environmental documentation for the Project (Planning Case No. ENV 17-0005). The decision-making body of the lead agency shall adopt the proposed IS/ND only if:
 - It finds on the basis of the whole record before it that there is no substantial evidence the Project will have a significant effect on the environment, and
 - The IS/ND reflects the lead agency's independent judgment and analysis.
4. The City Council has carefully reviewed and considered all environmental documentation comprising the IS/ND, including any revisions and additions thereto, the technical appendices and referenced documents (if any), and the public comments and the responses thereto (on file in the Office of the City Clerk and incorporated by this reference), and has found that the IS/ND considers all potentially significant environmental impacts of the Project and there is no substantial evidence the Project will have a significant effect on the environment. The IS/ND is complete and adequate, and fully complies with all requirements of CEQA and the State CEQA Guidelines. The City Council also finds that the IS/ND reflects the City's independent judgment as the lead agency for the proposed Project.

General Plan Amendment Determinations:

1. The planning area is located within areas of the City that are described by the General Plan as future growth areas (also called Target Areas). The South Quince Street Target Area, South Escondido Boulevard Target Areas, and the Centre City Parkway Target Area are identified in the 2012 City of Escondido General Plan (Figures 11-19 of the General Plan, Target Areas C, D, E, and F). Through the Target Area designation, the General Plan identifies these geographic areas for concentrated revitalization and potential urban growth. Land use changes are anticipated to implement the core themes of opportunities to live, work, and play; protect, preserve, and revitalize neighborhoods; conserve and sustain resources. General Plan guiding principles for these Target Areas include:
 - Incorporate smart growth principles, promote increased density and intensity near transit, encourage façade improvements, property revitalization and integrate public/private recreational space.

- Consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance.
- Provide adequate infrastructure and include strategies for the development of neighborhood parks.
- Create standards to facilitate the establishment of child care homes and centers.
- Establish development standards and design guidelines to ensure quality architecture and landscaping, adequate off-street parking, on-site open space and recreational areas.
- Develop criteria for exclusively residential development along South Escondido Boulevard.

The proposed General Plan Amendment would change all properties within the Specific Plan planning area to Specific Planning Area No. 15 (SP #15). The General Plan Amendment to SP #15, as implemented through a new Specific Plan, is generally consistent with the General Plan and the guiding principles for these Target Areas, and identifies sites designated for residential, commercial, and industrial development that were previously evaluated for environmental impacts in the 2012 General Plan EIR. The exception is the 9th Street Commercial District and a portion of the Escondido Boulevard District, where residential mixed-use would be introduced. The 9th Street Commercial District, comprising of 43 lots and 8.96 acres, would introduce residential mixed-use allowances at a density of 24 units per acre. The portion of the Escondido Boulevard District that introduces residential mixed-use up to 30 units per acre, includes 33 lots and 10.20 acres. The goal of expanding mixed land use categories is to promote "place making" opportunities and promote a mixture of land uses to be built in the future within close proximity to other land uses. The land use intensity, promoting residential mixed-use development in a commercial corridor, provides for a lesser intensity than neighborhood serving commercial or general commercial uses, which is permitted by the existing land use designation.

2. The public health, safety and welfare would not be adversely affected by the proposed General Plan Amendment because the Project has been thoroughly analyzed for applicable environmental impacts related to this Project (ENV 17-0005). The Project implements the General Plan's policies and goals for orderly development that is supported by public infrastructure and services.
3. The proposed General Plan Amendment to Specific Planning Area No. 15 would be compatible with existing development patterns in the surrounding areas. Surrounding land use designations to the north include the Mercado District and Southern Gateway District of the Downtown Specific Plan. These zoning districts permit a broad mix of general commercial and service-related uses, as well as residential mixed-use development, where up to 100 units per acre is permitted. Zoning to the south consists of R-1 Single-Family Residential and R-E Residential Estates. Zoning to the east consists of R-1 Single-Family Residential, R-2 Light Multiple Residential, and R-3 Medium Multiple Residential. Zoning to the west consists of R-1 Single-Family Residential. Therefore, the subject property is suitable for the residential, commercial, and industrial/employment type of development proposed because it is surrounded by residential and employment uses at a relatively similar size and scale and/or helps transition land use areas and intensities between.
4. The proposed General Plan Amendment to Specific Planning Area No. 15 would be consistent with the goals and polices of the General Plan as a whole.
 - The General Plan allows for the establishment and administration of Specific Plan (SP) Zones in and establishes a designation for Specific Plan (SP) on the General Plan and Zoning maps.
 - The proposed Specific Plan guides future investments to protect our quality of life. Future corridor improvements should provide cohesive and more complete communities. The South Centre City Specific Plan provides opportunities for a more livable community.
 - The proposed Specific Plan identifies sites for specific types of development. New development should be well-integrated and located where the community expresses a preference for it. The proposed Specific Plan is grounded in community-supported

solutions, which were developed by the many residents, businesses, and other community members that expressed their vision for it. New zoning standards help ensure that new development fits in to existing neighborhoods. New design guidelines help incorporate the site or building amenities that are important to the corridor.

- The proposed Specific Plan promotes public health and safety. Some areas within the planning area are envisioned to be future activity centers that are close to a mixture of land uses, including housing, schools, retail and services, and public amenities. Well-integrated projects can be more convenient for drivers, transit users, pedestrians and bicyclists—making our community a better place to live.
- The proposed Specific Plan benefits our local economy. Local businesses see many benefits from redevelopment; and from improved walking, biking and transit accessibility.
- The proposed Specific Plan protects the environment by incorporating key ingredients of sustainability to reduce water and electricity use, and reduce air pollution and greenhouse gas emissions.

EXHIBIT "B"

GENERAL PLAN AMENDMENT

Each parcel associated with the proposed General Plan Amendment and Rezone:

APNs	Existing Zoning	Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation	Proposed Zoning
2360620600	R-5-30	U5	SP#15	SPA
2331002400	M-2(CD)	IO	SP#15	SPA
2362233500	OS-P	P	SP#15	SPA
2381522319	PD-MU	GC	SP#15	SPA
2381303201	R-3-18	U3	SP#15	SPA
2381414305	PD-R-18	U3	SP#15	SPA
2364607800	C-G	GC	SP#15	SPA
2360320100	C-G	GC	SP#15	SPA
2381522417	PD-MU	GC	SP#15	SPA
2332120900	R-5-30	U5	SP#15	SPA
2381303341	R-3-18	U3	SP#15	SPA
2332311300	R-5-30	U5	SP#15	SPA
2381522412	PD-MU	GC	SP#15	SPA
2362237600	R-4-24	U4	SP#15	SPA
2381303349	R-3-18	U3	SP#15	SPA
2362233400	C-G	GC	SP#15	SPA
2381303352	R-3-18	U3	SP#15	SPA
2360621200	R-5-30	U5	SP#15	SPA
2361201600	C-G	GC	SP#15	SPA
2381303800	PD-C	GC	SP#15	SPA
2362524648	R-3-18	U3	SP#15	SPA
2365301300	PD-R-15.9	GC	SP#15	SPA
2333610700	R-5-30	U5	SP#15	SPA
2362524653	R-3-18	U3	SP#15	SPA
2381414222	PD-R-18	U3	SP#15	SPA
2333510400	R-2-12	U2	SP#15	SPA
2335010600	C-G	GC	SP#15	SPA
2362604100	C-G	GC	SP#15	SPA
2332121100	R-5-30	U5	SP#15	SPA
2381522100	PD-MU	GC	SP#15	SPA
2362600200	C-G	GC	SP#15	SPA
2381413800	C-G	GC	SP#15	SPA
2361121100	C-G	GC	SP#15	SPA
2332210800	R-2-12	U2	SP#15	SPA

2361722918	R-5-30	U5	SP#15	SPA
2360320700	R-1-7	U1	SP#15	SPA
2381303223	R-3-18	U3	SP#15	SPA
2362524610	R-3-18	U3	SP#15	SPA
2335110500	R-5-30	U5	SP#15	SPA
2333510900	C-G	GC	SP#15	SPA
2333321300	C-G	GC	SP#15	SPA
2332020200	R-2-12	U2	SP#15	SPA
2381303229	R-3-18	U3	SP#15	SPA
2362236200	C-G	GC	SP#15	SPA
2333710500	R-5-30	U5	SP#15	SPA
2333511300	C-G	GC	SP#15	SPA
2381303205	R-3-18	U3	SP#15	SPA
2362524613	R-3-18	U3	SP#15	SPA
2360940800	R-1-7	U1	SP#15	SPA
2362524800	C-G	GC	SP#15	SPA
2360321300	R-1-7	U1	SP#15	SPA
2381303333	R-3-18	U3	SP#15	SPA
2332110400	C-G	IO	SP#15	SPA
2381522406	PD-MU	GC	SP#15	SPA
2361711300	R-5-30	U5	SP#15	SPA
2381303345	R-3-18	U3	SP#15	SPA
2362524631	R-3-18	U3	SP#15	SPA
2381414210	PD-R-18	U3	SP#15	SPA
2332421500	C-G	GC	SP#15	SPA
2361201500	C-G	GC	SP#15	SPA
2381520600	C-G	GC	SP#15	SPA
2333511100	C-G	GC	SP#15	SPA
2361011100	R-2-12	U2	SP#15	SPA
2335011500	R-5-30	U5	SP#15	SPA
2361720600	C-G	GC	SP#15	SPA
2335121600	C-G	GC	SP#15	SPA
2362524514	R-3-18	U3	SP#15	SPA
2363900200	C-G	GC	SP#15	SPA
2333421300	R-5-30	U5	SP#15	SPA
2381414325	PD-R-18	U3	SP#15	SPA
2362542100	PD-C	GC	SP#15	SPA
2361722700	R-5-30	U5	SP#15	SPA
2362524619	R-3-18	U3	SP#15	SPA
2360420800	R-1-7	U1	SP#15	SPA
2362524527	R-3-18	U3	SP#15	SPA

2365302000	PD-R-15.9	GC	SP#15	SPA
2331920500	M-2	IO	SP#15	SPA
2381414223	PD-R-18	U3	SP#15	SPA
2381303221	R-3-18	U3	SP#15	SPA
2332021800	R-2-12	U2	SP#15	SPA
2330311100	M-2	IO	SP#15	SPA
2360510900	R-2-12	U2	SP#15	SPA
2361721400	C-G	GC	SP#15	SPA
2332211000	R-2-12	U2	SP#15	SPA
2360320800	R-1-7	U1	SP#15	SPA
2362240500	PD-MU	GC	SP#15	SPA
2332211400	R-2-12	U2	SP#15	SPA
2362524525	R-3-18	U3	SP#15	SPA
2331001300	M-2	IO	SP#15	SPA
2360420600	R-1-7	U1	SP#15	SPA
2361202000	C-G	GC	SP#15	SPA
2381414321	PD-R-18	U3	SP#15	SPA
2381414327	PD-R-18	U3	SP#15	SPA
2362234800	R-4-24	U4	SP#15	SPA
2381414204	PD-R-18	U3	SP#15	SPA
2381303337	R-3-18	U3	SP#15	SPA
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2365302100	PD-R-15.9	GC	SP#15	SPA
2335110900	R-5-30	U5	SP#15	SPA
2361122800	R-5-30	U5	SP#15	SPA
2381522426	PD-MU	GC	SP#15	SPA
2360610600	R-2-12	U2	SP#15	SPA
2362524544	R-3-18	U3	SP#15	SPA
2362524520	R-3-18	U3	SP#15	SPA
2362524536	R-3-18	U3	SP#15	SPA
2331311600	M-1	IO	SP#15	SPA
2333420300	R-5-30	U5	SP#15	SPA
2360510300	C-G	GC	SP#15	SPA
2360610500	R-2-12	U2	SP#15	SPA
2381301100	C-G	GC	SP#15	SPA
2360511600	R-2-12	U2	SP#15	SPA
2361621100	C-G	GC	SP#15	SPA
2381414239	PD-R-18	U3	SP#15	SPA
2333410600	R-2-12	U2	SP#15	SPA
2362524621	R-3-18	U3	SP#15	SPA
2332210900	R-2-12	U2	SP#15	SPA

2362603900	C-G	GC	SP#15	SPA
2335110600	R-5-30	U5	SP#15	SPA
2360610200	R-2-12	U2	SP#15	SPA
2361010700	R-2-12	U2	SP#15	SPA
2362237700	R-4-24	U4	SP#15	SPA
2381522313	PD-MU	GC	SP#15	SPA
2333711400	C-G	GC	SP#15	SPA
2361722500	R-5-30	U5	SP#15	SPA
2335111000	R-5-30	U5	SP#15	SPA
2332021300	R-2-12	U2	SP#15	SPA
2361721500	C-G	GC	SP#15	SPA
2381303227	R-3-18	U3	SP#15	SPA
2362524515	R-3-18	U3	SP#15	SPA
2381303340	R-3-18	U3	SP#15	SPA
2381414203	PD-R-18	U3	SP#15	SPA
2362524504	R-3-18	U3	SP#15	SPA
2381411800	C-G	GC	SP#15	SPA
2333611100	R-5-30	U5	SP#15	SPA
2333410300	R-2-12	U2	SP#15	SPA
2361711500	R-5-30	U5	SP#15	SPA
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2333220600	R-2-12	U2	SP#15	SPA
2333320100	R-2-12	U2	SP#15	SPA
2381522309	PD-MU	GC	SP#15	SPA
2381522422	PD-MU	GC	SP#15	SPA
7723815102	C-G	GC	SP#15	SPA
2331001400	M-2	IO	SP#15	SPA
2362524640	R-3-18	U3	SP#15	SPA
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2335121700	C-G	GC	SP#15	SPA
2332111000	M-2	IO	SP#15	SPA
2333710600	R-5-30	U5	SP#15	SPA
2331110300	M-1	IO	SP#15	SPA
2332311500	R-5-30	U5	SP#15	SPA
2361121500	C-G	GC	SP#15	SPA
2332311400	R-5-30	U5	SP#15	SPA
2365301000	PD-R-15.9	GC	SP#15	SPA
2360520900	R-5-30	U5	SP#15	SPA
2362524551	R-3-18	U3	SP#15	SPA
2362230800	C-G	GC	SP#15	SPA
2360920500	R-2-12	U2	SP#15	SPA

2332121505	R-5-30	U5	SP#15	SPA
2361722916	R-5-30	U5	SP#15	SPA
2381522310	PD-MU	GC	SP#15	SPA
2363022000	C-G	GC	SP#15	SPA
2362235000	R-4-24	U4	SP#15	SPA
2362524538	R-3-18	U3	SP#15	SPA
2364606300	C-G	GC	SP#15	SPA
2332020600	R-2-12	U2	SP#15	SPA
2335110100	R-5-30	U5	SP#15	SPA
2335011701	C-G	GC	SP#15	SPA
2365301900	PD-R-15.9	GC	SP#15	SPA
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2330311400	M-2	IO	SP#15	SPA
2360320600	R-2-15	U2	SP#15	SPA
2362524505	R-3-18	U3	SP#15	SPA
2332220300	R-5-30	U5	SP#15	SPA
2333520300	R-5-30	U5	SP#15	SPA
2381522410	PD-MU	GC	SP#15	SPA
2362524626	R-3-18	U3	SP#15	SPA
2360941500	R-1-7	U1	SP#15	SPA
2381302600	C-G	GC	SP#15	SPA
7723815115	C-G	GC	SP#15	SPA
2360420300	R-1-7	U1	SP#15	SPA
2361110100	R-5-30	U5	SP#15	SPA
2333420900	R-5-30	U5	SP#15	SPA
2381414331	PD-R-18	U3	SP#15	SPA
2331310600	M-1	IO	SP#15	SPA
2333411500	R-2-12	U2	SP#15	SPA
2381522325	PD-MU	GC	SP#15	SPA
2360420500	R-1-7	U1	SP#15	SPA
2362235100	R-4-24	U4	SP#15	SPA
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2381521400	C-G	GC	SP#15	SPA
2360521200	R-5-30	U5	SP#15	SPA
2381303348	R-3-18	U3	SP#15	SPA
2362524526	R-3-18	U3	SP#15	SPA
2381414202	PD-R-18	U3	SP#15	SPA
2333321900	R-2-12	U2	SP#15	SPA
2381303350	R-3-18	U3	SP#15	SPA
2361010300	R-2-12	U2	SP#15	SPA

2361121300	C-G	GC	SP#15	SPA
2333420800	R-5-30	U5	SP#15	SPA
2362524513	R-3-18	U3	SP#15	SPA
2381522302	PD-MU	GC	SP#15	SPA
2332211500	R-2-12	U2	SP#15	SPA
2335110700	C-G	GC	SP#15	SPA
2381410300	C-G	GC	SP#15	SPA
2360920400	R-2-12	U2	SP#15	SPA
2381414318	PD-R-18	U3	SP#15	SPA
2362241200	PD-MU	GC	SP#15	SPA
2362240100	PD-MU	GC	SP#15	SPA
2361722917	R-5-30	U5	SP#15	SPA
2361122000	C-G	GC	SP#15	SPA
2333220500	R-2-12	U2	SP#15	SPA
2360940200	R-1-7	U1	SP#15	SPA
2333520800	C-G	GC	SP#15	SPA
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2364600300	C-G	GC	SP#15	SPA
2362524700	C-G	GC	SP#15	SPA
2381413300	C-G	GC	SP#15	SPA
2332410200	R-5-30	U5	SP#15	SPA
2362550800	PD-C	GC	SP#15	SPA
2381414330	PD-R-18	U3	SP#15	SPA
2362542000	PD-C	GC	SP#15	SPA
2381414225	PD-R-18	U3	SP#15	SPA
2362241400	PD-MU	GC	SP#15	SPA
2362524635	R-3-18	U3	SP#15	SPA
2365300700	PD-R-15.9	GC	SP#15	SPA
2332221100	R-5-30	U5	SP#15	SPA
2361722913	R-5-30	U5	SP#15	SPA
2360511400	R-2-12	U2	SP#15	SPA
2362520500	C-G	GC	SP#15	SPA
2330211400	M-2	IO	SP#15	SPA
2361122500	R-5-30	U5	SP#15	SPA
2333321100	C-G	GC	SP#15	SPA
2361611500	C-G	GC	SP#15	SPA
2332110900	M-2	IO	SP#15	SPA
2362524900	C-G	GC	SP#15	SPA
2361802200	C-G	GC	SP#15	SPA

7723815118	C-G	GC	SP#15	SPA
2361110500	R-5-30	U5	SP#15	SPA
2362230200	R-4-24	U4	SP#15	SPA
2362603600	C-G	GC	SP#15	SPA
2333610400	R-5-30	U5	SP#15	SPA
2360920300	R-2-12	U2	SP#15	SPA
2362522600	C-G	GC	SP#15	SPA
2381414307	PD-R-18	U3	SP#15	SPA
2362524539	R-3-18	U3	SP#15	SPA
7723815110	C-G	GC	SP#15	SPA
2381521100	C-G	GC	SP#15	SPA
2360940700	R-1-7	U1	SP#15	SPA
2362235800	C-G	GC	SP#15	SPA
2361620700	R-5-30	U5	SP#15	SPA
2381303225	R-3-18	U3	SP#15	SPA
2362550600	PD-C	GC	SP#15	SPA
2362241300	PD-MU	GC	SP#15	SPA
2381522316	PD-MU	GC	SP#15	SPA
2360321000	R-1-7	U1	SP#15	SPA
2333320500	R-2-12	U2	SP#15	SPA
2381414232	PD-R-18	U3	SP#15	SPA
2361010500	R-2-12	U2	SP#15	SPA
2362524617	R-3-18	U3	SP#15	SPA
2362524656	R-3-18	U3	SP#15	SPA
2332311100	R-5-30	U5	SP#15	SPA
2361010100	R-2-12	U2	SP#15	SPA
2360321400	R-1-7	U1	SP#15	SPA
2381414209	PD-R-18	U3	SP#15	SPA
2360611300	R-2-12	U2	SP#15	SPA
2333721400	C-G	GC	SP#15	SPA
2363112800	C-G	GC	SP#15	SPA
2333710200	R-5-30	U5	SP#15	SPA
2360941400	R-1-7	U1	SP#15	SPA
2333520100	R-5-30	U5	SP#15	SPA
2360521600	C-G	GC	SP#15	SPA
2332021400	R-2-12	U2	SP#15	SPA
2381414207	PD-R-18	U3	SP#15	SPA
2333610800	R-5-30	U5	SP#15	SPA
2381414332	PD-R-18	U3	SP#15	SPA
2360910100	R-1-7	U1	SP#15	SPA
2360620400	R-5-30	U5	SP#15	SPA

2381414306	PD-R-18	U3	SP#15	SPA
2333410700	R-2-12	U2	SP#15	SPA
2333220300	R-2-12	U2	SP#15	SPA
2361120300	R-5-30	U5	SP#15	SPA
2335011800	R-5-30	U5	SP#15	SPA
2364602700	C-G	GC	SP#15	SPA
2362524552	R-3-18	U3	SP#15	SPA
2381414313	PD-R-18	U3	SP#15	SPA
2381303335	R-3-18	U3	SP#15	SPA
7601697400	M-2	IO	SP#15	SPA
2362524655	R-3-18	U3	SP#15	SPA
2331310100	M-1	IO	SP#15	SPA
2333721500	C-G	GC	SP#15	SPA
2331001700	M-2	IO	SP#15	SPA
2360320300	C-G	GC	SP#15	SPA
2362524512	R-3-18	U3	SP#15	SPA
2333221600	R-2-12	U2	SP#15	SPA
2361020900	C-G	GC	SP#15	SPA
2332411300	R-5-30	U5	SP#15	SPA
2362233100	R-4-24	U4	SP#15	SPA
2362232900	R-4-24	U4	SP#15	SPA
2362232800	R-4-24	U4	SP#15	SPA
2360610300	R-2-12	U2	SP#15	SPA
2362520900	C-G	GC	SP#15	SPA
2360620900	R-5-30	U5	SP#15	SPA
2333220700	R-2-12	U2	SP#15	SPA
7723815107	C-G	GC	SP#15	SPA
2360420700	R-1-7	U1	SP#15	SPA
2381414227	PD-R-18	U3	SP#15	SPA
2381521500	C-G	GC	SP#15	SPA
2362524503	R-3-18	U3	SP#15	SPA
2362550900	PD-C	GC	SP#15	SPA
2381522432	PD-MU	GC	SP#15	SPA
7723815116	C-G	GC	SP#15	SPA
2335111200	R-5-30	U5	SP#15	SPA
2333220400	R-2-12	U2	SP#15	SPA
2360941600	R-1-7	U1	SP#15	SPA
2333221200	R-2-12	U2	SP#15	SPA
2360620200	R-5-30	U5	SP#15	SPA
2333510200	R-2-12	U2	SP#15	SPA
2332210200	R-2-12	U2	SP#15	SPA

2381303356	R-3-18	U3	SP#15	SPA
2381303209	R-3-18	U3	SP#15	SPA
2360620300	R-5-30	U5	SP#15	SPA
2360620800	PD-R-13.15	U5	SP#15	SPA
2362524643	R-3-18	U3	SP#15	SPA
2381414302	PD-R-18	U3	SP#15	SPA
2332211200	R-2-12	U2	SP#15	SPA
2335011100	R-5-30	U5	SP#15	SPA
2381414233	PD-R-18	U3	SP#15	SPA
2381414316	PD-R-18	U3	SP#15	SPA
2360910200	R-1-7	U1	SP#15	SPA
2360611200	R-2-12	U2	SP#15	SPA
2381522314	PD-MU	GC	SP#15	SPA
2381303218	R-3-18	U3	SP#15	SPA
2333221400	R-2-12	U2	SP#15	SPA
2362524535	R-3-18	U3	SP#15	SPA
2381414216	PD-R-18	U3	SP#15	SPA
2331310900	M-1	IO	SP#15	SPA
2381303343	R-3-18	U3	SP#15	SPA
2333510100	R-2-12	U2	SP#15	SPA
2381414319	PD-R-18	U3	SP#15	SPA
2332411600	R-5-30	U5	SP#15	SPA
2362524616	R-3-18	U3	SP#15	SPA
2360611400	R-2-12	U2	SP#15	SPA
2381522307	PD-MU	GC	SP#15	SPA
2365301800	PD-R-15.9	GC	SP#15	SPA
2361710700	R-5-30	U5	SP#15	SPA
2360920600	R-2-12	U2	SP#15	SPA
2362524632	R-3-18	U3	SP#15	SPA
2331920700	M-2	IO	SP#15	SPA
2360421200	R-1-7	U1	SP#15	SPA
2335010400	C-G	GC	SP#15	SPA
2360620500	R-5-30	U5	SP#15	SPA
2365300800	PD-R-15.9	GC	SP#15	SPA
2360930300	PD-C	PC	SP#15	SPA
2332020100	R-2-12	U2	SP#15	SPA
2381414229	PD-R-18	U3	SP#15	SPA
7601699100	M-2	IO	SP#15	SPA
2364601600	C-G	GC	SP#15	SPA
2360940400	R-1-7	U1	SP#15	SPA
2381414240	PD-R-18	U3	SP#15	SPA

2360512000	PD-C	GC	SP#15	SPA
2332210400	R-2-12	U2	SP#15	SPA
2381522430	PD-MU	GC	SP#15	SPA
2362524546	R-3-18	U3	SP#15	SPA
2361610700	C-G	GC	SP#15	SPA
2360320900	R-1-7	U1	SP#15	SPA
2362521000	C-G	GC	SP#15	SPA
2361111000	R-5-30	U5	SP#15	SPA
2335111100	R-5-30	U5	SP#15	SPA
2363022100	R-3-18	U3	SP#15	SPA
2362235200	R-4-24	U4	SP#15	SPA
2333321500	C-G	GC	SP#15	SPA
2381414314	PD-R-18	U3	SP#15	SPA
2333610900	R-5-30	U5	SP#15	SPA
2381303334	R-3-18	U3	SP#15	SPA
2335120100	C-G	GC	SP#15	SPA
2335011600	C-G	GC	SP#15	SPA
2331001900	M-2	IO	SP#15	SPA
2381414224	PD-R-18	U3	SP#15	SPA
2362520300	C-G	GC	SP#15	SPA
2381522419	PD-MU	GC	SP#15	SPA
2361010900	R-2-12	U2	SP#15	SPA
2361120100	R-5-30	U5	SP#15	SPA
2332021600	R-2-12	U2	SP#15	SPA
2332121000	R-5-30	U5	SP#15	SPA
2333220100	R-2-12	U2	SP#15	SPA
2333610500	C-G	GC	SP#15	SPA
2360611100	R-2-12	U2	SP#15	SPA
2361720800	R-5-30	U5	SP#15	SPA
2360421400	R-1-7	U1	SP#15	SPA
2362235500	R-4-24	U4	SP#15	SPA
2331110600	M-1	IO	SP#15	SPA
2332411700	R-5-30	U5	SP#15	SPA
2362524516	R-3-18	U3	SP#15	SPA
2360420200	R-1-7	U1	SP#15	SPA
2381414218	PD-R-18	U3	SP#15	SPA
2381303203	R-3-18	U3	SP#15	SPA
2360940500	R-1-7	U1	SP#15	SPA
2361722903	R-5-30	U5	SP#15	SPA
2333420100	R-5-30	U5	SP#15	SPA
2333420200	R-5-30	U5	SP#15	SPA

2381522318	PD-MU	GC	SP#15	SPA
2381414221	PD-R-18	U3	SP#15	SPA
2362524517	R-3-18	U3	SP#15	SPA
2361722100	R-5-30	U5	SP#15	SPA
2333520400	R-5-30	U5	SP#15	SPA
2360611800	R-2-12	U2	SP#15	SPA
2381303214	R-3-18	U3	SP#15	SPA
2362523900	C-G	GC	SP#15	SPA
2331002500	M-2(CD)	IO	SP#15	SPA
2381303231	R-3-18	U3	SP#15	SPA
2331311100	M-1	IO	SP#15	SPA
2381303347	R-3-18	U3	SP#15	SPA
2381303224	R-3-18	U3	SP#15	SPA
2362524609	R-3-18	U3	SP#15	SPA
2360930400	PD-C	PC	SP#15	SPA
2365300900	PD-R-15.9	GC	SP#15	SPA
2361620600	R-5-30	U5	SP#15	SPA
2381414201	PD-R-18	U3	SP#15	SPA
2381414220	PD-R-18	U3	SP#15	SPA
2333410200	R-2-12	U2	SP#15	SPA
2361110400	R-5-30	U5	SP#15	SPA
2335011703	C-G	GC	SP#15	SPA
2360510700	R-2-12	U2	SP#15	SPA
2365300400	PD-R-15.9	GC	SP#15	SPA
2332410800	C-G	GC	SP#15	SPA
2332220500	R-5-30	U5	SP#15	SPA
2381522306	PD-MU	GC	SP#15	SPA
2381303500	C-G	GC	SP#15	SPA
2361120400	R-5-30	U5	SP#15	SPA
2331110700	M-1	IO	SP#15	SPA
2362235700	R-4-24	U4	SP#15	SPA
2332410900	C-G	GC	SP#15	SPA
2362240700	PD-MU	GC	SP#15	SPA
2331001200	M-2	IO	SP#15	SPA
2361120700	R-5-30	U5	SP#15	SPA
2330210800	M-2	IO	SP#15	SPA
2360520700	R-5-30	U5	SP#15	SPA
2362524501	R-3-18	U3	SP#15	SPA
2361711400	R-5-30	U5	SP#15	SPA
2361801700	C-G	GC	SP#15	SPA
2332121502	R-5-30	U5	SP#15	SPA

7723815113	C-G	GC	SP#15	SPA
2381303219	R-3-18	U3	SP#15	SPA
2362240600	PD-MU	GC	SP#15	SPA
2381303700	PD-C	GC	SP#15	SPA
2381522404	PD-MU	GC	SP#15	SPA
2361011000	R-2-12	U2	SP#15	SPA
2361010600	R-2-12	U2	SP#15	SPA
2381521600	C-G	GC	SP#15	SPA
2362524607	R-3-18	U3	SP#15	SPA
7601697200	C-G	GC	SP#15	SPA
2381414323	PD-R-18	U3	SP#15	SPA
2333421500	R-5-30	U5	SP#15	SPA
2360611600	R-2-12	U2	SP#15	SPA
2332020400	R-2-12	U2	SP#15	SPA
2335120200	C-G	GC	SP#15	SPA
2381414211	PD-R-18	U3	SP#15	SPA
2381303211	R-3-18	U3	SP#15	SPA
2360511000	R-2-12	U2	SP#15	SPA
2362550500	PD-C	GC	SP#15	SPA
2333510700	R-2-12	U2	SP#15	SPA
2381522322	PD-MU	GC	SP#15	SPA
2331920400	M-2	IO	SP#15	SPA
2332220900	R-5-30	U5	SP#15	SPA
2381522323	PD-MU	GC	SP#15	SPA
2381303232	R-3-18	U3	SP#15	SPA
2360521100	R-5-30	U5	SP#15	SPA
7723815112	C-G	GC	SP#15	SPA
2332020700	R-2-12	U2	SP#15	SPA
2331001800	M-2	IO	SP#15	SPA
2381303210	R-3-18	U3	SP#15	SPA
2362240400	PD-MU	GC	SP#15	SPA
2364607900	C-G	GC	SP#15	SPA
2333410900	R-2-12	U2	SP#15	SPA
2333511000	C-G	GC	SP#15	SPA
2332220600	R-5-30	U5	SP#15	SPA
2381414329	PD-R-18	U3	SP#15	SPA
2361722919	R-5-30	U5	SP#15	SPA
2363111200	R-3-18	U3	SP#15	SPA
7723815101	C-G	GC	SP#15	SPA
2362600400	C-G	GC	SP#15	SPA
2332220400	R-5-30	U5	SP#15	SPA

2333321800	R-2-12	U2	SP#15	SPA
2360611700	R-2-12	U2	SP#15	SPA
2362524627	R-3-18	U3	SP#15	SPA
2331921200	M-2	IO	SP#15	SPA
2363020100	C-G	GC	SP#15	SPA
2331121600	M-2	IO	SP#15	SPA
2381522427	PD-MU	GC	SP#15	SPA
2361722915	R-5-30	U5	SP#15	SPA
2362237500	C-G	GC	SP#15	SPA
2360620100	R-5-30	U5	SP#15	SPA
2362235400	R-4-24	U4	SP#15	SPA
2361030500	PD-C	PC	SP#15	SPA
2333710100	R-5-30	U5	SP#15	SPA
2381522411	PD-MU	GC	SP#15	SPA
2362241000	PD-MU	GC	SP#15	SPA
2381522321	PD-MU	GC	SP#15	SPA
2360521000	R-5-30	U5	SP#15	SPA
2381522327	PD-MU	GC	SP#15	SPA
2381303208	R-3-18	U3	SP#15	SPA
2381414328	PD-R-18	U3	SP#15	SPA
2361202800	C-G	GC	SP#15	SPA
2360940900	R-1-7	U1	SP#15	SPA
2333721600	C-G	GC	SP#15	SPA
2360510100	C-G	GC	SP#15	SPA
2381303204	R-3-18	U3	SP#15	SPA
2381414324	PD-R-18	U3	SP#15	SPA
2362524639	R-3-18	U3	SP#15	SPA
2362240200	PD-MU	GC	SP#15	SPA
2332421400	C-G	GC	SP#15	SPA
2362524534	R-3-18	U3	SP#15	SPA
2365300200	PD-R-15.9	GC	SP#15	SPA
2360941200	R-1-7	U1	SP#15	SPA
2361010200	R-2-12	U2	SP#15	SPA
2332411100	R-5-30	U5	SP#15	SPA
2362524547	R-3-18	U3	SP#15	SPA
2362550700	PD-C	GC	SP#15	SPA
2364607100	PD-MU	GC	SP#15	SPA
2362524608	R-3-18	U3	SP#15	SPA
2362236000	C-G	GC	SP#15	SPA
2335021200	C-G	GC	SP#15	SPA
2361123000	R-5-30	U5	SP#15	SPA

2381303338	R-3-18	U3	SP#15	SPA
2381414213	PD-R-18	U3	SP#15	SPA
2362603800	C-G	GC	SP#15	SPA
2362234700	R-4-24	U4	SP#15	SPA
2332211600	R-2-12	U2	SP#15	SPA
2360911300	R-1-7	U1	SP#15	SPA
2363113200	C-G	GC	SP#15	SPA
2333520500	R-5-30	U5	SP#15	SPA
2331001100	M-2	IO	SP#15	SPA
2362524508	R-3-18	U3	SP#15	SPA
2362524646	R-3-18	U3	SP#15	SPA
2362241600	PD-MU	GC	SP#15	SPA
2331311500	M-1	IO	SP#15	SPA
2332410100	R-5-30	U5	SP#15	SPA
7723815106	C-G	GC	SP#15	SPA
2333221300	R-2-12	U2	SP#15	SPA
2333411600	R-2-12	U2	SP#15	SPA
2331000300	M-2	IO	SP#15	SPA
2361722910	R-5-30	U5	SP#15	SPA
2381414235	PD-R-18	U3	SP#15	SPA
2361710100	R-5-30	U5	SP#15	SPA
2361121700	C-G	GC	SP#15	SPA
2362524630	R-3-18	U3	SP#15	SPA
2361722200	R-5-30	U5	SP#15	SPA
2362524633	R-3-18	U3	SP#15	SPA
2363905300	C-G	GC	SP#15	SPA
2364605400	C-G	GC	SP#15	SPA
2361110300	R-5-30	U5	SP#15	SPA
2381414309	PD-R-18	U3	SP#15	SPA
2332210500	R-2-12	U2	SP#15	SPA
2332121200	R-5-30	U5	SP#15	SPA
2332111200	C-G	IO	SP#15	SPA
2381522425	PD-MU	GC	SP#15	SPA
2362231400	C-G	GC	SP#15	SPA
2333610300	R-5-30	U5	SP#15	SPA
2381303400	C-G	GC	SP#15	SPA
2381303353	R-3-18	U3	SP#15	SPA
2381303100	PD-C	GC	SP#15	SPA
2362524523	R-3-18	U3	SP#15	SPA
2361202100	C-G	GC	SP#15	SPA
2381522421	PD-MU	GC	SP#15	SPA

2332121504	R-5-30	U5	SP#15	SPA
2332321600	C-G	GC	SP#15	SPA
2332110100	M-2	IO	SP#15	SPA
2362234900	R-4-24	U4	SP#15	SPA
2381414320	PD-R-18	U3	SP#15	SPA
2381522401	PD-MU	GC	SP#15	SPA
2333220200	R-2-12	U2	SP#15	SPA
2333710700	C-G	GC	SP#15	SPA
2365301200	PD-R-15.9	GC	SP#15	SPA
2333511400	C-G	GC	SP#15	SPA
2335010900	R-5-30	U5	SP#15	SPA
2331110800	M-1	IO	SP#15	SPA
2332020300	R-2-12	U2	SP#15	SPA
2381414303	PD-R-18	U3	SP#15	SPA
2381414219	PD-R-18	U3	SP#15	SPA
2381522402	PD-MU	GC	SP#15	SPA
2381522418	PD-MU	GC	SP#15	SPA
2361710300	R-5-30	U5	SP#15	SPA
2362234000	C-G	GC	SP#15	SPA
2381522428	PD-MU	GC	SP#15	SPA
2381303342	R-3-18	U3	SP#15	SPA
2360621000	R-5-30	U5	SP#15	SPA
2381414236	PD-R-18	U3	SP#15	SPA
2360321200	R-1-7	U1	SP#15	SPA
2362524601	R-3-18	U3	SP#15	SPA
2362553000	PD-C	GC	SP#15	SPA
2364606000	C-G	GC	SP#15	SPA
2332220800	R-5-30	U5	SP#15	SPA
2331921100	M-2	IO	SP#15	SPA
2333711700	C-G	GC	SP#15	SPA
2381414206	PD-R-18	U3	SP#15	SPA
2381303228	R-3-18	U3	SP#15	SPA
2332210600	R-2-12	U2	SP#15	SPA
2362236100	C-G	GC	SP#15	SPA
2332020500	R-2-12	U2	SP#15	SPA
2360941100	R-1-7	U1	SP#15	SPA
2381522326	PD-MU	GC	SP#15	SPA
2381303354	R-3-18	U3	SP#15	SPA
2333511500	C-G	GC	SP#15	SPA
2332311200	R-5-30	U5	SP#15	SPA
2361120200	R-5-30	U5	SP#15	SPA

2333611500	C-G	GC	SP#15	SPA
2331920300	M-2	IO	SP#15	SPA
2362524654	R-3-18	U3	SP#15	SPA
2332221000	R-5-30	U5	SP#15	SPA
2381303355	R-3-18	U3	SP#15	SPA
2361110200	R-5-30	U5	SP#15	SPA
2361120500	R-5-30	U5	SP#15	SPA
2362524511	R-3-18	U3	SP#15	SPA
2362520700	C-G	GC	SP#15	SPA
2381414231	PD-R-18	U3	SP#15	SPA
2335010700	C-G	GC	SP#15	SPA
2381520700	C-G	GC	SP#15	SPA
2361722400	R-5-30	U5	SP#15	SPA
2362524651	R-3-18	U3	SP#15	SPA
2361611600	C-G	GC	SP#15	SPA
2361110800	R-5-30	U5	SP#15	SPA
2362524537	R-3-18	U3	SP#15	SPA
2361722920	R-5-30	U5	SP#15	SPA
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7723815111	C-G	GC	SP#15	SPA
2362524533	R-3-18	U3	SP#15	SPA
2362524614	R-3-18	U3	SP#15	SPA
2381522413	PD-MU	GC	SP#15	SPA
2381303215	R-3-18	U3	SP#15	SPA
2364601900	C-G	GC	SP#15	SPA
7601697300	M-2	IO	SP#15	SPA
2381414226	PD-R-18	U3	SP#15	SPA
2360911200	R-1-7	U1	SP#15	SPA
2360511700	R-2-12	U2	SP#15	SPA
2361801800	C-G	GC	SP#15	SPA
2381303344	R-3-18	U3	SP#15	SPA
2333321200	C-G	GC	SP#15	SPA
2361722907	R-5-30	U5	SP#15	SPA
2362524524	R-3-18	U3	SP#15	SPA
2363905400	C-G	GC	SP#15	SPA
2381522414	PD-MU	GC	SP#15	SPA
2362523500	C-G	GC	SP#15	SPA
2365302300	PD-R-15.9	GC	SP#15	SPA
2362524624	R-3-18	U3	SP#15	SPA
2332221200	R-5-30	U5	SP#15	SPA
2362524549	R-3-18	U3	SP#15	SPA

2360421000	R-1-7	U1	SP#15	SPA
2361021000	R-5-30	U5	SP#15	SPA
2361122900	C-G/R-4.24	GC	SP#15	SPA
2381413700	C-G	GC	SP#15	SPA
2335011704	C-G	GC	SP#15	SPA
2360520400	C-G	GC	SP#15	SPA
2360611900	R-2-12	U2	SP#15	SPA
2362540200	C-G	GC	SP#15	SPA
2381414217	PD-R-18	U3	SP#15	SPA
2362524602	R-3-18	U3	SP#15	SPA
2362524545	R-3-18	U3	SP#15	SPA
2362524634	R-3-18	U3	SP#15	SPA
2333710300	R-5-30	U5	SP#15	SPA
2360521500	C-G	GC	SP#15	SPA
2361721100	R-5-30	U5	SP#15	SPA
2335010500	C-G	GC	SP#15	SPA
2381522420	PD-MU	GC	SP#15	SPA
2335011702	C-G	GC	SP#15	SPA
2381522000	C-G	GC	SP#15	SPA
2333321700	R-2-12	U2	SP#15	SPA
2381414215	PD-R-18	U3	SP#15	SPA
2333711500	C-G	GC	SP#15	SPA
2381414212	PD-R-18	U3	SP#15	SPA
2381414308	PD-R-18	U3	SP#15	SPA
2365301500	PD-R-15.9	GC	SP#15	SPA
2362524618	R-3-18	U3	SP#15	SPA
2362520400	C-G	GC	SP#15	SPA
2331110500	M-1	IO	SP#15	SPA
2332021500	R-2-12	U2	SP#15	SPA
2381303222	R-3-18	U3	SP#15	SPA
2381414301	PD-R-18	U3	SP#15	SPA
2332410400	R-5-30	U5	SP#15	SPA
2381522328	PD-MU	GC	SP#15	SPA
2331311400	C-G	IO	SP#15	SPA
2360510800	R-2-12	U2	SP#15	SPA
2381414214	PD-R-18	U3	SP#15	SPA
7601698900	M-2	IO	SP#15	SPA
2361722908	R-5-30	U5	SP#15	SPA
7602460600	M-2	IO	SP#15	SPA
2360521300	R-5-30	U5	SP#15	SPA
2360320500	C-G	GC	SP#15	SPA

2381522429	PD-MU	GC	SP#15	SPA
2333520900	C-G	GC	SP#15	SPA
2333521200	C-G	GC	SP#15	SPA
2360940100	R-1-7	U1	SP#15	SPA
2333621100	C-G	GC	SP#15	SPA
2381303346	R-3-18	U3	SP#15	SPA
2331002300	M-2	IO	SP#15	SPA
2332121507	R-5-30	U5	SP#15	SPA
2362520800	C-G	GC	SP#15	SPA
2362524628	R-3-18	U3	SP#15	SPA
2360321100	R-1-7	U1	SP#15	SPA
2362551500	PD-C	GC	SP#15	SPA
2362524528	R-3-18	U3	SP#15	SPA
2381522312	PD-MU	GC	SP#15	SPA
2331921300	M-2	IO	SP#15	SPA
2333510300	R-2-12	U2	SP#15	SPA
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2381414317	PD-R-18	U3	SP#15	SPA
2361722600	C-G	GC	SP#15	SPA
2362524604	R-3-18	U3	SP#15	SPA
2361711100	R-5-30	U5	SP#15	SPA
2332021100	R-2-12	U2	SP#15	SPA
2364607700	C-G	GC	SP#15	SPA
2361720300	R-5-30	U5	SP#15	SPA
2361610600	C-G	GC	SP#15	SPA
2381303336	R-3-18	U3	SP#15	SPA
2381303000	PD-C	GC	SP#15	SPA
2381522431	PD-MU	GC	SP#15	SPA
2333420500	R-5-30	U5	SP#15	SPA
2333320200	R-2-12	U2	SP#15	SPA
2361201900	C-G	GC	SP#15	SPA
2361110700	R-5-30	U5	SP#15	SPA
2361801600	PD-MU-40.12	GC	SP#15	SPA
2360910800	R-1-7	U1	SP#15	SPA
2362551000	PD-C	GC	SP#15	SPA
2362524638	R-3-18	U3	SP#15	SPA
2333322000	C-G	GC	SP#15	SPA
2360941000	R-1-7	U1	SP#15	SPA
2361722911	R-5-30	U5	SP#15	SPA
2331310500	M-1	IO	SP#15	SPA

2362524518	R-3-18	U3	SP#15	SPA
2361720500	R-5-30	U5	SP#15	SPA
2361722914	R-5-30	U5	SP#15	SPA
2381414237	PD-R-18	U3	SP#15	SPA
2364607000	PD-MU	GC	SP#15	SPA
2381522434	PD-MU	GC	SP#15	SPA
7601697500	M-2	IO	SP#15	SPA
2332210100	R-2-12	U2	SP#15	SPA
2333320400	R-2-12	U2	SP#15	SPA
2362524647	R-3-18	U3	SP#15	SPA
2361722902	R-5-30	U5	SP#15	SPA
2381303213	R-3-18	U3	SP#15	SPA
7723815104	C-G	GC	SP#15	SPA
2362211100	C-G	GC	SP#15	SPA
2335021300	C-G	GC	SP#15	SPA
2381522315	PD-MU	GC	SP#15	SPA
2333411400	R-2-12	U2	SP#15	SPA
2362551200	PD-C	GC	SP#15	SPA
2361720700	C-G	GC	SP#15	SPA
2361722000	R-5-30	U5	SP#15	SPA
2333221100	R-2-12	U2	SP#15	SPA
2361120800	R-5-30	U5	SP#15	SPA
2335011400	R-5-30	U5	SP#15	SPA
2333221500	R-2-12	U2	SP#15	SPA
2360620700	PD-R-13.15	U5	SP#15	SPA
2360930200	PD-C	PC	SP#15	SPA
2333421400	R-5-30	U5	SP#15	SPA
2332321500	C-G	GC	SP#15	SPA
2361201800	C-G	GC	SP#15	SPA
2360421300	R-1-7	U1	SP#15	SPA
2331002100	M-2	IO	SP#15	SPA
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2362551300	PD-C	GC	SP#15	SPA
2332020800	R-2-12	U2	SP#15	SPA
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2362524615	R-3-18	U3	SP#15	SPA
2362524612	R-3-18	U3	SP#15	SPA
2361020300	R-5-30	U5	SP#15	SPA
2363130100	C-G	GC	SP#15	SPA
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2362234400	R-4-24	U4	SP#15	SPA
2333420400	R-5-30	U5	SP#15	SPA
2360610100	R-2-12	U2	SP#15	SPA
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2361721300	C-G	GC	SP#15	SPA
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2361010400	R-2-12	U2	SP#15	SPA
2333411000	R-2-12	U2	SP#15	SPA
2361722904	R-5-30	U5	SP#15	SPA
2362524502	R-3-18	U3	SP#15	SPA
2381414326	PD-R-18	U3	SP#15	SPA
2362524620	R-3-18	U3	SP#15	SPA
2365301700	PD-R-15.9	GC	SP#15	SPA
2335011000	R-5-30	U5	SP#15	SPA
2365300600	PD-R-15.9	GC	SP#15	SPA
2335111600	C-G	GC	SP#15	SPA
2381303230	R-3-18	U3	SP#15	SPA
2381522324	PD-MU	GC	SP#15	SPA
2381414400	PD-R-30	GC	SP#15	SPA
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2362236700	C-G	GC	SP#15	SPA
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2332411200	R-5-30	U5	SP#15	SPA
2361620200	R-5-30	U5	SP#15	SPA
2361802100	C-G	GC	SP#15	SPA
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2360941300	R-1-7	U1	SP#15	SPA
2381303351	R-3-18	U3	SP#15	SPA
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2362524100	PD-MU	GC	SP#15	SPA
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2362524629	R-3-18	U3	SP#15	SPA
2360910300	R-1-7	U1	SP#15	SPA
2381522303	PD-MU	GC	SP#15	SPA
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2361122200	C-G	GC	SP#15	SPA
2332021000	R-2-12	U2	SP#15	SPA
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2361201700	C-G	GC	SP#15	SPA
2360621100	R-5-30	U5	SP#15	SPA
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2331000400	M-2	IO	SP#15	SPA
2333220800	R-2-12	U2	SP#15	SPA
2365300100	PD-R-15.9	GC	SP#15	SPA
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2381302700	C-G	GC	SP#15	SPA
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2381414322	PD-R-18	U3	SP#15	SPA
2362524507	R-3-18	U3	SP#15	SPA
2362524642	R-3-18	U3	SP#15	SPA
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2362524641	R-3-18	U3	SP#15	SPA
2381522407	PD-MU	GC	SP#15	SPA
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2361110900	R-5-30	U5	SP#15	SPA
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2333710400	R-5-30	U5	SP#15	SPA
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2361720100	R-5-30	U5	SP#15	SPA

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2362524622	R-3-18	U3	SP#15	SPA
2362241100	PD-MU	GC	SP#15	SPA
2362551400	PD-C	GC	SP#15	SPA
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2360421100	R-1-7	U1	SP#15	SPA
2333411100	R-2-12	U2	SP#15	SPA
2333321400	C-G	GC	SP#15	SPA
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2362241700	PD-MU	GC	SP#15	SPA
2362235300	R-4-24	U4	SP#15	SPA
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2362240900	PD-MU	GC	SP#15	SPA
2363810300	C-G	GC	SP#15	SPA
2381522320	PD-MU	GC	SP#15	SPA
2381522424	PD-MU	GC	SP#15	SPA
2381413400	PD-C/R1-10	U1	SP#15	SPA
2381303206	R-3-18	U3	SP#15	SPA
2360511100	R-2-12	U2	SP#15	SPA
2361122300	C-G	GC	SP#15	SPA
2362551100	PD-C	GC	SP#15	SPA
2332220200	R-5-30	U5	SP#15	SPA
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2333410400	R-2-12	U2	SP#15	SPA
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2362524550	R-3-18	U3	SP#15	SPA
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2331311000	M-1	IO	SP#15	SPA
2381414312	PD-R-18	U3	SP#15	SPA
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2381303212	R-3-18	U3	SP#15	SPA
2381522423	PD-MU	GC	SP#15	SPA
2332211100	R-2-12	U2	SP#15	SPA
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2381303226	R-3-18	U3	SP#15	SPA
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2332210700	R-2-12	U2	SP#15	SPA
2381522415	PD-MU	GC	SP#15	SPA
2360940300	R-1-7	U1	SP#15	SPA
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2363905700	C-G	GC	SP#15	SPA
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2333510500	R-2-12	U2	SP#15	SPA
2381303202	R-3-18	U3	SP#15	SPA
2333711600	C-G	GC	SP#15	SPA
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2360940600	R-1-7	U1	SP#15	SPA
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2331110400	M-1	IO	SP#15	SPA
7723815119	C-G	GC	SP#15	SPA
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2335020100	C-G	GC	SP#15	SPA
2332311000	R-5-30	U5	SP#15	SPA
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2362523800	C-G	GC	SP#15	SPA
2331001000	M-2	IO	SP#15	SPA
2360910500	R-1-7	U1	SP#15	SPA
2381303207	R-3-18	U3	SP#15	SPA
2362524625	R-3-18	U3	SP#15	SPA
2362521500	C-G	GC	SP#15	SPA
2362232700	R-4-24	U4	SP#15	SPA
2362232600	R-4-24	U4	SP#15	SPA

2362233000	R-4-24	U4	SP#15	SPA
2362233200	R-4-24	U4	SP#15	SPA

1. Land Use Element - Land Use Designations Map

The General Plan Land Use Map is amended as shown (incorporates PHG15-0003 / ENV 17-0005 land use mapping strategy described in the January 9, 2018 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the Specific Plan (SP) General Plan Land Use. The entire, existing General Plan land use map is on file with the Office of the City Clerk.

The map change amends the following in the General Plan Land Use Element:

- Page II-3, Figure II-1: Color of Project site to be changed to light gray (Specific Plan)
- Page II-38, Figure II-8: Project site to be labelled as SPA #15

2. Land Use Element - Specific Planning Areas

Amendments to the Land Use Element (~~strikeout~~ is used to denote existing text being deleted; underline is used to denote new text being added):

Page II-62: Graphic and text to be inserted for new SPA #15 and new Figure II-20, as follows:

15. South Centre City SPA #15

Location: The planning area extends 2.25 miles along Centre City Parkway and Escondido Boulevard, located in southwest Escondido.

Size: The planning area consists of about 420 acres of land in the neighborhoods surrounding Quince Street, South Escondido Boulevard, and Centre City Parkway (Figure II-20).

Current Status: Privately owned land consisting of various residential, commercial, and industrial/employment land uses and activities.

Adopted Plan Details: The South Centre City Specific Plan establishes goals, policies, allowable land uses, development standards and guidelines for this area, with a focus of guiding future investments to protect our quality of life.

SPA 15 Guiding Principles: The South Centre City Specific Plan brings together detailed regulations into a focused development scheme to improve community health, safety, sustainability, and economic prosperity, while respecting the unique character of South Centre City and preserving the southern gateway character. The guiding principles of the Specific Plan are to:

- 1) Incorporate smart growth principles which promote compact, walkable development patterns in close proximity to transit and strong multi-modal connections. Some areas

- within the planning area are envisioned to be future activity centers that are close to a mixture of land uses, including housing, schools, retail and services, and public amenities.
- 2) Identify sites for specific types of development of a variety of sizes and intensities, and include both new single use/type development in mixed-use settings, as well as more comprehensive mixed-use projects.
 - 3) The Specific Plan shall preserve the character of established residential neighborhoods along South Centre City Parkway and adjacent streets, while encouraging positive changes and revitalization. Increased building intensities and use types shall be focused along future activity centers. Maximum residential densities shall be 30 units per acre. New development standards and design guidelines will make sure that new development fits into its physical setting and transitions in scale and mass.
 - 4) The Specific Plan shall establish opportunities for urban linear parks, a shared use trail for pedestrians and bicyclists, and venues for public art.

Four (4) contiguous General Plan Target Areas were combined for the South Centre City Specific Plan, including the South Quince Street Target Area, the South Escondido Boulevard/Centre City Parkway Target Area, the South Escondido Boulevard/Felicita Avenue Target Area, and the Centre City Parkway/Brotherton Road Target Area. By design, the Specific Plan implements the principal core themes and associated "Guiding Principles" of each Target Area. Through detailed development regulations, the Specific Plan also ensures that future projects and investments within the planning area contribute to achieving the build-out vision of each Target Area.

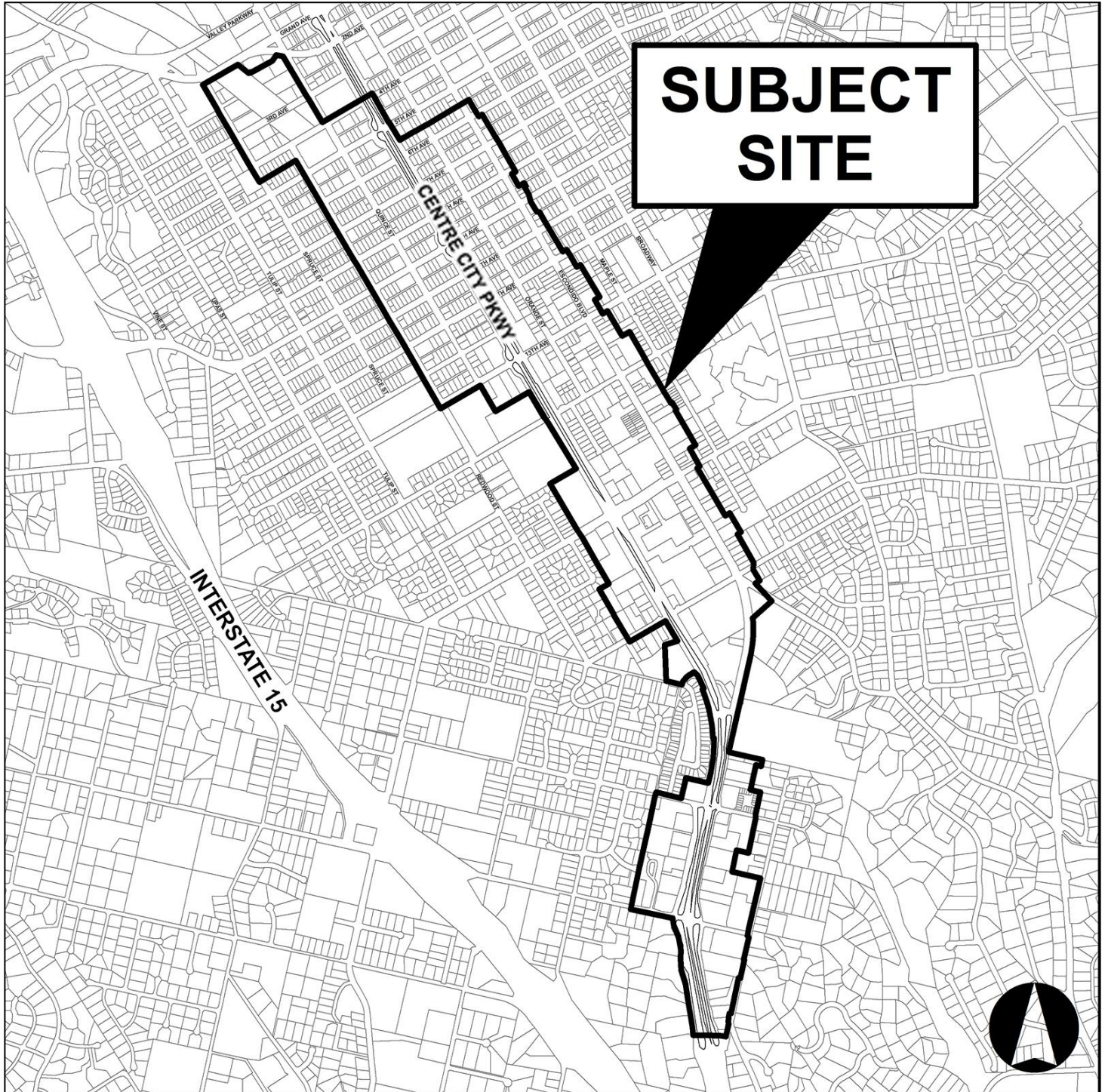


EXHIBIT "C"

INITIAL STUDY / NEGATIVE DECLARATION

Due to the number of pages of Exhibit C, a link has been provided to review the document electronically.

https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/SouthCentreCityAreaPlan/env/FinalISND_SCC.pdf

A hardcopy of the Exhibit is available for review in the Office of the City Clerk during normal business hours. To obtain a copy, please the City Clerk at (760) 839-4617. For City Council members, a copy is available in the City Council reading file.

ORDINANCE NO. 2018-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA; ADOPTING THE SOUTH CENTRE CITY SPECIFIC PLAN, ADOPTING AN AMENDMENT TO THE CITYWIDE ZONING MAP TO CHANGE THE DESIGNATION OF ALL PROPERTIES WITHIN THE PLANNING AREA TO SPECIFIC PLAN, REPEALING THE SOUTH ESCONDIDO BOULEVARD AREA PLAN, AND ADOPTING ZONING CODE AMENDMENTS TO ARTICLES 44 AND 65 TO SUPPORT THE IMPLEMENTATION OF THE SOUTH CENTRE CITY SPECIFIC PLAN

APPLICANT: City of Escondido
CASE NOS.: SUB 15-0003 / ENV 17-0005

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

SECTION 1. The City Council makes the following findings:

a) The City of Escondido has undertaken the development of a specific plan for the South Centre City planning area to provide a key land use and planning policy document to guide decision-making in the coming years for an area of the City comprising of approximately 420 acres, which extends 2.25 miles along Centre City Parkway and Escondido Boulevard. A verified application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case Nos. PHG 15-0003 and ENV 17-0005 and seeks approval of a Specific Plan and Rezone, among other things, relating to all properties within the planning area; and

b) Said application was processed in accordance with the rules and regulations of the Escondido Municipal and Zoning Codes, and the applicable

procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and CEQA (Public Resources Code Section 21000 et seq.); and

c) The City Council of the City of Escondido is authorized by State law to adopt, and from time to time, amend the General Plan governing the physical development of the City of Escondido. The City Council may also adopt more detailed plans relating to the manner of development of various areas of the City of Escondido, like the proposed Project, which includes a Specific Plan request. State law, Government Code Section 65450 et seq., provides for the preparation, adoption, and amendment of specific plans. In accordance with Government Code Section 65454, no Specific Plan may be adopted or amended unless the proposed plan or amendment is consistent with the General Plan. And in order for zoning and other measures to comply with consistency requirements, the General Plan itself must first be complete and adequate and must be internally consistent; and

d) The City Council has approved a General Plan Amendment to enable adoption of the South Centre City Specific Plan, per City Council Resolution No. 2018-20; and

e) Pursuant to the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), 14 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. Pursuant to CEQA and CEQA Guidelines, a Final Initial Study / Negative Declaration (IS/ND) relative to the Project was prepared and the City Council adopted it per City Council Resolution No. 2018-20; and

f) The Planning Division of the Community Development Department completed its review and scheduled a public hearing regarding the application before the Planning Commission on January 9, 2018. Following the public hearing on January 9, 2018, the Planning Commission adopted Resolution No. 6111, which recommended that the City Council, among other things, approve the Project's Specific Plan, Rezone, repeal the South Escondido Boulevard Area Plan, and adopt Zoning Code Amendments to Articles 44 and 65.

SECTION 2. An original copy of the proposed Specific Plan and Rezone and all other related Project materials are on file in the Office of the City Clerk, with a copy of each document submitted to the City Council for its consideration. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

SECTION 3. The City Council did on March 21, 2018, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a) Written information including all application materials and other written and graphical information.
- b) Oral testimony from City staff, interested parties, and the public.

c) The City Council staff report, dated March 21, 2018, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.

d) Additional information submitted during the public hearing.

SECTION 4. That upon consideration of the Findings/Factors to be Considered, attached as Exhibit "A" and incorporated herein by this reference as though fully set forth, the March 21, 2018, City Council staff report, the Planning Commission recommendation, based on the totality of the record and evidence described and referenced in this Ordinance, the City Council desires to adopt the proposed Specific Plan, called the "South Centre City Specific Plan," to govern the physical development of that area of the City of Escondido.

SECTION 5. A Rezone or text/map changes to the Citywide Zoning Map is necessary to provide consistency between the General Plan, Specific Plan, Municipal Code and Zoning Code. That the Citywide Zoning Map is hereby amended to change the zoning on the subject site to Specific Plan ("SP"), as set forth in "Exhibit B to City Council Resolution No. 2018-20" and incorporated herein by reference as though fully set forth herein.

SECTION 6. That the City Council hereby approves the South Centre City Specific Plan, attached as Exhibit "B," repeals the South Escondido Boulevard Area Plan, which was previously adopted by City Council Resolution No. 96-290, and approves amendments to Articles 44 and 65 of the Escondido Zoning Code, attached as Exhibit "C," to support the implementation of the South Centre City Specific Plan.

Exhibit “B” and Exhibit “C” are incorporated herein by this reference as though fully set forth herein.

SECTION 7. That subdivision 1 of section 5.3.5 “Parking, On-site Circulation, and Multi-Modal Transportation Linkages” shall be revised as follows to correct a clerical error and to ensure that new regulations do not unduly constrain new development (strikeout indicates deleted text and underline indicates new text).

8. ~~Parking shall be prohibited in all required setbacks, minimum BTL setbacks, and landscaped areas, except as provided in Sec. 33-168 of the EZC., except that surface parking and detached trellis/ pergola or other open-sided carports may be provided within a rear or interior side yard setback area as long as the parking pad and all parking-related improvements maintain a five (5) foot minimum setback from rear and/or interior side lot lines. Said parking areas or structures shall be screened by a combination of decorative walls and landscaping to minimize views and impact. Other types of parking and/or above ground parking structures or multi-level parking garages must comply with the main building setback. The foregoing setback requirements are to be reconsidered and potentially waived by the decision-maker if two or more adjoining lots have reciprocal access or shared parking arrangements and a separation of use is no longer practicable.~~

SECTION 8. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct

and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. Concurrently with this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described by the March 21, 2018, City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective within its corporate limits as a statute in the manner provided by state law. Therefore, this Ordinance shall become effective after final passage and publication as required by law, and operative only if City Council Resolution No. 2018-20 is approved.

SECTION 11. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 12. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 13. The Ordinance shall become effective 30 days from the date of the passage.

EXHIBIT "A"

FACTORS TO BE CONSIDERED / FINDINGS OF FACT

Rezone Determinations:

1. The proposed Rezone would change all properties within the Specific Plan planning area to Specific Plan (SP Zone). The change of zone is proposed in conjunction with a General Plan Amendment that would change the land use designation to Specific Planning Area No. 15 (SP #15) to allow and support many of the land use activities that are generally described as permitted or conditionally permitted in various districts and sub-districts of the Specific Plan. Approval of the General Plan Amendment alongside the Rezone would keep the project in conformance with Figure II-32 under Land Use Policy 2.3 in the General Plan, which matches General Plan land uses to their corresponding zoning categories.
2. The proposed Rezone is in conformance with the goals, policies, and objectives of the General Plan because the Project would facilitate and guide growth in accordance with the General Plan, which allows for the extension of the existing residential, commercial, and industrial/employment zoning patterns of the surrounding area. The proposed Rezone is consistent with, supports, or advances goals, policies, and objectives in other General Plan Elements. The Project supports the policies and goals of the General Plan by allowing the preservation of community character of the existing suburban residential neighborhood, while at the same time allowing strategic growth and development that is expressively allowed by the General Plan. The benefits conferred by orderly, well-designed development served by existing infrastructure and services and connected by transit, bicycle, and pedestrian networks with open space systems would be an amenity to existing and future residents. These benefits are consistent with the long term vision of sustainable growth stipulated in the General Plan, and the benefits help ensure the continued economic viability of the greater interests of the City.
3. The proposed Rezone would not be detrimental to the public interest, health, safety, convenience, or general welfare of the City because the development standards and building requirements allowed under the Rezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Public Works Department regulations, Health Department regulations, Zoning Code and approved Specific Plan standards, Fire Department standards, and Building and Safety Division regulations. The proposal meets the purpose of the Municipal and Zoning Codes as it would be consistent with the established rules of the proposed zoning districts.

Specific Plan Determinations:

1. There are special circumstances or conditions affecting the subject planning area, which makes the Specific Plan development proposal relevant in its ability to promote amenities beyond those expected under a conventional development and to achieve greater flexibility in design and context-sensitive use of land. In accordance with City policy and California Government Code Sections 65450 et seq., and in consideration of the different application types that could be processed on the subject property, a Specific Plan application with clustered development patterns is the appropriate zoning tool or mechanism that can be used by the City to guide future development on the subject property and to promote greater flexibility in site design.

As proposed, the City Council makes the finding that the planning area can be adequately, conveniently, and reasonably served by public conveniences, facilities, services and utilities because the planning area provides these amenities and services and/or it is immediately adjacent to established routes to commercial centers both walking, and via private transportation.

2. The proposed Specific Plan has been prepared in accordance with Sections 65450 - 65457 of the Government Code and satisfies the content requirements as specified therein.
3. Some of the properties identified to be included in the proposed Specific Plan are within the Old Escondido Neighborhood, South Escondido Boulevard Area Plan, and Mercado Area Plan, which are established land use and planning documents of the City of Escondido.
 - The City Council makes the finding that the boundary of the Old Escondido Neighborhood district will have to be updated to accommodate the boundary and geographic alignment of the proposed Specific Plan. This requires amendment to Article 44 of the Escondido Zoning Code.
 - The City Council further finds that the South Escondido Boulevard Area Plan needs to be repealed in its entirety.
 - The City Council also further finds that the proposed Specific Plan incorporates the Mercado Area Plan design overlay by reference, and no amendment to the Mercado Area Plan is needed.
4. A General Plan Amendment and Rezone is necessary to support the Specific Plan application and would ensure the proposed Project's consistency with the City's General Plan and Zoning Ordinance. All future development projects contributing to the build-out of the planning area would be subject to the applicable Specific Plan regulations, as well as other local, State, and Federal requirements pertaining to land use.

Zoning Code Amendment(s) Determinations:

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code Amendment to Article 44 (Home Occupations) because the application of the new Major Home Occupation Permit would not change the nature and primary function of the residential home or site. Although the addition of a major home occupation land use category type would expand the City's current policy of allowing residents to operate small businesses from their residence, it introduces a type of home based business that would generate a limited customer base, subject to new regulations. Future uses would be evaluated on a case-by-case basis and conditioned as appropriate to ensure adjacent land use and neighborhood compatibility. Therefore, residents may be able to carry on a business within their residence while protecting neighboring residents from excessive noise, traffic, nuisances, fire hazards and other possible potential negative impacts from the maintenance of a commercial use within a residential neighborhood.

The public health, safety and welfare would not be adversely affected by the proposed Zoning Code Amendment to Article 65 (Old Escondido Neighborhood) because the amendment helps implement the South Centre City Specific Plan proposal, which has been thoroughly analyzed for applicable environmental impacts. The purpose and intent of the Old Neighborhood Historic District is to preserve the single-family residential character and historic/cultural resources of the neighborhood. The proposed Zoning Code Amendment to Article 65 is to make a map figure change to remove one (1) parcel from the historic district and annex it into the South Centre City Specific Plan. The subject parcel already has commercial improvements on the site and said improvements do not constitute or represent a historical resource to the City. The current General Plan land use designation and zoning classification supports commercial development on this property, which would be further implemented through the proposed Specific Plan, which would also allow for commercial activities and development.

2. The proposed Zoning Code Amendments would not be detrimental to surrounding properties because future uses and activities would be restricted to those with negligible impacts on surrounding properties. Any compatibility issues would be analyzed and addressed as part of the city-facilitated review process, consider the unique context of the request, on a case-by-case basis.

3. The General Plan contains a variety of standards, goals, and policies aimed at improving the quality of life for City residents. The proposed Zoning Code Amendments are consistent with these policies and objectives in that they help contribute to the unique identity that is Escondido, contributes to the building of community unity and cohesiveness, and helps provide balance in order for the community provide adequate live, work, and play environments.
4. The proposed Zoning Code Amendment would not affect nor conflict with any adopted specific plans and would help implement the South Centre City Specific Plan.

Proceedings:

1. The Record of Proceedings upon which the City Council bases its decision includes, but is not limited to: (1) the Final Initial Study / Negative Declaration (IS/ND) and the appendices and technical reports cited in and/or relied upon in preparing the Final IS/ND; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Final IS/ND and the Project itself; (3) the evidence, facts, findings and other determinations set forth in herein; (4) the General Plan and the Escondido Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Final IS/ND and the Project itself; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Final IS/ND and/or elsewhere during the course of the review of the Project itself; (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

EXHIBIT "B"

SPECIFIC PLAN

Due to the number of pages of Exhibit B, a link has been provided to review the document electronically.

<https://www.escondido.org/south-centre-city-area-plan.aspx>

A hardcopy of the Exhibit is available for review in the Office of the City Clerk during normal business hours. To obtain a copy, please the City Clerk at (760) 839-4617. For City Council members, a copy is available in the City Council reading file

EXHIBIT "C"

ZONING CODE AMENDMENTS

Amend the various Zoning Code sections to read as specified below in the two (2) sections. The changes are listed in order by section number, with ~~strikeout~~ typeface illustrating deletions and underline typeface illustrating new text.

SECTION 1

ARTICLE 44. HOME OCCUPATIONS

Sec. 33-850. Permit required.

A legally established dwelling unit shall not be used for business purposes unless a home occupation permit (major or minor) has first been issued by the ~~planning department~~ Planning Division of the Community Development Department. A cottage food operation, as defined in the California Homemade Food Act, shall obtain a minor home occupation permit.

Sec. 33-851. Procedure.

The ~~director of community development~~ Director of Community Development may, upon application, issue a home occupation permit which shall state the home occupation permitted, the conditions attached, and any time limitations thereon. The permit shall not be issued unless the director is satisfied that the applicant will ~~meet~~ comply with all the conditions listed in ~~section~~ Sections 33-852 to 33-854 of this article and the applicant has agreed in writing to comply with the conditions.

Sec. 33-852. ~~Conditions~~ Minor Home Occupation Permits.

A minor home occupation permit is required for any business operated in a dwelling unit or accessory building which has little to no external indication of commercial activity and which is not a major home occupation, as authorized by Section 33-853. Each and every one of the following conditions must be observed at all times by the holder of a minor home occupation permit.

- (a) Employees. Employees or assistants who are not occupants of the dwelling shall not be employed on the premises, except where specifically permitted by law.
- (b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed twenty-five (25) percent of the total floor area of ~~said structures~~ all legal structures on the premises. ~~Required residential parking shall be maintained and available for residential parking.~~
- (c) Inventory and supplies for the home occupation shall not occupy more than fifty (50) percent of the permitted home occupation area.
- (d) No structural alterations to the interior of the dwelling are permitted for the occupation if they would make it difficult to return the dwelling to exclusive residential use. External changes, which make the dwelling appear less residential in nature or function are prohibited.
- (e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence.
- ~~(d)~~(f) No customer services or sales of goods, wares or merchandise shall be made on the premises, except where specifically permitted by law.
- ~~(e)~~(g) Signs.
 - 1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.
 - 2) Residential addresses shall not be used in any advertising (i.e. newspaper advertisements, bulletin boards, paid electronic advertisements, and the like) unless otherwise required by

law. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property.

- ~~(f)~~(h) No display of any kind shall be visible from the exterior of the premises.
- (i) Parking.
- 1) Required residential parking shall be maintained and available for residential parking.
 - 2) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.
 - 3) No more than one (1) business vehicle and one (1) trailer is allowed for each resident involved in the home occupation.
- ~~(g)~~(l) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.
- (k) On-site manufacturing is prohibited as a minor home occupation, with the exception of custom and visual art crafts (e.g. jewelry, art, ceramics, etc.), custom sewing and fabric crafts, and light wood working.
- ~~(h)~~ ~~All maintenance, service, or commercial vehicles, trailers and equipment, or any vehicle bearing any advertisement related to the home occupation or any other similar vehicle shall be parked or stored entirely within a building or structure. Required residential parking shall be maintained and available for parking related to the residential use.~~
- ~~(i)~~(l) Traffic.
- 1) The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
 - 2) Customers. On-site customers are prohibited.
 - 3) Deliveries or pick-ups by normal delivery services shall occur between 8:00 am and 5:00 pm. No more than two (2) deliveries per day.
- ~~(j)~~ ~~There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and city laws and ordinances.~~
- ~~(k)~~ ~~The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.~~
- ~~(l)~~ ~~The home occupation shall not create impacts on municipal or utility services or community facilities from hazardous materials and other materials introduced into the wastewater system in excess of levels usually and customarily related to residential uses.~~
- ~~(m)~~ ~~The home occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception of the neighborhood by reason of color, design, materials, construction, lighting, odors, sounds, noises or vibrations.~~
- ~~(n)~~ ~~Any special condition established by the director and made of record in the home occupation permit, as he or she may deem necessary to carry out the intent of this section, shall be met.~~
- ~~(o)~~(m) Cottage food operations. The following conditions shall apply to a minor home occupation for a cottage food operation.
- 1) No more than one (1) home occupation permit for cottage food operations is permissible per legally established dwelling unit.
 - 2) ~~(p)~~ No more than one (1) part-time non-resident cottage food operation employee is allowed on the premises at a time.
 - 3) ~~(q)~~ On-premises customers and non-resident employee(s) of a CFO are limited to 8:00 a.m. to 5:00 p.m., forty (40) hours per week maximum. The required residential parking for the dwelling unit shall not be used by the CFO customers and employee(s).
 - 4) A cottage food operation shall comply with all other limitations of the California Homemade Food Act, which may be amended over time.
- ~~(r)~~ ~~All home occupation permits are subject to immediate cancellation in the event that the zoning regulations applicable to the premises are amended to prohibit such use.~~
- (n) Notwithstanding the above, all minor home occupations are also subject to the general conditions listed in Section 33-854.

Sec. 33-853. Major Home Occupation Permits.

A major home occupation permit is required for any business operated in a dwelling unit or accessory building which may have or has external indication of commercial activity, but remains a home occupation and not a primary business. Each and every one of the following conditions must be observed at all times by the holder of a major home occupation permit.

- (a) Employees. Only members of the family or household residing on the premises, and no more than two (2) non-residents who commute to the home to work, may be continuously employed at any one time on the site, except where specifically permitted by law. For the purposes of this Article, a non-resident employee includes an employee, business partner, co-owner, or other person affiliated with the major home occupation who does not reside on the site, but who visits the site as part of the home occupation. This provision does not allow employee shifts, with each shift staffed by different non-resident employees even when only two (2) non-resident employees are at the site at any one time.
- (b) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed thirty-three (33) percent of the total floor area of all legal structures on the premises.
- (c) Inventory and supplies for the home occupation shall not occupy more than fifty (50) percent of the permitted home occupation area.
- (d) Although the dwelling and site must remain residential in appearance, internal or external changes may be necessary to support the home occupation, such as lighting and access control.
- (e) No storage of equipment, appliances, materials, or supplies shall be permitted where visible from the exterior of the property other than that storage normally found on the premises of a residence, except for the outdoor storage of soft landscaping materials. The outdoor storage of said soft landscaping materials is permitted only if the material is not visible from the public right-of-way. The storage of said materials must also not create a nuisance to surrounding property owners.
- (f) Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair styling services), except for merchandise crafted on-site (e.g. crafts and artwork).
- (g) Signs.
 - 1) No sign or advertising shall be displayed on the premises except where specifically required by law. Any required signs shall be no larger than the minimum size required by law.
 - 2) Residential addresses may be used in print or electronic advertising provided that it is made clear that any on all on-site services are provided and/or offered by appointment only. Business cards and letterhead are not included in this requirement and may be permitted provided that they do not draw attention or customers to the property as drop-in or unannounced visits.
- (h) No display of any kind shall be visible from the exterior of the premises.
- (i) Parking.
 - 1) Required residential parking shall be maintained and available for residential parking.
 - 2) Home occupations with customer access shall maintain a driveway with a minimum depth of 20 feet from the back of sidewalk, or edge of public right-of-way if no sidewalk exists, and be made available to customers or non-resident employees during business hours.
 - 3) The site shall have adequate on-site parking to accommodate the anticipated additional traffic or parking demand resulting from the proposed home occupation use, which may limit the intensity of home occupation types.
 - 4) With the exception of approved driveways, and supplemental parking allowances per Section 33-110, no parking shall be allowed in required front or side yard setbacks.
 - 5) All maintenance, service, or commercial vehicles, trailers or equipment shall be parked or stored entirely within a building or structure. Other vehicles that bear advertisements associated with the home occupation, which may be used for personal use, must be parked or stored entirely within a building or structure or parked in a screened area so that the vehicle is not visible from the public right-of-way.
- (j) No mechanical or electrical apparatus, equipment or tools shall be permitted except those items which are commonly associated with residential use or use customary to home crafts.
- (k) Traffic.

- 1) The home occupation shall not generate pedestrian or vehicular traffic that noticeably affects the residential character of the neighborhood.
 - 2) Customers. No more than eight (8) clients or customers shall be on the premises in any one (1) day.
 - 3) Traffic, which exceeds eight (8) clients, customers, normal deliveries, or combination thereof per day, shall be a prima facie evidence that the activity is a primary business and not a home occupation.
 - 4) Customer or client business-related visits and non-resident employee arrivals and departures shall occur between 8:00 am and 8:00 pm.
 - 5) Deliveries or pick-ups by normal delivery services shall occur between 8:00 am and 5:00 pm.
- (l) If the major home occupation is to be conducted from rental property, the property owner's authorization for the proposed use shall be obtained prior to approval.
- (m) Notwithstanding the above, all major home occupations are also subject to the general conditions listed in Section 33-854.

Sec. 33-854. General Conditions.

The following conditions are applicable to minor and major home occupations, in addition to the conditions provided for in Section 33-852 for minor home occupations and Section 33-853 for major home occupations.

- (a) Any special condition established by the Director and made of record in the home occupation permit, as he or she may deem necessary to carry out the intent of this section, shall be met.
- (b) Prohibited uses. The following uses are not incidental and secondary to the use of the dwelling as a residence nor are they compatible with surrounding residential uses and shall be prohibited as home occupations, notwithstanding the provisions of any other Section of this Article.
 - 1) Motor vehicle, trailer, boat, and heavy equipment repair or restoration (body or mechanical), upholstery, and painting;
 - 2) Vehicle services, including stereo and car alarm installation, and on-site vehicle detailing (washing, waxing, etc.);
 - 3) Vehicle on-site sales;
 - 4) Medical or professional clinics;
 - 5) Veterinary clinics;
 - 6) Commercial kennels and on-site pet day care facilities;
 - 7) Massage establishments;
 - 8) Tattoo and/or body art/piercing establishments;
 - 9) Ammunition, explosives, or fireworks sales, use, or manufacturing;
 - 10) Manufacture of any type of fuel(s) for use, storage, dispensing, or sales; and
 - 11) Other similar uses determined by the Director not to be incidental or secondary to or compatible with residential activities.
- (c) There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and city laws and ordinances.
- (d) The home occupation shall not create impacts on municipal or utility services or community facilities from hazardous materials and other materials introduced into the wastewater system in excess of levels usually and customarily related to residential uses.
- (e) The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.
- (f) The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not alter the residential character of the premises.
- (g) The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood as follows:
 - 1) No excessive mechanical equipment which produces vibration, smoke, dust, odors, heat, glare, or noxious fumes resulting from a home occupation or interferes with radio and television reception, shall exceed that which is normally produced in a single-family dwelling.

- 2) Any noise generated by the home occupation shall be consistent with the requirements of Article 12 (Noise Abatement and Control) of Chapter 17 (Offenses) of the Escondido Municipal Code.
 - 3) No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.
- (h) All home occupation permits are subject to immediate cancellation in the event that the zoning regulations applicable to the premises are amended to prohibit such use.
- (i) A home occupation permit issued to one person shall not be transferable to any other person, entity, or business, and is valid only for the property address set forth in the permit.

Sec. ~~33-85333-855~~. Noncompliance.

Any home occupation permit shall be revoked by the ~~director~~Director of Community Development upon violation of any requirements of this article, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within three (3) days of the giving of written notice thereof. A permit may be revoked for repeated violation of the requirements of this article, notwithstanding compliance with the notice.

Sec. ~~33-85433-856~~. Denial or revocation.

In the event of denial of any permit, or the revocation thereof, or of objection to the limitations placed thereon, appeal may be had to the ~~planning commission~~Planning Commission, whose decision shall be final.

Sec. ~~33-85533-857~~. Business license also required.

A home occupation permit is not a business license and the granting of a home occupation permit shall not relieve the permittee of any other requirements of this code pertaining to business licenses and license taxes.

SECTION 2

ARTICLE 65

The adoption of the South Centre City Specific Plan changes the boundary for the Old Escondido Neighborhood Historic District Overlay Zone.

Each parcel associated with the annexation from the Old Escondido Neighborhood Historic District Overlay Zone to Specific Plan No. 15 (SP#15) Zoning Designation:

APNs	Existing Overlay Zone	Proposed Zone
2332321600	CG-General Commercial – Old Escondido Neighborhood Historic District	SP#15

1. Official Old Escondido Neighborhood Historic District Map (Section 33-1371 of the Escondido Zoning Code)

That the Official Old Escondido Neighborhood Zoning Overlay Map, is to be reconciled to incorporate the PHG15-0003 / ENV 17-0005 land use mapping strategy described in the January 9, 2018 Planning Commission staff report, and as described in Attachment PC-4. This action changes the geographic alignment of the Old Escondido Neighborhood Historic District Overlay Zone Map. The existing, complete Map being amended is on file with the Office of the City Clerk.

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 16

March 21, 2018

File No. 0810-20

SUBJECT: Amendment to Article 37 (Public Art) of the Escondido Zoning Code (AZ 18-0001)

DEPARTMENT: City Manager's Office

RECOMMENDATION:

It is recommended that the City Council introduce Ordinance No. 2018-05, approving an amendment to the Escondido Zoning Code pertaining to Article 37 (Public Art) involving:

- 1) Amending the number of Public Art Commissioners from seven (7) to five (5) members; and,
- 2) Amending the Public Art Commissioner eligibility requirements to include allowing up to two members being employed by a business in the Escondido Planning Area.

PREVIOUS ACTION:

On January 8, 2014, the City Council adopted Ordinance No. 2014-01, which changed the Public Art Commission membership requirement from nine (9) to seven (7) commissioners.

BACKGROUND:

Escondido Zoning Code Article 37 establishes the City's Public Art program, which promotes art in public places. Section 33-732 discusses the qualifications of the Public Art Commissioners and the number of Commission members. The Commission currently meets quarterly and a quorum of members is required to hold a meeting. Qualifications to serve on this seven-member commission require that members either reside or own a business within the City's General Plan. At times it has been difficult to recruit qualified candidates for open Commissioner positions.

DISCUSSION / RECOMMENDATION:

Reducing the number of Public Art Commissioners to five members would promote more effective administration of the Commission, and is consistent with the number of members appointed to the Building Advisory Board and Library Board of Trustees. Regarding eligibility requirements, the Library Board of Trustees qualifies members who either reside or work within the City's planning area (no requirement to own a business).

Interest has been expressed from citizens who are employed in the community, but do not reside or own a business in Escondido. Staff proposes to limit the number of Public Art Commissioners who only work in Escondido, but do not reside or own a business in the community, to two (2) members so as not to constitute a majority in decision-making matters.

Staff recommends the reduced Public Art Commission membership, and expanded qualification requirements in order to better facilitate discussions at meetings, and ensure better attendance, quorums and recruiting. If approved, the amended code would be effective after the City Council's 2018 recruitment for Board and Commission members. Depending on the number of candidates appointed to the Public Art Commission during the 2018 recruitment process, the amended five-member Public Art Commission may "self-correct" through future member attrition or retirements. This action is exempt from California Environmental Quality Act (CEQA) regulations as described in Attachment 1.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Jay Petrek, Assistant City Manager
03/14/2018 4:44 p.m.

ATTACHMENTS:

1. Attachment 1 - CEQA Notice of Exemption
2. Ordinance No. 2018-05
3. Ordinance No. 2018-05 – Exhibit A – Factors To Be Considered
4. Ordinance No. 2018-05 – Exhibit B – Proposed Amendment

ORDINANCE NO. 2018-05

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING THE ESCONDIDO ZONING CODE
ARTICLE 37, PERTAINING TO PUBLIC ART
COMMISSION MEMBERSHIP

File No: AZ 18-0001

WHEREAS, Zoning Code Article 37 pertains to public art and establishes a seven-member Public Art Commission with eligibility requirements that appointed members must either reside or own a business within the City's general plan, and

WHEREAS, the City Council desires to promote more effective administration of the Commission in order to facilitate better attendance, quorums and recruiting, and

WHEREAS, the City Council desires to amend the membership of the Public Art Commission from seven (7) members to five (5) members, and to amend the commission eligibility requirements to allow up to two (2) members who work in Escondido and who do not either reside or own a business in the community.

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

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

SECTION 2. That the City Council has reviewed and considered the Notice of Exemption prepared for this project in conformance with Title 14 California Code of Regulation, California Environmental Quality Act ("CEQA") Section 15061(b) "General

Rule”, and has determined that all environmental issues have been addressed and finds that no significant environmental impact will result from approving this code amendment.

SECTION 3. That upon consideration of the Factors to be Considered, attached as Exhibit “A” to this Ordinance, the staff report and Exhibit “A” incorporated by this reference, and all public testimony presented at the hearing held on this project, this City Council finds the Zoning Code Amendment is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That Section 33-732 of Article 37 of the Escondido Zoning Code Chapter 33 is amended as set forth in and attached as Exhibit “B” to this Ordinance and incorporated by this reference.

SECTION 6. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
File No: AZ 18-0001

1. The public health, safety and welfare would not be adversely affected by approval of the proposed amendment to reduce the number of Public Art Commissioners from seven to five members, and to amend the commission eligibility requirements to allow up to two (2) members who work in Escondido who do not either reside or own a business in the community, because the amendment would be consistent with the General Plan and the remainder of the Public Art requirements.
2. The proposed amendment to Article 37 of the Zoning Code involving a reduction in the number of Public Art Commissioners and change in membership eligibility requirements would not be detrimental to surrounding properties, since operation of the Public Art program would not change.
3. The proposed amendment to the Zoning Code is consistent with the General Plan, since it would support the policies of the Community Health and Services Element, and it would result in more efficient recruiting, better attendance and better discussions at Public Art Commission meetings.

EXHIBIT "B"

Proposed Amendment to Article 37 Sec. 33-732 (Repeal and replace)

Sec. 33-732. Appointment and terms of office.

(a) The city council shall appoint a public art commission, which shall meet as needed. The commission shall consist of five (5) members possessing an interest in public art. Members of the public art commission shall be appointed by the mayor. Members shall reside or own a business within the city's general plan; up to two (2) members may be appointed who do not reside or own a business within the city's general plan provided they are employed at a business within the city's general plan. Members of the public art commission shall serve at the pleasure of the council, and may be removed from office at any time, without cause.

(b) The terms of office for members of the public art commission shall be for a four (4) year period commencing with the actual date of appointment and ending on March 31st of the fourth year thereafter.

(c) Any vacancy which occurs prior to the expiration of a term shall be filled by appointment for the unexpired portion of such term.

(d) The commission shall appoint a chairperson and shall designate ex officio advisers to aid in the commission functions without vote.

(e) Ex officio advisers shall include:

(1) A visual artist;

(2) An architect or urban designer;

(3) An arts professional such as a curator, fine arts collector, art critic or art educator;

(4) A member of the business or industry community;

(5) A member of the community services commission.

(Zoning Code, Ch. 107, § 1074.30; Ord. No. 89-57, § 1, 11-8-89; Ord. No. 90-57, § 1, 10-17-90; Ord. No. 2005-05, § 9, 10-26-05; Ord. No. 2008-14, § 6, 5-14-08; Ord. No. 2012-15, § 4, 8-1-12, Ord. No. 2014-01, § 4, 1-15-14)

Crossout / Underline Version

EXHIBIT "B"

**Proposed Amendment to
Article 37 Sec. 33-732
(Repeal and replace)**

Sec. 33-732. Appointment and terms of office.

(a) The city council shall appoint a public art commission, which shall meet as needed. The commission shall consist of seven-five (75) members possessing an interest in public art. Members of the public art commission shall be appointed by the mayor and shall reside or own a business within the city's general plan; up to two (2) members may be appointed who do not reside or own a business within the city's general plan provided they are employed at a business within the city's general plan. ~~The commission shall consist of seven (7) members possessing an interest in public art.~~ Members of the public art commission shall serve at the pleasure of the council, and may be removed from office at any time, without cause.

(b) The terms of office for members of the public art commission shall be for a four (4) year period commencing with the actual date of appointment and ending on March 31st of the fourth year thereafter.

(c) Any vacancy which occurs prior to the expiration of a term shall be filled by appointment for the unexpired portion of such term.

(d) The commission shall appoint a chairperson and shall designate ex officio advisers to aid in the commission functions without vote.

(e) Ex officio advisers shall include:

- (1) A visual artist;
- (2) An architect or urban designer;
- (3) An arts professional such as a curator, fine arts collector, art critic or art educator;
- (4) A member of the business or industry community;
- (5) A member of the community services commission.

(Zoning Code, Ch. 107, § 1074.30; Ord. No. 89-57, § 1, 11-8-89; Ord. No. 90-57, § 1, 10-17-90; Ord. No. 2005-05, § 9, 10-26-05; Ord. No. 2008-14, § 6, 5-14-08; Ord. No. 2012-15, § 4, 8-1-12; Ord. No. 2014-01, § 4, 1-15-14)

CITY COUNCIL STAFF REPORT

Current Business Item No. 17

March 21, 2018

File No. 0680-50

SUBJECT: Request that the City Council Consider Amendments to the Campaign Control Ordinance in the Escondido Municipal Code and Provide Direction for Final Changes and Adoption.

DEPARTMENT: City Attorney Office

RECOMMENDATION:

It is requested that the City Council consider amendments to Chapter 2, Article 7 of the Escondido Municipal Code to modernize and simplify the City's Campaign Control Ordinance by (1) modifying the definitions of "Committee" and "Contribution"; (2) eliminating the restrictions on extensions of credit greater than 30 days and greater than \$500; (3) eliminating section 2-104, which relates to campaign checking accounts; (4) allowing for expenditures by electronic payment; (5) modifying or eliminating the petty cash fund restrictions; and (6) modifying or eliminating the cash and anonymous contribution restrictions.

Staff requests that Council provide direction and feedback on these suggested changes and any other potential amendments which would be brought back for adoption.

BACKGROUND:

Previously, the Council directed staff to recommend potential updates to Article 7 of Chapter 22 of the Escondido Municipal Code given the advancement in technologies and financial practices. Council also requested an analysis of whether additional updates are warranted.

The Political Reform Act of 1974

The Political Reform Act (PRA) regulates campaign finance and disclosure for state and local candidates and committees. A city may also limit campaign contributions in municipal elections and impose additional requirements separate from the PRA if the regulations do not prevent compliance with the PRA. (Gov. Code § 81013; Elections Code § 10202.) Since the PRA was first enacted in 1974, there have been more than 200 amendments to the campaign disclosure provisions. The PRA was intended to ensure that disclosure of political payments is accurate, timely, and truthful, to keep voters informed, to make elections more fair by abolishing laws and practices which favor incumbents, and to provide adequate enforcement mechanisms. (Gov. Code § 81002.) The California Fair Political Practices Commission (FPPC) has primary responsibility for the administration and implementation of the PRA. (Gov. Code § 83111.)

In summary, the PRA requires candidates and committees to fully and truthfully disclose contributions and expenditures, it places limits on contributions to candidates and committees, regulates the activities of lobbyists, prohibits financial conflicts of interests, and provides enforcement mechanisms. Violations

of the PRA are a misdemeanor punishable by a fine of three times the amount improperly disclosed, received or expended, or \$10,000, whichever is greater. (Gov. Code § 91000.) Anyone convicted of a misdemeanor under the PRA is disqualified from seeking elective office for four years. (Gov. Code § 91002.)

Escondido's Campaign Control Ordinance

In 1983, the City of Escondido adopted Ordinance No. 83-46, which provided for Controls on Campaign Contributions. The Ordinance was adopted to supplement the PRA and enacted pursuant to Article XI, Section 7 of the California Constitution. The Ordinance is commonly referred to as the Campaign Control Ordinance. The Ordinance has undergone multiple amendments since it was first adopted in 1983.

Municipal Code section 2-100 describes the purpose and intent of the Ordinance as follows:

Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the city council of the City of Escondido in enacting this article to preserve an orderly political forum in which individuals may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections; to prohibit contributions by organizations in order to develop a broader base of political efficacy within the community; to limit the use of loans and credit in the financing of municipal election campaigns; and to provide full and fair enforcement of all the provisions of this article. . . .

In 1988, the City prohibited anonymous or cash contributions, required campaign contribution checking accounts, required disbursements from a campaign account to be by check, and imposed various other requirements.

In 1997, the Campaign Control Ordinance was amended to conform to Proposition 208, which contained newly adopted statewide campaign laws. The City's 1997 amendments included additional restrictions on when contributions could be received, limitations on personal loans from a candidate to their campaign account, a ban on transfers between candidates and their committees, increased penalties for violations, and other restrictions.

In 1998, the United States District Court for the Eastern District of California issued a preliminary injunction prohibiting enforcement of Proposition 208. The court found that the limitation on amounts of contributions was not narrowly drawn to achieve a legitimate purpose, and this violated the First Amendment and impermissibly restrained political speech. (*California ProLife Council PAC v. Scully* (E.D. Cal. 1998) 989 F.Supp. 1282.)

The Ordinance was amended again in 2002 to provide for use of special counsel during a local election. In 2007, the contribution limit was increased to \$500 and a Consumer Price Index (CPI) formula was

added to control future increases in the limit. In 2013, the election-cycle contribution limit was \$560, as adjusted to reflect changes in the CPI.

The Ordinance was most recently amended in 2013 to increase the campaign contribution limit to \$4,100 and to remove the CPI adjustment. The 2013 amendment also removed the prohibitions on cash contributions by allowing cash contributions up to \$25, provided the contribution is not anonymous. All anonymous contributions continued to be prohibited.

Current City Regulations, Comparison to the PRA and Suggested Changes

If the Campaign Control Ordinance was eliminated, many provisions of the Political Reform Act would still apply to local elections. However, some of the provisions in the PRA only apply to elective state officers or candidates for state office and do not apply to City elections. For example, the PRA's campaign contribution limit only applies to candidates for elective state office, not local candidates. So, eliminating the Campaign Control Ordinance would mean that there would be no limits on campaign contributions in City elections. However, even where the PRA provisions would apply to City elections, the City might wish to retain the local requirements because they provide local control and enforcement options. Alternatively, the City Council may wish to consider removing some sections of the Ordinance and/or updating some of the sections. These options are discussed in detail below.

1. EMC 2-102: Definitions

The definition of "Committee" contained in EMC 2-102 is slightly different from the definition in the PRA and the difference has created some confusion for candidates. (*Compare EMC 2-102 with Gov. Code § 82013.*) The Municipal Code defines a person or combination of persons as a committee if they receive or expend \$500 or more in a calendar year, or contribute \$500 or more in a calendar year to candidates or committees. Whereas, the PRA has higher, varying trigger thresholds for becoming a "committee." This creates confusion because a person or group could be a committee under the City's Ordinance, but not under the PRA.

The definition of "Contribution" contained in Section 2-102 of the Municipal Code also closely mirrors the definition contained in Government Code section 82015, but is slightly different. Therefore, Staff suggests replacing the existing definitions of "Committee" and "Contribution" with the definitions contained in the PRA for clarity.

2. EMC 2-103: Campaign Contribution Limits

Currently, Municipal Code section 2-103 limits campaign contributions to \$4,100 per person. Additionally, the section prohibits extensions of credit greater than 30 days and extensions of credit greater than \$500. These restrictions limit candidates' ability to use credit cards. In contrast, the PRA does not restrict extensions of credit to 30 days and \$500. (See Gov. Code §§ 85301, 85307; FPPC §. 18421.9, 18530.7.)

Staff suggests eliminating the City's restrictions on extensions of credit greater than 30 days and extensions of credit greater than \$500. This change would allow candidates to use a credit card and carry a balance for more than 30 days and charge over \$500 to a credit card. The PRA limits personal loans from candidates for elective state office to \$100,000, but this limit does not apply to local elections. (Gov. Code § 85307(b).)

3. EMC 2-104: Campaign Contribution Checking Accounts

This section requires all candidates and committees to establish a campaign checking account at a bank in the City of Escondido once they receive contributions totaling \$500 or more in a calendar year. The section also contains numerous recordkeeping and money-handling requirements, including requiring candidates to file bank information with the City Clerk and Enforcement Authority, that all contributions be deposited in the campaign checking account within three business days, that all information required by the PRA concerning the contribution be collected, and that any contributions not deposited within three days be returned within ten days.

In contrast, the PRA requires a campaign checking account once a candidate raises \$2,000 or more in a calendar year. (Gov. Code § 85201(b).) Bank account information must also be registered with the FPPC. (*Id.*) The PRA requires all contributions or loans to be deposited to the bank account and requires candidates to return contributions of \$100 or more for which they do not have the name, address, occupation and employer of the contributor. (Gov. Code §§ 85201(c), 85700.)

Staff suggests eliminating Section 2-104 because the differences between the PRA and restrictions in this section create confusion. If the section was eliminated, the PRA's deposit requirements would still apply to local elections.

4. EMC 2-105: Disbursements

Section 2-105 requires all funds to be disbursed by check and for the candidate or committee to keep a record of all payees. The PRA does not limit candidates' form of payment to check. However, the PRA does require a checking account (Gov. Code § 85201, FPPC § 18524(a)) and maintenance of detailed information about contributions and expenditures (Gov. Code § 84104, FPPC 18401).

Staff Recommends that this section be modified to allow electronic forms of payments or eliminated. If this section were eliminated entirely, the PRA recordkeeping provisions would apply.

5. EMC 2-106: Petty Cash Fund

Section 2-106 authorizes candidates and campaigns to establish a petty cash fund consisting of up to \$20 per week (\$40 per week for joint candidate-committee accounts). In contrast, the PRA allows for a petty cash fund of up to \$100 at each campaign office and limits expenditures from the petty cash fund to \$99. (FPPC § 18524(b).)

If this section were eliminated entirely, the PRA provisions would apply. Staff recommends Council consider either increasing the petty cash fund limit or eliminating this section.

6. EMC 2-110: Cash and Anonymous Contributions

Section 2-110 prohibits cash contributions over \$25. The PRA prohibits cash contributions over \$100. (Gov. Code § 84300.)

Section 2-110 also prohibits all anonymous contributions. Therefore, cash contributions cannot be anonymous. However, the PRA only prohibits anonymous contributions of \$100 or more in a calendar year. (Gov. Code § 84304.)

The difference between the PRA and City's Campaign Control Ordinance's requirements for anonymous and cash contributions has created some confusion over the FPPC's Form 460. The Form 460 requires all unitemized monetary contributions of less than \$100 to be listed in aggregate. However, because the City prohibits all anonymous contributions, candidates must list individual information for each contribution, even contributions less than \$100, on the Form 460.

If this section were eliminated entirely, the PRA provisions would apply. Staff recommends Council consider either modifying the cash contribution limit and/or the prohibition on anonymous contributions, or eliminating this section.

OTHER JURISDICTIONS:

A city is not required to have local campaign regulations, including campaign contribution limits. The prohibitions and reporting requirements of the PRA would still apply, even without local laws, to the extent that those provisions are not limited solely to state candidates.

Several other local cities do not limit campaign contributions, including Carlsbad, El Cajon, Imperial Beach, La Mesa, National City, and Oceanside. The limits that cities do impose on campaign contributions range from \$100 to \$10,000. There are two cities that prohibit anonymous contributions, including Coronado and Poway. A detailed summary of the various prohibitions and restrictions imposed by local cities is attached for your reference as Attachment A.

PROPOSED CHANGES:

In Summary, Staff recommends the following substantive amendments to Article 7, Chapter 2 of the Escondido Municipal Code:

1. Section 2-102: Replace the existing definitions of "Committee" and "Contribution" with the definitions contained in the PRA.
2. Section 2-103: Eliminate the City's restrictions on extensions of credit greater than 30 days and extensions of credit greater than \$500.

3. Section 2-104: Eliminate this section.
4. Section 2-105: Eliminate this section or modify it to allow for disbursements by electronic forms of payment.
5. Section 2-106: Increase or eliminate the petty cash fund limit.
6. Section 2-110: Modify the cash contribution limit and/or the prohibition on anonymous contributions, or eliminate this section.

CONCLUSION:

Staff requests that Council provide direction and feedback on these suggested changes which will be brought back for adoption.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Michael R. McGuinness, City Attorney
03/14/2018 4:24 p.m.

Allegra Frost, Deputy City Attorney
3/15/18 8:21 a.m.

ATTACHMENTS:

1. Attachment A

ATTACHMENT A

CITY	COMMITTEE	CONTRIBUTION LIMIT	CASH LIMIT	ANONYMOUS	LOANS	PETTY CASH	CHECK/CC	DEPOSIT
				LIMIT				RESTRICTIONS
CARLSBAD	PRA	N/A	\$100	\$100	N/A	N/A	Check only	N/A
CHULA VISTA	N/A	Person \$330* Committee \$1120*	N/A	N/A	\$5,000 from candidate	N/A	N/A	Checking account in County
CORONADO	\$0	Individuals \$200 Contractors \$0	Not allowed	Not allowed	N/A	N/A	Check or CC for contributions	N/A
DEL MAR	\$250	\$100	N/A	\$20	N/A	N/A		N/A
EL CAJON	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
ENCINITAS	\$0	\$250	N/A	N/A	N/A	N/A	N/A	N/A
ESCONDIDO	\$500	\$4,100*	\$25	Not allowed	30 Days \$500 limit \$100,000 from candidate	\$20/wk \$40 joint	Checks for disbursements	\$500 checking account trigger
IMPERIAL BEACH	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LA MESA	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LEMON GROVE	\$1,000	\$1,000*	N/A	N/A	30 Days \$1,000 limit Unlimited from candidate	N/A	N/A	N/A
NATIONAL CITY	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
OCEANSIDE	\$1,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A
POWAY	\$100	\$100	N/A	Not Allowed	N/A	N/A	Checks for disbursements	\$200 checking account trigger
SAN DIEGO	PRA	City Council \$500* Mayor/City Attorney \$1,000* Committee \$10,000/ \$20,000**	\$100	\$200	Excludes credit cards \$100,000 from candidate	\$100	Checks for disbursements	Checking account required
SAN MARCOS	PRA	Individual \$250 Committee \$500	N/A	\$99	No bank loan limit \$100,000 from candidate	N/A	N/A	N/A
SANTEE	N/A	700*	N/A	N/A	No bank loan limit \$100,000 from candidate	N/A	N/A	N/A
SOLANA BEACH	N/A	Individual \$100 Aggregate \$5,000*	N/A	\$25	N/A	N/A	N/A	N/A
VISTA	\$300	\$300	N/A	\$300 total	\$300 except from candidate	\$20/week \$40 joint	Checks for disbursements	\$300 - account in Vista

* indexed for inflation

** \$10,000 for City Council and \$20,000 for Mayor/City Attorney

1/22/2018



CITY COUNCIL STAFF REPORT

Current Business Item No. 18

March 21, 2018

File No. 0120-10

SUBJECT: Annual Appointments to Boards and Commissions

DEPARTMENT: City Clerk's Office

RECOMMENDATION:

It is recommended that the City Council ratify the Mayor's appointments to serve on the following Boards and Commissions, terms to expire March 31, 2022, except as noted

BOARD/COMMISSION	NUMBER of APPOINTMENTS
Building Advisory & Appeals Board	Three (3)
Community Services Commission	Three (3) One (1) Youth – Term to expire March 2019
Historic Preservation Commission	Four (4)
Library Board of Trustees	One (1) – Term to expire March 2021
Planning Commission	Three (3)
Public Art Commission	Four (4) One (1) Unscheduled – Term to expire March 2020
Transportation/Community Safety Commission	Three (3)

BACKGROUND:

The City Council conducted interviews on March 7 and March 14, 2018, with applicants as listed on Attachment 1. All Board/Commission appointments will be for a term of four (4) years with the exception of the Library Board of Trustees, who serve three (3) year terms, Community Services Youth Member who serves a one (1) year term, and one unscheduled vacancy on the Public Art Commission, term to expire on March 31, 2020.

In accordance with State Law, the Mayor will nominate members for each Board or Commission and the Council will vote to ratify those nominations.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Diane Halverson, City Clerk
03/14/2018 4:06 p.m.

ATTACHMENTS:

1. Attachment 1

**City of Escondido
Boards and Commissions
2018 Applicants**

Building Advisory & Appeals Board	Community Services Commission	Historic Preservation Commission	Library Board of Trustees	Planning Commission	Public Art Commission	Transportation & Community Safety Commission
3 Vacancies	3 Vacancies & 1 Youth Vacancy	4 Vacancies	1 Vacancy	3 Vacancies	4 Vacancies & 1 Unscheduled Vacancy	3 Vacancies
Chris Christakos	Frederick Franklin Jr.	Marc Correll*	Elmer Cameron*	Katharine Barba (CL)	Matthew Cowell*	William Durney*
Randall Hartman	Maranda Hernandez* <i>(Youth Member)</i>	Errol Cowan	Christian Maehler	Glen Brouwer (CL)	April Jenkins	Frederick Franklin Jr.
Wayne Lu	Wayne Lu	Marion Hanlan	John Schwab	Dan Conner (CL)	Patricia Spann	Rachael Kassebaum
Robert McQuead*	Christian Maehler	Nicole Purvis		Errol Cowan (CL)	James Stone	Robert Korbecki
Barry Speer	Karen Spann	James Spann*		Joe Garcia* (CL)	Georgine Tomasi	Wayne Lu
	Georgine Tomasi			Christian Maehler (CL)	Ana Marie Velasco*	Christian Maehler
				James McNair* (CL)		
				Barry Speer(CL)		
				Mark Watson (CL)		
* Denotes Incumbent Who is Reapplying						

CITY COUNCIL STAFF REPORT

Current Business Item No. 19

March 21, 2018

File No. 0720-40

SUBJECT: Adoption of Resolution of Intention to Amend the CalPERS Contract and Introduction of First Reading of Ordinance Amending the CalPERS Contract

DEPARTMENT: Human Resources Department, Benefits

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2018-37, approving the intention to amend the contract between the City of Escondido (City) and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to provide employees sharing an additional cost of one percent for the Escondido Police Officers' Association/Safety Unit (POA) and Firefighters' Association (FFA) Bargaining Unit CalPERS Classic members, Government Code Section 20516.

It is also requested that the City Council introduce the first reading of Ordinance No. 2018-06 amending the contract between the City and CalPERS to provide employees sharing an additional cost of one percent for POA and FFA CalPERS Classic members, Government Code Section 20516.

FISCAL ANALYSIS:

The sharing of the CalPERS cost by POA and FFA CalPERS Classic members of one percent each year of the agreement has an estimated cost savings to the City at approximately \$561,000 for the term of the (2018-2020) Memorandum of Understanding (MOU) with both groups.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council Action Plan regarding Fiscal Management. The additional employee cost sharing of pension benefits relates to addressing the cost of pension obligations.

PREVIOUS ACTION:

On January 24, 2018, the City Council adopted Resolution Nos. 2018-09 and 2018-10 approving MOU contract term agreements with the POA and FFA. Within both agreements, it was agreed the Classic CalPERS members will share an additional cost of one percent each year of the three-year term up to three percent of the City's CalPERS costs.

BACKGROUND:

City staff reached three-year labor agreements with the POA and FFA that covers terms and conditions of employment and meets important objectives for all parties. City Council adopted resolutions to execute and implement these agreements for the time period January 1, 2018 – December 31, 2020.

Association members of both Bargaining Units and City staff framed agreements to help address the long-term budget impacts as a result of CalPERS pension liabilities; all parties understood the importance of reducing the CalPERS unfunded liability. More importantly, the CalPERS Classic members of both Bargaining Units agreed to cost-sharing the employer's CalPERS contribution by an additional one percent each year of the three-year agreement up to three percent. Currently, Classic members are contributing nine percent of their salary towards the employee's retirement benefit. By the end of the contract with the Bargaining Units, Classic CalPERS members will be contributing 12 percent towards their CalPERS retirement benefit. This will greatly assist all parties in addressing the CalPERS cost, particularly unfunded liability.

Prior to the City implementing the cost-sharing provision, it is necessary for the City to amend its contract with CalPERS. There are several steps and requirements in amending the City's contract with CalPERS. The City Council must adopt a Resolution of Intention to amend the contract and adopt the first reading of the Ordinance. The CalPERS contract amendment is shown under Section A (15) (k) of the amended contract in Exhibit "A". Also required is a secret ballot election by the employees affected by cost sharing, per Government Code 20474. An election is required whenever the contract is amended to provide a benefit that changes the employees' rate of contribution. All affected members voted via electronic ballot either for or against cost sharing. It is required that more than 50 percent of those voting must be in favor of cost sharing in order to amend the contract. Voting ballots were administered by a third party administrator. Both of the Bargaining Units overwhelmingly voted for cost sharing. Additionally, California Government Code Section 7507 requires that future annual costs or benefit changes of the proposed contract amendment be made public at a public meeting at least two weeks prior to the adoption of the final Ordinance. Upon City Council approval of the first reading of the Ordinance, the final reading will occur on April 18, 2018. The effective date of the CalPERS contract amendment will be 30 days after the adoption of the Ordinance and occur on the first day of a pay period, which is May 20, 2018.

Since the three percent cost sharing will occur over the course of the three-year term agreements, CalPERS requires the City to execute a CalPERS contract amendment each year of the agreements. Accordingly, this same process will need to be repeated in the Fall of 2018 and 2019 in order to add the additional one percent cost sharing to the CalPERS contract for January 1, 2019, and January 1, 2020.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Sheryl Bennett, Deputy City Manager/Administrative Services
03/15/2018 9:37 a.m.

ATTACHMENTS:

1. Resolution No. 2018-37
2. Resolution No 2018-37 – Exhibit "A"
3. Ordinance No. 2018-06
4. Ordinance No. 2018-06 – Exhibit "A"

RESOLUTION NO. 2018-37

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA, OF
ITS INTENTION TO APPROVE AN AMENDMENT
TO THE CONTRACT BETWEEN THE BOARD
OF ADMINISTRATION CALIFORNIA PUBLIC
EMPLOYEES' RETIREMENT SYSTEM AND THE
CITY COUNCIL OF THE CITY OF ESCONDIDO

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment of said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20516 (Employees Sharing Additional Cost) of one percent for classic local safety members in the Escondido Firefighters' Association and the Escondido Police Officers' Association.

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

1. That the above recitations are true.

2. That the governing body of the above agency does hereby give notice of Intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as Exhibit "A" and by this reference made a part hereof.



California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

**Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Escondido**

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective November 1, 1958, and witnessed August 6, 1958, and as amended effective August 1, 1964, December 1, 1968, July 1, 1973, January 1, 1974, February 7, 1975, July 1, 1977, November 1, 1978, August 1, 1980, July 1, 1982, June 28, 1987, December 25, 1988, June 25, 1989, May 27, 1990, January 1, 1991, June 1, 1991, October 9, 1993, January 20, 1996, May 25, 1996, January 2, 1998, July 12, 1998, July 11, 1999, January 9, 2000, November 12, 2000, June 24, 2001, September 26, 2004 July 1, 2007, May 27, 2012, September 30, 2012 and December 23, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 18 are hereby stricken from said contract as executed effective December 23, 2012, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local safety members and age 57 for new local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after November 1, 1958 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
 - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
 - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
 - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
 - a. Local Fire Fighters (herein referred to as local safety members);
 - b. Local Police Officers (herein referred to as local safety members);
 - c. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
 - a. **PROGRAM PERSONNEL HIRED ON OR AFTER JANUARY 1, 1973; AND**

b. BUS DRIVERS HIRED ON OR AFTER FEBRUARY 7, 1975.

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.
7. This contract shall be a continuation of the contract of the Escondido Community Development Commission, hereinafter referred to as "Former Agency". The accumulated contributions, assets and liability for prior and current service under the Former Agency's contract shall be merged pursuant to Section 20508 of the Government Code. Such merger occurred July 1, 1996.
8. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment before and not on or after July 1, 2007 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1973, termination of Social Security, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
9. The percentage of final compensation to be provided for each year of credited prior and current service for classic local miscellaneous members in employment on or after July 1, 2007 and not entering membership for the first time in the miscellaneous classification after December 23, 2012 shall be determined in accordance with Section 21354.3 of said Retirement Law, subject to the reduction provided therein for service prior to December 31, 1973, termination of Social Security, for members whose service has been included in Federal Social Security (3% at age 60 Full and Modified).
10. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time in the miscellaneous classification after December 23, 2012 shall be determined in accordance with Section 21353 of said Retirement Law (2% at age 60 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Full).

12. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member entering membership in the fire classification on or prior to May 27, 2012 and for those classic local police members entering membership in the police classification on or prior to September 30, 2012 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
13. The percentage of final compensation to be provided for each year of credited current service as a classic local fire member entering membership for the first time in the fire classification after May 27, 2012 and for those classic local police members entering membership for the first time in the police classification after September 30, 2012 shall be determined in accordance with Section 21362 of said Retirement Law (2% at age 50 Full).
14. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).
15. Public Agency elected and elects to be subject to the following optional provisions:
 - a. Section 21574 (Fourth Level of 1959 Survivor Benefits).
 - b. Sections 21624 and 21626 (Post-Retirement Survivor Allowance) for local safety members only.
 - c. Section 20614, Statutes of 1978, (Reduction of Normal Member Contribution Rate). From November 1, 1978 and until June 28, 1987, the normal local safety member contribution rate shall be 2.75%. Legislation repealed said Section effective September 29, 1980.
 - d. Section 20690, Statutes of 1980, (To Prospectively Revoke Section 20614, Statutes of 1978).
 - e. Section 20042 (One-Year Final Compensation) for those classic local fire members entering membership on or prior to May 27, 2012, classic local police members entering membership on or prior to September 30, 2012 and classic local miscellaneous members entering membership on or prior to December 23, 2012.
 - f. Section 20965 (Credit for Unused Sick Leave).
 - g. Section 21024 (Military Service Credit as Public Service).
 - h. Section 20692 (Employer Paid Member Contributions Converted to Payrate During the Final Compensation Period) for classic local police members only.
 - i. Section 21548 (Pre-Retirement Option 2W Death Benefit).

- j. Section 20475 (Different Level of Benefits). Section 21362 (2% @ 50 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local fire members entering membership for the first time in the fire classification after May 27, 2012.

Section 21362 (2% @ 50 Full formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local police members entering membership for the first time in the police classification after September 30, 2012.

Section 21353 (2% @ 60 Full Formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local miscellaneous members entering membership for the first time in the miscellaneous classification after December 23, 2012

- k. Section 20516 (Employees Sharing Additional Cost):

From and after the effective date of this amendment to contract, 1% for classic local safety members in the Escondido Firefighters' Association and the Escondido Police Officers' Association.

The portion of the employer's contribution that the member agrees to contribute from his or her compensation, over and above the member's normal contribution ("Cost Sharing Percentage"), shall not exceed the Employer Normal Cost Rate, as that rate is defined in the CalPERS Actuarial Valuation for the relevant fiscal year. If the Cost Sharing Percentage will exceed the relevant Employer Normal Cost Rate, the Cost Sharing Percentage shall automatically be reduced to an amount equal to, and not to exceed, the Employer Normal Cost Rate for the relevant fiscal year.

16. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on August 1, 1980. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.
17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
18. Public Agency shall also contribute to said Retirement System as follows:
- a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local safety members.

- b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF ESCONDIDO

BY _____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"

ORDINANCE NO. 2018-06

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING AN AMENDMENT TO THE
CONTRACT BETWEEN THE CITY COUNCIL
OF THE CITY OF ESCONDIDO AN THE
BOARD OF ADMINISTRATION OF THE
CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM

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

SECTION 1. That an amendment to the contract between the City Council of
the City of Escondido and the Board of Administration of the California Public
Employees' Retirement System is hereby authorized, a copy of said amendment being
attached hereto as Exhibit "A," and by such reference made a part hereof as though
herein set out in full.

SECTION 2. That the Mayor of the City Council is hereby authorized,
empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. That this Ordinance shall take effect 30 days after the date of its
adoption and prior to the expiration of 15 days from the passage thereof shall be
published at least once in the newspaper of general circulation, published and
circulated in the City of Escondido and thenceforth and thereafter the same shall be in
full force and effect.



California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

**Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Escondido**

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective November 1, 1958, and witnessed August 6, 1958, and as amended effective August 1, 1964, December 1, 1968, July 1, 1973, January 1, 1974, February 7, 1975, July 1, 1977, November 1, 1978, August 1, 1980, July 1, 1982, June 28, 1987, December 25, 1988, June 25, 1989, May 27, 1990, January 1, 1991, June 1, 1991, October 9, 1993, January 20, 1996, May 25, 1996, January 2, 1998, July 12, 1998, July 11, 1999, January 9, 2000, November 12, 2000, June 24, 2001, September 26, 2004 July 1, 2007, May 27, 2012, September 30, 2012 and December 23, 2012 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

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PLEASE DO NOT SIGN "EXHIBIT ONLY"

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PLEASE DO NOT SIGN "EXHIBIT ONLY"

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B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF ESCONDIDO

BY _____
ARNITA PAIGE, CHIEF
PENSION CONTRACTS AND PREFUNDING
PROGRAMS DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"

CITY COUNCIL STAFF REPORT

Current Business Item No. 20

March 21, 2018

File No. 0480-45

SUBJECT: Proposed Changes to Annual Inventory of City Fees

DEPARTMENT: Finance Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2018-29 authorizing new City fees, making changes to certain existing fees for services, and deleting fees for services that are no longer used.

FISCAL ANALYSIS:

These fee changes are being proposed to update existing City fees to ensure full cost recovery. Full cost recovery means that the fees charged by the City for the services being delivered equal the City's cost of providing the services including direct and indirect costs, departmental overhead, and City administration.

It is impossible to have a fee schedule that perfectly collects exactly and precisely the full cost of providing services at any point in time. Both costs and the demand for services change over time. However, taken together, over a period of time, it is possible to establish fee levels designed to recover all eligible costs.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

This item relates to the Council's Action Plan regarding Fiscal Management by continuing to evaluate fees for services for full cost recovery.

PREVIOUS ACTION:

On October 26, 2016, the City Council adopted Resolution No. 2016-147 authorizing new City fees, making changes to certain existing fees for service, and deleting fees for service that are no longer used.

BACKGROUND:

Each year Staff reviews the City fee inventory schedule for possible fee changes keeping in mind the need to charge a user fee that will fully recover the costs associated with the service their department is providing. Exhibit "A" of Resolution 2018-29 provides a comparison between existing and proposed fee changes. If these proposed fee changes are approved by the City Council, they will go

into effect on April 1, 2018. These proposed fee changes do not include development impact fees or fee increases that requires a Prop 218 notification.

The following is a description of the steps taken to develop these user fees and an analysis of the proposed fee changes by department/division.

Cost of Service Analysis:

A cost of services analysis is an effort to quantify the full cost of providing a service and then establishing a user fee based on this analysis. Calculating user fees using the full cost recovery model is accomplished by estimating the number of hours required to provide the service and then multiplying this amount by a fully loaded hourly rate. Hours to accomplish the service are identified by breaking the process into individual tasks and then determining the time it takes to complete each task. The amount and level of staff time varies with the scale and complexity of the service. These average staff time estimates are then multiplied by the fully loaded hourly rate, which includes direct and indirect costs, as well as the department's internal overhead rate and the citywide overhead rate to yield an average full cost of the service.

The average full cost of providing a fee for service is just that: an average cost at the individual fee level. The City does not have the systems in place to impose fees for every service or activity based on the actual time it takes to service each individual. The average cost approach is used by most cities to calculate fees. With the exception of certain Planning and Engineering fees for services associated with complex or large-scale projects, most of the City's fee schedule is composed of flat fees that are linked to an average cost of service. Using this process establishes fee levels designed to recover all eligible costs of providing a service.

Fee Establishment:

City Staff reviewed the list of current City fees and identified proposed fee increases needed to match the cost of providing the service. In other cases, new fees were added or deleted from the fee schedule. This occurred to better relate fees to current business practices. Some new fees were added to cover the costs associated with existing services where no fee was currently being imposed for the service.

Cost Recovery Evaluation:

The City is funded from a variety of sources such as taxes, user fees, special charges, fines, grants, and assessments. Many City services are accessible, benefit our citizens as a whole, and are primarily funded by local taxes. Examples of these services include police and fire protection and access to the City's parks and library. Other City services benefit a particular segment of the population and provide a direct monetary or personal benefit to the recipient. These services are funded by user fees and it is this group that subsidy and recovery levels should be considered carefully. If costs for providing these specialized goods or services are not fully recovered, there will

be a decrease in funding for other public goods and services. It is generally accepted that a fee's cost recovery level should be in direct proportion to the specific benefit received by the individual. If fee levels fail to recover full costs of operations, then other activities must be scaled down to support unrecovered costs of fee related activities. When governments subsidize activities instead of recovering full costs of operation, there is less money for the jurisdiction to accomplish other goals. While cities may choose to subsidize certain activities for the greater public good (for example programs for youth or seniors), they do not generally subsidize user fees that benefit only the applicant. Other reasons to subsidize user fees include economic goals, community values, market conditions, or non-compliance if fee is required. City Departments have calculated their user fees based on full cost recovery. If the City Council chooses to subsidize any of these fees that is a policy decision of the Council.

In a separate effort, staff is in the process of issuing a Request for Proposal (RFP) to solicit bids from consultants to prepare a "Full Cost Allocation Plan" and "Comprehensive User Fee Study" that will analyze and calculate the full 100% cost of providing certain City services. The effort will properly identify all overhead rates that can be used in the calculation of billable hourly rates for federal and state grants, user fees, and reimbursements from other governmental agencies. The selected consultant will conduct a thorough analysis of existing fees, develop fee models and recommendations, and identify and recommend new fees and revenue sources. The results will provide the City with a well-documented and defensible plan that will establish rates for recovering billable costs for services with a consideration to the compliance requirements under Proposition 26, Proposition 218, and other applicable statutory requirements.

With that in mind, below are Staff's proposed fee changes based on the current full cost recovery model and the reason behind these changes:

Engineering Fee Changes:

The Engineering Division is responsible for issuing encroachment permits that are required for construction work in the public right-of-way or publicly maintained or owned easements or property. SDG&E is currently participating in the City's annual fee program, which allows the company to take advantage of a streamlined encroachment permit process. The annual fee covers the processing and field inspection costs for Encroachment and Minor Work Permits submitted by SDG&E. The adjusted fee was calculated based on the average cost of SDG&E permits (Minor Work Permit fees were assessed at \$100/permit) over a three-year period (2015-2017).

Community Services Recreation Division:

The Recreation Division provides recreational programs and activities for the community including enrichment classes, swimming, preschool, tennis, and health & fitness; special programs for youth include the On Track After School Program, After School Education & Safety (ASES) before and after school, and day camps; and sports activities and leagues including softball, roller hockey, and arena soccer are scheduled seasonally.

Staff has analyzed various programs and has prepared the suggested adjustments below:

- Increase the fee for the Drop in Swim Program from \$3 per day to \$4 per day in order to be consistent with program fees of surrounding cities.
- Increase the fee for an open gym card at the East Valley Community Center from \$30 per card to \$50 per card. An open gym card offers residents the opportunity to purchase open gym admission (20 visits) in advance at a discounted rate.
- Create a new fee for an open swim card that would offer residents the opportunity to purchase open swim admission (10 visits) in advance at a discounted rate.
- Create a new fee to be assessed when the Kit Carson Park Amphitheater parking lot is used independently of the amphitheater for large special events. The proposed fee amounts are based on existing picnic areas of similar size and capacity.
- The OnTrack Afterschool Program sites currently accept credit cards for payments. Pro Care, the credit card processing company used for the OnTrack Afterschool Program, charges a fee for each credit card transaction. The Community Services Department has been absorbing that cost. The Department is proposing adding a transaction fee of .95% - 3.5% that would pass the cost on to the customer moving forward. The fee would fluctuate depending on the type of credit card used and if it is processed online or in person at the site.

Dixon Lake:

Dixon Lake offers fishing, camping, boating, hiking, and picnicking year-round. Staff has analyzed camping fees at the Lake and is proposing the following adjustments:

- Increasing the nightly fee for the use of the disabled accessible cabin at Dixon Lake from \$40 per night to \$50 per night. Amenities included in the cabin are a fully accessible restroom, full kitchen, dining table/chairs, seating, beds for up to five people, including an adjustable bed, outdoor picnic table, and barbecue, and outdoor seating. The cabin is also equipped with heating and air conditioning equipment.

A review of facilities in the County, including County Parks, other cities that have cabins, and private campgrounds, has shown that the nightly fee for the City's cabin to be below all other similar facilities. Dixon Lake staff are responsible for operating and maintain the cabin, and costs for maintenance, supplies, utilities, and staff time have increased since the fee was first established in 2009.

- Increasing the off-season (November 16 – March 1) camping rate from \$18 per night to \$25 per night for standard campsites and increasing the camping rate from \$28 per night to \$35 per night for deluxe campsites. The City charges a nightly fee for the use of camping spaces at Dixon Lake. Amenities included in the fee are an individual campsite, a picnic table, a barbecue grill, a food locker, a fresh water spigot nearby, and use of the camp showers. Deluxe campsites also offer water, electricity, and sewage disposal at the site.

The off-season rate was established to see if lower rates would attract more “non-local” visitors during the months where camping attendance decreased. Over the last several years staff has found that the reduced rates have had limited success in attracting more non-local visitors. However, the lower rates attract individuals who are homeless and in need of inexpensive living arrangements. Staff has experienced an increase in criminal activity, lack of cleanliness, and overcrowding of campsites, which require an increased number of enforcement contacts by Park Rangers and Police Officers. The increased number of contacts creates an inefficiency in operations by taking the Rangers and Officers away from other duties in the park and in the City.

- The City recently began allowing dogs in the campground at Dixon Lake; currently there is no fee for dogs to accompany campers while staying in the park. Staff is proposing a \$1 per dog per night fee for up to three dogs. Fees will be used to offset the costs of pet waste cleanup, dog waste bag dispensers and bags, and educational and enforcement materials for visitors that violate current dog rules. The \$1 per night per dog is the same as current fees in all San Diego County Parks campgrounds.

Library Division:

Beginning March 4, 2018, the Library is open seven days per week. In order to reflect the extended hours, the Library is updating fee descriptions to remove the phrase “excluding Sunday” from the Overdue Adults and Youth Book fees. There is no change to the fee amount.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Sheryl Bennett, Deputy City Manager/Administrative Services
03/15/2018 9:37 a.m.

ATTACHMENTS:

1. Resolution No. 2018-29
2. Resolution No. 2018-29 – Exhibit A – List of Proposed Fee Inventory Changes

RESOLUTION NO. 2018-29

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
ADOPTING FEES FOR CERTAIN SERVICES
AND PERMITS AND THE REMOVAL OF
FEES FOR SERVICES NO LONGER USED

WHEREAS, the City of Escondido charges fees for services and permits; and

WHEREAS, staff recommends increases in certain existing fees, addition of new fees and removal of fees no longer required; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to adopt the changes in certain existing fees as presented in Exhibit "A" which is attached to this Resolution and incorporated by this reference.

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

1. That the above recitations are true.
2. That the City Council approves the City fees contained in Exhibit "A."
3. That the City Fees listed in Exhibit "A" shall be effective April 1, 2018.

List of Proposed Fee Inventory Changes

<i>Department</i>	<i>Fee Description</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
ENGINEERING			
Engineering	Annual Permit Fee for SDG&E	\$20,000	\$33,000
COMMUNITY SERVICES			
Comm. Srv.	Drop-in Open Swim	\$3 / day	\$4 / day
Comm. Srv.	Open Swim Card	NEW	\$35 / card (10 visits)
Comm. Srv.	EVCC Gymnasium Open Gym Card	\$30 / card (20 visits)	\$50 / card (20 visits)
Comm. Srv.	On-Track Afterschool Program - Credit Card Processing Fee	NEW	.95% - 3.5%
Amphitheatre - Kit Carson Park			
Comm. Srv.	K.C. Amph. - Parking Lot / Class B	NEW	\$100 / reservation
Comm. Srv.	K.C. Amph. - Parking Lot / Class C	NEW	\$100 / reservation
Comm. Srv.	K.C. Amph. - Parking Lot / Class D	NEW	\$120 / reservation
Comm. Srv.	K.C. Amph. - Parking Lot / Class E	NEW	\$150 / reservation
DIXON LAKE			
Lakes	Dixon Campsite / Per Night - accessible	\$40 / vehicle per night	\$50 / vehicle per night
Lakes	Dixon Campsite / Per Night - regular Nov 16 - March 1	\$18 / vehicle per night	\$25 / vehicle per night
Lakes	Dixon Campsite / Per Night - deluxe Nov 16 - March 1	\$28 / vehicle per night	\$35 / vehicle per night
Lakes	Dixon Lake Dog Fee	NEW	\$1 / dog per night
LIBRARY			
Library	Overdue Book / Adult	\$0.25 / day, excl. Sunday	\$0.25 / day
Library	Overdue Book / Youth	\$0.10 / day, excl. Sunday	\$0.10 / day



FUTURE CITY COUNCIL AGENDA ITEMS

Updated March 15, 2018

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

March 28, 2018
NO MEETING (Spring Break)

April 4, 2018
4:30 p.m.

PRESENTATION	
	City's Volunteer Program
CONSENT CALENDAR	
	<p>Off-Cycle Budget Appropriation and First Amendment to A Professional Services Contract with Kristin Black of ESA to Continue the Processing of the Villages Specific Plan – Escondido Country Club Project Proposal (B. Martin)</p> <p><i>Request the City Council to approve the resolution to continue the processing of the Villages – Escondido Country Club Project proposal.</i></p>
	<p>Building Division Budget Adjustment of \$50,000 for Professional Services Provided by EsGil (B. Martin)</p> <p><i>An increase of \$50,000 is requested for Professional Services provided by EsGil for plan review. This is a cost recovery service that is funded by applicants and will have no impact on the General Fund.</i></p>
	<p>Authorization for Voice Network Upgrade and Ongoing Maintenance Contract (R. Van De Hey)</p> <p><i>The current phone system is comprised of three separate platforms with multiple integration points, vendor contracts and support, various design differences, and each with its own licensing and maintenance requirements. These systems collectively do not meet City staff needs, do not offer current collaboration tools, and are unmanageable with Information Systems' staffing levels. The recommendation is to upgrade and expand existing, on premise NEC system to provide a single platform that can be managed with our existing staff levels, budget-friendly capital and ongoing operating costs, provide the needed features and efficiencies that will enhance collaboration to all City users and improve customer service.</i></p>

April 4, 2018
Continued

Resolution to Adopt Local Discharge Limits Pursuant to Amendments to Chapter 22 of the Escondido Municipal Code

(C. McKinney)

Updates to Local Discharge Limits are required to address changes in industrial pretreatment requirements as reviewed and agreed upon by the San Diego Regional Water Quality Control Board.

Annual Code Clean Up and Amendments to the Municipal Code and Zoning Codes

(B. Martin)

The annual "omnibus" code clean up provides an efficient means to batch various code amendments together to address changes in state law, make the codes more readable, and/or canonize interpretations so that the document is more user friendly for the public and City staff.

CURRENT BUSINESS

Consulting Agreement and Budget Adjustment for a Design Build Owner's Agent for the Membrane Filtration Reverse Osmosis Facility (MFRO)

(C. McKinney)

The Consulting Agreement with Black & Veatch Corporation provides for Owner's Agent services throughout the entire design build process for the Membrane Filtration Reverse Osmosis (MFRO) Facility. This project consists of a membrane filtration reverse osmosis facility with a production capacity of 2.0 million gallons per day.

Repeal Escondido Municipal Code Chapter 19, Article 2, Board of Review, and Amend City Personnel Rules and Regulations Rule 28, Administrative Review and Appeal to Board of Review

(S. Bennett)

The City and its labor groups have come to an agreement to replace the Personnel Board of Review as part of the employees' due process disciplinary steps and have those duties conducted by an Administrative Law Judge.

Notice of Completion for the 2017 Street Rehabilitation and Maintenance Project

(J. Procopio)

The 2017 Street Rehabilitation and Maintenance Project was part of the City's annual street improvement program. The project consisted of replacement of broken curb, sidewalk and pavement, replacement of trees in the parkway, installation of new pedestrian ramps, application of ARAM and slurry seal coat, street resurfacing, and striping of bike lanes to conform with the City's Bicycle Master Plan.

FUTURE AGENDA ITEMS (D. Halverson)

Weekly Activity Report



March 15, 2018

FEATURED THIS WEEK

School Safety: Our Collective Efforts

Police Chief Craig Carter has been working closely with our local schools both private and public to discuss school safety. This working group has had two meetings to discuss recent nationwide school threats and our response to those threats. The safety of our community's schools is of the highest priority. The school representatives are discussing all options, including potential plans for future collaboration and continued training on school and student safety.

New LED Lights at the Escondido Sports Center

The Escondido Sports Center, located within Kit Carson Park, recently received upgraded LED lights around the exterior of the main building. This major improvement, going from existing 20-year-old sodium lighting to LED lighting, creates a light and bright environment in the evening hours. The Sports Center is open Monday – Sunday, serving the public until 10 p.m.; not only do the lights provide safety and security of patrons and staff, but also improve the overall function of the center and the various programs offered in Hockey, Soccer, and Skate park. A big thank you to Building Maintenance for making this important project happen!



COMMUNITY DEVELOPMENT

Major Projects Update

The following major projects are being reviewed and coordinated by Planning, Engineering, Fire, Building and Utilities. A complete description of each project can be viewed [here](#). Below are project milestones from last week.

Commercial / Office:

1. Escondido Research and Technology Center (ERTC) – West (Developer: James McCann) – A plan for a new two-story, 57,000 SF, 52-bed Palomar Rehabilitation Institute was submitted as a Plot Plan on July 31, 2017. The Plot Plan approval letter was issued on February 7, 2018. Engineering is reviewing the second plan check for grading.
2. Escondido Research and Technology Center (ERTC) – PPH (Developer: Palomar Health) 2185 Citracado Parkway – A plan for a new two-story 4,220 SF Crisis Stabilization Unit for Palomar Hospital adjacent to the western side of the hospital was submitted on March 7, 2018.

Industrial

1. Escondido Self-Storage Facility (Developer: Brandywine Homes, Inc.) 2319 Cranston Dr. – The project plans are nearly ready for permit issuance. The applicant has recently notified staff that other issues unrelated to the project plans will delay their request for permits until March or April of 2018.
2. StorQuest (Developer: The William Warren Group, Inc.) 220 W. Mission Avenue – The building plans for the new four-story self-storage facility is close to approval and should be issued within the next week or two.
3. North American Self-Storage (Developer: Russ Colvin) 852 S. Metcalf – A revised plot plan has been approved and revised building plans were submitted into plan check on January 17, 2018. Planning and Esgil have issued comments on the building plans. Engineering has approved the grading plan for the revised project and is awaiting posting of the improvement bonds prior to authorizing issuance of the building permit.

City Projects

1. Micro-Filtration Reverse Osmosis (Developer: City of Escondido Utilities Department) SE corner Ash/Washington – The archaeological work plan has been approved by the State Historic Preservation Office (SHPO) and trenching is underway. Funding of the state loan for the project is contingent on completing the work plan to the satisfaction of SHPO.
2. Lake Wohlford Replacement Dam (Developer: City of Escondido Utilities Department) – A Draft EIR was prepared and issued for a 45-day public review period that began on October 4, 2016 and closed on November 17, 2016. A field visit with staff from the state and federal wildlife agencies took place on May 11, 2017, to review biological mitigation requirements including an agency request for full mitigation for emergent vegetation at the eastern end of the lake that came into existence since the lake level was reduced for safety reasons. Staff sent a follow-up letter to the wildlife agencies on June 29, 2017, seeking clarification on the proposed biological mitigation requirements. The California Department of Fish and Wildlife responded last month reiterating their earlier comments. Additional information is being compiled by the City's biological consultants based on recent conversations with the agencies.

Institutional

1. Escondido Assisted Living (Developer: Tigg Mitchell, Mitchell Group) 1802 N. Centre City Parkway – This CUP application for a 71,300 SF three-story, assisted living and memory care facility with 90 total units was submitted on October 31, 2017. A letter indicating the application is incomplete was sent to the applicant on November 30, 2017. The applicant has engaged with Fire, Engineering and Planning staff and has provided several revisions intended to address identified issues. A General Plan Amendment request is necessary to authorize a third story element to the building, which requires City Council authorization before intake for further processing. City Council will review the authorization request on March 21, 2018.

Residential

1. Citron (formerly Stella Park) (Developer: William Lyon Homes) 63 condo units at 2516 S. Esc. Blvd. – The City Council approved the final map on December 20, 2017. The rough grading has been completed on the site. Construction of model units are nearly complete on the western building along S. Escondido Boulevard. Building permits for the remaining buildings are pending recordation of the final map. Recordation of the final map is expected soon.
2. Wohlford (Developer: Jack Henthorne) 55 lots at 661 Bear Valley Pkwy. – Staff met with the applicant to review the draft conditions of approval for the project. Staff and the applicant have been working for some time to complete negotiations on final terms for the Development Agreement. On February 13, 2018, the Planning Commission continued the public hearing on this item at the applicant's request to allow more time to finalize negotiations.
3. Safari Highlands Ranch (SHR) (Developer: Jeb Hall, Concordia Homes) 550 lots east of Rancho San Pasqual – A Notice of Availability for the Draft EIR was issued on October 16, 2017 for public review and comment. The comment period ended on January 2, 2018. Staff transmitted all the comment letters and emails to the Draft EIR consultant for review and to prepare a response to each comment. The Draft EIR and appendices have been posted on the City's website at the following link:
<https://www.escondido.org/safari-highlands-ranch-specific-plan.aspx>
4. 18 lots at 701 San Pasqual Valley Rd (Developer: Bob Stewart) – A three-year extension of time for the previously approved ten-lot subdivision (Tract 895) was approved by the City Council on June 7, 2017. Staff comments on the revised tentative map were issued the last week of July. Staff met with the applicant several months ago regarding unresolved project design issues. The applicant has had one follow-up discussion with Utilities since then.
5. Escondido Gateway (Developer: Carolyn Hillgren, Lyon Living) 126 condo units at 700 W. Grand – Building plans have been approved by Esgil, Planning and Fire. Grading plans have been approved by Utilities, Planning and Fire. A street vacation for right-of-way frontage along Grand Avenue has been completed. Demolition is complete and construction permits are ready to be issued once title to the site transfers to the builder at the end of April 2018.

6. The Villages at Escondido Country Club (Developer: Jason Han, New Urban West, Inc.) 380 residences – The City Council voted 3-2 to approve the project on November 15, 2017. The vacant clubhouse building was destroyed by fire several days later. A lawsuit challenging the project approval was filed in Superior Court on behalf of the Escondido Country Club Homeowners (ECCHO) on December 15, 2017. The City has been working with the property owner and project applicant to demolish what's left of the clubhouse. A demolition permit was submitted last week.

The approved tentative subdivision map, Final EIR and appendices, Specific Plan and other related information can be accessed on the City's website at the following link:

<https://www.escondido.org/ecc.aspx>

7. North Avenue Estates (Developer: Casey Johnson) 34 lots at North Ave./Conway Dr. – The Planning Commission voted to recommend approval of the project on November 28, 2017. The City Council approved the project on January 10, 2018. The LAFCO application for annexation is being prepared and is expected to be submitted to LAFCO soon.
8. Aspire (106 condo units on Municipal Lot 1) (Developer: Addison Garza, Touchstone Communities) – The proposal consists of a six-story mixed-use development on Parking Lot 1. The project was initially submitted for entitlement processing on June 23, 2017. Subsequent meetings with the applicant and staff have been on-going and a resubmittal of the project plans was received on December 12, 2017. Planning, Fire and Building sent comments on the revised project submittal on January 16, 2018. A meeting with the project applicant occurred three weeks ago to discuss the technical studies needed to complete the environmental review for the project. A meeting to discuss engineering-related issues occurred last week.
9. The Ivy (95 condo units at 343 E. 2nd) (Developer: Addison Garza, Touchstone Communities) - Demolition of the vacant surgery center building on The Ivy site started last month. The condo project was initially submitted for entitlement processing on June 23, 2017. The applicant submitted revised project plans on December 8, 2017. The City issued a comment letter on the revised application on January 8, 2018. A meeting with the project applicant occurred three weeks ago to discuss the technical studies needed to complete the environmental review for the project.
10. Grand Avenue Apartments (Developer: Norm LaCaze, Escondido Venture 99, LLC) 15 apt. units at 1316 E. Grand Ave. – A planned development application proposing 15 multi-family units in one three-story building on a vacant 0.51-acre lot was submitted for entitlement processing on September 22, 2017. A completeness review letter was sent to the applicant on October 20, 2017, indicating the application was incomplete. A follow-up meeting with the Fire Department last week resolved some of the outstanding issues regarding the project design and a resubmittal is expected soon.
11. Quince Street Senior Housing (Developer: Matt Jumper, 220 Quince, L.P.) 145 apartment units at 220 N. Quince St.– The five-story affordable senior housing apartment project was submitted on November 21, 2017. Planning staff sent a letter to the applicant on December 21, 2017, indicating the application was incomplete. Two meetings with the applicant team and multiple city departments have occurred since the project submittal to discuss project design issues.

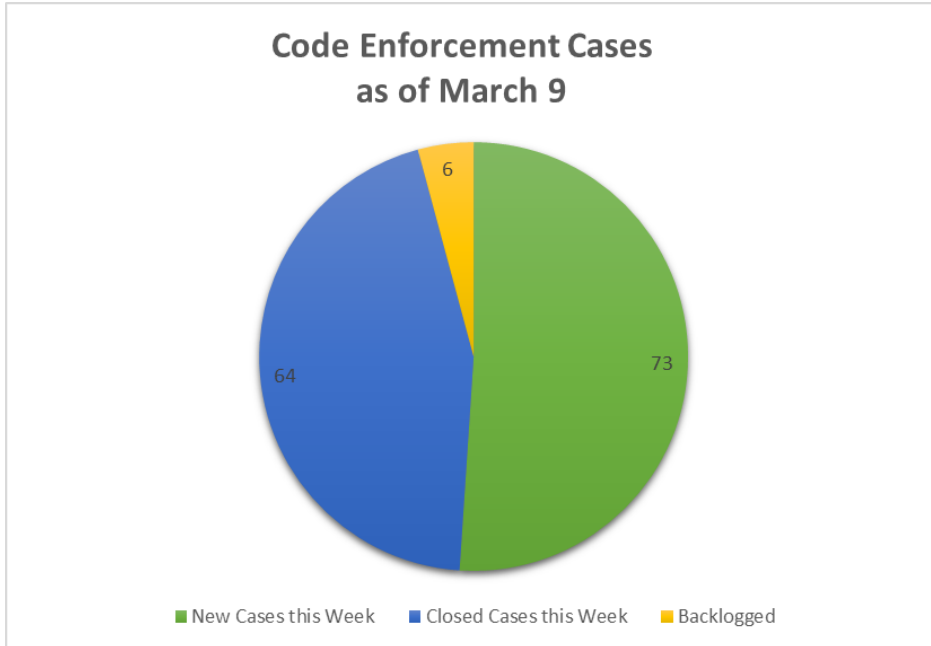
12. Sager Ranch (Developer: J. Whalen Associates, Inc., Sager Ranch Partners) 203 housing units and 225-room resort on 1783-acre Specific Plan area, just north and east of Dailey Ranch – This proposed residential and resort hotel annexation and specific plan project was received on March 2, 2018 and is currently being reviewed for completeness. This step encompasses the routing of plans to different referral and responsible agencies. It is anticipated that this review will be complete in April, 2018. The City’s comment letter and an electronic copy of the plans will be posted online within the next couple of weeks.
13. Accessory Dwelling Units – Planning staff is currently working on one application for an accessory dwelling unit. Five accessory dwelling units have been approved this year.

Building Division:

1. The Building Division issued 61 permits with a total valuation of \$247,505. Permits were mostly miscellaneous type, additions, reroofs etc.
2. 28 solar photovoltaic permits were issued for the week. The Building Division has issued 187 solar permits for the year compared to 174 issued for 2017.
3. Our building inspectors responded to 186 inspection requests for the week. 10 inspections were held over on Friday.
4. The total building valuation for all issued permits through March 10th is \$13,100,803 compared with \$12,841,771 for same time last year. Building has processed 531 projects so far in 2018 compared with 588 projects in 2017.
5. Projects nearing permit issuance are:
 - a. 917 W Lincoln, 3 new apartment buildings, 9 units.
 - b. 700 W Grand Ave Gateway project (previous police building)
6. The mixed use project at 300 S Escondido Blvd (City Plaza) has received an extension on their 30 -day Temporary Certificate of Occupancy and residential units are now being leased out. Temporary Certificate of Occupancy expires on 4/6/18.
7. The Meadowbrook 3 story apartment building with underground garage at 2081 Garden Valley Glen is preparing the building for final inspection. *No change from the previous.*
8. The medical office building at 2125 Citracado Pkwy is preparing for final inspection of the tenant improvement. *No change from the previous.*
9. The 8 residential buildings at the Westminster Seminary at 1725 Bear Valley Pkwy are preparing the buildings for final inspection.
10. The Emanuel Faith Church at 639 E 17th Ave is preparing for final inspection. *No change from the previous.*
11. The Church of Resurrection at 1445 Conway is preparing for final inspection. *No change from the previous.*

12. The new Veterans Village project at 1540 S Escondido Blvd has received exterior framing and roof sheathing approval. *No change from the previous.*
13. The new drive thru restaurant at 720 N. Center City Pkwy, the new retail building at 730 N. Center City Pkwy and the new drive thru restaurant at 700 N. Center City Pkwy have received final masonry grout lift approval, exterior shear and roof sheathing approval. *No change from the previous.*
14. The new market at the location of the former Toyota dealership at 151 W Lincoln has received exterior lath inspection approval and are preparing for shell building final. *No change from the previous.*
15. The Latitude 2, apartment buildings at 650 N Center City Pkwy has received first floor exterior shear and floor sheathing for buildings 1-6. *No change from the previous.*
16. The new two story church sanctuary building at 1864 N Broadway has inspection approval for the 6th grout lift of the masonry walls.
17. The new Starbucks at 302 W El Norte Pkwy are preparing for final inspection. *No change from the previous.*
18. The 212,000 sf industrial shell building at 2005 Harmony Grove received foundation inspection approval.
19. The new 63-unit condominium project, Citron, at 2516 S Escondido Blvd has received floor sheathing inspection for the second floor on Building 1.
20. The new Springhill Suites 105-room hotel at 200 La Terraza has received partial underground plumbing and foundation inspection.

Code Enforcement

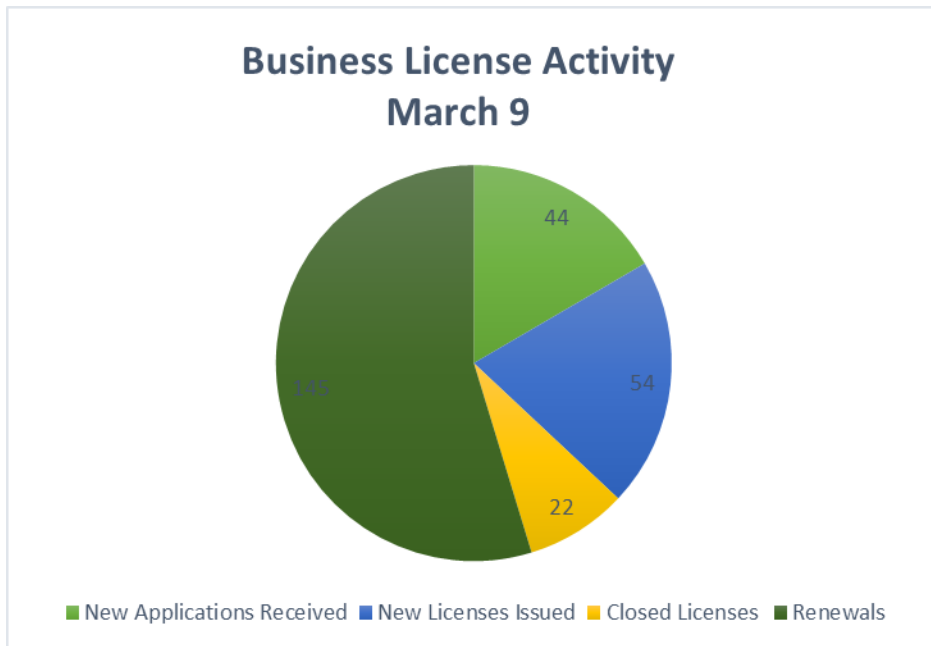


Total Open Code Cases
363

Graffiti Restitution

Collected This Week	Collected Year to Date
\$130	\$1985.14

Business Licensing



ENGINEERING

Capital Improvements

Valley Pkwy/Valley Center Road Widening Project: Day 134

The subcontractor completed the import and placement of roadway base material along the east side of Valley Parkway between Beven Drive and Lake Wohlford Road this past week. The masonry subcontractor is continuing the installation of CMU blocks for the sound wall along East Valley Parkway this week.

Neighborhood Lighting Project

No changes from that reported last week: The Neighborhood Street light project is nearing completion with street lights energized in four of the five neighborhoods on February 14th. The project features the installation of 44 new street lights with L.E.D. Luminaries in five neighborhoods: The Elms, Rustic Village, Mission Grove, Cedar-Cedar Brook, and Rose to Foxdale. Additionally, 22 existing street light fixtures were retrofitted with L.E.D. The new L.E.D. Luminaries shine a clean white light on the surrounding area, in contrast with the yellow light given off by the existing fixtures. The Rose to Foxdale energization has been delayed another two weeks for further review by the utility provider.

2017 Street Rehabilitation and Maintenance Project

The striping contractor is continuing with the installation of signage and striping throughout the project limits. The prime contractor has scheduled the installation of concrete median curb on Broadway at Mission Avenue and on Ash Street at Washington Avenue for March 27th. The concrete curb installation will replace the existing rubber curb that has deteriorated beyond repair.

Corrugated Metal Storm Drain Pipe Assessment Study

The contractor for the Midway Storm Drain Replacement Project has completed the removal and replacement of the first pipe segment. The contractor will have 60 days to complete the repairs at three locations on the pipe line along Midway Drive between Grand Avenue and Valley Parkway.

Rincon del Diablo Water Main Replacement

The water district's contractor has completed the roadway restoration.

Transit Center Pedestrian Bridge Project

The Transit Center Pedestrian Bridge and Spruce Street Channel Improvement Project is moving forward with 100% design completion.

Missing Link Project

This project will complete the street improvements needed to link riders from the channel bike path that currently ends at Broadway, to where it re-starts at Quince. Project bids were opened on January 18th, and the contract was awarded to Eagle Paving on February 14th. Construction is anticipated to begin between late March and mid-April, with completion expected 120 working days following the Notice to Proceed. A preconstruction meeting will be scheduled as soon as the City receives a signed contract.

PRIVATE DEVELOPMENT

Centerpointe 78

The new 300' median curb extension has been installed and the colored median sidewalk will be placed this week. The placement of the final pavement along El Norte Parkway at Escondido Boulevard is scheduled for later this week. Effective immediately, the median will restrict all left turn movements through the El Norte Parkway/Escondido Boulevard intersection.

Centre City Shopping Center

No changes from that reported last week: The project grading is complete and framing has begun on the first two structures. The project is located at 425 W. Mission Avenue.

Tract 932 - Canyon Grove Shea Homes Community

No changes from that reported last week: The developer has completed the installation of the water main along Vista Verde Way and is in the process of testing the water quality prior to connecting the pipeline to the City's system.

Latitude II Condominiums by a Lyon Homes Partnership: Washington Avenue @ Centre City Parkway

The contractor completed temporary repairs to the public improvements along Washington Avenue at Centre City Parkway. This work was associated with the water main installation that occurred last year.

Veteran's Village

The storm drain box along Escondido Boulevard is under construction. The #1 north bound lane of Escondido Boulevard is being kept closed to traffic in response to noise complaints from local residents due to the placement of steel plate in the roadway.

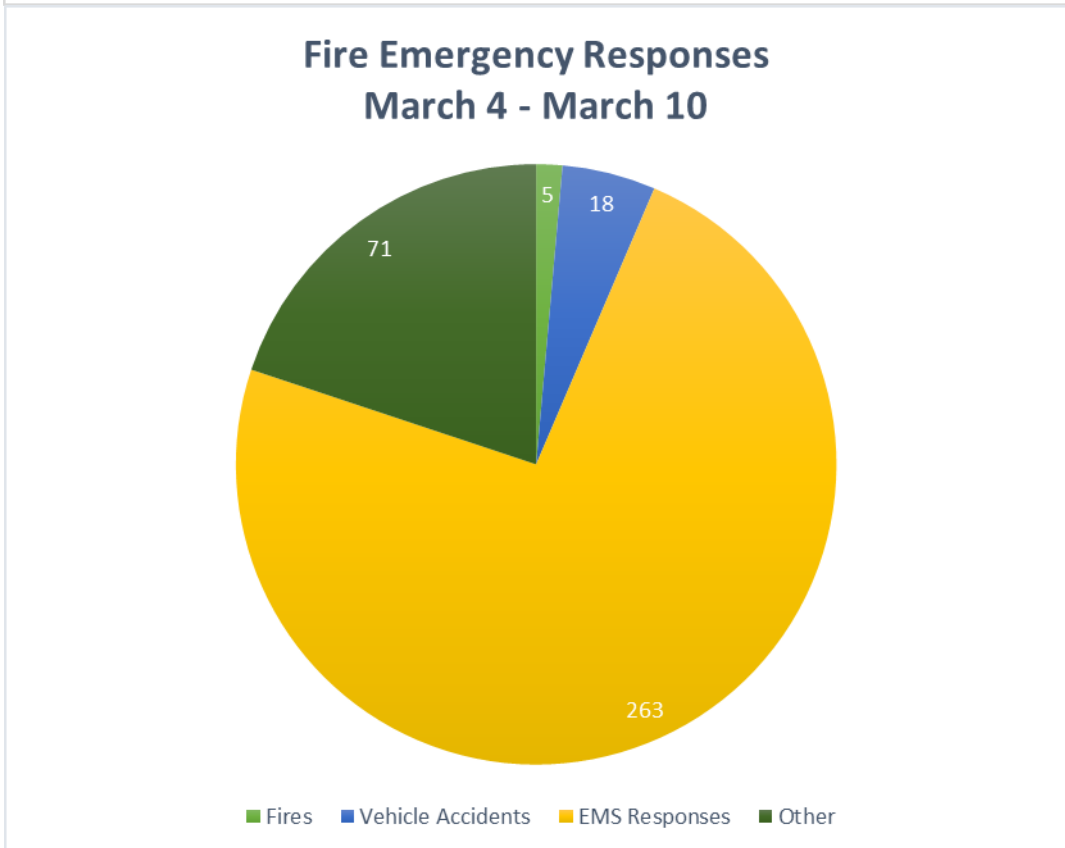
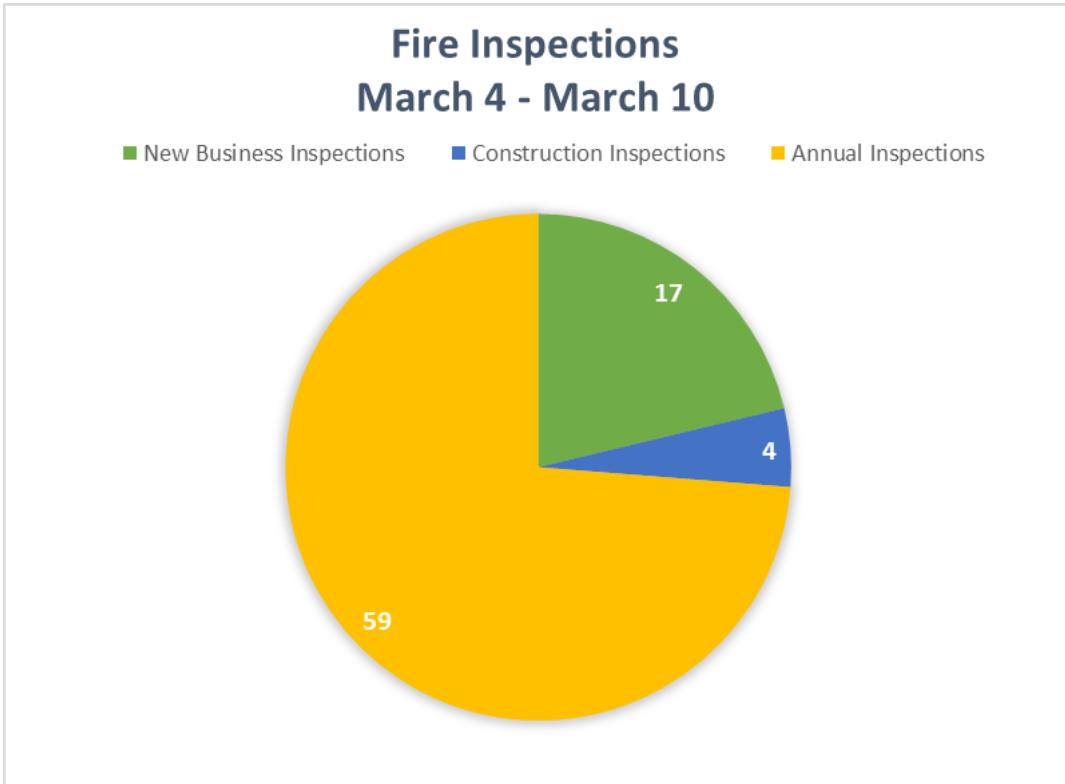
Exeter Industrial Park

No changes from that reported last week: The grading operation is continuing this week. Storm drain installation is now complete and work will shift to the construction of dry utilities onsite. The project is located at 2005 Harmony Grove Road and is 5.4 acres in size.

City Plaza

Roadway restriping was completed this week along Escondido Boulevard between 3rd and 5th Avenue.

FIRE



Total Emergency Responses (Year To Date)	3,199
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POLICE

INCIDENTS:

- On 3-05-2018, officers responded to the 600 block of S. Maple St. in reference to reports of person in a white Chevy Cruze pointing a gun at a person on the street. The person reporting the crime followed the vehicle until Officer Braucht got behind the vehicle in the area of Grand Ave. and Juniper St. The driver of the vehicle fled from officers. Officers pursued the vehicle until it crashed at the intersection of Rock Springs and Nordahl Rd. The rear passenger of the vehicle fled on foot. The driver and another passenger in the vehicle were detained inside the vehicle before they were able to flee. The passenger was located in the backyard of a residence in the 1500 block of Rock Springs Rd. The passenger gave up when he realized a police dog was going to be used to search the backyard. A loaded handgun was located on the driver's side floorboard. All three suspects were arrested and booked into the Vista Detention Facility on numerous charges. Since the collision occurred in the county, the California Highway Patrol handled the collision.
- On 3-05-2018, officers responded to the area of Broadway St. and Washington Ave. in reference to a possible drunk driver. Officers stopped the vehicle, and during the investigation, it was discovered the vehicle had been involved in at least three hit and run accidents. The driver was arrested for driving under the influence and booked into the Vista Detention Facility.
- On 3-06-18, Officer Santini made an enforcement stop on a vehicle in the area of 3rd Ave. and Hickory St. for expired registration. During an inventory search of the vehicle a loaded handgun was found underneath the driver's seat. The driver was arrested and booked into the Vista Detention Facility for possession of a concealed weapon in a vehicle and possession of a loaded firearm in a vehicle.
- On 3-08-2018, officers were dispatched to a call of a possible stolen vehicle in the 700 block of N. Broadway St. The vehicle left the area before officers arrived, but officers located the vehicle in the area of Mission Rd. and Harding St. The vehicle stopped and three occupants were detained. Officers searched the vehicle and located drugs, shaved keys and burglary tools. The suspects were booked into the Vista Detention Facility for a variety of charges, to include warrants, possession of a stolen vehicle, possession of a controlled substance and possession of burglary tools.
- On 3-8-2018, construction tools were stolen from a victim's truck. The victim discovered his tools were offered for sale on a social media site and began communicating with the seller and he contacted police for assistance. Officer Bellamy discovered the seller linked his Facebook page to the social media sales app and verified his name. An investigation into the seller revealed that he was a documented gang member and had a warrant issued for his arrest. A plan was developed to have the suspect meet with the victim at the rear of a business in the 1400 block of E. Valley Parkway to buy the tools. The suspect drove to the meeting location and was quickly surrounded by police officers and taken into custody. All of the victim's tools were recovered as well as several other pieces of equipment that were believed to be stolen. The suspect was booked into the Vista Detention Facility for possession of stolen property and possession of a controlled substance.
- On 3-9-2018, a San Diego County Sheriff's Department Court Services deputy requested assistance in arresting a felony warrant subject who was sleeping in a vehicle. Officers arrived on scene to find the vehicle unoccupied. The officers began

checking the area and observed people fleeing. Officers pursued the felony warrant subject right into the hands of Captain Kogler, who was off-duty. The subject was taken into custody without further incident and booked into the Vista Detention Facility on the warrant.

- On 3-9-2018, Officer Pizzuti and Detective Rodelo observed a subject vandalizing an electric box on the north west corner of Harding St. and Washington Ave. The suspect was taken into custody without incident. A check of Graffiti Tracker revealed the suspect's moniker had been used over ten times in documented tagging incidents within the city. The suspect was booked into Juvenile Hall for felony vandalism.

COPPS:

The COPPS (Community Oriented Policing and Problem-Solving) Unit is dedicated to increasing the quality of life for the residents of Escondido through pro-active responses to crime trends, quality of life issues, and addressing crime and public nuisance in Grape Day Park and at Maple Plaza.

- 5 arrests were made
- 17 citations were issued

###