



# Council Meeting Agenda

**JANUARY 11, 2017**

**MITCHELL ROOM**

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

**201 N. Broadway, Escondido, CA 92025**

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

**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

**January 11, 2017  
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 Graham Mitchell  
**Employee Organization:** Escondido Police Officers' Association
- II. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
- Case Name:** Nicolas Dapice v. City of Escondido  
**Case No:** WCAB Case No. ADJ6914844
- III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
- a. **Property:** A parcel on the north side of West Valley Parkway between City hall and the California Center for the Arts, Escondido; APN 229-372-20
- City Negotiator:** The City of Escondido  
**Negotiating Parties:** Craig Clark  
**Under Negotiation:** Price and Terms of Agreement

- b. **Property:** 272 East Via Rancho Parkway  
**City Negotiator:** The City of Escondido  
**Negotiating Parties:** Westfield  
**Under Negotiation:** Price and Terms of Agreement

**ADJOURNMENT**



# Council Meeting Agenda

**January 11, 2017  
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 September 14, 2016 B\) Regular Meeting of December 7, 2016 C\) Special Meeting of December 14, 2016](#)**

4. **[APPROVAL OF CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR BEVERLY HOLTZ -](#)**  
Request the City Council approve the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Police Officer Beverly Holtz.

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

RESOLUTION NO. 2017-01

5. **[MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ESCONDIDO AND THE POLICE OFFICERS' ASSOCIATION - NON-SWORN BARGAINING UNIT AND BUDGET ADJUSTMENT -](#)**

Request the City Council approve the execution of a Memorandum of Understanding between the City of Escondido and the Police Officers' Association Non-Sworn Bargaining Unit, for a one-year term commencing July 1, 2016 through June 30, 2017 and approve a budget adjustment appropriating \$56,055 to cover increased contract costs. The Fiscal Year 2016-17 General Fund Operating Budget did not allocate funds for contract increases, but it is anticipated that budgetary savings at year end will cover these increased costs.

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

RESOLUTION NO. 2017-09

6. **[FINAL MAP, ESCONDIDO TRACT 877, LOCATED AT 1995 BERNARDO AVENUE -](#)**  
Request the City Council approve the Final Map for Tract 877, a 13-Lot Residential Subdivision located at 1995 Bernardo Avenue.

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

7. **[REJECT ALL BIDS FOR THE JIM STONE POOL RENOVATION PROJECT -](#)**  
Request the City Council approve rejecting all bids for the Jim Stone Pool Renovation Project and authorize staff to re-bid the project.

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

RESOLUTION NO. 2017-08

## 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

8. [TWO ALTERNATIVE MASTER AND PRECISE DEVELOPMENT PLANS AND ZONE CHANGE FOR A PROPOSED INDUSTRIAL DEVELOPMENT AT 1925 HARMONY GROVE ROAD \(PHG 16-0012 AND ENV 16-0008\) -](#)

Request the City Council approve two alternative Master and Precise Development Plans and a Zone Change from R-1-7 (Single-Family Residential) to PD-I (Planned Development-Industrial) for a proposed industrial development on Harmony Grove Road, south of Enterprise Street, east of Pacific Oaks Place (APN 235-050-58). The two alternative plans are mutually exclusive. Master and Precise Development Plan A would consist of one 98,500 square-foot industrial building, and Master and Precise Development Plan B would consist of three industrial buildings and 86,010 total square feet. The proposal also includes the adoption of the environmental determination prepared for the project.

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

ORDINANCE NO. 2017-02 (First Reading and Introduction)

9. [APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR A MEMBRANE FILTRATION/REVERSE OSMOSIS FACILITY \(MF/RO\) LOCATED AT 1201 EAST WASHINGTON AVENUE \(PHG 16-0014\) -](#)

Request the City Council affirm the Planning Commission's approval of a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility (MF/RO) located at 1201 East Washington Avenue.

Staff Recommendation: **Deny the appeal and affirm the decision of the Planning Commission (Community Development Department: Bill Martin)**

RESOLUTION NO. 2017-07

## CURRENT BUSINESS

10. [APPOINTMENT TO PLANNING COMMISSION -](#)

Request the City Council ratify the Mayor's appointments to the Planning Commission.

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

11. [REVIEW AND UPDATE OF CURRENT COUNCIL SUBCOMMITTEE AND MEMBER ASSIGNMENTS -](#)

Request the City Council make determinations and ratify members to serve on the Council/Mayoral appointed subcommittees per the attached listing.

Staff Recommendation: **None**

## FUTURE AGENDA

### 12. [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 UPDATE/BRIEFING

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

- [CITY MANAGER'S UPATE -](#)

## 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. Speakers are limited to only one opportunity to address the Council under Oral Communications.

## ADJOURNMENT

### UPCOMING MEETING SCHEDULE

Date	Day	Time	Meeting Type	Location
January 18	-	-	No Meeting	-
January 25	Wednesday	3:30 & 4:30 PM	Regular Meeting	Council Chambers
February 1	Wednesday	3:30 & 4:30 PM	Regular Meeting	Council Chambers
February 8	-	-	No Meeting	-



## TO ADDRESS THE COUNCIL

The public may address the City Council on any agenda item. Please complete a Speaker's form and give it to the City Clerk. 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](http://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**  
**September 14, 2016**  
**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, September 14, 2016 in the Council Chambers at City Hall with Mayor Abed presiding.

**ATTENDANCE:**

The following members were present: Councilmember Olga Diaz, Councilmember Ed Gallo, Councilmember John Masson, Deputy Mayor 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 LABOR NEGOTIATOR (Government Code §54957.6)**

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

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

**Case Name:** Arthur Holcomb v. City of Escondido  
**Case No:** WCAB No. ADJ9254525

**ADJOURNMENT**

Mayor Abed adjourned the meeting at 3:47 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MINUTES CLERK

**CITY OF ESCONDIDO**  
**September 14, 2016**  
**4:30 P.M. Meeting Minutes**

**Escondido City Council**  
**Mobilehome Rent Review Board**

**CALL TO ORDER**

The Regular Meeting of the Escondido City Council was called to order at 4:35 p.m. on Wednesday, September 14, 2016 in the Council Chambers at City Hall with Mayor Abed presiding.

**MOMENT OF REFLECTION:**

Scott Smith led the Moment of Reflection.

**FLAG SALUTE**

Mayor Abed led the Flag Salute.

**PROCLAMATIONS:**

National Preparedness Month

**PRESENTATIONS:**

Citrus Pest & Disease Prevention Program Presentation

**ATTENDANCE:**

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

Also present were: Graham Mitchell, City Manager; Jeffrey Epp, City Attorney; Bill Martin, Director of Community Development; Ed Domingue, Director of Public Works; Diane Halverson, City Clerk; and Michael Thorne, Minutes Clerk.

**ORAL COMMUNICATIONS**

**Tom Cowan, Escondido**, thanked the City for its support of the North County StandDown.

**Tracy Baxter, Escondido**, spoke about homelessness in the City.

**Jerry Swadley, Escondido**, spoke about the Escondido Country Club and stated he does not support the new development proposal from New Urban West.

## CONSENT CALENDAR

Councilmember Masson removed item 15 from the Consent Calendar for discussion.

**MOTION:** Moved by Councilmember Masson and seconded by Deputy Mayor Morasco to approve the following Consent Calendar items, with the exception of item 15. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency )**
3. **APPROVAL OF MINUTES: None Scheduled**
4. **APPOINTMENT TO THE SAN DIEGO COUNTY WATER AUTHORITY BOARD -**  
Request the City Council ratify the Mayor's appointment of a City Councilmember as representative on the Board of the San Diego County Water Authority. (File No. 0145-80)

Staff Recommendation: **None (City Council: Mayor Sam Abed)**

RESOLUTION NO. 2016-133

5. **FISCAL YEAR 2016-2017 ROTARY CLUB OF ESCONDIDO GRANT AND BUDGET ADJUSTMENT -**  
Request the City Council approve authorizing the Library Department to accept the Rotary Club of Escondido Grant in the amount of \$1500 and approve the budget adjustment needed to spend the grant funds. (File No. 0430-80)

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

6. **UNCLASSIFIED SERVICE SCHEDULE AND SALARY PLANS -**  
Request the City Council approve the adoption of two Resolutions pertaining to Unclassified Employees: amending the Unclassified Management Salary Bands and amending the Unclassified Service Schedule List. (File No. 0720-20)

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

A) RESOLUTION NO. 2016-126 B) RESOLUTION NO. 2016-128

7. **CITY HOLIDAY CLOSURE SCHEDULE FOR YEAR 2017 -**  
Request the City Council approve designating the days that City offices will be closed in the year 2017 for holiday observances. (File No. 0740-30)

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

RESOLUTION NO. 2016-132

8. **NOTICE OF COMPLETION: RECYCLED WATER EASTERLY MAIN EXTENSION -**  
Request the City Council approve authorizing the Director of Utilities to file a Notice of Completion for the Recycled Water Easterly Main Extension project. (File No. 0600-10 [A-3121])

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

RESOLUTION NO. 2016-131

- 9. CONTRACT AMENDMENT FOR THE CHEMICAL BID AWARD WITH OLIN CORPORATION -**  
Request the City Council approve authorizing a first amendment to the chemical bid award with Olin Corporation in the amount \$325,000. (File No. 0470-25)

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

RESOLUTION NO. 2016-139

- 10. SAN DIEGO HUMAN TRAFFICKING TASK FORCE AND BUDGET ADJUSTMENT -**  
Request the City Council approve accepting San Diego Human Trafficking Task Force funding from the United States Department of Justice; authorize the Chief of Police or his designee to execute task force documents on behalf of the City; and approve the budget adjustments needed to spend the grant funds. (File No. 0430-80)

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

- 11. FISCAL YEAR 2016-17 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT GRANT AND BUDGET ADJUSTMENT -**

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2016-17 California Office of Traffic Safety Selective Traffic Enforcement Program Grant in the amount of \$310,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve the budget adjustments needed to spend the grant funds. (File No. 0480-70)

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

- 12. FISCAL YEAR 2015-16 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION AND BUDGET ADJUSTMENT -**

Request the City Council approve authorizing the Chief of Police to receive a \$46,313 Fiscal Year 2015-16 Edward Byrne Memorial Justice Assistance Grant; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve the budget adjustments needed to spend the grant funds. (File No. 0480-70)

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

- 13. FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION DONATION OF AUTOMATED EXTERNAL DEFIBRILLATOR -**

Request the City Council approve authorizing the Escondido Police Department to accept one donated automated external defibrillator from the Firehouse Subs Public Safety Foundation. (File No. 0150-20)

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

- 14. DISPOSITION OF PROPERTY: 1750 CITRACADO PARKWAY, LOT #74 AT MOUNTAIN SHADOWS MOBILE HOME PARK -**

Request the City Council approve authorizing the Real Property Manager and the City Clerk to execute documents necessary to complete the sale of 1750 Citracado Parkway, Lot #74 at Mountain Shadows Mobile Home Park. (File No. 0690-20)

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

RESOLUTION NO. 2016-136

- 15. AMENDMENT TO PURCHASE AND SALE AGREEMENT: 700 WEST GRAND AVENUE -**  
Request the City Council approve authorizing the Real Property Manager and the City Clerk to execute a third amendment to the Purchase and Sale Agreement for the sale of 700 West Grand Avenue to Integral Partners Funding, LLC. (File No. 0690-20)

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

RESOLUTION NO. 2016-135

**MOTION:** Moved by Deputy Mayor Morasco and seconded by Councilmember Diaz to approve authorizing the Real Property Manager and the City Clerk to execute a third amendment to the Purchase and Sale Agreement for the sale of 700 West Grand Avenue to Integral Partners Funding, LLC and adopt Resolution No. 2016-135. Ayes: Diaz, Gallo and Morasco. Noes: None. Abstained: Masson and Abed. Motion carried.

- 16. ALL-WAY STOP CONTROL REQUEST FOR THE INTERSECTION OF NORTH ESCONDIDO BOULEVARD AND WEST LINCOLN AVENUE -**

Request the City Council approve amending the schedule of stop signs for the intersection of North Escondido Boulevard and West Lincoln Avenue. (File No. 1050-50)

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

RESOLUTION NO. 2016-125

**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

### 17. **SHORT-FORM RENT REVIEW BOARD HEARING FOR CASA GRANDE MOBILE ESTATES -**

Request the City Council consider for approval the short-form rent increase application submitted by Casa Grande Mobile Estates, and if approved, grant an increase of 75 percent of the change in the Consumer Price Index, or 1.836 percent (an average of \$9.65) for the period of December 31, 2014 to December 31, 2015. (File No. 0697-20-10094)

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

RRB RESOLUTION NO. 2016-13

Karen Youel, Housing and Neighborhood Services Manager, presented the staff report, utilizing a PowerPoint presentation.

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

**Kent Johns, Owners Representative**, addressed issues in the park, spoke about the removal of the dog park and noted restrooms being locked.

**Marko McNeiland and Joan DeVries, Resident Representatives**, shared minutes from a previous park meeting.

**David Martin, Escondido**, shared information about Home Owners' associations.

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

**MOTION:** Moved by Deputy Mayor Morasco and seconded by Councilmember Gallo to approve the short-form rent increase application submitted by Casa Grande Mobile Estates, and if approved, grant an increase of 75 percent of the change in the Consumer Price Index, or 1.836 percent (an average of \$9.65) for the period of December 31, 2014 to December 31, 2015 and adopt RRB Resolution No. 2016-13. Ayes: Gallo, Masson, Morasco and Abed. Noes: Diaz. Absent: None. Motion carried.

### 18. **RECOMMENDATION FOR ALLOCATION OF HOME FUNDS TO CYPRESS COVE APARTMENTS**

Request the City Council approve allocating an additional \$500,000 of HOME funds to the Cypress Cove Affordable Housing Project at 260 North Midway and authorize the Mayor and City Clerk to execute an amendment to the current Affordable Housing Agreement and all necessary loan and supporting agreements in forms acceptable to the City Attorney. (File No. 0873-01)

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

RESOLUTION NO. 2016-140

Karen Youel, Housing and Neighborhood Services Manager, presented the staff report, utilizing a PowerPoint presentation.

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

**Anne Wilson, Community Housing Works**, thanked the Council for support and noted project's balcony issues.

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

**MOTION:** Moved by Councilmember Diaz and seconded by Deputy Mayor Morasco to approve allocating an additional \$500,000 of HOME funds to the Cypress Cove Affordable Housing Project at 260 North Midway and authorize the Mayor and City Clerk to execute an amendment to the current Affordable Housing Agreement and all necessary loan and supporting agreements in forms acceptable to the City Attorney and adopt Resolution No. 2016-140. Motion carried unanimously.



**19. MASTER AND PRECISE DEVELOPMENT PLAN AND ZONE CHANGE FOR THE VICTORY INDUSTRIAL DEVELOPMENT PROJECT (PHG 15-0042 AND ENV 15-0017) -**

Request the City Council approve the proposed Master and Precise Development Plan for the proposed Victory Industrial Park project and Zone Change from Single-Family Residential (R-1-6) to Planned Development-Industrial (PD-I). (File No. 0800-10)

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

ORDINANCE NO. 2016-10 (Introduction and First Reading)

Councilmember Masson abstained and left the dais.

Bill Martin, Director of Community Development, presented the staff report, utilizing a PowerPoint presentation.

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

**MOTION:** Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve the proposed Master and Precise Development Plan for the proposed Victory Industrial Park project and Zone Change from Single-Family Residential (R-1-6) to Planned Development-Industrial (PD-I) and introduce Ordinance No. 2016-10. Ayes: Diaz, Gallo, Morasco, and Abed. Noes: None. Abstained: Masson. Motion carried.

**20. GENERAL PLAN AMENDMENT, ZONE CHANGE, AND MASTER AND PRECISE DEVELOPMENT PLAN (PHG 16-0006 AND ENV 16-0002) -**

Request the City Council approve a General Plan Amendment to change the allowed building height in the Planned Commercial (PC) land use designation from three stories to four stories and to change the designation of the parcel addressed as 222 West Mission Avenue (APN: 229-120-76) from General Commercial (GC) to Planned Commercial (PC); approve a Zone Change for the same parcel from General Commercial (GC) to Planned Development-Commercial (PD-C); and approve a Master and Precise Development Plan for the same parcel for a four-story, 102,774-SF commercial building to contain a self-storage facility and retail/restaurant space. (File No. 0830-20)

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

ORDINANCE NO. 2016-11 (Introduction and First Reading)

Bill Martin, Director of Community Development, presented the staff report, utilizing a PowerPoint presentation.

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

**Heather Riley, San Diego**, shared information about the William Warren Group.

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

**MOTION:** Moved by Councilmember Masson and seconded by Councilmember Gallo to approve a General Plan Amendment to change the allowed building height in the Planned Commercial (PC) land use designation from three stories to four stories and to change the designation of the parcel addressed as 222 West Mission Avenue (APN: 229-120-76) from General Commercial (GC) to Planned Commercial (PC); approve a Zone Change for the same parcel from General Commercial (GC) to Planned Development-Commercial (PD-C); and approve a Master and Precise Development Plan for the same parcel for a four-story, 102,774-SF commercial building to contain a self-storage facility and retail/restaurant space and introduce Ordinance No. 2016-11. Motion carried unanimously.

- 21. ZONING CODE AMENDMENT AND CONDITIONAL USE PERMIT REGARDING POSTSECONDARY VOCATIONAL TRAINING SCHOOLS (AZ 16-0003 AND PHG 16-0008) -**  
Request the City Council approve amending the Zoning Code to allow postsecondary vocational training schools as a Conditional Use within the Industrial zones and approve the proposed Conditional Use Permit for a postsecondary vocational training school. (File No. 0810-20)

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

A) RESOLUTION NO. 2016-129 B) ORDINANCE NO. 2016-12 (Introduction and First Reading)

Bill Martin, Director of Community Development, introduced Adam Finestone.

Adam Finestone, Principal Planner, presented the staff report, utilizing a PowerPoint presentation.

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

**Kimberly Boon, Applicant Representative**, explained services the school will provide.

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

**MOTION:** Moved by Councilmember Gallo and seconded by Councilmember Masson to approve amending the Zoning Code to allow postsecondary vocational training schools as a Conditional Use within the Industrial zones and approve the proposed Conditional Use Permit for a postsecondary vocational training school and adopt Resolution No. 2016-129 and introduce Ordinance No. 2016-12. Motion carried unanimously.

## **FUTURE AGENDA**

**22. FUTURE AGENDA -**

The purpose of this item is to identify issues presently known to staff or which members of the 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**

Mayor Abed shared information from his meeting with the new Council General of Mexico, and her Deputy Council General; Mayor Abed was reappointed to the Board of San Diego EDC.

## **CITY MANAGER'S UPDATE/BRIEFING**

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

- **CITY MANAGER'S UPDATE -**

## **ORAL COMMUNICATIONS**

**ADJOURNMENT**

Mayor Abed adjourned the meeting at 6:42 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MINUTES CLERK

**CITY OF ESCONDIDO**  
**December 7, 2016**  
**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, December 7, 2016 in the Council Chambers at City Hall with Mayor Abed presiding.

**ATTENDANCE:**

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

**ORAL COMMUNICATIONS**

**CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)**

**MOTION:** On the recommendation of the City Attorney Jeffrey Epp, Deputy Mayor Morasco moved to add an item to Closed Session pursuant to the authority of Government Code Section 54954.2(b)(2) and then to recess to Closed Session; the motion was seconded by Councilmember Gallo. The matter to be added was City Manager – Employment pursuant to Government Code Section 54957(b)(1). The need to discuss the matter arose subsequent to the posting of the agenda last week as difficulties arose with regard to Councilmember schedules and the ability to meet the week of December 19 became apparent, as well as schedules involving the City Manager recruitment firm retained by the City.

Council adopted the motion to add the item to the Closed Session agenda and then recess to Closed Session by a vote of 4/0/1; Councilmember Diaz was absent.

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

- a. **Agency Negotiator:** Sheryl Bennett and Graham Mitchell  
**Employee Organization:** Non-Sworn Police Bargaining Unit
- b. **Agency Negotiator:** Sheryl Bennett and Graham Mitchell  
**Employee Organization:** Escondido Police Officers' Association

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

**Case Name:** City of Escondido, et al. v. Matosantos, et al.  
**Case No:** 34-2013-80001467-CU-WM-GDS

**ITEMS I.a., I.b., AND II. WERE NOT DISCUSSED.**

**ADJOURNMENT**

Mayor Abed adjourned the meeting at 3:54 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DEPUTY CITY CLERK

**CITY OF ESCONDIDO**  
**December 7, 2016**  
**4:30 P.M. Meeting Minutes**

**Escondido City Council**  
**Mobilehome Rent Review Board**

**CALL TO ORDER**

The Regular Meeting of the Escondido City Council was called to order at 4:30 p.m. on Wednesday, December 7, 2016 in the Council Chambers at City Hall with Mayor Abed presiding.

**MOMENT OF REFLECTION**

None

**FLAG SALUTE**

Troop 668 Boy Scout Eric Coy led the Flag Salute

**ATTENDANCE:**

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

Also present were: Graham Mitchell, City Manager; Jeffrey Epp, City Attorney; Bill Martin, Director of Community Development; Julie Procopio, Director of Engineering Services; Diane Halverson, City Clerk; and Jennifer Klein, Deputy City Clerk.

**ORAL COMMUNICATIONS**

**CONSENT CALENDAR**

Mayor Abed requested City Attorney Jeffrey Epp to make a report from Closed Session. City Attorney Jeffrey Epp announced that the City Council acted in Closed Session to work with current City Manager, Graham Mitchell, to extend his resignation date to continue serving as City Manager through February 15, 2017. We have executed that agreement and it is a public document.

Councilmember Masson removed item 6 for discussion.

**MOTION:** Moved by Councilmember Gallo and seconded by Councilmember Masson to approve the following Consent Calendar items with the exception of item 6. Ayes: Gallo, Masson, Morasco, and Abed. Noes: None. Absent: Diaz. Motion carried.

- 1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
- 2. APPROVAL OF WARRANT REGISTER (Council/Successor Agency )**
- 3. APPROVAL OF MINUTES: A) Special Meeting of November 9, 2016 B) Regular Meeting of November 16, 2016**

**4. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ESCONDIDO AND THE ESCONDIDO FIREFIGHTERS' ASSOCIATION - SAFETY AND NON-SAFETY BARGAINING UNIT AND BUDGET ADJUSTMENT -**

Request the City Council approve the execution of a Memorandum of Understanding between the City of Escondido and the Escondido Firefighters' Association, Safety and Non-Safety Bargaining Unit, for a one-year term commencing January 1, 2017 through December 30, 2017 and approve a budget adjustment appropriating \$38,670 to cover increased contract costs. The Fiscal Year 2016-17 General Fund Operating Budget did not allocate funds for contract increases, but it is anticipated that budgetary saving at year end will cover these increased costs. (File No. 0740-30)

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

RESOLUTION NO. 2016-174

**5. APPROVAL OF MICROSOFT LICENSING ENTERPRISE AGREEMENT -**

Request the City Council approve authorizing the Interim Director of Information Systems to enter into a three-year agreement with Softchoice Corp. to provide Microsoft Software Assurance via a Microsoft Licensing Enterprise Agreement. (File No. 0600-10 [A-3205])

Staff Recommendation: **Approval (Information Systems Department: Mitch Howard)**

RESOLUTION NO. 2016-175

**6. FOURTH AMENDMENT TO THE BANKING SERVICES AGREEMENT WITH BANK OF AMERICA TO CONTINUE BANKING SERVICES FOR ONE YEAR, THROUGH DECEMBER 31, 2017 -**

Request the City Council approve authorizing the Finance Director (Director of Administrative Services) and the City Clerk to execute a fourth amendment to renew a one (1) year contract with Bank of America to provide banking and merchant services to the City through December 31, 2017. With satisfactory performance and mutual agreement between the City and the Bank, the City may opt to renew for two (2) additional one-year contract extensions for a total of three (3) years. (File No. 0600-10 [A-2249])

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

RESOLUTION NO. 2016-177

Councilmember Masson questioned the extension of the banking services agreement with Bank of America and commented regarding requests for proposals with other banks.

**MOTION:** Moved by Councilmember Masson and seconded by Councilmember Gallo to approve authorizing the Finance Director (Director of Administrative Services) and the City Clerk to execute a fourth amendment to renew a one (1) year contract with Bank of America to provide banking and merchant services to the City through December 31, 2017. With satisfactory performance and mutual agreement between the City and the Bank, the City may opt to renew for two (2) additional one-year contract extensions for a total of three (3) years. Ayes: Gallo, Masson Morasco, Abed. Noes: None. Absent: Diaz. Motion carried.

## 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.)

7. **ADOPTION OF THE 2016 CALIFORNIA BUILDING, FIRE, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL, AND ENERGY CODES, GREEN BUILDING STANDARDS CODE, AND LOCAL AMENDMENTS -**

Approved on November 16, 2016 with a vote of 5/0 (File No. 0680-50)

A) ORDINANCE NO. 2016-09 (Second Reading and Adoption)

B) ORDINANCE NO. 2016-17 (Second Reading and Adoption)

## PUBLIC HEARINGS

8. **SHORT-FORM RENT INCREASE APPLICATION FOR GREENCREST MOBILEHOME PARK -**

Request the City Council consider for approval the short-form rent increase application submitted by Greencrest Mobilehome Park and if approved, grant an increase of 75 percent of the change in the Consumer Price Index, or 1.482 percent (an average of \$6.58) for the period of June 30, 2015 to June 30, 2016. (File No. 0697-20-10105)

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

RRB RESOLUTION NO. 2016-14

Belinda Rojas, Program Administrator, presented the staff report, utilizing a PowerPoint presentation.

Jim Younce, Owner's Representative, noted that the broken window was repaired. He was available to answer any further questions.

**MOTION:** Moved by Councilmember Gallo and seconded by Deputy Mayor Morasco to approve the short-form rent increase application submitted by Greencrest Mobilehome Park granting an increase of 75 percent of the change in the Consumer Price Index, or 1.482 percent (an average of \$6.58) for the period of June 30, 2015 to June 30, 2016. Ayes: Gallo, Masson, Morasco, and Abed. Noes: None. Absent: Diaz. Motion carried.

9. **ANNUAL AND FIVE-YEAR REPORTS ON CAPITAL FUNDS FUNDED BY DEVELOPER FEES FOR THE FISCAL YEAR ENDING JUNE 30, 2016 AND 2% ADJUSTMENT FOR DEVELOPMENT IMPACT FEES -**

Request the City Council approve making required findings for the annual and five-year Reports on Capital Funds Funded by Developer Fees for the Fiscal Year Ended June 30, 2016; and approve a 2% adjustment for Development Impact Fees. (File No. 0480-45)

Staff Recommendation: **Approval (Finance Department: Sheryl Bennett and Engineering Services Department: Julie Procopio)**

RESOLUTION NO. 2016-173R

Jay Petrek, Assistant City Manager, and Julie Procopio, Director of Engineering Services, presented the staff report, utilizing a PowerPoint presentation.

**MOTION:** Moved by Councilmember Masson and seconded by Deputy Mayor Morasco to approve making required findings for the annual and five-year Reports on Capital Funds Funded by Developer Fees for the Fiscal Year Ended June 30, 2016; and approve a 2% adjustment for Development Impact Fees. Ayes: Gallo, Masson, Morasco, and Abed. Noes: None. Absent: Diaz. Motion carried.



## **FUTURE AGENDA**

### **10. 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 shared a report regarding the Central Valley and Delta water supply presented at the the San Diego County Water Authority meeting. Deputy Mayor Morasco attended the California Center for the Arts, Escondido Subcommittee Meeting, and shared information on new after school arts programs, upcoming museum exhibits, a potential ground lease to ASB (A Step Beyond dance program), and a discussion on a potential hotel project.

Mayor Abed reported on the SANDAG meeting and commented that the 78 connection is a priority for North County. He also indicated his recent appointment as chair of LAFCO and shared information concerning the "islands" within North County.

## **CITY MANAGER'S UPDATE/BRIEFING**

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

- **CITY MANAGER'S UPDATE -**

## **ORAL COMMUNICATIONS**

## **ADJOURNMENT**

Mayor Abed adjourned the meeting at 5:19 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DEPUTY CITY CLERK

**December 14, 2016  
6:00 P.M. Special Meeting Minutes**

**Escondido City Council**

**CALL TO ORDER**

The Special Meeting of the Escondido City Council was called to order at 6:00 p.m. on Wednesday, December 14, 2016 in the Council Chambers at City Hall with Mayor Abed presiding.

**FLAG SALUTE:**

Police and Fire Color Guard led the flag salute.

**NATIONAL ANTHEM:**

Officer Beverly Holtz sang the National Anthem.

**INVOCATION:**

Dennis Keating gave the invocation.

**ROLL CALL:**

The following members were present: Councilmember Diaz, Councilmember Gallo, Councilmember Masson, Deputy Mayor Morasco, and Mayor Abed. Quorum present.

Also present were: Graham Mitchell, City Manager; Jeffrey Epp, City Attorney; Diane Halverson, City Clerk, and Jennifer Klein, Deputy City Clerk.

**ORAL COMMUNICATIONS**

**CONSENT CALENDAR**

**1. CERTIFICATION OF 2016 GENERAL MUNICIPAL ELECTION RESULTS -**

Request the City Council approve certifying the November 8, 2016, City of Escondido General Municipal Election and declare the results. (File No. 0650-40)

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

RESOLUTION NO. 2016-176

**MOTION:** Moved by Councilmember Diaz and seconded by Councilmember Gallo to approve the Certification of the November 8, 2016 City of Escondido General Municipal election, declare the results, and adopt Resolution No. 2016-176. Motion carried unanimously.

## INSTALLATION CEREMONIES

### 2. INSTALLATION OF OFFICERS: The Honorable Judge Harry Elias

- Olga Diaz, Councilmember – District Three
- Michael Morasco, Councilmember – District Four
- Douglas Shultz, City Treasurer

The Honorable Judge Harry Elias administered the Oath of Office to Olga Diaz, Councilmember, District Three; Michael Morasco, Councilmember, District Four; and Douglas Shultz, City Treasurer.

### 3. COMMENTS FROM OUTGOING CITY TREASURER, Kenneth C. Hugins

### 4. COMMENTS FROM NEWLY ELECTED OFFICERS

## CURRENT BUSINESS

### 5. APPOINTMENT OF DEPUTY MAYOR -

Staff Recommendation: **None**

**MOTION:** Moved by Deputy Mayor Morasco and seconded by Councilmember Diaz to appoint Councilmember Masson as Deputy Mayor for a term of two years. Motion carried unanimously.

## ORAL COMMUNICATIONS

## ADJOURNMENT/RECEPTION

Mayor Abed adjourned the meeting at 6:27 p.m.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
DEPUTY CITY CLERK

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 4  
**Date:** January 11, 2017

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Sheryl Bennett, Director of Administrative Services  
Jodi Vinson, Risk and Safety Manager

**SUBJECT:** Approval of CalPERS Industrial Disability Retirement for Beverly Holtz

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-01, approving the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Police Officer Beverly Holtz.

BACKGROUND:

Ms. Holtz is a 48-year-old female Police Officer. She has been employed by the City of Escondido for over 17 years. The basis for Ms. Holtz's Industrial Disability Retirement application is confirmed by medical reports from Beth Bathgate, M.D. Ms. Holtz's condition is orthopedic in nature. Accordingly, Ms. Holtz is incapacitated within the meaning of the Public Employees' Retirement Law for the performance of her usual and customary duties in the position of Police Officer.

Under State Law, the City Council is required to adopt a Resolution determining that competent medical evidence supports the granting of an Industrial Disability Retirement. Based on medical evidence, staff recommends the City Council adopt Resolution No. 2017-01, approving the CalPERS Industrial Disability Retirement for Beverly Holtz to be effective January 13, 2017.

CalPERS requires the City to make advance disability pension payments while they process the application. Upon approval, the City will receive a full refund.

Respectfully submitted,

  
Jodi Vinson  
Risk and Safety Manager

  
Sheryl Bennett  
Director of Administrative Services

RESOLUTION NO. 2017-01

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING THE CALPERS INDUSTRIAL  
DISABILITY RETIREMENT FOR BEVERLY  
HOLTZ

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

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

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

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

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

1. That the above recitations are true.
2. The City Council of the City of Escondido does find and determine that Beverly Holtz is incapacitated within the meaning of the Public Employees' Retirement Law for performance of her usual duties in the position of Police Officer; and
3. That the City Council of the City of Escondido does find and determine that such disability is a result of injury or disease arising out of and in the course of

employment.

4. That neither Beverly Holtz nor the City of Escondido has applied to the Workers' Compensation Appeals Board for a determination pursuant to California Government Code Section 21166 as to whether such disability is industrial.

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

6. That advanced disability pension payments will be made monthly in the amount of \$3890.00 beginning February 1, 2017. Ms. Holtz's last day on payroll will be January 12, 2017. A partial advanced disability pension payment for the remainder of January 2017 will be made in the amount of \$2500.00.

7. That the City Council of the City of Escondido finds that Ms. Holtz's disability is orthopedic in nature, and arose out of and in the course of employment.

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 5  
**Date:** January 11, 2017

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

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-09, approving the execution of a Memorandum of Understanding between the City of Escondido and the Police Officers' Association Non-Sworn Bargaining Unit, for a one-year term commencing July 1, 2016 through June 30, 2017.

It is also requested that the City Council approve a budget adjustment appropriating \$56,055 to cover increased contract costs. The Fiscal Year 2016-17 General Fund Operating Budget did not allocate funds for contract increases, but it is anticipated that budgetary savings at year end will cover these increased costs. The financial impact will be included in the Fiscal Year 2017-18 General Fund Operating Budget for the Police Department.

FISCAL ANALYSIS:

Cost to the General Fund for Fiscal Year 2016-17 is \$56,055.

PREVIOUS ACTION:

On July 23, 2014, the City Council voted to adopt the Memorandum of Understanding between the Escondido Police Officers' Association Non-Sworn Bargaining Unit and the City of Escondido, for a two-year term that expired on June 30, 2016.

BACKGROUND:

City staff has met with the Escondido Police Officers' Association Non-Sworn Bargaining Unit, regarding terms and conditions of Employment that expired on June 30, 2016. The attached resolution outlines changes to working conditions and compensation that the Police Officers' Association Non-Sworn Bargaining Unit has agreed to during this negotiation process.

Members of the Bargaining Unit have voted in support of the terms and conditions on December 23, 2016.

Respectfully submitted,

  
Sheryl Bennett  
Director of Administrative Services



CITY OF ESCONDIDO
BUDGET ADJUSTMENT REQUEST

Date of Request: 1/11/2017
Department: Finance
Division:
Project/Budget Manager: Joan Ryan 4338
Council Date (if applicable): 1/11/2017

For Finance Use Only
Log # 01-01
Fiscal Year 2017
Budget Balances
General Fund Accts
Revenue
Interfund Transfers
Fund Balance

Table with 4 columns: Project/Account Description, Account Number, Amount of Increase, Amount of Decrease. Rows include Regular Full Time, Other Employee Overhead, PERS, Workers Comp, Transfer Out, Transfer In, Tuition, and Fund Balance.

Explanation of Request:

FY 2016-17 increased contract costs due to approval by the City Council of the Memorandum of Understanding between the City and the NSP Bargaining Unit on January 11, 2017.

APPROVALS

Department Head signature and date 12-29-16
Finance signature and date 1/7/17
City Manager signature and date
City Clerk signature and date

Distribution (after approval): Original: Finance



RESOLUTION NO. 2017-09

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

JULY 1, 2016 – JUNE 30, 2017

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

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

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

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

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

1. That the above recitations are true.
2. The City's negotiating team is authorized to execute, on behalf of the City, a successor MOU extending the term of the MOU through June 30, 2017, and also including terms as set forth in Exhibit "A" which is attached to this resolution and incorporated by this reference.

**City of Escondido**  
**Escondido Police Officers' Association, Non-Sworn Bargaining Unit**  
**Successor Memorandum of Understanding**  
**July 1, 2016 – June 30, 2017**

1. **Term:** July 1, 2016 – June 30, 2017. None of the terms are retroactive. All changes take effect upon the agreed effective date after City Council adoption of the Memorandum of Understanding (MOU).

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

Effective pay period beginning January 15, 2017, the base salary range for Public Safety Dispatcher I/II and Public Safety Shift Supervisor shall be increased by one and one-half percent (1.5%) in recognition of adding the following job requirement: Successful training and obtainment of an Emergency Medical Dispatching certification must be completed within six (6) months of hire.

3. **Article 2, Salaries and Compensation, Section 2.07, Out-of-Class Compensation (Additional Language):**

Effective pay period beginning January 15, 2017, a Public Safety Dispatcher II who works as an acting Public Safety Shift Supervisor during a shift and in the absence of a Public Safety Shift Supervisor, shall be entitled to receive an hourly stipend equivalent to five percent (5%) above Step 5 (base salary) of a Public Safety Dispatcher II. This is limited to one Public Safety Dispatcher II per shift.

4. **Article 2, Salaries and Compensation, Section 2.08, Shift Differential:**

Effective pay period beginning January 15, 2016, shift differential shall be increased from \$1.00/hour to \$1.50 per hour, as outlined within this section.

5. **Article 7, Tuition Reimbursement**

Effective pay period beginning January 15, 2017, reinstate the Tuition Reimbursement Policy. A maximum of \$2,500 for the Non-Sworn Police Unit will be allotted each fiscal year for the use of tuition reimbursement as outlined within this Article.

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

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

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 6  
**Date:** January 11, 2017

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Julie Procopio, Director of Engineering Services/City Engineer  
Owen Tunnell, Principal Engineer

**SUBJECT:** Final Map, Escondido Tract 877, located at 1995 Bernardo Avenue

RECOMMENDATION:

It is requested that the City Council approve the Final Map for Tract 877, a 13-Lot Residential Subdivision located at 1995 Bernardo Avenue.

FISCAL ANALYSIS:

The cost for review of the Final Map is paid by the developer in accordance with the adopted fee schedule.

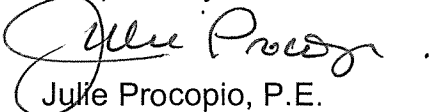
PREVIOUS ACTION:

This project was recommended for approval by the Planning Commission on May 9, 2006, as Resolution No. 5692 and approved by the City Council on June 7, 2006, as Resolution No. 2006-116 and Ordinance No. 2006-22 for a Zone Change. The City Council subsequently approved a Street Vacation for a portion of Bernardo Avenue on October 14, 2009, as Resolution No. 2009-109 and an Extension of Time on June 22, 2016, as Resolution No. 2016-92.

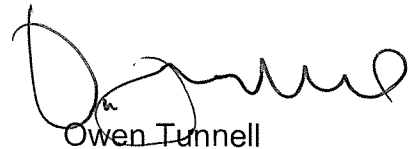
BACKGROUND:

Staff has examined this Final Map and found it to be mathematically correct and in substantial conformance to the approved Tentative Subdivision Map and subject to the conditions of approval. This Final Map conforms to the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval. The Planning Department has reviewed and approved this Final Map.

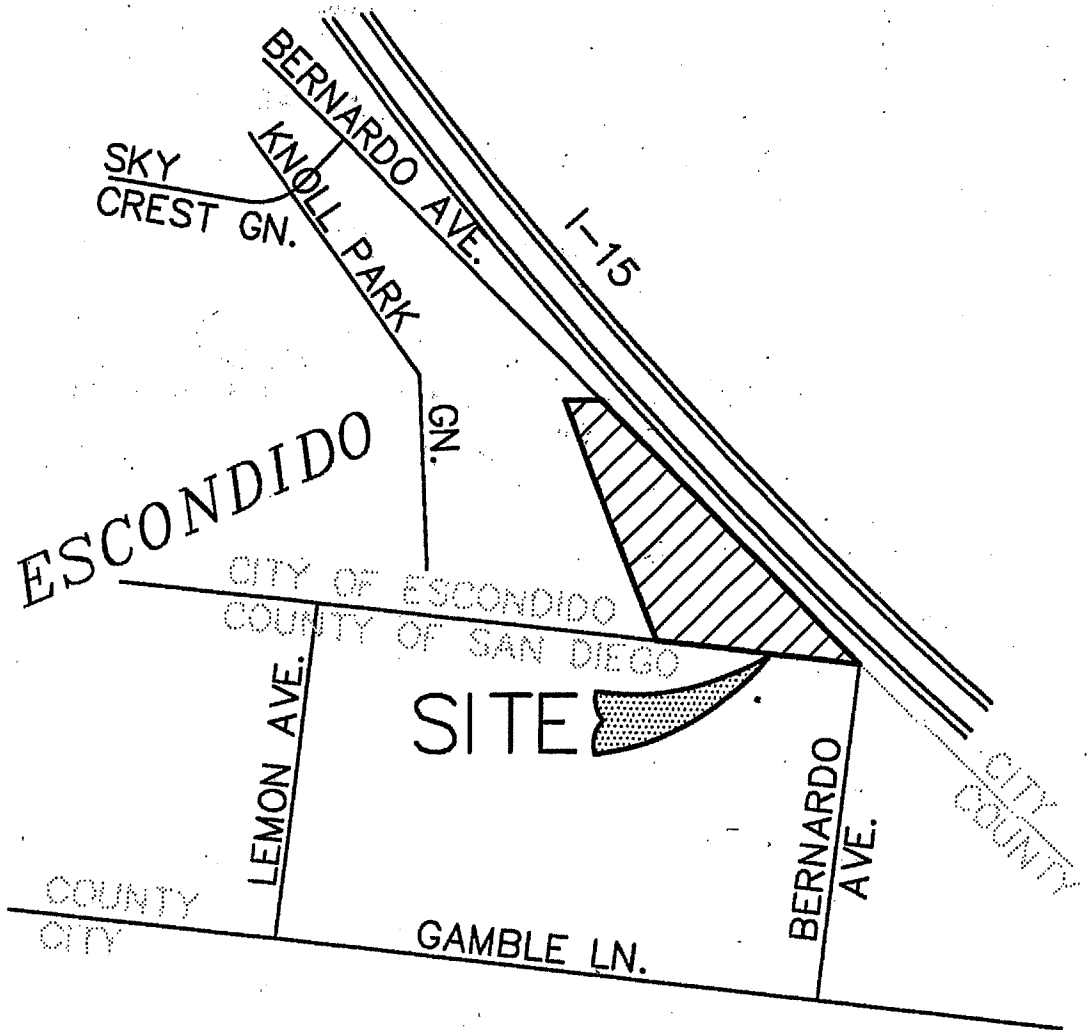
Respectfully submitted,

  
Julie Procopio, P.E.

Director of Engineering Services/City Engineer

  
Owen Tunnell

Principal Engineer



# VICINITY MAP.

NO SCALE

# CITY COUNCIL

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.: 7**  
**Date: January 11, 2017**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Julie Procopio, Director of Engineering Services/City Engineer  
Matt Southerre, Associate Engineer

**SUBJECT:** Reject All Bids for the Jim Stone Pool Renovation Project

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-08, rejecting all bids for the Jim Stone Pool Renovation Project and authorizing staff to re-bid the project.

FISCAL ANALYSIS:

The project is funded through a Housing Related Parks (HRP) Grant that is required to be spent by June 30, 2017.

PREVIOUS COUNCIL ACTION:

On November 14, 2012 and November 19, 2014, the City Council authorized staff to accept and allocate \$131,000 and \$548,600 in HRP funds, respectively, for repair of Jim Stone Pool.

BACKGROUND:


Existing pools and facilities are deteriorating and in need of repair. This project will repair rust, leaks, re-plaster both pools, and replace mechanical equipment as needed.

Competitive bids were received on December 22, 2016, with the following results:

- |   |                |
|---|----------------|
| 1) Nuera Contracting                                | \$924,957.36   |
| 2) California Waters Development, Inc., Yorba Linda | \$1,398,000.00 |

The apparent low bidder was sixteen percent higher than the engineer's estimate of \$800,000. Staff recommends that the City Council reject all bids and authorize rebid with a reduced project scope to fit within the available funding.

Respectfully submitted,

  
Julie Procopio  
Director of Engineering Services/City Engineer

  
Matt Southerre  
Associate Engineer

RESOLUTION NO. 2017-08

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AUTHORIZING THE REJECTION OF ALL  
BIDS FOR THE JIM STONE POOL  
RENOVATION PROJECT

WHEREAS, the Escondido City Council authorized an invitation for bids for the Jim Stone Pool Renovation Project; and

WHEREAS, the City of Escondido opened the sealed bids for the project on December 22, 2016; and

WHEREAS, the bids received had a wide range from \$925,957 up to \$1,398,000; and

WHEREAS, City staff will update the project bid documents to fit available funding; and

WHEREAS, Public Contract Code Section 20166 authorizes a local agency, at its own discretion, to reject all bids and re-advertise a project; and

WHEREAS, the Director of Engineering Services/City Engineer has recommended the rejection of all bids.

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

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the Director of Engineering Services/City Engineer to reject all bids for the project and to re-advertise

the project for bids.

3. That the City Council does, by adoption of this Resolution, reject all bids received and opened for the project by the City Clerk on December 22, 2016, and directs staff to re-advertise for bids as soon as possible.

## CITY COUNCIL

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.: 8**

**Date: January 11, 2017**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Mike Strong, Assistant Planning Director

**SUBJECT:** Two Alternative Master and Precise Development Plans and Zone Change for a Proposed Industrial Development at 1925 Harmony Grove Road (PHG 16-0012 and ENV 16-0008)

### DESCRIPTION OF REQUEST:

It is requested that the City Council introduce Ordinance 2017-02 approving two alternative Master and Precise Development Plans and a Zone Change from R-1-7 (Single-Family Residential) to PD-I (Planned Development-Industrial) for a proposed industrial development on Harmony Grove Road, south of Enterprise Street, east of Pacific Oaks Place (APN 235-050-58). The two alternative plans are mutually exclusive. Master and Precise Development Plan A would consist of one 98,500 square-foot industrial building, and Master and Precise Development Plan B would consist of three industrial buildings and 86,010 total square feet. The proposal also includes the adoption of the environmental determination prepared for the project.

### STAFF RECOMMENDATION:

It is recommended that the City Council introduce Ordinance No. 2017-02 (Attachment CC-1) approving the Innovative Industrial Center project, which includes two alternative Master and Precise Development Plans.

### PLANNING COMMISSION RECOMMENDATION:

On December 13, 2016, the Planning Commission voted 4-1 (Chairman Weber opposed) to approve the project based on the findings and conditions contained in the attached Ordinance (2017-02).

### FISCAL ANALYSIS:

None.

### BACKGROUND:

The applicant's proposal is unique in that it includes two potential development scenarios. The applicant's preference (as described to staff) is to construct the single building in Master and



Precise Development Plan A. The applicant is currently negotiating with an undisclosed potential tenant that is specifically looking for a building of this size that can be constructed expeditiously. Master and Precise Development Plan B is being presented as a multi-tenant alternative in the event the prospective tenant for the single building does not sign. The three buildings proposed in Plan B nearly fit within the footprint of the building in Plan A. Access and parking for both options is similar as well. Please refer to the attached Planning Commission staff report for a full description and analysis of the project.

#### PLANNING COMMISSION RECOMMENDATION AND SUMMARY:

The alternative Master and Precise Development Plans and Zone Change application were presented, reviewed, and considered by Planning Commission at their December 13, 2016 meeting. The only public speaker that addressed the Commission was the project proponent. (No other public comments were received at the Planning Commission hearing.) For the most part the project proponent spoke in favor of staff's recommendation, excepting staff's recommendation to limit the number of monument signs allowed on the property. The proposed site plan shows monument signs in four optional locations. The project proponent requested allowance for a third monument sign, which exceeded the allowances set forth by Section 33-1395 of the Zoning Code (which controls the amount of monument signage permitted in the industrial zones). However, because the proposed PD-I zoning designation would establish its own zoning standards, the project is not subject to the underlying zoning requirements. In consideration of the applicant's request, the Commission discussed the intent of the regulations and the request for increased signage for the project. The Commission ultimately agreed to modify the condition to allow a third monument sign, provided that the sign was utilized to identify the industrial center, rather than a particular tenant. The commissioners did not express any concerns regarding the rezone request, land use activity, or project design in their discussion. The Commission is recommending approval of the proposed industrial development, by a vote of 4-1, based upon the findings and conditions as modified.

#### GENERAL PLAN ANALYSIS:

The General Plan land-use designation for the project site is Light Industrial (LI), and the proposed industrial project and Planned Development Industrial zoning (PD-I) would be consistent with this land-use designation. The project site currently is zoned as single-family residential (R-1-7) and a zone change to Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development. The project would be consistent with the General Plan industrial land use goal of providing "a variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community."

#### ENVIRONMENTAL REVIEW:

A Draft Initial Study/Mitigated Negative Declaration (City File No. ENV16-008) was issued for the project for a 20-day public review period in conformance with the California Environmental Quality Act (CEQA). The findings of the environmental review identified some effects, but design and minimization measures, revisions in the project plans, and/or mitigation measures

agreed to by the applicant would provide mitigation to a point where potential impacts are reduced to less than a significant level. No evidence has been submitted or discovered, in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. The IS/MND is adequate for this project at this location.

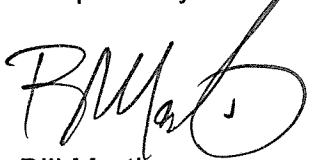
As noted in the attached Planning Commission staff report, traffic mitigation is necessary for off-site roadway improvements to improve traffic flow. The applicant or project proponent will have to widen Harmony Grove Road within the existing right-of-way along the project frontage to Enterprise Street to provide a two-way left-turn lane serving as a refuge for left-turning vehicles in and out of the project site and nearby industrial driveways, thus allowing for improved flow for through traffic along Harmony Grove Road. From the project driveway to Enterprise Street (a length of approximately 415 feet), the applicant or project proponent will also have to widen Harmony Grove Road extending north along the project frontage to provide a 13- to 18-foot northbound lane and an 11-foot two-way left-turn lane. The applicant or project proponent will also have to pay a fair share toward the Citracado Parkway Extension Project to improve and redirect the flow of traffic along this roadway. With the implementation of the mitigation measures and conditions of approval, the project is not expected to have any significant impacts, either short-term or long-term.

The Final Mitigated Negative Declaration may be viewed on the City's web site at the following link listed below:

<https://www.escondido.org/escondido-innovation-center.aspx>.

Please note that staff did not receive any comments from surrounding property owners or the general public during the 20-day public review period or any time thereafter, as of this writing.

Respectfully Submitted,



Bill Martin  
Director of Community Development



Mike Strong  
Assistant Planning Director

## DRAFT Planning Commission Minutes December 13, 2016

Chairman Weber referenced the last paragraph on Page 1 of the staff report and asked if the operating cost would be offset. Mr. McKinney replied in the affirmative. The risk to the project was the potential for downtime, noting this was the importance for coordinating maintenance.

Commissioner Spann felt the energy used to burn the flare was a waste of a resource. Mr. McKinney concurred.

**Arthur Devine, Escondido**, stated that he respected the contractor and was in favor of the project. He asked if the proposed system went to the second depth degree and operated at a 500/600 degree temperature that was essential or just burning the digester gas.

### **ACTION:**

Moved by Commissioner Spann, seconded by Chairman Weber, to approve staff's recommendation. Motion carried unanimously. (5-0)

### **3. MASTER AND PRECISE DEVELOPMENT PLAN; ZONE CHANGE – PHG 16-0012; ENV 16-0008:**

REQUEST: The project is a Master Precise Development Plan along with a Zone Change for an industrial development, bioretention areas, two access driveways, and parking on 5.76 acres. There are two proposed development options considered as part of this application. Option A would consist of one 98,500-square-foot industrial building with 197 parking spaces. Option B would consist of three industrial buildings (Buildings A, B, and C) with a total square footage of 86,010 square feet with 234 parking spaces. Under both project Option A and Option B, project grading would include approximately 18,000 cubic yards of import to raise the elevation of the site above the 100-year flood elevations. The project would also include landscaping within proposed parking areas, walkways, and along the project perimeter. The total maximum height of all industrial structure(s) would not exceed 38 feet in height. A rezone would be required to change the zoning from existing single-family residential (R-1-7) to Planned Development Industrial (PD-I) to be consistent with the General Plan land use designation of Light Industrial (LI). The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The 5.76-acre project site is generally located west of Interstate 15 and south of State Route 78, at the eastern terminus of Enterprise Street and south and east of Harmony Grove Road. The project site address is 1925 Harmony Grove Road.

## DRAFT Planning Commission Minutes December 13, 2016

Michael Strong, Assistant Planning Director, referenced the staff report and noted staff issues were the appropriateness of the proposed Planned Development-Industrial zoning designation, and whether the proposed Planned Industrial project is compatible with adjacent industrial and residential development. Staff recommended approval based on the following: 1) The General Plan land-use designation for the project site is Light Industrial (LI), and the proposed industrial project and corresponding Planned Development Industrial zoning (PD-I) would be consistent with this land-use designation. The industrial development provisions (Zoning Code Article 26) encourage the planned development process for industrial park type development. The project would be subject to the Industrial Park (IP) land-use provisions and list of allowed uses as part of the Master Plan details and project conditions. The Industrial Park zoning provisions and corresponding Planned Development-Industrial zoning is appropriate for the subject site due to the adjacent Specific Plan and Industrial Park zoning to the west and south. The proposed PD-I designation ensures compatibility with the quality of the surrounding industrial development and limits the site to lower intensity industrial and office type uses to avoid potential conflicts with nearby residential development; and 2) The proposed project would be consistent with the General Plan industrial land-use goal of providing "a variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community." Staff believes the overall site design, building setbacks, landscaping and building architecture create a well-integrated and high quality planned industrial development that is compatible with other industrial park development throughout the area.

Chairman Weber and staff discussed the proposed street improvements associated with the project.

Commissioner Romo and staff discussed the proposed street striping for Harmony Grove and Hale.

**Scott Merry, Escondido**, noted that the proposed widening included full improvements along Harmony Grove. He also asked that the Commission approve their request for a third monument identifier sign on the corner of the property.

Commissioner Weiler and staff discussed the code requirements for signage.

Vice-chairman McQuead and Commissioner Weiler felt the third sign was appropriate with staff review.

Chairman Weber felt allowing the third sign was setting a precedent.

## DRAFT Planning Commission Minutes December 13, 2016

### ACTION:

Moved by Vice-chairman McQuead, seconded by Commissioner Weiler, to approve staff's recommendation. The motion included allowing a third monument sign, limited to identifying the industrial center and not a particular tenant. Motion carried. Ayes: Spann, McQuead, Romo, Weiler. Noes: Weber. (4-1)

### CURRENT BUSINESS:

1. A Precise Development Plan (**PHG 16-0017**) for the removal of an existing 9,904-SF retail building at the southeast point of the Del Norte Plaza shopping center, to be replaced with a new 2,200-SF Starbucks restaurant.

Location: 302 W. El Norte Pkwy

Ann Dolmage, Associate Planner, reference the staff report and noted staff issues were the compatibility of the proposed building design with the overall design of Del Norte Plaza shopping center, consistency of the proposed signs with the approved sign program for the shopping center and the City's sign ordinance, the potential for project-related traffic impacts on the streets surrounding the project site, adequacy of the shopping center's parking supply for the proposed use, and adequacy of the proposed drive-through lane in terms of location and vehicle capacity. Staff recommended approval based on the following: 1) The project as proposed will comply with all applicable development standards of the subject zone, including parking, lot coverage, and setbacks, and will be required to comply with all applicable Building and Fire codes through the standard plan checking process. The proposed project design is compatible with the surrounding types of use and structures. Although there are some contextual differences in the proposed design from what is present today, the proposed colors, materials and architectural features are well-coordinated and complementary to the site and its surroundings and would enhance the appearance of the commercial center and the neighborhood; 2) A comprehensive master sign program was approved for Del Norte Plaza in 1984, with modifications in later years that affected the center's monument signs and three large pylon signs. The Starbucks project proposes several new wall signs (both text and logo), directional signs, and menu board signs to identify the business and its products and enhance wayfinding for the drive-through. Staff believes the proposed signs would be consistent with the comprehensive sign program, and the logo signs proposed for all four building elevations would be in proportion to the size of the building. The proposed signage relates well to the physical appearance of the subject building and is uniform in scale and proportion to the rest of the commercial center. The colors and materials of the signs relate well to each other and to the exterior appearance of the buildings. A more detailed discussion on project signage is included in the Analysis section of this staff report; 3) The applicant has provided a traffic

# PLANNING COMMISSION

Agenda Item No.: G.3  
Date: December 13, 2016

**CASE NUMBER:** PHG 16-0012, ENV 16-0008

**APPLICANT:** Badiee Development Inc.

**LOCATION:** The 5.76-acre project site is located west of Interstate 15 and south of State Route 78, at the eastern terminus of Enterprise Street and south and east of Harmony Grove Road, addressed as 1925 Harmony Grove Road (APN 235-050-58).

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

**PROJECT DESCRIPTION:** The project is a Master and Precise Development Plan for industrial development, bioretention areas, two access driveways, and parking on 5.76 acres. There are two proposed development options considered as part of this application. Option A would consist of one 98,500-square-foot industrial building with 197 parking spaces. Option B would consist of three industrial buildings (Buildings A, B, and C) with a total square footage of 86,010 square feet with 234 parking spaces. Under both project Option A and Option B, project grading would include approximately 18,000 cubic yards of import to raise the elevation of the site above the 100-year flood elevations. The project would also include landscaping within proposed parking areas, walkways, and along the project perimeter. The total maximum height of all industrial structure(s) would not exceed 38 feet in height. A rezone would be required to change the zoning from existing single-family residential (R-1-7) to Planned Development Industrial (PD-I) to be consistent with the General Plan land-use designation of Light Industrial (LI). The proposal also includes the adoption of the environmental determination prepared for the project.

**GENERAL PLAN DESIGNATION:** Light Industrial (LI)

**ZONING:** Existing: R-1-7 (Single-Family Residential, 7,000 SF min. lot size); Proposed: PD-I (Planned Development-Industrial)

**BACKGROUND/SUMMARY OF ISSUES:** In 2012, the residents of the City of Escondido ratified a local ballot measure that approved the Escondido General Plan Update. The updated General plan establishes a new "blueprint" for future growth, including a proposal to re-designate up to 458 acres of high quality employment land uses. These concentrated employment areas are located in different transition areas of the city. One of the focused areas of land-use change includes approximately 17 acres of newly designated industrial land in the Harmony Grove Road vicinity. The property located at 1925 Harmony Grove Road, associated with this Master and Precise Development Plan application (Planning Case PHG 16-0012), consists of about 5.6 of those 17 re-designated acres. Although the General Plan designates the property as Light Industrial, the underlying R-1-7 zoning designation must be changed to an industrial zoning designation to be consistent with the General Plan and to facilitate the appropriate type of development for the site. Badiee Development, Inc. submitted a request to construct an industrial building(s) and re-establish zoning consistency for the subject property.

The applicant's proposal is unique in that it includes two potential development scenarios described as Option A and Option B. The applicant's preference (as described to staff) is to construct the single building Option A. The applicant is currently negotiating with an undisclosed potential tenant that is specifically looking for a building of this size that can be constructed expeditiously. Option B is being presented as a multi-tenant alternative in the event the prospective tenant for the single building does not sign. The three buildings proposed in Option B nearly fit within the footprint of the Option A building. Access and parking for both options is similar as well.

A similar rezone request and industrial development project, located immediately adjacent to this site at 2005 Harmony Grove Road, was approved by the Planning Commission on August 9, 2016; and approved by the City Council on September 14, 2016 (PHG 15-0042).

Staff feels the issues are as follows:

1. Appropriateness of the proposed Planned Development-Industrial zoning designation.

2. Whether the proposed Planned Industrial project is compatible with adjacent industrial and residential development.

**REASONS FOR STAFF RECOMMENDATION:**

1. The General Plan land-use designation for the project site is Light Industrial (LI), and the proposed industrial project and corresponding Planned Development Industrial zoning (PD-I) would be consistent with this land-use designation. The industrial development provisions (Zoning Code Article 26) encourage the planned development process for industrial park type development. The project would be subject to the Industrial Park (IP) land-use provisions and list of allowed uses as part of the Master Plan details and project conditions. The Industrial Park zoning provisions and corresponding Planned Development-Industrial zoning is appropriate for the subject site due to the adjacent Specific Plan and Industrial Park zoning to the west and south.

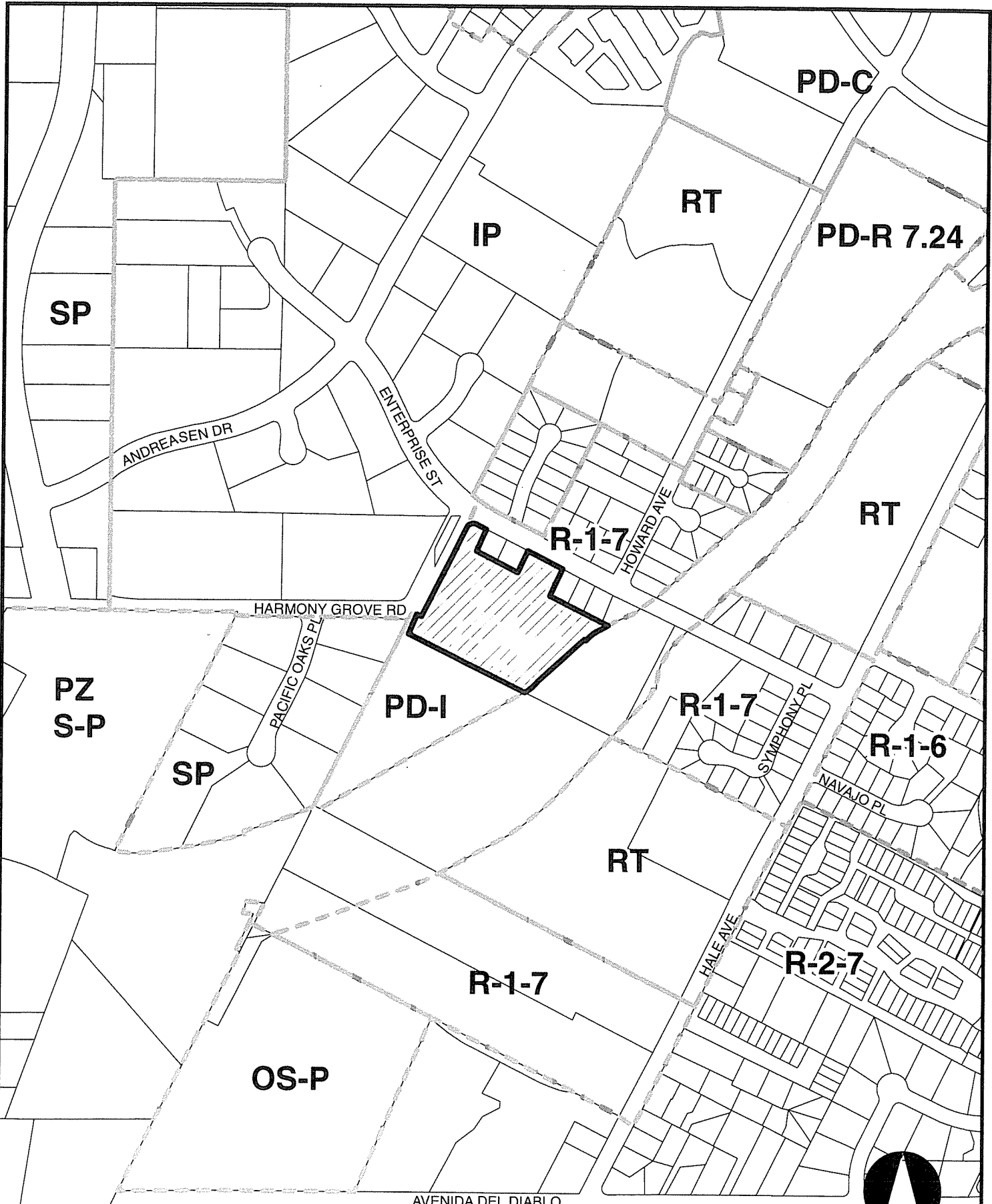
The proposed PD-I designation ensures compatibility with the quality of the surrounding industrial development and limits the site to lower intensity industrial and office type uses to avoid potential conflicts with nearby residential development.

2. The proposed project would be consistent with the General Plan industrial land-use goal of providing “a variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community.” Staff believes the overall site design, building setbacks, landscaping and building architecture create a well-integrated and high quality planned industrial development that is compatible with other industrial park development throughout the area.

Respectfully Submitted,

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

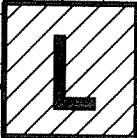
Mike Strong  
Assistant Planning Director



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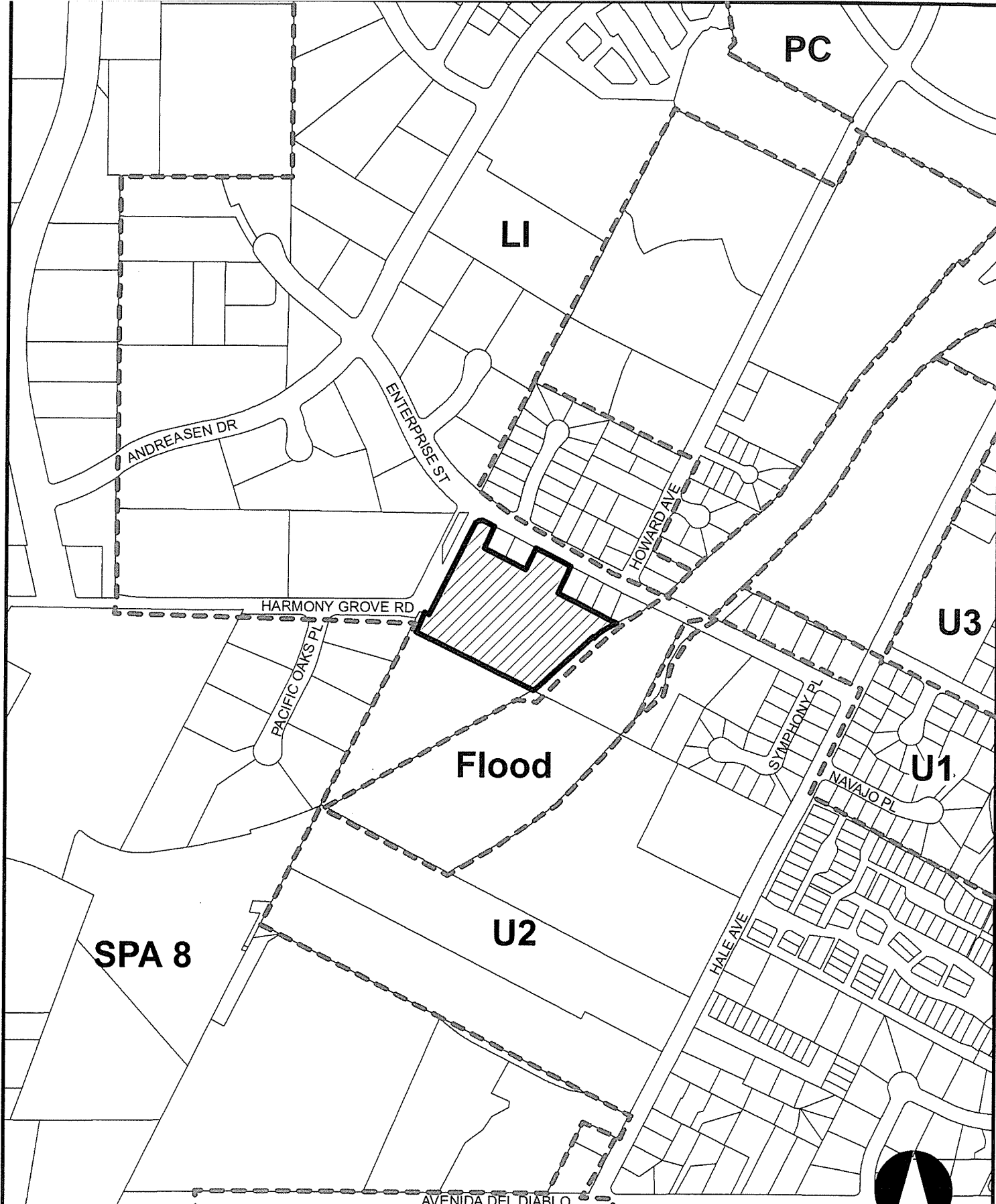


**PROPOSED PROJECT**  
**PHG 16-0012**



LOCATION/ZONING



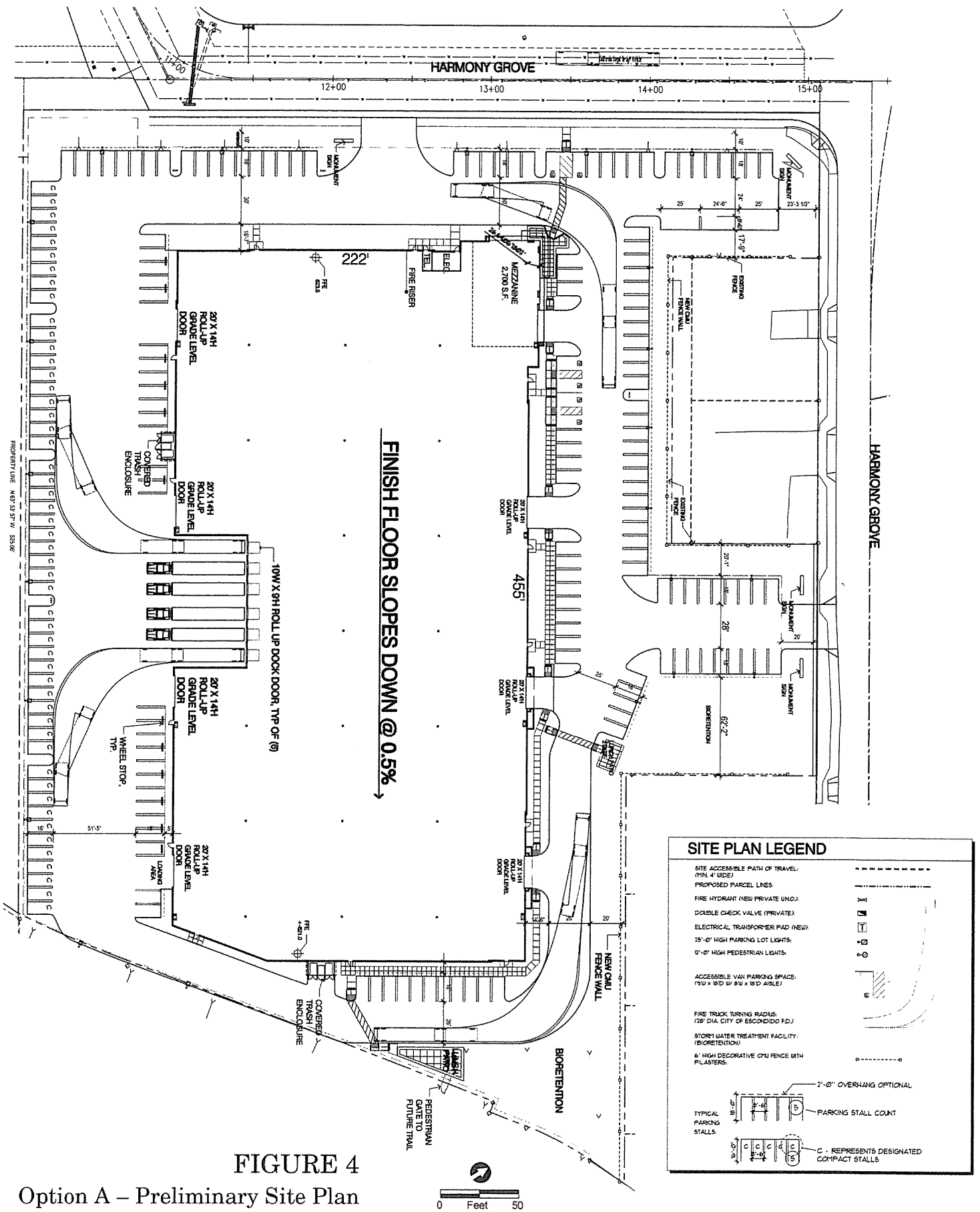


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GENERAL PLAN

**PROPOSED PROJECT  
PHG 16-0012**

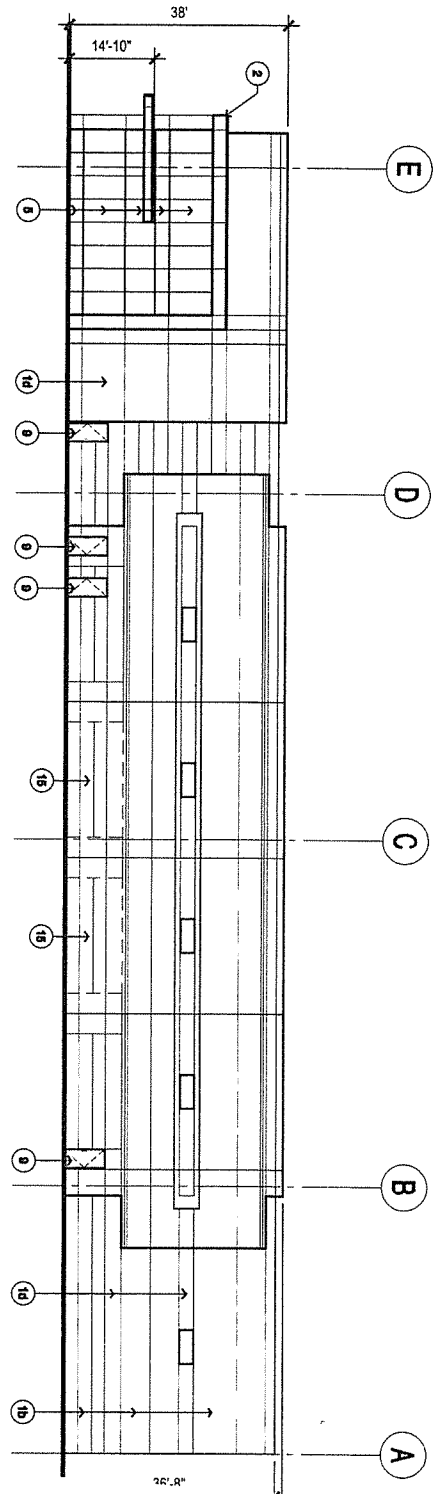


**FIGURE 4**  
Option A – Preliminary Site Plan

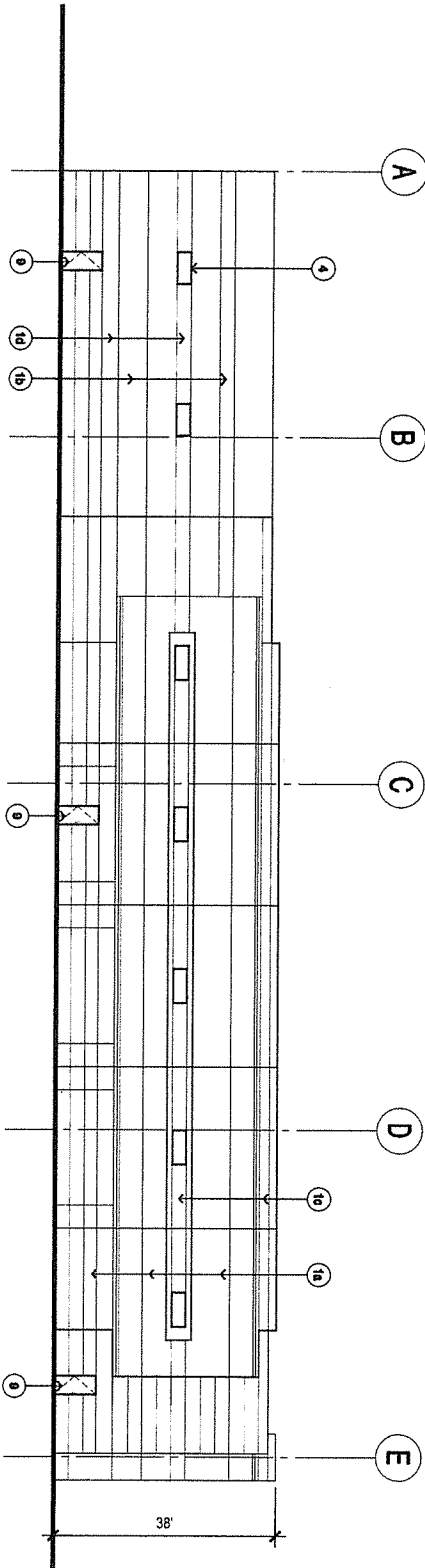
**PROPOSED PROJECT**  
**PHG 16-0012**

**SP**

[PRELIMINARY] SITE PLAN



**B WEST ELEVATION**



**C EAST ELEVATION**

**FINISH / MATERIAL LEGEND**

NOTE: SEE COLOR BOARD FOR COLOR/MATERIAL SAMPLES AND PLACEMENT

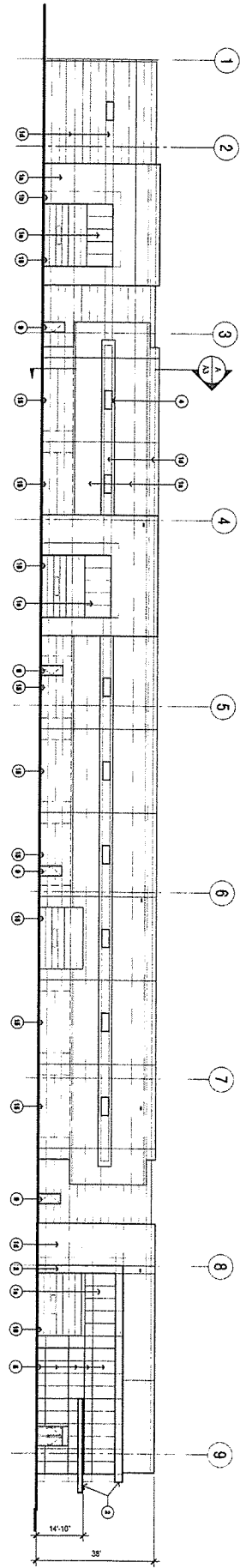
- 18 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 5
- 17 CLEAR ANODIZED ALUMINUM STOREROOM SYSTEM W/ HIGH PERFORMANCE TINTED GLAZING, STYLE 02 INSULATING GLASS UNIT, COLOR: SOLARCOOL, PASCICAL + CLEAR
- 16 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 11
- 15 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 12
- 14 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 13
- 13 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 14
- 12 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 15
- 11 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 16
- 10 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 17
- 9 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 18
- 8 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 19
- 7 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 20
- 6 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 21
- 5 PAINTED CONCRETE WALL PANEL - SHERMAN WILLIAMS 22
- 4 CLEAR ANODIZED ALUMINUM STOREROOM SYSTEM W/ SINGLE PANE TINTED GLAZING
- 3 METAL CANOPY/ROOFING TRIM/FASCIA
- 2 METAL CANOPY/ROOFING TRIM/FASCIA
- 1 CLEAR ANODIZED ALUMINUM STOREROOM SYSTEM W/ SINGLE PANE TINTED GLAZING
- 19 not used
- 18 not used
- 17 not used
- 16 not used
- 15 not used
- 14 not used
- 13 not used
- 12 not used
- 11 not used
- 10 not used
- 9 not used
- 8 not used
- 7 not used
- 6 not used
- 5 not used
- 4 not used
- 3 not used
- 2 not used
- 1 not used

**FIGURE 5**  
Option A - Elevations

**PROPOSED PROJECT**  
**PHG 16-0012**

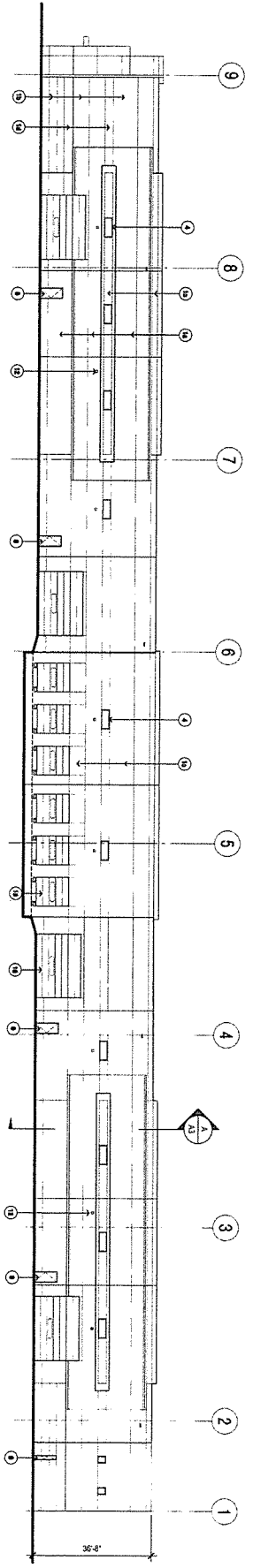
**E**

ELEVATIONS



**A** NORTH ELEVATION

0 Feet 20



**D** SOUTH ELEVATION

0 Feet 20

**FINISH / MATERIAL LEGEND**

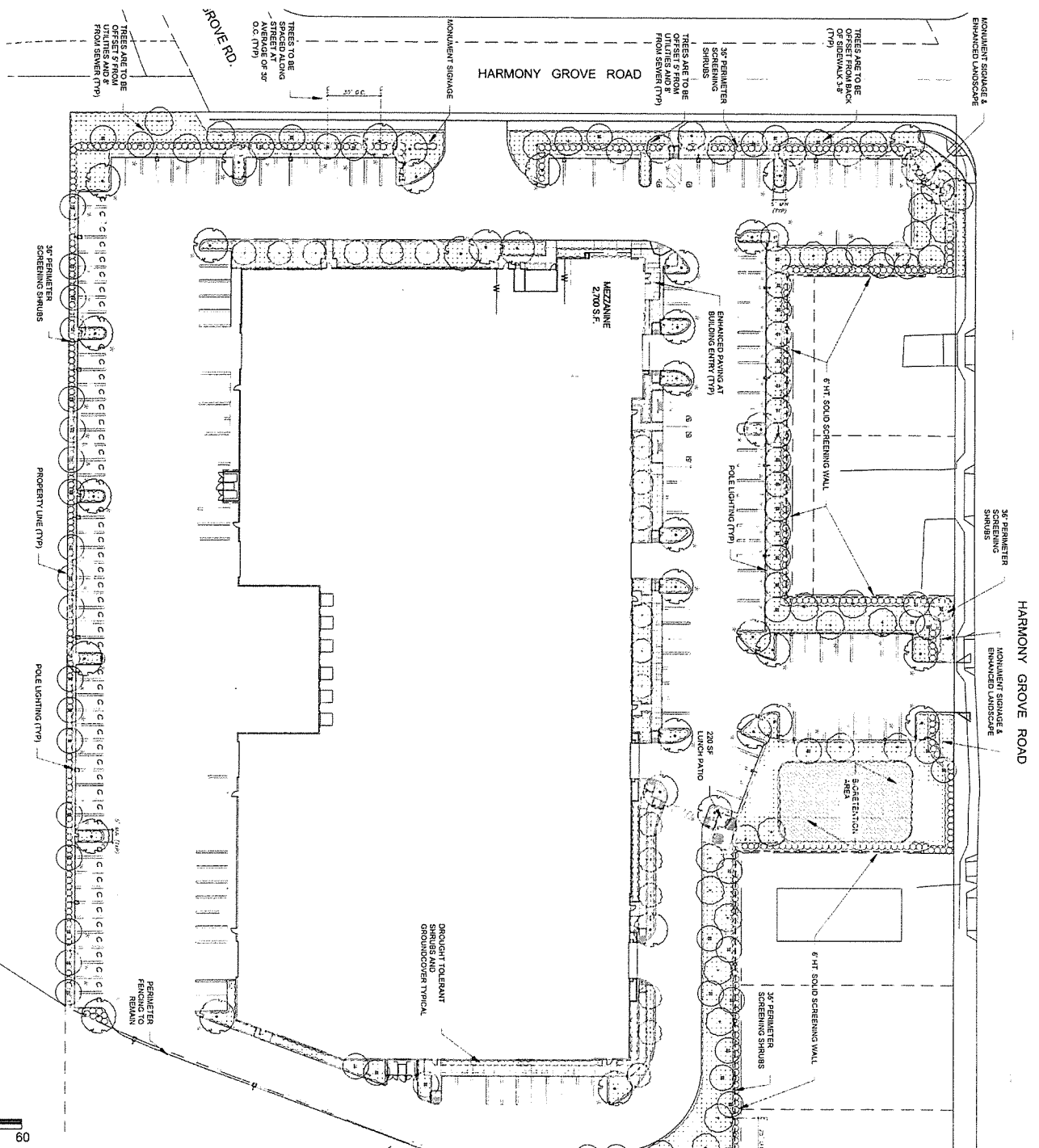
- NOTE: SEE COLOR BOARD FOR COLOR MATERIAL SAMPLES AND PLACEMENT
- ⑫ PAINTED CONCRETE WALL PANEL: SHERWIN WILLIAMS- ⑤ COLOR: SW 6000 SNOWFALL
  - ⑬ PAINTED CONCRETE WALL PANEL: SHERWIN WILLIAMS- ⑥ COLOR: SW 2850 CHELSEA GRAY
  - ⑭ PAINTED CONCRETE WALL PANEL: SHERWIN WILLIAMS- ⑦ COLOR: SW 7078 CITYSCAPE
  - ⑮ PAINTED CONCRETE WALL PANEL: SHERWIN WILLIAMS- ⑧ COLOR: SW 7078 CITYSCAPE
  - ⑯ PAINTED CONCRETE WALL PANEL: SHERWIN WILLIAMS- ⑨ COLOR: SW 9160 ENDLESS SEA
  - ⑰ METAL CANOPY ROOFING TRIM/FASCIA
  - ⑱ CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM w/ SINGLE PANE TINTED GLAZING
  - ⑩ CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM w/ HIGH PERFORMANCE TINTED GLAZING, STYLE (2) INSULATING GLASS UNIT. COLOR: SOLARCOOL PACIFICA + CLEAR
  - ⑪ V-GROOVE REVEAL IN CONCRETE PANEL
  - ⑫ WALL PACK LIGHT FIXTURE
  - ⑬ not used
  - ⑭ not used
  - ⑮ not used
  - ⑯ FUTURE KNOCK OUT PANEL (SHOWN DASHED)
  - ⑰ PAINTED ALUMINUM HIGH-LIFT SECTIONAL DOOR WITH GLAZED PANELS. GLAZING IN ACRYLIC VISION PANELS TO MATCH BUILDING WINDOW GLAZING.

**FIGURE 5**  
Option A - Elevations

**PROPOSED PROJECT**  
**PHG 16-0012**

**E**

ELEVATIONS



Option A - Landscape Plan

**PROPOSED PLANT PALETTE**

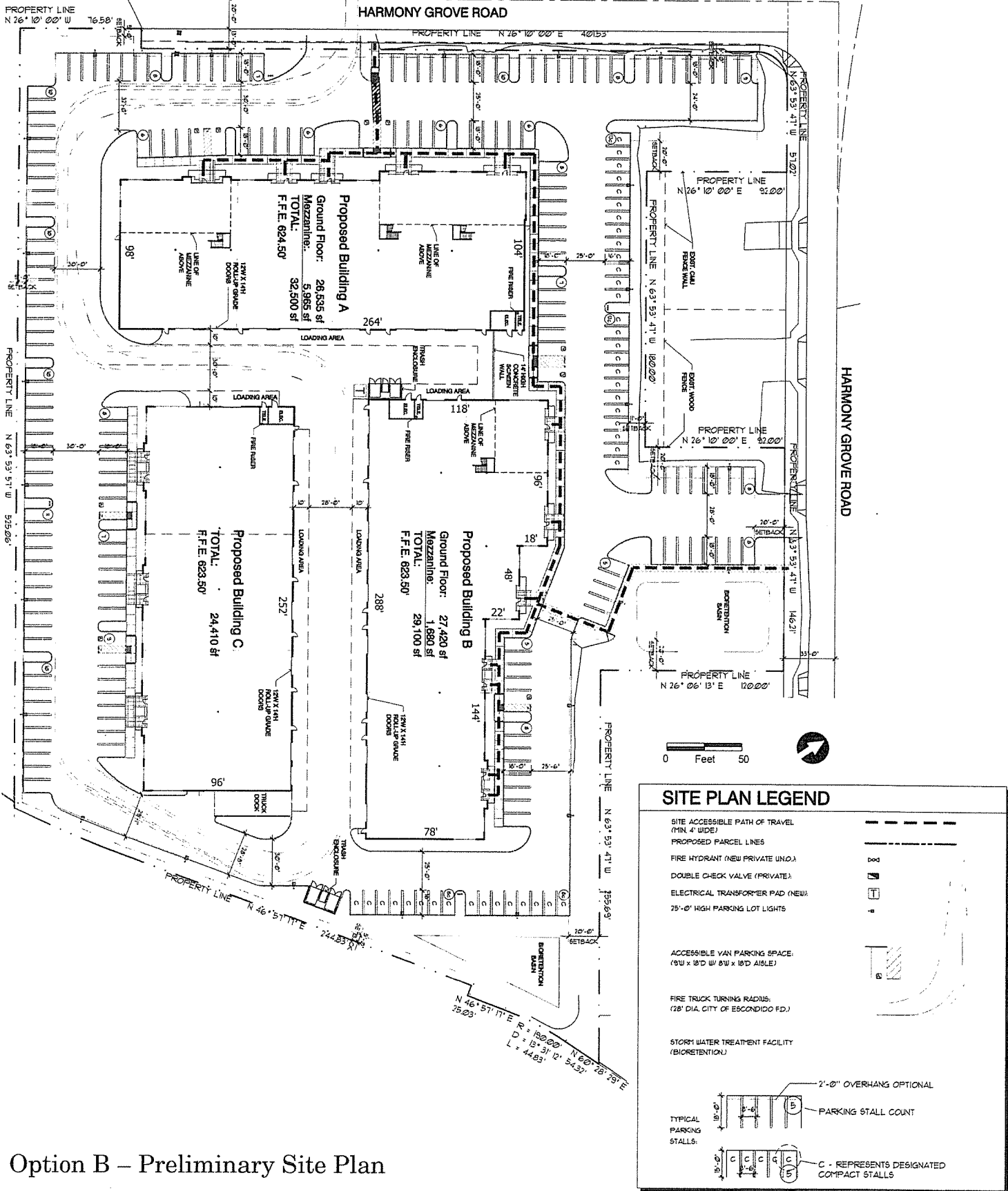
SYMBOL	BOTANICAL NAME	COMMON NAME	SZ	SPACING	WATER USE	QTY
(Circle with dot)	LAEFOTRONG MIMOSA	MONDINO DRUM	30" BOX	PER PLAN	MDS	11
(Circle with dot)	CELOSIA CANADENSIS	EASTERN REDBUD	30" BOX	PER PLAN	MDS	60
(Circle with dot)	QUERCUS AGRYOLIA	COAST OAK	30" BOX	PER PLAN	L04	10
(Circle with dot)	FRAXINUS	FRAXINUS	30" BOX	PER PLAN	L04	37
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7

**EXISTING TOPO (TYP)**

SYMBOL	BOTANICAL NAME	COMMON NAME	SZ	SPACING	WATER USE	QTY
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7
(Circle with dot)	FRAXINUS	FRAXINUS	1.5 GA	30" O.C.	MDS	7

**PROPOSED PROJECT  
PHG 16-0012**



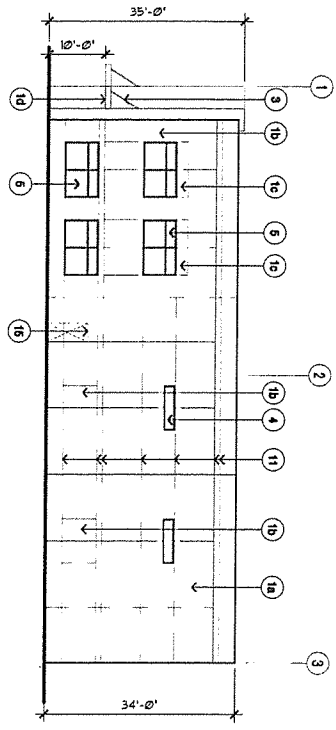


Option B – Preliminary Site Plan

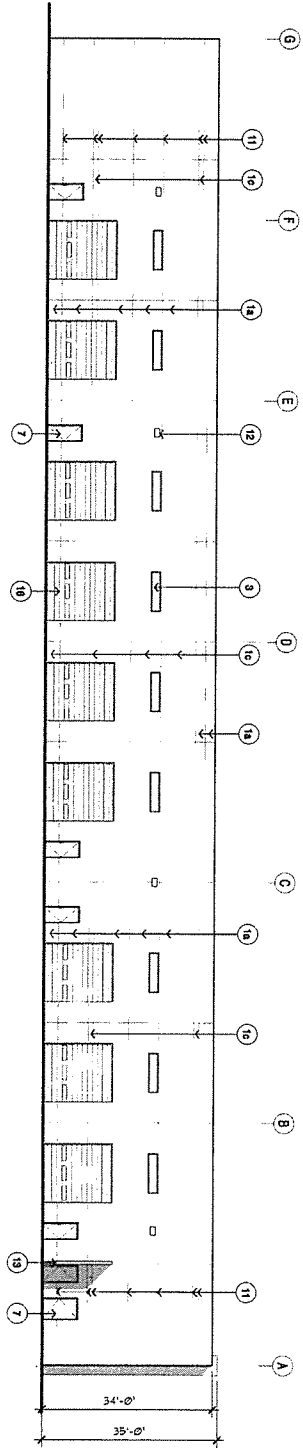
**PROPOSED PROJECT  
 PHG 16-0012**

**SP**

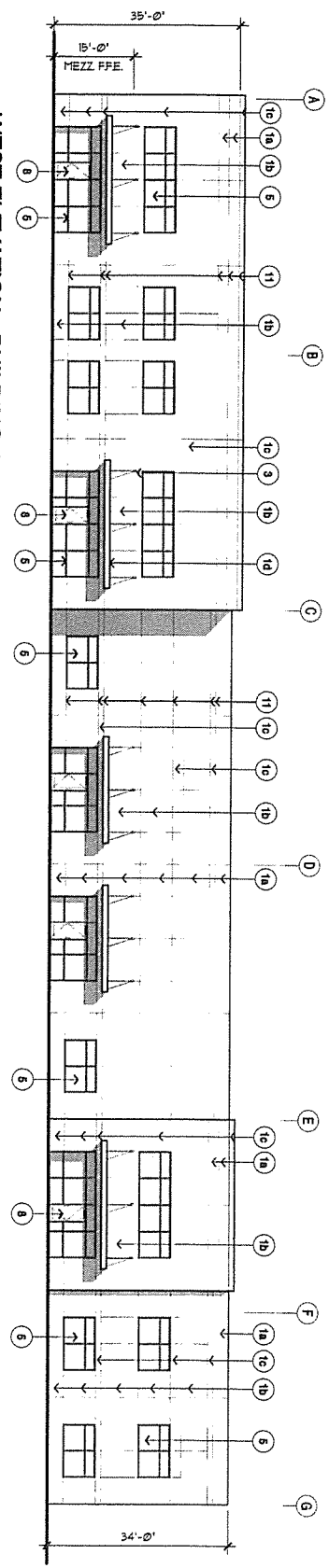
3 SOUTH ELEVATION - BUILDING A



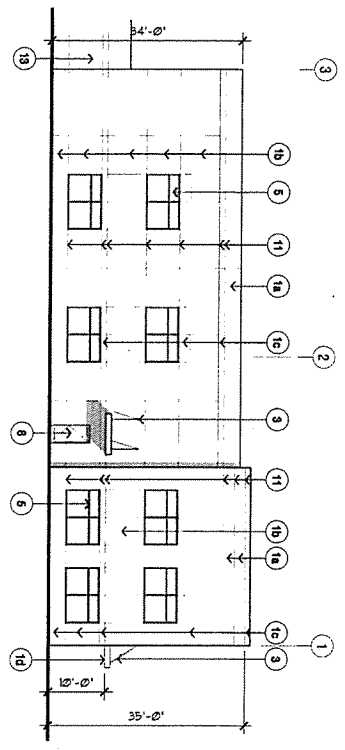
2 EAST ELEVATION - BUILDING A



1 WEST ELEVATION - BUILDING A



4 NORTH ELEVATION - BUILDING A



**FINISH / MATERIAL LEGEND**

- 1A PAINTED CONCRETE WALL PANEL - FRAZEE COLORLIFE - COLOR: CLW 1047W DEER FEATHER
- 1B PAINTED CONCRETE WALL PANEL - FRAZEE COLORLIFE - COLOR: CL 3013M ARTESAN
- 1C PAINTED CONCRETE WALL PANEL - FRAZEE COLORLIFE - COLOR: CL 3168A BOOT
- 1D METAL CANOPY ROOFING TRIM/FASCIA
- 2 not used
- 3 THREADED ROD AND TURNBUCKLE CANOPY ROOF SUPPORT
- 4 CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM w/ SINGLE PANE TINTED GLAZING.

NOTE: SEE COLOR BOARD FOR COLOR/ MATERIAL SAMPLES AND PLACEMENT

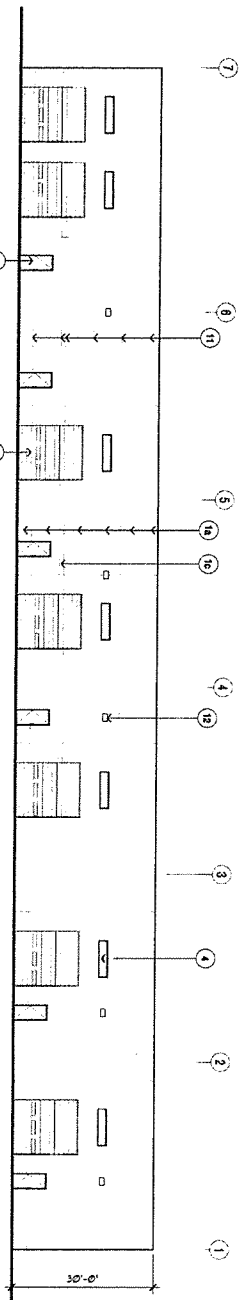
- 5 CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM w/ HIGH PERFORMANCE TINTED GLAZING. STYLE: (2) INSULATING GLASS UNIT. COLOR: SOLARCOOL PACIFICA + CLEAR
- 6 CLEAR ANODIZED ALUMINUM SYSTEM w/ SPANDREL GLAZING TO MATCH ADJACENT GLAZINGS
- 7 PTD. MTL. MAN DOOR. COLOR TO MATCH ADJACENT WALL
- 8 NARROW STYLE CLEAR ANODIZED ALUMINUM FRAME STOREFRONT DOOR. FINISH AND GLAZING TO MATCH ADJACENT STOREFRONT.
- 9 MTL. ROLL-UP DOOR w/ GLAZING TO MATCH SOLARCOOL PACIFICA
- 10 not used
- 11 V-GROOVE REVEAL IN CONCRETE PANEL
- 12 WALL PACK LIGHT FIXTURE
- 13 14'-0" HIGH CONCRETE SCREEN WALL FINISH TO MATCH ADJACENT WALL
- 14 42" HIGH CONCRETE DOCK WALL
- 15 KNOCK OUT (SHOWN DASHED)
- 16 CLEAR ANODIZED ALUMINUM HIGH-LIFT SECTIONAL DOOR WITH GLAZED PANELS. GLAZING IN ACRYLIC VISION PANELS TO MATCH BUILDING WINDOW GLAZING.

Option B Elevations - Building A

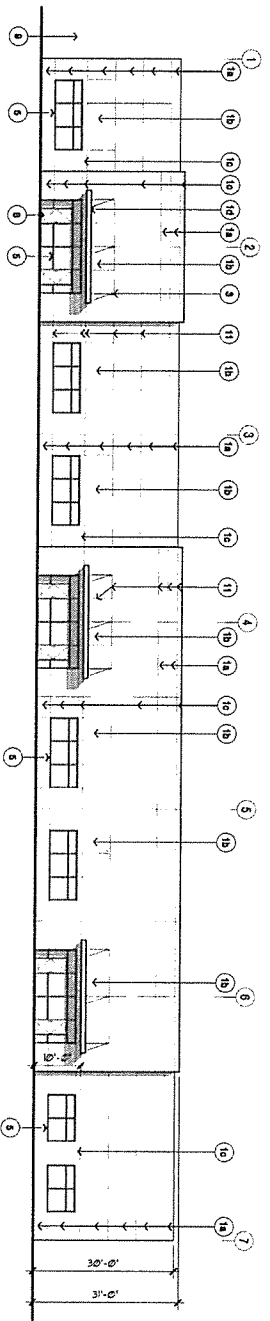
PROPOSED PROJECT  
PHG 16-0012

E

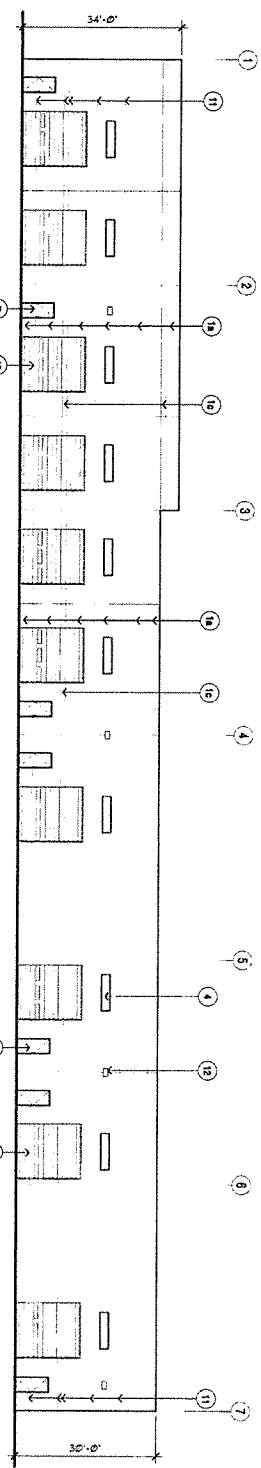
**7 NORTH ELEVATION - BUILDING C**



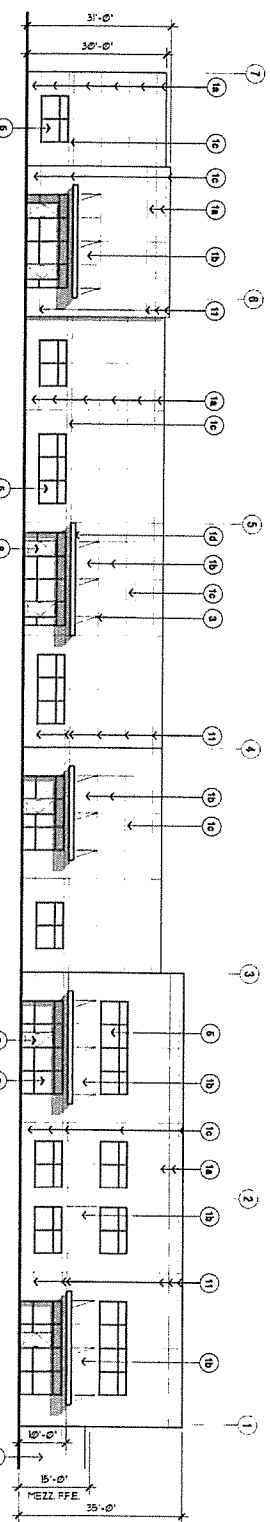
**5 SOUTH ELEVATION - BUILDING C**



**3 SOUTH ELEVATION - BUILDING B**



**1 NORTH ELEVATION - BUILDING B**



**FINISH / MATERIAL LEGEND**

- |  |   |  |
|--|---|--|
| <p>16 PAINTED CONCRETE WALL PANEL: FRAZEE COLORLIFE - COLOR: CLW 1047W DEER FEATHER</p> <p>17 PAINTED CONCRETE WALL PANEL: FRAZEE COLORLIFE - COLOR: CL 3013M ARTESAN</p> <p>18 PAINTED CONCRETE WALL PANEL: FRAZEE COLORLIFE - COLOR: CL 3188A SOOT</p> <p>19 METAL CANOPY ROOFING TRIM/FASCIA</p> <p>2 not used</p> <p>3 THREADED ROD AND TURNBUCKLE CANOPY ROOF SUPPORT</p> <p>4 CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM w/ SINGLE PANE TINTED GLAZING.</p> | <p>5 CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM w/ HIGH PERFORMANCE TINTED GLAZING. STYLE: (2) INSULATING GLASS UNIT. COLOR: SOLARCOOL PACIFICA = CLEAR</p> <p>6 CLEAR ANODIZED ALUMINUM SYSTEM w/ SPANDREL GLAZING TO MATCH ADJACENT GLAZING</p> <p>7 PTD. MTL. MAN DOOR. COLOR TO MATCH ADJACENT WALL</p> <p>8 NARROW STYLE CLEAR ANODIZED ALUMINUM FRAME STOREFRONT DOOR. FINISH AND GLAZING TO MATCH ADJACENT STOREFRONT.</p> <p>9 MTL. ROLL-UP DOOR w/ GLAZING TO MATCH SOLARCOOL PACIFICA</p> <p>10 not used</p> | <p>11 V-GROOVE REVEAL IN CONCRETE PANEL</p> <p>12 WALL PACK LIGHT FIXTURE</p> <p>13 14'-0" HIGH CONCRETE SCREEN WALL. FINISH TO MATCH ADJACENT WALL</p> <p>14 42" HIGH CONCRETE DOCK WALL</p> <p>15 KNOCK OUT (SHOWN DASHED)</p> <p>16 CLEAR ANODIZED ALUMINUM HIGH-LIFT SECTIONAL DOOR WITH GLAZED PANELS. GLAZING IN ACRYLIC VISION PANELS TO MATCH BUILDING WINDOW GLAZING.</p> |
|--|---|--|

NOTE: SEE COLOR BOARD FOR COLOR/ MATERIAL SAMPLES AND PLACEMENT

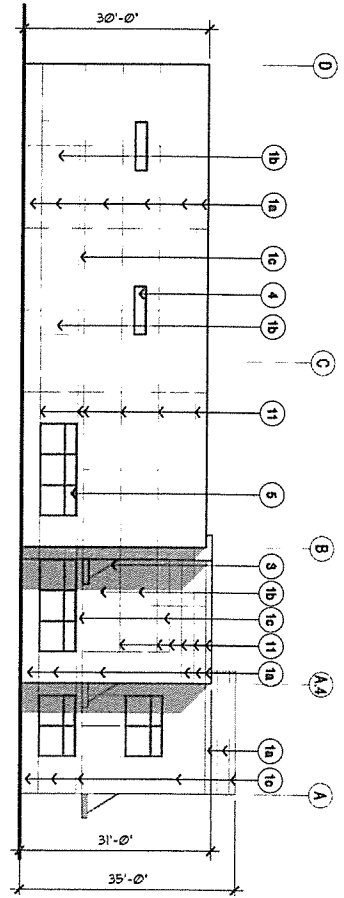
**Option B Elevations  
- Buildings B and C**

**PROPOSED PROJECT  
PHG 16-0012**

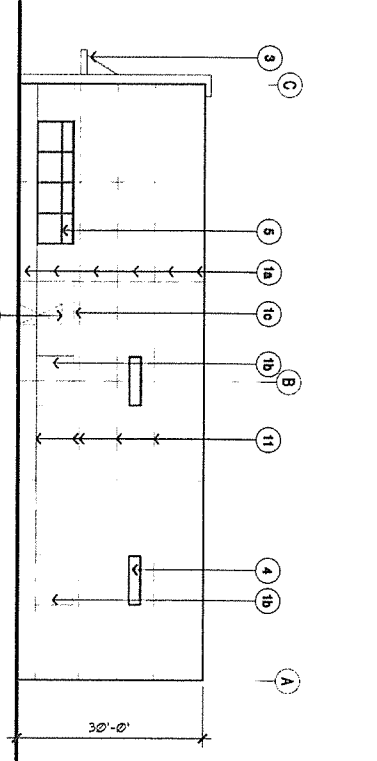
**E**

ELEVATIONS

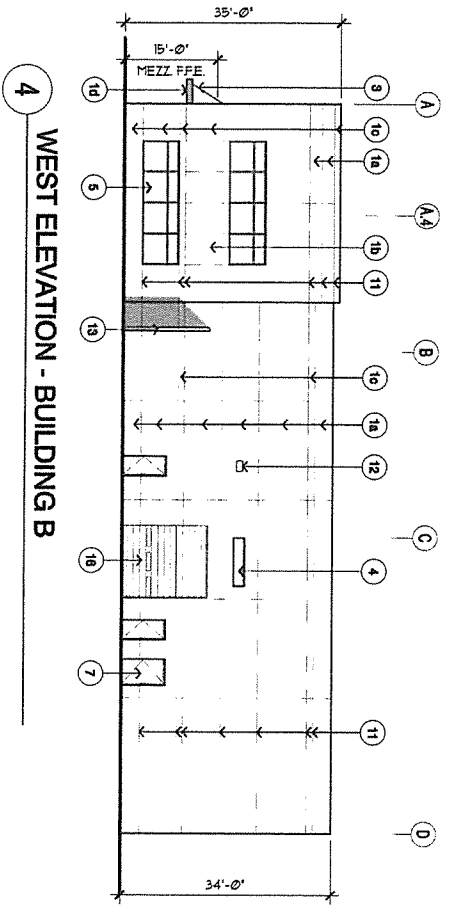




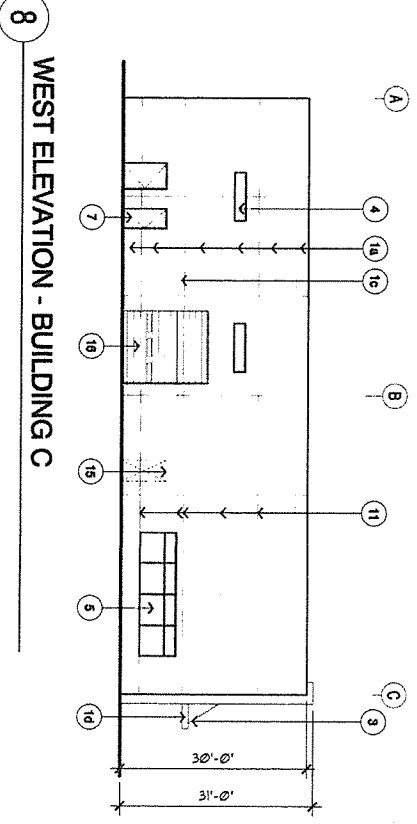
**2 EAST ELEVATION - BUILDING B**



**6 EAST ELEVATION - BUILDING C**



**4 WEST ELEVATION - BUILDING B**



**8 WEST ELEVATION - BUILDING C**

**FINISH / MATERIAL LEGEND**

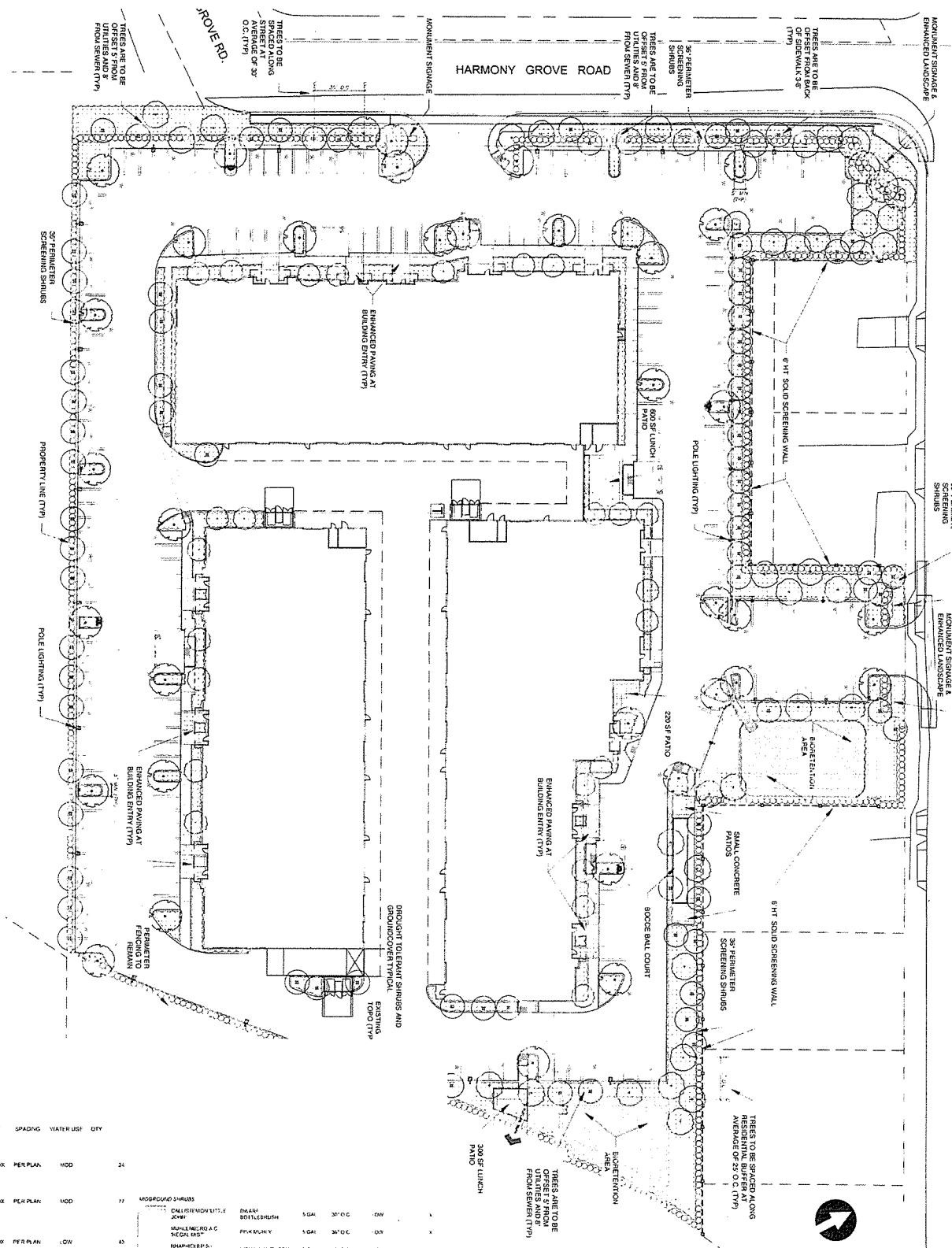
NOTE: SEE COLOR BOARD FOR COLOR MATERIAL SAMPLES AND PLACEMENT

- 1A PAINTED CONCRETE WALL PANEL - FRAZEE COLORLIFE - COLOR: CLW 1647W DEER FEATHER
- 1B PAINTED CONCRETE WALL PANEL - FRAZEE COLORLIFE - COLOR: CLS 3015M ARTESIAN
- 1C PAINTED CONCRETE WALL PANEL - FRAZEE COLORLIFE - COLOR: CLS 3185A SCOT
- 1D METAL CANOPY ROOFING TRIM/FASCIA
- 2 not used
- 3 TREADED ROD AND TURNBUCKLE CANOPY ROOF SUPPORT
- 4 CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM w/ SINGLE PANE TINTED GLAZING
- 5 CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM w/ HIGH PERFORMANCE TINTED GLAZING, STYLE: (2) INSULATING GLASS UNIT, COLOR: SOLARCOOL, PACIFICA + CLEAR
- 6 CLEAR ANODIZED ALUMINUM SYSTEM w/ SPANDEB GLAZING TO MATCH ADJACENT GLAZING
- 7 FTD. INT. MAIN DOOR, COLOR TO MATCH ADJACENT WALL
- 8 NARROW STYLE CLEAR ANODIZED ALUMINUM FRAME STOREFRONT DOOR, FINISH AND GLAZING TO MATCH PACIFICA
- 9 INT. ROLL-UP DOOR w/ GLAZING TO MATCH SOLARCOOL not used
- 10 not used
- 11 VARIOUSE REVEAL IN CONCRETE PANEL
- 12 WALL PACK LIGHT PROFILE
- 13 1/4" HIGH CONCRETE SCREEN WALL, FINISH TO MATCH ADJACENT WALL
- 14 4" HIGH CONCRETE ROCK WALL
- 15 KNOCK OUT (SHOWN DASHED)
- 16 CLEAR ANODIZED ALUMINUM HIGH-LIFT SECTIONAL DOOR WITH GLAZED PANELS, GLAZING IN ACRYLIC VISION PANELS TO MATCH BUILDING WINDOW GLAZING

Option B Elevations  
– Buildings B and C

**PROPOSED PROJECT  
PHG 16-0012**

**E**  
ELEVATIONS



**PROPOSED PLANT PALETTE**

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WATER USE	QTY
(Circle with cross)	LAGERSTROEMIA MIMOSA OR CECIS CANADENSIS	MUSKOGEE CHAIR MIMBLE OR FASTFIRM CRUIZ	24" BOX	PER PLAN	MOD	24
(Circle with dot)	LOROPSTACHYON COONIFOLIUS OR PITISPOPIUM PHELI VRA GODES	BIRSIANE BDK OR YELLOW PITISPOPIUM	24" BOX	PER PLAN	MOD	77
(Circle with horizontal lines)	QUERCUS AGRI FOLIA OR ALONIS FLA LUTEA	COAST LIVE OAK OR PREFERRIVE WILLOW	24" BOX	PER PLAN	LOW	40
(Circle with vertical lines)	ORUS LANCEA OR GELERA PARY FLORA	AFRICAN PALM OR AUSTRALIAN WILLOW	24" BOX	PER PLAN	LOW	38
(Circle with diagonal lines)	FORZ GARDINO SHRUBS					
(Circle with horizontal lines)	DOTONASTEN HORIZONTALIS	PHOENIX COTONEASTER	1 GAL	30" O.C.	MOD	X
(Circle with vertical lines)	GRANZELAR LITIF REY	LIT. F. REV. FLAX FLX	1 GAL	24" O.C.	MOD	X
(Circle with diagonal lines)	FESTUCA MARSH	ATLAS FESCOP	1 GAL	24" O.C.	LOW	X
(Circle with horizontal lines)	MESQUITE PARVIFLORA	HELD YUCCA	1 GAL	30" O.C.	LOW	X
(Circle with vertical lines)	LANTANA NEW ECLD	NEW GOLD LANTANA	1 GAL	30" O.C.	LOW	X
(Circle with diagonal lines)	ROSMARINUS ROSTRATUS	PROSTRATE ROSMARIN	1 GAL	24" O.C.	LOW	X

SYMBOL	PLANT NAME	SIZE	SPACING	WATER USE	QTY
(Circle with cross)	CALLISTEMON LITTLE SCAR	3 GAL	30" O.C.	LOW	X
(Circle with dot)	RAVENS BOTTLEBRUSH	1 GAL	30" O.C.	LOW	X
(Circle with horizontal lines)	RAVENS BOTTLEBRUSH	1 GAL	30" O.C.	LOW	X
(Circle with vertical lines)	INDIAN HAWTHORN	1 GAL	30" O.C.	MOD	X
(Circle with diagonal lines)	TEXAS RANGER	1 GAL	30" O.C.	MOD	X
(Circle with horizontal lines)	SILVER GRASS	1 GAL	42" O.C.	LOW	X
(Circle with vertical lines)	COAST ROSEMARY	1 GAL	42" O.C.	LOW	600

SYMBOL	PLANT NAME	SIZE	SPACING	WATER USE	QTY
(Circle with cross)	BOULDER AREA	1 GAL	30" O.C.	MOD	X
(Circle with dot)	BOULDER AREA	1 GAL	30" O.C.	MOD	X
(Circle with horizontal lines)	BOULDER AREA	1 GAL	30" O.C.	MOD	X
(Circle with vertical lines)	BOULDER AREA	1 GAL	30" O.C.	MOD	X
(Circle with diagonal lines)	BOULDER AREA	1 GAL	30" O.C.	MOD	X

Option B Landscape Plan

**PROPOSED PROJECT  
PHG 16-0012**



# ANALYSIS

## A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH: R-1-7 zoning (Single-Family Residential, 7,000 SF min. lot size). Six single-family residences are immediately adjacent to the subject property, located along the southern side of Harmony Grove Road on lots generally ranging in size from 8,200 square feet to 9,600 square feet. Additional single-family development is located to the north, beyond, with a mixture of residential lots that are R-1-7 or R-1-6 zoning (Single-Family Residential, 7,000 SF min. lot size). Industrial development also is located northwest of the project site along the northern and western side of Harmony Grove Road.

SOUTH: PD-I Zoning (Planned Development-Industrial). A vacant approximately 4.87-acre parcel is located immediately south of the site. The area is zoned for industrial uses. The Planning Commission and City Council approved the development of 91,000 square feet of light industrial use in two buildings on this site on August 9, 2016 and by Council on September 14, 2016. Building plans were submitted into plan check the following day and are now being reviewed by staff.

The Escondido Creek flood control channel is located farther to the south. This section of the channel wraps or bends around the project site in a northeasterly to southwesterly direction, so the channel is also immediately east and southeast of the project site. A paved maintenance road (approximately 10 to 12 feet in width) is located off-site along the eastern and southeastern boundary of the project site. Vegetation to the south consists of non-native and native habitat located along the edges of the creek/maintenance road and within the creek. The City Hale Avenue Resource Recovery Facility (HARRF) on Hale Avenue is located on the south side of the channel. Rural-estate residential development on large lots are located to the southwest of the site with the County of San Diego jurisdiction. The future extension of Citracado Parkway would be located to the south of the project site, generally on the southern side of Escondido Creek

EAST: The Escondido Creek flood-control channel is located immediately east and southeast of the site. A paved maintenance road (which varies from 10 feet to 12 feet in width) is located along both sides of the flood control channel. The paved maintenance road is located at a higher elevation than the project site (generally 5 to 8 feet higher). A mobile-home park is located further east across the flood-control channel (approximately 400+ feet to the southeast of the subject). A small church and single-family homes are located to the east across the Escondido Creek channel.

WEST: Specific Plan zoning (SP) and Light Industrial zoning. Two separate industrial developments are located immediately to the west. Nine industrial buildings are located at the southeast corner of Enterprise Street and S. Andreasen Drive. All uses appear to be industries related to warehousing, and/or distribution. A separate industrial development (Harmony Grove Industrial Park) is located immediately to the southwest of the project site. This is part of the Escondido Research Technology Center Specific Plan. A 20-foot-wide Rincon Del Diablo Water District easement (which contains an 18-inch water line) separates the industrial development from the project site. The utility easement is paved with gravel. A split-face retaining wall is located along the western side of the water easement ranging from 6 feet in height towards the north and up to approximately 14 feet in height towards the south.

## B. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service -- The Police Department expressed no concern regarding the proposed development and their ability to serve the site.
3. Effect on Fire Service -- The Fire Department indicated that adequate services can be provided to the site and the proposed project would not impact levels of service. Appropriate on-site circulation and turnaround areas are provided. The nearest fire station to the site is Station No. 6 located at 1735 Del Dios Highway.
4. Traffic -- The site is currently vacant and does not generate trips under the existing condition; therefore, the proposed use would generate traffic at the site as well as trips on the existing roadway network. A Traffic Analysis was prepared for the project which was estimated to generate up to 788 average daily trips (ADT)

with 87 AM peak hour trips and 95 PM peak hour trips. The trip generation and traffic impacts analyzed are based on the project development type of Option A since this would represent the worst case analysis scenario due to a greater number of vehicle trips associated with the larger square footage of industrial space.

Primary access to the site would be provided by two driveways. A single driveway near the south bend of Harmony Grove Road on the west side of the property would be designated as ingress/egress for truck delivery and warehouse distribution. Secondary access would be provided by a single driveway on the north side of the property. The City of Escondido's Traffic Impact Analysis Guidelines (2013a) were used to determine the study area intersections and street segments for the project. The traffic study indicated that all intersections in the study area are calculated to operate at LOS C or better with the exception of Harmony Grove Road/Hale Avenue, which currently operates at LOS D in the PM peak hour. Because the project would contribute to the delay at this intersection by more than 2.0 seconds and would result in a direct impact based on the City's significance criteria, mitigation is required to improve the circulation at this intersection with restriping to provide one dedicated right-turn lane and one through lane within the existing right-of-way. All roadway segments in the study area are calculated to operate at LOS C or better and would continue to operate at LOS C or better with the project with the exception of Harmony Grove Road to 9<sup>th</sup> Avenue. Due to project plus cumulative impacts, this roadway segments condition would worsen to a LOS F. Furthermore, segments of Enterprise Street between the project access Hale Avenue would also operate at LOS F, and the segment of Harmony Grove Road between Enterprise Street and Hale Avenue would degrade to LOS F. Therefore, a significant cumulative impact would occur at these roadways segments. Feasible mitigation measures are proposed to mitigate those impacts. The requisite analysis and description of applicable mitigation measures to reduce potentially significant effects that were identified in the IS/MND and is included in the Traffic Impact Analysis Report, prepared by Linscott Law & Greenspan, on file with the Planning Division and incorporated herein by this reference.

5. Utilities – Water and sewer is available from existing mains in the adjoining street or easements. The Engineering Department indicated the project would not result in a significant impact to public services or other utilities. The project would connect to the Rincon Del Diablo Water District utilities (water service), connecting to an existing 16" water line to the east of the project site. Sewer service is provided by the City of Escondido within an existing main located to the west of the site, with access provided to maintenance vehicles along the Escondido Creek Channel. The sewer system has adequate capacity to accommodate the project's needs.

Solid Waste – Trash service is provided by Escondido Disposal. The project is proposing trash enclosures to serve the each building.

Drainage – The proposed drainage system is designed to convey on-site flow volumes per the City of Escondido drainage design standards. The Engineering Department determined the project would not materially degrade the levels of service of the existing drainage facilities. A Priority Development Project (PDP) Storm Water Quality Management Plan (SWQMP) and a Preliminary Drainage Study were prepared to address the design of drainage and water quality features in accordance with SUSMP requirements. On-site drainage would be directed to two drainage basins, and after treatment would drain into Escondido Creek via an existing 24" storm drain system.

### **C. ENVIRONMENTAL STATUS**

A Mitigated Negative Declaration (City File No. ENV16-0008) was issued for the project for a 20-day public review period in conformance with the California Environmental Quality Act (CEQA) and is attached to this report. The findings of environmental review identified potential impacts related to biological resources, cultural resources, land use, transportation/traffic, and tribal cultural resources that would be mitigated to less than significant with incorporation of mitigation measures. The applicant or project proponent will have to widen Harmony Grove Road within the existing right-of-way along the project frontage to Enterprise Street to provide a two-way left-turn lane serving as a refuge for left-turning vehicles in and out of the project site and nearby industrial driveways, thus allowing for improved flow for through traffic along Harmony Grove Road. From the project driveway to Enterprise Street (a length of approximately 415 feet), the applicant or project proponent will also have to widen Harmony Grove Road extending north along the project frontage to provide a 13- to 18-foot northbound lane and an 11-foot two-way left-turn lane. The applicant or project proponent will also have to pay a fair share toward the Citracado Parkway Extension Project to improve and redirect the flow of traffic along this roadway. With the implementation

of the mitigation measures and conditions of approval, the project is not expected to have any significant impacts, either short-term or long-term. The City has concluded necessary consultation with the Native American Tribes in accordance with Assembly Bill 52 with the incorporation of appropriate mitigation measures to address potential impacts to Tribal Cultural Resources, including Native American monitors during initial site grading.

The public review period for the Mitigated Negative Declaration began on November 7, 2016 and ended on November 28, 2016. The Notice of Intent was sent to surrounding property owners and published in the local newspaper (The Daily Transcript) on November 7, 2016. City staff did not receive any written comments from surrounding property owners or the public during the public review period.

The Final Mitigated Negative Declaration may be viewed on the City's web site at the following link listed below and the corresponding technical studies at <https://www.escondido.org/escondido-innovation-center.aspx>.

#### **D. CONFORMANCE WITH CITY POLICY**

##### General Plan

Even though the previous General Plan residential land-use designation (Urban 1) was changed to Light Industrial (LI) on the site during the 2012 General Plan update, the City of Escondido made no concurrent effort to change the zoning from single-family residential (R-1-7) to industrial (M-1 or PD-I). General Plan amendments and their corresponding zoning map changes are typically dealt with at the same Public Hearing; however, there is no requirement that General Plan land-use map changes and zoning map changes run concurrently. Under basic Planning and Zoning laws, zoning map changes and/or new zones may be amended and/or mapped during a subsequent process if it is deemed appropriate, within a reasonable time period.

Pursuant to State law and court precedence, local agencies must keep their zoning consistent with General Plan policy (land-use maps and text). An applicant seeking a use of land that is conforming to the General Plan but not conforming to zoning, may file for a concurrent zone change or zoning map amendment. Please note that discussions about the merit of the rezoning request to permit "by-right" an industrial use or activity has already been addressed, separately from this action. The City of Escondido conducted a comprehensive three-year study, called a General Plan Update, to evaluate the extent and location of different land uses and activities in the city; and to create a long-term plan for the City's future. The Planning Commission and City Council both approved a series of land-use related General Plan amendments and offered it to the voters of Escondido for their consideration. In the 2012 General Election, the residents of the City of Escondido ratified the local measure to approve the Escondido General Plan Update, including the land-use re-designation of 1925 Harmony Grove Road (APN 235-050-58) from residential to industrial. Therefore, the Planning Commission need only focus on the land-use regulatory matters before it directly related to the appropriate industrial zoning designation and the scope and content of the proposed Master and Precise Development Plan. The zone change request is technical in nature, necessary to bring the property in compliance with State law and court precedence; and is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development.

The project would be consistent with the General Plan industrial land-use goal of providing "a variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community."

#### **E. PROJECT ANALYSIS**

##### Project Design and Conformance with Surrounding Development –

The 5.76-acre project site is situated at a similar elevation than the industrial site to the south, which was recently approved for a similar type of industrial development. A shallow drainage enters the project site from the northern property towards the northeastern corner of the project site. Vegetation to the north generally consists of grasses, weeds and a variety of mature trees, including stands of mature eucalyptus. The site is maintained by occasional mowing or clearing.

Building mass, architectural style, and plantings are designed to be compatible with industrial development in the surrounding area, as well as provide transitional space and buffering to existing residences. The completion of the project would result in a new building, one that is in scale with the site and the surrounding vicinity. The project

site is adjacent to similar industrial park type development on the west and to the northwest, and vacant industrial land on the north. The project site plan and building architecture, materials and colors has been designed to be compatible with the quality of the buildings throughout the Harmony Grove industrial area incorporating increased setbacks and landscape buffers as required by the Industrial Park (IP) zoning requirements. The two proposed building options (Option A and Option B) include a variety of exterior colors and window elements, vertical and horizontal score lines, and a varied roof line to help break up the mass and scale of the buildings. Metal canopy/eyebrows would be provided over the main entries to each building and enhance storefront façade designs are incorporated into the design at the main corner of each building. Landscape planters also would be provided along the more visible building elevations, as seen from the public way and adjacent industrial development to help soften the building massing and provide additional visual and physical separation. The landscape plan also provides adequate screening of the parking lot area and drive aisles.

The Escondido Creek Flood Control Channel is located along the eastern and southern boundary of the site, and the architecture of the buildings along these elevations and loading docks have been designed/screened to avoid any adverse visual impacts from Creek views. Pedestrian access also would be provided to the existing maintenance access road that runs along the creek to accommodate any future plans to extend the Class I Escondido Creek pathway along the northern side of the Creek from Harmony Grove Road to the future Citracado Parkway extension. Off-site grading is proposed along the edge of the maintenance road and the project is required to landscape and maintain this area, which provides additional screening opportunities from Creek views. The project also includes a comprehensive sign program to ensure conformity and quality of the building signs throughout the project. The comprehensive sign program is based on the M-1 (Light Industrial) sign requirements with some modifications to control the overall size and placement of the signs on the buildings. The buildings have been designed to be used by single tenant within each building, but with provisions for the buildings to accommodate more than one tenant with multiple main entry areas and potential future loading doors if needed.

Parking – Parking for Industrial Park zoning is based on the type of use (i.e., office, manufacturing, warehouse/storage, etc.) and each use requires a different parking ratio (1:250, 1:500, 1:650, 1:800). The project would provide 198 on-site parking spaces under building Option A (at a 1:497 parking ratio); and 234 on-site parking spaces under building Option B (at a 1:368 parking ratio). These parking provisions exceed the amounts required for the type of use. Staff believes the amount of parking provide is more than sufficient for the site and the ratio provided would be able to accommodate a wide range of future uses in accordance with the Industrial Park zoning category. The Planned Development process allows for the project to establish an appropriate parking ratio for the project and eliminates the need for City staff to evaluate future lease of the buildings spaces (during review of business license) based on the type of uses and individual parking requirements.

## SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

### A. PHYSICAL CHARACTERISTICS

The parcel is located on the eastern periphery of the Harmony Grove neighborhood which was formerly a rural area used for ranching and citrus production. The area has since been developed with single-family housing and light industrial uses. The property fronts onto and takes access from Harmony Grove Road on the north and west side, where the road bends around the property. The project site is basically flat, possibly having been graded to some degree in the past, with scattered eucalyptus trees and a northeast-to-southwest trending drainage (Escondido Creek) bordering the eastern perimeter. The project site is visible from adjacent residences to the north-northeast, industrial parks to the west and southwest, and Harmony Grove Road to the northeast and west.

### B. SUPPLEMENTAL DETAILS OF REQUEST

1. **Property Size:** 5.76 total acres

2. **Property APN:** 235-050-58

#### 3. **Option A – Building Data:**

No. of Bldgs.: 1

Building Size: 98,500 SF total building floor area:  
- 95,800 SF ground floor space; and  
- 2,700 SF provided for mezzanine level.

Height: 1 story with small mezzanine level up to 38 feet (top of parapet and architectural wall panels).

#### **Option B – Building Data:**

No. of Bldgs.: 3

Building 1 Size: 32,500 SF total building floor area  
- 26,535 SF ground floor space; and  
- 5,965 SF provided for mezzanine level.

Building 2 Size: 29,100 SF total building floor area  
- 27,420 SF ground floor space; and  
- 1,680 SF provided for mezzanine level.

Building 3 Size: 24,410 SF total building floor area  
- 24,410 SF ground floor space; and  
- no mezzanine level proposed.

Height: 1 story with small mezzanine level up to 35 feet (top of parapet and architectural wall panels).

4. **Material/Colors:** Tilt-up concrete type walls with varied roof planes, horizontal and vertical score lines, lower story glass-front style glass windows with high performance tinted glazing and entry features, and mezzanine and upper story glazed windows, steel tube canopies with aluminum panels above entries. Exterior concrete panel colors range from light to dark gray, white, with an accent wall fin for each building with dark gray tile cladding. Metal roll-up doors on certain elevations with options for additional roll-up door cut outs designated.

5. **Setbacks:** Planned Development zoning establishes its own zoning standards, including setbacks and is not subject to the underlying zoning requirements. However, the project has been designed to be in substantial conformance with the Industrial Park (IP) zoning requirements. The IP zoning requirements have been provided for reference purposes.

**Option A – Setback Data:**

		<u>IP Requirement for Comparison</u>
Front:	Varies, 80' at the nearest	20' min.
Rear:	Varies, 38' at the nearest	None
Side:		
- North:	Varies, 62' at the nearest	None
- South:	85'	None

**Option B – Setback Data:**

		<u>IP Requirement for Comparison</u>
Front:	Varies, 85' at the nearest	20' min.
Rear:	Varies, 25' at the nearest	None
Side:		
- North:	Varies, 65' at the nearest	None
- South:	Varies, 64' at the nearest	None

<b>6. Lot Coverage</b>	<u>Proposed Option A</u>	<u>IP Requirement for Comparison</u>
	38%	40%

<u>Proposed Option B</u>	<u>IP Requirement for Comparison</u>
31.2%	40%

<b>7. Parking:</b>	<u>Proposed Option A</u>	<u>IP Requirement for Comparison</u>
	198 on-site	132 spaces required

<u>Proposed Option B</u>	<u>IP Requirement for Comparison</u>
234 on-site	215 spaces required

IP parking ratios are based on the suite/bldg. size and the number of required spaces goes down as the suite/bldg. size increases. By utilizing the Planned Development process the facility would provide parking at a ratio that would accommodate a mix of manufacturing, warehouse and office type uses that would eliminate the need for ongoing parking studies for the occupation of each building or suite. For comparison, the facility provides parking at a similar ratio to the standard manufacturing ratio of 1:500 for projects in the Light Industrial (M-1) or General Industrial (M-2) zones.

**8. Loading Area:** In Option A, loading will occur in a recessed, cut-out portion of the building envelop on the south side of the property. This can accommodate a variety of truck loading for up to six (6) vehicles at a time. The location and proposed project design is compatible with the surrounding types of use and structures and provides adequate screening from Harmony Grove Road and the Escondido Creek. In Option B, each building accommodates a variety of truck loading. Most provisions for loading are provided internal to the site to allow loading at various roll-up doors around the buildings; however, one (1) truck well is provided on the rear of the building, within view of Escondido Creek. The applicant proposes a screened loading dock to accommodate a variety of trucks.

**9. Landscaping:** New ornamental landscaping to be provided around the project perimeter and throughout the project.

**10. Walls/Fencing:** A six-foot-high screening wall is proposed along sections of the northern property line to help reduce the physical and visual impact of the development to the existing single-family residences. An existing perimeter fence along the eastern property line will remain or will be improved as a condition of this project to ensure that the material is of similar quality to the fence adjacent to the property, and to ensure that an access gate is



provided to allow for any maintenance and pedestrian access along the Escondido Creek maintenance road.

- 11. Signage:** A Draft Comprehensive Sign Program has been developed for the site which would be similar conformance with the Light Industrial (M1) sign standards. Limited wall signage for each building would be allowed along with a six-foot-high entry monument sign along Harmony Grove Road for each roadway frontage. Wall signs (size and height standards) would be regulated by the M1 sign standards, in accordance with Article 66 of the Zoning Code. Four (4) optional locations for the monument signage is proposed, allowing a considerable amount of flexibility for the property owner and/or project proponent. Monument signs along the north property line, immediately adjacent to the secondary driveway, will be non-illuminated.
- 12. Trash:** A dedicate trash enclosure area would be provided to accommodate each building.
- 13. Grading:** Under project Option A and Option B, respectively, project grading would include approximately 15,000 to 18,000 cubic yards of import to raise the elevation of the site above the 100-year flood elevations, to approximately 624 feet above mean sea level.
- 14. Allowable Uses:** The list of allowable uses in the buildings and on-site activities would be subject to those uses allowed in the Industrial Park (IP) zone.

## EXHIBIT "A"

### FINDINGS OF FACT/FACTORS TO BE CONSIDERED PHG 16-0012, ENV 16-0008

#### Zone Change

1. Since zoning is one of the primary means of implementing a General Plan, counties, general law cities, and charter cities are required to maintain consistency between their zoning ordinance and their adopted general plan (Government Code Section 65860). Under basic Planning and Zoning laws, zoning map changes and/or new zones may be amended and/or mapped during a subsequent process if it is deemed appropriate, within a reasonable time period.
  - The applicant and/or project proponent is proposing to re-establish General Plan and zoning consistency for the subject property.
  - A Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development.

The project would be consistent with the General Plan industrial land use goal of providing "a variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community." 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 and intersections (as mitigated) or public facilities, create excessive noise or compatibility impacts, and adequate on-site parking, circulation and public services could be provided to the site.

2. The public health, safety and welfare will not be adversely affected by the proposed Zone Change from R-1-7 (Single-Family Residential, 7,000 SF min. lot size) to PD-I (Planned Development-Industrial) because the General Plan land-use designation for the subject site is LI (Light Industrial). The project site currently is zoned as single-family residential (R-1-7) and a zone change to Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development. 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 and intersection or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site. The Initial Study/Mitigated Negative Declaration prepared for the project identified effects related to biological resources, cultural and tribal cultural resources, and transportation/traffic that might be potentially significant. However, design and minimization measures, revisions in the project plans and/or mitigation measures provide mitigation to a point where potential impacts are reduced to less than a significant level.
3. The property involved is suitable for the uses permitted by the proposed PD-I zone because the General Plan for the subject site is Light Industrial and the range of uses proposed would be consistent with the City's Industrial Park zoning requirements. The project has been designed to be compatible with the adjacent industrial development and Escondido Creek with appropriate grading, building design and orientation, setbacks, walls/fencing and perimeter landscaping. Site design, building mass and location, architectural style, and plantings are also designed to provide some transitional space between the existing residences to the new proposed industrial building.
4. The uses permitted by the proposed Planned Development-Industrial zone would not be detrimental to surrounding properties because the project site is adjacent to similar industrial development on the south, west, and northwest, and is separated and adequately buffered from residential uses to the east, southeast, and south by the Escondido Creek Flood Control Channel. The adjacent properties immediately on the north comprises of existing single-family residences, but they carry a Light Industrial General Plan land-use designation. The scale of the proposed project would be in conformance with the general pattern of industrial development within the area. The proposed change of zone would not result in a significant impact to the environment (as mitigated), nor impact existing services or degrade levels of-service to adjacent streets, as detailed in the staff report and environmental analysis.

5. The portion of the project site that is proposed for the change of zone to Planned Development-Industrial would not conflict with any specific plans for the area because the site is not subject to any adopted specific plans for the property or within a designated General Plan Specific Planning Area. The adjacent industrial development on the west is located within Specific Planning Area 8 (ERTC) and the range of industrial uses proposed for the project site and the design of the project would be compatible with the adjacent industrial specific plan and other industrial development throughout the surrounding area.

#### Master and Precise Development Plan

1. The approval of the proposed Master and Precise Development Plan would be based on sound principles of land use and is well-integrated with the surrounding properties because adequate parking, access, on-site circulation, utilities, as well as appropriate setbacks from adjacent industrial uses and the Escondido Creek Flood Control Channel would be provided (as detailed in the staff report and Final Mitigated Negative Declaration). The design of the buildings and quality of the architecture and landscaping would be compatible with the pattern of industrial development throughout the Harmony Grove industrial area. All vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersection with the implementation of the conditions of approval and as mitigated.
2. The proposed Master and Precise Development Plan would not cause deterioration of bordering land uses and the site is physically suitable for the proposed development because the industrial park type development is proposed and would be located adjacent to similar industrial park type development. That is also the vision provided for the in the updated General Plan.

The proposed grading design would not result in any manufactured slopes or pads that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. The Engineering Department indicated the project is not anticipated to have any significant individual or cumulative impacts to the circulation system or degrade the levels of service on any of the adjacent roadways or intersections because identified impacts have been mitigated to less than a significant level. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is located within a developed area characterized by a mix of industrial, single- and multi-family residential uses. Appropriate setbacks and buffer areas would be provided from adjacent industrial uses, the Escondido Creek and nearby residential development. 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 and intersection or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided.

3. The overall design of the project would produce an attractive planned industrial development that would be similar in design and architectural quality to exiting industrial development located throughout the Harmony Grove industrial area. The project would be subject to the Industrial Park (IP) list of permitted uses in order that allow lower intensity industrial park and office type uses (including restricting outdoor storage) in order to be more compatible with adjacent Specific Plan industrial development and land-use goals for the area (SPA 8 - ERTC) and to reduce the potential any impacts to nearby residential development.
4. The uses proposed have a beneficial effect not obtainable under existing zoning regulations because the project proposes a comprehensively designed industrial development that would be compatible with the surrounding neighborhood. The Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development. Planned developments may set their own development standards to encourage creative approaches to the use of land through variation in the siting of buildings and design that enhances the appearance and livability of the community. The proposed development proposes a variety of setbacks and appropriate orientation of the buildings (including major entries, loading docks, building access areas, and storm water features) to correspond to and reduce potential impacts to the variety of adjacent land uses and the built environment. The project provides comprehensive and self-contained development, which creates an environment of sustained desirability and stability through the controls offered and regulated through the Planned Development process.
5. All of the requirements of the California Environmental Quality Act (CEQA) have been met because the findings of the environmental analysis (as demonstrated in ENV15-0017) are that the Initial Study identified effects related to biological resources, cultural and tribal cultural resources, and transportation/traffic that

might be potentially significant. However, design and minimization measures, revisions in the project plans and/or mitigation measures provide mitigation to a point where potential impacts are reduced to less than a significant level. The City also has complied with the provisions of Assembly Bill 52 regarding consultation with the Native American Tribes and appropriate mitigation measures have been included to address potential impacts to tribal cultural resources.

## EXHIBIT "B"

### CONDITIONS OF APPROVAL PHG 16-0012, ENV 16-0008

#### General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Allowable area calculations CBC Table 503, Section 506.
2. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
3. Access for use of heavy fire fighting equipment as required by the Fire Chief shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation inspections given until on-site fire hydrants with adequate fire flow are in service to the satisfaction of the Fire Marshal.
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. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
5. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75) and be consistent with the lighting design for the shopping center. A copy of the lighting plan shall be included as part of the building plans, to the satisfaction of the Planning Division.
6. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
8. As proposed, the buildings, architecture, color and materials, and the conceptual landscaping of the proposed development shall be in accordance with the staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division.
9. The proposed uses of the buildings/site shall be in accordance with the Permitted and Conditionally Permitted Principal Uses for the Industrial Park (IP) zone, along with Permitted Accessory Uses and Structures.
10. Signage for the proposed buildings shall be in conformance with the Comprehensive Sign Program prepared for the project. The sign program shall be based on the general signage requirements for the M1 zone, unless specifically modified by the Final Sign Program. Wall signs (size and height standards) would be regulated by the M1 sign standards, in accordance with Sec.33-1395.6 and other requirements of Article 66 of the Zoning Code. As reflected in the plans, monument signage was proposed in four (4), optional locations. This is to provide for more flexibility in signage

placement. Only two (2) monument signs shall be permitted, as authorized by this permit. Monument signs along the north property line, immediately adjacent to the secondary driveway, shall be non-illuminated (internally, externally, and/or grounded) or illuminated in such a manner to minimize lighting impacts to adjacent residential properties to the satisfaction of the Community Development Director.

A final Sign Program shall be submitted to the City for approval as part of the final building plans. A separate sign permit would be required for any building signage in conformance with the City's Sign Ordinance.

11. Any rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building, to the satisfaction of the Director of Planning and Building. The final building plans shall clearly indicate that any proposed rooftop equipment is properly screened. A cross section and roof plan shall be included (which details the location and height of all rooftop equipment) to demonstrate that the height of the parapet is sufficient to screen the mechanical equipment.

Ground mounted equipment should be located to avoid conflict with pedestrian circulation and access, as well as to screen the equipment from view as much as possible, including but not limited to the existing residences, public view from Harmony Grove Road, and views from the Escondido Creek. Appropriate decorative screening shall be placed around the ground-mounted units where visible from the exterior of the project.

12. The on-site parking spaces shall be striped in accordance with the Zoning Code. As indicated on the plans for Option A, 198 on-site spaces shall be provided and maintained in conjunction with this development, as indicated in the Details of Request and site plan. For Option B, 234 shall be provided. The parking provided will allow for all the range of permitted uses within the IP zone.

Minor modifications to the number of parking spaces required may be approved by the Director of Community Development to address any necessary future site plan issues such as, but not limited to address ADA parking, path of travel, health and safety, maintenance or code related issues. If over time, the applicant or project proponent decides to change the occupancy and type of use mix for a particular tenant, applicant/project proponent may have to demonstrate that said parking provisions continue to satisfy all requisite on-site parking needs. Surplus parking that is considered extraneous may be converted to additional landscaping provided said landscaping areas are documented in detailed landscape and irrigation plan(s), site grading and erosion control plan(s), and the Storm Water Quality Management Plan (SWQMP). All onsite parking design modifications shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. (Efforts should be made to convert the parking areas, if any, for those most adjacent to the residential area to the north.) Any converted on-site parking or other parking reduction shall not comprise any other condition stated herein.

13. Driveways and fire lanes do not allow for parking, and curb markings and fire lane signs are required, to the satisfaction of the Fire Marshall. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. Under Option B, disabled accessible parking access aisle to be on the passenger side of the vehicle at Building B.
14. All new utilities shall be underground.
15. The project applicant/owner shall create an easement over the project site to provide appropriate maintenance access to the existing storm water basin/features.

16. Any proposed retaining walls and perimeter or screen walls shall incorporate decorative block materials. This shall be noted on the project improvement plan (i.e., type of block, color, decorative cap, etc.). The trash enclosures also shall utilize a decorative masonry block material. The sides of the enclosures shall incorporate appropriate landscaping to screen the enclosures, to the extent feasible.
17. The project shall provide for appropriate pedestrian and bicycle access to the Escondido Creek Channel to accommodate for the future extension of the Escondido Creek bicycle and pedestrian path. Lunch patio fixtures proposed adjacent to the bicycle and pedestrian path shall accommodate unimpeded access to the pedestrian and bicycle access point.
18. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. 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 the "County Clerk," in the amount of \$2,260.25 for a project with a Mitigated Negative Declaration. (These fees include an additional authorized County administrative handling fee of \$50.00, which needs to be included with each and every document submitted or filing.) Please note that the filing fee is adjusted annually based on changes to the price deflator as published by the by the US Department of Commerce. The 2017 total filing/documenting fee of \$2,266.25 is effective January 1, 2017.

Failure to remit the required fees in full within the specified time noted 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. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid.

19. The project shall be in compliance with all of the following mitigation measures:

**Biological Resources Mitigation:**

**MM-BIO-1:** Prior to issuance of grading permits, the following shall be identified on the grading plan: A qualified biologist shall determine if any active raptor nests occur on or in the immediate vicinity of the project site if construction is set to commence or continue into the breeding season of raptors (January 1 to September 1). If active nests are found, their situation shall be assessed based on topography, line of sight, existing disturbances, and proposed disturbance activities to determine an appropriate distance of a temporal buffer.

**MM-BIO-2:** Prior to issuance of grading permits, the following shall be identified on the grading plan: If project construction cannot avoid the period of January 1 through September 1, a qualified biologist shall survey potential nesting vegetation within the project site for nesting birds prior to commencing any project activity. Surveys shall be conducted at the appropriate time of day, no more than three days prior to vegetation removal or disturbance. Documentation of surveys and findings shall be submitted to the City for review and concurrence prior to conducting project activities. If no nesting birds are observed and concurrence is received, project activities may begin. If an active bird nest is located, the nest site shall be fenced a minimum of 200 feet (500 feet for special status species and raptors) in all directions on-site, and this area shall not be disturbed until after September 1 or until the nest becomes inactive. If threatened or endangered species are observed within 500 feet of the work area, no work shall occur during the breeding season (January 1 through September 1) to avoid direct or indirect (noise) take of listed species.

**MM-BIO-3:** Prior to the issuance of grading permits, impacts to non-native grassland shall be mitigated at a ratio of 0.5:1 and shall consist of 1.09 acres. Mitigation shall be provided by either (1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or (2) purchase of non-native grassland or equivalent habitat credits at an approved mitigation bank, to the satisfaction of the City.

**Cultural Resources Mitigation:**

**MM-CUL-1:** An archaeological resources monitoring program shall be implemented, which shall include the following:

1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of Escondido that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program.
2. The qualified archaeologist and a Native American representative(s) shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. Native American monitors/representatives from the Rincon Band of Luiseño Indians, the San Luis Rey Band of Mission Indians and the Kumeyaay Nation shall be invited to participate in the monitoring program.
3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) shall be on-site full time to perform inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features.
4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.
5. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the project manager at the time of discovery. The archaeologist, in consultation with the project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities shall 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 lead agency, then carried out using professional archaeological methods. If any human bones are discovered, the County coroner and lead agency 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 NAHC, shall be contacted in order to determine proper treatment and disposal of the remains.
6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
7. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.
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 lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation (DPR) Primary and Archaeological Site Forms.



**MM-CUL-2:** Prior to commencement of project construction, a qualified paleontologist shall be retained to attend the project pre-construction meeting and discuss proposed grading plans with the project contractor(s). If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of Pleistocene-age alluvial deposits, then monitoring shall be conducted as outlined below.

1. A qualified paleontologist or a paleontological monitor shall be on-site during original cutting of Pleistocene-age alluvial deposits. A paleontological monitor is defined as an individual who has at least one year of experience in the field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of excavation, and may be either increased or decreased thereafter depending on initial results (per direction of a qualified paleontologist).
2. In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of 1 hour to 2 days). All collected fossil remains shall be cleaned, sorted, catalogued and deposited in an appropriate scientific institution (such as the San Diego Museum of Natural History) at the applicant's expense.
3. A report (with a map showing fossil site locations) summarizing the results, analyses and conclusions of the above described monitoring/recovery program shall be submitted to the City within three months of terminating monitoring activities.

### **Transportation/Traffic Mitigation**

**MM-TRA-1:** The intersection at Harmony Grove Road and Hale Avenue – Prior to the issuance of occupancy permits, restripe the approach on Hale Avenue within the existing 22-foot southbound lane to provide one dedicated right-turn lane (12 feet wide) and one through lane (10 feet wide) extending 125 feet from the stop bar. Appendix H of the TIA shows the conceptual Harmony Grove Road improvements.

**MM-TRA-2:** The road segment along Harmony Grove Road, between Project Access A and Enterprise Street – Prior to the issuance of occupancy permits, widen Harmony Grove Road within the existing right-of-way along the project frontage to Enterprise Street to provide a two-way left-turn lane serving as a refuge for left-turning vehicles in and out of the project site and nearby industrial driveways, thus allowing for improved flow for through traffic along Harmony Grove Road. From the project driveway to Enterprise Street (a length of approximately 415 feet), widen Harmony Grove Road extending north along the project frontage to provide a 13- to 18-foot northbound lane and an 11-foot two-way left-turn lane for a total paved width varying between 38 and 54 feet.

**MM-TRA-3:** The road segment along Harmony Grove Road between Enterprise Street and Hale Avenue – Prior to the issuance of occupancy permits, the applicant shall pay a fair share toward the Citracado Parkway Extension Project to improve and redirect the flow of traffic along this roadway.

### **Tribal Cultural Resources Mitigation**

**MM-TCR-1:** The City of Escondido Planning Division (City) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the project location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are: (1) to provide the applicant with clear expectations regarding tribal cultural resources and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys

and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

**MM-TCR-2:** Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

**MM-TCR-3:** The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

**MM-TCR-4:** During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. 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 qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

**MM-TCR-5:** In the event that previously unidentified Tribal Cultural Resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

**MM-TCR-6:** If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

**MM-TCR-7:** The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant Tribal Cultural Resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

**MM-TCR-8:** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and

the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. 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 in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

**MM-TCR-9:** If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any Tribal Cultural Resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

**MM-TCR-10:** Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

### Landscaping

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Division in conjunction with the submittal of the Final Map and Grading Plans, and shall be equivalent or superior to the concept plan attached as exhibit(s) in the staff report(s). A plan check fee of will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in the City's Landscape Standards as well as the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. The landscaping plan shall include specimen sized evergreen trees, to the satisfaction of the Planning Division. Root barriers shall be provided in accordance with the Landscape Ordinance. The applicant and future owners shall be responsible for landscaping and ongoing maintenance (landscape and irrigation) the off-site slopes (within the City property) along the Escondido Creek Channel.
3. Appropriate landscape planters shall be incorporated around certain perimeters of the buildings, as indicated on the concept landscape plan.
4. The off-site slopes on the northern parcel shall include appropriate erosion control (temporary landscaping and irrigation) to the satisfaction of the Engineering Division.

5. The final fencing design shall be included with the landscape plans. Standard chain-link fencing is not allowed. Fencing material should be commensurate to the material and quality of the adjoining industrial property. (Black or green vinyl-clad fencing is acceptable.) Screening shrubs and vines shall be incorporated into the landscape design along eastern side of the perimeter fence to provide additional visual screening into the site.
6. The landscape design for the storm water basins shall be a visual amenity for the project to include an appropriate variety of plants and features (trees, shrubs and groundcover). The landscape should include appropriate outdoor amenities for the employees (i.e., outdoor seating and shade areas). The landscape plan also shall include appropriate access for future pedestrian and bicycle access to the adjacent Escondido Creek.
7. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
8. 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 Planning Division and City Engineer.
9. Prior to occupancy of the buildings, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
10. The installation of the 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.

### Fire

The following conditions shall be incorporated into the final construction plans to the satisfaction of the Fire Marshall.

1. Remove the Fire Department Connection from the RDPA – you will be pressurizing the whole line instead of the fire sprinkler systems.
2. Provide an FDC and PIV for each building, fire department will approve the location.
3. Hydrant spacing shall be no greater than 300', page 2 and AS1.
4. Provide a separate fire underground plan, grading plans shall not be accepted in lieu of an underground plan. Provide a note on the plan. Remove all other items from this plan, i.e. sewer, storm water, and public improvements.
5. Thrust blocks shall be in accordance with NFPA 24.
6. Fire flow shall be 3750 gpm for 3 hours. Correct note 4 on final plans.
7. Provide the building address on the final plans.

8. Buildings with high piled storage shall have exit doors every 100 lineal feet and be in accordance with CFC 3206.6

### Engineering

1. The Developer shall provide the City Engineer with a current Preliminary Title Report covering subject property with the submittal of the final engineering plans.
2. The location of all existing on-site utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with proposed structures, these facilities shall be relocated subject to approval of the owner of the utility/facility prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer are required for all public street and sewer improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a landscape Architect.
4. The developer shall post securities in accordance with the City prepared bond and fee letter based on a final estimate of grading and improvements cost prepared by the project engineer. The project owner is required to provide a Cash Clean Up deposit for all grading, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% the total cost of the project private improvements, drainage and landscaping. The project owner is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warranty (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval Improvement Plans and issuance of Building Permit. All improvements shall be completed prior to issuance of Occupancy Permit.
5. As surety for the construction of required off-site and 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 Grading Permit and/or Final Subdivision Map.
6. No construction permits will be issued until Final Plans and the Storm Water Quality Management Plan (SWQMP) have been approved and appropriate securities are deposited and agreements executed to the requirements of the City Engineer and City Attorney.
7. 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.
8. 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.
9. The project owner shall submit to the Planning Department 3 copies of the approved Plot Plan certified by the Planning Department and must be included in the first submittal for final plans plan check, together with a final Storm Water Quality Management Plan (SWQMP) to the Engineering Department.

### Street Improvements and Traffic

1. Public streets improvements shall be designed in compliance with City of Escondido Design Standards and requirements of the City Engineer. Private Street improvements shall be designed

in accordance with the requirements of the City Engineer, Fire Marshal and Director of Community Development and shall be shown on the Grading/Private Improvement Plans.

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

**STREET**

**CLASSIFICATION**

Harmony Grove Road

Industrial Street (52' curb to curb)

3. The Developer shall be responsible for construction of project entrances and offsite improvements on Harmony Grove Road in accordance with the project tentative plans and to the requirements of the City Engineer. All required improvement plans shall be approved by the City Engineer and improvements bonded for prior to issuance of Building Permits and shall be constructed prior to project occupancy.
4. The Developer shall be responsible for the design and construction of a traffic signal relocation and modification at the intersection of Harmony Grove Road and Enterprise Street to accommodate the required widening of Harmony Grove Road and the reconstruction of the 30-foot radius curb return on the Southwest corner of this intersection. The developer shall submit traffic signal modification improvement plans for review and approval by the City Engineer and City Traffic Engineer.
5. Access to this project shall be improved with alley-type driveways in accordance with Escondido Standard Drawing G-5-E with a minimum throat width of 28 feet.
6. The Developer shall be responsible to prepare and submit a signing and striping plan for proposed signing and striping improvements on Harmony Grove Road and intersections of Harmony Grove Road and Enterprise Street and Harmony Grove Road and Hale Avenue in accordance with the project tentative plans and to the requirements of the City Engineer.
7. The Developer shall be responsible to remove existing striping on Harmony Grove Road and intersection of Harmony Grove Road and Hale Avenue and slurry seal and re-stripe in accordance with the project tentative plans and traffic study mitigation exhibits and to the requirements of the City Engineer. All required signing and striping plans shall be approved by the City Engineer prior to issuance of Building Permits and shall be constructed prior to project occupancy.
8. Adequate horizontal sight distance shall be provided at all project entrances, and restrictions on landscaping may be required at the discretion of the City Engineer.
9. The Developer will be required to provide a detailed detour and traffic control plans, for all construction within existing right-of-way, to the satisfaction of the City Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
10. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer and the City Building Official.
11. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
12. All damaged paving on Harmony Grove Road shall be replaced. As directed by the City Engineer, a 1 1/2" grind and 2" min. AC overlay may be required in whole lane widths where multiple utility trench patches associated with this project have degraded the surface of the roadway.

13. The Developer shall be required to construct a 6800 lumen minimum street light in accordance with Escondido Standard Drawing No. E-1-E at each project entrance.
14. All gated entrances and areas shall be designed and improved to the satisfaction of the City Engineer and the Fire Marshal.

### 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. A site landscaping and irrigation plan shall be submitted to the Engineering Dept. with the 2nd submittal of the grading plans.
3. All onsite parking and access drives are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. All proposed onsite project improvements shall be included on Grading Plans and be subject to review and approval by the City Engineer, Fire Marshall and Planning Director.
4. 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.
5. Erosion control, including silt fences, straw wattles, interim sloping planting, gravel bags, 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 development of the project.
6. The project owner 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 prior to issuance of Grading Permit and the WDID number shall be listed on the Grading plans.
8. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

### Drainage

1. 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.

2. All site drainage with emphasis on the parking and drive way 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 basins as the primary method of storm water treatment and hydro-modification compliance. The landscape plans will need to reflect these areas of storm water treatment.
3. All on-site trash enclosure areas shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
4. All onsite storm drains, 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 property owner.
5. The Developer will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement to the City Engineer. The maintenance agreement shall indicate property owner's responsibility for maintenance of all proposed frontage Green Street landscaping, onsite drainage system, storm water treatment and hydro-modification facilities and their drainage systems.

#### Water Supply

1. This project is located within the Rincon Del Diablo Water District's Improvement District 1 service area. At this time, it is eligible to receive water for fire and normal domestic use following completion of the required facilities in accordance with all District Rules and Regulations. It will be the developer's responsibility to make all arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection
2. All onsite detector checks and fire hydrants shall be designed to be located as determined by the Fire Marshal and approved by the Rincon Del Diablo Municipal Water District.

#### Sewer

1. The Developer is required to design and construct an onsite/offsite public sewer system and access to serve the project in accordance with the City of Escondido Design Standards and to the requirements of Utilities Engineer.
2. All sewer laterals will be considered a private sewer system. The property owner will be responsible for all maintenance of these laterals to the public sewer main.
3. Each Building shall have a separate sewer lateral and all sewer laterals shall be 6" PVC minimum with a standard clean-out at the edge of the public right of way and/or at all angle points and shall be designed and constructed per current UPC.
4. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral or within 15' of any public sewer main.



Easements and Dedications

1. The Developer shall make all necessary dedications for public rights-of-way on the following street contiguous to the project to bring the roadways to the indicated classification.

**STREET**

**CLASSIFICATION**

Harmony Grove Road

Industrial (36' CL to R/W)

2. The developer shall dedicate to the public a 20-foot radius corner rounding at the intersection of Harmony Grove Road and Enterprise Street.
3. Necessary public utilities easements for sewer shall be granted to the City. The minimum easement width is 20 feet.
4. All easements, both private and public, affecting subject property shall be shown and delineated on the grading and improvement plans.
5. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to issuance of building permit, unless approved by the easement owner. 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 issuance of Grading or Building permits, as determined by the City Engineer.

*Material necessary for processing a dedication, easement, or quitclaim shall include: a current grant deed or title report, a legal description and plat of the dedication, easement, or quitclaim signed and sealed by a person authorized to practice land surveying (document size) and traverse closure tapes. The City will prepare all final documents.*

Repayments, Fees, and Cash Securities

1. The project owner shall be required to pay all development fees, including any repayments in effect prior to approval of the grading or public improvement plans. All development impact fees are paid at the time of Building Permit or as determined by the Building Official.
2. 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 project owner 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 deposit for the project shall be \$50,000.
3. The project owner shall provide the city with cash contribution in the amount of \$112,200 for the Single 98,500 SF Building option (Option A) or \$94,350 for the 3-Building 86,010 SF option (Option B) towards future construction of Citracado Parkway between Andreasen Drive and Harmony Grove Village Parkway. The required cash contribution shall be deposited with the City Engineer prior to issuance of Building Permit.

### 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 Undergrounding 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 and the existing overhead utilities may still need to be relocated to accommodate the project and/or any required public improvements.
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.

## Mike Strong

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**From:** Bill Martin  
**Sent:** Monday, December 05, 2016 5:56 PM  
**To:** Mike Strong  
**Subject:** FW: Escondido Innovation Center - Badiee Development  
**Attachments:** BadieePlanningCommissionLetter.pdf; Osoria Garcia-HarmonyGroveRoad.docx; Royer-HarmonyGrove.pdf

Fyi and for staff report

**From:** Linda Bailey [mailto:linda@communitystrategiesgroup.com]  
**Sent:** Monday, December 05, 2016 3:54 PM  
**To:** Bill Martin <bmartin@escondido.org>  
**Cc:** Graham Mitchell <gmitchell@escondido.org>; Jay Petrek <jpetrek@escondido.org>  
**Subject:** Escondido Innovation Center - Badiee Development

Hello Bill,

I have attached a letter for the Planning Commission regarding my community outreach for Badiee on their Harmony Grove Road project. I am sorry that I am unable to attend the hearing next Tuesday, but I hope this will help with the commissioners. I am still hoping to connect with the 2 owners that have not responded. I will keep you and the commission posted.

Warm regards,

Linda

Linda Bailey

President

Community Strategies Group, Inc.

1108 Rosehill Court

Escondido, CA 92025

760.445.1323

[linda@communitystrategiesgroup.com](mailto:linda@communitystrategiesgroup.com)

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Community Strategies Group, Inc.  
1108 Rosehill Court  
Escondido, CA 92025  
760-445-1323  
[linda@communitystrategiesgroup.com](mailto:linda@communitystrategiesgroup.com)

December 5, 2016

Bill Martin, Director of Community Development  
Planning Commissioners  
City of Escondido  
201 North Broadway  
Escondido, CA 92025

RE: Escondido Innovation Center

Dear Mr. Martin & Planning Commissioners,

I have been working with Badiee Development for community outreach to the six neighbors immediately adjacent to the proposed Escondido Innovation Center. Included is a breakdown of my outreach and copies of letters to those neighbors who did not respond to our outreach efforts.

The 6 addresses and their owners are as follows:

- 1) 1839 Harmony Grove Road – Joel & Terri Brown owners – Rental Property – I have had conversations and email communications with Joel Brown and he has no concerns
- 2) 1901 Harmony Grove Road – Denis Royer – Owner – Rental Property
- 3) 1909 Harmony Grove Road – Denis Royer – Owner – Rental Property- I have left messages and sent the attached letter to Denis Royer, owner of both 1901 and 1909 Harmony Grove Road and he is not returned my calls or responded to the attached letter.
- 4) 1919 Harmony Grove Road – Seam & Kim Hartman – Owner Residents – Jenni Cook and I met with Sean and Kim Hartman to discuss the project. John Couvillion, of Badiee Development, and I met with them again on Saturday, December 3 to discuss some areas Badiee could help mitigate concerns.
- 5) 1929 Harmony Grove Road – Osorio Garcia – Owner – Rental Property – I have reached out to Mr. Garcia by phone and the attached letter and have not had a response.
- 6) 1935 Harmony Grove Road – James Formiller – Owner Resident – I met with Mr. Formiller on Sunday, November 20 to explain the project and begin discussion. John Couvillion, of Badiee Development and I met again with Mr. Formiller on Saturday, December 3 to discuss any concerns. We are waiting to hear from Mr. Formiller's daughter to schedule a meeting.

Badiee Development will continue to work with these neighbors throughout the balance of the development and construction process to ensure they are treated fairly. I am very confident that Badiee Development will work with the neighbors to mitigate any reasonable concerns they may have.

I am sorry I am unable to join you on December 13. Please feel free to contact me should you have any questions.

Sincerely,

*Linda Bailey*

Linda Bailey  
President – Community Strategies Group, Inc.  
760-445-1323

CC:  
Ben Badiee  
John Couvillion  
Graham Mitchell, City Manager  
Jay Petrek, Asst. City Manager

Community Strategies Group, Inc.

November 9, 2016

Osoria Garcia  
258 E. Vermont Avenue  
Escondido, CA 92025

Dear Osoria Garcia,

I represent Badiee Development, Inc. Records show that you are the owner of record for the homes at 1929 Harmony Grove Road. Badiee Development owns the property directly behind your property.

I would like to set up a time to discuss what is being proposed for the property. Please call or email me at 760-445-1323 or [linda@communitystrategiesgroup.com](mailto:linda@communitystrategiesgroup.com) at your earliest convenience.

I look forward to hearing from you soon.

Sincerely,

Linda Bailey

CC:  
Bill Martin, Director of Community Development, City of Escondido  
John Couvillion, Badiee Development, Inc,

1108 Rosehill Court, Escondido, CA 92025  
760-445-1323  
[linda@communitystrategiesgroup.com](mailto:linda@communitystrategiesgroup.com)

Community Strategies Group

November 9, 2016

Denis Royer  
Royer Family Trust  
Royann Enterprises LLC  
14085 Arbolitos Dr.  
Poway, CA 92064

Dear Mr. Royer,

I represent Badiie Development, Inc. Records show that you are the owner of record for the homes at 1901 and 1909 Harmony Grove Road. Badiie Development owns the property directly behind your property.

I would like to set up a time to discuss what is being proposed for the property. Please call or email me at 760-445-1323 or [linda@communitystrategiesgroup.com](mailto:linda@communitystrategiesgroup.com) at your earliest convenience.

I look forward to hearing from you soon.

Sincerely,

Linda Bailey

CC:  
Bill Martin, Director of Community Development, City of Escondido  
John Couvillion, Badiie Development, Inc,

1108 Rosehill Court, Escondido, CA 92025  
760-445-1323  
[linda@communitystrategiesgroup.com](mailto:linda@communitystrategiesgroup.com)

ORDINANCE NO. 2017-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING TWO ALTERNATIVE MASTER AND PRECISE DEVELOPMENT PLANS AND A ZONE CHANGE FROM R-1-7 TO PD-I FOR APPROXIMATELY 5.76 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHERN SIDE OF HARMONY GROVE ROAD, SOUTH OF ENTERPRISE STREET, ADDRESSED AS 1925 HARMONY GROVE ROAD

Planning Case Nos.: PHG 16-0012 and ENV 16-0008

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 Planning Commission and City Council on this issue.

SECTION 2. That on December 13, 2017, the Planning Commission recommended approval of two alternative Master and Precise Development Plans (Resolution No. 6082) in conjunction with a Zone Change from R-1-7 (Single-Family Residential, 7,000 SF min. lot size) to PD-I (Planned Development–Industrial) for a proposed industrial development on approximately 5.76-acres of land.

SECTION 3. That the City Council has reviewed and considered the Mitigated Negative Declaration (City File No. ENV 16-0008) and Mitigation Monitoring Program and has determined that all environmental issues associated with the project have been addressed and no significant environmental impacts will result from approving the project,



and adopts the Final Mitigated Negative Declaration as reflected on documents on file in the offices of the City Clerk and Planning Division, and incorporated by this reference.

SECTION 4. That upon consideration of the Findings/Factors to be Considered, attached as Exhibit "A" and incorporated herein by this reference, the staff report, Planning Commission recommendation, and all public testimony presented at the hearing held on this project, this City Council finds that the Master and Precise Development Plans and Zone Change are consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 5. That the City Council desires at this time and deems it to be in the best public interest to approve the requested Master and Precise Development Plans subject to the Conditions of Approval attached as Exhibit "B" and Mitigation Monitoring Program attached as Exhibit "C," on approximately 5.76 acres of land located generally located on the southern side of Harmony Grove Road, south of Enterprise Street and east of Pacific Oaks Place, addressed as 1925 Harmony Grove Road, more particularly described and depicted in the attached Exhibit "D," all of which are attached to this Ordinance and are incorporated herein.

SECTION 6. That the request for consideration of a zone change from R-1-7 to PD-I establishes its own zoning standards and is not subject to the underlying zoning requirements. The project has been designed to be in substantial conformance with the Industrial Park (IP) zoning requirements, excepting building height in Master and Precise Development Plan A and the number of monument signage allowed in both Master and Precise Development Plans. Approval of this request shall not waive compliance with

any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.

SECTION 7. That the Zone District Map of the City of Escondido is hereby amended by reclassifying the real property described and depicted on Exhibit "E" from R-1-7 to PD-I, which is attached to this Ordinance and incorporated herein.

SECTION 8. That the two alternative Master and Precise Development Plans are mutually exclusive. Master and Precise Development Plan A consists of one 98,500-square-foot industrial building with 198 parking spaces. The total maximum height of the industrial building in Master and Precise Development Plan A would not exceed 38 feet in height. Master and Precise Development Plan B consists of three industrial buildings (Buildings A, B, and C) with a total square footage of 86,010 square feet with 234 parking spaces. The total maximum height of the industrial buildings in Master and Precise Development Plan B would not exceed 35 feet in height. Under both plans, project grading would include approximately 18,000 cubic yards of import to raise the elevation of the site above the 100-year flood elevations.

SECTION 9. 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"****FINDINGS OF FACT/FACTORS TO BE CONSIDERED  
PHG 16-0012, ENV 16-0008**Zone Change

1. Since zoning is one of the primary means of implementing a General Plan, counties, general law cities, and charter cities are required to maintain consistency between their zoning ordinance and their adopted general plan (Government Code Section 65860). Under basic Planning and Zoning laws, zoning map changes and/or new zones may be amended and/or mapped during a subsequent process if it is deemed appropriate, within a reasonable time period.
  - The applicant and/or project proponent is proposing to re-establish General Plan and zoning consistency for the subject property.
  - A Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development.

The project would be consistent with the General Plan industrial land use goal of providing "a variety of industrial uses located and designed to assure compatibility with adjoining land uses offering diverse jobs for the community." 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 and intersections (as mitigated) or public facilities, create excessive noise or compatibility impacts, and adequate on-site parking, circulation and public services could be provided to the site.

2. The public health, safety and welfare will not be adversely affected by the proposed Zone Change from R-1-7 (Single-Family Residential, 7,000 SF min. lot size) to PD-I (Planned Development-Industrial) because the General Plan land-use designation for the subject site is LI (Light Industrial). The project site currently is zoned as single-family residential (R-1-7) and a zone change to Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development. 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 and intersection or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site. The Initial Study/Mitigated Negative Declaration prepared for the project identified effects related to biological resources, cultural and tribal cultural resources, and transportation/traffic that might be potentially significant. However, design and minimization measures, revisions in the project plans and/or mitigation measures provide mitigation to a point where potential impacts are reduced to less than a significant level.
3. The property involved is suitable for the uses permitted by the proposed PD-I zone because the General Plan for the subject site is Light Industrial and the range of uses proposed would be consistent with the City's Industrial Park zoning requirements. The project has been designed to be compatible with the adjacent industrial development and Escondido Creek with appropriate grading, building design and orientation, setbacks, walls/fencing and perimeter landscaping. Site design, building mass and location, architectural style, and plantings are also designed to provide some transitional space between the existing residences to the new proposed industrial building.
4. The uses permitted by the proposed Planned Development-Industrial zone would not be detrimental to surrounding properties because the project site is adjacent to similar industrial development on the south, west, and northwest, and is separated and adequately buffered from residential uses to the east, southeast, and south by the Escondido Creek Flood Control Channel. The adjacent properties immediately on the north comprises of existing single-family residences, but they carry a Light Industrial General Plan land-use designation. The scale of the proposed project would be in conformance with the general pattern of industrial development within the area. The proposed change of zone would not result in a significant impact to the environment (as mitigated), nor impact existing services or degrade levels of-service to adjacent streets, as detailed in the staff report and environmental analysis.

5. The portion of the project site that is proposed for the change of zone to Planned Development-Industrial would not conflict with any specific plans for the area because the site is not subject to any adopted specific plans for the property or within a designated General Plan Specific Planning Area. The adjacent industrial development on the west is located within Specific Planning Area 8 (ERTC) and the range of industrial uses proposed for the project site and the design of the project would be compatible with the adjacent industrial specific plan and other industrial development throughout the surrounding area.

#### Master and Precise Development Plan

1. The approval of the proposed Master and Precise Development Plan would be based on sound principles of land use and is well-integrated with the surrounding properties because adequate parking, access, on-site circulation, utilities, as well as appropriate setbacks from adjacent industrial uses and the Escondido Creek Flood Control Channel would be provided (as detailed in the staff report and Final Mitigated Negative Declaration). The design of the buildings and quality of the architecture and landscaping would be compatible with the pattern of industrial development throughout the Harmony Grove industrial area. All vehicular traffic generated by the project will be accommodated safely and without degrading the level of service on the adjoining streets or intersection with the implementation of the conditions of approval and as mitigated.

2. The proposed Master and Precise Development Plan would not cause deterioration of bordering land uses and the site is physically suitable for the proposed development because the industrial park type development is proposed and would be located adjacent to similar industrial park type development. That is also the vision provided for the in the updated General Plan.

The proposed grading design would not result in any manufactured slopes or pads that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. The Engineering Department indicated the project is not anticipated to have any significant individual or cumulative impacts to the circulation system or degrade the levels of service on any of the adjacent roadways or intersections because identified impacts have been mitigated to less than a significant level. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is located within a developed area characterized by a mix of industrial, single- and multi-family residential uses. Appropriate setbacks and buffer areas would be provided from adjacent industrial uses, the Escondido Creek and nearby residential development. 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 and intersection or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided.

3. The overall design of the project would produce an attractive planned industrial development that would be similar in design and architectural quality to exiting industrial development located throughout the Harmony Grove industrial area. The project would be subject to the Industrial Park (IP) list of permitted uses in order that allow lower intensity industrial park and office type uses (including restricting outdoor storage) in order to be more compatible with adjacent Specific Plan industrial development and land-use goals for the area (SPA 8 - ERTC) and to reduce the potential any impacts to nearby residential development.
4. The uses proposed have a beneficial effect not obtainable under existing zoning regulations because the project proposes a comprehensively designed industrial development that would be compatible with the surrounding neighborhood. The Planned Development-Industrial (PD-I) is proposed to facilitate development of the project in accordance with Chapter 33, Article 26 of the Zoning Code that encourages the planned development process for industrial park type development. Planned developments may set their own development standards to encourage creative approaches to the use of land through variation in the siting of buildings and design that enhances the appearance and livability of the community. The proposed development proposes a variety of setbacks and appropriate orientation of the buildings (including major entries, loading docks, building access areas, and storm water features) to correspond to and reduce potential impacts to the variety of adjacent land uses and the built environment. The project provides comprehensive and self-contained development, which creates an environment of sustained desirability and stability through the controls offered and regulated through the Planned Development process.
5. All of the requirements of the California Environmental Quality Act (CEQA) have been met because the findings of the environmental analysis (as demonstrated in ENV15-0017) are that the Initial Study identified effects related to biological resources, cultural and tribal cultural resources, and transportation/traffic that

might be potentially significant. However, design and minimization measures, revisions in the project plans and/or mitigation measures provide mitigation to a point where potential impacts are reduced to less than a significant level. The City also has complied with the provisions of Assembly Bill 52 regarding consultation with the Native American Tribes and appropriate mitigation measures have been included to address potential impacts to tribal cultural resources.

**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**PHG 16-0012, ENV 16-0008**

**General**

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Allowable area calculations CBC Table 503, Section 506.
2. If blasting occurs, verification of a San Diego County Explosive Permit and a policy or certificate of public liability insurance shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
3. Access for use of heavy fire-fighting equipment as required by the Fire Chief shall be provided to the job site at the start of any construction and maintained until all construction is complete. Also, there shall be no stockpiling of combustible materials, and there shall be no foundation inspections given until on-site fire hydrants with adequate fire flow are in service to the satisfaction of the Fire Marshal.
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. Prior to or concurrent with the issuance of building permits, the appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
6. All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75) and be consistent with the lighting design for the shopping center. A copy of the lighting plan shall be included as part of the building plans, to the satisfaction of the Planning Division.
7. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
8. As proposed, the buildings, architecture, color and materials, and the conceptual landscaping of the proposed development shall be in accordance with the staff report, exhibits and the project's Details of Request, to the satisfaction of the Planning Division.
9. The proposed uses of the buildings/site shall be in accordance with the Permitted and Conditionally Permitted Principal Uses for the Industrial Park (IP) zone, along with Permitted Accessory Uses and Structures.

10. Signage for the proposed buildings shall be in conformance with the Comprehensive Sign Program prepared for the project. The sign program shall be based on the general signage requirements for the M1 zone, unless specifically modified by the Final Sign Program. Wall signs (size and height standards) would be regulated by the M1 sign standards, in accordance with Sec.33-1395.6 and other requirements of Article 66 of the Zoning Code. As reflected in the plans, monument signage was proposed in four (4), optional locations. This is to provide for more flexibility in signage placement. Only three (3) monument signs shall be permitted, as authorized by this permit. Up to two (2) monument signs are permitted to accommodate tenant signage and one (1) additional sign may be used to provide center signage (including address and city information, potentially). Monument signs along the north property line, immediately adjacent to the secondary driveway, shall be non-illuminated (internally, externally, and/or grounded) or illuminated in such a manner to minimize lighting impacts to adjacent residential properties to the satisfaction of the Community Development Director.

A final Sign Program shall be submitted to the City for approval as part of the final building plans. A separate sign permit would be required for any building signage in conformance with the City's Sign Ordinance.

11. Any rooftop equipment must be fully screened from all public view utilizing materials and colors which match the building, to the satisfaction of the Director of Planning and Building. The final building plans shall clearly indicate that any proposed rooftop equipment is properly screened. A cross section and roof plan shall be included (which details the location and height of all rooftop equipment) to demonstrate that the height of the parapet is sufficient to screen the mechanical equipment.

Ground mounted equipment should be located to avoid conflict with pedestrian circulation and access, as well as to screen the equipment from view as much as possible, including but not limited to the existing residences, public view from Harmony Grove Road, and views from the Escondido Creek. Appropriate decorative screening shall be placed around the ground-mounted units where visible from the exterior of the project.

12. The on-site parking spaces shall be striped in accordance with the Zoning Code. As indicated on the plans for Option A, 198 on-site spaces shall be provided and maintained in conjunction with this development, as indicated in the Details of Request and site plan. For Option B, 234 shall be provided. The parking provided will allow for all the range of permitted uses within the IP zone.

Minor modifications to the number of parking spaces required may be approved by the Director of Community Development to address any necessary future site plan issues such as, but not limited to address ADA parking, path of travel, health and safety, maintenance or code related issues. If over time, the applicant or project proponent decides to change the occupancy and type of use mix for a particular tenant, applicant/project proponent may have to demonstrate that said parking provisions continue to satisfy all requisite on-site parking needs. Surplus parking that is considered extraneous may be converted to additional landscaping provided said landscaping areas are documented in detailed landscape and irrigation plan(s), site grading and erosion control plan(s), and the Storm Water Quality Management Plan (SWQMP). All onsite parking design modifications shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. (Efforts should be made to convert the parking areas, if any, for those most adjacent to the residential

area to the north.) Any converted on-site parking or other parking reduction shall not comprise any other condition stated herein.

13. Driveways and fire lanes do not allow for parking, and curb markings and fire lane signs are required, to the satisfaction of the Fire Marshall. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. Under Option B, disabled accessible parking access aisle to be on the passenger side of the vehicle at Building B.
14. All new utilities shall be underground.
15. The project applicant/owner shall create an easement over the project site to provide appropriate maintenance access to the existing storm water basin/features.
16. Any proposed retaining walls and perimeter or screen walls shall incorporate decorative block materials. This shall be noted on the project improvement plan (i.e., type of block, color, decorative cap, etc.). The trash enclosures also shall utilize a decorative masonry block material. The sides of the enclosures shall incorporate appropriate landscaping to screen the enclosures, to the extent feasible.
17. The project shall provide for appropriate pedestrian and bicycle access to the Escondido Creek Channel to accommodate for the future extension of the Escondido Creek bicycle and pedestrian path. Lunch patio fixtures proposed adjacent to the bicycle and pedestrian path shall accommodate unimpeded access to the pedestrian and bicycle access point.
18. The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. 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 the "County Clerk," in the amount of \$2,260.25 for a project with a Mitigated Negative Declaration. (These fees include an additional authorized County administrative handling fee of \$50.00, which needs to be included with each and every document submitted or filing.) Please note that the filing fee is adjusted annually based on changes to the price deflator as published by the by the US Department of Commerce. The 2017 total filing/documenting fee of \$2,266.25 is effective January 1, 2017.

Failure to remit the required fees in full within the specified time noted 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. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid.

19. The project shall be in compliance with all of the following mitigation measures:



**Biological Resources Mitigation:**

**MM-BIO-1:** Prior to issuance of grading permits, the following shall be identified on the grading plan:

A qualified biologist shall determine if any active raptor nests occur on or in the immediate vicinity of the project site if construction is set to commence or continue into the breeding season of raptors (January 1 to September 1). If active nests are found, their situation shall be assessed based on topography, line of sight, existing disturbances, and proposed disturbance activities to determine an appropriate distance of a temporal buffer.

**MM-BIO-2:** Prior to issuance of grading permits, the following shall be identified on the grading plan:

If project construction cannot avoid the period of January 1 through September 1, a qualified biologist shall survey potential nesting vegetation within the project site for nesting birds prior to commencing any project activity. Surveys shall be conducted at the appropriate time of day, no more than three days prior to vegetation removal or disturbance. Documentation of surveys and findings shall be submitted to the City for review and concurrence prior to conducting project activities. If no nesting birds are observed and concurrence is received, project activities may begin. If an active bird nest is located, the nest site shall be fenced a minimum of 200 feet (500 feet for special status species and raptors) in all directions on-site, and this area shall not be disturbed until after September 1 or until the nest becomes inactive. If threatened or endangered species are observed within 500 feet of the work area, no work shall occur during the breeding season (January 1 through September 1) to avoid direct or indirect (noise) take of listed species.

**MM-BIO-3:** Prior to the issuance of grading permits, impacts to non-native grassland shall be mitigated at a ratio of 0.5:1 and shall consist of 1.09 acres. Mitigation shall be provided by either (1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or (2) purchase of non-native grassland or equivalent habitat credits at an approved mitigation bank, to the satisfaction of the City.

**Cultural Resources Mitigation:**

**MM-CUL-1:** An archaeological resources monitoring program shall be implemented, which shall include the following:

1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of Escondido that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program.
2. The qualified archaeologist and a Native American representative(s) shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program. Native American monitors/representatives from the Rincon Band of Luiseño Indians, the San Luis Rey Band of Mission Indians and the Kumeyaay Nation shall be invited to participate in the monitoring program.
3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) shall be on-site full time to perform inspections of the excavations. The

frequency of inspections will depend upon the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features.

4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.
5. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the project manager at the time of discovery. The archaeologist, in consultation with the project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency must concur with the evaluation before construction activities shall 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 lead agency, then carried out using professional archaeological methods. If any human bones are discovered, the County coroner and lead agency 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 NAHC, shall be contacted in order to determine proper treatment and disposal of the remains.
6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
7. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation.
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 lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation (DPR) Primary and Archaeological Site Forms.

**MM-CUL-2:** Prior to commencement of project construction, a qualified paleontologist shall be retained to attend the project pre-construction meeting and discuss proposed grading plans with the project contractor(s). If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of Pleistocene-age alluvial deposits, then monitoring shall be conducted as outlined below.

1. A qualified paleontologist or a paleontological monitor shall be on-site during original cutting of Pleistocene-age alluvial deposits. A paleontological monitor is defined as an individual who has at least one year of experience in the field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of excavation, and may be either increased or decreased thereafter depending on initial results (per direction of a qualified paleontologist).
2. In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of 1 hour to 2 days). All

collected fossil remains shall be cleaned, sorted, catalogued and deposited in an appropriate scientific institution (such as the San Diego Museum of Natural History) at the applicant's expense.

3. A report (with a map showing fossil site locations) summarizing the results, analyses and conclusions of the above described monitoring/recovery program shall be submitted to the City within three months of terminating monitoring activities.

### **Transportation/Traffic Mitigation**

**MM-TRA-1:** The intersection at Harmony Grove Road and Hale Avenue – Prior to the issuance of occupancy permits, restripe the approach on Hale Avenue within the existing 22-foot southbound lane to provide one dedicated right-turn lane (12 feet wide) and one through lane (10 feet wide) extending 125 feet from the stop bar. Appendix H of the TIA shows the conceptual Harmony Grove Road improvements.

**MM-TRA-2:** The road segment along Harmony Grove Road, between Project Access A and Enterprise Street – Prior to the issuance of occupancy permits, widen Harmony Grove Road within the existing right-of-way along the project frontage to Enterprise Street to provide a two-way left-turn lane serving as a refuge for left-turning vehicles in and out of the project site and nearby industrial driveways, thus allowing for improved flow for through traffic along Harmony Grove Road. From the project driveway to Enterprise Street (a length of approximately 415 feet), widen Harmony Grove Road extending north along the project frontage to provide a 13- to 18-foot northbound lane and an 11-foot two-way left-turn lane for a total paved width varying between 38 and 54 feet.

**MM-TRA-3:** The road segment along Harmony Grove Road between Enterprise Street and Hale Avenue – Prior to the issuance of occupancy permits, the applicant shall pay a fair share toward the Citracado Parkway Extension Project to improve and redirect the flow of traffic along this roadway.

### **Tribal Cultural Resources Mitigation**

**MM-TCR-1:** The City of Escondido Planning Division (City) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the project location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are: (1) to provide the applicant with clear expectations regarding tribal cultural resources and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

**MM-TCR-2:** Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American

monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

**MM-TCR-3:** The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

**MM-TCR-4:** During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. 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 qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

**MM-TCR-5:** In the event that previously unidentified Tribal Cultural Resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

**MM-TCR-6:** If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

**MM-TCR-7:** The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant Tribal Cultural Resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

**MM-TCR-8:** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby

area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. 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 in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

**MM-TCR-9:** If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any Tribal Cultural Resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

**MM-TCR-10:** Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

### **Landscaping**

1. Five copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Division in conjunction with the submittal of the Final Map and Grading Plans, and shall be equivalent or superior to the concept plan attached as exhibit(s) in the staff report(s). A plan check fee of will be collected at the time of submittal. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in the City's Landscape Standards as well as the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of a licensed landscape architect.
2. The landscaping plan shall include specimen sized evergreen trees, to the satisfaction of the Planning Division. Root barriers shall be provided in accordance with the Landscape Ordinance. The applicant and future owners shall be responsible for landscaping and ongoing maintenance (landscape and irrigation) the off-site slopes (within the City property) along the Escondido Creek Channel.
3. Appropriate landscape planters shall be incorporated around certain perimeters of the buildings, as indicated on the concept landscape plan.

4. The off-site slopes on the northern parcel shall include appropriate erosion control (temporary landscaping and irrigation) to the satisfaction of the Engineering Division.
5. The final fencing design shall be included with the landscape plans. Standard chain-link fencing is not allowed. Fencing material should be commensurate to the material and quality of the adjoining industrial property. (Black or green vinyl-clad fencing is acceptable.) Screening shrubs and vines shall be incorporated into the landscape design along eastern side of the perimeter fence to provide additional visual screening into the site.
6. The landscape design for the storm water basins shall be a visual amenity for the project to include an appropriate variety of plants and features (trees, shrubs and groundcover). The landscape should include appropriate outdoor amenities for the employees (i.e., outdoor seating and shade areas). The landscape plan also shall include appropriate access for future pedestrian and bicycle access to the adjacent Escondido Creek.
7. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
8. 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 Planning Division and City Engineer.
9. Prior to occupancy of the buildings, all required landscape improvements shall be installed and all vegetation growing in an established, flourishing manner. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
10. The installation of the 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.

### **Fire**

- The following conditions shall be incorporated into the final construction plans to the satisfaction of the Fire Marshall.
1. Remove the Fire Department Connection from the RDPA – you will be pressurizing the whole line instead of the fire sprinkler systems.
  2. Provide an FDC and PIV for each building, fire department will approve the location.
  3. Hydrant spacing shall be no greater than 300', page 2 and AS1.

4. Provide a separate fire underground plan, grading plans shall not be accepted in lieu of an underground plan. Provide a note on the plan. Remove all other items from this plan, i.e. sewer, storm water, and public improvements.
5. Thrust blocks shall be in accordance with NFPA 24.
6. Fire flow shall be 3750 gpm for 3 hours. Correct note 4 on final plans.
7. Provide the building address on the final plans.
8. Buildings with high piled storage shall have exit doors every 100 lineal feet and be in accordance with CFC 3206.6

### **Engineering**

1. The Developer shall provide the City Engineer with a current Preliminary Title Report covering subject property with the submittal of the final engineering plans.
2. The location of all existing on-site utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with proposed structures, these facilities shall be relocated subject to approval of the owner of the utility/facility prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer are required for all public street and sewer improvements and a Grading/Private Improvement plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a landscape Architect.
4. The developer shall post securities in accordance with the City prepared bond and fee letter based on a final estimate of grading and improvements cost prepared by the project engineer. The project owner is required to provide a Cash Clean Up deposit for all grading, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% the total cost of the project private improvements, drainage and landscaping. The project owner is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10 % of total public improvement cost estimate) bonds for all public improvements prior to approval Improvement Plans and issuance of Building Permit. All improvements shall be completed prior to issuance of Occupancy Permit.
5. As surety for the construction of required off-site and 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 Grading Permit and/or Final Subdivision Map.
6. No construction permits will be issued until Final Plans and the Storm Water Quality Management Plan (SWQMP) have been approved and appropriate securities are deposited and agreements executed to the requirements of the City Engineer and City Attorney.

7. 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.
8. 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.
9. The project owner shall submit to the Planning Department 3 copies of the approved Plot Plan certified by the Planning Department and must be included in the first submittal for final plans plan check, together with a final Storm Water Quality Management Plan (SWQMP) to the Engineering Department.

**Street Improvements and Traffic**

1. Public streets improvements shall be designed in compliance with City of Escondido Design Standards and requirements of the City Engineer. Private Street improvements shall be designed in accordance with the requirements of the City Engineer, Fire Marshal and Director of Community Development and shall be shown on the Grading/Private Improvement Plans.
2. The developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, paving and base on the following street adjoining the project boundary.

**STREET**

**CLASSIFICATION**

Harmony Grove Road

Industrial Street (52' curb to curb)

3. The Developer shall be responsible for construction of project entrances and offsite improvements on Harmony Grove Road in accordance with the project tentative plans and to the requirements of the City Engineer. All required improvement plans shall be approved by the City Engineer and improvements bonded for prior to issuance of Building Permits and shall be constructed prior to project occupancy.
4. The Developer shall be responsible for the design and construction of a traffic signal relocation and modification at the intersection of Harmony Grove Road and Enterprise Street to accommodate the required widening of Harmony Grove Road and the reconstruction of the 30-foot radius curb return on the Southwest corner of this intersection. The developer shall submit traffic signal modification improvement plans for review and approval by the City Engineer and City Traffic Engineer.
5. Access to this project shall be improved with alley-type driveways in accordance with Escondido Standard Drawing G-5-E with a minimum throat width of 28 feet.
6. The Developer shall be responsible to prepare and submit a signing and striping plan for proposed signing and striping improvements on Harmony Grove Road and intersections of Harmony Grove Road and Enterprise Street and Harmony Grove Road and Hale Avenue in



accordance with the project tentative plans and to the requirements of the City Engineer.

7. The Developer shall be responsible to remove existing striping on Harmony Grove Road and intersection of Harmony Grove Road and Hale Avenue and slurry seal and re-stripe in accordance with the project tentative plans and traffic study mitigation exhibits and to the requirements of the City Engineer. All required signing and striping plans shall be approved by the City Engineer prior to issuance of Building Permits and shall be constructed prior to project occupancy.
8. Adequate horizontal sight distance shall be provided at all project entrances, and restrictions on landscaping may be required at the discretion of the City Engineer.
9. The Developer will be required to provide a detailed detour and traffic control plans, for all construction within existing right-of-way, to the satisfaction of the City Engineer. This plan shall be approved prior the issuance of an Encroachment Permit for construction within the public right-of-way.
10. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer and the City Building Official.
11. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
12. All damaged paving on Harmony Grove Road shall be replaced. As directed by the City Engineer, a 1 1/2" grind and 2" min. AC overlay may be required in whole lane widths where multiple utility trench patches associated with this project have degraded the surface of the roadway.
13. The Developer shall be required to construct a 6800 lumen minimum street light in accordance with Escondido Standard Drawing No. E-1-E at each project entrance.
14. All gated entrances and areas shall be designed and improved to the satisfaction of the City Engineer and the Fire Marshal.

### **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. A site landscaping and irrigation plan shall be submitted to the Engineering Dept. with the 2nd submittal of the grading plans.
3. All onsite parking and access drives are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. All proposed onsite project improvements shall be included on Grading Plans and be subject to review and approval by the City Engineer, Fire Marshall and Planning Director.

4. 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.
5. Erosion control, including silt fences, straw wattles, interim sloping planting, gravel bags, 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 development of the project.
6. The project owner 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 prior to issuance of Grading Permit and the WDID number shall be listed on the Grading plans.
8. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

### **Drainage**

1. 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.
2. All site drainage with emphasis on the parking and drive way 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 basins as the primary method of storm water treatment and hydro-modification compliance. The landscape plans will need to reflect these areas of storm water treatment.
3. All on-site trash enclosure areas shall drain toward a landscaped area and include a roof over the enclosure in accordance with the City's Storm Water Management requirements and to the satisfaction of the City Engineer.
4. All onsite storm drains, 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 property owner.

5. The Developer will be required to submit a signed, notarized and recorded copy of Storm Water Control Facility Maintenance Agreement to the City Engineer. The maintenance agreement shall indicate property owner's responsibility for maintenance of all proposed frontage Green Street landscaping, onsite drainage system, storm water treatment and hydro-modification facilities and their drainage systems.

**Water Supply**

1. This project is located within the Rincon Del Diablo Water District's Improvement District 1 service area. At this time, it is eligible to receive water for fire and normal domestic use following completion of the required facilities in accordance with all District Rules and Regulations. It will be the developer's responsibility to make all arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection
2. All onsite detector checks and fire hydrants shall be designed to be located as determined by the Fire Marshal and approved by the Rincon Del Diablo Municipal Water District.

**Sewer**

1. The Developer is required to design and construct an onsite/offsite public sewer system and access to serve the project in accordance with the City of Escondido Design Standards and to the requirements of Utilities Engineer.
2. All sewer laterals will be considered a private sewer system. The property owner will be responsible for all maintenance of these laterals to the public sewer main.
3. Each Building shall have a separate sewer lateral and all sewer laterals shall be 6" PVC minimum with a standard clean-out at the edge of the public right of way and/or at all angle points and shall be designed and constructed per current UPC.
4. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral or within 15' of any public sewer main.

**Easements and Dedications**

1. The Developer shall make all necessary dedications for public rights-of-way on the following street contiguous to the project to bring the roadways to the indicated classification.

**STREET**

**CLASSIFICATION**

Harmony Grove Road

Industrial (36' CL to R/W)

2. The developer shall dedicate to the public a 20-foot radius corner rounding at the intersection of Harmony Grove Road and Enterprise Street.
3. Necessary public utilities easements for sewer shall be granted to the City. The minimum easement width is 20 feet.

4. All easements, both private and public, affecting subject property shall be shown and delineated on the grading and improvement plans.
5. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to issuance of building permit, unless approved by the easement owner. 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 issuance of Grading or Building permits, as determined by the City Engineer.

*Material necessary for processing a dedication, easement, or quitclaim shall include: a current grant deed or title report, a legal description and plat of the dedication, easement, or quitclaim signed and sealed by a person authorized to practice land surveying (document size) and traverse closure tapes. The City will prepare all final documents.*

#### **Repayments, Fees, and Cash Securities**

1. The project owner shall be required to pay all development fees, including any repayments in effect prior to approval of the grading or public improvement plans. All development impact fees are paid at the time of Building Permit or as determined by the Building Official.
2. 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 project owner 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 deposit for the project shall be \$50,000.
3. The project owner shall provide the city with cash contribution in the amount of \$112,200 for the Single 98,500 SF Building option (Option A) or \$94,350 for the 3-Building 86,010 SF option (Option B) towards future construction of Citracado Parkway between Andreasen Drive and Harmony Grove Village Parkway. The required cash contribution shall be deposited with the City Engineer prior to issuance of Building Permit.

#### **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 Undergrounding 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 and the existing overhead utilities may still need to be relocated to accommodate the project and/or any required public improvements.

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.

EXHIBIT "C" - PHG 16-0012; ENV 16-0008

MITIGATION MONITORING PROGRAM

PROJECT NAME: Escondido Innovation Center, Escondido, CA 92025  
 PROJECT DESCRIPTION: The project involves a Master and Precise Development Plan and rezone to allow for the development of a light industrial uses on a 5.76-acre site. Two proposed development options are addressed as part of this environmental document. Option A would consist of one 98,500-square-foot industrial building with 198 parking spaces. Option B would consist of three industrial buildings (Buildings A, B, and C) with a total square footage of 86,010 square feet with 234 parking spaces. A rezone would be required to change the zoning from existing single-family residential (R-1-7) to Planned Development-Industrial (PD-I) to be consistent with the General Plan land use designation of Light Industrial (LI).  
 APPROVAL BODY/DATE: City Council  
 CONTACT: Mike Strong, Assistant Planning Director  
 PHONE NUMBER: 760-839-4556

Impact	Mitigation Measure	Location in Document	Responsible Party	Certified Completion	Comments
<p>Potential impact to raptors protected by the California Department of Fish and Wildlife, and potential impact to nesting birds protected by the Migratory Bird Treaty Act</p>	<p><b>MM-BIO-1:</b> Prior to issuance of grading permits, the following shall be identified on the grading plan: A qualified biologist shall determine if any active raptor nests occur on or in the immediate vicinity of the project site if construction is set to commence or continue into the breeding season of raptors (January 1 to September 1). If active nests are found, their situation shall be assessed based on topography, line of sight, existing disturbances, and proposed disturbance activities to determine an appropriate distance of a temporal buffer.</p> <p><b>MM-BIO-2:</b> Prior to issuance of grading permits, the following shall be identified on the grading plan: If project construction cannot avoid the period of January 1 through September 1, a qualified biologist shall survey potential nesting vegetation within the project site for nesting birds prior to commencing any project activity. Surveys shall be conducted at the appropriate time of day, no more than three days prior to vegetation removal or disturbance. Documentation of surveys and findings shall be submitted to the City for review and concurrence prior to conducting project activities. If no nesting birds were observed and concurrence was received, project activities may begin. If an active bird nest is located, the nest site shall be fenced a minimum of 200 feet (500 feet for special status species and raptors) in all directions on-site, and this area shall not be disturbed until after September 1 or until the nest becomes inactive. If threatened or endangered species are observed within 500 feet of the work area, no work shall occur during the breeding season (January 1 through September 1) to avoid direct or indirect (noise) take of listed species.</p>	<p>Section IV.a, Biological Resources</p>	<p>Applicant</p>		

Impact	Mitigation Measure	Location in Document	Responsible Party	Certified Completion	Comments
Impact to 2.17 acres of non-native grassland	<p><b>MM-BIO-3:</b> Prior to the issuance of grading permits, impacts to non-native grassland shall be mitigated at a ratio of 0.5:1 and shall consist of 1.09 acres. Mitigation shall be provided by either (1) preservation of equivalent or better habitat at an off-site location via a covenant of easement or other method approved by the City to preserve the habitat in perpetuity, or (2) purchase of non-native grassland or equivalent habitat credits at an approved mitigation bank, to the satisfaction of the City.</p>	Section IV.b, Biological Resources	Applicant		
Potential impact to unknown subsurface archaeological resources	<p><b>MM-CUL-1:</b> An archaeological resources monitoring program shall be implemented, which shall include the following:</p> <ol style="list-style-type: none"> <li>1. Prior to issuance of a grading permit, the applicant shall provide written verification to the City of Escondido that a qualified archaeologist has been retained to implement the monitoring program. This verification shall be presented in a letter from the project archaeologist to the City. The City, prior to any preconstruction meeting, shall approve all persons involved in the monitoring program.</li> <li>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. Native American monitors/representatives from the Rincon Band of Luiseño Indians, the San Luis Rey Band of Mission Indians and the Kumeyaay Nation shall be invited to participate in the monitoring program.</li> <li>3. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) shall be on-site full-time to perform inspections of the excavations. The frequency of inspections will depend upon the rate of excavation, the materials excavated, and any discoveries of prehistoric artifacts and features.</li> <li>4. Isolates and clearly non-significant deposits will be minimally documented in the field so the monitored grading can proceed.</li> <li>5. In the event that previously unidentified cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground</li> </ol>	Section V.b, Cultural Resources	Applicant		

Impact	Mitigation Measure	Location in Document	Responsible Party	Certified Completion	Comments
	<p>disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. The archaeologist shall contact the project manager at the time of discovery. The archaeologist, in consultation with the project manager for the lead agency, shall determine the significance of the discovered resources. The lead agency 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 lead agency, then carried out using professional archaeological methods. If any human bones are discovered, the county coroner and lead agency 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 NAHC, shall be contacted in order to determine proper treatment and disposition of the remains.</p> <p>6. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The archaeological monitor(s) shall determine the amount of material to be recovered for an adequate artifact sample for analysis.</p> <p>7. All cultural material collected during the grading monitoring program shall be processed and curated according to the current professional repository standards. The collections and associated records shall be transferred, including title, to an appropriate curation facility within San Diego County, to be accompanied by payment of the fees necessary for permanent curation</p> <p>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 lead agency prior to the issuance of any building permits. The report will include Department of Parks and Recreation (DPR) Primary and Archaeological Site Forms.</p>				



Impact	Mitigation Measure	Location in Document	Responsible Party	Certified Completion	Comments
<p>Potential impact to unknown subsurface paleontological resources</p>	<p><b>MM-CUL-2:</b> Prior to commencement of project construction, a qualified paleontologist shall be retained to attend the project pre-construction meeting and discuss proposed grading plans with the project contractor(s). If the qualified paleontologist determines that proposed grading/excavation activities would likely affect previously undisturbed areas of Pleistocene-age alluvial deposits, then monitoring shall be conducted as outlined below.</p> <ol style="list-style-type: none"> <li>1. A qualified paleontologist or a paleontological monitor shall be on site during original cutting of Pleistocene-age alluvial deposits. A paleontological monitor is defined as an individual who has at least one year of experience in the field identification and collection of fossil materials, and who is working under the direction of a qualified paleontologist. Monitoring of the noted geologic unit shall be conducted at least half-time at the beginning of excavation, and may be either increased or decreased thereafter depending on initial results (per direction of a qualified paleontologist).</li> <li>2. In the event that well-preserved fossils are discovered, a qualified paleontologist shall have the authority to temporarily halt or redirect construction activities in the discovery area to allow recovery in a timely manner (typically on the order of 1 hour to 2 days). All collected fossil remains shall be cleaned, sorted, catalogued and deposited in an appropriate scientific institution (such as the San Diego Museum of Natural History) at the applicant's expense.</li> <li>3. A report (with a map showing fossil site locations) summarizing the results, analyses and conclusions of the above described monitoring/recovery program shall be submitted to the City within three months of terminating monitoring activities.</li> </ol>	<p>Section V.c, Cultural Resources</p>	<p>Applicant</p>		
<p>Direct and cumulative impact at the Harmony Grove/Hale Avenue intersection</p>	<p><b>MM-TRA-1:</b> Prior to the issuance of occupancy permits, restripe the approach on Hale Avenue within the existing 22-foot southbound lane to provide one dedicated right-turn lane (12 feet wide) and one through lane (10 feet wide) extending 125 feet from the stop bar. Appendix H of the TIA shows the conceptual Harmony Grove Road improvements.</p>	<p>Section XVI, Transportation/Traffic</p>	<p>Applicant</p>		

Impact	Mitigation Measure	Location in Document	Responsible Party	Certified Completion	Comments
Cumulative impact along Harmony Grove Road from Project Access A to Enterprise Street	<b>MM-TRA-2:</b> Prior to the issuance of occupancy permits, widen Harmony Grove Road within the existing right-of-way along the project frontage to Enterprise Street to provide a two-way left-turn lane serving as a refuge for left-turning vehicles in and out of the project site and nearby industrial driveways, thus allowing for improved flow for through traffic along Harmony Grove Road. From the project driveway to Enterprise Street (a length of approximately 415 feet), widen Harmony Grove Road extending north along the project frontage to provide a 13- to 18-foot northbound lane and an 11-foot two-way left-turn lane for a total paved width varying between 38 and 54 feet.	Section XVI. Transportation/Traffic	Applicant		
Cumulative impact along Harmony Grove Road from Enterprise Street to Hale Avenue	<b>MM-TRA-3:</b> Prior to the issuance of occupancy permits, the applicant shall pay a fair share toward the Citracado Parkway Extension Project to improve and redirect the flow of traffic along this roadway.	Section XVI. Transportation/Traffic	Applicant		
Direct and cumulative impact along Hale Avenue from Harmony Grove Road to 9 <sup>th</sup> Avenue	<b>MM-TRA-1</b> and <b>MM-TRA-3</b> would reduce the direct and cumulative impact to less than significant.	Section XVI. Transportation/Traffic	Applicant		
Potential impact to any significant unknown tribal cultural resources	<b>MM-TCR-1:</b> The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.	Section XVII. Tribal Cultural Resources	Applicant		

Impact	Mitigation Measure	Location in Document	Responsible Party	Certified Completion	Comments
	<p><b>MM-TCR-2:</b> Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	Section XVII. Tribal Cultural Resources	Applicant		
	<p><b>MM-TCR-3:</b> The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.</p>	Section XVII. Tribal Cultural Resources	Applicant		
	<p><b>MM-TCR 4:</b> During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. 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 qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	Section XVII. Tribal Cultural Resources	Applicant		
	<p><b>MM-TCR-5:</b> In the event that previously unidentified Tribal Cultural Resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p>	Section XVII. Tribal Cultural Resources	Applicant		
	<p><b>MM-TCR-6:</b> If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native</p>	Section XVII. Tribal Cultural Resources	Applicant		

Impact	Mitigation Measure	Location in Document	Responsible Party	Certified Completion	Comments
<p>American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.</p>	<p><b>MM-TCR-7:</b> The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant Tribal Cultural Resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p>	<p>Section XVII. Tribal Cultural Resources</p>	<p>Applicant</p>		
	<p><b>MM-TCR-8:</b> As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event</p>	<p>Section XVII. Tribal Cultural Resources</p>	<p>Applicant</p>		

Impact	Mitigation Measure	Location in Document	Responsible Party	Certified Completion	Comments
	<p>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 in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p>				
	<p><b>MM-TCR-9:</b> If the qualified archaeologist elects to collect any tribal-cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any Tribal Cultural Resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>	<p>Section XVII. Tribal Cultural Resources</p>	<p>Applicant</p>		
	<p><b>MM-TCR-10:</b> Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.</p>	<p>Section XVII. Tribal Cultural Resources</p>	<p>Applicant</p>		

## LEGAL DESCRIPTION

## EXHIBIT "D"

Real property in the City of Escondido, County of San Diego, State of California, described as follows:

PARCEL D OF PARCEL MAP 72-11, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED AS PARCEL MAP NO. 764, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS THAT PORTION OF BLOCK 143 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THERE OF MADE BY J.M. GRAHAM NO. 724, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID BLOCK 143; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE NORTHEASTERLY LINE OF SAID BLOCK TO AN ANGLE POINT IN THE NORTHWESTERLY LINE OF THE LAND DESCRIBED UNDER PARCEL 1 IN THE FINAL ORDER OF CONDEMNATION, A COPY ON WHICH WAS FILED FOR RECORD ON AUGUST 3, 1966, A DOCUMENT NO. 126220 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY LINE THEREOF AS FOLLOWS:

THENCE SOUTH 47°25'33" WEST 21.85 FEET; THENCE SOUTH 65°26'07" WEST 98.46 FEET; THENCE SOUTH 60°28'29" WEST A DISTANCE OF 54.32 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 190.00 FEET; THENCE ALONG THE ARC OF SAID CURVE IN A SOUTHWESTERLY DIRECTION THROUGH A CENTRAL ANGLE OF 13°31'12" A DISTANCE OF 44.83 FEET; THENCE SOUTH 46°57'17" WEST 25.03 FEET; THENCE NORTH 43°02'43" WEST 7.00 FEET; THENCE SOUTH 46°57'17" WEST A DISTANCE OF 244.83 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 763.00 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°31'49" A DISTANCE OF 73.65 FEET TO A POINT, A RADIAL BEARING FROM SAID POINT TO THE CENTER OF SAID CURVE BEARS NORTH 37°30'54" WEST; BEING ALSO A POINT ON THE NORTHEASTERLY LINE OF THE CERTAIN TRACT OF LAND CONVEYED BY SARAH A. FRAY TO W. M. CROUSE, BY DEED RECORDED MARCH 23, 1889, AND RECORDED IN BOOK 276, PAGE 364 OF DEEDS; THENCE IN A NORTHWESTERLY DIRECTION AND PARALLEL WITH THE NORTHEASTERLY LINE OF SAID BLOCK 143, AND ALONG THE NORTHEASTERLY BOUNDARY LINE OF THAT PORTION OF SAID BLOCK 143, CONVEYED BY SARAH A. FRAY TO JULIA A. SLOCUM, BY DEED RECORDED JANUARY 29, 1891, IN BOOK 175, PAGE 131 OF DEEDS, TO A POINT ON THE NORTHWESTERLY LINE OF SAID BLOCK 143; THENCE NORTH 26°10'00" EAST 66.78 FEET; THENCE EAST 22.28 FEET; THENCE NORTH 26°10'00" EAST 421.51 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 143; THENCE SOUTH 63°53'57" EAST 90.00 FEET; THENCE SOUTH 26°10'00" WEST 92.00 FEET; THENCE SOUTH 63°53'57" EAST 180.00 FEET; THENCE NORTH 26°10'00" EAST 92.00 FEET; THENCE SOUTH 63°53'47" EAST 146.21 FEET; THENCE SOUTH 26°06'13" WEST 120.00 FEET; THENCE SOUTH 63°53'47" EAST 255.69 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID LAND CONDEMNED AS DOCUMENT NO. 126220, SAID POINT BEING NORTH 60°28'29" EAST 25.81 FEET FROM THE BEGINNING OF PREVIOUSLY DESCRIBED 190.00 FEET RADIUS CURVE.

EXCEPTING THEREFROM PARCELS A AND B OF PARCEL MAP 72-11, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED AS PARCEL MAP NO. 764, IN THE OFFICE OF THE RECORDER OF SAID COUNTY.

APN: 235-050-58-00

EXHIBIT "E"

PHG 16-0012; ENV 16-0008

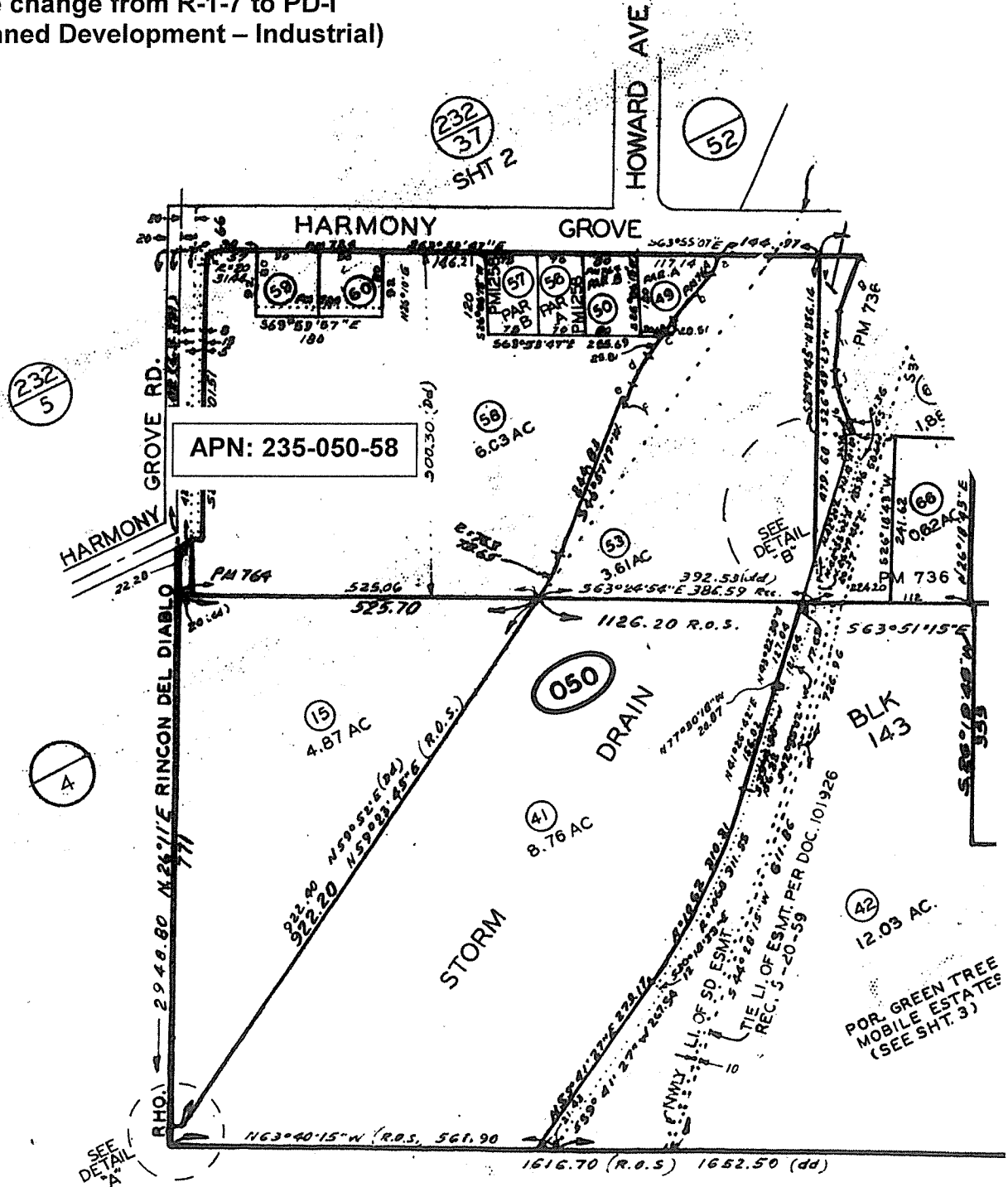
Ordinance No. 2017-02

Exhibit E

Page 1 of 1

APN: 235-050-58

Zone change from R-1-7 to PD-1  
(Planned Development – Industrial)



# CITY COUNCIL

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.: 9**

**Date: January 11, 2017**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Bill Martin, Director of Community Development

**SUBJECT:** Appeal of Planning Commission Decision to Approve a Conditional Use Permit for a Membrane Filtration/Reverse Osmosis Facility (MF/RO) Located at 1201 E. Washington Avenue

## STAFF RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-07 affirming the Planning Commission's approval of a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility (MF/RO) (PHG 16-0014) located at 1201 E. Washington Avenue.

## PLANNING COMMISSION ACTION:

On December 13, 2016, the Planning Commission approved the Conditional Use Permit for an MF/RO at 1201 E. Washington Avenue. (The vote was 5-0, with Commissioner Cohen absent and one seat currently vacant.) The item was timely appealed by Councilmember Diaz and Everett DeLano. Both appeals have been attached to this staff report.

## PROJECT DESCRIPTION:

The project involves a Conditional Use Permit for the development of a City facility designed to provide advanced treatment for recycled water. The recycled water is originally produced at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF). The MF/RO provides advanced treatment, which is currently proposed for agriculture use. The facility would be sized for a total production capacity of 2.0 million gallons per day. The proposed project would consist of two buildings, both with a maximum height of approximately 31 feet: the MFRO Process Building (21,729 SF) to house the equipment, pumps, electrical rooms, control rooms, and meeting rooms; and the Chemical Building (14,115 SF) to house the transfer pumps and accommodate the storage of chemicals used in the treatment process. The project also includes several above ground storage tanks with a maximum height of approximately 30 feet (300,000 gallon influent tank, 160,000 gallon interprocess tank, and 820,000 gallon product storage tank), and a 1,500 kW backup generator, as well as various above and below ground pipes and support infrastructure. Access to the site will be provided via two driveways on E. Washington Avenue. A more detailed project description can be found in the Planning Commission staff report attached to this report, and the Final Mitigated



Negative Declaration (MND) on file with the Planning Division and City Clerk's Office, and available electronically at the following link:

<http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/mfro/isfmnd.pdf>

LOCATION:

The 4.5-acre project site is located on the southeast corner of E. Washington Avenue and N. Ash Street, addressed as 1201 E. Washington Avenue (APN 230-141-01-00).

FISCAL ANALYSIS:

The estimated construction cost for the facility is \$32.7 million. Funds are presently available in CIP 801508 – MFRO Facility for Agriculture.

PREVIOUS ACTION:

On July 20, 2016, the City Council awarded a Consulting Agreement (Resolution No. 2016-108) to Black and Veatch Corporation for the first phase of the redesign of a Membrane Filtration/Reverse Osmosis Facility for treatment of recycled water for agricultural irrigation in the amount of \$200,000.

GENERAL PLAN ANALYSIS:

The proposed MF/RO is consistent with the purposes of various General Plan goals, policies, and quality of life standards. These goals, policies, and quality of life standards are related to water conservation, reclamation, and recycling, infrastructure planning, hazardous materials, agriculture, and property development. Staff believes that the findings of fact made by the Planning Commission demonstrate consistency of the project with the General Plan. A more detailed General Plan analysis can be found in the Planning Commission staff report, the Planning Commission's findings of fact, and elsewhere in the Planning Commission record.

ENVIRONMENTAL REVIEW:

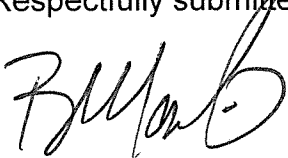
An MND has been prepared for the project in conformance with the California Environmental Quality Act and was adopted by the Planning Commission. All project related impacts that are significant have been mitigated and there will be no significant impacts from the project. A narrative of the environmental review process conducted for the project can be found in the Planning Commission staff report, and the MND can be accessed at the link provided above.

BACKGROUND:

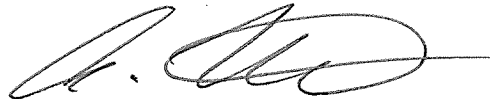
The City's wastewater outfall pipeline is nearing capacity. The outfall pipeline runs under Escondido Creek for more than 14 miles from the HARRF to the San Elijo Lagoon, and ultimately to the Pacific Ocean. The outfall capacity can vary greatly based on factors such as conservation efforts and weather. In heavy rains, the City could exceed capacity limitations in the outfall pipe, which could subject us to substantial fines by the Regional Water Quality Control Board. The MF/RO would provide relief on the pipeline capacity limitation by diverting up to 3 million gallons per day of tertiary treated water from the HARRF. This water could be substituted for potable water currently used by the agricultural community, thus reducing the City's need to import potable water.

The project site has previously been used as the headquarters and storage yard for the Escondido Mutual Water Company. Quonset huts associated with that use were demolished in 2006. Since then, the project site has been used from time to time as a staging area (construction material, equipment, and vehicle storage) for various off-site construction projects, and for temporary events such as carnivals.

Respectfully submitted,



Bill Martin, AICP  
Director of Community Development



Adam Finestone, AICP  
Principal Planner

## DRAFT Planning Commission Minutes December 13, 2016

### PUBLIC HEARINGS:

#### 1. CONDITIONAL USE PERMIT – PHG 16-0014; ENV 16-0009:

REQUEST: The project involves a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility (MF/RO) designed to provide advanced treatment for recycled water produced at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF) for agricultural uses. Utility projects, including processing, storage, and distribution facilities for water are permitted uses within commercial zones, subject to the approval of a Conditional Use Permit. The proposed MF/RO would utilize membrane filtration [i.e., microfiltration (MF) or ultrafiltration (UF) membranes] and reverse osmosis (RO) technologies sized for a total production capacity of 2.0 million gallons per day (mgd) with the ability to accommodate the installation of future equipment to provide an additional 1.0 mgd of production capacity. The proposed project would consist of two buildings, both with a maximum height of approximately 31'. The MF/RO Process Building (21,729 SF) would house the MF/RO equipment, pumps, electrical rooms, control rooms, and meeting rooms. The Chemical Building (14,115 SF) would house the transfer pumps and accommodate the storage of chemicals used in treatment process. The project also includes several above ground storage tanks with a maximum height of 30' (300,000 gal influent tank, 160,000 gal inter-process tank, and 820,000 gal product storage tank), and a 1,500 kW emergency backup generator, as well as various above and below ground pipes and support infrastructure.

The perimeter of the site would be secured by a combination of new, six-foot-high masonry walls and decorative wrought iron fencing. Access would be provided via two driveways on E. Washington Avenue. A limited number of employees would visit the site for daily inspections (as needed), monthly routine facility maintenance, and delivery and removal of chemicals.

PROPERTY SIZE AND LOCATION: The 4.5-acre project site is located on the southeastern corner of E. Washington Avenue and N. Ash Street, addressed as 1201 E. Washington Avenue (APN 230-141-01-00).

Adam Finestone, Principal Planner, and Chris McKinney, Utilities Director, referenced the staff report and noted key staff issues were 1) whether the proposed facility would have any adverse visual, noise, and/or compatibility impacts to surrounding uses; 2) whether the project site was an appropriate location for the facility; and 3) if there are other possible solutions to the City's wastewater outfall capacity limitation, and why the MF/RO project is the most appropriate option. In relation to these key issues, staff recommended approval based on the following: 1) The site is bounded on two sides by Circulation Element roadways, and on a third by the Escondido Creek Flood Control Channel. The

## DRAFT Planning Commission Minutes December 13, 2016

buildings have been designed and located to address potential visual and compatibility impacts to surrounding uses, with appropriate setbacks from adjacent residential properties. The majority of the MF/RO equipment and systems would be housed inside of buildings designed with commercial facades in order to blend in with the existing neighborhood, and to reduce equipment noise levels. Perimeter landscape planters and new six-foot-high masonry block walls would be installed to provide additional screening, separation and noise attenuation where necessary. The project design and conditions of approval contained herein will help ensure compatibility of the proposed project with adjacent properties; 2) Construction of the MF/RO at the subject site would avoid the need to construct additional recycled water infrastructure, specifically pipelines to carry recycled water and brine to/from the MF/RO. The shortest, technically feasible path through the City for recycled water mains for agricultural reuse is along the Escondido Creek Flood Control Channel. Additional costs would be incurred by placing the MF/RO away from the channel due to requirements for construction of additional pipelines. Additionally, the subject property is currently owned by the Utilities Department, which will also assist in reducing project costs; 3) The subject property is immediately adjacent to the channel, and is located in the General Commercial (CG) zone. The CG zone allows public utility uses, subject to approval of a Conditional Use Permit (CUP). The property is bounded on three sides by either the Escondido Creek Flood Control Channel or Circulation Element roadways, and is sufficiently large enough to accommodate the proposed MF/RO. For these reasons, staff believes that the project site is an appropriate location for the MF/RO; and 4) The MF/RO is one of two possible solutions to the City's wastewater outfall capacity issue. It would address the issue by decreasing the capacity demand placed on the outfall pipeline. The other option would be to replace the existing wastewater outfall pipeline with a larger one in order to increase the capacity. The MF/RO is the appropriate option because it is more affordable, can be completed in a shorter timeframe, and is more sensitive to environmental concerns.

Adam Finestone, Principal Planner, also indicated that the application proposal included the adoption of the environmental determination. An Initial Study/Mitigated Negative Declaration was prepared for the project and all project impacts studied were found to be less than significant or would be reduced to a less than significant level. Staff concluded that the Mitigated Negative Declaration was adequate for this project at this location.

Prior to receiving public testimony, Vice-chairman McQuead asked if the gravel areas, which were half the site, were intended for future expansion. Mr. McKinney replied in the affirmative.

Commissioner Spann asked if the proposed plant was basically the same plant that was proposed for the Washington site. Mr. McKinney replied the affirmative.

## DRAFT Planning Commission Minutes December 13, 2016

Commissioner Spann asked if the pipe that carried the water from the HAARF to the subject plant and then up to the Hogback Station was in place. Mr. McKinney replied in the affirmative as well as noting that the pipe extended to Citrus. Commissioner Spann and staff discussed the demand for recycled water.

Commissioner Weiler asked who prepared and ultimately approved the hazardous materials business plan. He also asked whether the chemical delivery travel routes were part of the business plan. Mr. McKinney noted that the owner/operator would prepare and approve the plan along with the County. He also noted that the travel routes were part of the business plan.

Commissioner Weiler and staff discussed the proposed noise levels for the site, which were lower than the ambient noise levels in the area.

Discussion ensued regarding a clarification of where the screening walls, fencing and landscaping were proposed for the property in question.

Commissioner Romo and staff discussed the operations for the site.

Discussion ensued regarding a clarification of the height of the tanks on site.

**Stacey Clark Weber, Escondido**, stated that she lived near the subject site. She suggested re-evaluating the Reveal the Creek plans, feeling that a better use for the site would be a park and/or a shared space for retail apartments with an entrance and exit coming off of Ash and Washington.

**Erik Larson, Carlsbad, Executive Director for the San Diego County Farm Bureau**, stated they were in favor of the project. He noted that agricultural was a large part of the community and was being threatened by the price of water. He stated that the City was being challenged about its outfall capacity. He indicated that the subject project would provide the opportunity to take care of wastewater and at the same time provide affordable water to agriculture. He noted that the subject property was correctly zoned, had existing piping for the need, and mitigated all impacts. He also expressed his concern with the farmers having to wait for recycled water and losing their farms.

**Kelly Weber, Escondido**, was opposed to the project, feeling the property could be used for a better use. He also expressed his concern with the aesthetics of the project.

**Colleen MacKennon, Escondido**, was opposed to the project. She stated that subject property was in the heart of the Escondido, noting there were schools, residences, churches, businesses and a residential care facility in close proximity.

## DRAFT Planning Commission Minutes December 13, 2016

She felt a better use for the property would be affordable housing, noting the area was depressed and needed something that would enhance the area. She also expressed her concern with the amount of crime in the subject area and suggested that if the project was approved that security be addressed.

**Carey Algaze, San Diego, representing Pacifica Senior Living Community,** stated that their primary concern was for the health and safety of their senior residents, which related to the health and hazard component of the subject project. She noted that they housed independent, assisted, and soon to be memory care residents who would be adversely impacted by the project. She stated they were concerned with the chemicals that would be used onsite and the impacts they would have on the sensitive receptors of the residents. She asked that the Commission request a full assessment of the chemicals being used on the site and require the Hazardous Business Plan be completed so public and decision maker review could occur prior to a decision being made.

**Russell Nakaoka, Escondido, Manager of The Springs of Escondido,** noted that he was appearing on behalf of himself and The Springs of Escondido. He stated he was opposed to the project at the subject location. He expressed his concern for the 100 plus residents at his facility ranging from 57 to 101 years old. He felt they would be impacted by the unfamiliarity of the construction and buildings on the site. He noted that the west facing units of his property would be within ten feet of the subject property and would have views of the facility. He indicated that the subject project would not provide any benefit to the surrounding neighbors. He asked that the project be built in another location.

**Geraldine Teutsch, Escondido,** noted that she lived at The Springs of Escondido. She was opposed to the project. She stated that most of the residents in her facility would have to consider moving, noting change was very hard for the residents at her facility to handle.

**David Dryden, Escondido,** noted that he lived at The Springs of Escondido. He stated that he was speaking on behalf of the Spring's residents, surrounding neighbors, and future residents. He indicated that the subject site was being targeted as an industrial site. He expressed his concern with the illustrations not being consistent, questioning what the site would look like when finished. He felt the proposed use would be inappropriate for the site, noting this was the core of the neighborhood. He also questioned whether there were customers who would use the sites product. In conclusion, he asked that the poor of the community not suffer because the rich did not want it in their neighborhood.

**Alfred Roebuck, Escondido,** was opposed to the project. He expressed his concern with not knowing the site would become an industrial site with chemical

## DRAFT Planning Commission Minutes December 13, 2016

storage. He felt the proposed facility was not appropriate for the site since it was not residential or commercial.

**Norman Maxwell, Escondido**, noted he was a resident of The Springs of Escondido. He felt the project would have tremendous impacts on the surrounding residents, noting his concern with the City staff report indicating that there would be no significant impacts. He felt the proposed facility was not appropriate for the site because the area was residential and light commercial. He expressed his concern with the potential noise, dust and dirt during construction of the site, which would be harmful to the lifestyle of the surrounding residents. He felt the equipment needed to operate the site would disrupt the traffic in the area. He expressed concern with the City Engineer indicating that the project would take over ten years to construct and the residents being impacted during this time. He also noted that property values in the area would be reduced.

**Steve Dickson, Escondido**, was opposed to the project due to economics, moral, and ethical issues. He stated that the Escondido Creek plan could attract hundreds of thousands of visitors and generate millions of dollars. He noted that the Escondido Creek Conservancy showed the subject property as a top design site to transform the Escondido Creek into a thriving recreational attraction for the residents and visitors, noting this could make Escondido a destination City. He suggested utilizing half of the property for the Escondido Creek Plan and the other for mixed use. He felt commercial property was more valuable than industrial, noting that utilizing the subject property for commercial/recreational would enhance property values, bring more money to the City, and enhance lifestyles for the residents. In conclusion, he felt it was inappropriate to put an industrial use on the subject property.

**Patricia Borchmann, Escondido**, noted that most of the audience was opposed to the project. She stated that the subject project was proposed at another location where the surrounding property owners were also opposed and denied due to being incompatible with the area. She felt the same findings would apply to the subject property along with challenging the adequacy of the mitigated negative declaration to fully disclose the full intent of the site.

**Arthur Devine, Escondido**, questioned who proposed the subject project in the residential heart of City. He felt the property could be used for a library, fairgrounds for the farmers market, or something that would benefit the residents. He asked why the subject project could not be put adjacently west of the Hale facility or to use Lake Hodges as a reservoir, which was unsuitable for drinking water. He also expressed his concern with the loss of the Vineyard. In conclusion, he felt there were better places for the subject facility. He also stated that he was in favor of Item 2 on the agenda.

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**Marshall Byer, Escondido**, was in favor of the project. He stated that he lived at The Springs of Escondido and faced the subject lot, noting that it currently was being used to park heavy equipment and building materials. He felt the project would have little impacts to the area as well as The Springs of Escondido, noting that there were a total of 20 apartments that would face the site, which meant that 80 percent would not be visually impacted by the site. He felt that if the project was denied, the property would continue to be used as a building material site which he felt was more impactful.

**Ms. C. Mitchell, Escondido**, expressed her concern with any amount of noise impacting the quality of life for residents. She expressed her concern with the City selling itself as a retirement community and then proposing the subject facility next to a retirement development. She felt the subject facility should be located near the agricultural farmers such as in the San Pasqual Valley or Lake Hodges. She expressed her concern with the chemicals impacting the seniors and residents in the area.

**Consuela Martinez, Escondido**, stated she was opposed to the project at the subject location due to being the urban core. She also felt more individuals would have attended the neighborhood meeting held at The Springs of Escondido if the notice would have been distributed to more than 500 feet of the project's property. She recommended finding a more suitable location.

**Randal Roberts, Escondido**, noted that he was part of the opposition to the proposed third location for the subject facility. He stated that he was a former certified wastewater facility operator with a family history in water systems. He noted that he supported the goals of the project but did not support the location due to being near residential as well as a residential care facility. He felt the full intent of the project was not being presented. He stated that the previous plant was denied due to public safety concerns, being inconsistent with the General Plan, conflicting with zoning ordinances and CUP requirements, and being incompatible with the neighborhood. He asked that the Commission consider another location.

**Chris Nova, Escondido**, was opposed to the project. She felt there was a lack of information related to the Negative Declaration, feeling the City needed to delay the project until all of the information was available. She felt environmental justice was at issue according to the EPA with regard to the environmental health hazards and equal decision making of the process. She questioned whether the project would promote a higher sense of community. She felt the project would be inconsistent with the area. She then asked how the City would protect the residents against the toxins, increased traffic, and address long-term impacts on the water supply.



## DRAFT Planning Commission Minutes December 13, 2016

**Barbara Takahara, President of the Cedarbrook Neighborhood**, stated they were opposed to the project. She expressed her concern with the written material about the project not being available in Spanish. She then submitted a petition with 103 signatures from the neighbors who opposed the project. She noted that during the last 15 years the creek was becoming a place of peace and harmony. She asked that the City not develop the property as industrial.

**Carol Rea, Escondido**, felt the question for the commissioners was whether they would like to live near the subject facility. She questioned what type of visual impacts the project would have on the Escondido Creek and its future plans. She also expressed concern with what would occur on the site in the future.

**Don Green, Escondido**, stated that he was not opposed to the fact that the project needed to be built but was opposed to the proposed location being in a residential and commercial area. He felt the project was not in line with the City's General Plan with regard to taking employment land away. He indicated that CEQA Law 21002 stated that a public agency must not approve a project if feasible alternatives exist, which he felt did. He requested the Commission deny the CUP, reject the MND, and request a full EIR.

**Everett Delano, Escondido, representing The Springs of Escondido**, stated that the question was whether the project was appropriate for the site, noting his view that it was inappropriate for the site. He felt the subject site had the same, if not more, issues than the previous site that was denied. He indicated that the project did not respect the residential neighborhood, commercial and the Escondido Creek. He felt the project was an affront to environmental justice to the extent that it directly impacted low-income and communities of color. He stated that the proposed facility would be inconsistent with the uses and goals for the GC zone. Mr. Delano noted that the project was not based on sound principles of land use, noting that the project would not help revitalize the area, caused deterioration of boarding land uses, and had detrimental impacts to community and neighborhood plans. He then referenced the Escondido Creek Plan, noting a park or mixed-use project would be more appropriate.

**Edward Grangetto, Escondido, Co-Founder for Escondido Growers for Agricultural Preservation, (EGAP)**, noted that their organization was dedicated to the preservation of the agricultural heritage for Escondido citizens. He then provided a brief summary for the goals of EGAP. He noted that their purpose was to create a self-sustaining grower district that used recycled water as their primary water source. He stated that EGAP would provide an option to the City to avoid a potential construction cost of \$450 million and an additional \$500 million to increase the size of its outfall pipe for treated wastewater to the ocean. He stated that EGAP supported the plant at the proposed location, noting their view that it would address wastewater issues, improve the appearance of the site, reduce

## DRAFT Planning Commission Minutes December 13, 2016

vagrancy, and free up one gallon of potable water for every gallon of recycled water. He also noted that they were expecting recycled water in 2015 and could be waiting until 2019. He asked that the Commission approve the project.

Vice-chairman McQuead requested information about the other site near the HARRF. Mr. McKinney noted that the site near HARRF did not have adequate space due to future process expansion.

Vice-chairman McQuead asked if the previous site location was residential. Mr. Finestone replied in the affirmative. He also noted the use was allowed under a CUP.

Vice-chairman McQuead asked if vandalism was prevalent at the site. Mr. Finestone noted that he was unaware of vandalism but noted according to the public there was criminal activity occurring on the site.

Commissioner Weiler asked staff to comment on the locations considered as well as why the site could not be located closer to the growers.

Mr. McKinney stated that the three primary factors when considering a location from a utilities perspective was acquisition costs, suitability of the space and the location relative to the source water and ultimate disposition of the water. He indicated that the growers were the potential customers for the subject facility but locating the site near the growers would add enormous costs to future drinking water reuse. He noted that locating the site near Lake Hodges would be too far from agricultural users. The sites considered included the site across from the HARRF, a site near Washington and El Norte Parkway, and a site adjacent to Mountain View Park. He noted that the subject site was located centrally and minimized the future costs for piping.

Vice-chairman McQuead stated that the subject site was where the water department existed in the past, noting that the use was not new to the location. He indicated that the buildings would be 250 feet away from the east property line. He felt it would be appropriate to use half of the property as a park, given the amount of time to build out the site.

Commissioner Spann asked if the tanks and buildings could be lowered. Mr. McKinney noted that the tanks could not be lowered due to the depth of the ground water. He also noted that the buildings could be lowered at a significant cost.

Commissioner Spann concurred with Vice-chairman McQuead comment regarding using half of the property as a park or something that would help enhance the creek.

## DRAFT Planning Commission Minutes December 13, 2016

Commissioner Romo suggested locating the buildings and pushing them more toward the street if a park was being considered for the site. Mr. McKinney noted the property was owned by the utilities fund and would have to be compensated for the land if used for parkland. Commissioner Romo felt the amount saved by keeping the facility in the subject location outweighed the amount it would cost to sell off a piece of the property. He felt the location was the best site for the facility but felt some additional mitigation was needed to be a better neighbor to screen the industrial use.

Vice-chairman McQuead stated that he was not suggesting selling a portion of the property but allowing a portion of the property to be used as a community use. Mr. McKinney asked if the suggestion was to find a community use for the unused portion of the property until at a later time expansion was needed. Vice-chairman McQuead replied in the affirmative.

Chairman Weber noted that the Escondido Creek along with the subject plan were conceptual plans. He noted that the subject property had always been a storage/water utilities yard, noting his view that the site had some limitations, which prevented it from being developed in the past. He felt the facility was a necessary component for the greater good of the development of the City. He stated that the plant at the Escondido Country Estates had operated for years safely without any issues that he was aware of. He did not feel there would be any visual, safety, or noise impacts from the subject project.

Chairman Weber motion to approve staff's recommendation. The motion included a condition that the Utility Department do their utmost to make a presentable view from surrounding neighbors.

Vice-chairman McQuead asked if the motion pertained to only the view from surrounding neighbors. Chairman Weber noted that Utility Department was prohibited from using funds to construct and maintain a park.

Vice-chairman McQuead asked staff if there was a mechanism that would allow another department to construct a park on the site. Attorney Phillips noted that there would have to be an appraisal of the property and the Utility Department would have to be reimbursed for the property. Mr. McKinney noted that even a temporary use would have to be funded by the General Fund.

Commissioner Weiler suggested that staff explore utilizing a portion of the property for landscaping and a possible park versus making this a condition.

## DRAFT Planning Commission Minutes December 13, 2016

### **ACTION:**

Moved by Chairman Weber, seconded by Commissioner Weiler, to approve staff's recommendation. The motion included a recommendation to City Council that they request the Utility Department to be the best good neighbor with regard to screening and views from surrounding neighbors. Motion carried unanimously. (5-0)

Chairman Weber recessed the meeting at 9:05 p.m. and reconvened the meeting at 9:12 p.m.

### **2. CONDITIONAL USE PERMIT – PHG 16-0015:**

**REQUEST:** The project involves a Conditional Use Permit for the installation of two Combined Heat and Power (CHP) units and associated biogas conditioning equipment at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF). The units (one generating 800 kW and one generating 400 kW, for a total production capacity of 1,200 kW) would use biogas for combustion that is produced from three (3) existing sludge digesters at the HARRF. Currently, the biogas produced by the digesters is being flared at the facility. Energy and heat produced by the project would be used to offset the utility power demand and heating needs for the HARRF. The generators would operate 24 hours per day. The proposal also includes the adoption of the environmental determination prepared for the project.

**PROPERTY SIZE AND LOCATION:** Approximately 20 acres, on the northwest side of S. Hale Avenue, north of Avenida Del Diablo, addressed as 1521 S. Hale Avenue (APN 235-051-01 and 235-051-02).

Adam Finestone, Principal Planner, referenced the staff report and noted staff issues were whether the proposed generators are consistent with the standards for electric generating facilities, and whether adequate screening would be provided for the proposed generators. Staff recommended approval based on the following: 1) The proposed generators are consistent with the standards for electric generating facilities since it meets the requirements of the Noise Ordinance and the Environmental Quality Regulations requirements for emissions; 2) adequate screening would be provided for the proposed generators and gas conditioning system. No adverse visual impacts would occur, since the equipment would be screened from view by the existing surrounding structures within the HARRF facility; and 3) The proposed project helps reduce the City's contributions to greenhouse gas emissions, which helps advance environmental initiatives including air quality and climate protection.

Vice-chairman McQuead asked if the burning flare was visible. Mr. McKinney noted that the flare was very difficult to see.

## Adam C. Phillips

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**From:** Graham Mitchell  
**Sent:** Thursday, December 15, 2016 9:48 AM  
**To:** Adam C. Phillips  
**Cc:** Bill Martin  
**Subject:** FW: Water Treatment Facility - Washington & Ash

**From:** Olga Diaz  
**Sent:** Wednesday, December 14, 2016 7:24 AM  
**To:** Graham Mitchell <gmitchell@escondido.org>; Jeffrey Epp <Jepp@escondido.org>  
**Cc:** info@olgadiaz.com  
**Subject:** Water Treatment Facility - Washington & Ash

Jeff & Graham,

I understand that the Planning Commission has approved the CUP for the water treatment facility at Washington & Ash. I would like to formally request an appeal of this decision.

For reference, an appeal of Planning Commission decisions by a councilmember has occurred twice before during my tenure. Once by Marie Waldron regarding the Interfaith shelter and a second time by myself regarding John Paul the Great Catholic University. In both of those cases, an email to the City Manager generated the appeal request and the appeal fee was waived.

Thank you.  
Olga Diaz



**CITY OF ESCONDIDO**  
 City Clerk  
 201 North Broadway  
 Escondido, CA 92025  
 (760) 839-4617  
 Fax: (760) 735-5782

FOR CITY USE ONLY	
\$1415	Application Code(s)
470058	Fee (Non-Refundable)
12/21/16	Receipt No.
01/11/17	Date Filed
	Council Hearing Date
PHG 16-0014	Planning Case File No. (if applicable)

ESCONDIDO CITY CLERK  
 16 DEC 21 AM 11:48:59

**APPLICATION TO APPEAL A DECISION TO THE CITY COUNCIL**

Applicant: The Springs of Escondido c/o DeLano & DeLano Phone: (760) 510-1562  
 (Print)

Mailing Address: 220 West Grand Avenue Escondido 92025  
 (Street) (City) (Zip)

E-mail: everett@delanoanddelano.com Fax: (760) 510-1565

Legal Owner: City of Escondido Phone: \_\_\_\_\_  
 (Print)

Property Address: 1201 E. Washington Avenue, Escondido, California  
 (Subject of Appeal)

Assessor Parcel Number: 230-141-01-00

Project Case Number (if appropriate): PHG 16-0014

Is legal owner aware of this application?  Yes  No

Justification for appeal (Use additional paper, if necessary):

Please see attached pages.

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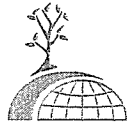
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Distribution:  
 Planning Division  
 City Manager  
 City Clerk  
 Other \_\_\_\_\_  
 Applicant

[Signature]  
 Signature of Applicant  
12-21-16  
 Date



# DELANO & DELANO

December 21, 2016

*VIA HAND DELIVERY*

City Clerk  
City of Escondido  
201 North Broadway  
Escondido, CA 92025-2798

Re: Appeal of Planning Commission Approval of Membrane Filtration/Reverse Osmosis Project: PHG 16-0014

Dear City Clerk:

This letter is submitted on behalf of The Springs of Escondido as a supplement to the appeal of the Planning Commission’s December 13, 2016 approval of the Membrane Filtration/Reverse Osmosis project (“Project”) and Mitigated Negative Declaration (“MND”). The appeal is based upon the information contained in this letter and a completed Application to Appeal form. It is also based upon, and hereby incorporates by reference, the staff reports and other evidence presented prior to and at the Planning Commission hearing, the records produced by the City Clerk’s office in response to our request for records, and such other evidence as appellant and others may bring to the attention of the City Council prior to and during its consideration of this appeal.

## **I. The City Should Deny the Project**

The Project is inconsistent with surrounding commercial and residential uses. The Project is an industrial use and there are no other industrial uses in the area. The Project does not fit within the municipal code’s discussion of permitted uses in a Commercial Zone. Among other things, the Project:

- Should be denied based upon sound principles of land use and in response to services required by the community, Muni. Code § 33-1203(a);
- Will cause deterioration of bordering land uses and will cause special problems for the area in which it is located, Muni. Code § 33-1203(b); and
- Will cause detrimental impacts on the community and neighborhood plan for the area in which it is located, Muni. Code § 33-1203(c).

The Project is inconsistent with the adopted Escondido Creek Trail Master Plan. A copy of the page from that Master Plan related to this site is enclosed (Ex. 1).

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*Admitted in California and Colorado*

M. DARE DELANO  
*Admitted in California and New York*

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The Project is inconsistent with the Reveal Escondido Creek, which specifically calls for the site to be open space and park. A copy of the page from Reveal Escondido Creek related to this site is enclosed with my November 28<sup>th</sup> letter (Ex. 2).

The Project is inconsistent with General Plan standards. For example, the Project does not “protect [surrounding] neighborhoods from crime, blight, and incompatible land uses that negatively affect their quality of life ....” General Plan at II-11. The site is designated General Commercial, which is intended to provide a “broad range of retail and service activities, including local-serving commercial, community shopping/office complexes, automobile sales and service, eating and drinking establishments, entertainment facilities.” General Plan at II-23. The Project meets none of these broad range of activities. The Project is not “[d]esigned to promote pedestrian activity characterized by ‘store front’ window displays and extensive landscaping.” *Id.* It is not [l]ocated and designed to be compatible and transition with adjacent uses in scale, bulk, height.” *Id.* Nor are the Project “[b]uildings designed to orient to primary street frontage, with individual building entries.” *Id.*

Additionally, the site is immediately adjacent to the East Valley Parkway Target Area, which, among other things, seeks to “include smart growth principles as well as improved vehicular access and enhanced aesthetics from Highway 78 along Lincoln Avenue and Ash Street.” General Plan at II-73. The Project will degrade, rather than improve, these principles.

## **II. If the City Does Not Deny the Project, it Should Delay the Project and Provide Additional Information**

At a meeting on the evening of November 3, 2016, City staff provided several community residents with certain information. Among other things, City staff represented that they had conducted a detailed analysis and determined that the site was the best location for the Project. There were several questions regarding the Project and how City staff made certain decisions leading to the recommendation for the Site.

On November 4, 2016, I sent the City a Public Records Act request, seeking City records regarding the Project and those City staff decisions. The City finally produced some records on November 30<sup>th</sup>, but, to date, no records have been produced that support several representations made by City staff, including their claim that the site is the best location for the Project. A copy of my December 5<sup>th</sup> letter, which discusses the inadequate production of records, is enclosed (Ex. 3). As it notes, the City should delay the comment period for the MND and hearings associated with the Project until all records are produced and the public has adequate time to consider them.

## **III. If the City Does Not Deny the Project, It Should Prepare an EIR**

The California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires the preparation of an Environmental Impact Report (“EIR”)



whenever substantial evidence in the record supports a “fair argument” that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68. If there is “substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency’s action is to be set aside because the agency abused its discretion by failing to proceed in a ‘manner required by law.’” *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts. A copy of my November 28<sup>th</sup> letter, which discussed some of these impacts, is enclosed.

Among the deficiencies, as noted in my November 28<sup>th</sup> letter, is the fact that the City is illegally piecemealing the Project. CEQA requires consideration of “[a]ll phases of project planning, implementation, and operation.” CEQA Guidelines § 15063(a)(1). It defines a project to be “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” CEQA Guidelines § 15378(a) (emphasis added). The Project is a part of the City’s Potable Reuse Water Program and a part of the City’s Recycled Water Master Plan. The City may not segment analysis of the Project from consideration of the potential impacts associated with these, including future potable water reuse facilities and operations at the site and elsewhere.

#### **IV. Conclusion**

Accordingly, The Springs of Escondido respectfully appeals the Planning Commission’s approval of the Project and MND, and respectfully requests that the City Council overturn those decisions.

Sincerely,



Everett DeLano

Enclosures

**EXHIBIT 1**

# Alignment

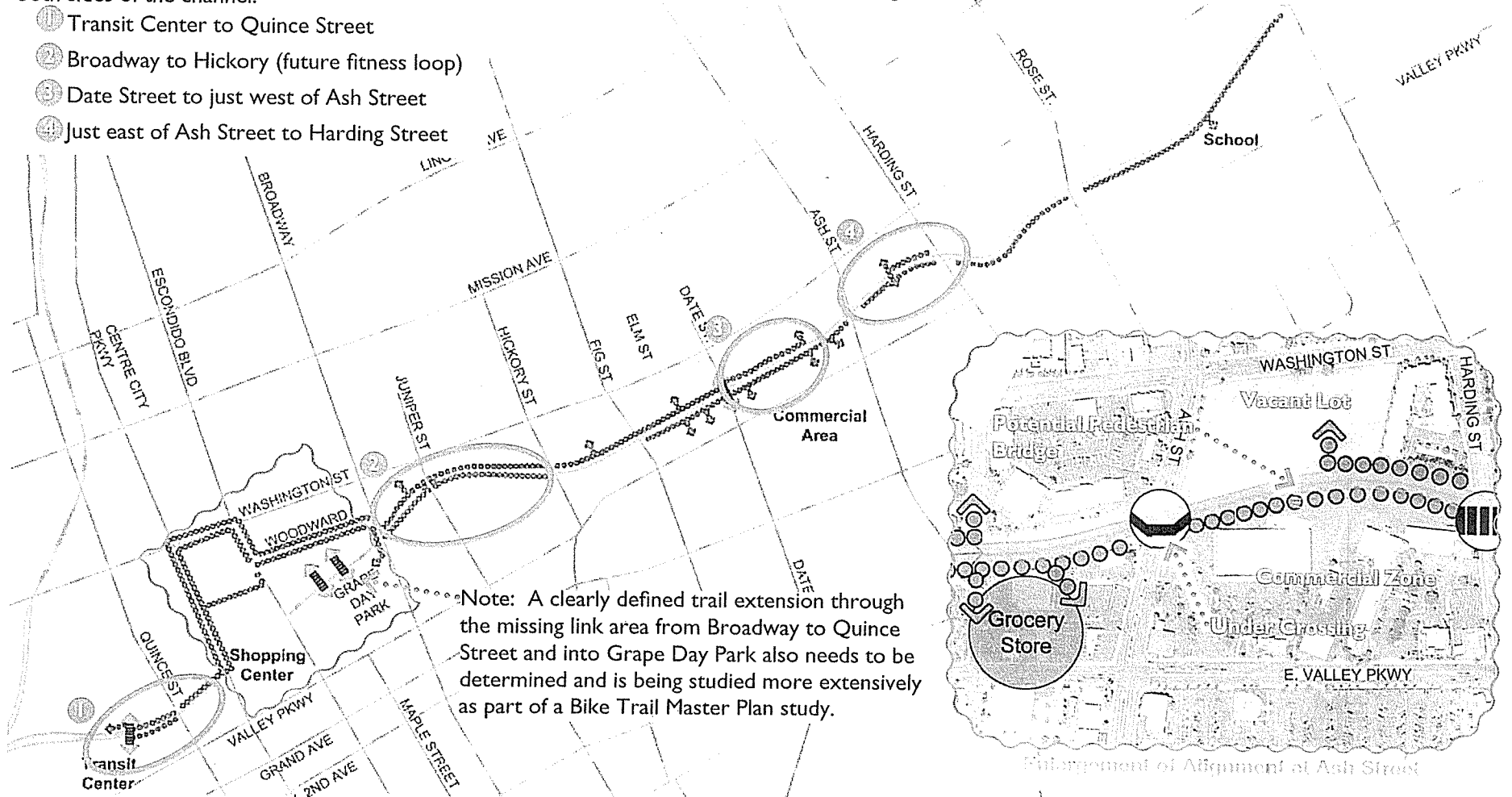
The existing trail is aligned on only one side of the channel, with the exception of the area from Fig Street to Date Street where it is located on both sides of the channel, and from Quince Street to Broadway where there is a missing link. The trail could potentially be extended to both sides of the channel for any or all segments of the channel; however, the following areas have been identified as particularly suitable for alignment on both sides of the channel:

- 1 Transit Center to Quince Street
- 2 Broadway to Hickory (future fitness loop)
- 3 Date Street to just west of Ash Street
- 4 Just east of Ash Street to Harding Street

## LEGEND

- Existing Trail
- Potential Trail Extension
- Existing Trail Connection
- Potential Trail Connection
- Potential Pedestrian Bridge

Note: Trail extensions and improvements associated with future development of the vacant lot at Ash Street are encouraged and should reinforce the trail under crossing on the south side of Ash Street. The future development of the vacant lots also presents an opportunity to create connections from the vacant lot on the north to the commercial lots on the south by way of a new pedestrian bridge. Additionally pedestrian bridges may be considered where the trail is located on both sides of the creek.



Note: A clearly defined trail extension through the missing link area from Broadway to Quince Street and into Grape Day Park also needs to be determined and is being studied more extensively as part of a Bike Trail Master Plan study.

Figure 14: Trail Alignment - Opportunities for Trail Expansion Along Both Sides of the Creek

**EXHIBIT 2**



# DELANO & DELANO

November 28, 2016

VIA E-MAIL & U.S. MAIL

Bill Martin  
Director of Community Development  
City of Escondido  
201 North Broadway  
Escondido, CA 92025-2798

Re: Membrane Filtration/Reverse Osmosis Project: PHG 16-0014

Dear City of Escondido:

This letter is submitted on behalf of The Springs of Escondido in connection with the proposed Membrane Filtration/Reverse Osmosis project ("Project") and Mitigated Negative Declaration ("MND").

The California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, requires the preparation of an Environmental Impact Report ("EIR") whenever substantial evidence in the record supports a "fair argument" that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68. If there is "substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency's action is to be set aside because the agency abused its discretion by failing to proceed in a 'manner required by law.'" *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts.

## I. The City Must Delay the Project and Provide Additional Information

At a meeting on the evening of November 3, 2016, City staff provided several community residents with certain information. There were several questions regarding the Project and how City staff made certain decisions leading to the recommendation for the Site. On the morning of November 4, 2016, I sent the City a Public Records Act request, seeking City records regarding the Project and those City staff decisions. To date no records have been produced.

CEQA is premised in part on "a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making

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...” *Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. “Environmental review derives its vitality from public participation.” *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4<sup>th</sup> 396, 400. Accordingly, the City should delay further consideration of the Project, and extend the comment period on the MND, until the requested records have been produced and community residents are given adequate opportunity to review them.

## II. The City Is Segmenting the Project

The City is illegally segmenting the Project from other related actions. The MND fails to discuss and address the impacts associated with a related proposed water reuse facility on the site. At a November 3, 2016 meeting, City Manager Graham Mitchell and other staff indicated that the City expects to use the eastern half of the site for a facility that would provide recycled potable water. Yet the MND fails to address such a facility. In *Laurel Heights Improvement Assn v. Regents of the University of California* (1988) 47 Cal.3d 376, the California Supreme Court ruled that an agency must analyze “the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.” *Id.* at 396.

## III. The Project Will Cause Significant Impacts

The Project will lead to significant impacts to community character, aesthetics, and land use.

- The Project is inconsistent with the surrounding commercial and residential uses. The Project is an industrial use and there are no other industrial uses in the area.
- The MND fails to discuss how or whether the Project fits within the municipal code’s discussion of permitted uses in a Commercial Zone. Among other things, the Project will cause deterioration of bordering land uses and will cause detrimental effects to the community. Muni. Code § 33-1203.
- The MND fails to analyze the Project’s impacts in relation to General Plan standards. For example, the Project does not “protect [surrounding] neighborhoods from crime, blight, and incompatible land uses that negatively affect their quality of life ....” General Plan at II-11.
- The site is designated General Commercial, which is intended to provide a “broad range of retail and service activities, including local-serving commercial, community shopping/office complexes, automobile sales and service, eating and drinking establishments, entertainment facilities.” General Plan at II-23. The Project meets none of these broad range of activities. The Project is not “[d]esigned to promote pedestrian activity characterized by ‘store front’ window displays and extensive landscaping.” *Id.* Nor are the

Project “[b]uildings designed to orient to primary street frontage, with individual building entries.” *Id.*

- Additionally, the site is immediately adjacent to the East Valley Parkway Target Area, which, among other things, seeks to “include smart growth principles as well as improved vehicular access and enhanced aesthetics from Highway 78 along Lincoln Avenue and Ash Street.” General Plan at II-73. The Project will degrade, rather than improve, these principles.
- The Project is inconsistent with the City’s Reveal Escondido Creek, which specifically calls for the site to be open space and park. A copy of the page from the Reveal Escondido Creek plan related to this site is enclosed.

The Project will lead to significant impacts to traffic.

- The MND fails to consider the impacts associated with construction traffic on the unique intersection geometry at Washington and Ash Streets.
- The MND fails to consider impacts to roadway segments and Highway 78.

The Project will lead to significant impacts to hazards and human health.

- The MND acknowledges sensitive receptors in the immediate vicinity. MND at 41. But there is no analysis of impacts associated with the toxic chemicals to be used on the site. And there is no discussion of potential impacts if spills occur.

The Project will lead to significant impacts to air quality.

- The MND attempts to separate air emissions into construction and operational phases. However, it fails to account for the fact that such phases can, indeed are likely to, overlap, thereby increasing the amounts of emissions at any given time.

The Project will lead to significant impacts to greenhouse gas emissions.

- On April 29, 2015, Governor Brown issued Executive Order B-30-15, which establishes a “new interim statewide greenhouse gas emission reduction target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 ....” The MND does not address compliance with Executive Order B-30-15.

The Project will lead to significant impacts to noise.

- The MND acknowledges sound levels of typical construction equipment can be as high as 90.0 dBA 50 feet away from the equipment. MND at 81.
- The MND incorrectly claims that The Springs of Escondido is 200 feet from the site. MND at 82. The Springs is immediately adjacent to the site. As such, noise impacts will be substantial.

- The MND seems to acknowledge sensitive receptors are located adjacent to the site. MND at 91. But there is no analysis of noise impacts on such sensitive receptors as those who live at the Springs.
- The Project's noise mitigation is vague and insufficient. *See Citizens for Responsible and Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4<sup>th</sup> 1323, 1341 ("there is no evidence of any measures to be taken that would ensure that the noise standards would be effectively monitored and vigorously enforced").

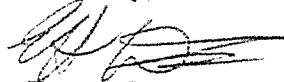
The Project will lead to significant impacts to water supply.

- The MND fails to identify how the Project will affect water supplies over a long period of time. "[A]n adequate environmental impact analysis for a large project, to be built and occupied over a number of years, cannot be limited to the water supply for the first stage or the first few years." *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4<sup>th</sup> 412, 430 – 32.

#### IV. Conclusion

Thank you for your consideration of these concerns. Please contact me if you have any questions or need additional information.

Sincerely,



Everett DeLano

Enc.



# Creekwalk Destination: Urban Wild

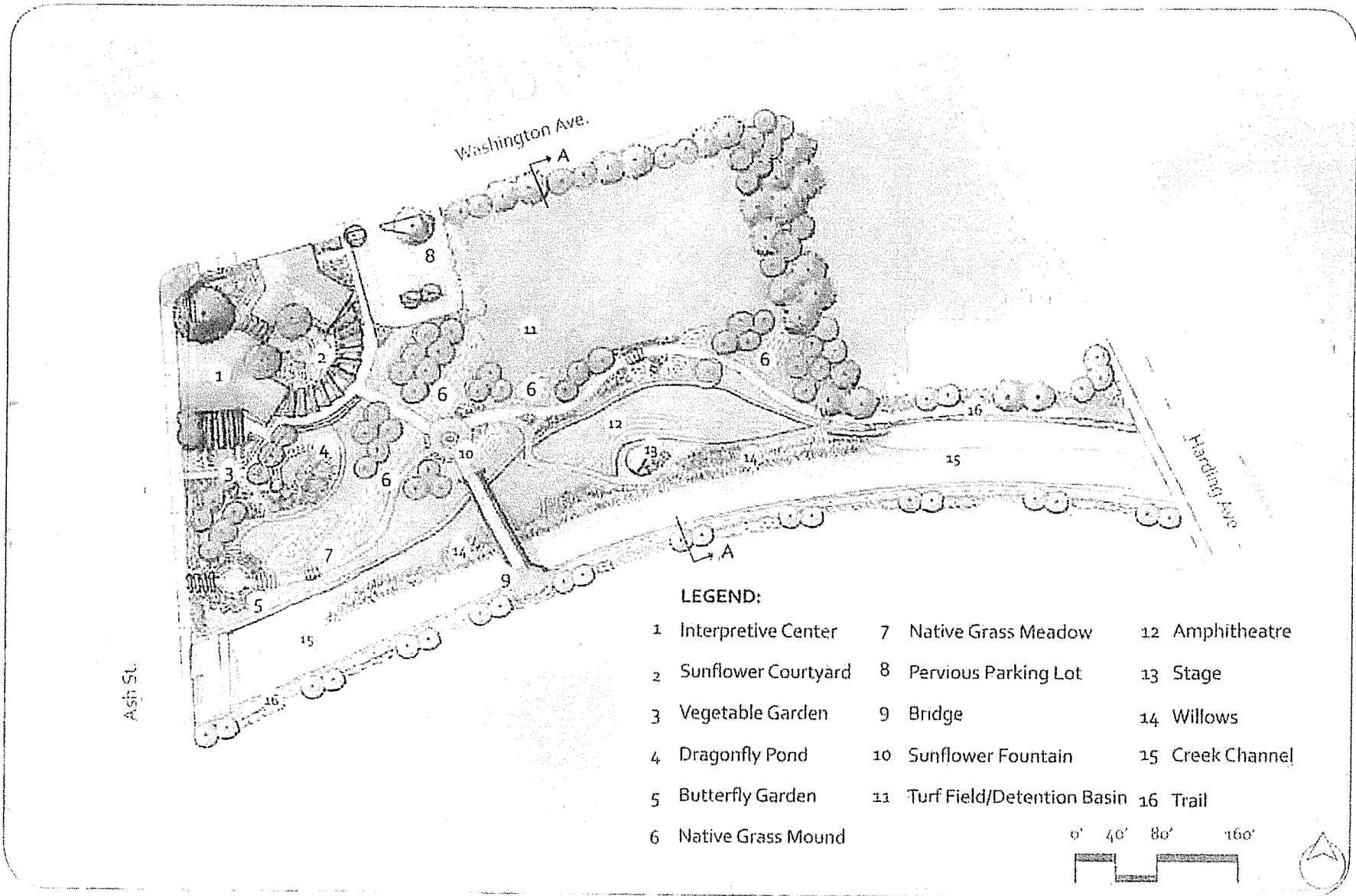
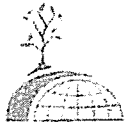


Figure 5.49 Urban Wild Design Plan

**EXHIBIT 3**



# DELANO & DELANO

December 5, 2016

*VIA E-MAIL*

Adam C. Phillips  
Deputy City Attorney  
City of Escondido  
201 North Broadway  
Escondido, CA 92025-2798

Re: Membrane Filtration/Reverse Osmosis Project: PHG 16-0014

Dear Mr. Phillips:

Thank you for your December 1<sup>st</sup> letter regarding my November 4<sup>th</sup> request for records associated with the proposed Membrane Filtration/Reverse Osmosis project ("Project"). I sent my request in response to statements made by City staff at a meeting on the evening of November 3<sup>rd</sup>. Several representations were made by City staff at that meeting, and my request for records sought access to the documents that supported, and provided the details associated with, those representations.

First, I should correct an inaccuracy in your letter. No documents were made available to me on November 28<sup>th</sup>. The first that records were made available to me was on November 30<sup>th</sup>.

More fundamentally, I question whether all records responsive to my request have been produced. For example, very little was produced "regarding the Project and/or the Site involving City staff, consultants, third parties, members of the public, and/or representatives of any local, State or federal agency." Similarly, no documents were produced regarding "[a]ny study or analysis of the costs and/or benefits associated with locating the Project or a similar facility at the Site or at other locations, whether such sites are owned by the City or not." And little if any documents were produced regarding "[a]ny study or analysis of a potential project to provide potable reused drinking water, either at the Site or elsewhere" or "[a]ny study or analysis of the costs and/or benefits associated with a potential project to provide potable reused drinking water, either at the Site or elsewhere."

Accordingly, I reiterate my request for a delay both on the comment period for the MND and on any hearings associated with the Project until such records are produced and the public has adequate time to consider them.

EVERETT L. DELANO III  
*Admitted in California and Colorado*

M. DARE DELANO  
*Admitted in California and New York*

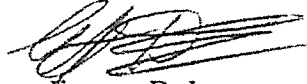
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Adam C. Phillips  
December 5, 2016  
Page 2 of 2

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. DeLano', with several horizontal strokes extending to the right.

Everett DeLano

cc: Graham Mitchell, City Manager  
Bill Martin, Director of Community Development  
Eva Heter, City Clerk's Office

## PLANNING COMMISSION

Agenda Item No.: G.1  
Date: December 13, 2016

**CASE NUMBER:** PHG 16-0014

**APPLICANT:** City of Escondido

**LOCATION:** The 4.5-acre project site is located on the southeast corner of E. Washington Avenue and N. Ash Street, addressed as 1201 E. Washington Avenue (APN 230-141-01-00).

**TYPE OF PROJECT:** Conditional Use Permit

**PROJECT DESCRIPTION:** The project involves a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility (MF/RO) designed to provide advanced treatment for recycled water produced at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF) for agricultural uses. Utility projects, including processing, storage, and distribution facilities for water are permitted uses within commercial zones, subject to the approval of a Conditional Use Permit. The proposed MF/RO would utilize membrane filtration [i.e., microfiltration (MF) or ultrafiltration (UF) membranes] and reverse osmosis (RO) technologies sized for a total production capacity of 2.0 million gallons per day (mgd) with the ability to accommodate the installation of future equipment to provide an additional 1.0 mgd of production capacity. The proposed project would consist of two buildings, both with a maximum height of approximately 31'. The MF/RO Process Building (21,729 SF) would house the MF/RO equipment, pumps, electrical rooms, control rooms, and meeting rooms. The Chemical Building (14,115 SF) would house the transfer pumps and accommodate the storage of chemicals used in treatment process. The project also includes several above ground storage tanks with a maximum height of 30' (300,000 gal influent tank, 160,000 gal inter-process tank, and 820,000 gal product storage tank), and a 1,500 kW emergency backup generator, as well as various above and below ground pipes and support infrastructure.

The perimeter of the site would be secured by a combination of new, six-foot-high masonry walls and decorative wrought iron fencing. Access would be provided via two driveways on E. Washington Avenue. A limited number of employees would visit the site for daily inspections (as needed), monthly routine facility maintenance, and delivery and removal of chemicals. A more detailed description of the project components and operations is included in the Final Mitigated Negative Declaration prepared for the project, which is attached with this report. The proposal also includes the adoption of the environmental determination prepared for the project.

**STAFF RECOMMENDATION:** Approval

**GENERAL PLAN DESIGNATION:** GC (General Commercial)

**ZONING:** CG (General Commercial)

**BACKGROUND/SUMMARY OF ISSUES:** Tertiary-treated recycled water is produced at the HARRF and is provided to other agencies and City customers for landscape and industrial purposes. The City has been expanding the recycled water conveyance system over the past several years to provide a more dependable and sustainable water supply to be less dependent on imported water. The City Council authorized an extension of the recycled water easterly main (currently in various stages of design and construction) to extend the City's ability to supply recycled water to customers located east of downtown Escondido. The recycled water from the HARRF would be brought to the MF/RO by an existing 24-inch diameter pipeline running along the north side of the flood control channel directly south of the project site.

The proposed MF/RO is part of an expansion of Escondido's recycled water (RW) distribution system to serve eastern and northern agricultural land. The MF/RO would further treat recycled water delivered from the HARRF to a level that is necessary for agricultural uses. While reuse of recycled water for agricultural purposes is an important function of the proposed MF/RO, it should be noted that the primary need for the facility stems from capacity limitations in the City's wastewater outfall pipeline which runs under Escondido Creek for more than 14 miles from the HARRF to San Elijo Lagoon, and ultimately to the Pacific Ocean. The outfall pipeline capacity can vary greatly based on factors such as

conservation efforts and weather. In heavy rains, the City could exceed capacity limitations in the outfall pipe, which could subject us to substantial fines by the Regional Water Quality Control Board.

A major benefit of the project is that the MF/RO would be able to treat the recycled water coming from the HARRF to a level that could be used for agricultural purposes. Agricultural producers are a vital part of Escondido's community and its economy, and avocados are one of the most important crops grown in San Diego County. Water quality for avocado production is important for quantity and quality of production. Growers maintain a high demand for water, specifically low-salinity water, and water must be low in chlorides and other constituents to avoid leaf burn, root rot, and the need for excessive flushing. For these reasons, infrastructure to provide more recycled water with lower salinity to the growers (such as the MF/RO) is necessary to offset agricultural potable demand, decrease demand for imported water, and to continue efficient agricultural production.


Staff feels the issues are as follows:

1. Whether the proposed facility would have any adverse visual, noise, and/or compatibility impacts to surrounding uses.
2. Whether the project site is an appropriate location for the facility.
3. If there are other possible solutions to the City's wastewater outfall capacity limitation, and why the MF/RO project is the most appropriate option.


**REASON FOR STAFF RECOMMENDATION:**

1. The site is bounded on two sides by Circulation Element roadways, and on a third by the Escondido Creek Flood Control Channel. The buildings have been designed and located to address potential visual and compatibility impacts to surrounding uses, with appropriate setbacks from adjacent residential properties. The majority of the MF/RO equipment and systems would be housed inside of buildings designed with commercial facades in order to blend in with the existing neighborhood, and to reduce equipment noise levels. Perimeter landscape planters and new six-foot-high masonry block walls would be installed to provide additional screening, separation and noise attenuation where necessary. The project design and conditions of approval contained herein will help ensure compatibility of the proposed project with adjacent properties.
2. Construction of the MF/RO at the subject site would avoid the need to construct additional recycled water infrastructure, specifically pipelines to carry recycled water and brine to/from the MF/RO. The shortest, technically feasible path through the City for recycled water mains for agricultural reuse is along the Escondido Creek Flood Control Channel. Additional costs would be incurred by placing the MF/RO away from the channel due to requirements for construction of additional pipelines. Additionally, the subject property is currently owned by the Utilities Department, which will also assist in reducing project costs. The subject property is immediately adjacent to the channel, and is located in the General Commercial (CG) zone. The CG zone allows public utility uses, subject to approval of a Conditional Use Permit (CUP). The property is and bounded on three sides by either the Escondido Creek Flood Control Channel or Circulation Element roadways, and is sufficiently large enough to accommodate the proposed MF/RO. For these reasons, staff believes that the project site is an appropriate location for the MF/RO.
3. The MF/RO is one of two possible solutions to the City's wastewater outfall capacity issue. It would address the issue by decreasing the capacity demand placed on the outfall pipeline. The other option would be to replace the existing wastewater outfall pipeline with a larger one in order to increase the capacity. The MF/RO is the appropriate option because it is more affordable, can be completed in a shorter timeframe, and is more sensitive to environmental concerns.

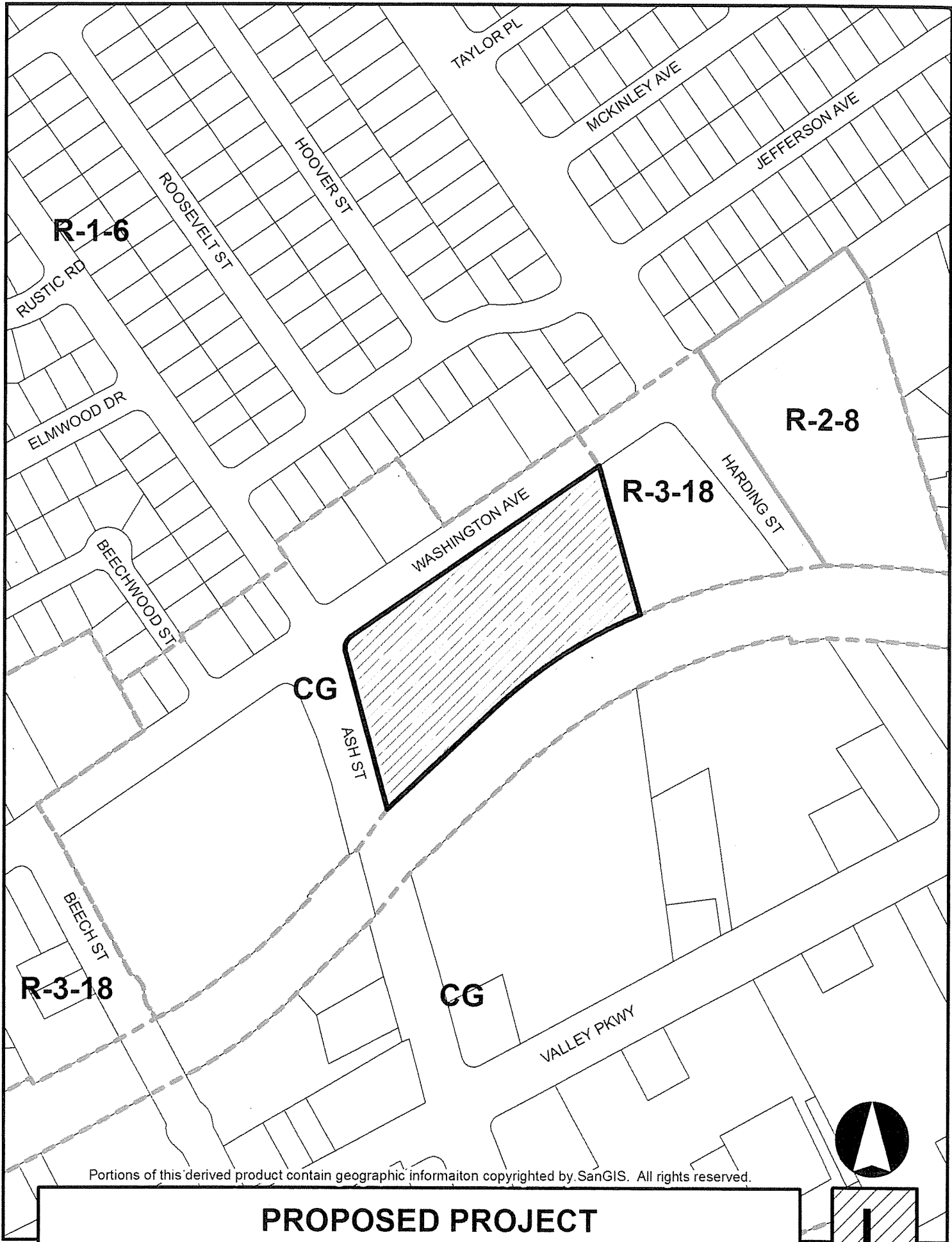
Respectfully Submitted,



Adam Finestone, AICP  
Principal Planner

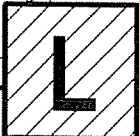


Jay Paul  
Associate Planner

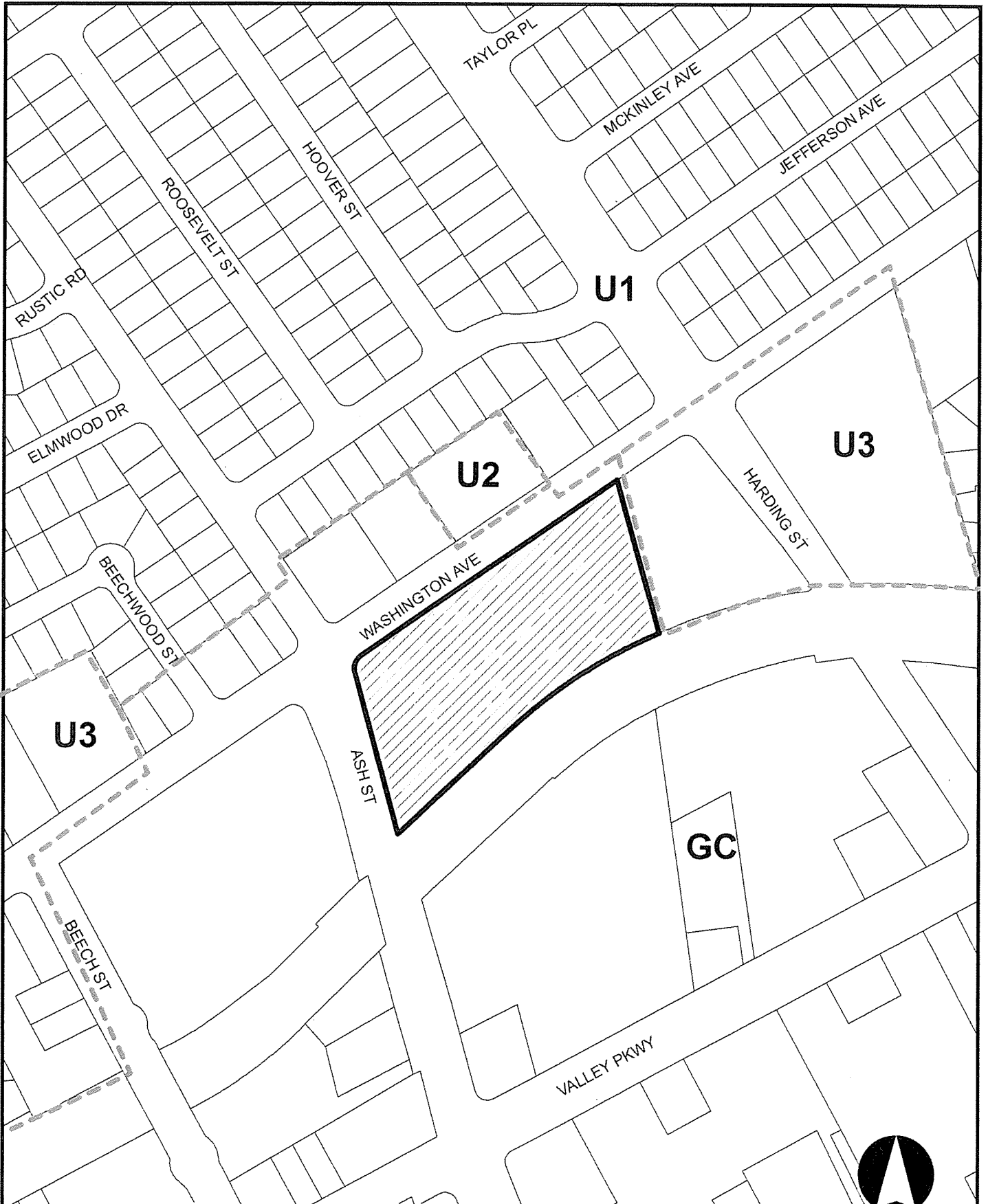


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**PROPOSED PROJECT**  
**PHG 16-0014**



LOCATION/ZONING



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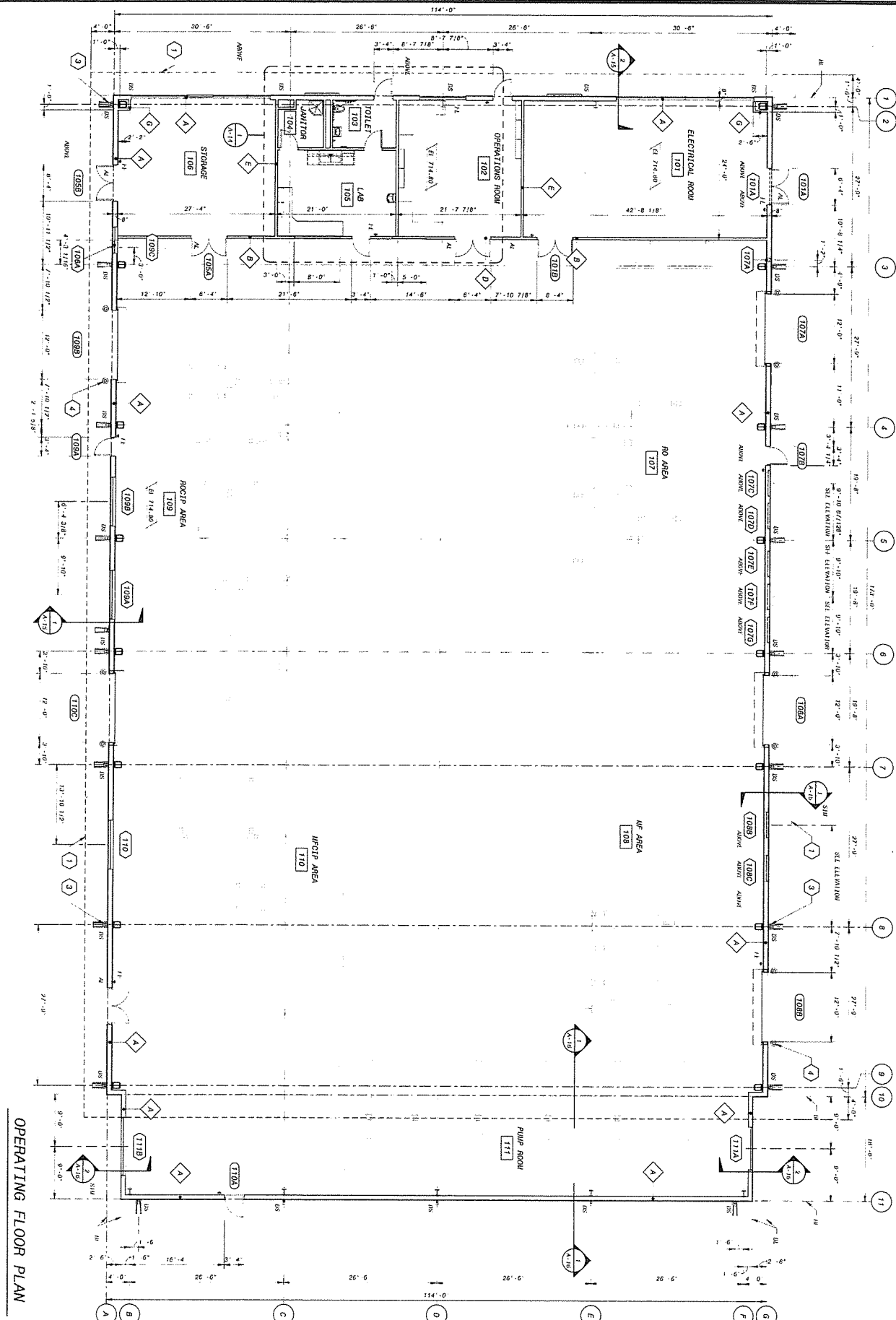
**PROPOSED PROJECT  
PHG 16-0014**



GENERAL PLAN



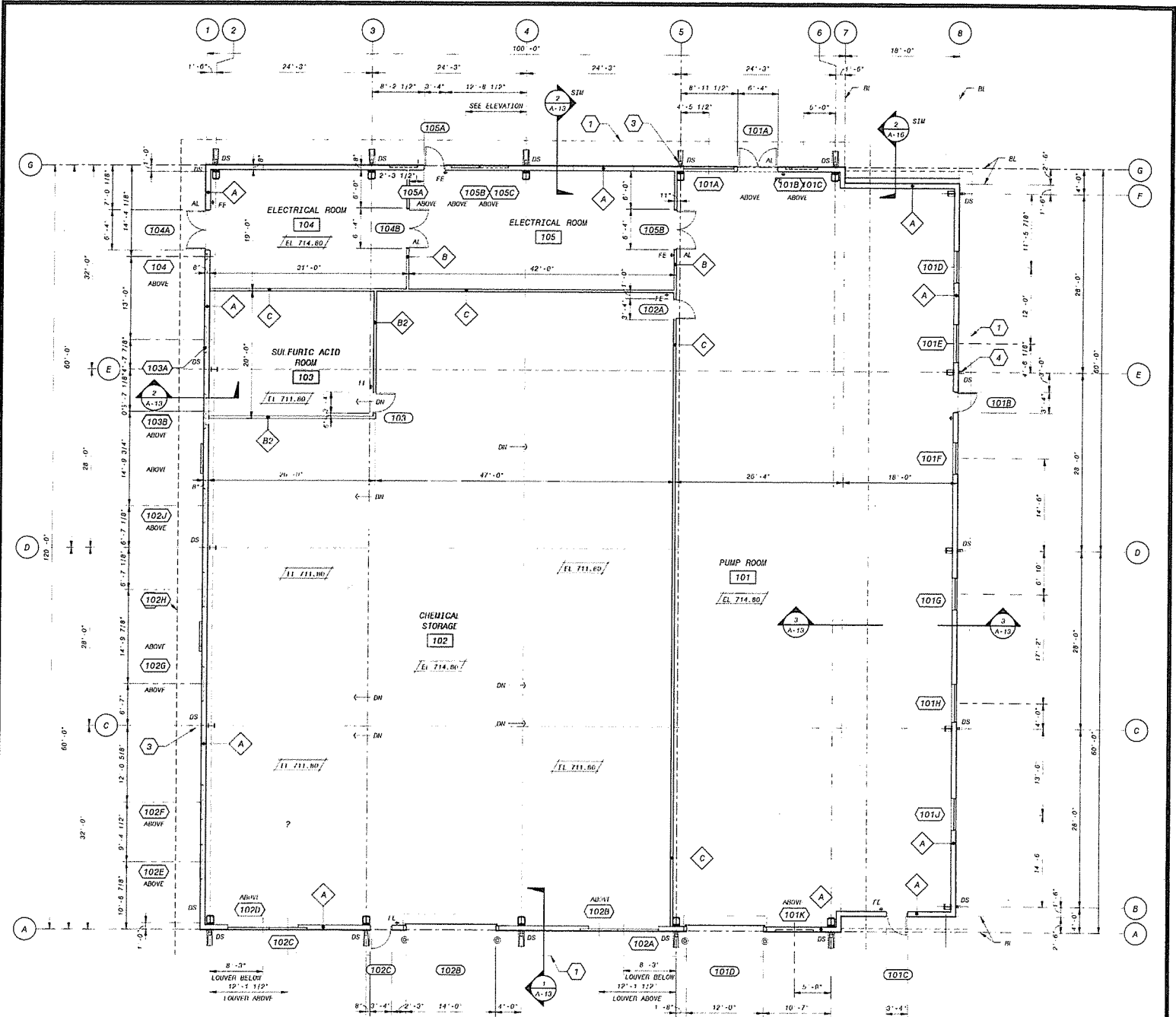




OPERATING FLOOR PLAN

**MFRO PROCESS BUILDING  
PROPOSED PROJECT  
PHG 16-0014**

**F**



**ARCHITECTURAL TAGS**

- XX** ACCESSORY ITEM  
LETTER SEQUENCE
- T01A** DOOR  
ROOM NUMBER + LETTER SEQUENCE
- T01A** LOUVER  
ROOM NUMBER + LETTER SEQUENCE
- 00** LABORATORY CABINET  
NUMERIC SEQUENCE
- ROOM NAME**  
**T01** ROOM NAME & NUMBER  
FIRST DIGIT LEVEL DESIGNATION  
+ NUMERIC SEQUENCE (01-99)
- A1** WALL TYPE  
LETTER SEQUENCE + NUMERIC SEQUENCE
- W** WINDOW  
LETTER SEQUENCE
- 0** SHEET KEYNOTE  
NUMERIC SEQUENCE

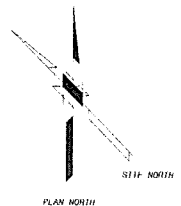
**SHEET KEYNOTES**

1. ROOF OUTLINE ABOVE, SEE ROOF PLAN & WALL SECTIONS.
2. .
3. DOWNSPOUT & SPLASHBLOCK, TYPICAL.
4. DOWNSPOUT.

**GENERAL NOTES**

1. FOR WALL TYPES SEE SHEET A-20.
2. FOR ABBREVIATIONS, SEE SHEET A-17.
3. SEE EAST ELEVATION FOR ADDITIONAL DOWNSPOUTS NOT SHOWN ON PLAN.

**OPERATING FLOOR PLAN**

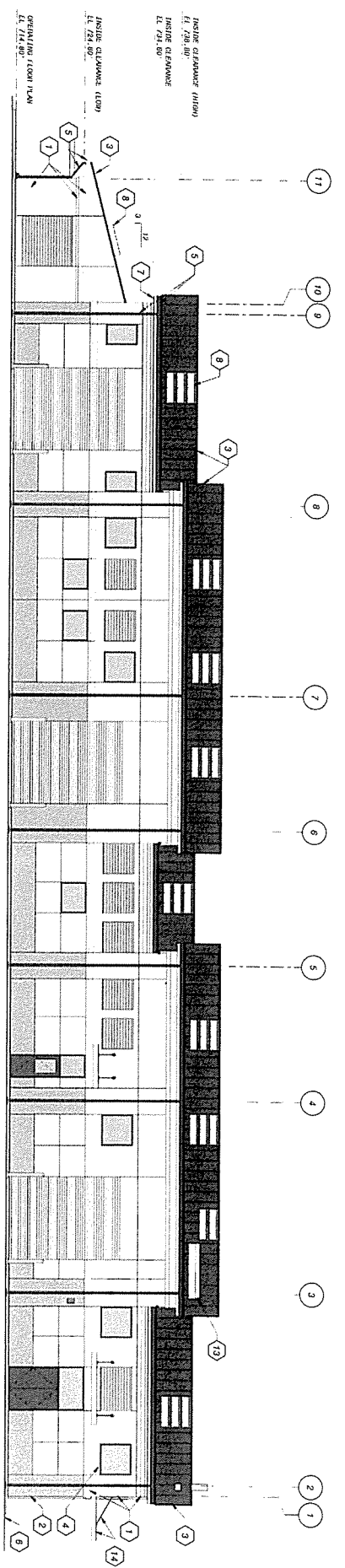


**CHEMICAL STORAGE BUILDING**

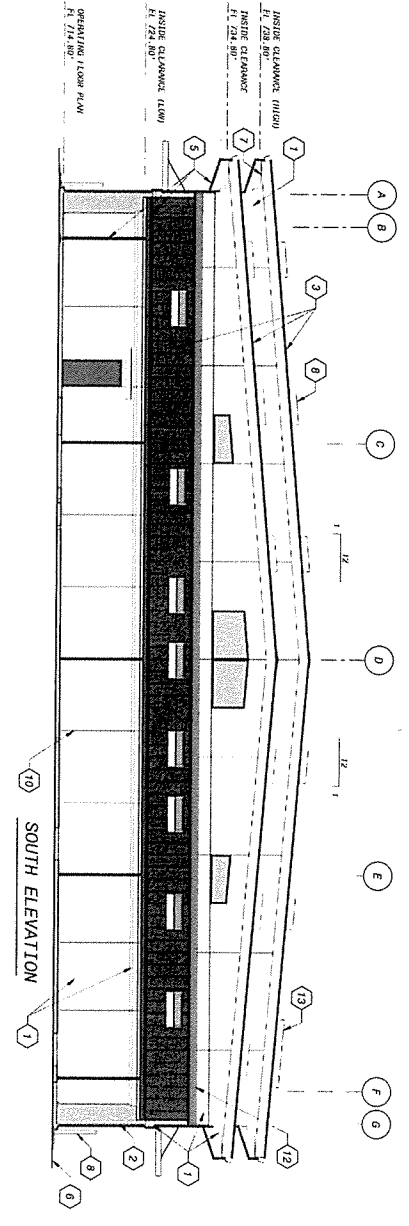
**PROPOSED PROJECT  
PHG 16-0014**

**F**

FLOOR PLAN



EAST ELEVATION



SOUTH ELEVATION

**GENERAL NOTES**

1. FOR ARCHITECTURAL TAGS & SYMBOL LEGEND, SEE OPERATING FLOOR PLAN DRAWING.
2. SEE FLOOR PLAN FOR LOUVER DIMENSIONS NOT SHOWN.

**SHEET KEYNOTES**

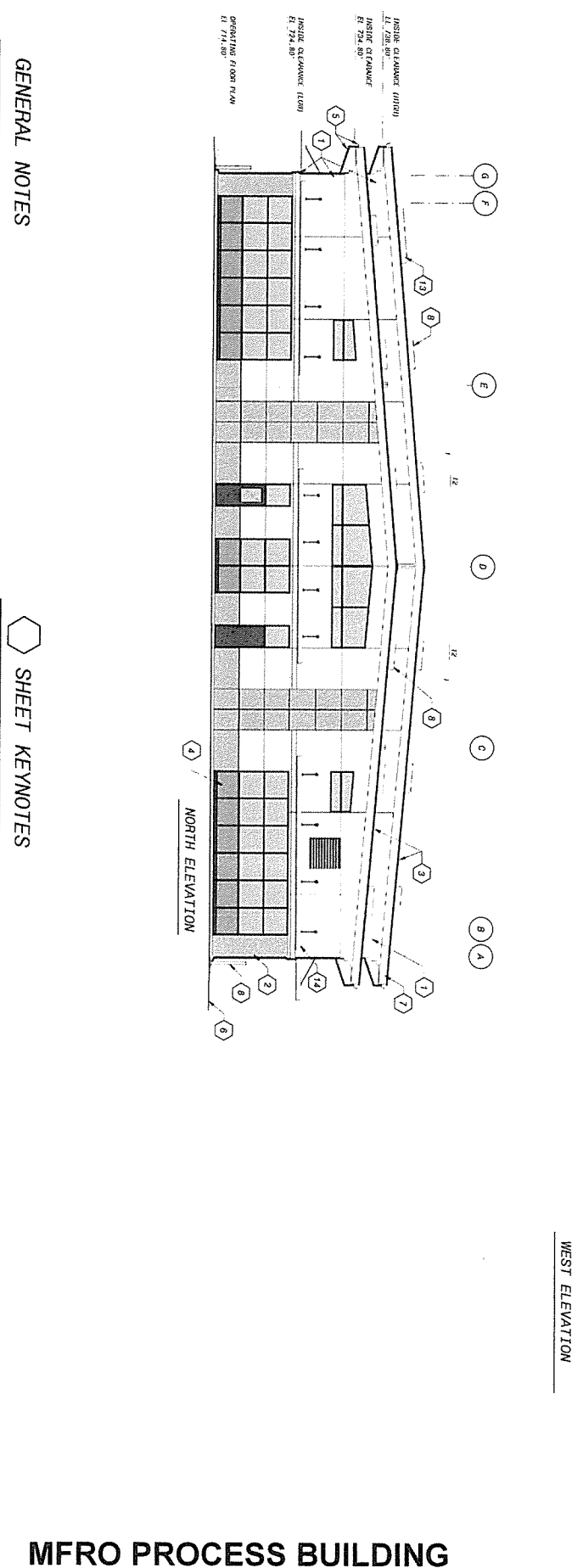
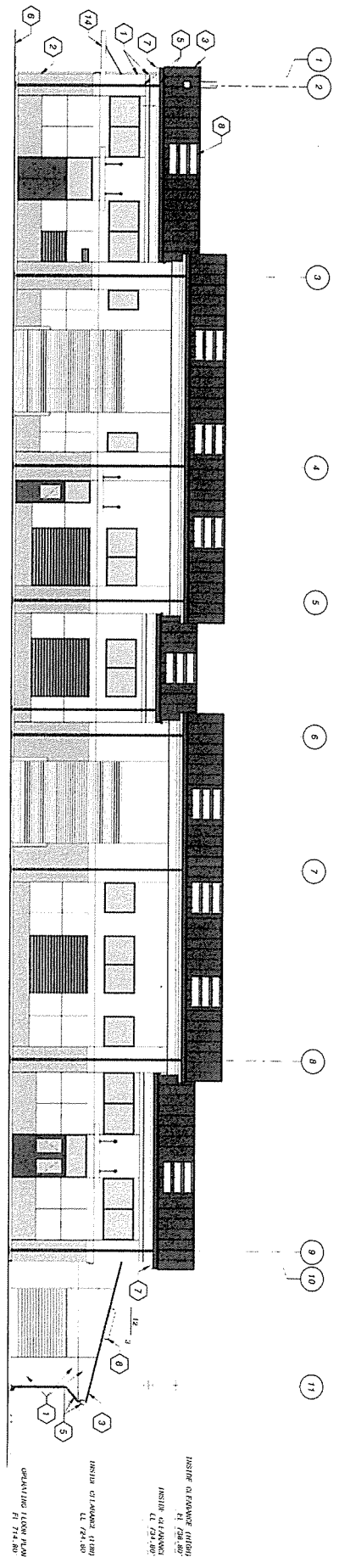
1. STUCCO, FIELD COLOR.
2. STUCCO, BASE COLOR.
3. STANDING SEAM METAL ROOF SYSTEM.
4. ALUMINUM WINDOW FRAME, TYPICAL.
5. PREFINISHED METAL GUTTER & DOWNSPOUT.
6. FINISHED GRADE, SEE CIVIL DRAWINGS.
7. STUCCO PAKE TRIM/FASCIA: COLOR TO MATCH STUCCO FIELD.
8. SKYLIGHT, SEE ROOF PLAN.
9. GUARDPOST, TYPICAL, SEE CIVIL DRAWINGS.
10. CONTROL JOINT (CJ), TYPICAL.
11. UNIT HEATER FLUE, TYPICAL, SEE HVAC DRAWINGS.
12. WALL TO ROOF FLASHING.
13. ROOF HOOD CURB AS REQUIRED. DIMENSION DETERMINED BY EQUIPMENT PROVIDED. LOW SIDE CURB HEIGHT 1'-4" MINIMUM ABOVE ROOF SYSTEM.
14. HANGER ROD & ALUMINUM CANOPY.

**MFRO PROCESS BUILDING**

**PROPOSED PROJECT  
PHG 16-0014**



ELEVATIONS



**GENERAL NOTES**

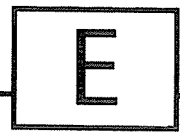
1. FOR ARCHITECTURAL TAGS & SYMBOL LEGEND, SEE OPERATING FLOOR PLAN DRAWING.

**SHEET KEYNOTES**

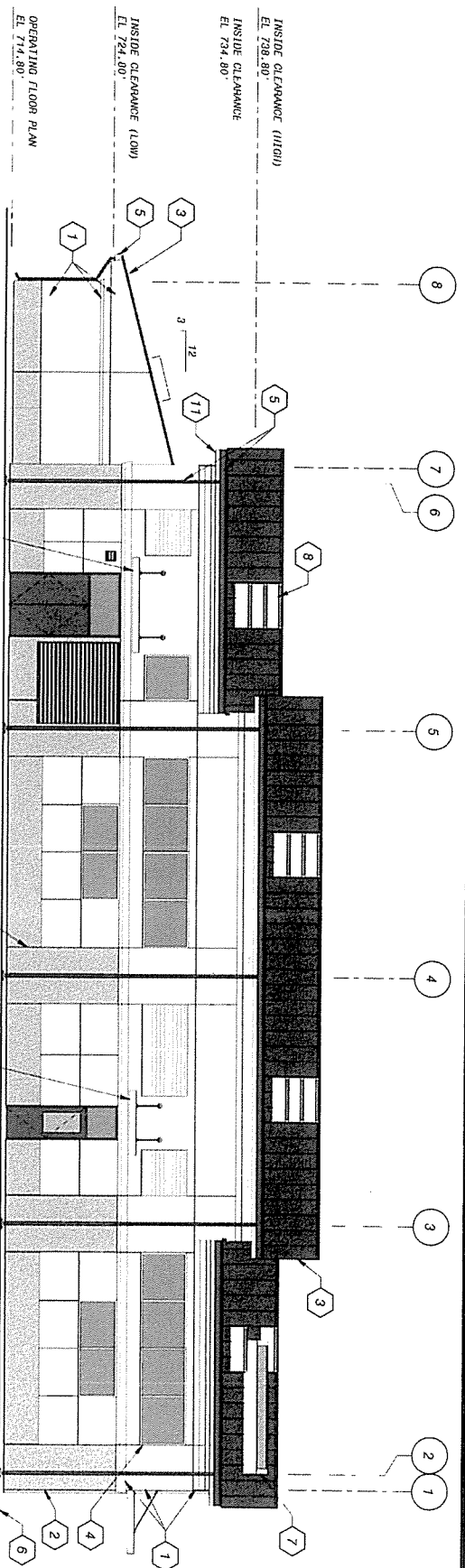
- 1. STUCCO, FIELD COLOR.
- 2. STUCCO, BASE COLOR.
- 3. TILE ROOF, SEE DETAIL A ON DRAWING A-18.
- 4. ALUMINUM WINDOW FRAME, TYPICAL.
- 5. PREFINISHED METAL GUTTER & DOWNSPOUT.
- 6. FINISHED GRADE, SEE CIVIL DRAWINGS.
- 7. STUCCO RAKE TRIM/FASCIA: COLOR TO MATCH STUCCO FIELD.
- 8. SKYLIGHT, SEE ROOF PLAN.
- 9. GUARDPOST, TYPICAL, SEE CIVIL DRAWINGS.
- 10. CONTROL JOINT (CJ), TYPICAL.
- 11. UNIT HEATER FLUE, TYPICAL, SEE HVAC DRAWINGS.
- 12. WALL TO ROOF FLASHING.

**MFRO PROCESS BUILDING**

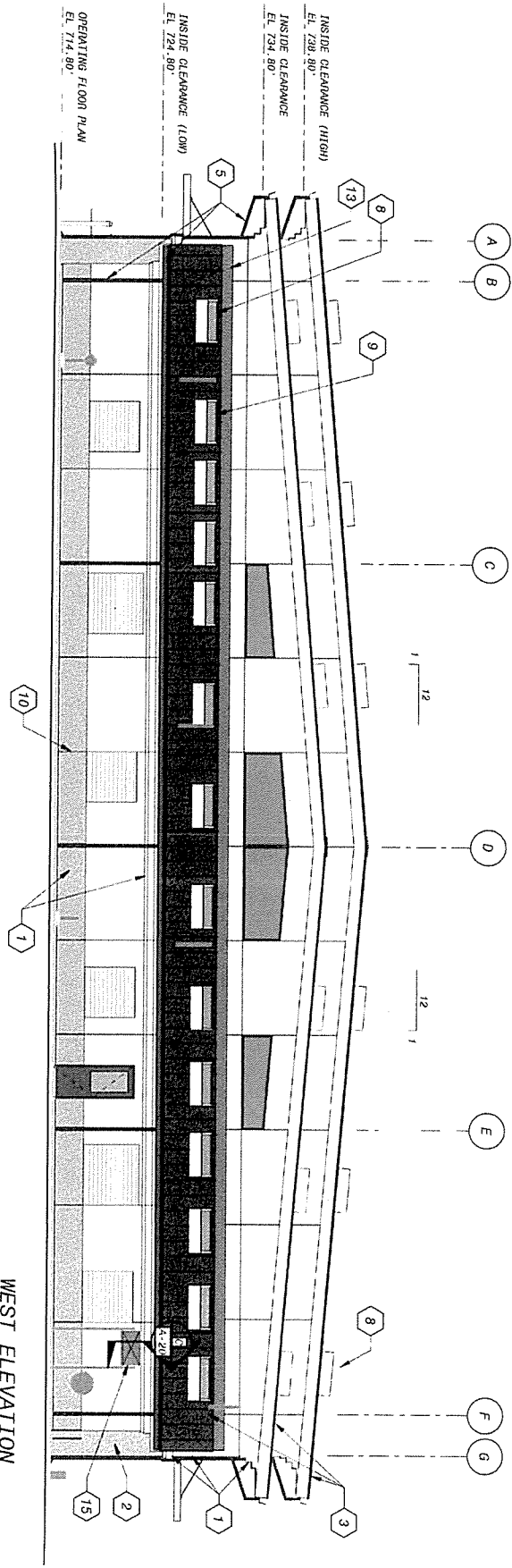
**PROPOSED PROJECT  
PHG 16-0014**



**ELEVATIONS**



SOUTH ELEVATION



WEST ELEVATION

CHEMICAL STORAGE BUILDING

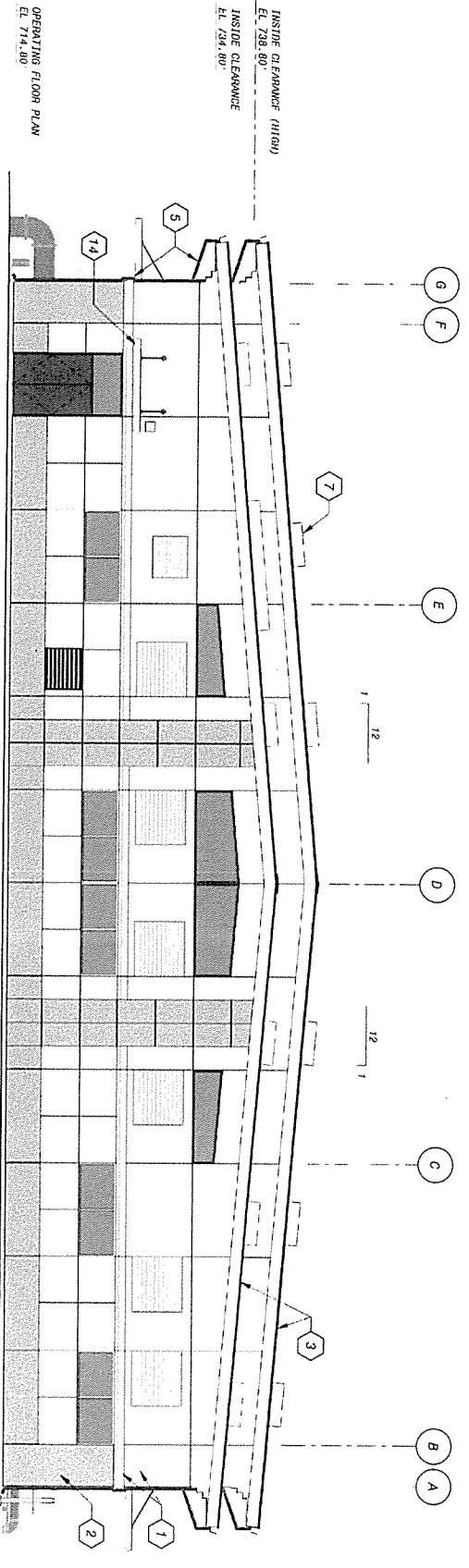
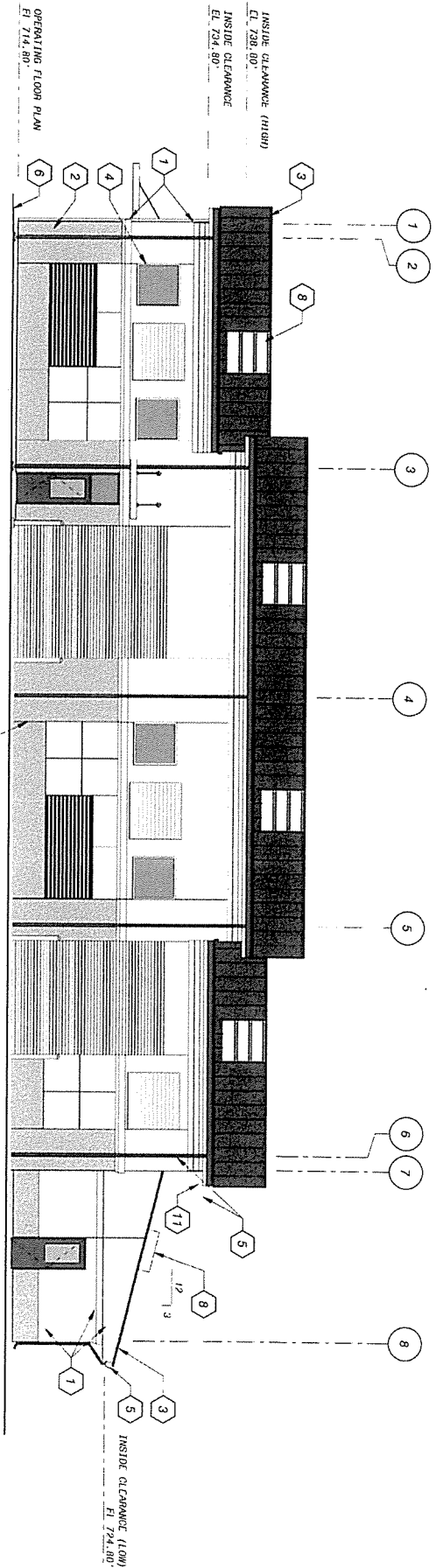
PROPOSED PROJECT  
PHG 16-0014



ELEVATIONS

SHEET KEYNOTES

- 1. STUCCO, FIELD COLOR.
- 2. STUCCO, BASE COLOR.
- 3. STANDING SEAM METAL ROOF SYSTEM.
- 4. ALUMINUM WINDOW FRAME, TYPICAL.
- 5. PREFINISHED METAL GUTTER & DOWNSPOUT.
- 6. FINISHED GRADE.
- 7. REMOVABLE SKYLIGHT, SEE ROOF PLAN.
- 8. SKYLIGHT, SEE ROOF PLAN.
- 9. HATCH/SKYLIGHT, SEE ROOF PLAN.
- 10. CONTROL JOINT (CJ), TYPICAL.
- 11. STUCCO RAKE/FASCIA TRIM, COLOR TO MATCH STUCCO FIELD.
- 12. PIPING, SEE MECHANICAL PROCESS DRAWINGS.
- 13. WALL TO ROOF FLASHING.
- 14. HANGER ROD & ALUMINUM CANOPY.
- 15. DUCT WALL PENETRATION, SEE HVAC DRAWINGS.

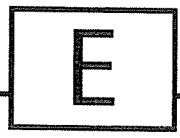


**SHEET KEYNOTES**

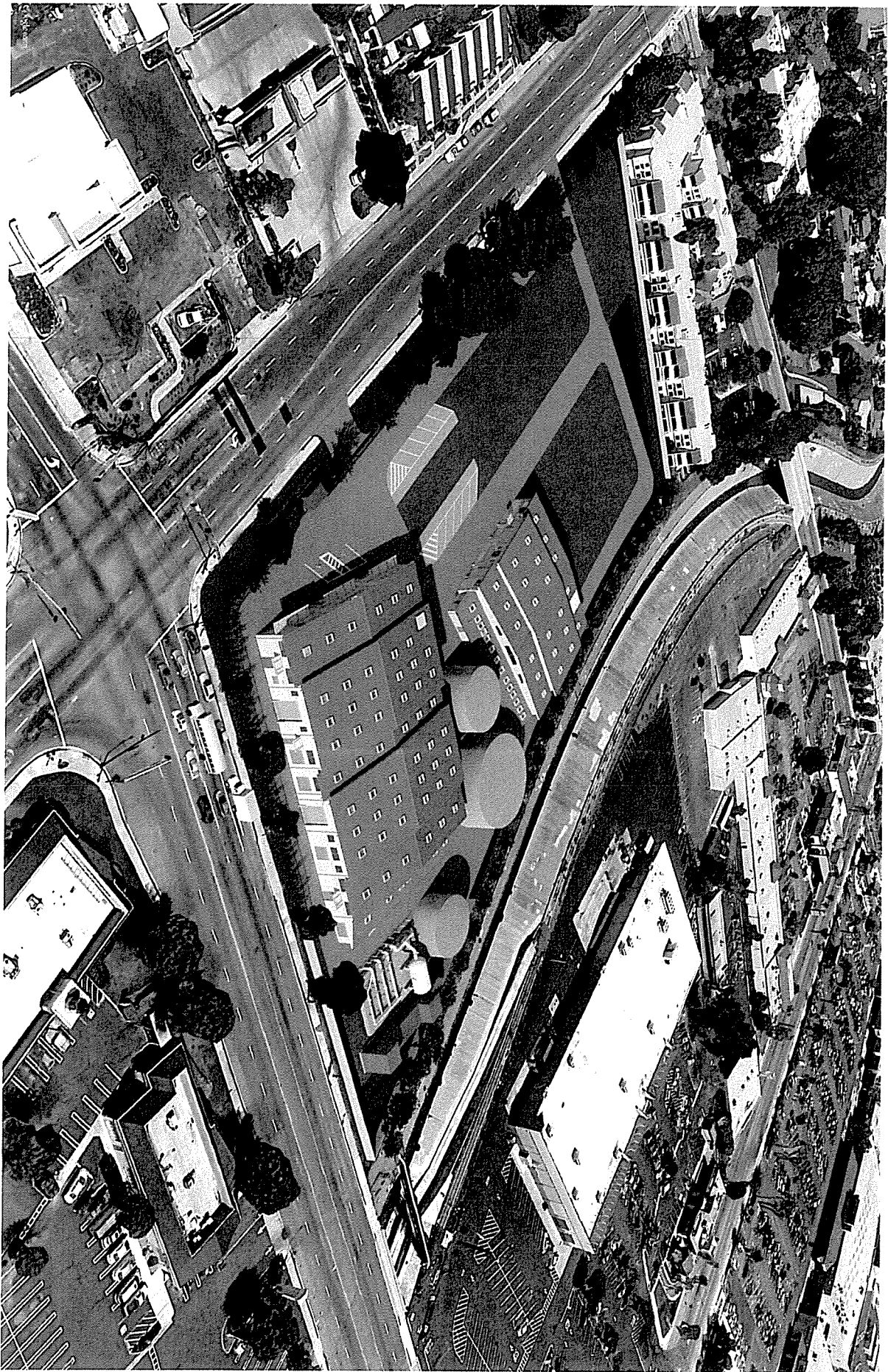
- 1. STUCCO, FIELD COLOR.
- 2. STUCCO, BASE COLOR.
- 3. ROOF TILE: SPANISH ROOF TILE.
- 4. ALUMINUM WINDOW FRAME, TYPICAL.
- 5. PREFINISHED METAL GUTTER & DOWNSPOUT.
- 6. FINISHED GRADE.
- 7. REMOVABLE SKYLIGHT, SEE ROOF PLAN.
- 8. SKYLIGHT, SEE ROOF PLAN.
- 9. HATCH/SKYLIGHT, SEE ROOF PLAN.
- 10. CONTROL JOINT (CJ), TYPICAL.
- 11. STUCCO RAKE/FASCIA TRIM, COLOR TO MATCH STUCCO FIELD.
- 12. PIPING, SEE MECHANICAL PROCESS DRAWINGS.
- 13. WALL TO ROOF FLASHING.
- 14. HANGER ROD & ALUMINUM CANOPY.

**CHEMICAL STORAGE BUILDING**

**PROPOSED PROJECT  
PHG 16-0014**



**ELEVATIONS**



**PROPOSED PROJECT  
PHG 16-0014**

**3D**

3D RENDERING





PROPOSED PROJECT  
PHG 16-0014

SV

STREET VIEW

# ANALYSIS

## A. LAND USE COMPATIBILITY/SURROUNDING ZONING

NORTH – CG (General Commercial), R-2-12 (Light Multiple Residential), and R-1-6 (Single-Family Residential, 6,000 SF min. lot size) – Properties in the CG zone are located across E. Washington Avenue at the corner of N. Ash Street. They are currently developed with a convenience store and a self-service car wash. The next property east is zoned R-2-12, and contains a 13-unit multi-family affordable housing project. Further to the east are single-family residences.

SOUTH – CG (General Commercial) – The Escondido Creek flood control channel (concrete lined channel) is located along the southern side of the project site. Beyond that is a commercial shopping center with a major tenant (Walmart Neighborhood Market) and several single or multi-tenant pad buildings. The rear of the shopping center, along with various parking areas, loading doors and trash enclosure areas orients towards the project site. Paved maintenance access paths parallel both sides of the channel with a Class 1 bike path along the southern side. Chain-link fencing secures the northern and southern perimeters of the flood control channel.

EAST - R-3-18 zoning (Medium Multiple Residential) – A 115 unit, three-story independent and assisted living facility for senior citizens (The Springs of Escondido) is located to the east of the subject property. The rear of the commercial buildings generally orient towards the project site including upper story open balconies and windows. The ground floor patios would be screened by a new six-foot-tall masonry block wall that would replace the existing wooden fence. A minimum 10-foot-wide landscape planter is proposed along the eastern property boundary. The nearest building (Chemical Building) would be setback approximately 256' to 298' from the eastern property boundary.

WEST - CG (General Commercial) – A mid-size commercial shopping center is located to the west across N. Ash Street with a variety of single and multi-tenant pad and in-line buildings. A variety of commercial uses also are located southwest and northwest of the site.

## B. ENVIRONMENTAL STATUS

A Draft Initial Study/Mitigated Negative Declaration was issued for a 30-day public review for the proposed project on October 25, 2016, in conformance with the California Environmental Quality Act (CEQA). The finding of the environmental analysis in the Initial Study identified potentially significant impacts related to the issues of biological resources, cultural and tribal cultural resources, and noise. However, design and minimization measures, revisions in the project plans and/or mitigation measures would provide mitigation to a point where potential impacts would be reduced to a less than significant level. All other project impacts studied were found to be less than significant. The City has concluded necessary consultation with the Native American Tribes in accordance with Assembly Bill 52 with the incorporation of appropriate mitigation measures to address potential impacts to Tribal Cultural Resources, including Native American monitors during initial site grading. The Final Mitigated Negative Declaration may be viewed at the following link: <https://www.escondido.org/membrane-filtration-reverse-osmosis-facility.aspx>.

The City is seeking funding from the State Revolving Fund (SRF) Loan Program for this project. The U.S. Environmental Protection Agency (USEPA) sponsors the SRF Program to provide funding for construction of publicly-owned treatment facilities and water reclamation projects. In order to comply with requirements of the SRF Loan Program, which is administered by State Water Resource Control Board (SWRCB) the Initial Study/MND must fulfill additional requirements known as CEQA-Plus. The CEQA-Plus requirements have been established by the EPA and are intended to supplement the CEQA Guidelines with specific requirements for environmental documents acceptable to the SWRCB when reviewing applications for wastewater treatment facility loans. The Final MND includes the appropriate CEQA-Plus analysis.

Staff received nine pieces of written correspondence (letters and/or emails) during the public review period for the Draft Initial Study/Mitigated Negative Declaration and two letters in the days following the review period. (An extension had been granted to the authors of the letters received following the close of the review period.) The Final Mitigated Negative Declaration (MND) includes those comments and provides responses to them. The following modifications to the draft MND have been made: Modifications made to the MND address the following items:

1. An additional Biological Resources mitigation measure was inserted to require mitigation for non-native grassland.

2. A traffic control plan must be obtained from the California Department of Transportation.
3. Additional analysis was provided in the areas of Greenhouse Gas Emissions and Noise.

Additional information on each of those items can be found in the responses to comment letters B, C, and K-a.

### **C. AVAILABILITY OF PUBLIC SERVICES**

1. Effect on Police Service -- The Police Department expressed no concern regarding their ability to serve the site. The entire site would be fenced and gated to control access.
2. Effect on Fire Service -- Fire Station #2 and Fire Station #7 are both approximately 1 mile from the project site. The Fire Department did not express any concerns regarding their ability to serve the site. Appropriate on-site circulation for emergency vehicles would be provided.
3. Traffic -- The Engineering Services Department indicated the intermittent operational traffic and the short term construction traffic resulting from the proposed project would not adversely affect level of service on nearby roadways and intersections. A Traffic Control and Management Plan will be required for all phases of construction. The project contractor would implement traffic control measures to ensure that all nearby roadways and intersections would operate at acceptable levels of service. Traffic related to operation of the facility generally would be limited to inspection, deliveries, maintenance, and repair activities that would occur infrequently.
4. Utilities -- Water service to the site is provided by the City of Escondido. The Engineering Services Department concluded the project would not materially degrade the level-of-service of the public sewer and water system. Waste streams generated by the facility including strainer backwash, MF/UF neutralized waste, RO flush waste, RO waste, RO flush pump, RO neutralized waste, as well as sanitary sewer waste would be discharged to a proposed on-site waste equalization wet well prior to discharge to the sanitary sewer and conveyed to HARRF for treatment. The proposed sewer system would convey wastewater flows to an existing 27-inch pipe located along the north side of the channel. Two submersible sump pumps would be provided to pump waste flows to the sanitary sewer.

Pipelines entering the project site from Washington Avenue include potable water, fiber optic and electrical conduit. Pipelines entering the project site from the south include the recycled water influent, brine/reject waste return, agriculture supply pipeline, and sanitary sewer. The recycled water and brine pipelines paralleling the south side of the project site were constructed as part of the City's Recycled Water Easterly Main Extension Project (City File No. ENV13-0007). The recycled water from the HARRF would be brought to the MF/RO by an existing 24-inch diameter pipeline along the north side of the channel. MF/RO treatment process waste streams would be collected and conveyed back to the HARRF through a 16-inch brine pipeline along the north side of the channel.

5. Drainage -- An existing 69 inch storm drain is located in North Ash Street with a 24 inch branch to a curb inlet at the corner of N. Ash Street and E. Washington Avenue. The concrete-lined Escondido Creek Flood Control Channel is also located south of the project site. The project would include an onsite storm water basin to capture and control the release of water as required by the City's storm water requirements. Additionally, the project would include onsite bio filtration areas to treat runoff. The project would include one connection to the flood control channel to convey water from the storm water basin.

### **D. CONFORMANCE WITH CITY POLICY/ANALYSIS**

#### **General Plan**

The proposed project is consistent with the General Plan and applicable Municipal Code provisions. There are several policies and quality of life standards in the City's General Plan that address the reuse of recycled water. They are detailed in the Findings of Fact attached to this staff report as Exhibit "A."

#### **Project Design and Neighborhood Compatibility**

The 4.5-acre project site is zoned for general commercial uses and has been developed and utilized in the past for public utility and storage type purposes. Although the area is primarily commercial in nature, there is a mix of multi-family and single-family development located adjacent on the east and to the north. The architecture, materials and exterior colors of the proposed MF/RO Process and Chemical Storage buildings have been designed to reflect the general commercial character of the area, utilizing stucco, storefront type glass and upper story window features, along with metal awnings

over certain windows and doors, and a standing seam metal roof with varying rooflines and skylights. The buildings have been located towards the western area of the site to provide appropriate separation from the adjacent residential care facility located on the east. The three large above-ground storage tanks have been located either between the buildings or behind equipment to help buffer them from adjacent street views.

The nearest building would be setback between 256 feet to 298 feet from the easterly property line. The majority of the facility equipment would be housed inside of buildings with sound attenuating features (e.g., acoustic louvers, acoustic hoods, etc.). The exterior pumping equipment generally would be placed behind the storage tanks to further reduce potential noise and compatibility impacts to surrounding uses, especially the residential care facility on the east. All equipment would be selected based on mechanical specifications to meet the City's noise standards.

The size and height of the two buildings (varying from approximately 27 feet to 31 feet in height) would be in conformance with other larger commercial and multi-family structures throughout the area, which vary from 31 feet to 33 feet in height. The site would be secured by new decorative wrought-iron type fencing, along with perimeter landscape planters and a new six-foot-high masonry block wall along the eastern boundary. A limited number of personnel would need to be on site and outdoor activities (such as deliveries or maintenance) would be infrequent, which would further reduce potential noise and compatibility impacts to the adjacent residences. Staff believes the project has been appropriately designed to mitigate any potential noise, visual, or compatibility impacts to adjacent uses.

The facility would be a relatively low intensity type use (noise, traffic, onsite activities, etc.) compared to the range of commercial uses that could occupy the site (drive-through restaurant, gas station with convenience store, auto repair and auto services, large home improvement facility with outdoor storage, etc.). A table identifying possible development options for the project and the traffic that would be generated by such uses (measured in Average Daily Trips, or ADTs) has been provided in the Supplement to Staff Report/Details of Request section of this report.

Chemical Storage - Operation of the proposed facility includes the storage of certain chemicals that would be used in the MF/RO process to include sodium hypochlorite and liquid ammonium sulfate (disinfectant), sulfuric acid and sodium bisulfite (pH control), threshold inhibitor, antiscalant, calcium chloride, citric acid, and sodium hydroxide. Storage of chemicals would be within specific designed tanks, containers and containment areas within the Chemical Storage Building. The delivery and disposal of chemicals to and from the project site would occur in full accordance with all applicable federal, state, and local regulations. A Hazardous Materials Business Plan (HMBP) must be prepared for the proposed project as required by the County of San Diego Department of Environmental Health. The HMBP is intended to minimize hazards to human health and the environment from fires, explosions, or an unplanned release of hazardous substances into air, soil, or surface water. Staff believes the storage of the necessary chemicals on site would not create any significant health hazard due to the project design and safety features, implementation of the HMBP, and compliance with all applicable federal, state and local regulations regarding the use and transport of hazardous materials.

#### **Why the MF/RO is the appropriate option to alleviate the wastewater outfall pipe capacity issue**

As stated previously, the City's wastewater outfall pipeline is nearing capacity. In order to continue meeting the needs of a growing demand for both water and wastewater services, the City must address this issue. This can be accomplished by either reducing the capacity demand on our wastewater pipeline (the MF/RO would be a part of the City's capacity demand reduction efforts), or by increasing the size of the pipeline. Each option is described below.

**MF/RO Facility** – The MF/RO would be part of an expansion of Escondido's recycled water distribution system. By providing an additional level of treatment to recycled water produced at the HARRF, the City would be able to sell the water to agricultural users (primarily avocado growers) toward the north and east sides of the city. The additional destination for recycled water would initially increase the amount of such water that could be diverted from the wastewater outfall pipeline by approximately 1.5 mgd, with additional diversion possible if the recycled water system expands to serve additional agricultural users. Since agricultural users currently use potable water sources for irrigation, the MF/RO would provide the added benefit of reducing demand on existing potable water sources.

The MF/RO is a financially sound investment for several reasons. The cost of the facility is estimated to be \$32.7 million, and existing infrastructure necessary to convey recycled water from the HARRF to the facility is already existing. Portions of the recycled water distribution system necessary to convey the highly treated water from the facility to the end users are also already existing, and additional portions can be constructed as the need for them arises over the next 15 – 20 years. Since the infrastructure is already in place to serve the facility, and preliminary design has already begun, the MF/RO could be ready to serve end users in approximately 18 months. In addition, the MF/RO would create an income stream through the sale of treated water to agricultural users that would assist in covering the costs for project construction.

Expansion of outfall pipeline – The existing outfall pipeline runs for 14.3 miles under Escondido Creek to the San Elijo Lagoon, where it then is conveyed through another 1.5 mile pipeline under water to the Pacific Ocean. Expanding the outfall pipeline would require construction within the creek which would significantly damage sensitive habitat that would take years to restore. It would also continue an unsustainable approach to water use by sending additional wastewater to the Pacific Ocean instead of reusing it in a manner that would free up existing potable water supplies for domestic use. After more than five years of drought, it is clear that we must find ways to conserve the shrinking supply of potable water.

Even if water supply concerns were not an issue, the cost of upsizing the outfall pipeline presents a major obstacle. Construction costs alone are currently estimated to be \$450 million. When coupled with the estimated \$500 million cost involved with obtaining necessary permits and environmental clearances, including environmental mitigation for the damage caused to Escondido Creek, the outfall pipeline expansion project would cost nearly one billion dollars. (In addition, considering that obtaining clearances and permits is estimated to take approximately 7 years, the costs for environmental mitigation could rise substantially.) This cost would be incurred over the course of only 3 – 5 years, and has no possibility to create any income for the City. This is an expense the City simply cannot afford.

# SUPPLEMENT TO STAFF REPORT/DETAILS OF REQUEST

## **A. PHYSICAL CHARACTERISTICS**

The project site is undeveloped, weed-abated land, generally covered by grasses, dirt, and some concrete. The project site is relatively flat with an elevation of approximately 674 feet. Several non-native trees are distributed around two edges of the project site. Sparse ornamental trees are located along the northern, western, and eastern perimeter of the site, both within and just outside the project boundaries. The project site includes an existing fence line around the perimeter of the site. The project site fronts onto and currently takes access from Washington Avenue on the north and North Ash Street on the west, and is adjacent to the Escondido Creek Flood Control Channel to the south.

## **B. SUPPLEMENTAL DETAILS OF REQUEST**

1. Property Size: 4.5 acres (one parcel)
2. Proposed New Buildings: 2 new buildings (MF/RO Process building and Chemical Storage building)
  - MF/RO Process Bldg. (west bldg.): MF/RO equipment, pumps, electrical rooms, control rooms, and meeting rooms
    - Size: 21,729 SF
    - Height: Approx. 31' to top of ridgeline
  - Chemical Storage Bldg. (east bldg.): Chemical feed and storage, electrical room and pump gallery for MF/UF feed pumps and agricultural recycled water pumps
    - Size: 14,115 SF
    - Height: Approx. 31' to top of ridgeline
  - Standby Generator: 1,500 kW (13'W x 60'L x 18' T with two radiator discharge noise attenuation covers)
  - Above Ground Storage Tanks
    - MF/UF Influent Tank: 300,000 gal. (50-foot diameter, 25-foot tall, with the potential to be partially buried 10 feet below finished grade)
    - Inter Process Storage Tank: 160,000 gal. (40-foot in diameter and 20-foot tall, with the potential to be partially buried 10 feet below finished grade)
    - Product Storage Blend Tank: 820,000 gal. (72-foot diameter and 30-foot tall, with the potential to be partially buried 10 feet below finished grade)
    - Surge Tank: Steel pressure tank would be approximately 2,150 cubic feet.
3. Colors/Materials: Stucco exterior (light cream/tan upper building area with darker base-wainscot); vertical and horizontal score/control joints; storefront type windows along the northern elevation of the larger Process building; upper story windows and varied wall louvers; Standing seam metal roof with varying roofline and skylights; dimensional wall banding; metal roll-up doors.
4. Fencing: New decorative six-foot-high wrought-iron style fencing and gates along the northern, southern and western perimeter, and a new six-foot-high masonry wall along the eastern property boundary.

**C. CODE COMPLIANCE ANALYSIS:**

	<u>Proposed</u>	<u>CG Zone Requirements</u>
1. Setbacks:		
Front (west Ash St):	24' to Process Bldg. and 19' to Generator	None
Rear (east)	256' to 298' from Chemical Bldg.	10' (when adjacent to residential zone)
Street Side (north):	41' – 84' to MF/RO Bldg.	15' (when adjacent to R-2 zone).
Side (south):	25' to Chemical Bldg. 61' to Process Bldg. 21' to PW Storage Tank 17' to Inter Process Tank 19' to Generator	None
2. Building Height:	Ranges from approx. 27' to 31' to top of ridge line	None (subject to Uniform Building Code; General Plan limits height to 3 stories with some exceptions)
3. Lot Coverage:	22.6 % (45,170 SF)	50% (up to 99,534 SF) General Plan limits lot coverage to 0.5
4. Parking:	The proposed use does not require any dedicated striped parking spaces, but on-site parking could be provided as necessary. Employees on site would be infrequent and appropriate space is available on site to accommodate city vehicles and any delivery trucks. Section 33-767 allows the Commission to waive parking for uses with limited number of persons that would utilize the facility (i.e., utility or corporation storage yards or other similar uses).	

**General Commercial Project Comparison:**

Based on the area of the site and General Plan land-use and zoning designations (with a mixed-use overlay) that allows a variety of permitted and conditionally permitted commercial uses, along with a residential component up to 30 du/ac.

Land Uses	SF and Density	FAR	ADT
Mixed-Use Multi-Family Residential with commercial component	10,000 SF Specialty Commercial 30 du/ac 3-story multi-family residential (122-130 units)	N/A	1,180
Neighborhood Shopping Center	64,978 SF	0.35	7,793
Specialty Retail Center	92,000 SF	0.5	3,680
Standard Office Development	92,000 SF	0.5	1,840
Restaurants (1 per acre) including variety of fast food with drive through and sit down	2,500 SF to 3,500 SF	N/A	4,370
City Park 4.57 acres	N/A	N/A	228

## EXHIBIT "A"

### FINDINGS OF FACT PHG16-0014

#### Conditional Use Permit

1. Based on the totality of the record and evidence described and referenced herein, the Planning Commission finds that the proposed Project is consistent with the purposes of various goals, policies, and quality of life standards of the Escondido General Plan, as noted below:
  - a. Quality of Life Standard 10 (Water System) directs the City to continue efforts to implement water reclamation and water conservation programs. Construction of the MF/RO facility expand the City's existing water reclamation programs.
  - b. Water Resources and Quality Policy 6.1 seeks to integrate water management programs that emphasize multiple benefits and balance the needs of urban, rural, and agricultural users. The MF/RO would benefit urban and rural users by increasing available wastewater capacity, thus reducing the potential for major utility infrastructure deficiencies, would free up potable water sources that are currently used for agricultural irrigation purposes. The MF/RO would provide benefits to agricultural users by providing a reusable high-quality water source for irrigation purposes.
  - c. Water System Policy 12.13 encourages the City to explore opportunities to increase the use of recycled water. Construction of the MF/RO would provide a new, reusable recycled water source for agricultural users.
  - d. Wastewater System Policy 13.3 encourages the City to design a wastewater system to support development of properties at intensities specified in the General Plan Land Use Plan. The MF/RO would relieve wastewater outfall capacity concerns that might otherwise hinder development at densities specified in the Land Use Element of the General Plan.
  - e. Hazardous Materials Policy 8.11 encourages the City to maintain strict land use controls, performance standards, and structural design standards for uses that generate, use, or store hazardous materials. The MF/RO would be designed to provide land use controls, performance standards, and structural design standards to meet all applicable federal, state, and local codes and regulations.
  - f. Agricultural Resources Policy 4.4 encourages the use of reclaimed water for agricultural irrigation. The MF/RO would create a reusable agricultural irrigation source from reclaimed water.
  - g. Minimizing Infrastructure Impediments Policy 9.2 encourages the City to plan for and coordinate sufficient water and sewer infrastructure capacity to support new business development while continuing to support the existing business base. The MF/RO would alleviate capacity concerns on the City's wastewater outfall pipe which would allow for the continued growth of economic activities.
2. Approval of the Conditional Use Permit for the proposed MF/RO facility (as fully described and set forth in the staff report and Final Mitigated Negative Declaration prepared for the project, as amended by the conditions of approval identified as Exhibit "B" to this report) is based on sound principles of land use because the proposed facility would be in conformance with the underlying zoning code development requirements, including, but not limited to, setbacks, building height, lot coverage, landscaping, and fencing. The project design and conditions of approval contained herein will ensure compatibility of the proposed project with adjacent properties.
3. The impacts of the proposed project will not adversely affect the policies of the Escondido General Plan or the provisions of the Municipal Code, which includes zoning code provisions.
4. This project is in response to services required by the community for the following reasons:
  - a. The MF/RO is a component of the existing recycled water conveyance system and will provide relief to capacity limitations on the City's existing wastewater outflow pipeline.



- b. Recycled water produced at the MF/RO would create a high-quality water supply for local agricultural growers, utilizing an existing, available, and renewable water resource to help promote and support the local agricultural economy. (Current levels of treatment of recycled water at the HARRF allow for use as general irrigation and certain industrial purposes, but are not suitable for specific agricultural uses.)
  - c. Recycled water produced at the MF/RO would be available for use by local agricultural growers in place of their current use of potable water. Reducing the agricultural use of potable water provides a greater supply for domestic use.
5. The proposed MF/RO would not create a nuisance, cause deterioration of bordering land uses, or create special problems for the area in which it is located for the following reasons:
- a. The proposed buildings and infrastructure have been placed as far away from adjacent residential land uses as possible.
  - b. The facility's process, pumps, chemical feed and storage equipment would either be placed within the proposed buildings, or located to minimize potential visual and noise impacts to adjacent residential and commercial uses, and include the appropriate attenuation features to mitigate potential noise impacts. Landscaping and perimeter walls along the boundary adjacent to residential uses would provide an appropriate physical barrier and visual screening.
  - c. The Engineering Services Department has indicated the project would not result in a significant impact to the adjacent roadways and intersections due to the limited number of anticipated vehicle trips associated with the operation of the facility. The project will not diminish the Quality-of-Life Standards of the General Plan because the project, as conditioned, would not degrade the levels of service on adjacent street and intersections, and adequate public facilities and access would be provided (as discussed in the staff report and Mitigated Negative Declaration prepared for the project.).
  - d. The architecture, materials and exterior colors of the proposed MF/RO buildings has been designed to reflect the general commercial character of the area by utilizing stucco, storefront type glass and upper story window features, along with metal awnings over certain windows and doors, and a standing seam metal roof with varying rooflines and skylights.
  - e. The use of hazardous materials and substances during construction and ongoing operations, as described in the Mitigated Negative Declaration prepared for the project, would be subject to federal, state, and local health and safety requirements for handling, storage, and disposal. The delivery and disposal of chemicals to and from the project site would occur in full accordance with all applicable federal, state, and local regulations.
6. All of the requirements of the California Environmental Quality Act (CEQA) have been met because the findings of the environmental analysis (as demonstrated in Final Mitigated Negative Declaration) are that the Initial Study identified impacts related to biological resources, cultural and tribal cultural resources, and noise that may be potentially significant. However, design and minimization measures, revisions in the project plans, and/or mitigation measures would provide mitigation to a point where potential impacts are reduced to less than a significant level. All other project impacts studied were found to be less than significant. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. The City also has complied with the provisions of Assembly Bill 52 regarding consultation with the Native American Tribes and appropriate mitigation measures have been included to address potential impacts to tribal cultural resources. This Final MND includes the appropriate CEQA-Plus requirements/analysis established by the EPA that are intended to supplement the CEQA Guidelines with specific requirements for environmental documents acceptable to the SWRCB when reviewing applications for wastewater treatment facility loans.

## EXHIBIT "B"

### CONDITIONS OF APPROVAL MF/RO PHG16-0014

#### General

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Services Department, Building Division, and Fire Department.
2. All uses, capacity, hours of operation and outdoor activities shall be substantially consistent with the Details of Request and conditions of approval contained within this report.
3. Colors, materials and design of the project shall conform to the exhibits and references in the staff report, to the satisfaction of the Director of Community Development.
4. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75). Any outdoor lighting adjacent to residential uses shall provide appropriate shielding to prevent light from adversely affecting the adjacent properties. This shall be demonstrated on the building plans.
5. All project-generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08) and the mitigation measures identified in the Final Mitigated Negative Declaration (also listed below).
6. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.
7. All new utilities shall be placed underground, to the satisfaction of the City Engineer and Director of Public Works.
8. Any new rooftop equipment must be fully screened from all public view utilizing materials and colors which complement the building(s).
9. A decorative concrete masonry unit (CMU) block wall no less than six (6) feet in height shall be installed along the entire length of the eastern property line (between the subject property and adjacent senior care facility), and along N. Ash Street where shown on the 3D Rendering exhibit included in the staff report. Steel fencing (minimum six feet in height) with vertical bars and top pickets shall be provided around the remainder of the project site.
10. Striped parking spaces are not required for the project in accordance with Zoning Code Section 33-767. However, parking shall be provided on-site if determined necessary by the adopted building code in effect at the time of building permit issuance.
11. This CUP shall become null and void unless utilized within 36 months of the effective date of approval, unless an extension of time is approved in accordance with Article 61, Division 1 of the Zoning Code.
12. Any construction and/or traffic control proposed within the California Department of Transportation right-of-way (N. Ash Street and the intersection of N. Ash Street and E. Washington Avenue) will require an encroachment permit from said department.
13. Deliveries to and from the project site shall be limited to the hours of 8:00 am – 6:00 pm.
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 Game. 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 the "County Clerk," in the amount of \$2,260.25 for a project with a Negative Declaration, which includes an additional authorized County administrative handling fee of \$50.00 (\$2,210.25 + \$50). Failure to remit the required fees in full

within the specified time noted 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. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. If the fee increase after the date of this approval, the applicant shall be responsible for the increase.

## **Mitigation Measures**

### **BIO-1a**

Proposed project activities (including, but not limited to, staging and disturbances to non-native vegetation, structures, and substrates) should occur outside of the avian breeding season, which generally runs from March 1 - August 31, to avoid take of birds or their eggs.

### **BIO-1b**

If avoidance of the avian breeding season is not feasible a qualified biologist, with experience in conducting breeding bird surveys, shall conduct a preconstruction clearance survey for active nests no more than 30 days prior to the initiation of project construction activities.

- If a protected native bird is found, flagging, stakes, and/or construction fencing shall be used to demarcate an appropriate buffer zone based on the sensitivity of the nesting species and proximity to construction activities. Project construction personnel, including all contractors working on site, will be instructed on the sensitivity of the area. The project proponent shall delay all project construction activities within the established buffer area until August 30th or until a qualified biologist has determined that the juveniles have fledged, the nest is vacated, and there is no evidence of nesting. The qualified biologist can determine if construction activities may encroach into the buffer if absolutely necessary and as long as the project activities are not adversely affecting the nesting birds.
- Should nesting birds be found, the qualified biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project construction activities. The biological monitor will send weekly monitoring reports to the City during the grubbing and clearing of vegetation, and will notify the City immediately if project activities damage active avian nests.

### **BIO-2**

A mitigation ratio of 0.5:1 shall be required to compensate direct impacts to nonnative grassland in a manner compliant with section 5.2.1 and Table 5-2 of the draft Escondido Subarea Plan. The Applicant shall purchase 0.77 acre of compensatory mitigation credits from the Daley Ranch Conservation Bank, or from the City's Focused Planning Area (FPA) or another approved mitigation bank in the region, to offset project impacts to nonnative grassland.

### **CUL-1**

The City of Escondido Planning Division shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to implementing the project. The purposes of the agreement are (1) to provide the clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities

### **CUL-2**

Prior to issuance of a grading permit, the City shall provide written verification to the City that a qualified archaeologist meeting the Secretary of the Interiors Standards for archaeology (U.S Department of the Interior, 2008), and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

#### CUL-3

The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

#### CUL-4

During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. 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 qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

#### CUL-5

In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

#### CUL-6

If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

#### CUL-7

The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

#### CUL-8

As specified by California Health and Safety Code Section 7050.5, if human remains are found within the project during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the MLD, as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

#### CUL-9

If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified

archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

#### CUL-10

Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program in the proposed project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

#### CUL-11

In the event of unanticipated discovery of paleontological resources, the City shall cease ground-disturbing activities within 100 feet of the find until it can be assessed by a qualified paleontologist. The qualified paleontologist shall assess the find, implement recovery measures if necessary, and determine if paleontological monitoring is warranted once work resumes.

#### NOI-1

All construction equipment operating at the project site shall be equipped with properly operating mufflers.

#### NOI-2

Noise and ground-borne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses east of the project site.

#### NOI-3

When the use of impact tools are necessary, they shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves shall be used where feasible.

#### NOI-4

All stationary construction noise sources used at the project site shall be located away from adjacent receptors, to the extent feasible, and be muffled and enclosed within temporary sheds or other insulation barriers to the extent feasible.

#### NOI-5

A construction relations officer shall be designated for the proposed project to serve as a liaison with surrounding residents and property owners and be responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted that include permitted construction days and hours at the project site.

#### NOI-6

Prior to any construction activities, the existing residential land uses located directly adjacent to the project site shall be notified of the dates of construction along with a disclosure that perceptible vibration levels could be felt over the duration of those construction activities. These neighboring sensitive land uses shall be kept informed of any changes to the construction schedule.

### **Landscaping**

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. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in the City's Landscape Standards as well as the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
2. Any existing trees to remain and any trees to be removed shall be identified on the landscape and grading plans, to the satisfaction of the Planning Division. Specimen sized trees (min. 24" box) shall be used to replace any mature trees to be removed. Mature oak trees shall be replaced at a min. ratio of 2:1 with 24" box sized trees, or 5:1 ratio with 15 gallon trees.

3. Trees with broad, dense canopies shall be provided along the eastern property line (between the subject property and the residential uses) in order to provide visual screening of the subject property.
4. Dense landscaping shall also be provided in locations necessary to screen the generator from N. Ash Street to the extent feasible.
5. All other areas of the site shall be landscaped in accordance with Article 62 Landscape Standards.
6. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
7. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

## **ENGINEERING CONDITIONS OF APPROVAL MF/RO**

### **GENERAL**

1. Improvement plans prepared by a Civil Engineer are required for all public street water and sewer improvements and a Grading plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
2. No construction permits will be issued until Final Grading Plans and Storm Water Quality Management Plan (SWQMP) have been approved by the City Engineer.
3. 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.

### **STREET IMPROVEMENTS AND TRAFFIC**

1. The project owner shall be responsible for slurry seal overlay and restriping of Washington Avenue, between Ash and Harding, to the requirements of City Engineer after completion of onsite improvements, prior to project occupancy.
2. All proposed driveway approaches for the project shall be Alley-Type.
3. The project owner shall be responsible to remove all existing driveway approaches along property frontage on Washington Avenue and replace with full height curb & gutter and sidewalk.
4. The project owner is responsible to remove and replace all damaged curb & gutter and sidewalk along project frontages on Ash Street and Washington Avenue.
5. The project owner is responsible for obtaining construction Permit form Caltrans for any work proposed on Ash Street (HWY 78).
6. The project owner will be required to provide a detailed detour and traffic control plan, for all construction within existing right-of-way, to the satisfaction of the City 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 onsite parking and access drives are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. All proposed onsite project improvements shall be included in Grading Plans subject to review and approval by the City Engineer, Fire Marshall and Planning Director.
3. The project owner 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.
4. A General Construction Activity Permit is required from the State Water Resources Board prior to issuance of Grading Permit.
5. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

### **DRAINAGE**

1. A Final Storm Water Quality Management Plan (SWQMP) in compliance with City's latest adopted Storm Water Standards (2015 Storm Water Design Manual, as amended) 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.

### **WATER SUPPLY**

1. The project owner shall be required to design and construct a water system to serve the project to the requirements of the Fire Marshal and Utilities Engineer.

### **SEWER**

1. The project owner is required to design and construct a sewer system to serve the project in accordance with the requirements of Utilities Engineer and Building Official.

### **EASEMENTS**

1. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to issuance of building permit, unless approved by the easement owner. 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 Grading or Building permit, as determined by the City Engineer.

### **UTILITY UNDERGROUNDING AND RELOCATION**

1. The project owner is required to pay overhead utilities undergrounding in lieu fee for the existing overhead utilities along project frontage on Ash Street.
2. All new dry utilities to serve the project shall be constructed underground.

## Adam Finestone

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**From:** Bill Martin  
**Sent:** Wednesday, November 30, 2016 8:59 PM  
**To:** Adam Finestone  
**Cc:** Joanne Tasher  
**Subject:** Fwd: [Website Feedback]: A Place of Healing

Please attach to PC staff report this and any other emails or letters we receive. Thanks!

Bill

Sent from my iPhone

Begin forwarded message:

**From:** <noreply@www.escondido.org>  
**Date:** November 30, 2016 at 1:14:13 PM PST  
**To:** <bmartin@escondido.org>  
**Subject:** [Website Feedback]: A Place of Healing  
**Reply-To:** <batakahara@yahoo.com>

Barbara Takahara  
[batakahara@yahoo.com](mailto:batakahara@yahoo.com)

Dear Planning Commission,

Back when the City was involved in the rental ban, the Escondido Creek walk became a place of healing. People in my neighborhood greeted me with "Good Morning" as I walked along the creek walk to my work place across the tracks where the Union Tribune used to be. I walked the creek to work for seven years.

The English greeting was an effort by Hispanics toward healing after the protest marches and rallies because of the proposed rental ban.

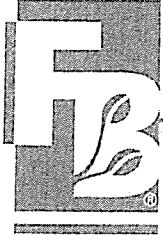
Now, I see an outreach from groups to support our Mission Park area. Healing is taking place as different nationalities help each other to preserve the character of our neighborhood..

Please rethink the use of the Ash and Washington property. It is not in character with our neighborhood to have the property used for industrial use. Use the property to unite our community by continuing the proposed development of the creek..

Do not forget the vision for Escondido Creek, a place of healing and strengthening our community.

Sincerely,

Barbara Takahara



# FARM BUREAU SAN DIEGO COUNTY

1670 East Valley Parkway, Escondido CA 92027-2409

Phone: (760) 745-3023 • Fax: (760) 489-6348

E-mail: [sdcfb@sdfarmbureau.org](mailto:sdcfb@sdfarmbureau.org) • Website: [www.sdfarmbureau.org](http://www.sdfarmbureau.org)

November 30, 2016

Christopher W. McKinney, P.E.  
Director of Utilities, City of Escondido  
201 North Broadway  
Escondido, CA 92025

**Re: Support for MFRO project**

Dear Mr. McKinney,

On behalf of the San Diego County Farm Bureau I am writing in support of the City of Escondido's Membrane Filtration/Reverse Osmosis (MFRO) facility planned for construction at the corner of Washington Avenue and Ash Street. It is our understanding the site is currently owned by the City of Escondido's Utilities Department and appropriately zoned to allow for the installation of the water treatment facility. We are certain the City of Escondido will be sensitive to the neighborhood and mitigate any impacts.

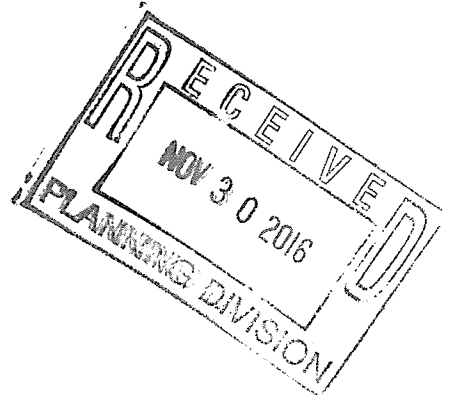
The Escondido community has a long agricultural history and a number of farms continue today within the city and its water service area. Tree crops, principally avocados, dominate local production. Throughout the region water prices have tripled in just over a decade and resulted in the loss of more than 10,000 acres of fruit trees. The City of Escondido's plan to provide farmers with high quality recycled water at an affordable price will create a rare exception to the exodus of farmers driven out by water prices in other districts. In fact, absent the MFRO facility it must be assumed water pricing would lead to a sharp decline in planted acres in Escondido as we have seen elsewhere.

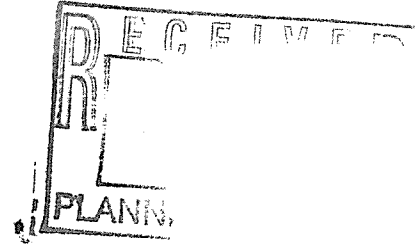
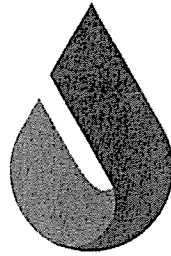
While the benefit to the farm community is clear, benefits will also come to the residents of Escondido. As farmers roll off the potable water supply, water will be freed up for urban users resulting in greater reliability from local and imported supplies.

It is our sincere hope that the City of Escondido moves forward with the MFRO facility. Building this facility will result in direct benefits to farmers and to every member of the community.

Sincerely,

Eric Larson  
Executive Director

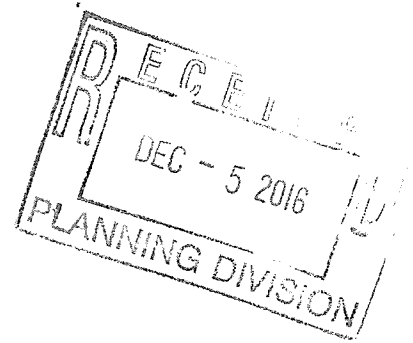




**NORTH SAN DIEGO  
WATER REUSE  
coalition**

December 2, 2016

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



Dear Members of the Escondido Planning Commission,

The North San Diego Water Reuse Coalition is comprised of ten northern San Diego County water and wastewater agencies—Carlsbad Municipal Water District, City of Escondido, Leucadia Wastewater District, City of Oceanside, Olivenhain Municipal Water District, Rincon del Diablo Municipal Water District, San Elijo Joint Powers Authority, Santa Fe Irrigation District, Vallecitos Water District, and Vista Irrigation District—that began collaborating in 2010 to reduce potable water use and strengthen local drought resilience at a regional level through water recycling and reuse. Participating agencies are able to connect recycled water sources with recycled water demands more efficiently and cost-effectively through the Coalition.

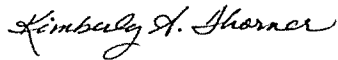
The Coalition developed a Regional Recycled Water Facilities Plan in 2012, and many individual construction elements of the North San Diego County Regional Recycled Water Project are underway. Upon completion of all long-term project elements, the project will add nearly 32 million gallons per day of recycled water and potable reuse water to northern San Diego County's water supply.

The Coalition respectfully requests that the planning commission recognize the importance of developing local, drought-resilient supplies and consider the City of Escondido Utilities Department's request for a Conditional Use Permit for a Membrane Filtration/Reverse Osmosis Facility Project given significant investments in the project by DWR via the Integrated Regional Water Management Program and north county ratepayers. This project is not only a critical piece of the City's overall recycled water and potable reuse program, but also an important

element in Coalition efforts to increase recycled water production and expand its use through the larger North San Diego County Regional Recycled Water Project.

Olivenhain Municipal Water District is a founding member of the Coalition and I serve as the administrative lead. I would like to express my appreciation on behalf of fellow Coalition members for the Commission's careful consideration of the City of Escondido Utilities Department's request for a Conditional Use Permit. If you or your staff should have any questions regarding the City of Escondido's participation in the North San Diego County Regional Recycled Water Project or Coalition goals to expand the use of recycled water, please do not hesitate to contact the undersigned at 760-753-6466.

Regards,



Kimberly A. Thorner  
General Manager  
Olivenhain Municipal Water District

CC: Wendy Chambers, General Manager, Carlsbad Municipal Water District  
Christopher McKinney, Utilities Director, City of Escondido  
Paul Bushee, General Manager, Leucadia Wastewater District  
Cari Dale, Water Utilities Director, City of Oceanside  
Greg Thomas, General Manager, Rincon del Diablo Municipal Water District  
Mike Thornton, General Manager, San Elijo Joint Powers Authority  
Mike Bardin, General Manager, Santa Fe Irrigation District  
Glenn Pruum, General Manager, Vallecitos Water District  
Eldon Boone, General Manager, Vista Irrigation District

## Adam Finestone

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**From:** Karen Grangetto <karen.grangetto@gmail.com>  
**Sent:** Thursday, December 08, 2016 3:27 PM  
**To:** Adam Finestone  
**Subject:** MR/RO Case PHG 16-0014 (Micro-Filtration Reverse Osmosis Project)

Attn: Planning Commission Members

Greetings:

My name is Edward Grangetto, co-founder of Escondido Growers for Agricultural Preservation (EGAP). We are an organization dedicated to the preservation of our agricultural heritage for all Escondido Citizens through the use of renewable water resource management that meets the evolving business needs of growers and the community. Our purpose is to create a self sustaining grower district that uses recycled water as their primary irrigation source.

EGAP is very proud to provide an option for the City of Escondido to avoid a potential cost of 300 - 400 million dollars to increase the size of its outfall pipe, to discharge treated wastewater to the ocean.

By sending Escondido wastewater to the growers, the city can help to retain a business cluster, identified by the recent CEDS Report, and an object of strategic focus with a view toward retention and expansion.

EGAP would like to express their wholehearted support for the Micro-Filtration Reverse Osmosis Plant located on the corner of Washington Avenue and Ash Street. The plant will not only provide a resource to address Escondido's Wastewater dilemma, it will also provide the capacity for future treatment for indirect potable reuse. By sending Escondido's wastewater to the growers, the City will be able to "free-up" a gallon of potable water for every gallon of treated recycled water.

Escondido has taken the lead in finding a novel approach to the necessity for wastewater disposal. The growers of Escondido were expecting the recycled water to begin flowing in 2015, however, due to various delays that target has been moved to 2018. Please send the correct message to the citizens of our community by voting "yes" on this proposal immediately. Water does not wait!

Thank you for your consideration.

Edward Grangetto,  
Co-Founder of EGAP

--

Eddie & Karen Grangetto  
Escondido Growers for

Agricultural Preservation  
and Grangetto Ranches, Inc.  
h/o 760-432-8425

**DELANO & DELANO**  
 220 W GRAND AVE  
 ESCONDIDO, CA 92025  
 (760) 510-1562

DATE 12/21/16

1409  
 11-8166/3210  
 32  
 CHECK AMOUNT

PAY TO THE ORDER OF City of Escondido \$ 14,220.00 DOLLARS

FIRST REPUBLIC BANK  
 116 East Grand Avenue  
 Escondido, CA 92025  
 Ph (760) 746-7000 / (800) 392-1407 (24hr. Client Serv)

FOR Appeal Fee

⑈001409⑈ ⑆321081669⑆ 80001074062⑈



CITY OF ESCONDIDO  
 201 North Broadway • Escondido, California 92025

Receipt No.  
**470058**

Received From Dave Delano

Date 12-21-16

Address \_\_\_\_\_

Revenue Description	* (Required)		(Optional)		Revenue Code	Collected Amount
	Account	Fund	Dept	Program Project		
CD / P Records					CDK	5.00
Appeal					CLK	1415.00
Check #1409 \$1,420.00						
<b>Total</b>						<b>14220.00</b>

\*Account & fund to be filled out if revenue is coded to a clearing (Abate) account; Department required if the account is an expenditure account.  
 Received By N. Jacksonville Department City Clerk Phone No. X 41414





RESOLUTION NO. 2017-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT FOR A MEMBRANE FILTRATION/REVERSE OSMOSIS FACILITY (MFRO) ON A 4.5 ACRE SITE IN THE CG (GENERAL COMMERCIAL) ZONE

Case No. PHG16-0014

WHEREAS, on December 13, 2016, the Planning Commission considered and approved a request for a Conditional Use Permit for the development of a Membrane Filtration/Reverse Osmosis facility ("MF/RO") designed to provide advanced treatment for recycled water produced at the City of Escondido's Hale Avenue Resource Recovery Facility ("HARRF") for agricultural uses. Utility projects, including processing, storage, and distribution facilities for water are permitted uses within commercial zones, subject to the approval of a Conditional Use Permit. The proposed MF/RO would utilize membrane filtration [i.e., microfiltration (MF) or ultrafiltration (UF) membranes] and reverse osmosis (RO) technologies sized for a total production capacity of 2.0 million gallons per day. The proposed project would consist of two buildings, both with a maximum height of approximately 31 feet. The MF/RO Process Building (21,729 SF) would house the equipment, pumps, electrical rooms, control rooms, and meeting rooms. The Chemical Building (14,115 SF) would house the transfer pumps and accommodate the storage of chemicals used in treatment process. The project also includes several above ground storage tanks with a maximum height of 30 feet (300,000-gallon influent tank, 160,000-gallon inter-process tank, and 820,000-gallon

product storage tank), and a 1,500 kW emergency backup generator, as well as various above and below ground pipes and support infrastructure. The perimeter of the site would be secured by a combination of new, six-foot-high masonry walls and decorative wrought iron fencing. Access would be provided via two driveways on E. Washington Avenue. A limited number of employees would visit the site for daily inspections (as needed), monthly routine facility maintenance, and delivery and removal of chemicals. The 4.5-acre project site is located on the southeast corner of E. Washington Avenue and N. Ash Street, addressed as 1201 E. Washington Avenue, more particularly described in Exhibit "C" and incorporated herein by this reference; and

WHEREAS, the City Council has reviewed the appeals of the Conditional Use Permit and has reviewed and considered the Mitigated Negative Declaration prepared for the project, and has determined the project would not have any significant impacts to the environment because all project related impacts have been mitigated; and

WHEREAS, Ordinance No. 78-2 enacted pursuant to Section 65974 of the California Government Code and pertaining to the dedication of land and fees for school facilities has been adopted by the City of Escondido; and

WHEREAS, this City Council has considered the appeals, the staff report, the decision of the Planning Commission, the staff recommendation, and public testimony presented at the Council hearing; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to deny the appeals and affirm the Planning Commission decision to approve the Conditional Use Permit as reflected in the details of request contained in

the staff report(s), and on plans and documents on file in the offices of the City Clerk and Planning Division;

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

1. That the above recitations are true.
2. That the City Council has reviewed and considered the Mitigated Negative Declaration, the staff reports, and has heard and considered testimony given at the public hearing, and certifies the project would not result in any significant impacts to the environment because all previously identified impacts have been mitigated to less than a significant level.
3. That the Findings of Fact, attached as Exhibit "A" and incorporated herein by this reference, are hereby made by this City Council and represent the City Council's careful consideration of the record, findings made by the Planning Commission, and any evidence received since the time of the Planning Commission hearing. The findings of this City Council identified in Exhibit "A" and incorporated herein by this reference, shall be the final and determinative Findings of Fact on this matter.
4. That upon consideration of the Findings of Fact, all material in the staff report (a copy of which is on file in the Planning Division), public testimony presented at the hearing, and all other oral and written evidence on this project, this City Council denies the appeals and affirms the decision of the Planning Commission's approval of the Conditional Use Permit (Case No. PHG16-0014), as reflected on plans and documents on file in the offices of the City Clerk and the Planning Division, and subject

to the Conditions of Approval and Mitigation Monitoring and Reporting Program set forth as Exhibit "B" and incorporated herein by this reference.

BE IT FURTHER RESOLVED that, pursuant to Government Code Section 66020(d)(1):

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development Department and Public Works Department. The project is also subject to dedications, reservations, and exactions, as specified in the Conditions of Approval.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this Resolution begins on the effective date of this Resolution and any such protest must be in a manner that complies with Section 66020.

## EXHIBIT "A"

### FINDINGS OF FACT PHG16-0014

#### Conditional Use Permit

1. The City Council finds that the proposed MF/RO facility project is consistent with the purposes of various goals, policies, and quality of life standards of the Escondido General Plan. This includes, but is not limited to:
  - a. Quality of Life Standard 10 (Water System) directs the City to continue efforts to implement water reclamation and water conservation programs. Construction of the MF/RO facility would expand the City's existing water reclamation programs.
  - b. Water Resources and Quality Policy 6.1 seeks to integrate water management programs that emphasize multiple benefits and balance the needs of urban, rural, and agricultural users. The MF/RO would benefit urban and rural users by increasing available wastewater capacity, thus reducing the potential for major utility infrastructure deficiencies, and would free up potable water sources that are currently used for agricultural irrigation purposes. The MF/RO would provide benefits to agricultural users by providing a reusable high-quality water source for irrigation purposes.
  - c. Water System Policy 12.13 encourages the City to explore opportunities to increase the use of recycled water. Construction of the MF/RO would provide a new, reusable recycled water source for agricultural users.
  - d. Wastewater System Policy 13.3 encourages the City to design a wastewater system to support development of properties at intensities specified in the General Plan Land Use Plan. The MF/RO would relieve wastewater outfall capacity concerns that might otherwise hinder development at densities specified in the Land Use Element of the General Plan.
  - e. Hazardous Materials Policy 8.11 encourages the City to maintain strict land use controls, performance standards, and structural design standards for uses that generate, use, or store hazardous materials. The MF/RO would be designed to provide land use controls, performance standards, and structural design standards to meet all applicable federal, state, and local codes and regulations.
  - f. Agricultural Resources Policy 4.4 encourages the use of reclaimed water for agricultural irrigation. The MF/RO would create a reusable agricultural irrigation source from reclaimed water.
  - g. Minimizing Infrastructure Impediments Policy 9.2 encourages the City to plan for and coordinate sufficient water and sewer infrastructure capacity to support new business development while continuing to support the existing business base.

The MF/RO would alleviate capacity concerns on the City's wastewater outfall pipe which would allow for the continued growth of economic activities.

2. Approval of the Conditional Use Permit for the proposed MF/RO facility is based on sound principles of land use because the proposed facility would be in conformance with the underlying zoning code development requirements, including, but not limited to, setbacks, building height, lot coverage, landscaping, and fencing. The project design and conditions of approval contained herein will ensure compatibility of the proposed project with adjacent properties.
3. The impacts of the proposed project will not adversely affect the policies of the Escondido General Plan or the provisions of the Escondido Municipal Code.
4. This project is in response to services required by the community for the following reasons:
  - a. The MF/RO is a component of the existing recycled water conveyance system and will provide relief to capacity limitations on the City's existing wastewater outflow pipeline.
  - b. Recycled water produced at the MF/RO would create a high-quality water supply for local agricultural growers, utilizing an existing, available, and renewable water resource to help promote and support the local agricultural economy. (Current levels of treatment of recycled water at the HARRF allow for use as general irrigation and certain industrial purposes, but are not suitable for specific agricultural uses.)
  - c. Recycled water produced at the MF/RO would be available for use by local agricultural growers in place of their current use of potable water. Reducing the agricultural use of potable water provides a greater supply for domestic use and reduces the need to import it.
5. The proposed MF/RO would not create a nuisance, cause deterioration of bordering land uses, or create special problems for the area in which it is located. Specifically, without limitation:
  - a. The proposed buildings and infrastructure have been placed as far away from adjacent residential land uses as possible.
  - b. The facility's process, pumps, chemical feed and storage equipment would either be placed within the proposed buildings, or located to minimize potential visual and noise impacts to adjacent residential and commercial uses, and include the appropriate attenuation features to mitigate potential noise impacts. Landscaping and perimeter walls along the boundary adjacent to residential uses would provide an appropriate physical barrier and visual screening.
  - c. The project would not result in a significant impact to the adjacent roadways and intersections due to the limited number of anticipated vehicle trips associated

with the operation of the facility. The project will not diminish the Quality-of-Life Standards of the General Plan because the project, as conditioned, would not degrade the levels of service on adjacent streets and intersections, and adequate public facilities and access would be provided (as discussed in the Planning Commission staff report and Mitigated Negative Declaration prepared for the project.).

- d. The architecture, materials and exterior colors of the proposed MF/RO buildings have been designed to reflect the general commercial character of the area by utilizing stucco, storefront type glass and upper story window features, along with metal awnings over certain windows and doors, and a standing seam metal roof with varying rooflines and skylights.
  - e. The use of hazardous materials and substances during construction and ongoing operations, as described in the Mitigated Negative Declaration prepared for the project, would be subject to federal, state, and local health and safety requirements for handling, storage, and disposal. The delivery and disposal of chemicals to and from the project site would occur in full accordance with all applicable federal, state, and local regulations.
6. All of the requirements of the California Environmental Quality Act (CEQA) have been met because the findings of the environmental analysis (as demonstrated in Final Mitigated Negative Declaration) are that the Initial Study identified impacts related to biological resources, cultural and tribal cultural resources, and noise that may be potentially significant. However, design and minimization measures, revisions in the project plans, and/or mitigation measures would provide mitigation to a point where potential impacts are reduced to less than a significant level. All other project impacts studied were found to be less than significant. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment. The City also has complied with the provisions of Assembly Bill 52 regarding consultation with the Native American Tribes and appropriate mitigation measures have been included to address potential impacts to tribal cultural resources. This Final MND includes the appropriate CEQA-Plus requirements/analysis established by the EPA that are intended to supplement the CEQA Guidelines with specific requirements for environmental documents acceptable to the SWRCB when reviewing applications for wastewater treatment facility loans.



**EXHIBIT "B"**  
**CONDITIONS OF APPROVAL**  
**MF/RO**  
**PHG 16-0014**

**General**

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Services Department, Building Division, and Fire Department.
2. All uses, capacity, hours of operation and outdoor activities shall be substantially consistent with the Details of Request and conditions of approval contained within this report.
3. Colors, materials and design of the project shall conform to the exhibits and references in the staff report, to the satisfaction of the Director of Community Development.
4. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting (Ordinance No. 86-75).  
Any outdoor lighting adjacent to residential uses shall provide appropriate shielding to prevent light from adversely affecting the adjacent properties. This shall be demonstrated on the building plans.
5. All project-generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08) and the mitigation measures identified in the Final Mitigated Negative Declaration (also listed below).
6. No signage is approved as part of this permit. All proposed signage associated with the project must comply with the City of Escondido Sign Ordinance.
7. All new utilities shall be placed underground, to the satisfaction of the City Engineer and Director of Public Works.
8. Any new rooftop equipment must be fully screened from all public view utilizing materials and colors which complement the building(s).
9. A decorative concrete masonry unit (CMU) block wall no less than six (6) feet in height shall be installed along the entire length of the eastern property line (between the subject property and adjacent senior care facility), and along N. Ash Street where shown on the 3D Rendering exhibit included in the staff report. Steel fencing (minimum six feet in height) with vertical bars and top pickets shall be provided around the remainder of the project site.
10. Striped parking spaces are not required for the project in accordance with Zoning Code Section 33-767. However, parking shall be provided on-site if determined necessary by the adopted building code in effect at the time of building permit issuance.
11. This CUP shall become null and void unless utilized within 36 months of the effective date of approval, unless an extension of time is approved in accordance with Article 61, Division 1 of the Zoning Code.

12. Any construction and/or traffic control proposed within the California Department of Transportation right-of-way (N. Ash Street and the intersection of N. Ash Street and E. Washington Avenue) will require an encroachment permit from said department.
13. Deliveries to and from the project site shall be limited to the hours of 8:00 am – 6:00 pm.
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 Game. 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 the "County Clerk," in the amount of \$2,260.25 for a project with a Negative Declaration, which includes an additional authorized County administrative handling fee of \$50.00 (\$2,210.25 + \$50). Failure to remit the required fees in full within the specified time noted 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. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. If the fee increase after the date of this approval, the applicant shall be responsible for the increase.

### **Mitigation Measures**

#### BIO-1a

Proposed project activities (including, but not limited to, staging and disturbances to non-native vegetation, structures, and substrates) should occur outside of the avian breeding season, which generally runs from March 1 - August 31, to avoid take of birds or their eggs.

#### BIO-1b

If avoidance of the avian breeding season is not feasible a qualified biologist, with experience in conducting breeding bird surveys, shall conduct a preconstruction clearance survey for active nests no more than 30 days prior to the initiation of project construction activities.

- If a protected native bird is found, flagging, stakes, and/or construction fencing shall be used to demarcate an appropriate buffer zone based on the sensitivity of the nesting species and proximity to construction activities. Project construction personnel, including all contractors working on site, will be instructed on the sensitivity of the area. The project proponent shall delay all project construction activities within the established buffer area until August 30th or until a qualified biologist has determined that the juveniles have fledged, the nest is vacated, and there is no evidence of nesting. The qualified biologist can determine if construction activities may encroach into the buffer if absolutely necessary and as long as the project activities are not adversely affecting the nesting birds.
- Should nesting birds be found, the qualified biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project construction activities. The biological monitor will send weekly monitoring reports to the City during the grubbing and clearing of vegetation, and will notify the City immediately if project activities damage active avian nests.

**BIO-2**

A mitigation ratio of 0.5:1 shall be required to compensate direct impacts to nonnative grassland in a manner compliant with section 5.2.1 and Table 5-2 of the draft Escondido Subarea Plan. The Applicant shall purchase 0.77 acre of compensatory mitigation credits from the Daley Ranch Conservation Bank, or from the City's Focused Planning Area (FPA) or another approved mitigation bank in the region, to offset project impacts to nonnative grassland.

**CUL-1**

The City of Escondido Planning Division shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to implementing the project. The purposes of the agreement are (1) to provide the clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities

**CUL-2**

Prior to issuance of a grading permit, the City shall provide written verification to the City that a qualified archaeologist meeting the Secretary of the Interiors Standards for archaeology (U.S Department of the Interior, 2008), and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

**CUL-3**

The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

**CUL-4**

During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. 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 qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

**CUL-5**

In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

**CUL-6**

If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native

American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

CUL-7

The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

CUL-8

As specified by California Health and Safety Code Section 7050.5, if human remains are found within the project during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the MLD, as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

CUL-9

If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

CUL-10

Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program in the proposed project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include

California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.

**CUL-11**

In the event of unanticipated discovery of paleontological resources, the City shall cease ground-disturbing activities within 100 feet of the find until it can be assessed by a qualified paleontologist. The qualified paleontologist shall assess the find, implement recovery measures if necessary, and determine if paleontological monitoring is warranted once work resumes.

**NOI-1**

All construction equipment operating at the project site shall be equipped with properly operating mufflers.

**NOI-2**

Noise and ground-borne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses east of the project site.

**NOI-3**

When the use of impact tools are necessary, they shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves shall be used where feasible.

**NOI-4**

All stationary construction noise sources used at the project site shall be located away from adjacent receptors, to the extent feasible, and be muffled and enclosed within temporary sheds or other insulation barriers to the extent feasible.

**NOI-5**

A construction relations officer shall be designated for the proposed project to serve as a liaison with surrounding residents and property owners and be responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted that include permitted construction days and hours at the project site.

**NOI-6**

Prior to any construction activities, the existing residential land uses located directly adjacent to the project site shall be notified of the dates of construction along with a disclosure that perceptible vibration levels could be felt over the duration of those construction activities. These neighboring sensitive land uses shall be kept informed of any changes to the construction schedule.

**Landscaping**

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. The required landscape and irrigation plan(s) shall comply with the provisions, requirements and standards in the City's Landscape Standards as well as the State Model Water Efficient Landscape Ordinance. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
2. Any existing trees to remain and any trees to be removed shall be identified on the landscape and grading plans, to the satisfaction of the Planning Division. Specimen sized trees (min. 24" box) shall

be used to replace any mature trees to be removed. Mature oak trees shall be replaced at a min. ratio of 2:1 with 24" box sized trees, or 5:1 ratio with 15 gallon trees.

3. Trees with broad, dense canopies shall be provided along the eastern property line (between the subject property and the residential uses) in order to provide visual screening of the subject property.
4. Dense landscaping shall also be provided in locations necessary to screen the generator from N. Ash Street to the extent feasible.
5. All other areas of the site shall be landscaped in accordance with Article 62 Landscape Standards.
6. All landscaping shall be permanently maintained in a flourishing manner. All irrigation shall be maintained in fully operational condition.
7. The required landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

### **Planning Commission (added at December 13, 2016, Public Hearing)**

1. The Utilities Department shall take all reasonable steps necessary to ensure that the project is adequately screened from view from adjacent properties through the review and approval of final landscaping plans.

## **ENGINEERING CONDITIONS OF APPROVAL**

### **General**

1. Improvement plans prepared by a Civil Engineer are required for all public street water and sewer improvements and a Grading plan prepared by Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
2. No construction permits will be issued until Final Grading Plans and Storm Water Quality Management Plan (SWQMP) have been approved by the City Engineer.
3. 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.

### **STREET IMPROVEMENTS AND TRAFFIC**

1. The project owner shall be responsible for slurry seal overlay and restriping of Washington Avenue, between Ash and Harding, to the requirements of City Engineer after completion of onsite improvements, prior to project occupancy.
2. All proposed driveway approaches for the project shall be Alley-Type.
3. The project owner shall be responsible to remove all existing driveway approaches along property frontage on Washington Avenue and replace with full height curb & gutter and sidewalk.

4. The project owner is responsible to remove and replace all damaged curb & gutter and sidewalk along project frontages on Ash Street and Washington Avenue.
5. The project owner is responsible for obtaining construction Permit form Caltrans for any work proposed on Ash Street (HWY 78).
6. The project owner will be required to provide a detailed detour and traffic control plan, for all construction within existing right-of-way, to the satisfaction of the City 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 onsite parking and access drives are private and shall be designed and constructed to the requirements of Fire Marshal, Planning Director and City Engineer. All proposed onsite project improvements shall be included in Grading Plans subject to review and approval by the City Engineer, Fire Marshall and Planning Director.
3. The project owner 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.
4. A General Construction Activity Permit is required from the State Water Resources Board prior to issuance of Grading Permit.
5. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.

### **DRAINAGE**

1. A Final Storm Water Quality Management Plan (SWQMP) in compliance with City's latest adopted Storm Water Standards (2015 Storm Water Design Manual, as amended) 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.

### **WATER SUPPLY**

1. The project owner shall be required to design and construct a water system to serve the project to the requirements of the Fire Marshal and Utilities Engineer.

### **SEWER**

1. The project owner is required to design and construct a sewer system to serve the project in accordance with the requirements of Utilities Engineer and Building Official.

## **EASEMENTS**

1. The project owner is responsible for making the arrangements to quitclaim all easements of record which conflict with the proposed development prior to issuance of building permit, unless approved by the easement owner. 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 Grading or Building permit, as determined by the City Engineer.

## **UTILITY UNDERGROUNDING AND RELOCATION**

1. The project owner is required to pay overhead utilities undergrounding in lieu fee for the existing overhead utilities along project frontage on Ash Street.
2. All new dry utilities to serve the project shall be constructed underground.



**TABLE 4-1  
MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<b>Biological Resources</b>						
<b>BIO-1a:</b> Proposed project activities (including, but not limited to, staging and disturbances to non-native vegetation, structures, and substrates) should occur outside of the avian breeding season, which generally runs from March 1 - August 31, to avoid take of birds or their eggs.	<ul style="list-style-type: none"> <li>Require that project construction activities be avoided during breeding season.</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division	X			
<p><b>BIO-1b:</b> If avoidance of the avian breeding season is not feasible a qualified biologist, with experience in conducting breeding bird surveys, shall conduct a preconstruction clearance survey for active nests no more than 30 days prior to the initiation of project construction activities.</p> <ul style="list-style-type: none"> <li>If a protected native bird is found, flagging, stakes, and/or construction fencing shall be used to demarcate an appropriate buffer zone based on the sensitivity of the nesting species and proximity to construction activities. Project construction personnel, including all contractors working on site, will be instructed on the sensitivity of the area. The project proponent shall delay all project construction activities within the established buffer area until August 30th or until a qualified biologist has determined that the juveniles have fledged, the nest is vacated, and there is no evidence of nesting. The qualified biologist can determine if construction activities may encroach into the buffer if absolutely necessary and as long as the project activities are not adversely affecting the nesting birds.</li> <li>Should nesting birds be found, the qualified biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project construction activities. The biological monitor will send weekly</li> </ul>	<ul style="list-style-type: none"> <li>Include mitigation measure in construction contractor specifications.</li> <li>Perform pre-construction avian nest surveys 30 days prior to construction activities</li> <li>Require biological monitor to be present on site if nests are found</li> <li>Biological monitor will send weekly monitoring reports to City</li> <li>Perform site inspections to verify contractor compliance. Retain inspection records in the project file.</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division	X	X		

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**MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
monitoring reports to the City during the grubbing and clearing of vegetation, and will notify the City immediately if project activities damage active avian nests.						
<b>BIO-2:</b> A mitigation ratio of 0.5:1 shall be required to compensate direct impacts to nonnative grassland in a manner compliant with section 5.2.1 and Table 5-2 of the draft Escondido Subarea Plan. The Applicant shall purchase 0.77 acre of compensatory mitigation credits from the Daley Ranch Conservation Bank, or from the City's Focused Planning Area (FPA) or another approved mitigation bank in the region, to offset project impacts to nonnative grassland.	<ul style="list-style-type: none"> <li>Purchase 0.77 acre of compensatory mitigation credits</li> </ul>	Community Development Department Planning Division	X	X		
<b>Cultural Resources</b>						
<b>CUL-1:</b> The City of Escondido Planning Division shall enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to implementing the project. The purposes of the agreement are (1) to provide the clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the City and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities	<ul style="list-style-type: none"> <li>Applicant should enter into a Tribal Cultural Resource Treatment and Monitoring Agreement</li> </ul>	Community Development Department Planning Division	X			

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**MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<b>CUL-2:</b> Prior to issuance of a grading permit, the City shall provide written verification to the City that a qualified archaeologist meeting the Secretary of the Interiors Standards for archaeology (U.S Department of the Interior, 2008), and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.	<ul style="list-style-type: none"> <li>Require verification and approval of qualified archaeologist</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division	X			
<b>CUL -3:</b> The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.	<ul style="list-style-type: none"> <li>Require monitoring program coordination</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division; Grading contractor	X			
<b>CUL -4:</b> During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. 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 qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.	<ul style="list-style-type: none"> <li>Require on-site archaeological monitor and Native American monitor</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division		X		

**MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<b>CUL-5:</b> In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.	<ul style="list-style-type: none"> <li>Require identification and preservation of any undiscovered cultural resources</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist; County Coroner; Native American Monitor		X		
<b>CUL-6:</b> If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.	<ul style="list-style-type: none"> <li>Require identification and preservation of any significant tribal resource</li> <li>Consultation with Native American Monitor</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist; Native American Monitor; TCA Tribe		X		
<b>CUL-7:</b> The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.	<ul style="list-style-type: none"> <li>Require research design and data recovery program.</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist; TCA Tribe		X		

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**MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p><b>CUL-8:</b> As specified by California Health and Safety Code Section 7050.5, if human remains are found within the project during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the MLD, as identified by the NAHC, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.</p>	<ul style="list-style-type: none"> <li>Require identification and preservation of any undiscovered cultural resources or human remains</li> </ul>	<p>City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist; County Coroner</p>		X		

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**MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p><b>CUL-9:</b> If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>	<ul style="list-style-type: none"> <li>Require that a Native American monitor is present during any testing or cataloging.</li> <li>Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe.</li> </ul>	<p>City of Escondido Utilities Department and Community Development Department Planning Division; Project Archaeologist</p>		X	X	
<p><b>CUL-10:</b> Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program in the proposed project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.</p>	<ul style="list-style-type: none"> <li>Require documentation of analysis and data</li> </ul>	<p>Qualified Archaeologist; Native American Monitor</p>			X	
<p><b>CUL-11:</b> In the event of unanticipated discovery of paleontological resources, the City shall cease ground-disturbing activities within 100 feet of the find until it can be assessed by a qualified paleontologist. The qualified paleontologist shall assess the find, implement recovery measures if necessary, and determine if paleontological monitoring is warranted once work resumes.</p>	<ul style="list-style-type: none"> <li>Cease ground disturbing activities</li> <li>Require identification and preservation of any undiscovered paleontological resources</li> </ul>	<p>City of Escondido Utilities Department and Community Development Department Planning Division; Project Paleontologist</p>		X		

**MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)**

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<b>Noise</b>						
<b>NOI-1:</b> All construction equipment operating at the project site shall be equipped with properly operating mufflers.	<ul style="list-style-type: none"> <li>Require that all construction equipment is equipped with properly operating mufflers.</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division; Construction Contractor; Building Division	X			
<b>NOI-2:</b> Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses east of the project site.	<ul style="list-style-type: none"> <li>Noise and groundborne vibration construction activities shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses.</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division		X	X	
<b>NOI-3:</b> When the use of impact tools are necessary, they shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used and external jackets on the tools themselves shall be used where feasible.	<ul style="list-style-type: none"> <li>Avoidance of impact tools</li> <li>Exhaust muffler shall be used</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division	X			
<b>Noise-4:</b> All stationary construction noise sources used at the project site shall be located away from adjacent receptors, to the extent feasible, and be muffled and enclosed within temporary sheds or other insulation barriers to the extent feasible.	<ul style="list-style-type: none"> <li>All stationary construction would be located away from adjacent receptors, muffled and/or enclosed within insulation barriers.</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division; Construction Contractor; Building Division; Field Engineering Division		X		

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## MICROFILTRATION/REVERSE OSMOSIS (MF/RO) FACILITY MITIGATION MONITORING AND REPORTING PROGRAM (continued)

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<b>NOI-5:</b> A construction relations officer shall be designated for the proposed project to serve as a liaison with surrounding residents and property owners and be responsible for responding to any concerns regarding construction noise and vibration. The liaison's telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted that include permitted construction days and hours at the project site.	<ul style="list-style-type: none"> <li>Appoint a liaison with surrounding residents.</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division	X			
<b>NOI-6:</b> Prior to any construction activities, the existing residential land uses located directly adjacent to the project site shall be notified of the dates of construction along with a disclosure that perceptible vibration levels could be felt over the duration of those construction activities. These neighboring sensitive land uses shall be kept informed of any changes to the construction schedule.	<ul style="list-style-type: none"> <li>Require notification to the existing residential land uses located directly adjacent to the project site.</li> <li>Notification shall include dates of construction and disclosure that perceptible levels of vibration could be felt during the duration of construction activities.</li> </ul>	City of Escondido Utilities Department and Community Development Department Planning Division	X			



EXHIBIT "C"  
LEGAL DESCRIPTION  
PHG 16-0014

Resolution No. 2017-07  
Exhibit C  
Page 1 of 2

All that certain real property situated in the County of San Diego, State of California, described as follows:

LOT 8 IN BLOCK 179 OF RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 723, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892.

EXCEPTING THEREFROM THAT PORTION LYING NORTHWESTERLY OF THE ARC OF A 22.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, SAID CURVE BEING TANGENT TO THE NORTHERLY AND WESTERLY LINES OF SAID LOT 8.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF SAID LOT 8, DISTANT THEREON SOUTH 14° 47' 20" EAST, 371.34 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT 8;  
THENCE NORTH 47° 03' 42" EAST, 308.84 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1064 FEET;  
THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 5° 17' 31" AN ARC DISTANCE OF 98.27 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 8, DISTANT THEREON SOUTH 39° 33' 40" WEST, 19.77 FEET FROM AN ANGLE POINT IN SAID SOUTHEASTERLY LINE;  
THENCE ALONG THE SAID SOUTHEASTERLY LINE OF LOT 8, SOUTH 39° 33' 40" WEST, 444.23 FEET TO THE MOST SOUTHERLY CORNER OF SAID LOT 8;  
THENCE ALONG THE WEST LINE OF LOT 8, NORTH 14° 47' 20" WEST, 70.91 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF SAID LOT 8, DISTANT THEREON SOUTH 14° 47' 20" EAST, 371.34 FEET FROM THE NORTHWESTERLY CORNER OF SAID LOT 8;  
THENCE NORTH 47° 03' 42" EAST, 308.84 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 1064 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7° 08' 00", AN ARC DISTANCE OF 132.47 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 8, DISTANT THEREON NORTH 70° 38' 30" EAST, 15.70 FEET FROM AN ANGLE POINT IN SAID SOUTHEASTERLY LINE AND THE TRUE POINT OF BEGINNING;

**THENCE CONTINUE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 11° 18' 00", AN ARC DISTANCE OF 209.84 FEET TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT 8, DISTANT THEREON SOUTH 15° 39' 00" EAST, 330.74 FEET FROM THE MOST NORTHERLY CORNER OF SAID LOT 81;  
THENCE ALONG SAID NORTHEASTERLY LINE, SOUTH 15° 39' 00" EAST, 39.33 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 8;  
THENCE ALONG THE SOUTHEASTERLY LINE OF LOT 8, SOUTH 70° 38' 30" WEST, 203.25 FEET TO THE TRUE POINT OF BEGINNING.**

Assessor's Parcel Number:       **230-141-01**

**CITY COUNCIL**

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.: 10**  
**Date: January 11, 2017**

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Diane Halverson, City Clerk

**SUBJECT:** Appointment to Planning Commission

**RECOMMENDATION:**

It is requested that the City Council ratify the Mayor's appointment to fill an unscheduled vacancy on the Planning Commission, term to expire March 31, 2018.

**BACKGROUND:**

Following a letter of resignation from Gregory Johns on September 14, 2016, indicating that he was no longer able to serve on the Planning Commission, a Notice of Unscheduled Vacancy was duly posted for a 10-day period in accordance with State law and City policy. Seven applications were on file from the previous recruitment period and five applications were received during the noticing period:

- Gregory Buckner
- Dan Conner
- Julie Eldridge
- Rick Elkin
- Robert Frey
- Joe Garcia *(also serves on the Community Services Commission)*
- Irene Lewis
- Christian Maehler
- Eric Magee
- James McNair
- Barbara Saad
- Vanessa Schumert

Respectfully submitted,



Diane Halverson, CMC  
City Clerk

# CITY COUNCIL

For City Clerk's Use:

**APPROVED**       **DENIED**

Reso No. \_\_\_\_\_ File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.: 11**  
**Date: January 11, 2017**

**TO:** Members of the City Council

**FROM:** Mayor Sam Abed

**SUBJECT:** Review and Update of Current Council Subcommittee Member Assignments

**RECOMMENDATION:**

It is requested that the City Council make determinations and ratify members to serve on the Council/Mayoral appointed subcommittees per the attached listing.

**PREVIOUS ACTION:**

The list of Council subcommittees was reviewed and updated on December 10, 2014, with subsequent appointments added as appropriate. The list was updated on September 14, 2016, when Ed Gallo was reappointed to serve on the San Diego County Water Authority Board.

On October 17, 2012, the City Council approved the adoption of the Fair Political Practices Commission (FPPC) Form 806/Agency Report of Public Official Appointments for posting on the City's website. The posting of Form 806 allows council members to participate in a decision to appoint him or herself to a compensated position on another board.

**SUMMARY:**

Guidelines adopted during the last several years indicate that the list should be reviewed regularly and each council member is responsible for keeping others informed about their ongoing activities. If agendas and minutes are utilized, they may be distributed to all council members.

Attached to this staff report is a list of current Council subcommittees and appointees.

**CITY OF ESCONDIDO**  
**SUBCOMMITTEE & AD HOC APPOINTMENTS**  
**2014 - 2016**

*The following information is maintained by the City Clerk's Office.*

<b>CITY COUNCIL APPOINTED (REGIONAL) SUBCOMMITTEES</b>			
<b>NAME OF AGENCY</b>	<b>COUNCIL REPRESENTATIVE</b>	<b>STAFF LIAISON</b>	<b>NOTES</b>
NORTH COUNTY TRANSIT DISTRICT	Ed Gallo Michael Morasco (Alternate)	Ed Domingue	
SANDAG	Sam Abed John Masson (Alternate) Ed Gallo (2 <sup>nd</sup> Alternate)	Julie Procopio Bill Martin	
SAN DIEGUITO RIVER VALLEY Regional Open Space Park JPA Board	Olga Diaz Mike Morasco (Alternate)	Loretta McKinney	
<b>MAYORAL APPOINTED (REGIONAL) SUBCOMMITTEES</b>			
<b>NAME OF AGENCY</b>	<b>COUNCIL REPRESENTATIVE</b>	<b>STAFF LIAISON</b>	<b>NOTES</b>
ABAG	Sam Abed		Voting delegate is the Mayor who may appoint alternates (Reso 98-262)
LEAGUE OF CALIFORNIA CITIES	John Masson	City Manager	
REGIONAL SOLID WASTE ASSOCIATION BOARD	Mike Morasco	Laura Robinson	Initial appointment 9/17/03
ESCONDIDO CREEK WATERSHED ALLIANCE (ECWA)	Olga Diaz	Chris McKinney	Cities of Encinitas, Solana Beach; San Diego County; Escondido Creek Conservancy; San Elijo Lagoon Conservancy; state & federal agencies <i>(Meets Quarterly)</i>
SAN DIEGO COUNTY WATER AUTHORITY	Ed Gallo	Chris McKinney	Initial appointment 4/10/13; Reappointed on 9/14/16.

**CITY OF ESCONDIDO**  
**SUBCOMMITTEE & AD HOC APPOINTMENTS**  
*2014 - 2016*

<b>MAYORAL APPOINTED (LOCAL) SUBCOMMITTEES</b>			
<b>NAME OF COMMITTEE</b>	<b>COUNCIL REPRESENTATIVE</b>	<b>STAFF LIAISON</b>	<b>NOTES</b>
ANNUAL AWARD SELECTIONS <i>Mayor's State of City Address</i>	John Masson Mike Morasco	Teresa Collins	Meets annually
CCAE	Ed Gallo Mike Morasco	Chris McKinney	<i>(Established 12-16-09 - former ad hoc committee)</i>
ECONOMIC DEVELOPMENT	Sam Abed John Masson	Michelle Geller	
SCHOOL SUBCOMMITTEE	Mike Morasco Olga Diaz	City Manager	
UTILITIES SUBCOMMITTEE	Ed Gallo Mike Morasco	Chris McKinney	Originally established 9/19/07 as an ad hoc; became permanent 2/24/10
<b>MAYORAL APPOINTED AD HOC COMMITTEES</b>			
<b>NAME OF COMMITTEE</b>	<b>COUNCIL REPRESENTATIVE</b>	<b>STAFF LIAISON</b>	<b>NOTES</b> <i>Not subject to Brown Act</i>
DOWNTOWN PARKING <i>(Established. 4/6/05)</i>	Olga Diaz Ed Gallo	Julie Procopio	Temporary liaison to make recommendations on interim and long-term parking concerns.

**FUTURE CITY COUNCIL AGENDA ITEMS**  
**Updated January 5, 2017**

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

**January 18, 2017**  
**NO MEETING (MLK DAY)**

**January 25, 2017**  
**4:30 p.m.**

<b>CONSENT CALENDAR</b>	
	<p><b>Adopt Resolutions Updating the Salary Plans for the Unclassified Clerical/Technical Group, Salary Bands for the Management Group, the Unclassified Service Schedule List, and the Part-Time Hourly Compensation Plan</b> (S. Bennett)</p> <p><i>The City is required to update positions and salaries within the Management and Unclassified Clerical/Technical Groups, as well as maintain an updated listing of all unclassified employee titles.</i></p>
	<p><b>Approval of Recognized Obligation Payment Schedule 17-18 for the Period July 1, 2017 through June 30, 2018</b> (S. Bennett)</p> <p><i>Request the City Council approve the Recognized Obligation Payment Schedule for the period July 1, 2017 through June 30, 2018.</i></p>
	<p><b>Bid Award for the Water Treatment Plant Metal Storage Building Project</b> (C. McKinney)</p> <p><i>This project will construct a new 4,800 square-foot metal storage building at the Escondido-Vista Water Treatment Plant to replace the metal storage building that was demolished as a part of the Disinfection and Electrical Systems Upgrade Project. Construction will include grading, installation of concrete foundation, electrical conduits and erection of a metal building on the new foundation.</i></p>
	<p><b>Contract Amendment for the Chemical Bid Award with Polydyne Inc.</b> (C. McKinney)</p> <p><i>Due to the failure of the HARRF's aeration system in 2016, staff was forced to move forward with an accelerated and complete replacement of the plant's aeration system. During the replacement process the plant's biological process was affected, and to keep up with recycled water demands, chemical consumption increased dramatically. Additional chemical demand requires polymer purchases in excess of the originally approved bid award and purchase order.</i></p>

**January 25, 2017**  
**Continued**

**CONSENT CALENDAR Continued**

**Approval of Contract Amendment and Budget Adjustment for the Cemetery Area Water Pipeline Replacement Project**

(C. McKinney)

*The contract amendment and budget adjustment are required to complete construction of the Cemetery Area Water Pipeline Replacement project.*

**Final Map, Escondido Tract SUB 15-0003, Located at 332-444 West Washington Avenue**

(J. Procopio)

*This project was recommended for approval by the Planning Commission on July 28, 2015 as Resolution No. 6048. The City Council approved the Subdivision on August 19, 2015 as Resolution No. 2015-135R and approved the Master and Precise Development Plans on August 26, 2015 as Ordinance No. 2015-17R. This Final Map is in substantial conformance with the approved Tentative Map, Master and Precise Development plans and subject to the Conditions of Approval.*

**PUBLIC HEARINGS**

**CURRENT BUSINESS**

**Appointments to the Personnel Board of Review and the Public Art Commission**

(D. Halverson)

*An appointment needs to be made to fill an unscheduled vacancy on the Personnel Board of Review, term to expire March 31, 2018; and appointments need to be made to fill tow unscheduled vacancies on the Public Art Commission, terms to expire March 31, 2018.*

**FUTURE AGENDA ITEMS (D. Halverson)**



# City Manager's WEEKLY UPDATE to City Council

January 5, 2017

## SPECIAL EVENTS

No Special Events this week

- For information about other activities taking place in Escondido, please visit [www.visitescondido.com](http://www.visitescondido.com)

## COMMUNITY SERVICES

Escondido Soccer Club's annual New Year's Kickoff youth soccer tournament will be playing January 7 & 8 at Ryan Park. Approximately 600 families will be visiting our community for the two-day soccer tournament. [www.escondidosoccerclub.com](http://www.escondidosoccerclub.com)



## COMMUNITY DEVELOPMENT

### Major Projects Update

#### Commercial / Office:

1. Escondido Research and Technology Center – East (ERTC) (Developer: James McCann) –  
*No change from the following update reported last week:* This is a 72,000 square foot medical office building proposed on the east side of Citracado Parkway across from Palomar Medical Center located at 2130 Citracado Parkway. A grading permit has been issued by the Engineering Division. Building plans have been submitted for plan check. The applicant has recently requested to install a temporary paved parking lot in this area to serve the hospital. A grading plan for the temporary parking lot was approved June 13, 2016.
2. Escondido Research and Technology Center – West (ERTC) (Developer: James McCann) –  
*No change from the following update reported last week:* This is a 144,000 sq. ft. development involving two medical office buildings proposed on the west side of Citracado Parkway across from Palomar Medical Center located at 2097 – 2175 Citracado Parkway. A grading permit has been issued by the Engineering Division. Esgil and the Planning Division have approved the building plans. A fee deferral agreement has been signed and the building

# City Manager's WEEKLY UPDATE to City Council

permit was issued June 23, 2016. A tentative parcel map (TPM) for office condominiums was approved on July 12, 2016. A Final Parcel Map was submitted by the applicant on July 25, 2016, and is currently being reviewed by Planning and Engineering. A modified building plan to add a linear accelerator is now being reviewed by staff.

3. Centerpointe 78 Commercial (Developer: Lars Andersen, Pacific Development) – *No change from the following update reported last week:* This project is a 45,650 sq. ft. supermarket and restaurant located at 925 N. Broadway. The project was approved by the City Council on December 9, 2015. Demolition of the former auto dealership has been completed down to the foundation. Grading plans have been submitted to Engineering and Planning for review. Building plans for the supermarket were submitted to the Building Division on September 14, 2016, and are being reviewed by Building and Planning staff. A boundary adjustment application to place the two buildings on separate parcels went to Planning on October 14, 2016.
4. Westfield Theater (Developer: Kim Brewer, Westfield) – *No change from the following update reported last week:* This project is a 10-auditorium movie theater totaling 57,600 sq. ft. located on the north side of the Westfield Mall. The project was approved by the City Council on November 4, 2015.
5. Felicita Development, LLC (Developer: Katherine Park, Creative Design Associates) – *No change from the following update reported last week:* This project is a 140-unit hotel, and a gas station or office/residential care facility at the southeast corner of Felicita Rd. and Gamble Lane. The applicant and staff met with the architect to discuss building elevations, five-story height limitations and site design issues given the existing wetland constraints on the property. Additional technical analysis and coordination is needed to address traffic, biology, water and sewer service, geotechnical and storm water concerns, along with a market study for the proposed uses. The applicant met with the wildlife agencies and is responding to technical studies needed to complete the application.
6. Springhill Suites (Developer: Raj Patel, San Bernardino Hospitality LLC) – This project is a four-story, 105-suite hotel totaling 73,300 sq. ft. located at 200 La Terraza Drive. The hotel includes a small conference room and an enlarged lobby for serving continental breakfast. A revised set of grading plans has been approved since February and grading for the hotel site has now started. Building plans have been approved and permit fees were paid before the end of the year clearing the way for construction to commence. On January 3, 2017, a new ownership group met with the City Council Economic Development Subcommittee and staff to discuss renewing the now-expired Economic Incentive Agreement that had been granted to the original developer.
7. Escondido Auto Park Association (Developer: Tim Brecht, Escondido Auto Park Association) – *No change from the following update reported last week:* The association is proposing to upgrade the existing electronic message sign along I-15. An application for a new regional market sign and an amendment to the Sign Ordinance to increase the allowable display area

# City Manager's WEEKLY UPDATE to City Council

for a regional market sign was submitted to the Planning Division on May 6, 2016. The proposed sign would be located in the same location as the existing sign at a slightly lower height (73.5 feet) with approximately the same overall dimensions. The Planning Commission recommended approval of the new regional market sign and amendment to the Sign Ordinance on July 12, 2016. The City Council approved the new regional market sign and amendment to the Sign Ordinance on August 17, 2016. Building plans are currently being reviewed by staff and a building permit should be issued soon.

8. Downtown Courtyard Marriott Hotel (Developer: Craig Clark) – *No change from the following update reported last week:* A modification to a Master Plan and a Precise Plan for a revised downtown hotel design consisting of 154 rooms in four stories over ground-level parking. The majority of the building would be located in the parking lot between city hall and the CCAE conference center. The primary entry to the hotel would be from a redesigned entry drive with new porte cochere on Escondido Boulevard. The hotel would operate the conference center and would provide a bistro and bar area for guests. The application was submitted on November 18, 2016 for processing and review. During the course of review, City staff transmitted comments incrementally to the applicant. A final letter summarizing all requested revisions and/or corrections was sent to the applicant on December 22, 2016.

## Industrial

1. StorQuest (Developer: The William Warren Group, Inc.) – *No change from the following update reported last week:* This proposed project at 220 W. Mission Avenue involves a 102,500 sq. ft., four-story self-storage facility development with three in-line shops and a small office. The Planning Commission voted to recommend approval of the proposed General Plan Amendment, Planned Development and Zone Change on August 9, 2016. The project was approved by the City Council on September 14, 2016. A grading plan was submitted for review on November 3, 2016. Building plans were submitted during the week of December 19, 2016.
2. Victory Industrial Development (Developer: Scott Merry, Badiee Development) – This project involves two industrial buildings totaling 91,000 sq. ft. (one building 55,500 sq. ft., second building 35,500 sq. ft.) located at 2005 Harmony Grove Road and a zone change from residential to Planned Industrial consistent with the updated General Plan. The Planning Commission voted to recommend approval of the proposed General Plan Amendment, Planned Development and Zone Change on August 9, 2016. It was approved by the City Council on September 14, 2016. Building plans were submitted into plan check the following day and are now being reviewed by staff. Staff is still awaiting submittal of a proposed boundary adjustment application with three property owners in the adjacent Harmony Grove Business Park that is needed to implement the project design.
3. Micro-Filtration Reverse Osmosis (Developer: City of Escondido Utilities Department) – *No change from the following update reported last week:* The proposed project involves a Conditional Use Permit (CUP) for the development of a new City facility to provide

# City Manager's WEEKLY UPDATE to City Council

advanced treatment for recycled water produced at the City of Escondido's Hale Avenue Resource Recovery Facility (HARRF) for agricultural uses with the capacity for future treatment for indirect potable reuse. The facility would be sized for a total production capacity of 2.0 million gallons per day (mgd). A previous proposal for development of the facility at 2512 East Washington Avenue has now been shelved while staff pursues development of the facility on an alternative site located on the southeastern corner of Washington Avenue and Ash Street. On July 20, 2016, the City Council approved a first-phase design contract with Black and Veatch for the design effort need to bring the new site design to the Planning Commission for CUP consideration. Site and building design concepts have been developed and two neighborhood meetings were held on October 12, 2016 and November 3, 2016. A 30-day public review period for the proposed Mitigated Negative Declaration ended on November 27, 2016. The Planning Commission approved the proposed CUP on December 13, 2016. A City Council hearing has been set for January 11, 2017.

4. Wastewater Collections Yard Expansion (Developer: City of Escondido Utilities Department) – *No change from the following update reported last week:* The project involves development of 1.8 acres of a larger, approximately 15.4-acre site for the construction of a new wastewater collections yard and maintenance facility for the City's Hale Avenue Resource Recovery Facility (HARRF) at 1521 S. Hale Avenue. The proposed facilities will consist of three separate pre-fabricated metal buildings 3,735 sq. ft. - 5,670 sq. ft. for collections; work bays and workshops for regular maintenance of vehicles and equipment. The project would require the processing of a Conditional Use Permit (CUP) and rezone. The Planning Commission held a public hearing and recommended approval on May 10, 2016. It was approved by the City Council on June 15, 2016. Grading, building and landscape plans are now being reviewed by staff for permit issuance.
5. Escondido Self-Storage Facility (Developer: Brandywine Homes, Inc.) – *No change from the following update reported last week:* A modification to a Master and Precise Development Plan for revisions to the design of a previously approved, but not yet constructed, self-storage facility with direct access to Brotherton Road near the intersection with Cranston Drive. The proposed project was submitted on May 11, 2016, and proposes approximately 77,500 SF of storage area in two buildings. The larger building is two stories over a basement with all interior loading. The smaller building is one-story with some exterior roll-up doors. The project site is also part of a five-lot Tentative Map for four residential lots and one commercial lot (Tract 900) that is concurrently being processed for an extension of time. The project was recommended for approval by the Planning Commission on September 13, 2016, and the City Council approved the project on October 12, 2016. Building plans were submitted the week of December 11, 2016.
6. Innovative Industrial Development (Developer: Scott Merry, Badiee Development) – *No change from the following update reported last week:* This project involves a unique proposal in which two potential industrial development scenarios are being analyzed for the 5.76-acre site located at 1925 Harmony Grove Road, directly in front of the "Victory Industrial

# City Manager's WEEKLY UPDATE to City Council

Development” described above. The first development scenario involves a single tenant building with 98,500 square feet and 197 parking spaces. The alternative scenario envisions three industrial buildings roughly within the same footprint as the single tenant proposal. The three industrial buildings would include a total of 86,000 square feet with 234 parking spaces. An industrial planned development application has been submitted along with a zone change from residential to Planned Industrial consistent with the updated General Plan. A Mitigated Negative Declaration was issued on November 7, 2016 and the public review period will close on November 28, 2016. The Planning Commission voted to recommend approval of this project on December 13, 2016. A City Council hearing tentatively has been scheduled for January 11, 2017.

9. HARRF Biogas to Energy Project (Developer: City of Escondido Utilities Department) – *No change from the following update reported last week:* This project is a proposed Conditional Use Permit that will utilize the existing digester gas created during the sewage treatment process to power two generators with a combined output of 1,200 kW of power. The gas which is currently being flared on the site will be redirected for a useful purpose and used to offset the HARRF’s demand on utility natural gas and electricity from SDG&E. The project was approved by the Planning Commission December 13, 2016.
10. North American Self-Storage (Developer: Russ Colvin) – This project at 852 Metcalf proposes a 132,556 square foot, self-storage facility consisting of four stories over a full basement level on a 1.12-acre site in the M-1 zone. A Plot Plan application was submitted to Planning on September 14, 2016 and was extensively reviewed by all departments. The Planning Division issued a conditional letter of approval on December 21, 2016.

## Institutional

1. John Paul the Great Catholic University (Developer: Kevin Meziere, John Paul the Great Catholic University) – *No change from the following update reported last week:* A Conditional Use Permit to expand the campus and student enrollment at 155 W. Grand Avenue was approved by the Planning Commission on December 8, 2015. The proposal includes improvements to the former H. Johnson site at 131 S. Broadway for studio and classroom space, and the former bank at 200 W. Grand Avenue for administrative offices and a student resource center. The proposed expansion would also increase the student enrollment from 300 to 1,200 students over the next several years. The university hosted an open house for the student resource center on November 28, 2016.
2. Escondido United Reformed Church (Developer: Brent Cooper) – *No change from the following update reported last week:* The project is an expansion for a phased, multi-year, master construction/development plan for a new 12,250 SF two-story sanctuary, conversion of existing buildings to a social hall, demolition of an existing social hall/classroom building (approx. 4,620 SF) and construction of approximately 5,250 SF for a nursery, multi-purpose room, classrooms for Sunday school at 1864 N. Broadway. Revised architectural plans were

# City Manager's WEEKLY UPDATE to City Council

unanimously approved by the Planning Commission on June 14, 2016. The grading plans are now in plan check.

3. Emmanuel Faith Community Church (Developer: Jim North, EFCC) – *No change from the following update reported last week:* The project is a phased, multi-year construction and renovation program for the Emmanuel Faith campus that includes demolishing the existing children's rooms and constructing a new nursery and children's building for up to 200 children, construction of a two-story training center/youth complex, renovation of the existing high school/college building, conversion of the existing education center into an office and meeting room building, demolition of the existing café and construction of a new café, demolition and construction of a new maintenance building, construction of a new gathering plaza with baptismal outdoor water feature, and reconstruction and expansion of the existing worship center from 1,600 seats to 2,000 seats. The Planning Commission approved the proposed modification to the Conditional Use Permit for the campus on June 9, 2015. Grading, building and landscape plans for the first phase (45,414 square foot new children's building) are being reviewed by staff and Esgil.

## **Residential**

1. Oak Creek (Developer: Jason Han, New Urban West) – *No change from the following update reported last week:* This project is a 65-unit single family development located at the southeastern corner of Felicita Road and Hamilton Lane approved by the City Council in 2015. The LAFCO Board unanimously approved the annexation on October 5, 2015, and the annexation has been recorded. No grading or improvement plans have been submitted by the developer at this time.
2. Amanda Estates (Developer: Jason Han, New Urban West) – *No change from the following update reported last week:* This project is a 22-unit single family development on Amanda Lane approved by the City Council in 2015. The LAFCO Board approved the reorganization (annexation) at their meeting on August 3, 2015, and the annexation has been recorded. No grading or improvement plans have been submitted by the developer at this time.
3. Pradera (Developer: Moses Kim, Lennar Homes) – *No change from the following update reported last week:* This project consists of a 70-unit single family development located at the northeastern corner of Ash Street and Lehner Avenue. The developer has obtained building permits for six phases involving 52 homes and those phases are under construction. Homebuyer interest in the product remains high and sales are progressing. All five final maps in the project have now recorded. Precise grading plans for all phases have now been approved. Phases 7 and 8 for the construction of 11 additional homes were received on December 12, 2016.
4. Lexington (Zenner) (Developer: Eric Johnston, KB Homes) – The project is a 40-unit, single-family development at the northeastern corner of Lehner Avenue and Vista Avenue. The three model homes on the eastern side of Ash Street are now open and sales are

# City Manager's **WEEKLY UPDATE** to City Council

progressing as expected. A rough grading permit was issued for the project site on August 18, 2016 and grading is underway. The final map has been approved by City Council. The precise grading plan for Phase 1 has been approved. Building plans for Phase 1 were submitted into plan check on December 20, 2016 and permits were issued before the end of the year.

5. Stella Park Condominiums (Developer: Edward Kaen, ETP, LLC) – *No change from the following update reported last week:* This project is a 65-unit, three-story townhome Planned Development located at 2516 S. Escondido Blvd. The project includes three separate recreation areas for residents. The City Council approved the project on April 27, 2016. A Substantial Conformance TM and proposed modification to the Precise Development Plan was filed by Lyon Homes on December 12, 2016. All departments are working steadily to provide necessary information to meet Lyon's timeline.
6. Wohlford (Developer: Jack Henthorne) – *No change from the following update reported last week:* This project is a 55-unit single family development located on Bear Valley Parkway east of Encino Drive. A Specific Alignment Plan for Bear Valley Parkway detailing the proposed roadway design is under review. The EIR consultant has submitted the first screencheck version of the Draft EIR for staff review. Staff has provided comments and a second screencheck is expected by the end of January. An application for a Development Agreement has recently been submitted by the applicant.
7. Latitude II (Developer: Peter Zak, Lyon/NCA) – This project is a 112-unit multi-family development, located at the northeastern corner of Centre City Parkway and Washington Avenue, and approved by the City Council on August 19, 2015. A Final Subdivision Map has been submitted for review and is awaiting approval of a boundary adjustment for a property exchange with the adjacent motel owner. The Final Map is scheduled for City Council approval on January 25, 2017. Grading and building plans are nearing approval.
8. Canyon Grove Estates Tract 932 (Developer: John Vance, Shea Homes) – *No change from the following update reported last week:* This project is a 179-lot single family residential development on the north side of Vista Avenue east of Conway Drive. The final architectural design and landscaping plans for the Precise Plan application were approved by the Planning Commission on June 14, 2016. A rough grading permit has been issued and grading is underway. The Final Map has been approved by the City Council. Precise grading plans for the model complex and a model home permit have been approved. Building plans for the construction of eight model homes have been issued and construction is underway. Building permits for 16 additional homes are nearly ready to issue and the remainder of the homes are now in for building plan check. The applicant is coordinating the plan review for off-site street improvements on Ash Street with the County's Department of Public Works.
9. Safari Highlands Ranch (SHR) (Developer: Jeb Hall, Concordia Homes) – *No change from the following update reported last week:* This project is a 550-unit single family development

# City Manager's WEEKLY UPDATE to City Council

located east of the Rancho San Pasqual community and north of the San Diego Safari Park. The project involves 1,100 acres including annexation and a Sphere of Influence update for a master planned community with parks, trails, recreation center, fire station and open space. Planning and Engineering extensions of staff have been funded by the applicant and retained to assist the City in processing the project. The City Council approved the consultant contract for preparing the EIR on March 23, 2016. The contract planner has been meeting with the consultant, Michael Baker International (MBI), and has started review of first draft sections of the EIR. While the EIR is generally on schedule, there have been some changes to the site plan, which will affect the EIR schedule. The changes include the elimination of the "water factory" for wastewater treatment, elimination of the public park, changes to the entry road which would now be private instead of public, and relocation of the fire station to the former public park site. These changes will require the applicant's civil engineer to make a number of revisions to the tentative map, but are not anticipated to affect the proposed development envelope or the number of proposed lots. A revised tentative map depicting the site plan changes was submitted on October 17, 2016, and is being reviewed by staff and the contract planner.

10. High Pointe Tract 693-J (Developer: Russell Schaeffer, True Life Communities) – *No change from the following update reported last week:* This project is a custom-home development with 39 estate lots accessed from Mesa Rock Road. Staff has prepared a bond and fee letter based on the proposed grading and landscape plans, and has sent it to the applicant.
11. Del Prado (Developer: Kerry Garza, Touchstone Communities) – *No change from the following update reported last week:* This project is a 113-unit townhome-style Planned Development located at the southwestern corner of Brotherton Road and the Centre City Parkway frontage road. The project includes a recreational facility, pool, and open space areas. Staff worked through various site design and utility issues with the applicant prior to scheduling the project for a public hearing. The City Council approved the project on May 11, 2016. No grading or improvement plans have been submitted by the developer at this time.
12. 701 San Pasqual Valley Rd (Developer: Bob Stewart) – *No change from the following update reported last week:* This project is a 19-unit single family development located at 701 San Pasqual Rd/1201 E. 5<sup>th</sup> Avenue (formerly Tract 898) on 7.2 acres. The application is under review and a letter detailing additional comments and submittal requirements was forwarded to the applicant. Additional information and revised plans were submitted to the Planning Division on June 13, 2016. Planning Division has reviewed the submittal and informed the applicant that it is still incomplete.
13. Veterans Village (Developer: Veterans Village of San Diego) – *No change from the following update reported last week:* This project is a mixed-use development involving a 54-unit affordable multi-family residential apartment project for military veterans and their families. It includes on-site administration office, business center, club house and other support spaces for the residents; and a small commercial component to support training opportunities offered at the facility at 1556 S. Escondido Boulevard. Building plans have been submitted for review



# City Manager's **WEEKLY UPDATE** to City Council

and comment; the grading plans and landscaping plans have been approved. Demolition has been completed.

14. Escondido Gateway (Developer: Greg Waite, Integral Communities) – *No change from the following update reported last week:* This project is a mixed-use development involving 126 residential units within three, 4-5 story buildings with indoor and outdoor recreational areas and an opportunity for a small (1,000 sq. ft.) commercial/flex space on 2.6 acres (48 dwelling units/acre) located at 700 W. Grand Avenue (former Police Station) across the street from the Escondido Transit Center. Plans were submitted for the project involving a Specific Plan Amendment, Tentative Map, Planned Development and Development Agreement. The City Council approved the project on October 12, 2016. Grading plans and a final map were submitted on November 17 and November 21, 2016, and are currently being reviewed by staff. The Development Agreement has recorded. Building plans were submitted into plan check the week of December 11, 2016.
15. The Villages at Escondido Country Club (Developer: Jason Han, New Urban West, Inc.) – The project would redevelop the former 109.3-acre Escondido Country Club golf course property with a new residential development consisting of 392 dwelling units including single-family detached and attached duplex units. The proposed project density is 3.6 dwelling units per acre with a minimum residential lot size of 2,555 square feet. The development would include 46 acres of open space including a landscaped greenbelt with a four-mile trail system linking park features. Other proposed amenities include a new clubhouse building, swimming pool, gym, tennis/pickle ball court, restaurant and bar and banquet facilities. The proposed General Plan Amendment, Specific Plan, Vesting Tentative Map and Zone Change applications and plans were submitted to the Planning Division on October 31, 2016. The plans are now being routed to City departments and agencies for comments. The developer has retained Dudek to prepare the Draft EIR for the project. The developer will fund a contract planner working under the direction of the Planning Division to assist the City in processing the project. A kick-off meeting was held on November 15, 2016, to commence project-related discussions between Planning staff and their contract planner, the applicant and the EIR consultant. A letter indicating the project application is incomplete was sent to the applicant on November 30, 2016. City staff met with the applicant on December 22<sup>nd</sup> to review the comment letter. It was conveyed to City staff that the applicant will resubmit in early 2017.

## **Building Division**

1. The Building Division issued 39 permits for the week with a total valuation of \$6,375,044. This includes seven new single family dwellings for KB Homes in the Ash Street/Vista Avenue neighborhood as well as the Springhill Suites (Marriott) hotel project located at 200 La Terraza Blvd.
2. Six photovoltaic permits were issued for the week, 107 for the month of December and 1,330 for the year. This represents a 9% decrease compared to the 1,450 PV permits

# City Manager's WEEKLY UPDATE to City Council

issued in 2015. Overall, in 2016, the Building department processed 3,953 permit applications.

3. Counter technicians assisted, on average, 25 customers per day during the week between holidays; with 19 customers on Friday.
4. Building inspections averaged 27 inspections per day with 27 inspections on Friday.
5. The Building Division is now implementing the 2016 California Building Code, which came into effect on January 1, 2017. Staff will continue to attend available training on the new codes.
6. There are currently 33 projects awaiting plan check, for both new and re-check submittals. All phases of Shea Homes Estates and Heritage at Canyon Grove (178 single-family residences) have been submitted and are currently awaiting processing.
7. The City Plaza podium deck is complete and framing operations have now commenced.
8. Shea Homes's eight model homes have had roof sheathing inspections completed.
9. Our new Senior Building Inspector has helped reduce timeframes by assisting both in the field and with plan checking.

## **Code Enforcement**

1. As of January 2, 2017, the total number of open code enforcement cases is 655 cases. During the prior week, 156 new cases were opened, and 28 cases were closed, with a backlog of an additional 19 cases not yet opened for assignment and investigation.
2. No illegal signs were confiscated during the holiday weekend.
3. Last week, the Business License Division issued 21 new licenses and received 22 new applications, in addition to 209 renewals. Nineteen businesses closed and/or closed out their business licenses.

## **ENGINEERING**

### **CAPITAL IMPROVEMENTS**

#### **2015/2016 Street Rehabilitation and Maintenance Project**

The striping contractor is finishing the roadway striping on Washington Avenue between Centre City Parkway and Spruce Street, Centre City Parkway between 13th Avenue and Felicita Avenue and Valley Parkway between Harding Street and Midway Drive this week. Stop legends and Stop bars are continuing to be installed within the Escondido west side communities as part of last year's program.

# City Manager's **WEEKLY UPDATE** to City Council

## **PRIVATE DEVELOPMENT**

### **Pradera - Lennar Communities**

Installation and testing of the sewer manhole lining is starting this week.

### **Lexington Model Homes - KB Homes**

The installation of the storm drain system along Ash Street between Lehner Avenue and Vista Avenue is proceeding this week. Work is being coordinated with the Tract 932 contractor in the Ash Street / Vista Street intersection to maximize the installation of all utilities during the school's winter break.

### **Escondido Boulevard at 3<sup>rd</sup> Avenue**

*No changes from the following reported last week.* The contractor completed a second concrete pour on the second floor slab.

### **Tract 932 - Canyon Grove Shea Homes Community**

The contractor is continuing the mass grading for the 179 housing units, the importing of material will continue once the site dries out later this week. The Ash Street/Vista Avenue improvements are continuing this week with the closing of the intersection for two weeks for the purposes of lower the elevation of the intersection as well as the construction of the remaining utility crossing. Work on the new traffic signal installation at the Ash Street/Sheridan Avenue intersection is ongoing with the installation of conduit runs along Ash Street between Madison Avenue and Hubbard Avenue.

### **Solutions Housing Project 1560 S. Escondido Boulevard**

*No changes from the following reported last week:* The contractor has completed the backfilling of utility trenches along the frontage of the project.

### **Latitude II Condominiums by a Lyon Homes Partnership: Washington Avenue at Centre City Parkway**

The contractor is working in Washington Avenue to reinstall a test plate on the failed water line. The retesting of the failed potable water main onto the site will take approximately three weeks to complete. Once water quality testing is done, the mass grading will once again commence.

### **Westminster Theological Seminary Graduate Student Housing: Boyle Avenue at Bear Valley Parkway**

The grading contractor has respraying all slopes as well as distributing water from the drainage basin to create more capacity in anticipation of the approaching storm later this week. The installation of the onsite private sewer system will resume this week.

### **Veterans Village 1556 S. Escondido Boulevard**

*No changes from the following reported last week:* The demolition of the existing structures is complete with the contractor importing material for grading.

# City Manager's **WEEKLY UPDATE** to City Council

## **Talk of the Town**

*No changes from the following reported last week:* A site meeting was held to discuss the limits of surface restoration along Bernardo Avenue

## **Tract 877 – Bernardo Ave. by Ambient Communities**

The project is a 13 lot single family residential project located at the cul-de-sac end of Bernardo Ave. The Grading Permit has been activated, with the relocation of the emergency access gates along 11th Avenue. The grading operation will resume next week after the contractors completed implementing erosion control measures this past week in advance of the weekend rain event.

## **FUTURE CAPITAL IMPROVEMENTS**

### **East Valley Pkwy/Valley Center Road Widening Project**

On 9/21/16 the City received approval on the requested Authorization to Construct for this project. Staff will submit signed agreements to Caltrans for the Authorization to Construct this week. The last environmental permit has been acquired. Staff continues working with Utilities to finalize their plans prior to bidding this project.

## **Jim Stone Pool**

This project will renovate both existing pools and update pool equipment in need of replacement. The City received two bids at the opening on December 22 that were much higher than available funding. Staff is preparing a staff report for the January 11 City Council meeting, recommending Council reject all bids, and the project be re-scoped and advertised.

## **POLICE**

### **INCIDENTS**

- On 12/25/16 at approximately 05:34 hours, units were dispatched to an alarm at the Chick-fil-A. The units located a smashed glass door. It was later determined that three unknown suspects entered the building and forced entry into a safe in the back room. The suspects stole over \$10,000 in cash. There is security video, however the suspects all had their faces covered.
- On 12/25/16 at about 15:59 hours, officers were dispatched to Washington Park to investigate a possible stabbing. Officer Brett Byler arrived on scene and located the victim, who had a stab wound behind his left ear, and about four to five stab wounds to the front and back of his upper right torso and shoulder. The victim was transported to PMC and is in stable condition. The victim states he was involved in a fight with three males who approached him and stated, "This is Escondido" and they claimed membership in the 'Diablos' criminal street gang. Two of the suspects were described as 25-year-old Hispanic males. The third suspect was described as a 25-year-old white male, light colored hair, thin build, about 5'10" tall, and 140 lbs. The white male is the stabber. All suspects fled the scene prior to police arriving on scene. There is no further information at this point.

# City Manager's WEEKLY UPDATE to City Council

- On 12/26/16 at about 19:50 hours officers were dispatched to 501 N. Rose St, Washington Park, to investigate an assault. A 16-year-old victim was struck on the head with a metal flashlight, causing about a 2" laceration to the top of his head. The suspect was his mother's boyfriend of about a month. The crime occurred during an argument at 1480 Taylor Ave. The juvenile was treated for his injury at PMC, and the suspect was not located.
- On 12/26/16 at about 23:57 hours, Officers were dispatched to the apartments at 1051 W. El Norte Pkwy to investigate an armed robbery. The victim was walking to her apartment when two males ran up to her and demanded her purse. One of the subjects was holding a black semi-automatic pistol. The male with the pistol was described as a black male or Hispanic male, early 20's, 5'4" to 5'7", covering his face with a shirt, wearing a dark hooded sweatshirt, and black pants. The second suspect was described black male or Hispanic male, in his early 20's, and was wearing all black. Males matching the description were seen at the 'AM PM' at 450 W. El Norte Pkwy between 22:00 and 23:30 hours.
- On 12/28/16 at approximately 09:43 hours, a warrant subject was located inside a parked vehicle at the church at Ash and El Norte. Sgt. Sinnott and his partner assisted the Gang Unit by making contact and subsequently taking him into custody without incident. A loaded/stolen Colt .45 handgun was recovered from under the front seat of the vehicle.
- On 12/30/16 at about 19:46 hours, officers responded to 1651 S. Juniper St #3 to investigate an assault with a deadly weapon. Officers contacted the victim who had a laceration to the top of his head. After an investigation it was determined that, during an argument, the suspect threw a glass lid, a glass salt shaker, and a large glass bowl at the victim. The victim was able to evade the first two objects, but was struck by the bowl. The victim was treated by EFD Paramedics, but declined transport to PMC. The suspect was arrested for the violation.

## EVENTS

None due to the Christmas and New Year holidays.

## FIRE

## INDICENTS

On 12/29/16 at 12:36 a.m. the Escondido Fire and Police Departments responded to a reported residential structure fire with reports of victims trapped inside at the Green Crest Mobile Home Park located at 541 W. 15th Avenue in Escondido. Upon arrival, firefighters and police officers found heavy fire and black smoke coming from the front doors and windows. Family members on scene confirmed that there were two children still trapped inside the mobile home. Firefighters took immediate fire suppression and rescue actions and requested second alarm, an air ambulance, and additional ground ambulances. Two firefighters made entry to the rear of the structure where they quickly located a male child. The child was removed from the structure and firefighter paramedics and police officers waiting outside provided medical care. The child was transported to Palomar Hospital and was later transferred to UCSD Medical Center by air ambulance, but later succumbed to his injuries at the



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hospital. A total of eight residents were transported to local hospitals with injuries ranging from mild smoke inhalation to acute status CPR. After the fire was controlled, firefighters found a deceased female child inside the mobile home. The fire was contained to the mobile home by a total of 42 firefighters including seven Fire Engines, three Truck Companies, six Ambulances and four Chief Officers. Escondido Fire Department was assisted by San Marcos Fire, Vista Fire and Mercy Air. The Red Cross was requested to provide assistance to the residents. The cause of the fire is still under investigation. However, it is possible that the fire was caused by an electrical failure or a candle. No smoke detectors were found in the mobile home and there were no reports of a smoke alarm sounding.

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