



Council Meeting Agenda

MAY 24, 2017

CITY COUNCIL CHAMBERS

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

201 N. Broadway, Escondido, CA 92025

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

ELECTRONIC MEDIA:

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

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

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

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



Council Meeting Agenda

**May 24, 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 Jeffrey Epp
Employee Organization: Non-Sworn Police Bargaining Unit
 - b. **Agency Negotiator:** Sheryl Bennett and Jeffrey Epp
Employee Organization: Escondido City Employee Association:
Administrative/Clerical/Engineering Bargaining Unit
 - c. **Agency Negotiator:** Sheryl Bennett and Jeffrey Epp
Employee Organization: Escondido City Employee Association: Supervisory
Bargaining Unit
- II. CONFERENCE WITH LEGAL COUNSEL-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
- a. **Case Name:** Southwest Key Programs, Inc. v. City of Escondido
Case No: 3:15-cv-01115H
 - a. **Case Name:** SNR 27 Springs of Escondido Owner, LLC v. City of Escondido
Case No: 37-2017-00005187-CU-WM-NC
 - a. **Case Name:** SNR 27 Springs of Escondido Owner, LLC v. City of Escondido
Case No: 37-2017-00001099-CU-WM-NC

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

- a. **Property:** Municipal Parking Lot #1, Municipal Parking Lot #2, and APNs 233-091-01 through -17
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Touchstone Communities
Under Negotiation: Price and Terms Agreement

- b. **Property:** 1600 West 9th Avenue, APN 232-542-13-00
City Negotiator: Jeffrey Epp, City Manager
Under Negotiation: Price and Terms of Agreement

- c. **Property:** 700 West Grand Avenue, APN 232-100-16-00
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Lyon Communities
Under Negotiation: Terms of Purchase

ADJOURNMENT



Council Meeting Agenda

**May 24, 2017
4:30 P.M. Meeting**

**Escondido City Council
Mobilehome Rent Review Board**

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

PRESENTATIONS: Police Department Citizen Citation Award

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 May 3, 2017 B\) Regular Meeting of May 10, 2017](#)**

4. **[CONTRACT AWARD FOR HAULING AND BENEFICIAL REUSE OF HALE AVENUE RESOURCE RECOVERY FACILITY BIOSOLIDS -](#)**

Request the City Council approve authorizing the Mayor and City Clerk to execute on behalf of the City, a Public Services Agreement with AG Tech LLC, Tule Ranch/Western Express Transporters, the lowest responsive and responsible bidder, for hauling and the beneficial reuse of biosolids from the Hale Avenue Resource Recovery Facility (HARRF). The contract term is three years with two, one-year options to extend.

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

RESOLUTION NO. 2017-69

5. **[LEASE AGREEMENT WITH MARK D. KLAMMER REVOCABLE TRUST FOR UNIMPROVED STREET FRONTAGE ADJACENT TO 1002-1028 W. MISSION AVENUE \(APN 228-220-79\) -](#)**

Request the City Council approve a three-year lease agreement for unimproved public street frontage adjacent to 1002-1028 W. Mission Avenue in the City of Escondido.

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

RESOLUTION NO. 2017-72

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.)

6. **[AMENDMENT TO ARTICLE 67 \(DENSITY BONUS AND RESIDENTIAL INCENTIVES\) OF THE ESCONDIDO ZONING CODE \(AZ 16-0001\) -](#)**

Approved on May 10, 2017 with a vote of 5/0

ORDINANCE NO. 2017-05 (Second Reading and Adoption)

7. **[AMENDMENT TO ARTICLE 66 \(SIGN ORDINANCE\) OF THE ESCONDIDO ZONING CODE \(AZ 17-0001\) -](#)**

Approved on May 10, 2017 with a vote of 4/0/1 (Morasco absent)

ORDINANCE NO. 2017-08 (Second Reading and Adoption)

PUBLIC HEARINGS

8. **SHORT-FORM RENT INCREASE APPLICATION FOR WESTWINDS MOBILEHOME PARK -**
Request the City Council consider the short-form rent increase application submitted by Westwinds Mobilehome Park, and if approved, grant an increase of 75 percent of the change in the Consumer Price Index or 1.467 percent (an average of \$6.79) for the period of December 31, 2015 to December 31, 2016.

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

RESOLUTION NO. RRB 2017-01

9. **ZONING CODE AMENDMENT AND REZONE (AZ 16-0005/PHG 17-0007) -**
Request the City Council approve establishing a new residential R-5-30 zoning category; approve amendments to Zoning Code Articles 1, 6, 7, 8, 10, 11, 12, 13, 14, and 57, as well as, the environmental determination; and approve rezoning 186 parcels to R-5-30 (Very High Multi-Family Residential, 30 du/ac max.).

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

A) ORDINANCE NO. 2017-07 (First Reading and Introduction)

B) ORDINANCE NO. 2017-09 (First Reading and Introduction)

10. **ZONING CODE AMENDMENT (AZ 16-0009) -**
Request the City Council approve an amendment to Article 34 (Communication Antennas) of the Escondido Zoning Code.

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

ORDINANCE NO. 2017-10 (First Reading and Introduction)

FUTURE AGENDA

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

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

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

CITY MANAGER'S WEEKLY ACTIVITY REPORT

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

- [WEEKLY ACTIVITY REPORT -](#)

ORAL COMMUNICATIONS

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
May 31	-	-	No Meeting	-
June 7	Wednesday	3:30 & 4:30 PM	Regular Meeting	City Council Chambers
June 14	Wednesday	3:30 & 4:30 PM	Regular Meeting	City Council Chambers
June 21	Wednesday	3:30 & 4:30 PM	Regular Meeting	City Council Chambers

TO ADDRESS THE COUNCIL

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

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

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

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

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

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

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

LIVE BROADCAST

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

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

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

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

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



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

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

CITY OF ESCONDIDO
May 3, 2017
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 3:35 p.m. on Wednesday, May 3, 2017 in the City Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE:

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

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

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

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

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

II. PUBLIC EMPLOYEE APPOINTMENT AND PERFORMANCE EVALUATION (Government Code §54957)

- a. City Manager
- b. City Attorney

ITEMS I. a., b., AND c. WERE NOT DISCUSSED.

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:42 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY OF ESCONDIDO

May 3, 2017
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 4:44 p.m. on Wednesday, May 3, 2017 in the City Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

Joe Rotta led the Moment of Reflection

FLAG SALUTE

Councilmember Morasco led the flag salute.

ATTENDANCE:

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

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

PROCLAMATIONS

Reed Harlan, Water Treatment Plant Superintendent, and Rico Jimenez, Water Distribution Superintendent, received the proclamation for Water Awareness Month and Drinking Water Week

Mayor Abed presented Vanita Hartmann a Certificate of Recognition on her retirement from the City.

PRESENTATIONS

Elisa Morrone, Environmental Program Specialist, Kim Silva, Assistant Environmental Program Specialist, and Vanita Hartmann, Department Specialist, presented awards for the Be Water Smart Poster Contest.

ORAL COMMUNICATIONS

Katey Hoehn, Escondido, thanked the City Council and City staff for cleaning up weeds along Country Club Lane and La Brea; and shared concerns regarding the proposed development with New Urban West.

CONSENT CALENDAR

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve all Consent Calendar items with the exception of item 4. 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. **AMENDMENT TO SECTION 12.H OF THE MOBILEHOME RENT REVIEW BOARD GUIDELINES**
Request the City Council approve amending Section 12.H of the "Mobilehome Rent Review Board Guidelines" to allow senior or disabled residents to object to a short-form rent increase application by submitting a signed affidavit in lieu of personally appearing at the hearing. (File No. 0697-20)

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

RESOLUTION NO. RRB 2017-02

Julie Paule, Temecula, requested a continuance to allow discussion between staff and mobilehome park owners.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to continue this item to a time not to exceed 60 days to allow discussion between staff and mobilehome park owners. Ayes: Abed, Masson, Morasco. Noes: Diaz, Gallo. Motion carried.

5. **INCREASING LEVEL OF PRE-EMPLOYMENT BACKGROUND CHECKS -**
Request the City Council approve the increase of access level for pre-employment criminal background checks from a California-state level to an FBI-level that includes all states. (File No. 0700-80)

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

RESOLUTION NO. 2017-59

6. **DECLARATION OF END OF RESPONSE LEVEL ONE – WATER SHORTAGE WATCH CONDITION**
Request the City Council approve ending the Response Level One - Water Shortage Watch Condition in light of the Governor Brown declaring an end to the drought emergency in the San Diego region on April 7, 2017. (File No. 1320-90)

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

RESOLUTION NO. 2017-64

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

7. PUBLIC HEARING FOR THE CITY OF ESCONDIDO LANDSCAPE MAINTENANCE DISTRICT ZONES 1 THROUGH 38 -

Request the City Council receive input from property owners in Zones 1 through 38 of the City of Escondido Landscape Maintenance District on the proposed budget and assessments for Fiscal Year 2017/2018. No Council action is required. (File No. 0685-10)

Staff Recommendation: **Receive Public Input (Public Works Department: Ed Domingue)**

Ed Domingue, Director of Public Works, and Gabrielle Restivo, Management Analyst, 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.

NO COUNCIL ACTION REQUIRED.

8. PUBLIC HEARING REGARDING THE FISCAL YEAR 2017-2018 ONE-YEAR ACTION PLAN FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME) FUNDS, AND EMERGENCY SOLUTIONS (ESG) GRANT FUNDS, AND RECOMMENDATIONS FOR ALLOCATION OF HOME FUNDS -

Request the City Council approve the Director of Community Development to conditionally commit federal HOME funds in an amount not to exceed \$450,000 to Interfaith Community Services (Interfaith) for the acquisition and rehabilitation of four affordable multi-family rental units located at 557-563 Aster Place; authorize the Mayor and City Clerk to execute an Affordable Housing Loan Agreement and all necessary loan and supporting agreements in forms acceptable to the City Attorney; and continue the Public Hearing in regards to the FY 2017-2018 One-Year Action Plan for use of CDBG, HOME, and ESG funds until June 7, 2017. (File No. 0873-01)

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

RESOLUTION NO. 2017-66

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.

Greg Anglea, Executive Director of Interfaith Community Services, shared information regarding affordable family rental units located on Aster Place.

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

MOTION: Moved by Councilmember Gallo and seconded by Deputy Mayor Masson to approve the Director of Community Development to conditionally commit federal HOME funds in an amount not to exceed \$450,000 to Interfaith Community Services (Interfaith) for the acquisition and rehabilitation of four affordable multi-family rental units located at 557-563 Aster Place; authorize the Mayor and City Clerk to execute an Affordable Housing Loan Agreement and all necessary loan and supporting agreements in forms acceptable to the City Attorney; and continue the Public Hearing in regards to the FY 2017-2018 One-Year Action Plan for use of CDBG, HOME, and ESG funds until June 7, 2017; and adopt Resolution No. 2017-66. Motion carried unanimously.

CURRENT BUSINESS

9. NOTICE OF COMPLETION AND BUDGET ADJUSTMENT FOR THE FISCAL YEAR 2015/2016 STREET REHABILITATION AND MAINTENANCE PROJECT -

Request the City Council approve and accept the public improvements; authorize staff to file a Notice of Completion for the FY 2015/2016 Street Rehabilitation and Maintenance Project; and approve a budget adjustment for the use of Asphalt Rubber and Aggregate Membrane with recycled tires. (File No. 0600-10 [A-3194])

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

RESOLUTION NO. 2017-65

Matt Souttere, Associate Engineer, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Diaz to approve and accept the public improvements; authorize staff to file a Notice of Completion for the FY 2015/2016 Street Rehabilitation and Maintenance Project; and approve a budget adjustment for the use of Asphalt Rubber and Aggregate Membrane with recycled tires; and adopt Resolution No. 2017-65. Motion carried unanimously.

WORKSHOP

10. FISCAL YEAR 2017/2018 OPERATING BUDGET BRIEFING AND ADOPTION OF BUDGETARY AND FINANCIAL POLICIES -

Request the City Council provide direction regarding the proposed Fiscal Year 2017/2018 General Fund Operating Budget and approve Resolution No. 2017-67 which will establish written budgetary and financial policies. (File No. 0430-30)

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

RESOLUTION NO. 2017-67

Sheryl Bennett, Director of Administrative Services, Joan Ryan, Assistant Director of Finance, and Jodi Coco, Budget Manager, presented the staff report, utilizing a PowerPoint presentation.

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Morasco to approve the adoption of Resolution No. 2017-67 which will establish written budgetary and financial policies. Motion carried unanimously.

FUTURE AGENDA

11. FUTURE AGENDA -

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

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

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

Councilmember Gallo reported on San Diego County Water Authority's letter sent to the Orange County Board of Supervisors regarding overcharges by Metropolitan Water District; and shared information on potential regulation and legislation regarding long term water use and efficiency standards.

Mayor Abed reported on SANDAG and shared a PowerPoint slide regarding ARJIS data from 2016.

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 6:53 p.m.

MAYOR

CITY CLERK

DEPUTY CITY CLERK

CITY OF ESCONDIDO
May 10, 2017
4:30 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION

Dick Huls led the Moment of Reflection.

FLAG SALUTE

Councilmember Diaz led the flag salute.

ATTENDANCE

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

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

PROCLAMATIONS

Hugo Villalobos, Maintenance Supervisor, and Anthony Gonzalez, Water Collections Technician, accepted the proclamation for National Public Works Week

Michelle Peralta, Department Specialist, and Viktor Sjoberg, Senior Librarian, accepted the proclamation for National Historic Preservation Month

PRESENTATIONS

Mayor Abed presented Historic Preservation Awards honoring Margaret Moir, Lucy Berk, and Doug Eagleson.

ORAL COMMUNICATIONS

Wayne Louth, Escondido, commented regarding mobilehome rent control issues.

Jim Milsten, Escondido, commented regarding rent control for senior apartments.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve all Consent Calendar items with the exception of items 3, 4, 5, 6. Motion carried unanimously.

- 1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
- 2. APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**

3. APPROVAL OF MINUTES: Regular Meeting of April 26, 2017

Deputy Mayor Masson commented that he abstained and left the room during the Closed Session Meeting of April 26, 2017.

MOTION: Moved by Councilmember Gallo and seconded by Councilmember Diaz to approve the minutes of the Regular Meeting of April 26, 2017. Motion carried unanimously.

4. TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED MARCH 31, 2017 -
Request the City Council receive and file the Quarterly Investment Report. (File No. 0490-55)

Staff Recommendation: **Approval (City Treasurer's Office: Douglas W. Shultz)**

MOTION: Moved by Councilmember Gallo and seconded by Deputy Mayor Masson to receive and file the Quarterly Investment Report. Motion carried unanimously.

5. FINANCIAL REPORT FOR QUARTER ENDED MARCH 31, 2017 AND BUDGET ADJUSTMENT -
Request the City Council receive and file the third quarter financial report and approve the following amendments to the Fiscal Year 2016/17 Operating Budget: approve an increase to the Fire Department operating budget in the amount of \$36,000; approve an increase to the Building Department operating budget of \$50,000; approve an increase to the Police Department budget in the amount of \$39,305; approve an increase to the Reidy Creek Golf Course operating budget of \$9,000; approve an increase to the General Capital Projects budget of \$429,000; and approve adjustments to General Fund revenue projections between revenue accounts. (File No. 0430-30)

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

Councilmember Gallo questioned the increases to the General Fund expenditures.

Sheryl Bennett, Director of Administrative Services, and Joan Ryan, Assistant Director of Finance, were available to answer questions Fire Chief Rick Vogt, Police Captain Eric Skaja, and Ed Domingue, Director of Public Works also provided information.

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Masson to receive and file the third quarter financial report and approve the following amendments to the Fiscal Year 2016/17 Operating Budget: approve an increase to the Fire Department operating budget in the amount of \$36,000; approve an increase to the Building Department operating budget of \$50,000; approve an increase to the Police Department budget in the amount of \$39,305; approve an increase to the Reidy Creek Golf Course operating budget of \$9,000; approve an increase to the General Capital Projects budget of \$429,000; and approve adjustments to General Fund revenue projections between revenue accounts. Motion carried unanimously.

6. EMPLOYMENT AGREEMENTS - CITY MANAGER AND CITY ATTORNEY -

Request the City Council approve the adoption of Resolution No. 2017-70 authorizing the Mayor and City Clerk to execute contracts for the City Manager and City Attorney positions. (File No. 0600-10 [A-1997; A-3211])

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

RESOLUTION NO. 2017-70

MOTION: Moved by Deputy Mayor Masson and seconded by Councilmember Gallo to approve the adoption of Resolution No. 2017-70 authorizing the Mayor and City Clerk to execute contracts for the City Manager and City Attorney positions. Motion carried unanimously.

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

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

PUBLIC HEARINGS

7. **AMENDMENT TO ARTICLE 67 (DENSITY BONUS AND RESIDENTIAL INCENTIVES) OF THE ESCONDIDO ZONING CODE (AZ 16-0001) -**

Request the City Council approve amending Article 67 (Density Bonus and Residential Incentives) of the Escondido Zoning Code to make the City's regulation of density bonus projects consistent with current State Density Bonus Law. (File No. 0810-20)

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

ORDINANCE NO. 2017-05 (First Reading and Introduction)

Mike Strong, Assistant Director of Planning, 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 Morasco and seconded by Councilmember Diaz to approve amending Article 67 (Density Bonus and Residential Incentives) of the Escondido Zoning Code to make the City's regulation of density bonus projects consistent with current State Density Bonus Law and introduce Ordinance No. 2017-05. Motion carried unanimously.

8. **AMENDMENT TO ARTICLE 66 (SIGN ORDINANCE) OF THE ESCONDIDO ZONING CODE (AZ 17-0001) -**

Request the City Council approve amending Article 66 (Sign Ordinance) of the Escondido Zoning Code to modify the sign standards for primary and secondary schools in residential zones to allow private schools and charter schools to have sign identification opportunities similar to public schools. (File No. 0810-20)

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

ORDINANCE NO. 2017-08 (First Reading and Introduction)

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 Deputy Mayor Masson and seconded by Councilmember Gallo to approve amending Article 66 (Sign Ordinance) of the Escondido Zoning Code to modify the sign standards for primary and secondary schools in residential zones to allow private schools and charter schools to have sign identification opportunities similar to public schools and introduce Ordinance No. 2017-08. Ayes: Abed, Diaz, Gallo, Masson. Noes: None. Morasco absent. Motion carried.

WORKSHOP

9. FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM AND FISCAL YEAR 2017/18 CIP BUDGET UPDATE -

Request the City Council provide direction regarding the Fiscal Year 2017/18 Five-Year Capital Improvement Program and Budget. (File No. 0430-30)

Staff Recommendation: **Provide Direction (Finance Department: Sheryl Bennett)**

Sheryl Bennett, Director of Administrative Services, Joan Ryan, Assistant Director of Finance, and Michelle Collett, Accountant, presented the staff report, utilizing a PowerPoint presentation.

COUNCIL ACTION: Council provided direction to staff to move forward with the Fiscal Year 2017/18 Five-Year Capital Improvement Program and Budget.

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)**

Councilmember Diaz requested time for First North County Stand Down to make a presentation.

COUNCIL MEMBERS' SUBCOMMITTEE REPORTS

Councilmember Gallo requested the City Council experience the simulator at Police and Fire Headquarters.

Mayor Abed reported attending the SANDAG Regional Planning Committee Meeting and shared information regarding Regional Housing Need Allocation (RHNA).

CITY MANAGER'S WEEKLY ACTIVITY REPORT

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

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

Wayne Louth, Escondido, requested the City enact legislation to allow solar panels on mobilehomes.

ADJOURNMENT

Mayor Abed adjourned the meeting at 6:20 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: May 24, 2017

TO: Honorable Mayor and Members of the City Council
FROM: Christopher W. McKinney, Director of Utilities
SUBJECT: Contract Award for Hauling and Beneficial Reuse of HARRF Biosolids

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-69, authorizing the Mayor and City Clerk to execute on behalf of the City, a Public Services Agreement with AG Tech LLC, Tule Ranch/Western Express Transporters, the lowest responsive and responsible bidder, for hauling and the beneficial reuse of biosolids from the Hale Avenue Resource Recovery Facility (HARRF). The contract term is three years with two, one-year options to extend.

FISCAL ANALYSIS:

AG Tech LLC, Tule Ranch/Western Express Transporters will charge a base price of \$41.65 per wet ton for hauling and beneficial reuse of HARRF biosolids. The HARRF produces about 15,000 wet tons of biosolids each year. Therefore, the approximate annual cost of this contract is \$624,750. In addition, the contract allows for a fuel surcharge to be applied if the price of diesel fuel rises above \$2.94 per gallon. Diesel prices will be determined by AG Tech LLC each month from the California Retail On-Highway Diesel Price Index. In May 2017 the index price was \$3.00 per gallon. Sufficient funds have been budgeted in the Wastewater Fund Operating Budget to cover the costs of this contract.

BACKGROUND:

The HARRF treatment process produces approximately 15,000 tons of Class-B biosolids, which are qualified for beneficial reuse. Disposal and beneficial reuse are regulated by the Environmental Protection Agency (EPA) and the San Diego Regional Water Quality Control Board. Some examples of beneficial reuse of Class B biosolids include alternate daily cover for active landfill cells and soil amendment for crops grown for purposes other than human consumption (i.e., cotton, animal feed, etc.). The hauler sends trucks to the HARRF, where they are loaded with biosolids, and the biosolids are then transported to the reuse site.

Staff advertised a Request for Proposal (RFP) on the E-Bid site requiring all bids to be submitted no later than 2:00 p.m. on May 1, 2017. Three responses were received to the RFP; one response declining to bid and two responses providing a bid, including some form of fuel surcharge. The responsive bidders, including base prices per wet ton, are summarized below:

- 1) AG Tech LLC, Tule Ranch/Western Express Transporters \$41.65 +/- fuel surcharge
- 2) Liberty Composting Inc. \$70.90 +/- fuel surcharge
- 3) Synagro No bid

Fuel Surcharge Example:

A surcharge to achieve a "Shared Cost" compensation to AG Tech LLC for increased diesel fuel costs, in addition to the Biosolids Management Fees, will be applied when the diesel fuel cost per gallon increases above \$2.94 per gallon. Fuel efficiency has been established as 5.25 miles per gallon for transportation to Arizona. The source of the fuel cost per gallon factor used in the diesel fuel surcharge for a given month is found with the US Department of Energy, via the Energy Information Administration (EIA) California Retail on-Highway Diesel Price Index (Index Values). These values will be obtained from the EIA website at <http://www.eia.doe.gov>. Diesel fuel adjustments are calculated on a monthly basis, with the EIA Index Values selected for the same month in which the biosolids are delivered.

Fuel Surcharge Calculation – Example for 1,000 Tons:

1st Formula: (CA Retail – Base Fuel Price) x Distance Multiplier = Fuel Surcharge per Ton)

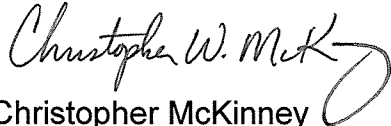
- (1) Current CA retail fuel price is \$3.00 for the month of May, per the price index on the EIA website.
- (2) The base fuel price is \$2.94. Since the current retail fuel cost has increased above the base fuel price, calculating the fuel surcharge has been triggered. The base fuel price is then subtracted from the current CA retail price, and the difference in costs (\$0.06) is multiplied by the Distance Multiplier to establish the Fuel Surcharge per Ton.
- (3) The formula to produce the distance multiplier is: 380 roundtrip miles (Escondido, CA to Yuma, AZ), divided by 5.25 (fuel efficiency), divided by 25 (tons per truck load) = 2.90.

(1) CA Retail Price:	3.00
(2) Base Fuel Price:	- 2.94
	0.06
(3) Distance Multiplier:	x 2.90
Fuel Surcharge per Ton:	\$.174

2nd Formula: (Fuel Surcharge per Ton x 1000 Tons = Total Fuel Surcharge)

Fuel Surcharge per Ton:	. \$.174
Total Tons:	x <u>1,000</u>
Total Fuel Surcharge:	\$174.00

Respectfully submitted,



Christopher McKinney
Director of Utilities

RESOLUTION NO. 2017-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A PUBLIC SERVICES AGREEMENT WITH AG TECH LLC, TULE RANCH/WESTERN EXPRESS TRANSPORTERS FOR HAULING AND BENEFICIAL REUSE OF HARRF BIOSOLIDS

WHEREAS, the Hale Avenue Resource Recovery Facility ("HARRF") generates biosolids as part of its wastewater treatment process; and

WHEREAS, Federal and State regulations require that these biosolids are transported away from the HARRF and disposed or reused in a legal and responsible manner; and

WHEREAS, the biosolids produced at HARRF may be beneficially reused as alternate daily cover at landfills or as soil amendments for non-food crops; and

WHEREAS, AG Tech LLC, Tule Ranch/Western Express Transporters possesses the equipment necessary for hauling and beneficial reuse of HARRF biosolids, and was the lowest responsive and responsible bidder for this service.

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

1. That the above recitations are true.
2. That the Mayor and the City Clerk are authorized to execute, on behalf of the City, a Public Services Agreement ("Agreement") with AG Tech LLC, Tule Ranch/Western Express Transporters for hauling and beneficial reuse of HARRF

biosolids.

A copy of the Agreement is attached as Exhibit "1" and is incorporated by this reference.



CITY OF ESCONDIDO
PUBLIC SERVICES AGREEMENT

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

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Christopher McKinney
760-839-4662
("CITY")

And: Ag Tech LLC, Tule Ranch and Western Express Transporters
4324 Ashlan Ave.
Fresno, CA 93726
Attn: Cal Mullenix
602-377-7250
("CONTRACTOR")

WHEREAS, the CITY and CONTRACTOR desire to enter into this Agreement for the performance of services;

NOW, THEREFORE, it is mutually agreed as follows:

1. Description of Services. CONTRACTOR will furnish all of the services described in "Attachment A," which is attached and incorporated by this reference. CONTRACTOR agrees to diligently perform such services to their completion, with professional quality and technical accuracy.
2. Compensation. The CITY will pay and CONTRACTOR will accept in full payment for the above work, the sum of \$624,750.00. Any breach of this Agreement will relieve CITY from the obligation to pay CONTRACTOR, if CONTRACTOR has not corrected the breach after CITY provides notice and a reasonable time to correct it. If this Agreement is amended at any time, additional compensation of CONTRACTOR contained in subsequent amendment(s) shall not exceed a cumulative total of ten percent (10%) of the maximum payment provided for in this Section 2.
3. Term and Time of Performance. CONTRACTOR must start working within one (1) week from City's notice to begin. CONTRACTOR must diligently perform and complete the work by June 30, 2020. Extension of terms or time of performance may be made only upon the City's written consent.
4. Scope of Compensation. CONTRACTOR will be responsible for performance of the tasks specified in the Description of Services in "Attachment A." No compensation will be provided for any other tasks without specific prior written consent from the CITY.

5. Performance. CONTRACTOR must faithfully perform in a proficient manner, to the satisfaction of the CITY, all the work or services described in the Description of Services, above.
6. City Property. All original documents, drawings, electronic media, and other material prepared by CONTRACTOR under this Agreement immediately becomes the exclusive property of the CITY, and may not be used by CONTRACTOR for any other purpose without prior written consent of the CITY.
7. Insurance Requirements.
 - a. The CONTRACTOR shall secure and maintain at its own cost, for all operations, the following insurance coverage, unless reduced by the City Attorney:
 - (1) General liability insurance. Occurrence basis with minimum limits of \$1,000,000 each occurrence, \$2,000,000 General Aggregate, and \$1,000,000 Products/Completed Operations Aggregate; and
 - (2) Automobile liability insurance of \$1,000,000 combined single-limit per accident for bodily injury and property damage, unless waived as provided in 7(b) below; and
 - (3) Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship; and
 - b. It is the parties' understanding that the use of a motor vehicle is not a primary subject of this Agreement. CONTRACTOR acknowledges that operating a motor vehicle is outside the scope of this Agreement and occurs only at the convenience of CONTRACTOR. A waiver of automobile liability insurance is only effective if both sets of initials appear below, otherwise such insurance is required.

Acknowledged by CONTRACTOR _____

Waiver appropriate by CITY _____

- c. Each insurance policy required above must be acceptable to the City Attorney.
 - (1) Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A- rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.
 - (2) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.
 - (3) Both the General Liability and the Automobile Liability policies must name the CITY specifically as an additional insured under the policy on a separate endorsement page. The endorsement must be ISO Form CG2010 11/85 edition or its equivalent for General Liability endorsements and CA 20-01 for Automobile Liability endorsements.
 - (4) The General Liability policy must include coverage for bodily injury and property damage arising from CONTRACTOR's work, including its on-going operations and products-completed operations hazard.
 - (5) The General Liability policy must be primary and noncontributory and any insurance maintained by CITY is excess.
- d. In executing this Agreement, CONTRACTOR agrees to have completed insurance documents on file with the CITY within fourteen (14) days after the date of execution.

Failure to comply with insurance requirements under this Agreement will be a material breach of this Agreement, resulting in immediate termination at CITY's option.

8. Indemnification. CONTRACTOR (which in this paragraph 8 includes its agents, employees and subcontractors, if any) agrees to indemnify, defend, and hold harmless the CITY from all claims, lawsuits, damages, judgments, loss, liability, or expenses, including attorneys' fees, for any of the following:
- Any claim of liability arising out of the negligence or any acts or omissions of CONTRACTOR in the performance of this Agreement;
 - Any personal injuries, property damage or death that CONTRACTOR may sustain while using CITY-controlled property or equipment, while participating in any activity sponsored by the CITY, or from any dangerous condition of property; or
 - Any injury or death which results or increases by any action taken to medically treat CONTRACTOR.

Stormwater Indemnification. CONTRACTOR shall further indemnify, defend, and hold harmless CITY and its officers, employees, and agents from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, administrative proceeds, damages, fines, penalties, judgments, orders, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements, arising out of any violation, or claim of violation of the San Diego Municipal Storm Water Permit (Order No. R9-2013-0001), as amended or renewed, of the California Regional Water Quality Control Board Region 9, San Diego, which CITY might suffer, incur, or become subject by reason of or occurring as a result of or allegedly caused by the construction of the Project or the Improvements.

9. Anti-Assignment Clause. Since the CITY has relied on the particular skills of CONTRACTOR in entering this Agreement, CONTRACTOR may not assign, delegate, or sublet any duty or right under this Agreement, or any portion of the Description of Services. Any such purported assignment, delegation, or subletting will void this entire Agreement, unless the CITY has previously approved such action in writing. Unless CONTRACTOR assigns this entire Agreement, including all rights and duties herein, to a third party with the CITY'S written consent, CONTRACTOR shall be the sole payee under this Agreement. Any and all payments made pursuant to the terms of this Agreement are otherwise not assignable.
10. Costs and Attorney's Fees. In the event that legal action is required to enforce the terms and conditions of this Agreement, the prevailing party will be entitled to reasonable attorneys' fees and costs.
11. Independent Contractor. CONTRACTOR is an independent contractor and no agency or employment relationship is created by the execution of this Agreement.
12. Merger Clause. This Agreement and its Attachments, if any, are the entire understanding of the parties, and there are no other terms or conditions, written or oral, controlling this matter. In the event of any conflict between the provisions of this Agreement and any of its Attachments, the provisions of this Agreement must prevail.
13. Anti-Waiver Clause. None of the provisions in this Agreement will be waived by CITY because of previous failure to insist upon strict performance, nor will any provision be waived because any other provision has been waived by CITY, in whole or in part.
14. Severability. The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.

15. Choice of Law. This Agreement is governed by the laws of the State of California. Venue for all actions arising from this Agreement must be exclusively in the state or federal courts located in San Diego County, California.
16. Multiple Copies of Agreement/Counterparts. Multiple copies and/or counterparts of this Agreement may be executed, including duplication by photocopy or by computerized scanning device. Each duplicate will be deemed an original with the same effect as if all the signatures were on the same instrument. However, the parties agree that the Agreement on file in the office of the Escondido City Clerk is the copy of the Agreement that shall take precedence should any differences exist among copies or counterparts of the document.
17. Provisions Cumulative. The foregoing provisions are cumulative and in addition to and not in limitation of any other rights or remedies available to the CITY.
18. Notices to Parties. Any statements, communications or notices to be provided pursuant to this Agreement must be sent to the attention of the persons indicated below. Each party agrees to promptly send notice of any changes of this information to the other party.
19. Business License. The CONTRACTOR is required to obtain a City of Escondido Business License prior to execution of this Agreement.
20. Compliance with Applicable Laws, Permits and Licenses. CONTRACTOR shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules in effect during the term of this Agreement. This shall include, but not limited to, all California Labor Code laws regarding payment of prevailing wages and all OSHA regulations. CONTRACTOR shall obtain any and all licenses, permits, and authorizations necessary to perform the services set forth in this Agreement. Neither CITY, nor any elected nor appointed boards, officers, officials, employees, or agents of CITY, shall be liable, at law or in equity, as a result of any failure of CONTRACTOR to comply with this section.
21. Prevailing Wages. If applicable, pursuant to Section 1770 et seq. of the Labor Code, CONTRACTOR agrees that a prevailing rate and scale of wages, in accordance with applicable State and Federal Law, will be paid in the carrying out of this Agreement. CONTRACTOR shall keep itself informed of and comply with all applicable federal, state, and local laws, statutes, codes, ordinances, regulations, and rules pertaining to the payment of prevailing wages. The prevailing rate and scale to be paid shall be the same as the 'General Prevailing Wage Rates' approved by the Department of Industrial Relations as of the date of the execution of this Agreement. Said rates and scales are herein referred to and adopted in this Agreement as though fully and completely set forth herein, and said scale as adopted by the Department is made a part of this Agreement by reference. Copies of the prevailing rate of per diem wages are available on the Intranet at (<http://www.dir.ca.gov/DLSR>). Neither CITY, nor any elected nor appointed boards, officers, officials, employees, or agents of CITY, shall be liable, at law or in equity, as a result of any failure of CONTRACTOR to comply with this section.
22. Immigration Reform and Control Act of 1986. CONTRACTOR shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONTRACTOR affirms that as a licensed Contractor and employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will be employed on this public project. CONTRACTOR agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

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

CITY OF ESCONDIDO

DATE: _____

Sam Abed
Mayor

Diane Halverson
City Clerk

AG TECH LLC

DATE: _____

(Contractor Signature)

(Title)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

BY: _____

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

TULE RANCH

4324 Ashlan Av, Fresno Ca 93726 Phone (928) 341-9625 Web: www.AgTechLLC.net

To: City of Escondido
Waste Water Treatment Plant
1521 South Hale Ave
Escondido, CA 92029

24 April 2017

From: Cal Mullenix/ Tule Ranch/ Western Express/ Ag Tech LLC
PO Box 2854
Yuma, AZ 85365

RE: City of Escondido Biosolids RFP

Thank you for extending the opportunity to participate in The City of Escondido's Biosolid's RFP. We have reviewed your requirements for service and have determined that your needs and scope of work needed are well within the boundaries of the service we provide.

Attached to this cover letter please find all information requested within the City of Escondido's Biosolids RFP. Much of this information, policies and operational plans were due in whole or part to the Published addendum in response to all questions and their published answers

We have successfully serviced The City of Escondido for the last 5 years and are an are looking forward to what may be another 5 years. Though fuel costs have dropped since 2012, sadly other operational costs have seen significant cost increases, like Insurance, workman's comp, CARB compliance, Equipment and the new requirements of "On Board Electronic Logging Devices" to mention a few. We feel that we have provided the City with the most, experience and cost effective solutions for their needs. We not only transport and manage Biosolids, we actually use the material on our farms in the production of our crops ensuring 100% beneficial re-use. www.AgTechllc.net

I hope that you find our proposal and our operational program acceptable and that you will consider allowing Tule Ranch/Western Express the opportunity to provide the City of Escondido with the quality service they expect.

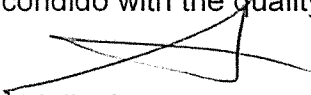

Cal Mullenix
Operations Manager
Ag Tech LLC, Tule Ranch and Western Express Transporters
cal@westExp.com
602-377-7250

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Biosolids Management

Our primary land application site, located adjacent to the City of Yuma, Arizona consist of approximately 4,000 acres of farm land that is approximately 200 miles from the City of Escondido's treatment plant. These farms provide the closest permitted Class B biosolids land application sites to serve Escondido, thus limiting fuel consumption and air emissions while successfully considering sensitivity to other siting factors including proximity to sensitive receptors. In addition to this site, Tule Ranch has permitted 6,000 acres in Dateland, AZ for biosolids land application as backup management capacity for biosolids.

At a very conservative nitrogen-based biosolids land application rate of 30 wet tons per acre, Tule Ranch's 10,000 acres of permitted Arizona sites have the capacity to reuse 100%+ of the biosolids produced by The City of Escondido as well as Tule Ranch's other municipal customers that beneficially use the Arizona land application sites. Please note that Tule Ranch has an excellent relationship with the farmers in Arizona, and anticipates that demand for biosolids will only continue to increase.

Tule Ranch shares The City of Escondido's goal to strive to recycle the valuable plant nutrients, micronutrients and organic matter found in biosolids whenever possible, but understands the need to have landfilling available as a backup option. In the event that The City of Escondido directs Tule Ranch to landfill its biosolids, Tule Ranch has entered into a biosolids landfilling agreement with the South Yuma County Landfill. The landfill will easily accommodate the daily production of Escondido's Biosolids. As a contingency option the South Yuma County Landfill is also located adjacent to the City of Yuma, AZ, and benefits from being located in an area that takes into consideration the sensitivities of potentially impacted receptors. If necessary, Tule Ranch also has access to additional landfill capacity at the Allied Waste Landfill located in Buckeye, AZ.

Tule Ranch already owns the necessary primary and backup equipment to manage the land application activities being proposed in this response to The City of Escondido's RFP. Tule Ranch's current inventory of off-road equipment, tractors, trailers and other equipment is sufficient to easily accommodate far more than the present daily volume of biosolids which we land apply each day.

As an existing biosolids management contractor, Tule Ranch is also very familiar with the Biosolids Management System (BMS). Tule Ranch will continue to conform to the BMS requirements for The City of Escondido's biosolids management needs in order to maintain and benefit from the high standards set by the National Biosolids Partnership. Tule Ranch has adopted and implemented its own Biosolids Management Plan (BMP). The essence and benefits of the BMP is best captured by the "Company Policy" which states that "Tule Ranch is committed to using best management practices and compliance with regulations while providing biosolids services to municipal wastewater

treatment facilities." Tule Ranch has adopted the procedures and guidelines found in both the California Water Environment Association (CWEA) Code of Good Practice and the National Biosolids Partnership (NBP) Code of Good Practice to continuously improve its biosolids management practices.

Tule Ranch recognizes that safety is an extremely important part of any biosolids management plan. Tule Ranch's extensive safety plan and efforts were recognized through the receipt of the prestigious Farm Bureau State Fund Group Insurance Program's Safety Award. This award is given to farmers that have perfect safety records and the lowest injury losses among policy holders. The success of our Arizona biosolids management program is a direct result of our working together with multiple Municipalities and staff to find ways to minimize our potential for adverse impacts on our stakeholders. We continue to strive to avoid creating any nuisances, including dust, odors, vectors, and offensive visual impacts at all biosolids management sites in accordance with Biosolids Contractor Requirements.

Transportation

Tule Ranch will extend its record of providing years of successful biosolids hauling experience to The City of Escondido. Tule Ranch fully understands the importance of uninterrupted service where biosolids hauling is concerned, and takes that partnership responsibility very seriously. All transportation of the biosolids from each of the facilities will continue to be provided through subcontracts with Western Express and Western Express Transporter's, Inc. Each company has a dedicated fleet of on-road equipment specifically designed for the needs of Escondido's biosolids transportation. Western Express, Inc. has been transporting biosolids for Tule Ranch for over 15 years, and Western Express Transporter's, Inc. for over 9 years. Together, both of these companies own and operate a combined fleet of 80+ Freightliners. The City of Escondido's biosolids will continue to be transported in watertight end dump trailers as per preference, with retractable, intact tarp covers, all of which have already been inspected and approved for use. This large amount of equipment will ensure uninterrupted service to The City of Escondido with the equipment redundancy allowing for addition volume when required. The standard tractor and trailer configuration can easily accommodate 25 to 27 tons of material per load.

On a daily basis, the trucking manager routes truck drivers to the scheduled site. The factors that influence routing include traffic (accidents, road construction), weather, location of residences, potential for dust, and school bus routes.

Regulatory Compliance

Tule Ranch exceeds industry standards as it relates to biosolids land application programs. Tule Ranch complies with all state or local policies and ordinances. Tule Ranch has included in this proposal a complete description of all land application procedures for each of our facilities, which includes information for all back up facilities.

Tule Ranch has also included all operational permits for each of its primary reuse sites mentioned in this proposal.

Tule Ranch is committed to conform to the NBP's Code of Good Practice. Tule Ranch will continue to conform to other applicable good practices, Electronic procedures for tracking biosolids, reporting and record keeping, regulatory compliance, proactive maintenance, self-imposed requirements, public outreach and documentation, participation in audits and any required corrective actions, corrective and preventive actions for all inspection findings, training and emergency preparedness plans, and other elements that may have procedural and cost implications for Tule Ranch. Tule Ranch will conform and comply with any and all periodic inspections and audits by The City of Escondido or its appointed auditors and understands that inspection findings require written root cause and corrective actions within 10 business days.

Outreach

Tule Ranch takes pride in its community outreach efforts and will continue to build ongoing relationships with neighbors, regulators, and other interested parties. Tule Ranch staff have been very active in supporting local agricultural youth organizations including purchasing livestock at the Delano Harvest Holidays Fair as well as other sponsorships. In 2006, Tule Ranch was recognized by both the United States Congress and the California Assembly as being awarded the Delano Chamber of Commerce Community Service Award for the being the Agribusiness of the Year. In Dateland and Yuma, Tule Ranch has established a good rapport with the community as well as with the local elementary school superintendent by donations of books and resources for other local events. Tule Ranch will continue to undertake a public participation, proactive outreach, and communication program and efforts.

Summary

Tule Ranch assures The City of Escondido that all of the elements of our proposal's biosolids management solution meet the goals of your RFP. Our solutions are already in place and operating efficiently and will be maintained in place on the effective date of the new contract commencement date in anticipation of beginning a long-standing partnership.

Proposal Section: Technical Proposal

Technical Proposal

Qualifications, Related Experience and References of Tule Ranch –Tule Ranch is confident that The City of Escondido will find the following information more than sufficient to establish that Tule Ranch/Western Express Transporters has the ability to continue to satisfactorily perform the required biosolids management work by reasons of: experience in performing work of a similar nature; demonstrated competence in the services to be provided; strength and stability of the firm; staffing capability; work load; record of meeting schedules on similar projects; and supportive client references.

The following information provides a brief profile of Tule Ranch, including the types of services offered; the year founded; form of the organization (corporation, partnership, sole proprietorship); number, size and location of offices; and number of employees:

Tule Ranch offers an existing turnkey transportation and Class B land application management service to The City of Escondido to use approximately 10,000 acres of permitted land in Yuma County, Arizona for the land application of its Class B biosolids. Tule Ranch also offers biosolids (Class B and sub-Class B) landfill services at the South Yuma County landfill, with backup landfill services available at the Allied Waste Landfill located in Buckeye, Arizona.

Tule Ranch was established in 1963 by Shaan Magan. Tule Ranch has operated successfully for 48 years. During this period, the ranch grew a variety of crops including wheat, barley, cotton, Sudan hay, alfalfa, and feed corn. These crops were sold in commodities markets throughout the world. Tule Ranch is currently held as a sole proprietorship by Mr. Magan.

The biosolids recycling portion was established in 1994 by Mr. Magan. The biosolids portion of the Tule Ranch operates under the name Tule Ranch and Honey Bucket Farms. These two names were important from the perspective they are used on the permits issued to Tule Ranch by the Central Valley Regional Water Quality Control Board. Mr. Magan was tutored in biosolids management practices by a nationally recognized expert on the subject of minimizing the negative impacts of farming on the environment and optimizing the benefits through the use of municipal biosolids.

In conjunction with the Tule Ranch operation, in 1977 Mr. Magan created and operated Shaen Magan Trucking Company. This trucking company was in business for over 20 years and was then sold becoming the firm, Western Services, Inc. Western Service, Inc. was then sold becoming the

firm, Western Express, Inc. Western Express, Inc. provides significant trucking service to the agricultural commodities, sand and gravel products, and biosolids industries and performs the transportation task for all biosolids. Western Express is owned by Mr. Magan's wife, Betty Magan.

Western Express, Inc. owns and operates a dedicated fleet of on-road equipment specifically designed for the needs of treatment agencies. Tule Ranch will subcontract the transportation services to Western Express, Inc. and Western Express Transporter's, Inc., a reputable and proven biosolids transporter. Western Express has been transporting material for over 14 years, and Western Express Transporter's, Inc. for over 8 years. Also, both companies own and operate a combined fleet of 80+ Freightliners and water tight bottom dump trailers, walking floor trailers, and end dump trailers.

Tule Ranch and Western Express have offices located in California and Arizona. The main office is located Fresno, California (5000 sq ft) and has an administrative staff of three (4324 E. Ashlan Avenue, Fresno, CA 93726). The remaining office is located in Arizona. Yuma office (7500 sq ft) (4464 E. 30th Place, Yuma, Arizona 85304) with a staff of seven. The remaining employees are classified as drivers, onsite support staff, maintenance and ranch employees.

Tule Ranch is dedicated to providing biosolids services to municipal wastewater treatment plants. It does so by transporting, processing, and beneficially using the plant nutrients, micronutrients, and organic matter present in biosolids to grow feed crops in accordance with federal, state, and local regulations. All told, Tule Ranch probably has more experience than any other permitted operator in Yuma County in safely and effectively using organic residuals.

Tule Ranch has been in business for over 40 years. Tule Ranch and Western Express have significant land holdings and equipment assets and has been successful in not relying on outside financial influences and has been self-financed for over 20 years.

The following information describes Tule Ranch's experience in performing work of a similar nature to that solicited in this RFP, and highlights the participation in such work by the key personnel proposed for assignment to this Scope of Work/Technical Specifications.

Tule Ranch has been providing biosolids and other organic residuals reuse services at its farm site since 1994. All told, our company probably has more experience than any other permitted Arizona/California operator in safely and effectively using organic residuals. As a family-run operation, we have continually provided the same point of contact, do not have to deal with

a major corporate structure and maintain positive professional working relationships with all of our clients.

Our company prides itself on its track record of continual, unfaltering service to dozens of publicly owned treatment agencies including:

- **OCSD** – Land application and chemical stabilization of biosolids in Kings and Kern County from 1997 through 2003. Land application of biosolids, and occasional landfilling in Yuma County, Arizona from 2003, and still currently operating in Yuma County Arizona. Fifteen total years of service.
- **LACSD** – Land application and chemical stabilization of an average of 35 loads per week from Carson to Kings and Kern County from 1994 through April 2012. Valencia from 2000 to April 2012. Eighteen total years of service.
- **Goleta** - Chemical stabilization and land application of biosolids in Kern County from 2000 and still currently operating. Twelve total years of service.
- **Ventura Moorpark** – Chemical stabilization and land application of biosolids in Kern County from 2003 and still currently operating. Nine total years of service.
- **Santa Barbara** – Chemical stabilization and land application of biosolids in Kern County from 2011 and still currently operating. Four total years of service.
- **Calabasas** – Chemical stabilization and land application of biosolids in Kern County from 2011 and still currently operating. Less than one year of service.
- **Palm Springs** – Landfilling at the South Yuma Landfill from 2012 and still currently operating. Less than one year of service.
- **Eastern Municipal** – Three facilities use land application of biosolids, and in Yuma County, Arizona and one facility producing sub Class B biosolids compost its biosolids at the Arizona Soils facility since 2008, and still currently operating. Four total years of service.

The following information identifies Tule Ranch's transportation subcontractors Western Express and Western Express Transporter's, Inc. and its land application subcontractor Ag Tech, LLC. by company name, address, contact person, telephone number and project function. Describe Tule Ranch's experience working with each subcontractor

Company Name: Western Express
Contact Person: Betty Magan
Phone Number: (559) 222-7736
Project Function: Biosolids pickup, hauling/transportation
Working experience: Has been transporting biosolids for Tule Ranch since 1997

Company Name: Western Express Transporter's, Inc.
Contact Person: Betty Magan
Phone Number: (559) 222-7736
Project Function: Biosolids pickup, hauling/transportation
Working experience: WET is the exclusive hauler for Tule Ranch's Arizona operations and has been transporting biosolids since 2003

Company Name: Ag Tech, LLC.
Contact Person: Ryan Unruh
Phone Number: (928) 341-9625
Project Function: Biosolids land application, record keeping, reporting
Working experience: Ag Tech, and it's prior owners have been serving municipalities since 1977. Since 2010, Ag Tech has been accepting Tule Ranch's contracted biosolids.

Proposed Staffing and Project Organization – The following information describes the method that Tule Ranch will use to manage the Scope of Work/Technical Specifications as well as identify key personnel assigned.

Tule Ranch has provided information that describes the education, experience, and applicable professional credentials of Tule Ranch's staff assigned to provide the services requested in this RFP as part of the information included in the resumes requested.

Ag Tech/Magan Farms Shaen Magan, Owner

Ag Tech/Magan Farms was established in 1963 by Shaen Magan. The Ranch has operated successfully for 40+ years. During this period the Ranch grew a variety of crops including wheat, barley, cotton, Sudan hay, alfalfa, and feed corn. These crops were sold in commodities markets throughout the world. Mr. Magan currently farms 3,500+ acres of agricultural in California and Arizona. From 1973 to 1988, Shaen Magan was the owner of Tule Warehouse, a company that supplied the West Coast with retail building materials, with annual gross sales of \$12 million.

The biosolids recycling portion was established in 1994 by Mr. Magan. The biosolids portion of the Ag Tech/Magan Farms operates under the name Ag Tech and Honey Bucket Farms. These two names are important from the perspective they are used on the permits issued to Ag Tech/Magan Farms by the Central Valley Regional Water Quality Control Board. Mr. Magan was tutored in biosolids management practices by Mr. Kenny Evans, a nationally recognized expert on the subject of minimizing the negative impacts of farming on the environment and optimizing the benefits through the use of municipal biosolids. In conjunction with the Ranch operation, in 1977 Mr. Magan created and operated Shaen Magan Trucking Company. This trucking company was in business for over 20 years and was then sold becoming the firm, Western Services, Inc. Western Service, Inc. was then sold becoming the firm, Western Express, Inc, which is owned and operated by his wife Betty Magan. Western Express, Inc. provides significant trucking service to the agricultural commodities, sand and gravel products, and biosolids industries and performs the transportation task for these biosolids.

Betty Magan

Owner Western Express, Inc. & Western Express Transporter's, Inc.

Western Express, Inc. and Western Express Transporter's, Inc. (Western) are owned and operated by Betty Magan, President. Western is headquartered in Fresno, California while the operations occur in Delano, California, Buckeye, Dateland, and Yuma, Arizona. Western maintains a full-service maintenance and dispatch facility in Visalia, California, Yuma and Buckeye Arizona. In addition, Western provides biosolids transportation services to other contract companies operating in the Kern County & Southern California vicinities. Also, since 1996, Betty Magan farms approximately 2,200 in Kings & Kern Counties, CA and has been actively engaged in farming for over 40+ years.

Kurt Wyrick

Finance & Controller, Western Express, Inc. & Ag Tech

Kurt Wyrick is responsible for the accounting operations of the company, and the production of financial reports. Also, to ensure that accounts payable are paid in a timely manner and that all reasonable discounts are taken on accounts payable. Also to ensure that accounts receivable are collected promptly and that the process of payroll is in a timely manner. Also, Mr. Wyrick is involved in the financing of equipment, real property and loan payment

schedules. Further, Mr. Wyrick is responsible for bid proposals, insurance requirements, bonding and employee benefits. Kurt Wyrick has served as the executive assistant to Shaen Magan since 1997.

Kurt Wyrick, Fresno State University, majoring in Business Administration with an emphasis in accounting. Also, Mr. Wyrick while attending college worked as a paralegal, responsible for preparing complaints, pleadings, declarations, process serving, and filing in State and Federal Courts.

Laurie Smith

FCO & CTO, Western Express, Inc. & Ag Tech

Mrs. Smith is responsible for the maintenance of our accounting systems/records and maintaining our comprehensive set of controls. Laurie Smith ensures that bank reconciliations are complete and accurate. Also, Mrs. Smith serves as Western's HR and reviews/reconciles all payrolls. Laurie Smith serves on all of the Magan's corporate boards.

Laurie has a B.A. International Relations with Economic Emphasis from U.C. Davis, 1988.

Mark Pemberton

General Manager, Western Express Transporter's, Inc.

Oversees the overall biosolids hauling, backhaul hauls, responsible for overseeing ranch operations, overseeing maintenance shop, and Records, overseeing terminal manager and daily procedures in that area, including; fuel accountability, daily logs and scale sheets, drivers inspection sheets, payroll hours and employee records. Communicate with plant managers, loaders and Inspectors at OCS, and other Municipalities.

Kevin Good

Terminal Manager/Dispatcher Western Express Transporter's, Inc.

Mr. Good has over 20 years of experience in the transportation industry. Also, Mark Pemberton is responsible for training, drug screening, safety, insurance and personnel records, responsible for payroll, and various reports, responsible for all DMV, DOT, and FMCSA regulations enforcement and records. Mark Pemberton is responsible for the daily dispatching of loads and driver assignments.

Ryan Unruh, Operations Manager

Ryan joined Ag Tech in 2011, bringing years of experience in agriculture and biosolids operations.

As our Operations Manager he oversees the day to day operation of Ag Tech. He supervises the farm staff in everything from planting through harvesting and facilitates the biosolids application operation.

Tule Ranch's remains a qualified and capable contractor ready and willing to provide biosolids management services that conform to The City of Escondido's biosolids management goals and policies set forth in the RFP's scope of work.

- Tule Ranch holds and maintains all valid federal, state, and local permits, licenses, and other approved legally required documentation to operate a program for the beneficial use of biosolids through land application or the dispose of biosolids into designated landfills.
-
- Tule Ranch will sub-contract the hauling to Western Express and Western Express Transporters, Inc. The land application of biosolids at both Ag Tech and Mesa Ranch will be subcontracted to Ag Tech, LLC. Tule Ranch acknowledges that it will be accountable and responsible to provide, either with its own resources or through subcontractors, suitable staff and equipment for the job that will conform.
- Tule Ranch will continue to comply with all applicable federal, state, and local laws, rules, regulations, and pronouncements associated with land application or the landfill of biosolids.

Tule Ranch will continue to maintain identified fail safe backup sites in Dateland, AZ at the GPA Management Group site for land application, and in Buckeye, AZ at the Allied Waste Landfill for landfill disposal of biosolids.

- Tule Ranch welcomes The City of Escondido's inspection of the trucks and trailers. Tule Ranch will keep all trucks and trailers clean (i.e., washed between loadings), free of rips in the tarps, have the tarps cover the entire load, and maintain spill-prevention baffles, etc. Tule Ranch has its own facilities necessary to wash trucks between loadings.
- Emergency preparedness kits will continue to be required by Tule Ranch to be onboard all Western Express and Western Express Transporter's, Inc., trucks at all times.
- Drivers for Tule Ranch are required to comply with The City of Escondido's loading procedures, Department of Transportation (DOT) regulations, and provision and implementation of emergency response plans.
- Any federal, state or local fees related to hauling, such as road use fees, and any fines incurred by hauling operations as well as costs

associated with releases will be the responsibility of Tule Ranch.

- Tule Ranch's drivers will conduct themselves in a professional and courteous manner. Tule Ranch dispatchers will continue to relay important training and other communications from The City of Escondido to drivers promptly.

The following information describes the methods that Tule Ranch will use to ensure quality control as well as budget and schedule control for the Scope of Work/Technical Specifications.

Tule Ranch has a close working relationship with the municipalities it works with and that helps to ensure a team spirit. Tule has in place personnel with integrity and confidence to perform the daily activities to meet its customers' needs and has developed a system of tracking loads and documenting that activity.

Tule Ranch's selection of Project Siting options carefully considered factors such as proximity to The City of Escondido and to sensitive receptors, surrounding land use type, history of site, potential issues on hauling route to site, and future plans for proposed management site.

The Yuma County land application sites and landfill facility have been carefully chosen to provide The City of Escondido with the closest possible, yet remote, environmentally-sensitive, sustainable and cost-effective options for the management of biosolids. Biosolids use in Yuma County is an agriculture-dominated county that appreciates the agronomic and economic benefits of biosolids to its farmers. Land application of Class B biosolids is expected to be viable for the foreseeable future, and it is extremely unlikely that the State of Arizona will amend its biosolids-friendly regulations in Article 10. In fact, the Ag Tech site has been cited by EPA in past literature as case study site that showed the agricultural benefits of the use of biosolids.

The land application and landfill sites proposed for use are very remote; over three miles from any residence or sensitive receptor. The roads used for transportation of biosolids are major interstates (Interstate 8) thus not (typically) subject to stop-and-go traffic in residential areas. The surrounding land uses are predominantly agricultural and are accustomed to typical scents generated from agriculture soil amendments.

We Will,

- Comply with all applicable federal, state, and local requirements regarding transportation, storage, and use or disposal of biosolids away from the facility.
- Manage biosolids in a manner that meet the applicable standards for their intended use or disposal.
- Develop and continue to update our attached BMP to ensure that we

- have an effective ongoing biosolids operation.
- Enhance our monitoring of biosolids with management practices.
 - Require good housekeeping practices for our biosolids transport, and during land application or disposal operations.
 - Develop response plans for unanticipated events such as inclement weather, spills, and equipment malfunctions.
 - Commit to sustainable, environmentally acceptable biosolids management practices and operations
 - Prepare and implement a plan for preventive maintenance for equipment used to manage biosolids and wastewater solids.
 - Seek continual improvement in all aspects of biosolids management.
 - Provide methods of effective communication with stakeholders, and interested citizens.

Summary of Operations

Tule Ranch receives dewatered Class B¹ biosolids from municipal wastewater treatment plants and transports them directly to the Arizona sites. Once at the sites, the biosolids are either processed and land applied or directly land applied, off-loaded at South Yuma County Landfill, or delivered to a subcontractor for composting in accordance to local ordinances. The end-use sites are specifically permitted for this use. Only feed and fiber crops are planted at the land application sites. Inspections of the sites are done with or without any notice by the generators, health officers, regulators, contractors, and auditors that verify that this plan is being followed. Biosolids are regulated through the Code of Federal Regulations, Section 40, Part 503 (40 CFR 503) which sets minimum standards that must be met before the material can be land applied.

Company Policy

"Tule Ranch is committed to using best management practices and compliance with regulations while providing biosolids services to municipal wastewater treatment facilities."

Tule Ranch accomplishes this by adopting and implementing the provisions found in the California Water Environment Association (CWEA) Code of Good Practice and the National Biosolids Partnership (NBP) Code of Good Practice.

Description of Sites

Yuma County, Arizona

Tule Ranch has access to 6,110 acres of ADEQ permitted for land application in Dateland, Arizona. The closest permanent resident is over 3 miles away to the south of the application sites. Typical crops include Barley, Cotton, Alfalfa, Wheat, Silage Corn and Sorghum.

Yuma County, Arizona

Tule Ranch has access to 2,000+ acres of ADEQ permitted for land application in Yuma, Arizona via Ag Tech. The closest permanent resident is over 3 miles away. Typical crops include Barley, Cotton, Alfalfa, Wheat, Silage Corn and Sorghum.

Yuma County, Arizona

Tule Ranch has access to 800 acres of permitted for land application in Yuma, Arizona via Magan's (Desert Ridge Farms). The closest permanent resident is over 1 ½ miles away. Typical crops include Barley, Cotton, Alfalfa, Wheat, Silage Corn and Sorghum.

Yuma County, Arizona

South Yuma County Landfill in Yuma, Arizona is an alternative off-loading site for biosolids disposal. All regulations instituted by the EPA and ADEQ are followed as well as extra safety measures. Truck washout is limited by the use of a bio-degradable trailer liner.

Biosolids

General Characteristics

Tule Ranch accepts biosolids from Goleta Sanitation District, Valencia Sanitation District, Los Angeles County Sanitation District, Santa Barbara Sanitation District, Eastern Municipal Water District, City of Beaumont, Ventura Sanitation District and Orange County Sanitation District. The above generators process their biosolids through anaerobic digestion followed by dewatering. The consistency is that of a paste with a moisture content that varies between 20 and 30% solids. Biosolids contain large amounts of organic matter to which are bound plant nutrients, such as nitrogen and phosphorous, as well as plant micronutrients, such as copper, selenium, and zinc. Biosolids, on an average dry basis, show a plant fertilizer value of 4.5 – 2.5 – 1 NPK.

The content of metals in biosolids is comparable or lower than other commonly used fertilizers. The 40 CFR Part 503 biosolids regulations defines the metal limits as "Ceiling Concentration" and "Exceptional Quality". Biosolids qualify for land application if at a minimum, they meet the ceiling concentration with the condition that the sites receiving can track, on an annual basis, the cumulative soil loading for all metals. The above-mentioned generators produce exceptional quality biosolids which exempts Tule Ranch from tracking the cumulative metals soil loading. However, this tracking is still being done and reported.

Application Rates

Application rates are based on the nitrogen content in biosolids, expressed in milligrams of Nitrogen per kilogram, and the desired crop nitrogen needs. Nitrogen content in biosolids is determined from the average shown in the

generator's reports provided monthly. Each crop has a specific nutrient requirement determined in the literature (e.g. Western Fertilizer Handbook). Biosolids is applied to a site in enough quantity in order to fulfill this need, also known as agronomic rate. Table 1 summarizes the plant nutrient requirement for the most common crops.

Crop	Crop Yield (tons)	Biosolids Application Rate (lb/acre)		
		N	P	K
Barley	2.5	200	60	160
Cotton	0.75	250	65	125
Silage Corn	12.0	250	60	150
Sorghum	3.5	225	60	165
Sudan	6	280	70	185
Wheat	3.0	250	70	200
Alfalfa	8.0	600	95	480

Crop Application Rate

The application rate for each particular site is first estimated from the site area, the crop to be planted, and the average nutrients in biosolids. The results of the biosolids from different sources and a projection of the quantities of biosolids loads that are expected from each source are factored into the application rate calculation. This estimate produced by the site manager and provided to the field application foreman.

The primary factors used to calculate the application rate are the percent solids and nitrogen content of the biosolids, the nitrogen mineralization and volatilization rates, and the nitrogen needs for the crop to be planted (also known as plant available nitrogen or PAN). Application rates for crops subsequent to the first crop application may be reduced by the amount of nitrogen carryover when biosolids is applied to the same field in successive cropping seasons. If that is the case, a carryover of 10% is estimated for the PAN calculations. Subsequent applications have a 5%, 3%, and 3% carryover for the prior three years, respectively.

Tule Ranch or its subcontractor integrates the process of determining target application rates and nutrient loading limits with the computerized tracking system. The site manager determines target application rates after consultation with the farm manager. The site manager determines the desired nitrogen and other nutrient levels utilizing soil and crop analyses, crop yield, and standard agronomic tables. He inputs this data into an electronic calculation table for a determination of the appropriate biosolids application rate required in order to reach the desired soil fertility levels. The system utilizes current biosolids analysis data to compute the target application rate

needed to meet the fertility goals while maintaining a safe level of trace metals loading following an algorithm outlined below. The criteria for the critical parameter monitoring are included in the 40 CFR Part 503 Rule.

Step 1) Determine the crop's nitrogen requirement (CNR) by the method described in the preceding paragraph.

Step 2) Compute the pounds of available Nitrogen per ton of biosolids applied using the following embedded formula or nitrate testing of soil:

$$\text{Pounds N/Ton Biosolids} = ((\%NH_4-N_j) \times \%Solids \times 500) + ((\%NO_3-N_j) \times \%Solids \times 2000) + ((\%No) \times \%Solids \times 400)$$

Where: N_j = inorganic nitrogen in biosolids
 No = organic nitrogen in biosolids

Step 3) Compute residual nitrogen from previous land application as a measure of the percentage of original applied amount:

- a) for current proposed crop = 20%
- b) for second crop rotation = 10%
- c) for third crop rotation = 5%
- d) for fourth crop rotation = 3%
- e) for fifth crop rotation = 3%

$$\text{Residual Nitrogen (RN)} = 3.a + 3.b + 3.c + 3.d + 3.e$$

or use current soil test data to determine PAN.

Step 4) Compute Target Application Rate (TAR):

$$\text{CNR} - \text{RN} = \text{TAR (pounds of N/acre)}$$

$$\text{TAR (pounds of N/acre)} / \text{Step 2 (lb. N/ ton biosolids)} = \text{TAR (tons biosolids/acre)}$$

Step 5) Determine application limits based on annual whole sludge application rate (AWSAR)

Cumulative Pollutant Loading Rates, in Kg/ha, from Table 3, according to 40 CFR 503.13

A) Maximum Annual Pollutant Loading Rate, in Kg/ha, according to 40 CFR 503.13(b)(4):

<u>Kg/ hectare</u>	
Arsenic	2.0

Cadmium.....	1.9
Chromium.....	150.0
Copper	75.0
Lead	15.0
Mercury	0.85
Molybdenum.....	0.90
Nickel	21.0
Selenium	5.0
Zinc	140.0

B) Cumulative Pollutant Loading Rate, in Kg/ha, according to 40 CFR 503.13 (b)(2):

<u>Kg/ hectare</u>	
Arsenic	41
Cadmium.....	39
Chromium.....	3000
Copper	1500
Lead	300
Mercury	17
Molybdenum.....	18
Nickel	420
Selenium	100
Zinc	2800

Step 6) Determine the Target Application Rate (TAR)

The computer will default to the lowest sum in Steps 4 and 5 and this will be the TAR.

Step 7) Compute the remaining site life in years:

Determine the number of pounds of each metal that were added throughout the year utilizing the Annual Pollutant Loading Rates, Ceiling Concentration Limits (APLRC), prior application amounts, and Cumulative Pollutant Loading Rates, compute the remaining site life at current application rates:

$$AWSAR = APLRC \times 0.001$$

The target application rate is monitored using the consolidated reporting forms and the computerized tracking system. The data is entered into the computer daily except weekends and holidays.

a. Tracking Site Lifetime Application

The tracking of site lifetime application is not required by 40 CFR 503 for exceptional quality biosolids, however this is done. The potential biosolids

application life for a particular site is calculated on a yearly basis and depends on the metals content of the biosolids and the application rate.

1. Management Plan

A. General Operating Constraints

Land application of biosolids is regulated at the federal level by the 40 CFR 503 Rule, which defines the minimum standards required for land application of biosolids (defining processing methods, which determine the vector attraction reduction and the pathogen level, as well as defining the concentration of metals, crops allowed, and site access restrictions). At the state level, the Arizona Department of Environmental Quality's 18 A.A.C. 9, Article 10 - Arizona Pollutant Discharge Elimination System Disposal, Use, and Transportation of Biosolids. All land application sites have the applicable permits with the county or state agency that oversees this activity. The permits in Yuma County are issued by the Arizona Department of Environmental Quality (ADEQ).

The operation is finally governed by service level agreements signed between Tule Ranch and its municipal customers. These contracts define the minimum requirements. Because Tule Ranch services many municipal customers simultaneously, it will apply the contract conditions that are most stringent to its operation.

B. Management Practices

Land application follows harvest of any standing crop and the disking of the site to remove any furrows. The project manager then flags any restricted areas by measuring the appropriate setback as defined in the Arizona Article 10 (whichever is applicable), or the local requirement, whichever is stricter.

The following management practices will be followed:

- Biosolids will not be applied at an application rate greater than the agronomic rate of the crop planned for the site
- Biosolids will not be applied to land that is flooded
- Biosolids will not be spread if the weather prohibits its incorporation
- Biosolids will be incorporated into the soil as soon as possible
- Every site will grow a viable crop prior to any additional biosolids application

C. Equipment Utilized

Tule Ranch or its subcontractors provides all the equipment used to transport and land apply biosolids. Biosolids are transported in belly dump, end dumps, or live-floor semi-trailers pulled by tandem-axle truck tractors. The net volume capacity of the trailers is between 40 and 54 cubic yards, which correspond to a net weight capacity of between 22 and 27 tons. The trailers are equipped with roll tarps that are secured by a number of ratchet tie-straps.

Biosolids are either unloaded to the receiving pit or at the designated land application site (Yuma County). Biosolids are then loaded into spreaders pulled

by a standard agricultural tractor using a front-end loader or off loaded into a mixing pit in preparation for injection via tractor and chisel. A disk, also pulled by a standard agricultural tractor, incorporates the biosolids into the soil. Water trucks are used to supply the water for washing the biosolids residues off the trailers tires and to water the access roads to the fields to reduce dust. Water pumps are used to water the fields throughout the growing season. Sprinklers are also used in certain locations.

D. Transportation

a. Permits

Tule Ranch and its sub-contract haulers are permitted as a motor vehicle contract carrier by the Interstate Commerce Commission and as a highway contract carrier by the California Public Utilities Commission.

b. Truck Routes

On a daily basis, the dispatcher, routes truck drivers to the assigned fields. The factors that influence routing selection include traffic (accidents, road construction), weather, location of residences, potential for dust, and school bus routes.

c. Delivery Windows

The general manager coordinates with the municipal customer's loading coordinator the best delivery window, which depends on the travel distance, traffic, route, and impact on the public.

d. Truck Maintenance, Appearance, and Recordkeeping

All trucks and trailers are properly maintained to provide the safe transport of biosolids and to prevent release of biosolids as per the Biosolids Release Plan. The mechanical maintenance schedule of truck tractors follows the manufacturer's recommendations and the records are kept in the Western Express Trucking office. The structural integrity of truck trailers are also tested by visual inspection and fixed accordingly to avoid accidents and biosolids releases. This includes the placing and maintenance of adequately working safety pins on trailer gates. All repairs are logged and the records are kept in the Western Express Trucking office. All truck maintenance records are made available to municipal customers upon request.

e. Driver Training

Tule Ranch truck drivers receive training on an annual basis on the following:

- Loading and procedures at wastewater treatment plants
- Safety and biosolids
- Do's and don'ts of biosolids transportation
- Release prevention and release cleanup procedure
- Unloading and cleaning procedure
- Recordkeeping
- Public relations

The records of this training are kept in the Western Express Trucking office and are made available to clients upon request.

f. Dispatcher Contact Information

Kevin Good (Yuma, AZ)..... (928) 919-4667

E. Unloading and Washing

When a truck arrives at the designated field or at the processing site, the biosolids are unloaded onto the designated area and the interior of the trailer thoroughly washed. Before leaving, the trailer is tarped and then trailer and trailer tires are washed clean of biosolids residues.

F. Storage

Material may be stored for a period of up to 2 years in Arizona. Tule Ranch typically land applies and incorporates the biosolids immediately upon delivery to the site.

G. Spreading

Once the spreader is loaded with biosolids material and is at the designated site, it spreads the material uniformly on the land until the application rate for the planned crop is reached. A rough application rate can be calculated by dividing the capacity of the spreader by the area spread by the load (multiplying the distance traveled by the average broadcast distance). Depending on the soil conditions, the desired application rate can be done in two separate spreading events, as described below.

H. Incorporation

After spreading, the material is disked into the soil with a disk pulled by an agricultural tractor. For certain soil conditions, and to assure better blending and incorporation into the soil, the material can be spread in two complete cycles of spreading and incorporation. Prompt and adequate incorporation is done to avoid public nuisances, such as odors and flies.

I. Watering, Planting, and Cropping

Once a field has been adequately fertilized and amended with biosolids, it is ready for seed bed preparation, planting, cultivation, and irrigation. Once the crop growth cycle is complete, it is harvested and sold. Records of crop production are kept in Tule Ranch field office and are made available to its municipal customer upon request.

J. Soil types

Yuma County, Arizona

The sites permitted for biosolids land application contain Indio Silt Loam soils which are formed in mixed alluvium. The permeability is moderate with a rooting depth of 64 inches or more, high water capacity, and medium surface runoff. This soil is used for irrigated alfalfa hay, small grains, cotton, sugar beets, grain sorghum, citrus fruit, vegetables, and Bermuda grass.

K. Groundwater Depth

The groundwater level underlying the Yuma County sites are about 70 feet with a southwest gradient.

L. Prevailing Winds

In Yuma County, the prevailing winds are from northeast characterized by a weak breeze and reversing directions during the afternoon.

M. Staff Training

The training includes basic biosolids regulations on the federal, state, and local level as well as on the municipal customer's particular requirements. The training includes safety aspects related to biosolids handling, endangered species, public perception issues, and communication with the public. The training of staff is done on an annual basis and the records are kept in the Tule Ranch field office and are made available to clients upon request.

Tule Ranch arranges the best available time for regular and subcontracted staff to be trained by the customers after previous notification.

2. Controls

A. Soil Testing

Soils from each field are analyzed prior to the initial biosolids application and subsequently after every 40 dry tons applied per acre application. A composite of soil from a depth ranging from 6-12 inches are sampled at 15 separate, randomly selected locations per field, and are analyzed by a certified laboratory.

B. Biosolids Quality

Biosolids received for land application must be endorsed by a Certificate of Biosolids Quality to ensure receiving at least Class B material. In the event, Sub-class B biosolids is received it will be redirected for land fill disposal or composting.

C. Odor Control

Odors at the site are not a major impact due to the remoteness of Tule Ranch's site locations.

D. Noise Control

Truck and trailers are maintained in accordance with the Department of Transportation requirements for noise control.

E. Access Control

Fences along with postings and on duty personnel provide access control.

F. Stockpiling Issues

No stockpiling of Biosolids.

G. Site Restrictions

All field access points are posted with "No Trespassing" signs and ingress and egress are monitored by Company personnel.

H. Water Quality Controls

a. Surface Water

The setbacks from application sites to surface water courses, either dry or flowing, are 100 feet.

b. Groundwater

The setbacks to drinking water wells are 500 feet and to non-domestic wells are 100 feet.

I. Inspections

Verification of regulatory compliance is done by several different agencies. The Arizona Department of Environmental Quality, and the biosolids generators perform periodic inspections and report with verbal and written notifications and recommendations for improvement.

3. Emergency response

A. Weather

No application will be done when the precipitation is greater than 0.025 inches per hour or when the soil is saturated. When either of this occurs, the operation will be halted and, depending on the situation, may be moved to another more appropriate site. The project manager will inform the dispatcher and the customers of any change in schedules. The dispatcher, in turn, informs the drivers of any change in routes and delivery locations.

B. Biosolids Release Response

Please refer to Attachment A "Biosolids Response Plan" for a complete description.

C. Fire

Need for evacuation of fields or offices will be determined by field manager or dispatcher in event of threat of fire.

4. Monitoring

B. Soil Testing

Soils from each field are analyzed prior to the initial biosolids application. A composite of soil from ranging from 6-12 inches are sampled at 15 separate, randomly selected locations, and are analyzed on each permitted site. Soils are analyzed BC Labs or other certified laboratory for the following:

Plant Macro Nutrients & others: (analyzed prior to application)

- Total Kjeldahl Nitrogen
- Phosphorous
- Ammonia Nitrogen
- Nitrate Nitrogen
- Phosphate
- Potassium
- Cation Exchange Capacity
- Soil pH

Trace Metals & others: (analyzed when application has reached 40 dry tons of biosolids and every 40 dry ton thereafter)

- Arsenic
- Cadmium
- Copper
- Molybdenum
- Lead
- Mercury
- Nickel
- Selenium
- Zinc
- PCBs
- Dioxins

Periodically, samples are tested for other parameters such as Boron, Total Petroleum Hydrocarbons, Toxic Organics indicators, Sodium Adsorption Ratio.

C. Recordkeeping

Tule Ranch collects and maintains the following information indefinitely:

- The location, by quarter section, section, township, range and assessor's parcel number, of each site on which biosolids is applied, including a map, of scale 1:24,000 or larger, accurately showing the location.
- The number of hectares in each site on which biosolids is applied.
- The date biosolids was applied to each site.
- The cumulative amount of each pollutant, in pounds listed in Discharge Specification B.1 in the biosolids applied to each site.

- The amount of biosolids, in dry tons, applied to each site.
- The following certification statement:

"I certify, under penalty of law, that the requirements to obtain information in 40 CFR 503.12(e) (2) have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the requirements to obtain information have been met. I am aware that there are significant penalties for false certification including fine and imprisonment".

- A description of how the requirements to obtain information in the above paragraph are met.

Tule Ranch collects and maintains the following information for five years:

- The following certification statement:

"I certify, under penalty of law, that the requirements of Prohibition A.3 and Discharge Specification B.11 have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the management practices have been met. I am aware that there are significant penalties for false certification including fine and imprisonment".

- A description of how the requirements in Prohibition A.3 and Discharge Specification B.11 are met for each site on which bulk biosolids is applied.
- The following certification statement when the bulk biosolids meets the vector attraction reduction requirements in Discharge Specification B.11:

"I certify, under penalty of law, that the site restrictions in Discharge Specification 8.10 have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the site restrictions have been met. I am aware that there are significant penalties for false certification including fine and imprisonment".

- A description of how the site restriction in Discharge Specification B.10 is met for each site on which biosolids is applied.
- The following certification statement when the vector attraction reduction requirement in either Discharge Specification B.11.i or B.11.j is met:

"I certify, under penalty of law, that the vector reduction requirement in Discharge Specification B.11.i have been met for each site on which bulk sewage sludge is applied. This determination has been made under my direction and supervision

in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the vector reduction requirement have been met. I am aware that there are significant penalties for false certification including fine and imprisonment”

If the vector attraction reduction requirements in either Discharge Specification B.11.i or B.11.j are met, a description of how the requirements are met.

D. Reporting

Tule Ranch, on a quarterly basis, reports to its municipal customers on a pre-selected number of activities that are deemed crucial for the sustainable management of biosolids.

Tule Ranch annually submits to the Environmental Protection Agency, ADEQ and its municipal customers a tabulated summary of results of all biosolids and soil monitoring data and an evaluation of the data collected during the calendar year; the cumulative total loading of heavy metal for each site and a comparison to the allowable cumulative loading standards (including calculations); the results of soil pathogen monitoring; compliance with land use restrictions identified in Discharge Specification B.10; and documentation certifying that personnel working at the site adhered to the approved Guidelines for Endangered Species Protection required in Provision D. 7. The annual monitoring report is submitted for three years following the last biosolids application.

5. Community Relations and Communications Plan

A. Existing Community and Political Relationships

In Dateland (Yuma County), the operator has established a good rapport with the town owner as well as with the local elementary school superintendent by donations of books and resources for other local events. In Yuma at Desert Ridge Farms and Ag Tech, Tule Ranch has been supportive of local events (little league softball teams) and the Marine Base (contributing to military events such as parades, balls, and remembrances).

B. Communication Options

Internal Communication

Staff is to understand Tule Ranch’s Mission and how it associates with the policy of its customers. Training on this is done at least annually. Staff training on job operations, safety, releases and other emergency response is also done at least once annually. Records are maintained onsite including sign-in sheets and training agendas for each meeting.

External Communication

Management and staff can provide communication and outreach to interested parties. Communication can come through several different methods, such as:

- Direct contact with company via phone, e-mail, mail, etc.
- Presentations and outreach materials
- Tours of the facility and operation
- Classroom education
- Sponsoring of public events
- Correspondence with regulators, media, or associations
- Communication with Orange County Sanitation District and other generators

C. Community Outreach Program and Materials

Staff provides public outreach in the following ways:

- Give presentations to regulators, schools, and informal meetings
- Hand out fact sheets provided by regulators and generators
- Prepare letters of support for biosolids use in agriculture

Tule ranch staff participates in agriculture associations to gain support from other members of agriculture associations through presentations, booths, and handouts. Staff also participates in educative efforts through editorial county Board presentations, presentations to schools, and maintaining an overall open line of communication.

Tule Ranch supports research projects with local universities and other organizations that have an interest in studying the use of biosolids to grow crops or to study environmental impacts.

D. Community Inquiry Response Program

This program has been developed to understand, respond, and follow-up on inquiries and complaints Tule Ranch receives. To that effect, a Community Inquiry Response Form was created. This form is filled by staff receiving comments or complaints. Comments or complaints are logged in a binder called "Community Inquiry Response Forms", copies are then dispersed to all managers for review and response. Additionally, all generators are notified promptly by e-mail or phone for critical issues such as release, hazards or complaints, all other inquiries are forwarded with quarterly reports.

6. Contacts

Office (Main)

Kurt Wyrick
4334 E. Ashlan Ave
Fresno, CA 93726

Tel. (559)222-7736
Fax.(559)222-7756

Office (Yuma, Arizona)

Kevin Good / WET
4464 E. 30th Place
Yuma, AZ 85364

Tel. (928) 919-4667
Fax (928) 344-9007

Office (Yuma, Arizona)
Ryan Unruh / Ag Tech
3895 W. Co 19th St
Somerton, AZ 85366

Tel. (928) 287-4588
Fax (623) 474-0057

COST PROPOSAL

Having evaluated the specific needs of the City of Escondido and the published Biosolids RFP, we have taken in to considerations many factors in the cost associated with the service required.

Some of these factors include routes, season changes, equipment and personnel needs and all associated current and future operational costs while providing exceptional and dependable long term service to the City of Escondido.

These issues considered, we respectively submit that;

The rate per WET TON of "Class B" Biosolids will be \$41.65

Though we have developed both effective and efficient methods of Biosolids Land application and management, should an issue arrive or The City of Escondido produces Biosolids that do not meet the requirements of 503 Sludge Regulations for "Class B", IAW our contingency plan, the material will delivered for either "Landfilling Operations" or "Composting End use" in either Yuma AZ, or Buckeye AZ.

Facilities handling or disposing of non-"Class B" materials will require fees for their service in addition to the rate submitted for "Class B' operations.

These issues considered, and with the additional costs implied, we respectively submit that:

The rate per WET TON for Biosolids not meeting 503 Sludge Regulations will be \$58.00

Request for Contract/ Service Agreement Amendment

Tule Ranch does not have any exceptions to or deviations from the Contractual requirements of this RFP. However, we do require that a standard "**Fuel Surcharge Agreement**" be incorporated into the language and body of the service contract should Tule Ranch be successful in this competitive RFP.

Having reviewed the attached sample contract/ service agreement, we have not been able to identify an entry that addresses the unstable and often unpredictable cost of fuel that greatly impacts our transportation costs and operations.

We respectfully request that an amendment to the Service Agreement be included that addresses this critical issue. We have identified several factors that are unique to transportation operations in your specific geographical region and have provided a unique formula for your consideration.

RE: Tule Ranch (Fuel Surcharge Example)

1. Fuel Surcharge Example. A surcharge to achieve a "Shared Cost" compensation to Tule Ranch for increased diesel fuel costs, in addition to the Biosolids Management Fees, will be applied when the diesel fuel cost per gallon increases above \$2.94 per gallon. Fuel efficiency has been established as 5.25 miles per gallon for transportation to Arizona. The source of the fuel cost per gallon factor used in the diesel fuel surcharge by the US Department of Energy, in the Energy Information Administration (EIA) California Retail on-Highway Diesel Price Index (Index Values) for a given month. These values will be obtained from the EIA website at <http://www.eia.doe.gov>. Diesel fuel adjustments are calculated on a monthly basis, with the EIA Index Values selected for the same month in which the biosolids are delivered to.

CONTRACTOR.

[Fuel Cost per Gallon (1) - \$2.94 (2)][Tons of Biosolids Managed]
For biosolids land applied in Arizona.

Example:

Total Tons	1,000
Base Fuel Price	\$2.94 (2)
CA Retail Ave. for Month	\$3.00
Distance Multiplier	2.9 (3)
Fuel surcharge	.17 per ton

- (1) Current Fuel price is \$3.00 for the month of May per EIA website – CA Retail on-Highway.
- (2) Base fuel price (\$2.94) if fuel costs increase above this amount a fuel surcharge is calculated.
- (3) Distance Multiplier is roundtrip miles (Escondido to Yuma, Arizona), divided by fuel efficiency (5.25) divided by tons (25). (380 miles/5.25/25=2.9)

Another Example:

Total Tons	1,000
Base Fuel Price	2.94
CA Retail Price	3.00
Distance Multiplier	2.90

(CA Retail -Base Fuel Price) x Distance Multiplier = Fuel Surcharge

$(3.00 - 2.94) \times 2.90 = \$0.174 \text{ per ton} \times 1000 \text{ tons} = \174.00 surcharge

Thank you again for allowing Tule Ranch/ Western Express the opportunity to participate the City of Escondido's Biosolids RFP.

Attachment A
Biosolids Release Response Plan

I. TRANSPORTATION

This section presents standard operating procedures during pickup, transportation, and delivery of biosolids to Tule Ranch facilities and includes:

- A. Transportation
- B. Safety
- C. Equipment maintenance

A. TRANSPORTATION

After the biosolids are loaded into the trucks at the treatment plant the driver follows the established routes to transport the biosolids to the Tule Ranch facilities. The generators and Tule Ranch have set routes with the appropriate regulatory agencies during the site permitting process with considerations for residential and business traffic, as well as odor and noise potentials. If a roadway is closed or detoured, drivers notify the dispatcher of the alternate route. Route maps are updated as needed. Because of the sensitive nature of biosolids, drivers do not stop at any time in route to or from the site destination, other than in an emergency, equipment breakdown, equipment service, driver change, or to render emergency first aid if encountering an accident. In the event of a mechanical failure such as biosolids leaking through a faulty or damaged trailer, the driver shall stop immediately to minimize the spreading of released biosolids.

B. SAFETY

Tule Ranch subcontractor, Western Express, Inc., provides safety equipment and safety training to all drivers and maintains and repairs equipment for all preventive and emergency needs. The training is done on an annual basis and the training records are kept in Tule Ranch field office.

1. Safety Equipment

All trucks are equipped with:

- A two way radio (C. B.)
Cell Phone
- Battery powered flashlight
- Warning triangle kit
- Shovel
- First aid kit
- Copy of this biosolids release response plan

- Broom
 - Fire Extinguisher
2. Safety Training

Western Express, Inc., provides training for safe biosolids handling practices and for maintaining defensive, safe driving methods. All drivers attend regular safety training meetings. Drivers have current licenses and health certificates as required by the State of California and/or Arizona. They are also issued a "Driver Handbook" detailing their responsibilities as a driver. Basic driving safety practices include:

- Drivers are to drive safely, courteously, and defensively at all times
- Trucks must be checked prior to startup, including oil, water, tires, and lights
- Trailers must be checked for structural damage, leaks, tarp, and tarping mechanism
- Loads must be secured with safety pins (front and back for clamshells and a wing nut and a pin securing the sliding gates)

C. EQUIPMENT MAINTENANCE

Western Express, Inc. has a 15,000 mile inspection schedule for all trucks and completes all maintenance and repair as needed. Applicable noise level requirements must be met or bettered by all tractors and trailers. The equipment is kept as clean as possible, including the following:

- Partially wash the truck and trailer after each trip to prevent tracking or dropping of biosolids material
- All trucks are washed once per week to remove all road dirt
- Trailers are washed entirely once per month according to the preventive maintenance schedule

II. EMERGENCY PROCEDURES

Tule Ranch has defined procedures to avoid and/or prevent incidents. Despite precautions an accident may occur. Quick response through established procedures minimizes the impact of any incident or accident. This section details the procedures that **MUST** be followed in an emergency situation and includes:

- A. Incident protocol
- B. Determining the extent of the incident
- C. Non-release incident procedures

D. Release cleanup procedures.

A. INCIDENT PROTOCOL

Safety is of the utmost importance. The correct protocol includes:

1. Flag the area immediately to warn other motorists
2. Reroute traffic
3. Notify dispatcher
4. Notify generator
5. Restore the scene to normalcy, if possible, or wait for assistance. If further assistance is necessary, the dispatcher refers to Section III. A variety of equipment, including emergency response vehicles, dump trucks, loaders, vacuum tanker and water trucks are available to assist if the incident involves released biosolids.

Although drivers have regular radio contact with the dispatcher, there are possible blind spots in radio communications that may prevent emergency calls to the dispatcher. If radio contact with the dispatcher is unavailable, the driver is to contact the Highway Patrol or other accessible authority and request that they contact the dispatcher. Many coin-operated telephones may be used without coins to contact emergency agencies.

In case of media contact, the driver will provide phone numbers for contacting Tule Ranch management contained in this management plan. If conversations with the media representatives at the site in an emergency situation are unavoidable, the driver shall be courteous, avoid speculation, and relate only the known facts.

B. DETERMINING THE EXTENT OF THE INCIDENT

Incidents differ in response time and intensity of effort necessary to resolve and/or clean up. The following definitions will help determine the extent of the emergency situation:

Non-Release Accidents: This includes any event involving subcontractor vehicle or personnel or an accident scene where the subcontractor driver is first to arrive or witnessed.

Small Releases: These may result from leaking gates, fast stops, or sudden shifts of the truck. A small release is one that can be cleaned up within 15 minutes by the driver using a shovel.

Major Releases: These are releases of an extensive nature resulting from:

- Truck overturning
- Collisions
- Equipment malfunctions
- Operator error

Major releases are those which cannot be cleaned up by the driver alone within 15 minutes, and which present a possible risk to other people or the environment.

C. NON-RELEASE INCIDENT PROCEDURES

All incidents require immediate response. When the driver is the first person at the scene of an incident, the driver must make the initial evaluation of the type and extent of the emergency. If there is any question about the extent or the risk of the situation, the driver should consult the dispatcher immediately.

1. Injury

If first at the scene, the driver will render first aid and remain at the scene until help arrives. If the driver is injured, he and any other injured parties will be transported to the appropriate medical facility by the emergency medical aid vehicle responding to the scene. If the driver is unable to drive further, the dispatcher will send another driver to move the vehicle if it is road-worthy.

2. Accident Witness

If the driver witnesses an accident or is the first to arrive at the scene of an accident, he or she shall radio the information to the dispatcher. The dispatcher shall immediately then notify the appropriate emergency agency. If the driver is able to stop, he will stay at the scene until the authorities take control, otherwise he will call the dispatcher to warn the authorities of the accident.

3. Vehicle Accident

In case of an accident involving a vehicle hauling biosolids, the driver shall relay the information to the dispatcher. The driver must complete and turn in within 24 hours of the incident a California Highway Patrol Accident Report or incident report as applicable.

4. Other Incidents

Tule Ranch subcontractor reports other Incidents, non-vehicular accidents and incidents involving property damage, theft, or bodily injury as they occur. Tule Ranch notifies the generator within 24 hours and the appropriate agency (police, fire department, health department.) for investigation and follow up.

D. RELEASE CLEAN-UP PROCEDURES

Each biosolids release, whether small or large, requires immediate response. The guidelines in this handbook are to be followed for each particular incident. The driver will complete and turn in an Accident Report within 24 hours of the incident, in addition to an "Incident Report - Biosolids Release" (Attachment 2).

1. Small Releases

If the incident falls within the parameters of small releases, as described in Section II.B ("Determining the Extent of the Incident"), the driver shall do the following:

- a. The biosolids are to be completely removed using a shovel and placed back into the trailer.
- b. The surface is to be cleaned by first adding sand or dirt and then removing it with a broom.
- c. If the truck or trailer is defective, the driver will consult with the dispatcher for further instructions. If the driver is unable to contact the dispatcher by radio and believes that the truck or trailer should not be moved, he shall contact the dispatcher by whatever means available, such as Highway Patrol, public phone, etc.

2. Major Releases

If a major release occurs, the driver shall do the following:

- a. The driver is to divert traffic around the release, using traffic cones, reflectors, and/or flares.
- b. The driver is to call the dispatcher with release location, amount of release, circumstances of the release. The dispatcher will assess the situation and determine if and what assistance is needed.
- c. The driver must prevent the biosolids from migrating off the incident area by diking storm culverts with sand, sand bags, dirt, straw bales, kitty litter, or any other blocking material.
- d. The driver will remain at the scene until he is released by the authorities And/or the dispatcher.

III. EMERGENCY CONTACTS

Emergency Services 911

Dispatcher

Kevin Good (Yuma, AZ)..... (928) 919-4667

IV. ROUTING

Trucks arriving to Yuma County generally follow I-8 East. They then proceed East on the 67 exit and follow 64 east to the farm operation.

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CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 5

Date: May 24, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Julie Procopio, Director of Engineering Services/City Engineer
Vince McCaw, Real Property Manager

SUBJECT: Lease Agreement with Mark D. Klammer Revocable Trust for Unimproved Street Frontage Adjacent to 1002-1028 W. Mission Avenue (APN 228-220-79)

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2017-72, approving a three-year lease agreement for unimproved public street frontage adjacent to 1002-1028 W. Mission Avenue in the City of Escondido.

FISCAL ANALYSIS:

The proposed lease rate is based on an initial rent of \$3,477.82 per year, for a period of three years. The lease provides for two, 2-year options to renew. Funds will be deposited into the City's general fund.

PREVIOUS ACTION:

A First Amendment to Lease Agreement with Mark D. Klammer Revocable Trust was approved by Resolution 2013-43 on April 17, 2013.

BACKGROUND:

The City entered into a lease with the Klammer Family Trust on May 19, 2010, for their use of an 18-foot area along the property frontage for his tenants' vehicle display area. The lease was for a period of three years and included two, 2-year options to renew.

A First Amendment to the Lease Agreement was entered into on April 17, 2013, vested in the Mark D. Klammer Revocable Trust, which assumed the original agreement from the Klammer Family Trust. This Amendment to the Lease Agreement exercised the first option to renew the lease for a 2-year term and also applied a 3 percent annual rent increase.

The current lease agreement recommends a three-year term with two, 2-year options to renew. The proposed annual rate is \$3,477.82, which is to be adjusted annually by 3 percent. The City has no immediate plans to widen Mission Avenue.

Lease Agreement with Mark D. Klammer Revocable Trust
May 24, 2017
Page 2

Respectfully submitted,



Julie Procopio, P.E.
Director of Engineering Services/City Engineer



Vince McCaw
Real Property Manager

RESOLUTION NO. 2017-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE REAL PROPERTY MANAGER AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A LEASE AGREEMENT FOR THE USE OF PUBLIC STREET FRONTAGE, ADJACENT TO 1002-1028 WEST MISSION AVENUE IN THE CITY OF ESCONDIDO

WHEREAS, the City of Escondido ("City") owns certain unimproved street frontage located adjacent to 1002-1028 W. Mission; and

WHEREAS, the City and Klammer Family Trust first entered into a lease agreement with an effective date of May 1, 2010; and

WHEREAS, the current lease agreement expired on May 1, 2017; and

WHEREAS, said City-owned real property is not immediately required for City use; and

WHEREAS, the City and Mark D. Klammer Revocable Trust desire to enter into a new lease to allow continued occupancy at said real property for its tenants to display vehicles for sale; and

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

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

1. That the above recitations are true.

2. The Real Property Manager and the City Clerk are authorized to execute, on behalf of the City, the Lease Agreement with Mark D. Klammer Revocable Trust, which is attached hereto as Exhibit "1" and incorporated by this reference.



1002-1028 W. Mission Avenue

Lessee: Mark D. Klammer Revocable Trust

Term: 3 Years

Address: 1002-1028 W. Mission Avenue, Escondido, CA 92025

Date: May 1, 2017

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CITY OF ESCONDIDO LEASE AGREEMENT

This Lease is made as of _____, 2017 between the **City** and Mark D. Klammer Revocable Trust.

Section 1 Definition of Terms

The following words in this Lease shall have the significance attached to them in this Section unless otherwise apparent from their context.

- 1.1 **City.** The City means the City of Escondido, a California general law City.
- 1.2 **Lease.** Lease means this lease agreement.
- 1.3 **Lease Administrator.** The Lease Administrator means the City of Escondido Real Property Agent or, upon written notice to Lessee, such other person as shall be designated from time to time by City.
- 1.4 **Lessee.** Lessee means Mark D. Klammer Revocable Trust and does not include its heirs, assigns, or successors-in-interest.
- 1.5 **Party.** Lessee or City may be referred to individually as Party or collectively as Parties.
- 1.6 **Premises.** Premises means eighteen feet of the public street frontage located at 1002-1028 W. Mission Avenue (APN 228-220-79), Escondido, CA 92025, as depicted on **EXHIBIT A**.

Section 2 Administration

This Lease will be administered on behalf of City by the Lease Administrator, whose address is:

City of Escondido
Attn: Real Property Manager
201 North Broadway
Escondido, CA 92025

And on behalf of Lessee by Mark D. Klammer Revocable Trust whose address is:

Mark D. Klammer Revocable Trust
729 4th Street
Encinitas, CA 92024

Section 3 Term

- 3.1 The term of this Lease shall be three years, commencing on May 1, 2017.
- 3.2 Hold Over. The occupancy of the Premises by Lessee, after the expiration of the Term shall be construed as a month to month tenancy, and all other terms and conditions of this Lease shall continue in full force and effect, on a month to month basis. The City shall have the right to terminate the month to month tenancy without cause and for any reason by giving 30 days prior notice to Lessee.

Section 4 Termination of Lease

- 4.1 City may terminate this Lease at any time, at its sole discretion, by providing the other Party with 60 days written notice.
- 4.2 Default. If the City discovers at any time that the Lessee has violated any provision of this Lease, City may notify Lessee of the violation and immediately terminate the Lease upon written notice.

Section 5 Options to Renew

- 5.1 At the end of the Term, this Lease may be renewed for two additional annual periods, upon mutual written agreement by the City and Lessee.

Section 6 Vacation of Premises

- 6.1 Upon termination of this Lease for any reason, Lessee shall peaceably vacate and deliver the Premises to City in the same condition as Lessee found them upon its acceptance of the Premises hereunder, excepting ordinary wear and tear and conditions caused by acts of God.
- 6.2 Upon such termination, Lessee shall immediately:
 - A. Provide a written statement to the Lease Administrator of Lessee's new address for purpose of refunding monies, if any, due Lessee under this Lease; and
 - B. Deliver any keys for the Premises to the Administrator or send said keys by certified mail to the City.

Section 7 Rent

- 7.1 Rental Rate. In consideration of the possession and use of the Premises, Lessee shall deliver and pay rent to City **\$3,477.82** per year on or prior to the first day of each month. Rent payments will commence on May 1, 2017.

- 7.2 Hold Over Rental Rate. The rent payments for any hold over will be equal to the previous year's Rental Rate plus ten percent (10%).
- 7.3 The rent amount specified in Section 7.1 shall be adjusted annually by the amount of three (3) percent.

Section 8 Security Deposit - N/A

Section 9 Late Payment

Rent payments received after the fifth day of any month will be charged an additional 20% late payment fee.

Section 10 Utilities Payments

Lessee agrees to provide and pay for all utilities and services necessary for the occupancy and use of the Premises, including, but not limited to: gas, water, electricity, sewage charges or septic service, trash and any telecommunications services.

Section 11 Taxes, Assessments and Fees

- 11.1 The terms of this Lease may result in the creation of a possessory interest. If such a possessory interest is vested in Lessee, Lessee may be subjected to the payment of personal property taxes levied on such interest. Lessee shall be responsible for the payment of, and shall pay before delinquent, all taxes, assessments, and fees assessed or levied upon Lessee, on said Premises or any interest therein, on any buildings, structures, machines, appliances, or other improvements of any nature whatsoever, or on any interest therein.
- 11.2 Lessee further agrees not to allow such taxes, assessments, or fees to become a lien against said premises or any improvement thereon. Nothing herein contained shall be deemed to prevent or prohibit Lessee from contesting the validity of amount of any such tax, assessment, or fee in any manner authorized by law.

Section 12 Acceptance and Maintenance

- 12.1 Lessee hereby acknowledges that Lessee has inspected the Premises and Lessee accepts said Premises "as is" and "where is." Lessee acknowledges that the City makes no representations as to the condition or suitability of the Premises or any improvements on the Premises. Pursuant to the noticing requirements of California Civil Code Section 1938, Lessee acknowledges that the Premises being leased has not undergone inspection by a Certified Access Specialist.

- 12.2 Lessee agrees to maintain the Premises in good condition and in compliance with all applicable property maintenance and related laws. Lessee releases the City from the obligation to maintain any portion of the Premises. Said release is part of the consideration for the rental of the Premises, and Lessee therefore waives all rights it may otherwise have under Sections 1941 and 1942 of the Civil Code.
- 12.3 In the event Lessee fails to properly maintain the premises as required by City, City may notify Lessee in writing of said failure. In the event Lessee fails to perform said maintenance within 30 days after such notice by City, City may perform such maintenance, and any costs including, but not limited to, the cost of labor, material, and equipment, shall be paid by Lessee to City within 10 days from receipt by Lessee of an invoice from City.

Section 13 Alterations

Lessee shall not paint, alter, cut, add to, or otherwise change the appearance, structure, or condition of the Premises without the prior written consent of the Lease Administrator and only after obtaining applicable permits. Any tenant improvements and additional improvements made with the consent of the Lease Administrator shall become a fixture to the realty and shall remain on and be surrendered with the Premises upon termination of this Lease.

Section 14 Use

It is mutually agreed between the parties that Lessee's sole permitted use of the Premises is to sub-let space for the purpose of displaying vehicles for sale. No large commercial vehicles may be parked or stored on the leased Premises. Additionally, Lessee agrees to use the Premises in accordance with the provisions and requirements contained in any permits required by the City of Escondido. Lessee shall not use, nor permit the use of, the Premises other than as described. In any case where Lessee is, or should reasonably be, in doubt as to the propriety of any particular use, Lessee may request, and will not be in breach or default if Lessee abides by, the written determination of the Lease Administrator that such use is or is not permitted.

Section 15 Occupancy, Assignment and Subletting

The Premises shall only be occupied by Lessee except with prior written consent of the Lease Administrator. Lessee may not assign or sublease any interest in this Lease to any other Party, at any time, including a transferee of a controlling interest in Lessee without written consent from the Lease Administrator.

Section 16 Conduct

Lessee shall not violate, or permit the violation of, any City or County ordinance, or state or federal law, in or about the Premises.

Section 17 Pets

No pets or livestock of any kind may be kept on the Premises without the prior written consent of the Lease Administrator.

Section 18 Notices

Any notice required or permitted to be given by this Lease must either be personally served on the other Party or served by certified mail, return receipt requested, to the addressee. Notices served by mail shall be sent to the address listed above. A change of either Party's address must also be immediately served in the manner described above.

Section 19 Right of Inspection

City reserves the right for its agents or employees to enter upon and inspect the Premises at any reasonable time to ascertain if Lessee is complying with the provisions of this Lease.

Section 20 Insurance

- 20.1 Lessee must have insurance in the following amounts at all times during this Lease:
- A. General liability insurance with at least \$2 Million combined single-limit coverage per occurrence for bodily injury and property damage.
 - B. Automobile liability insurance of \$1 Million combined single-limit per accident for bodily injury and property damage for any and all vehicles that are owned by the Lessee (if applicable).
 - C. Workers' compensation and employer's liability insurance as required by the California Labor Code, as amended, or certificate of sole proprietorship.
 - D. Commercial property insurance in an amount commensurate with the value of the improvements on the Premises.
- 20.2 Each insurance policy required above must be acceptable to the City Attorney:
- A. Each policy must name the City specifically as an additional insured

under the policy on a separate endorsement page, with the exception of the workers' compensation policy.

- B. Each policy must provide for written notice within no more than thirty (30) days if cancellation or termination of the policy occurs. Insurance coverage must be provided by an A.M. Best's A-rated, class V carrier or better, admitted in California, or if non-admitted, a company that is not on the Department of Insurance list of unacceptable carriers.
- C. All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.

20.3 Lessee agrees to deposit with City, on or before the effective date of this Lease, one certificate of insurance for each of the policy or policies necessary to satisfy the insurance provisions of this Lease and to keep such insurance in effect during the entire term of this Lease. This certificate must be reviewed by, and acceptable to, the City Attorney, prior to commencement of the Lease Term. Lessee will also deposit with the City within 60 days of the Effective Date of this Lease, an additional insured endorsement naming City specifically and separately as an "additional insured", with the exception of the worker's compensation policy. The appropriate endorsements described above shall follow within 60 days.

20.4 City shall retain the right at any time to review the coverage, form and amount of the insurance required hereby. If, in the opinion of the Lease Administrator, the insurance provisions in this Lease do not provide adequate protection for City and for members of the public using the Premises, City may require Lessee to obtain insurance sufficient in coverage, form and amount to provide adequate protection from and against the kind and extent of risks which exist or are foreseeable at the time a change in insurance is required. City's requirements shall be reasonable, but shall be designed to assure adequate protection of the City's interests. The Lease Administrator shall notify Lessee in writing of changes in the insurance requirements and, if Lessee does not deposit with City within 60 days of receipt of such notice a new Certificate of Insurance for each policy or policies of insurance incorporating such changes, this Lease shall be deemed in default without further notice to Lessee and may be forthwith terminated by the Lease Administrator.

20.5 The procuring of such required policy or policies of insurance shall not be construed to limit Lessee's liability hereunder nor to fulfill the indemnification

provisions and requirements of this Lease. Notwithstanding said policy or policies of insurance, Lessee shall be obligated for the full and total amount of any damage, injury or loss attributable to any act or omission of it or its agents, customers or guests in connection with this Lease or with use or occupancy of the Premises.

Section 21 Indemnification

Lessee shall defend, indemnify, and hold harmless City, its officers, agents, and employees from and against any and all claims, demands, and liabilities for loss of any kind or nature which City, its officers, agents, or employees may sustain or incur or which may be imposed upon them or any of them for injury to or death of persons or damage to property as a result of, arising out of, or in any manner connected with this Lease or with the occupancy and use of the Premises by Lessee, its invitees, visitors, or any other persons whatsoever. Lessee further agrees to pay any and all costs and expenses, including, but not limited to, court costs and reasonable attorney's fees incurred by City on account of any such claims, demands, or liabilities. However, the provisions of this Lease shall not be construed to indemnify City for claims or acts arising from City's sole negligence.

Section 22 Attorney's Fees, Costs and Expenses

In the event legal action is brought to enforce the terms of or to declare a termination of this Lease for reason of breach thereof, the unsuccessful Party shall pay all of the successful Party's costs of such action, together with reasonable attorney's fees, in an amount to be fixed by the court.

Section 23 Non-Discrimination

Lessee covenants that this Lease is made and accepted upon and subject to the condition that there shall be no discrimination against or segregation of any person or group of persons on account of physical or mental disabilities, race, color, creed, religion, sex, marital status, national origin or ancestry in the use, occupancy, tenure or enjoyment of the leased premises. Lessee shall not establish or permit any such practice of discrimination or segregation with reference to the selection, location, number, or use of occupancy by customers, tenants or vendees in the leased premises.

Section 24 Supersedure

This Lease, upon becoming effective, shall supersede any leases or rental agreements heretofore made or issued for the Premises between the City and Lessee.

Section 25 Hazardous and/or Contaminated Soil and Material

Lessee will not place or permit to be placed materials and/or contaminated soils on the premises which under federal, state, or local law, statute, ordinance, or regulations require special handling in collection, storage, treatment, and/or disposal. Lessee also hereby covenants and agrees that, if at any time it is determined there are materials and/or contaminated soils located on the premises which under any environmental requirement require special handling in collection, storage, treatment, or disposal, Lessee shall notify City. Within thirty (30) days after written notice to City or from City, Lessee shall commence to take and thereafter diligently complete, at Lessee's sole expense, such actions as may be necessary to comply with environmental requirements.

Section 26 Law to Govern; Venue

This Lease is governed by the laws of the State of California. Venue for all actions arising from this Lease must be exclusively in the North County Division of the San Diego County Superior Court or federal courts located in San Diego County, California.

Section 27 Special Provisions

Lessee hereby acknowledges that Lessee waives all rights to any form of relocation assistance provided for by local, state, or federal law to which Lessee may be entitled by reason of this Lease.

Section 28 Compliance with Federal, State, and Local Laws

It is the duty of the Lessee while operating under this Lease to comply with all local, state, and federal laws, and to indemnify City from any violation of any such law. Failure to comply with a provision of local, state, or federal law is grounds for the Lease Administrator's immediate termination of this Lease.

Section 29 Amendment

This Lease may not be amended, modified, or supplemented except by a writing executed both Parties.

Section 30 Waiver

No waiver by a Party of any provision of this Lease shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision. The exercise by a Party of any right or remedy provided in this Lease or provided by law shall not prevent the exercise by that Party of any other remedy provided in this Lease or under the law.



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

MARK D. KLAMMER REVOCABLE TRUST 01-10-06

Date: _____

Signature

Name, Title

CITY OF ESCONDIDO

Date: _____

Vince McCaw, Real Property Manager

Date: _____

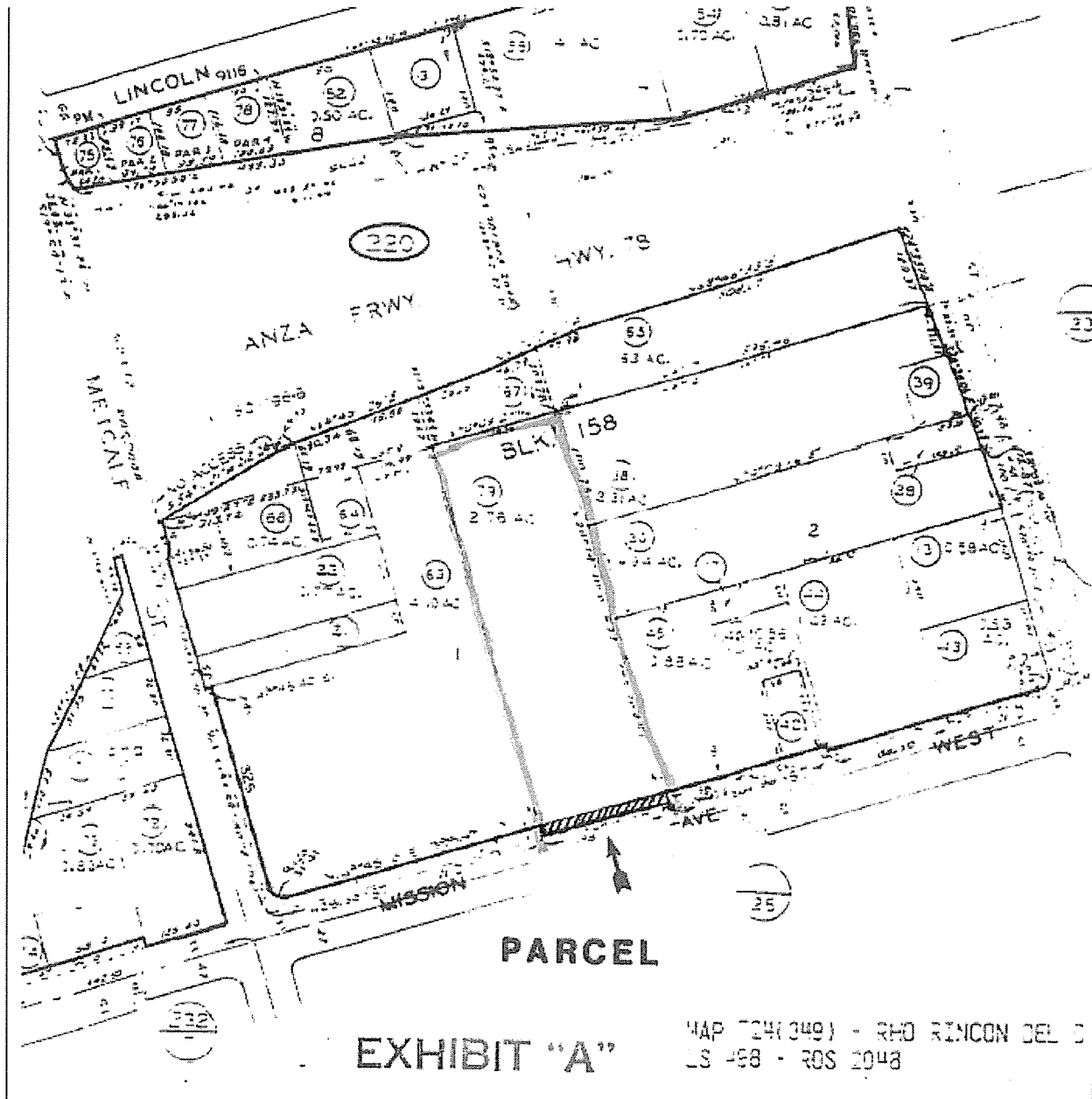
Diane Halverson, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
MICHAEL R. MCGUINNESS, City Attorney

By: _____

EXHIBIT A



ORDINANCE NO. 2017-05

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING ARTICLE 67 (DENSITY BONUS
AND RESIDENTIAL INCENTIVES ORDINANCE)
OF THE ESCONDIDO ZONING CODE

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 16-0001

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

SECTION 1. There is a statutory recognition that the availability of housing is a
matter of statewide importance and that the cooperation between government and the
private sector is critical to attainment of the State's housing goals.

SECTION 2. California Government Code Section 65915(a) requires that all
cities adopt an ordinance that specifies how compliance with State Density Bonus Law
will be implemented.

SECTION 3. That proper notices of a public hearing have been given and
public hearings have been held before the Planning Commission and City Council on
this issue.

SECTION 4. The City Council has duly reviewed and considered all evidence
submitted at said hearings, including, without limitation:

- a. Written information;

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

ORDINANCE NO. 2017-08

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING ARTICLE 66 (SIGN ORDINANCE)
OF THE ESCONDIDO ZONING CODE

APPLICANT: City of Escondido
PLANNING CASE NO.: AZ 17-0001

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

SECTION 1. That proper notices of a public hearing have been given and
public hearings have been held before the Planning Commission and City Council on
this issue.

SECTION 2. The City Council has duly reviewed and considered all evidence
submitted at said hearings, including, without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated May 10, 2017, which along with its attachments is
incorporated herein by this reference as though fully set forth herein; and
- d. Additional information submitted during the Public Hearing.

SECTION 3. That the City Council has reviewed and considered the Notice of
Exemption prepared for this project, in conformance with the California Environmental
Quality Act ("CEQA") Section 15061(b)(3)

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

RENT REVIEW BOARD

For City Clerk's Use:

APPROVED **DENIED**

Reso No. RRB _____ File No. _____

Ord No. RRB _____

Agenda Item No.: 8
Date: May 24, 2017

TO: Honorable Chairman and Members of the Rent Review Board

FROM: Bill Martin, Director of Community Development

SUBJECT: Short-form Rent Increase Application for Westwinds Mobilehome Park (File Number 0697-20-10119)

RECOMMENDATION:

- Consider the short-form rent increase application submitted by Westwinds Mobilehome Park.
- If approved, adopt Rent Review Board Resolution No. 2017-01, granting an increase of 75 percent of the change in the Consumer Price Index or 1.467 percent (an average of \$6.79) for the period of December 31, 2015 to December 31, 2016.

INTRODUCTION:

Westwinds Mobilehome Park ("Park"), located at 1415 S Pine Street, has filed a short-form rent increase application. The Board is asked to accept the staff report, hear public testimony, and make a determination concerning the request in accordance with the Escondido Rent Protection Ordinance and the short-form procedures as outlined in the Rent Review Board Guidelines. The application and the staff report have been made available to the Board for review and consideration prior to the hearing.

THE RENT INCREASE APPLICATION:

Westwinds Mobilehome Park is an all-age park which has a total of 66 spaces. There are 12 spaces subject to rent control, and the Park is requesting an increase for the 12 rent controlled spaces. The other spaces not included in this application are on long-term leases, occupied as rentals or by management, are rented as RV spaces, or are vacant. The amenities available for the residents include a furnished clubhouse, a pool, and coin laundry facilities.

The application meets all the eligibility criteria for submittal of a short-form rent increase application.

May 24, 2017

Short-form Rent Increase App. for Westwinds Mobilehome Park (File #0697-20-10119)

Page 2

PARK OWNER'S REQUEST:

The Park is requesting an increase of 75 percent of the change in Consumer Price Index for the period of December 31, 2015 to December 31, 2016. Seventy-five percent of the change in the CPI for the period of consideration is 1.467 percent. The average monthly rent for the residents that are affected by this application is \$462.66. The average monthly increase requested for the 11 spaces is \$6.79 per space, per month.

This is the twentieth rent increase request filed by this Park since the Ordinance was implemented. The last increase was granted in May of 2016 for an average amount of \$8.27 per space, per month.

RESIDENT MEETING AND COMMENTS:

Individual notices were sent to each affected resident notifying them of the increase application and the hearing date. The notice included information about a resident meeting scheduled at the Park's clubhouse on April 12, 2017. As there was no resident participation, the meeting was cancelled. There was no resident representative and no additional contact from residents.

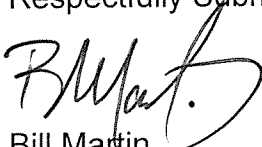
CODE ENFORCEMENT INSPECTION:

An inspection of the common areas of the Park by the Code Enforcement Division of the City noted some violations of the Health and Safety Code. A copy of the Code Report ("Report") is attached as "Exhibit A." The Owner and Resident Manager received a copy of the Report. No rent increase will take effect until all code violations are corrected.

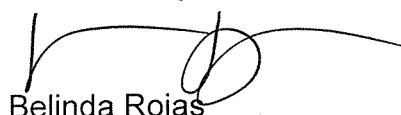
ADDITIONAL FACTORS AFFECTING THE APPLICATION:

In conformance with the Rent Review Board Guidelines, the decision of the Board will be finalized by adoption of the Resolution confirming the findings of the Public Hearing. The Notice of Determination will be mailed to the applicant and residents immediately upon adoption of the Resolution. The Park owner may send the 90-day notice of any rent increase granted to the residents upon the adoption of the Resolution.

Respectfully Submitted,



Bill Martin
Director of Community Development




Belinda Rojas
Program Administrator



DATE: APRIL 19, 2017

TO: HONORABLE CHAIRMAN AND MEMBERS OF THE RENT CONTROL BOARD

FROM: BRIAN GUSTAFSON, CODE ENFORCEMENT MANAGER 

SUBJECT: WESTWINDS MOBILEHOME PARK RENT CONTROL

Westwinds Mobilehome Park was inspected on April 19, 2017, with the lighting inspection conducted the prior evening. This inspection was a result of an application for a rent increase having been filed. Five general violations and one lighting violation were found and noted in the attached inspection report.

The resident meeting for the park was held April 12, 2017 with one management and one city staff member present and no residents attending. There were no code issues brought up and no resident representative was present or appointed.

There were no code enforcement cases in this park in the past year.

Cc: Edward Varso, Lt. EPD
Belinda Rojas, Rent Control Administration



April 19, 2017

MOBILEHOME PARK RENT CONTROL
CODE ENFORCEMENT INSPECTION REPORT

Park Name: Westwinds Mobile Home Park
1415 S. Pine St
Escondido, CA. 92025

Park Owner: Westwinds Mobile Home Park LLC
c/o Thomsen Properties
301 E. 17th Street #208
Costa Mesa, CA. 92627

Park Manager: Diana Hansen **Phone:** (760) 740-0743
Jim Younce

Inspection Date: 4/19/2017 **Inspector:** Andrew Modglin

The following report is based on the inspection of the mobile home park conducted under provisions outlined in the California Code of Regulations, Title 25, Division I, Chapter 2 and the Escondido Zoning Code, Article 45. This inspection report only addresses health and safety issues that are related to areas for which maintenance, repair and operations is the responsibility of the owners and managers of the park.

General Violations:

1. The light pole located in the N/E corner of the pool area is blocked by several overgrown tree limbs. **§25 CCR 1108**
2. Repair the loose handrail on the pool. **§25 CCR 1608 (a) (6), §25 CCR 1608 (i) & §25 CCR 1102 (a).**
3. The toilet in the men's restroom is inoperable. **§25 CCR 1608 (a)(1)**

4. The light switch in the south closet in the clubhouse is missing its faceplate. **§25 CCR 1608 (d)(1)**
5. The flex hose that is connected to the dryer is deteriorated. **§25 CCR 1608 (b) (10)**

Areas of the park requiring illumination per §25 CCR 1108

(Lighting Inspection conducted on; 4/18/2017)

1. Repair the inoperable light in the N/W corner of the clothes line area.

RESOLUTION NO. RRB 2017-01

A RESOLUTION OF THE ESCONDIDO
MOBILEHOME RENT REVIEW BOARD
MAKING FINDINGS AND GRANTING A
RENT INCREASE FOR WESTWINDS
MOBILEHOME PARK

(File Number: 0697-20-10119)

WHEREAS, Article V of Chapter 29 of the Escondido Municipal Code is a codification of the Escondido Mobilehome Rent Protection Ordinance ("Ordinance") and provides for mobilehome space rent regulation; and

WHEREAS, the City of Escondido Mobilehome Park Rental Review Board ("Board") is charged with the responsibility of considering applications for rent increases; and

WHEREAS, a short-form rent increase application pursuant to Section 12 of the Rent Review Board Guidelines was filed on March 27, 2017, by Westwinds Mobilehome Park, LLC, the owner of the rental spaces in Westwinds Mobilehome Park, located at 1415 S. Pine Street in Escondido; and

WHEREAS, this is the 20th rent increase application filed by the Park since the Ordinance became effective in 1988. The last rent increase was granted by Rent Review Board Resolution 2016-10 on May 4, 2016, for an increase of 1.836 percent, or approximately \$8.27 per space, per month; and

WHEREAS, at the time of the current application, the average monthly rent per affected space was \$462.66 for 12 spaces subject to the rent increase. The owner requested a rent increase in the amount of 75 percent of the change in the Consumer

Price Index ("CPI") for the period December 31, 2015 through December 31, 2016, in accordance with the Rent Review Board short-form policy guidelines. The application estimated this amount to be an average of \$6.79 (an increase of 1.467 percent) per space, per month; and

WHEREAS, a notice of the Park's Rent Increase Application was sent to all affected homeowners. All parties were given notice of the time, date, and place of the rent hearing before the Board; and

WHEREAS, on April 19, 2017, a Mobilehome Park Rent Review Code Enforcement Inspection Report ("Inspection Report") was completed. It noted Health and Safety Code violations in the Park; and

WHEREAS, on May 24, 2017, the Board held its public hearing. After an initial staff presentation, the Board invited testimony from Park ownership, residents of the Park, and other residents of the community at large; and

WHEREAS, after all present had been given an opportunity to speak, the hearing was closed. Following an opportunity for discussion among the Board members, and clarifying questions to the parties and Staff, the Board voted to grant an average rent increase of \$6.79 per space, per month, for the 12 spaces which are subject to the rent increase.

NOW, THEREFORE, BE IT RESOLVED by the Rent Review Board of the City of Escondido, as follows:

1. That the above recitations are true.
2. That the Board has heard and considered all of the reports and testimony presented, and has considered the facts as outlined in the short-form Guidelines

("Guidelines").

3. That following the Guidelines, an increase based on 75 percent of the change in the Consumer Price Index (CPI) for San Diego County from December 31, 2015 through December 31, 2016, would amount to an increase of 1.467 percent which averages \$6.79 per space, per month, for the 12 spaces that are subject to the rent increase.

4. That the Board concluded that an increase of \$6.79 per space, per month, is consistent with the Guidelines, and is fair, just, and a reasonable increase in light of the information presented by all parties.

5. That the increase may not be implemented until after the health and safety code violations noted in the Inspection Report have been corrected, signed off, and are in compliance with the various state and local code sections as noted in the Inspection.

6. That the increase may be implemented upon the expiration of the required 90-day notice to the residents, which may be issued upon the adoption of this Resolution.

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 9

Date: May 24, 2017

TO: Honorable Mayor and Members of the City Council
FROM: Bill Martin, Director of Community Development
SUBJECT: Zoning Code Amendment and Rezone (AZ 16-0005/PHG 17-0007)

PLANNING COMMISSION AND STAFF RECOMMENDATION:

It is requested that the City Council:

1. Introduce Ordinance No. 2017-07 establishing a new residential R-5-30 zoning category and approving amendments to Zoning Code Articles 1, 6, 7, 8, 10, 11, 12, 13, 14 and 57, as well as, the environmental determination; and
2. Introduce Ordinance No. 2017-09 rezoning 186 parcels to R-5-30 (Very High Multi-Family Residential, 30 du/ac max.).

PROJECT DESCRIPTION:

A Zoning Code Amendment to reorganize and consolidate the residential zones into one Zoning Code article; establish a new zone category of R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) with associated development standards to implement the General Plan designation of Urban V in the High Density Multi-Family Residential category; and identify minor conditional use permits, update definitions, and streamline the text. Also requested is the rezoning of 186 parcels within the Urban V General Plan designation from R-4-24 (High Multi-Family Residential, 24 du/ac max.) to the new R-5-30 zone. No development is proposed. The Code Amendment involves changes to Articles 1, 6, and 57 of the Escondido Zoning Code (EZC) and the repeal of Articles 7, 8, 10, 11, 12, 13 and 14, which have been consolidated into Article 6. The proposal also includes the acceptance of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION:

1. Code Amendment – Citywide;
2. Rezone –186 parcels within the Urban V General Plan designation that are located between 6th and 15th Avenue and S. Escondido Boulevard and Centre City Parkway, in the S. Escondido Boulevard/Centre City Parkway General Plan Target Area.

FISCAL ANALYSIS:

None

COUNCIL ACTION PLAN:

The 2015-2016 City Council Action Plan for Economic Development adopted a strategy to implement the “Working Together to Get to Yes!” program (YES Program). This request is part of the efforts to streamline the Zoning Code and development processes and implement the General Plan Urban V land use designation.

PREVIOUS ACTION:

The City Council has approved two previous Zoning Code amendments related to the YES Program that include establishing a Minor Conditional Use Permit process, expanding the role of the Zoning Administrator and streamlining the Planned Development application and review process.

BACKGROUND:

This request involves three components. First, the code amendment would consolidate eight EZC articles regulating development in each of the residential zoning categories into a single article for all the residential zones. The use of tables would allow an easy comparison of permitted uses and development standards between the zones. The consolidation would also eliminate redundant sections and make the EZC more internally consistent.

The second component is the establishment of a new residential zoning category, R-5-30 (Very High Multi-Family Residential, 30 du/ac max). This R-5-30 zone would be the implementing zoning needed for developers to build higher density residential development near downtown community facilities, transit, shopping and employment areas.

If the City Council adopts the new R-5-30 residential zoning designation, the final component would be the re-zoning of 186 parcels in the Urban V General Plan category from R-4-24 (High Multi-Family Residential, 24 du/ac max.) to R-5-30 (Very High Multi-Family Residential, 30 du/ac max).

GENERAL PLAN ANALYSIS:

The proposed R-5-30 zone and development standards would provide the implementing zoning needed to make the EZC consistent with the General Plan residential categories. The area proposed for the change of zoning, has a General Plan designation of Urban V (High Density Multi-Family Residential, up to 30 du/ac) and is located within the S. Escondido Boulevard/Centre City Parkway Target Area. Land Use Zoning Policy 2.3 requires the adoption of a new zoning category to implement the higher density of 30 du/ac allowed under the Urban V General Plan designation, and the rezoning of the Urban V area to the new higher density zone. The proposed request is consistent with the Urban V designation and the Target Area objectives, as well as, City Housing Goal 1 to “plan for quality, managed and sustainable growth” (Page IV-120). The area of the rezoning is located in a developed urban area near the center of the City and located between designated Circulation Element streets.

ENVIRONMENTAL STATUS:

In accordance with the California Environmental Quality Act (CEQA Sections 15162 and 15168 - Use of Previous Program EIR, as detailed in the attached Planning Commission staff report), the proposed project has been determined to be consistent with the previously approved Environmental Impact Report (EIR) (SCH No. 2010071064) prepared for the adoption of the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan, which was prepared as a Program EIR consistent with Section 15168 of the CEQA Guidelines and was certified by the City Council in May 2012. Pursuant to CEQA Guidelines Section 15168(e), the City finds that:

1. This activity is within the scope of the program approved in May 2012; and
2. The program EIR adequately describes the proposed activity for the purposes of CEQA.

No development is proposed. Future development projects will be subject to CEQA review and all applicable mitigation measures identified in the EIR for the General Plan Update will continue to be enforced as part of future projects.

PLANNING COMMISSION AND PUBLIC COMMENTS:

On April 25, 2017, the Planning Commission unanimously recommended approval of the proposed Zoning Code amendments; the proposed R-5-30 Multi-Family Residential zone and associated development standards; the rezoning of 186 parcels in the Urban V General Plan category to the new R-5-30 zone; and acceptance of the environmental determination. The Commissioners had no questions of staff.

Prior to the Planning Commission meeting, staff received seven telephone calls from property owners who had received the Notice of the Public Hearing. Six of the callers just confirmed that their property would not be affected by the proposed rezone. The other caller confirmed that the zoning on her property would change, but that eminent domain was not involved. She had no further concerns.

One resident spoke at the Planning Commission hearing. He noted that while he was not opposed to allowing the higher density in the area, he was concerned that the parking related to more residents in the area would further exacerbate an already congested parking situation on the neighborhood streets. Chairman Weber commented that he understood the speaker's concern with increased density and parking, but that it was appropriate to have the ability to develop higher density adjacent to transportation corridors and the urban core to accommodate future increases in population. Commissioner Romo noted that the increased density from R-4-24 zoning to R-5-30 would only translate to about one additional unit given the typical lot size in the area. Staff indicated that significant development would require the aggregation of multiple lots. (The majority of existing lots in the rezone area are 7,000 SF or smaller).

ANALYSIS:

The proposed amendments are presented in a series of exhibits in the attached Planning Commission staff report. Exhibit “B” – Article 1, General Provisions and Definitions; Exhibit “C” – Article 6, Residential Zones; and Exhibit “D” – Article 57, Miscellaneous Use Restrictions

Code Amendment – Currently, there are eight EZC articles governing the standards and uses of each residential zone. The proposed code amendment would expand Article 6 to consolidate the uses and standards for all the residential zones into tables and eliminate the redundant code sections. The various minor revisions to the existing standards would result in a more internally consistent and updated code. The amendment also includes proposed revisions that would streamline several conditionally permitted uses (e.g. wineries without tasting rooms to permitted use in RA and RE zones); clarify some uses consistent with state law (transitional and supportive housing); modify a few standards for internal consistency (minimum lot size and frontage in R-4 zone); and eliminate some standards/uses that are inconsistent with the purpose of the particular zoning category (e.g. small lot developments in the R-4 zone). The proposed standards for the R-5 zone would be included in the revised Article 6. In addition, EZC Article 1-General Provisions and Definitions would be updated to remain consistent with current terms and usages, and to eliminate references to the outmoded (1968) Standard Land Use Codes (which are no longer used by any agency).

Proposed R-5-30 Zoning Category – The code amendment includes the adoption of a new residential zoning category under the Urban V High Density Multi-Family Residential category of the General Plan. This category includes the Urban IV and Urban V designations, which are intended to “...accommodate higher densities for urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services” (Escondido General Plan, Page II-22). The Urban IV designation is implemented through the existing R-4-24 zone. The proposed R-5-30 zone would be very similar to the R-4-24 zone in development standards and character as identified in the General Plan; the main difference being the allowable densities. The following table shows the development standards proposed.

Standard	R-4 (current standard)	Proposed R-5
Minimum lot area	<u>6,000 sf</u> (7,000 sf)	same
Average lot width	50 ft.	same
Minimum lot frontage	<u>35 ft.</u> (50 ft.)	same
Maximum density	24 du/ac	30 du/ac
Front setback	15 ft.	same
Interior side setback	5 ft.	same
Street side setback	10 ft.	same
Rear setback	10	same

Standard	R-4 (current standard)	Proposed R-5
Building height	75 ft.	same
Number of stories	4	same
Dwelling unit minimum floor area	400 sf	same
Maximum lot coverage	None	same
Maximum floor area ratio (FAR)	0.8	0.9
Square feet allowed for residential and parking regardless of the FAR	4,500 sf	5,000 sf
Useable open space	200 sf/du + 200 sf per each bedroom over one	same
Private storage area	80 cf. (none)	same
Permitted, conditionally permitted and accessory uses	The same uses permitted in the R-4 zone are proposed for the R-5. See Exhibit "C"	

Proposed Rezoning - The proposed very high density residential zoning would be over a flat area adjacent to the commercial development along S. Escondido Blvd. and Centre City Parkway, which are major transportation and commercial corridors. These roads would separate the proposed higher density area from the lower density R-2-12 development west of Centre City Parkway and the R-1-6 development east of S. Escondido Blvd. As the development standards proposed for the R-5 zone are essentially the same as the existing R-4 zone, and are consistent with the character envisioned by the General Plan, the rezoning of the subject area is appropriate to implement the adopted General Plan.

SUMMARY:

Both the Planning Commission and staff recommend approval of the proposed EZC amendments since they would consolidate, streamline and update definitions and residential code sections and further implement Council's "YES" program. The minor revisions to the existing standards will result in a more internally consistent and updated code. The proposed standards for the R-5-30 zone would provide the zoning anticipated in the General Plan and which is needed to allow development to use the higher Urban V density of 30 du/ac. The proposed rezoning is appropriate for the proposed area which is flat and adjacent to major roads, transit, shopping and employment.

Respectfully Submitted,



Bill Martin
 Director of Community Development



Rozanne Cherry
 Principal Planner

April 25, 2017 Planning Commission Meeting Minutes

PUBLIC HEARINGS:

1. ZONING CODE AMENDMENT AND REZONE - AZ 16-0005 / PHG 17-0007:

REQUEST: A Zoning Code Amendment to reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards to implement the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category; rezone approximately 186 parcels within the Urban V General Plan designation from R-4-24 (High Multi-Family Residential, 24 du/ac max.) to R-5-30; and identify minor conditional use permits, update definitions and streamline the text. No development is proposed. The Code Amendment involves changes to Articles 1, 6, 7, 8, 10, 11, 12, 13, 14 and 57 of the Escondido Zoning Code.

PROPERTY SIZE AND LOCATION:

1. Code Amendment – Citywide;
2. Rezone – Approximately 186 parcels within the Urban V General Plan designation that are located between 6th and 15th Avenues and S. Escondido Blvd. and Centre City Parkway, in the S. Escondido Boulevard / Centre City Parkway Target Area.

Rozanne Cherry, Principal Planner, referenced the staff report and noted that staff issues were whether the proposed development standards for the new R-5-30 zone are appropriate for the General Plan Urban V designation, and whether the proposed change of zoning for the parcels within the Urban V designation was appropriate. Staff recommended approval based on the following: 1) The proposed amendments to the Zoning Code would consolidate all residential development standards in one Zoning Code article, streamline the text with the use of tables, and update and add definitions that reflect the current use of terms; 2) The proposed change of several conditionally permitted uses in the residential zones to Minor CUPs with review by the Zoning Administrator was consistent with the “Working Together to Get to Yes!” program associated with the City Council’s 2015-2016 Action Plan Economic Development goal to “Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development;” 3) The proposed R-5-30 zoning and development standards would be consistent with the General Plan Urban V designation which permits densities up to 30 du/ac in residential units, town homes, apartments, flats and condominiums, and buildings up to 4-stories tall. The R-5-30 zone would provide the implementing zoning needed to make the Zoning Code consistent with

April 25, 2017 Planning Commission Meeting Minutes

the General Plan and allow development projects to utilize the higher Urban V density; and 4) Adopting the proposed R-5-30 zoning for the subject area would be appropriate since it is a flat area located within the Urban V General Plan designation between two major thoroughfares (S. Escondido Boulevard, and Centre City Parkway), and close to shopping centers, community facilities, employment opportunities and entertainment.

Smitty Smith, Escondido, expressed his concern about more vehicles parking on the neighborhood streets and was opposed to increasing the density around 9th Avenue for that reason. He felt the area was already impacted by being overpopulated and not having adequate parking.

Chairman Weber concurred with subject area having parking issues. He expressed his view that in order to accommodate the population increase was to have higher densities near transit and City services. He then asked staff whether there were any pending applications. Mrs. Cherry replied in the negative, but noted she was aware of one person who was waiting to hear the outcome of this item.

ACTION:

Moved by Chairman Weber, seconded by Commissioner Spann, to approve staff's recommendation. Motion carried unanimously. (7-0)

2. ZONING CODE AMENDMENT – AZ 16-0009:

REQUEST: An amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to modify the regulations for wireless communication facilities within the public right-of-way. The proposal also includes the adoption of the environmental determination prepared for the project. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

Mike Strong, Assistant Planning Director, referenced the staff report and noted that staff issues were the appropriateness of the new proposed Wireless Facilities Permit, development requirements, location preferences and processing requirements. Staff recommended approval based on the following: 1) Staff believed the existing process had been very successful at regulating the development of traditional wireless facilities on private property, as well as the limited number of facilities currently developed within the public right-of-way over the years; 2) With the ever increasing demand for wireless service and the preferred use by providers to utilize the right-of-way to meet the demand, the



PLANNING COMMISSION

Agenda Item No.: H.1

Date: April 25, 2017

CASE NUMBER: AZ 16-0005 / PHG 17-0007

APPLICANT: City of Escondido

LOCATION: Code Amendment – Citywide;
Rezone - The Urban V General Plan designated parcels between 6th and 15th Avenues and S. Escondido Blvd. and Centre City Parkway, in the S. Escondido Blvd./Centre City Pkwy. Target Area.

TYPE OF PROJECT: Zoning Code Amendment and Rezone

PROJECT DESCRIPTION: A Zoning Code Amendment to reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards to implement the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category; rezone approximately 186 parcels within the Urban V General Plan designation from R-4-24 (High Multi-Family Residential, 24 du/ac max.) to R-5-30; and identify minor conditional use permits, update definitions and streamline the text. No development is proposed. The Code Amendment involves changes to Articles 1, 6, 7, 8, 10, 11, 12, 13, 14 and 57 of the Escondido Zoning Code.

STAFF RECOMMENDATION: Approval

GENERAL PLAN DESIGNATION: Urban V, High Density Multi-Family Residential (up to 30 du/ac) for the area to be rezoned.

ZONING: Existing: R-4-24 (High Multi-Family Residential, 24 du/ac max) in the Urban V area to be rezoned. Proposed: R-5-30 (Very High Multi-Family Residential, 30 du/ac max) in the Urban V area to be rezoned. All other residential zoning to remain unchanged. The parcels currently zoned PD-R/13.15 du/ac will remain unchanged.

BACKGROUND/SUMMARY OF ISSUES:

In 2014 the City launched the "Working Together to Get to YES!" program (YES Program) in an effort to streamline business and development approval processes. Two Zoning Code Amendments have been approved by the Planning Commission and the City Council (October 2016 & March 2017), which have aligned policies and codes with City Council priorities, increased administrative discretion in approving projects, and eliminated steps in several approval processes. The program was identified as a means to implement part of the City Council's 2015-2016 Action Plan for Economic Development, in which staff was directed to revamp and clean up policies, practices and standards associated with the development entitlement process to increase efficiencies by eliminating outdated and burdensome processes and reduce project timeframes and costs through the implementation of streamlined review processes.

This code amendment continues the streamlining of codes by consolidating eight Zoning Code articles that regulate residential zoning into one Article using tables to include the development standards for all residential zones, thus eliminating redundant text and updating definitions and references. Associated with this effort and the implementation of General Plan Land Use Policy 2.3 (Page II-96), is the establishment of a new residential zone of R-5-30, (Very High Multiple Residential, 30 du/ac max.) for the adopted Urban V (30 du/ac max. density) General Plan designation to bring the Zoning Code into consistency with the General Plan and encourage a variety of higher density multi-family units near the downtown core, transit and major thoroughfares in close proximity to shopping, employment, entertainment and

community facilities. The project also includes the rezoning of the parcels within the Urban V designation to the new R-5-30 zone from the current R-4-24 zone.

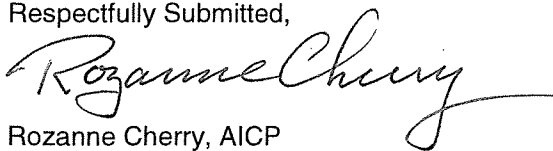
Staff feels that the issues are as follow:

1. Whether the proposed development standards for the new R-5-30 zone are appropriate for the General Plan Urban V designation.
2. Whether the proposed change of zoning for the parcels within the Urban V designation is appropriate.

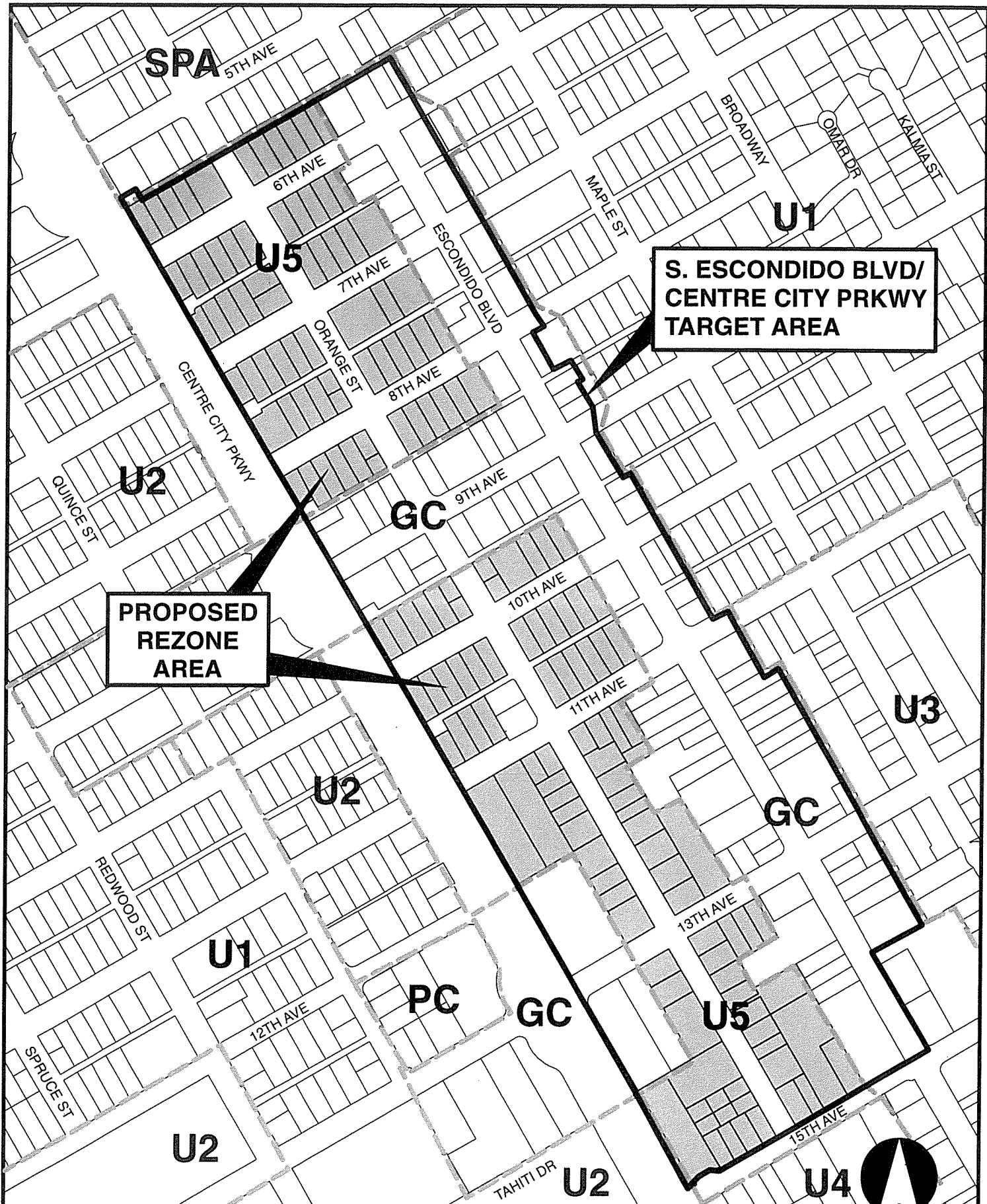
REASONS FOR STAFF RECOMMENDATION:

1. The proposed amendments to the Zoning Code would consolidate all residential development standards in one Zoning Code article, streamline the text with the use of tables, and update and add definitions that reflect the current use of terms.
2. The proposed change of several conditionally permitted uses in the residential zones to Minor CUPs with review by the Zoning Administrator is consistent with the "Working Together to Get to Yes!" program associated with the City Council's 2015-2016 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development."
3. The proposed R-5-30 zoning and development standards would be consistent with the General Plan Urban V designation which permits densities up to 30 du/ac in residential units, town homes, apartments, flats and condominiums, and buildings up to 4-stories tall. The R-5-30 zone would provide the implementing zoning needed to make the Zoning Code consistent with the General Plan and allow development projects to utilize the higher Urban V density.
4. Adopting the proposed R-5-30 zoning for the subject area would be appropriate since it is a flat area located within the Urban V General Plan designation between two major thoroughfares (S. Escondido Boulevard, and Centre City Parkway), and close to shopping centers, community facilities, employment opportunities and entertainment.

Respectfully Submitted,



Rozanne Cherry, AICP
Principal Planner



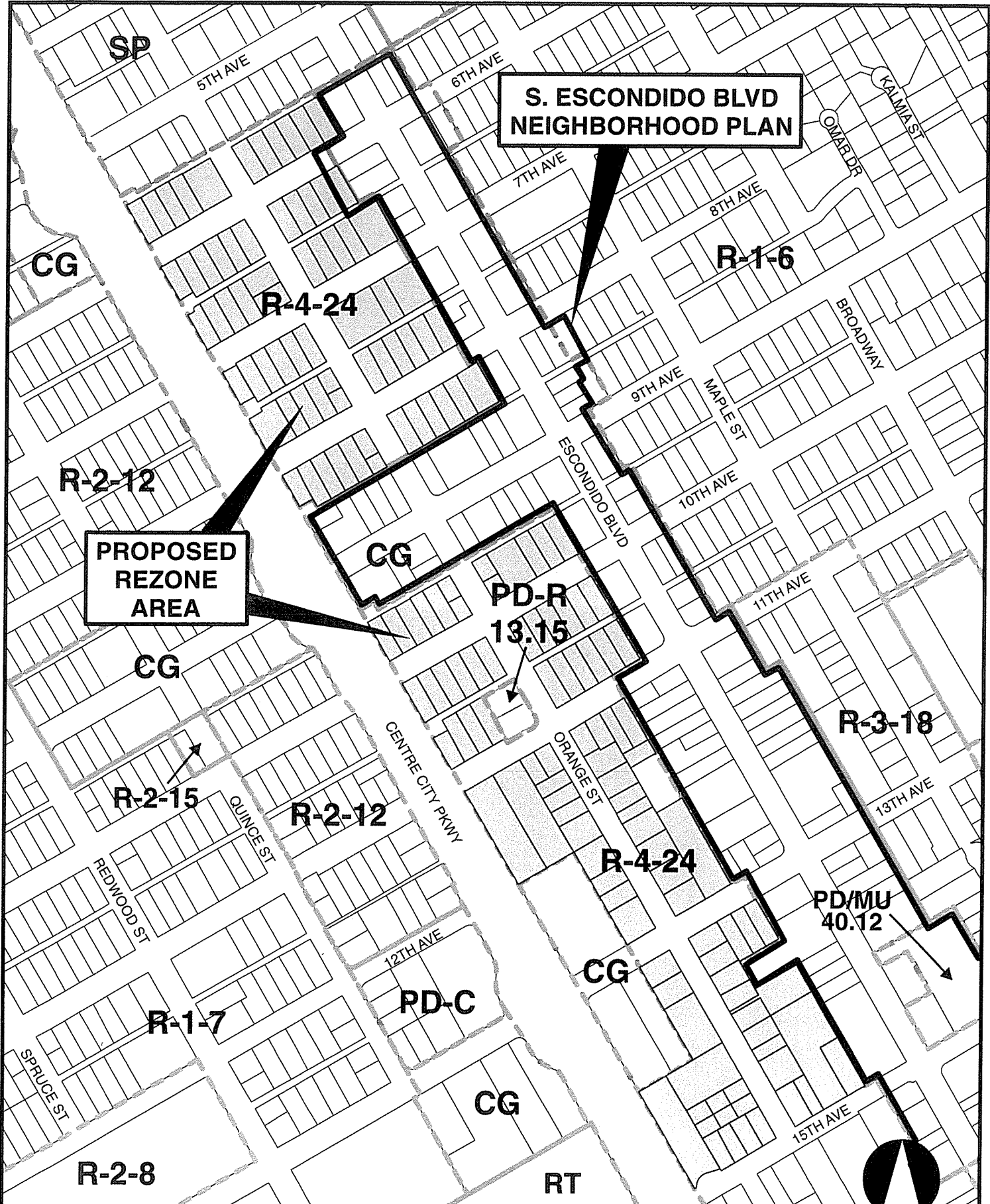
**PROPOSED
REZONE
AREA**

**S. ESCONDIDO BLVD/
CENTRE CITY PRKWAY
TARGET AREA**

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PROPOSED REZONE AREA
AZ 16-0005/PHG 17-0007



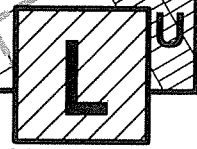


**S. ESCONDIDO BLVD
NEIGHBORHOOD PLAN**

**PROPOSED
REZONE
AREA**

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PROPOSED REZONE AREA
AZ 16-0005/PHG 17-0007



LOCATION/ZONING

ANALYSIS

A. ENVIRONMENTAL STATUS AND ZONE CHANGE ANALYSIS

CEQA Sections 15162 and 15168 - Use of Previous Program EIR.

An Environmental Impact Report (EIR) (SCH No.2010071064) was prepared for the adoption of the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan (collectively referred to as the update project). The EIR was prepared as a Program EIR consistent with Section 15168 of the CEQA Guidelines and was certified by the City Council in May 2012. The EIR: 1) Evaluated the potentially significant direct and indirect environmental effects of the update project and the potentially significant cumulative impacts that could occur from implementation of the proposed update project; 2) Identified potential feasible means of avoiding or substantially lessening significant adverse impacts; and 3) Evaluated a range of reasonable alternatives to the project, including the required No Project Alternative. The EIR included discussion of proposed land use changes in 15 study areas. Study Area #12 – S. Escondido Blvd./Centre City Parkway Target Area included 36 acres to retain the General Commercial designation, and 44 acres in the High Density Multi-Family Residential General Plan category with an Urban IV (24 du/ac) designation, that was proposed to be changed to an Urban V (30 du/ac) designation to accommodate anticipated population growth and focus smart growth development along transportation corridors.

The proposed project would establish an R-5-30 zone and associated development standards, update references and definitions, delete redundant text, and rezone the parcels currently zoned R-4-24 within the Urban V designation and the S. Escondido Blvd./Centre City Pkwy. Target Area to R-5-30. The proposed rezoning was anticipated and included in Land Use Zoning Policy 2.3 of the General Plan update analyzed in the EIR. The proposed project is consistent with the Urban V General Plan designation and the S. Escondido Blvd./Centre City Parkway Target Area objectives. The area of the rezoning is located in a developed urban area near the center of the city and located between designated Circulation Element streets. No development is proposed. Future development projects will be subject to CEQA review and all applicable mitigation measures identified in the EIR for the General Plan Update will continue to be enforced as part of future projects.

Consistent with State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), staff finds that:

1. Substantial changes are not proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects;
2. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and
3. New information of substantial importance has not come to light, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete and shows any of the following:
 - a. That the project will have one or more significant effects as discussed in the previous EIR;
 - b. That significant effects previously-examined will be substantially more severe than shown in the previous EIR;
 - c. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. That mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative

In staff's opinion, the Program EIR adequately anticipated and addressed the impacts of the proposed high density zone and the rezoning of the Urban V parcels. No potential new impacts related to the properties or project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan EIR. No other

special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. All project related issues were evaluated in the Program EIR. Pursuant to CEQA Sections 15162-15164, no additional environmental documentation need be prepared since there are no substantial changes to the project that would require important revisions to the previous EIR. Therefore, the proposed project qualifies for the exemption under CEQA guidelines Section 15162 and 15168.

Summary - The proposed very high density residential zoning would be adjacent to the commercial development along S. Escondido Blvd. and Centre City Pkwy., which are major transportation and commercial corridors. These roads would separate the proposed higher density area from the lower density R-2-12 development west of Center City Pkwy. and the R-1-6 development east of S. Escondido Blvd. As the development standards proposed for the R-5 zoning are essentially the same as the existing R-4 zoning, and are consistent with the character envisioned by the General Plan, the rezoning of the subject area is appropriate. All new development will require individual review and CEQA environmental analysis. Staff recommends approval of the rezone to R-5-30.

B. CODE AMENDMENT ANALYSIS – The proposed amendments are presented in a series of exhibits to this staff report. See attached:

Exhibit “B” – Article 1, General Provisions and Definitions;

Exhibit “C” – Article 6, Residential Zones;

Exhibit “D” – Article 57, Miscellaneous Use Restrictions

The current text of the existing residential Articles 6, 7, 8, 10, 11, 12, 13 and 14 is available on the city’s website at:

<http://www.qcode.us/codes/escondido/view.php?topic=33>

Consolidation and updating - Currently, Article 6 provides general information applicable to all residential zones, and the seven residential zones are described in the individual Zoning Code Articles 7, 8, 10, 11, 12, 13 and 14. Each article includes a list of permitted, conditionally permitted and accessory uses, as well as, the development standards for that particular zone. The proposed amendment would expand Article 6 to consolidate the uses and standards for all the residential zones into tables and eliminate the redundancy of code sections applicable to several or all residential zones. The uses and standards for the proposed R-5-30 (Very High Multi-Family Residential – 30 du/ac) zone would be included in the revised article. The amendment also includes proposed revisions, as summarized below, that would streamline several conditionally permitted uses, clarify some uses consistent with state law, modify a few standards for internal consistency, eliminate some standards and uses that are inconsistent with the purpose of the particular zoning category, update Article 1 – General Provisions and Definitions, and associated revisions to Article 57 – Miscellaneous Use Restrictions regarding wineries and transitional housing consistent with the changes proposed in the residential zones.

Streamlined:

1. Deleted the R2 requirement for a CUP to allow a building in excess of one story adjacent to land zoned for single-family dwellings and changed the R2 building height limit from 25’ to 35’ (the same as the R1 zone).
2. Modified minimum lot size in R4 zone from 7,000 SF to 6,000 SF (same as R2 & R3).
3. Deleted elevator requirement for buildings with 3 or more stories & 6 or more dwelling units on or above the 3rd floor in R3 & R4.
4. Changed wineries without tasting rooms in RA & RE zones to a permitted use from a Major CUP.
5. Changed from a Major CUP to a Minor CUP in RA, RE & R1, requests for animals other than listed in the Use Tables and Chart of Permitted Animals.

Added:

1. Rooming house, boarding house, mini-dorms, etc. with central kitchen and interior access to sleeping rooms as Major CUP in R2 (same as in R3, R4 & proposed R5).
2. Requirement in multi-family zones for a minimum of 80 cubic feet of private storage area (the same as required for condominiums).
3. Restriction that an accessory structure to be located on an interior side property line shall be limited to those structures that would not require a building permit (generally structures <= 120 SF).
4. Residential care facilities and group quarters for 7+ in RA zone as a Major CUP (same as RE).

5. Youth organizations as Major CUP in RT zone (same as all other residential zones).
6. Small satellite dish antenna as permitted accessory use in RA, RE and R-1 (same as RT, R1, R2, R3, R4 & proposed R5).

Modified:

1. Street side yard setback in RA zone from 50' from centerline of street to 10' from property line (same as RE).
2. In R4 revised minimum lot area to 6,000 SF from 7,000 SF; and minimum lot frontage to 35 LF from 50 LF (same as existing R2, R3, & proposed R5).
3. Transitional housing and supportive housing constructed as residential dwellings consistent with the underlying zone in all zones to permitted uses (consistent with State law) and revised definitions.
4. Consistent with the Housing Element, removed specific reference to senior housing as a conditionally permitted use in R2, R3 & R4 zones.
5. Definitions and added new entries to update and remain consistent with current terms and usages.

Deleted:

1. Mobilehome Parks from RA, RE, R3 & R4.
2. Small lot developments in R4.
3. Minimum 20,000 SF lot size for truck crops, orchards and vineyards, and horticultural specialties (affects RA, RE & R1).
4. Minimum 10 ac. lot size for wineries (affects RA & RE).
5. Accessory use of renting rooms, with or without board, to a maximum of two permanent or transient guests on a fee basis, provided that the additional occupancy of the dwelling does not necessitate parking vehicles in the street (only listed in R2 & R3).
6. Sections in Article 1 – General Provisions and Definitions and other references to the outmoded (1968) Standard Land Use Codes, which are no longer used by any agency.

Proposed R-5-30 Zone – Escondido's General Plan was adopted in May 2012 and included many goals and policies that require code amendments, rezones or the adoption of various types of area plans. The implementation has been ongoing. This code amendment includes the adoption of a new residential zoning category planned for in the General Plan to implement the Urban V designation under the High Density Multi-Family Residential category. This category includes the Urban IV and Urban V designations, which are intended to "...accommodate higher densities for urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services" (Escondido General Plan, page II-22). The Urban IV designation is implemented through the existing R-4-24 (High Multi-Family Residential, 24 du/ac) zone. The proposed R-5-30 (Very High Multi-Family Residential, 30 du/ac) zone would be very similar to the R-4-24 zone in development standards and character as identified in the General Plan; the main difference being the allowable densities. The table below shows the development standards proposed with this code amendment.

Standard	R-4 (current standard)	R-5
Minimum lot area	<u>6,000 sf</u> (7,000 sf)	same
Average lot width	50 ft.	same
Minimum lot frontage	<u>35 ft.</u> (50 ft.)	same
Maximum density	24 du/ac	30 du/ac
Front setback	15 ft.	same
Interior side setback	5 ft.	same
Street side setback	10 ft.	same
Rear setback	10	same

Standard	R-4 (current standard)	R-5
Building height	75 ft.	same
Number of stories	4	same
Dwelling unit minimum floor area	400 sf	same
Maximum lot coverage	None	same
Maximum floor area ratio (FAR)	0.8	0.9
Square feet allowed for residential and parking regardless of the FAR	4,500 sf	5,000 sf
Useable open space	200 sf/du + 200 sf per each bedroom over one	same
Private storage area	80 cf. (none)	same
Permitted, conditionally permitted and accessory uses	The same uses permitted in the R-4 zone are proposed for the R-5. See Exhibit "C"	

Summary – The proposed consolidation of the residential standards into one Zoning Code article will provide one reference and comparison of all types of residential development, and will streamline the text by the use of tables and the elimination of redundant code sections. The various proposed minor revisions to the existing standards will result in a more internally consistent and updated code. The proposed standards for the R-5 zone are appropriate for very high density residential development near the urban core and close to transportation corridors, and are in conformance with the General Plan Urban V designation. Staff recommends approval of the proposed code amendments.



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

Notice of Exemption

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

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

Project Title/Case No.: Zoning Code Amendment and Rezone; Case No.: AZ 16-0005 / PHG 17-0007

Project Applicant: City of Escondido.

Project Location - Specific: Code Amendment: Citywide;
 Rezone: The Urban V General Plan designated parcels between 6th and 15th Avenues and S. Escondido Blvd. and Centre City Parkway, in the S. Escondido Blvd./Centre City Pkwy. Target Area.

Project Location - City: Escondido

Project Location - County: San Diego

Description of Nature, Purpose and Beneficiaries of Project:

A Zoning Code Amendment to reorganize and consolidate the residential zones into one zoning code article, remove redundant text, update references and definitions, and establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone, with associated development standards, to implement the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category. The project includes rezoning approximately 186 parcels within the Urban V General Plan designation from R-4-24 (High Multi-Family Residential, 24 du/ac max.) to R-5-30. No development is proposed. The code amendment involves changes to Escondido Zoning Code Articles 1, 6, 7, 8, 10, 11, 12, 13, 14 and 57.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project: City of Escondido, Rozanne Cherry, Principal Planner
 Telephone: (760) 839-4536

Address: 201 N. Broadway, Escondido, CA 92025

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

Exempt Status:

CEQA Sections 15162 and 15168 - Use of Previous Program EIR.

Reasons why project is exempt:

An Environmental Impact Report (EIR) (SCH No.2010071064) was prepared for the adoption of the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan (collectively referred to as the update project). The EIR was prepared as a Program EIR consistent with Section 15168 of the CEQA Guidelines and was certified by the City Council in May 2012. The EIR: 1) Evaluated the potentially significant direct and indirect environmental effects of the update project and the potentially significant cumulative impacts that could occur from implementation of the proposed update project; 2) Identified potential feasible means of avoiding or substantially lessening significant adverse impacts; and 3) Evaluated a range of reasonable alternatives to the project, including the required No Project Alternative. The EIR included discussion of proposed land use changes in 15 study areas. Study Area #12 – S. Escondido Blvd./Centre City Parkway Target Area included 36 acres to retain the General Commercial designation, and 44 acres in the High Density Multi-Family Residential general plan

category with an Urban IV (24 du/ac) designation, that was proposed to be changed to an Urban V (30 du/ac) designation to accommodate anticipated population growth and focus smart growth development along transportation corridors.

The proposed project would establish an R-5-30 zone and associated development standards, update references and definitions, delete redundant text, and rezone the parcels currently zoned R-4-24 within the Urban V designation and the S. Escondido Blvd./Centre City Pkwy. Target Area to R-5-30. The proposed rezoning was anticipated and included in Land Use Zoning Policy 2.3 of the General Plan update analyzed in the EIR. The proposed project is consistent with the Urban V General Plan designation and the South Escondido Blvd./Centre City Parkway Target Area objectives. The area of the rezoning is located in a developed urban area near the center of the city and located between designated Circulation Element streets. No development is proposed. Future development projects will be subject to CEQA review and all applicable mitigation measures identified in the EIR for the General Plan Update will continue to be enforced as part of future projects.

Consistent with State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), staff finds that:

1. Substantial changes are not proposed in the project which would require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects;
2. Substantial changes have not occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously-identified significant effects; and
3. New information of substantial importance has not come to light, which was not known and could not have been known with exercise of reasonable diligence at the time of the previous EIR was certified as complete and shows any of the following:
 - a. That the project will have one or more significant effects as discussed in the previous EIR;
 - b. That significant effects previously-examined will be substantially more severe than shown in the previous EIR;
 - c. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. That mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternative

In staff's opinion, the Program EIR adequately anticipated and addressed the impacts of the proposed high density zone and the rezoning of the Urban V parcels. No potential new impacts related to the properties or project have been identified that would necessitate further environmental review beyond the impacts and issues already disclosed and analyzed in the Escondido General Plan Update, Downtown Specific Plan Update, and Climate Action Plan EIR. No other special circumstances exist that would create a reasonable possibility that the proposed Project will have a significant adverse effect on the environment. All project related issues were evaluated in the Program EIR. Pursuant to CEQA Sections 15162-15164, no additional environmental documentation need be prepared since there are no substantial changes to the project that would require important revisions to the previous EIR. Therefore, the proposed project qualifies for the exemption under CEQA guidelines Section 15162 and 15168.

Lead Agency Contact Person: Rozanne Cherry

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

Signature: 
Rozanne Cherry, Principal Planner

4/19/17
Date

Signed by Lead Agency

Date received for filing at OPR:

Signed by Applicant

EXHIBIT "A"

FACTORS TO BE CONSIDERED AZ 2016-0005/PHG 17-0007

Zoning Code Amendment and Rezone to R-5-30

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code amendments as they only reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards and update references and outmoded text. The proposed new R-5 high density zone and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) implements the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category and would not adversely affect the public health, safety and welfare because the Urban V designation and the S. Escondido Blvd./Centre City Pkwy. Target Area allow for the higher residential density and encourage urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. No development project is proposed. The review of future development projects would include a CEQA environmental analysis specific to the project type and location.
2. The proposed Zoning Code amendments would not conflict with State law or be detrimental to surrounding properties because the amendments involve reorganizing existing Zoning Code sections, identifying minor conditional uses, updating definitions and adjusting some standards for internal consistency. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this code amendment. The property proposed to be rezoned from R-4-24 to R-5-30 is suitable for the uses and higher density permitted by the proposed zone as the area is flat, the residential uses would remain the same, and the area has a General Plan designation of Urban V that allows the higher density and encourages redevelopment. In addition, the proposed rezone area would be compatible with the mix of surrounding commercial and multi-family development. Specific property involved in future development projects will be reviewed individually for suitability.
3. The uses permitted by the proposed rezone to R-5-30 would not be detrimental to surrounding properties as the uses would be the same as currently permitted under the R-4-24 zone, and would not adversely affect the adjacent commercial development nor the multi-family development adjacent to the south, and west across Centre City Pkwy.
4. The proposed Zoning Code amendment to reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards, and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) are consistent with the adopted General Plan since the actions implement the General Plan designation of Urban V in the High Density Multi-Family Residential category, which allows for the higher residential density and encourages urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. The actions are also in conformance with the S. Escondido Blvd./Centre City Pkwy. Target Area objectives and would not diminish the Quality of Life Standards of the General Plan. In addition, the amendment would implement a portion of the "Working Together to Get to Yes!" program associated with the City Council's 2015-2016 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development."
5. The proposed rezone to R-5-30 from R-4-24 does not establish a residential density below seventy (70) percent of the maximum permitted density as the proposed density of 30 du/ac is the maximum density permitted by the General Plan Urban V designation. The proposed standards for the R-5 residential zone includes this restriction in the parcel requirements of Table 33-98b.
6. The proposed Zoning Code amendment and rezone would be compatible with and not adversely affect the Southern Gateway District of the Downtown Specific Plan, which is adjacent to the north of the subject area, since the district is planned for the development of offices and services, as well as, urban-style, higher density residential development (up to 100 du/ac) and taller buildings.

EXHIBIT "B"

Case No. AZ 16-0005 / PHG 17-0007

THE ENTIRE ARTICLE IS PROPOSED TO READ AS FOLLOWS:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-1. Short Title.

This Chapter 33 shall be known as the "Escondido Zoning Code."

Sec. 33-2. Authority for the zoning chapter.

Chapter 33 is adopted and amended pursuant to Section 11 of Article XI of the Constitution of the State of California and in compliance with the requirements of the Planning and Zoning Law, Title 7 of the Government Code.

Sec. 33-3. Purpose.

The purpose of this chapter is to serve the public health, safety, comfort, convenience and general welfare by dividing the city into zones and:

- (a) Establishing land use districts for public and private use and general provisions and standards of development with the aim of preserving a wholesome, serviceable and attractive community;
- (b) Regulating the use of buildings, structures, and land uses as between agriculture, industry, business, residence, civic and other purposes;
- (c) Regulating the location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure, and the intensity of land use;
- (d) Establishing and maintaining building setback requirements;
- (e) Establishing off-street parking and loading requirements;
- (f) Establishing signage, lighting, grading, and landscaping and irrigation requirements;
and
- (g) Establishing provisions for coordinating California Environmental Quality Act guidelines, quality of life standards, administration and enforcement, and growth management requirements.

Sec. 33-4. Replacement of other ordinances.

The provisions of this chapter shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as this chapter is more

restrictive than such other ordinance, or part thereof; and that in all particulars wherein this chapter is more restrictive, each such other ordinance shall remain in full force and effect.

Sec. 33-5. Reference to any portion of this chapter.

Whenever reference is made to any portion of this chapter, or of any other law or ordinance, the reference applies to all amendments and additions now or hereinafter made.

Sec. 33-6. Interpretation.

(a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public peace, health, safety, convenience, comfort, prosperity or general welfare. It is not intended by this chapter to abrogate, annul, impair or interfere with any existing or future provision of law or ordinance or with any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use or occupation of buildings or premises or upon the height or location of buildings or structures, or upon the lot area per family, size of yards and open spaces, number of garages or other requirements whatsoever, than is imposed or required by such existing laws, ordinances, easements, covenants or agreements, the provisions of this chapter shall govern.

(b) In any case where there is difficulty in interpreting and applying the provisions of this chapter to any specific case or situation, the planning commission shall upon request interpret the intent of this chapter by written policy and said interpretation shall be followed in applying said provisions.

Sec. 33-7. Building permits required.

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure within the City of Escondido, a permit for each separate building or structure shall be secured from the building official of said city by the owner or his agent for said work, and it shall be unlawful to commence said work until and unless said permit shall have been obtained.

Sec. 33-8. Definitions.

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

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

continuation of the roof of the main building, such accessory building shall be considered a part of the main building. (see also Use – Accessory Use)

Alley means any public thoroughfare, having a width of not more than thirty (30) feet,.

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

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

Apartment means a room or group of two (2) or more rooms which is constructed, designed, intended for or actually used by, a single family for living and sleeping purposes for periods of thirty (30) consecutive days or longer. *Area of lot* means the total horizontal area included within ownership lot lines.

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

Arts and crafts show shall mean the activity of offering for sale of “arts and crafts” by means of announcing or advertising an “arts,” “crafts,” or “hobbies,” show, bazaar or festival, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual event offering the sale of personally crafted property. “Arts and crafts show” shall only be conducted by a property owner possessing a valid business license and an arts and crafts permit issued by the City of Escondido.

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

Basement means a story partly underground and having at least one-half (1/2) of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half (1/2) of its height is below the average adjoining grade. A basement or cellar shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is over five (5) feet.

Block means all property fronting upon one (1) side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus of dead

end, or cul-de-sac street, city boundary, public parks or other natural boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Boarding house – see *Rooming house*.

Building.

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

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

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

(4) *Main building* means one (1) or more buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

Business or commerce means the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity or service for profit or livelihood.

Carport means an accessory building or an accessory portion of the main building, with a solid roof and openings on one or more sides, designed and/or used only for the shelter of vehicles owned or operated by the occupants of the main building

Commercial dairy means any land whereupon is kept or maintained for any length of time, more than two (2) milk cows where milk or milk products are produced for, or intended for sale to the public.

Common area means the total area within a development that is not designed for the exclusive use of owners or tenants and which is available for common use by all owners, tenants or groups of tenants.

Court means an open unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings and a lot line, including the open space in a bungalow court or court apartment providing access to the units thereof.

Cul-de-Sac means a street or portion of a street that terminates without providing vehicular access to adjacent streets and includes pavement at its terminus to accommodate vehicles exiting in a forward manner by a single turning motion without reversing.

Detached dwelling means a dwelling that is structurally independent and separated from the existing primary dwelling by a minimum of ten (10) feet.

Director means the director of community development.

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

Dwelling.

(1) *Dwelling* means one (1) or more rooms in a building used for occupancy by one (1) family for living or sleeping purposes and having only one (1) kitchen.

(2) *Grouped dwelling* means a group of two (2) or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one (1) ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including recreational vehicle or campgrounds,.

(3) *Multiple dwelling* means a building or portion thereof used for occupancy by four (4) or more families living independently of each other, and containing four (4) or more dwellings.

(4) *One-family or single-family dwelling* means a detached or semi-detached building designed for or occupied exclusively by one (1) family.

(5) *Two-family dwelling and duplex* means a detached or semi-detached building designed for or occupied exclusively by two (2) families.

(6) *Three-family dwelling and triplex* means a detached or semi-detached building designed for or occupied by three (3) families.

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

(8) *Accessory dwelling* means a secondary, but independent living facility which is located or established on the same lot as the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation.

Family means one (1) or more persons related by blood, marriage, or adoption, or a group including unrelated individuals living together as a relatively permanent, bona fide, housekeeping unit.

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

(1) *Large family day care home* means a home which provides family day care, with no overnight stay, to nine (9) to fourteen (14) children, inclusive, including children who reside at the home;

(2) *Small family day care home* means a home which provides family day care, with no overnight stay, to eight (8) or fewer children, including children who reside at the home.

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

Frontage means that property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting and intercepting streets, and railroad right-of-way or unsubdivided acreage.

Garage.

(1) *Private garage* means an enclosed accessory building or an accessory portion of the main building, designed and/or used only for the shelter of vehicles owned or operated by the occupants of the main building.

(2) *Public garage* means any building except those described as a private garage, used for the storage or shelter of self-propelled vehicles.

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

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

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

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

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

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

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

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

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

Lath house (see greenhouse)

Lot means:

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

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

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

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

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

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

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

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

(E) *Cul-de-Sac lot* means an interior lot taking access from and having frontage primarily on the bulb of a cul-de-sac.

(F) *Flag lot* means a lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access.

(G) *Front lot line* means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street. (H) *Interior lot* means a lot other than a corner lot or reversed corner lot.

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

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

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

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

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

Mini-dorms (see Rooming house)

Mobilehome (also Manufactured Home) means a dwelling that is subject to California Code of Regulations Title 25 provisions built in a factory or other off-site location on a non-removable steel chassis that is transported and placed on a permanent or non-permanent foundation.

Mobilehome park means a development specifically approved for grouping mobilehomes and/or manufactured homes within a unified setting that is subject to California Code of Regulations Title 25 provisions. The term mobilehome park shall include the grouping of mobilehomes under a single ownership, or separate ownership of mobilehomes and mobilehome sites, or the establishment of a mobilehome subdivision, condominium, stock cooperative, or any similar project where the member of the project owns a home ownership share, fee lot, or condominium unit.

Mobilehome site means any portion of a mobilehome park designed for the use or occupancy of one mobilehome or manufactured home.

Mobilehome park street means any roadway used or designed to be used for the general circulation of traffic within the mobilehome park

Modular home means a dwelling that conforms to all local building codes, built in sections at a factory or other off-site location, and transported to the building site where the dwelling is assembled on-site on a permanent foundation.

Motel (see Hotel)

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

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

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

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

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

Recreational vehicle means a vehicle on wheels which offers living accommodations in a mobile setting for travel or recreational purposes in compliance with provisions established by the California Department of Motor Vehicles.

Rooming House means a building containing three (3) or more bedrooms or other rooms intended to be used, rented or leased, to be occupied by five (5) or more individuals under five

(5) or more separate oral or written leases, subleases or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to definite periods, by the month or greater term. A "Rooming Housing" does not require a property owner, or a manager, to be in residence. A "Rooming House" shall have a central kitchen. A "Rooming House" may or may not provide free access to common living areas beyond the bedrooms or guest rooms. A "room" means any rented, leased, let or hired living space or other square footage within the building that is used or designed to provide sleeping accommodations for one (1) or more persons. A properly permitted accessory dwelling unit, shall not be considered a rooming house.

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

Site area (see Building site and Lot area)

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

Story.

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

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

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

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

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

Supportive housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his

or her ability to live and, when possible, work in the community. Supportive housing that is provided in single-, two-, or multi-family dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

Target Population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5, commencing with Section 4500, of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Title 25 means Title 25 of the California Code of Regulations.

Transitional housing means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

Travel trailer (see Recreational vehicle)

Use.

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

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

Yard.

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

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

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

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

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

Zoning administrator means the director or designee.

Sec. 33-9. Reserved.

Sec. 33-10. Reserved.

Sec. 33-11. Reserved

Sec. 33-12. Reserved

Sec. 33-13. Determination of permitted uses.

The lists of uses included in various articles of this chapter are typical of permitted and conditionally permitted uses in their respective zones.

The director may determine that uses similar to the listed uses are permitted, or conditionally permitted, uses within the various zones. Such determinations will thereafter be uniformly applied and the director shall keep a record of all such determinations.

When the director cannot make a determination that a particular use is similar to the uses within any of the various zones, a request for an interpretation shall be forwarded to the planning commission for its determination pursuant to the rules of interpretation of section 33-6 of this article. After a planning commission interpretation specifying the appropriate zone, or zones, within which the particular use may fall, said use shall be permitted, or conditionally permitted, in the zones designated by the planning commission.

If the planning commission is unable to designate zones into which a particular use may fall, that use is prohibited in the city in the absence of an amendment to this chapter.

Sec. 33-14. Zoning districts.

In order to carry out orderly growth and development in the city, this chapter provides for various zoning classifications (e.g., R-1, R-2, R-3, etc.) in order to promote and protect the public health, safety, convenience and general welfare of the inhabitants, and through the orderly and planned use of land resources which are presently a part of said city, or which may become a part thereof in the future.

Sec. 33-15. Zoning district boundary uncertainty.

The boundaries of each zoning district shall be as shown on the “official zoning map,” which is made a part of this chapter. In the event of any conflict between the official zoning map and any legal description or other designation of the boundary or boundaries of any zoning district, or where any uncertainty exists as to the boundary or boundaries of any zoning district shown on the official zoning map, the official zoning map shall prevail and the location of such boundary or boundaries shall be fixed as follows:

(a) Where such boundaries are indicated by scales as approximately following street, alley or lot lines in existence at the time the zoning district map(s) was adopted, such lines shall be construed to be such boundaries.

(b) Where any public street, alley or any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the existing zone which abuts said land shall apply to such vacated or abandoned property, then each such zone shall be considered to extend to the centerline of said vacated or abandoned property.

(c) In unsubdivided land or where a zoning district boundary divides a parcel, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

Secs. 33-16—33-29. Reserved.

EXHIBIT "C"

Case No. AZ 16-0005 / PHG 17-0007

THE ENTIRE ARTICLE IS PROPOSED TO READ AS FOLLOWS:

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-90. Purpose.

(a) Residential zones are established to provide for residential districts of various population densities so that the various types of residential developments may be segregated from each other as necessary to assure compatibility of uses within family living areas, including the necessary appurtenant and accessory facilities associated with such areas.

(b) The following classes of residential use zones are established:

(1) The agriculture residential (R-A) zone is established to provide an agricultural setting in which agricultural pursuits can be encouraged and supported within the city. The R-A zone is designed to include single-family detached dwellings and to protect agricultural uses from encroachment by urban uses until residential, commercial or industrial uses in such areas become necessary or desired.

(2) The estate residential (R-E) zone is established to provide a rural setting for family life in single-family detached dwellings. Provisions are made for the maintenance of limited agricultural pursuits as well as those uses necessary and incidental to single family living.

(3) The single-family residential (R-1) zone is established to provide a suburban setting suitable for family life in single-family, detached dwellings.

(4) The mobilehome residential (R-T) zone is established to provide a mobilehome park setting for family life in single-family detached mobilehomes. No land shall be classified into this zone where such classification would create an R-T zone area of less than four hundred thousand (400,000) square feet.

(5) The light multiple residential (R-2) zone is established to provide a multi-family setting for family life in low-height, low density dwelling units in close proximity to single-family residential neighborhoods.

(6) The medium multiple residential (R-3) zone, is established to provide a multi-family setting for family life in low-height, medium density dwelling units in close proximity to other multi-family neighborhoods.

(7) The high multiple residential (R-4) zone, is established to provide a multi-family setting for family life in mid-height, high density dwelling units in close proximity to other multi-family neighborhoods and near the city's center.

(8) The very high multiple residential (R-5) zone is established to provide a multi-family setting for family life in higher-height, very high density dwelling units in close proximity to other multi-family neighborhoods and near the city's center.

Sec. 33-91. Designation of single family residential sub-zones.

Several of the single family zones established by Sec. 33-90 are further classified into sub-zones based on the required minimum lot area and lot width. Sub-zones are designated by adding a suffix number to the symbol for the principal R-zone. The suffix number shall indicate the minimum lot area for the sub-zone stated in units of one thousand (1,000) square feet (except that the suffix for R-A sub-zones -5 and -10 shall be stated in units of 5AC and 10AC respectively).

Sec. 33-92. Designation of multiple family residential sub-zones.

The R-2, R-3, R-4 and R-5 zones established by Sec. 33-90 are further classified into sub-zones based on the maximum number of dwelling units allowed per net acre (density). Density sub-zones are designated by adding a suffix number to the symbol for the principal multiple residential zone. The suffix number shall indicate the maximum allowable units per net acre exclusive of the right-of-way of all public streets or alleys as classified in the circulation element of the Escondido general plan as amended, or as is indicated to be dedicated to the City of Escondido on the pertinent development proposal, whichever is more restrictive.

Sec. 33-93. General plan compatibility matrix

Table 33-93 lists the general plan designation corresponding to the residential zoning district designations. Densities for the Rural, Estate, and Suburban general plan designations are subject to topographic slope conditions.

Table 33-93

Zoning	Corresponding General Plan Designation
Residential agricultural (R-A)	Rural I, Rural II
Residential estate (R-E)	Estate I, Estate II
Single family residential (R-1)	Suburban, Urban I
Mobilehome residential (R-T)	Suburban, Urban I, Urban II
Light multi-family residential (R-2)	Urban II
Medium multi-family residential (R-3)	Urban III
High multi-family residential (R-4)	Urban IV
Very high multi-family residential (R-5)	Urban V

Sec. 33-94. Permitted and conditional uses and structures

Table 33-94 lists those uses in residential districts that are permitted (P) or subject to a major conditional use permit (C) or minor conditional use permit (C#).

Table 33-94

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Residential and Lodging								
Single-family dwellings detached	P	P	P		P	P ¹	P ¹	P ¹
Mobilehome on parcel alone, pursuant to Sec. 33-111	P	P	P	P				
Two-family and multiple-family dwellings					P	P ¹	P ¹	P ¹
Mobilehome parks pursuant to Article 45 and Title 25. A minimum 400,000 sq. ft. in land area required.			C	C	C			
Small lot developments pursuant to Sec. 33-114					P	P ¹		
Transitional Housing and Supportive Housing constructed as residential dwellings consistent with the underlying zone pursuant to Sec. 33-8 of Article 1	P	P	P	P	P	P	P	P
Rooming house, boarding house, mini-dorms etc. with central kitchen, interior access to sleeping rooms					C	C	C	C
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Care in Residential Zones								
Licensed residential care facilities and group quarters for six (6) or fewer persons including but not limited to sanitariums, convalescent homes, rest home services, transitional and supporting housing	P	P	P	P	P	P	P	P
Licensed residential care facilities and group quarters for seven (7) or more persons, including but not limited to sanitariums, convalescent homes, rest home services, transitional and supportive housing.	C	C	C		C	C	C	C
Small and large family day care as defined in Sec. 33-8 pursuant to Sec. 33-1104 of Article 57	P	P	P		P	P	P	P
Day nurseries, child care centers (excluding small and large family care which are permitted uses)	C	C	C		C	C	C	C
Agriculture and Animals								
Animal specialties, poultry and egg production, rabbits, apiaries, aviaries, small animal farms	C							
Animals other than those listed in Table 33-95a, and provisions pursuant to Sec. 33-1116 of Article 57	C#	C#	C#					
Field and seed crops	P							

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Agriculture and Animals (continued)								
Livestock (on sites exceeding nine acres)	C							
Truck crops (includes vegetables, berries, melons) Orchards and vineyards (fruit and tree nuts) Horticultural specialties	P	P	P					
Wineries with a tasting room pursuant to Sec. 33-1107 of Article 57	C	C						
Wineries without a tasting room pursuant to Sec. 33-1107 of Article 57 (at least 50% of fruit used in winemaking must be grown on site)	P	P						
Social, Religious, Educational, Recreational, Governmental								
Golf courses, private and public	C	C	C	C	C	C		
Government services (except correctional institutions)	C	C	C	C	C	C	C	C
Nursery, primary and secondary (grades K-12), post-secondary and professional education	C	C	C		C	C	C	C
Religious activities, civic associations, social clubs and fraternal organizations and lodges	C	C	C	C	C	C	C	C
Resorts and group camps	C							
Tennis courts, private membership only	C	C	C	C	C	C		
Youth organizations pursuant to Sec. 33-1105 of Article 57	C	C	C	C	C	C	C	C
Utility and Communications Operations								
Communications (excluding offices and relay towers, microwave or others)	C	C	C	C	C	C	C	C
Utility facilities	C	C	C	C	C	C	C	C
Wireless service facilities on private property, including communication antennas, pursuant to Article 34	C	C	C	C	C	C	C	C
Miscellaneous								
Aluminum can and newspaper redemption centers without can crushing facilities (only as an accessory use to nursery, primary, secondary, post-secondary and professional education, and religious activities)	C	C			C	C	C	C
Arts and crafts shows as defined in Sec. 33-8, with permit pursuant to Sec. 33-1119 of Article 57	P	P	P	P	P	P	P	P
Cemeteries and / or Mausoleums	C	C	C		C			

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Miscellaneous (continued)								
Uses or structures permitted or conditionally permitted by this zone and involving hazardous materials (pursuant to Sec. 33-666 of Article 30)	C	C	C	C	C	C	C	C
Notes:								
<p>1 No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by Sec. 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.</p>								

Sec. 33-95. Permitted accessory uses and structures

Accessory uses and structures are permitted in residential zones, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to those listed in Table 33-95. Table 33-95a lists permitted animals as an accessory use.

Table 33-95

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Structures								
Accessory buildings such as garages, carports, green houses, gazebos, gardening sheds, recreation and similar structures which are customarily used in conjunction with and incidental to a principal use or structure	P	P	P	P	P	P	P	P
Accessory buildings or structures required for the storage of any products, equipment or uses lawfully permitted or produced on the premises	P	P	P					
Accessory buildings and structures for mobilehomes including carports, porches, awnings, skirting, portable storage cabinets, and similar structures which are customarily used in conjunction with, and incidental to, the principal use or structure, provided they are located within six (6) feet of a mobilehome	P	P	P	P				
Accessory dwelling units pursuant to Article 70.	P	P	P		P	P	P	P

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Structures (Continued)								
Agricultural related accessory buildings or structures including windmills, silos, tank houses, water wells, reservoirs, storage tanks, buildings or shelters for farm equipment and machinery, housing required for the nurture, confinement or storage of animals, crops, products or equipment lawfully permitted or produced on the premises	P	P						
Caretaker's residence or housing for persons deriving the major portion of their income from employment on the premises in conjunction with authorized agricultural use, provided that such buildings shall be occupied only by such persons and their families	P	P						
Bus stop shelters pursuant to Municipal Code Article 9 of Chapter 23 and Sec. 33-1118 of Article 57	P	P	P	P	P	P	P	P
Guest house as defined in Sec. 33-8. In the RE zone said facility shall be located to the rear of the main building, or screened from street view. In the R1 zone said facility shall be located on the rear one-half of the lot or parcel, and only on lots or parcels that are more than one-and-one-half (1½) times the sub-zone minimum lot area.	P	P	P					
Satellite dish antennas pursuant to Article 34	P	P	P	P	P	P	P	P
Stands for displaying and selling agricultural or farming products that are grown or produced on the premises. A maximum of one (1) stand per lot or parcel of land shall be permitted. The ground coverage of the stand shall not exceed three hundred (300) square feet, and it shall be set back from the street or highway right-of-way line a distance of at least twenty (20) feet.	P	P						
Swimming pools constructed in accordance with the provisions of this chapter	P	P	P	P	P	P	P	P
Accessory Uses and Activities								
Animal overlay (AO) zone pursuant to Article 9 subject to planning commission and city council approval	P	P						
Animals and household pets pursuant to Table 33-95a and Sec. 33-1116 of Article 57	P	P	P	P	P	P	P	P
Home occupations pursuant to Article 44	P	P	P	P	P	P	P	P

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Uses and Activities (Continued)								
Parking for recreational vehicles pursuant to Article 25	P	P	P		P	P	P	P
Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period and the thirty (30) days thereafter	P	P	P	P	P	P	P	P
Subdivision sales and signs in accordance with the requirements of this chapter	P	P	P	P	P	P	P	P
Vegetable and flower gardens	P	P	P	P	P	P	P	P

Table 33-95a

Permitted Animals in Residential Zones	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Animals Permitted in the Quantities Stated								
Birds*: Small species as household pets including canaries, parrots, parakeets, love birds, etc.	12	12	6	3	3	3	3	3
Birds*: Racing or homing pigeons pursuant to Sec. 33-1116 of Article 57	100	100	100					
Birds: Domesticated fowl including chickens, ducks, turkeys, etc. raised for meat and / or egg production. Quantity indicates total of all species for each parcel. Roosters are not permitted in the R-1 zone.	25	25	6 chickens (hens only)					
Bovine: Domesticated cattle, sheep, goats, swine raised for meat and / or milk production. Quantity indicates the total number of bovine animals per acre.	1	1						
Cats* (adults over four months)	3	3	2	1	1	1	1	1
Dogs* (adults over four months)	3	3	2	1	1	1	1	1
Emus: Same requirements as standard horses	1	1						
Goats (pygmy): Subject to the same requirements as miniature horses	2	2	2					
Horses (miniature): In the R1 zone said animals are permitted only on properties zoned R-1-10 or larger	2	2	2					

Permitted Animals in Residential Zones	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Animals Permitted in the Quantities Stated (continued)								
Horses (standard): In the RA zone the quantity indicates the number of animals per person residing on the premises. In the RE zone the quantity indicates the number of animals for the first 40,000 SF of lot area; one additional horse is permitted for each additional 20,000 SF	1	1						
Potbelly pigs*, as household pet	1	1						
Rodents*: Chinchillas, chipmunks, guinea pigs, mice (white), hamsters, rabbits (adult), squirrels, etc. Quantity indicates total of all species for each parcel.	25	25	4	2	2	2	2	2
Tropical fish*: excluding turtles and carnivorous fresh water fish	No Limit							
Other animals in RA-AO and RE-AO animal overlay zones pursuant to Article 9 of this chapter	P	P						

*Household pets pursuant to Sec. 33-1116 of Article 57 of this chapter.

Sec. 33-96. Prohibited primary uses and structures.

All industrial, commercial and residential uses and structures not listed in this article are prohibited.

Sec. 33-97. Property development standards.

In addition to the property development standards set forth in this chapter, the following special development standards shall apply to land and structures in residential zones.

Sec. 33-98. Parcel requirements.

Tables 33-98a and 33-98b list parcel requirements for residential zones. Lots or parcels of land which were created prior to the application of the residential zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section. For the purpose of establishing sub-zones, an acre contains 43,560 square feet.

Table 33-98a

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Street Lot Frontage	Population Density
R-T ²	4,500*	55*	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards ¹ . Frontage on a street end that does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement except for panhandle lots. Panhandle lots pursuant to Article 56.	Not more than one single-family dwelling may be placed on a lot or parcel of land in this zone.
R-1-6	6,000	60		
R-1-7	7,000	65		
R-1-8	8,000	70		
R-1-9	9,000	75		
R-1-10	10,000	80		
R-1-12	12,000	85		
R-1-15	15,000	90		
R-1-18	18,000	95		
R-1-20	20,000	100		
R-1-25	25,000	110		
R-E-20	20,000	100	20 feet or be connected to a public street by a permanent access easement ¹ . Panhandle lots pursuant to Article 56.	
R-E-25	25,000	110		
R-E-30	30,000	125		
R-E-40	40,000	150		
R-E-50	50,000			
R-E-60	60,000			
R-E-70	70,000			
R-E-80	80,000			
R-E-90	90,000			
R-E-100	100,000			
R-E-110	110,000			
R-E-130	130,000			
R-E-150	150,000			
R-E-170	170,000			
R-E-190	190,000			
R-E-210	210,000			
R-A-5	217,800	150	60 feet or be connected to a public street by a permanent access easement ¹ . Panhandle lots pursuant to Article 56.	
R-A-10	435,600			

Notes:

- ¹ Exception: Access to lots or parcels may be provided by private road easement conforming to the following standards:
 - (a) The minimum easement widths shall be twenty (20) to twenty-four (24) feet as determined by the city engineer and fire marshal; subject to the Escondido Design Standards and Standard Drawings;
 - (b) Pavement section widths, grades and design shall be approved by the city engineer;
 - (c) A cul-de-sac or turnaround shall be provided at the terminus to the satisfaction of the planning, engineering and fire departments.
- ² Except for land that was being used for mobile homes prior to the effective date of the ordinance codified in this article, no land shall be classified into this zone where such classification would create an R-T zone area of less than four hundred thousand (400,000) square feet.

Table 33-98b

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Public Street Lot Frontage	Maximum Population Density
R-2	6,000	60	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement.	12 du / acre
R-3	6,000	60		18 du / acre ¹
R-4	6,000	50		24 du / acre ¹
R-5	6,000	50		30 du / acre ¹

Notes:

- ¹ No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by Sec. 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.

Sec. 33-99. Front setback.

Table 33-99 lists front setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-99

Front Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Front setback depth (feet)	25 ¹	25 ¹	15 ^{1, 2}	15 ^{1, 2}	15 ^{1, 2}	15 ^{1, 2}	15 ^{1, 2}	15 ³
Notes:								
¹ A required front setback shall not be used for vehicle parking except such portion as is devoted to driveway use or the parking of recreational vehicles in accordance with Article 25, parking of recreational vehicles in residential zones.								
² A garage having an entrance fronting on the street shall be set back at least twenty (20) feet from the street property line.								
³ The front setback shall not be used for vehicle parking, except for such portion devoted to driveway use. Title 25 shall apply where appropriate.								

Sec. 33-100. Side setback.

Table 33-100 lists side setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-100

Interior Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Interior side setback width (feet)	10 ¹	10 ¹	5 ^{1, 2}	5 ⁴	5 ^{3, 4}	5 ^{3, 4}	5 ^{3, 4}	5 ^{1, 5}
Notes:								
¹ When used for access to a required parking facility, the side setback shall be wide enough for a ten (10)-foot-wide, unobstructed, paved driveway.								
² If the lot or parcel does not abut an alley, one (1) such side setback shall be at least ten (10) feet in width.								
³ An additional five (5) feet setback shall be provided on each side of a lot or parcel of land for each story over two of a principal building, with a maximum requirement for any such side setback of fifteen (15) feet.								
⁴ A driveway that provides a parking facility housing nine (9) or more vehicles with access to a street or alley shall be at least twenty-four (24) feet wide, unless the parking facility is served by two (2) one-way drives, in which case each driveway shall be at least twelve (12) feet wide. All driveways shall have a height clearance of at least thirteen (13) feet, and shall be paved with cement or asphaltic concrete.								
⁵ Title 25 provisions shall apply where appropriate.								

Street Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Corner (street) side setback width (feet)	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{2,3}
Notes:								
¹ A garage having access that is perpendicular to the street shall be set back at least twenty (20) feet from the street property line. A required side setback shall not be used for vehicle parking except such portion as is devoted to driveway use.								
² The required street side setback shall not be used for vehicle parking.								
³ Title 25 provisions shall apply where appropriate.								

Sec. 33-101. Rear setback.

Table 33-101 lists rear setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-101

Rear Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Rear setback (feet)	20	20	20	15	10 ¹	10 ¹	10 ¹	5 ²
Notes:								
¹ An additional five (5) feet rear setback shall be provided for each building story over two (2) in height. Where the rear setback abuts a public alley, the setback may be measured from the centerline of the alley; however, in no event shall there be less than a five (5) foot setback from the edge of the alley.								
² Title 25 provisions shall apply where appropriate.								

Sec. 33-102. Accessory buildings side setback and building requirements.

(a) The interior side setback of any accessory building located less than seventy (70) feet from the front property line in single and multi-family zones, or fifty (50) feet from the front property line in the R-T zone (unless superseded by Title 25), shall be the same as that required for the main building, pursuant to Table 33-100.

(b) An accessory building may be located on a side property line which is not contiguous to a street if, and only if, all of the following conditions are met:

(1) The building is located seventy (70) feet, or more, from the front property line [fifty (50) feet in the R-T zone, unless superseded by Title 25];

(2) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land;

(3) The building does not require a Building Permit.

(c) An accessory building shall have a minimum setback of ten (10) feet for a side property line which is contiguous to a street.

(d) An accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(e) An accessory building that is seventy (70) feet or more from the front property line in single and multi-family zones, or fifty (50) feet in the R-T zone, but which does not meet the requirements of subsection (b) above, may not be located closer than five (5) feet from the interior side property line in single and multi-family zones, or three (3) feet in the R-T zone (unless superseded by Title 25).

(f) In the RA and RE zones, setbacks for accessory structures do not apply to animal enclosures.

Sec. 33-103. Accessory buildings rear setback and building requirements.

(a) No accessory building shall be situated on the rear property line in the R-T zone unless superseded by Title 25.

(b) An accessory building may be located on the rear property line in all residential zones (except the R-T zone) if, and only if, all the following conditions are met:

(1) The building does not require a building permit; and

(2) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.

(c) An accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(d) On a reverse corner lot the rear property line of which is also the side property line of the contiguous property, an accessory building shall be located not less than five (5) feet from the rear property line.

(e) In the RA and RE zones, setbacks for accessory structures do not apply to animal enclosures.

Sec. 33-104. Projections into setbacks (single and multi-family zones, excluding R-T zone).

(a) The following structures may be erected or projected into any required setback in all residential zones (excluding the R-T zone):

(1) Fences and walls in accordance with codes or ordinances;

(2) Landscape elements, including trees, shrubs and other plants, except that no hedge shall be grown or maintained at a height or location other than that permitted by city codes or ordinances;

(3) Necessary appurtenances for utility services.

(b) In R-1 zones, a single story structure attached to an existing main building may be located within the rear setback to within ten (10) feet of the rear property line if the director of community development finds that the site for the proposed use is adequate in size and shape, and that the proposed use will not have an adverse effect upon adjacent or abutting properties. Such structures shall not be closer than five (5) feet from any retaining wall or toe of slope and the aggregate area of such structure shall not exceed forty (40) percent of the total area of the rear setback otherwise required by Sec. 33-101 of this article.

(c) The structures listed below may project into the minimum front or rear setback not more than four (4) feet and into the minimum side setback not more than two (2) feet, provided that such projections shall not be closer than three (3) feet to any lot line:

(1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;

(2) Fireplace structures and bays, provided that they are not wider than eight (8) feet measured in the general direction of the wall of which it is a part;

(3) Stairways, balconies, door stoops and fire escapes;

(4) Awnings;

(5) Planting boxes or masonry planters not exceeding forty-two (42) inches in height;

(6) Porte-cochere over a driveway in a side setback area, provided such structure is not more than one (1) story in height and twenty-two (22) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

Sec. 33-105. Projections into setback (R-T zone).

The following structures may be erected or projected into any required setback in the R-T zone unless superseded by Title 25:

(a) Fences and walls in accordance with city codes or ordinances, but not to exceed five (5) feet in height;

(b) Landscape elements including trees, shrubs and other plants, except hedges, and provided that such landscape feature does not hinder the movement of the mobilehome in or out of its space;

(c) Trailer hitches;

(d) Necessary appurtenances for utility services;

(e) Awnings not to exceed one (1) foot.

Sec. 33-106. Plan approval required.

(a) Building plan review and building permits are required for the construction or modification of single family detached dwellings, mobilehomes, and some accessory structures in residential and R-T zones. Application shall be made to the building division for plan review, which is subject to planning division confirmation of zoning compliance.

(b) An appropriate development application for the construction or modification of two-family dwellings, multiple family dwellings, some accessory structures, and non-residential development in all residential zones is required pursuant to Article 61 of this chapter.

Sec. 33-107. Building requirements, generally.

Table 33-107 lists building requirements in residential zones (excluding mobilehome parks approved pursuant to Article 45).

Table 33-107

Building Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T*
Building height (feet), except as otherwise provided in this chapter	35	35	35	35 ¹	35 ¹	75	75	35
Maximum Building stories				2 ¹	3 ¹	4 ¹	4 ¹	
Distance between residence and accessory buildings (feet)	10	10	10	10	10	10	10	10
Dwelling unit minimum floor area (square feet) ²	850	1,000	850	500	400	400	400	700
Maximum percent lot coverage by primary and accessory structures	20%	30%	40%	50%	none	none	none	60%
Maximum Floor Area Ratio (FAR) ³	0.3	0.4 ⁴	0.5	0.6	0.7	0.8	0.9	none
Square feet allowed for residential and parking regardless of the FAR	1,500	1,500	1,500	2,500	3,500	4,500	5,000	700

Notes:

- ¹ Buildings or structures in excess of one (1) story and located adjacent to single family zoned land, shall provide a setback equal to the abutting setback required by the single family zone standards, plus five (5) additional feet for each story over two (2) on the property line(s) abutting the single-family zone(s) as noted in Sec. 33-100 and 33-101. Additionally, building features such as windows, doors, balconies, etc., bulk and scale shall not adversely affect the adjacent single-family property.
- ² Area is exclusive of porches, garages, carports, entries, terraces, patios or basements.
- ³ FAR is the numerical value obtained by dividing the total gross floor area of all buildings on the site by the total area of the lot or premises.
- ⁴ Except that the maximum FAR for the RE-20 zone shall be 0.5; and for the RE-170 and RE-210 zones the maximum FAR shall be 0.3.
- * Requirements apply unless superseded by Title 25.

Sec. 33-108. Building requirements, multi-family zones.

(a) Dwelling groups. Each dwelling unit in a group or multiple dwelling developments shall front upon and have primary access to a street or a court which meets the following requirements:

(1) The court shall be unobstructed to the sky and shall extend to a street or to another court which has the same or greater width and extends to a street;

(2) The width of the court shall be twenty (20) feet if the court is bounded on both sides by buildings having access thereto, and ten (10) feet if bounded on one (1) side only, by such buildings;

(3) No portion of any required court shall be used for parking, turnaround, driveway or any other automotive purpose;

(4) Any such court shall be increased in width by five (5) feet for each story in excess of four (4) included in the combination of buildings on both sides of such a court.

(b) Usable open space. Each lot or parcel of land in the R-2 and R-3 zones shall provide on the same lot or parcel of land four hundred (400) square feet of usable open space, or two hundred (200) square feet in the R-4 and R-5 zones, as hereinafter defined, per dwelling unit, plus an additional two hundred (200) square feet of usable open space for each sleeping room (bedroom) over one (1) in said dwelling unit.

“Usable open space,” for the purpose of this section, means an open area or recreational facility which is designed and intended to be used for out-door living, landscaping and/or recreation. An area of usable open space shall not exceed a grade of ten (10) percent, shall have a minimum dimension of at least ten (10) feet (except balconies), and may include landscaping, walks, recreational facilities and decorative objects such as artwork and fountains. Up to one-half (1/2) of the requirement for each unit may be provided in a private patio or balcony having direct access from the unit. Balconies having a minimum dimension of not less than five (5) feet and a minimum area of not less than fifty (50) square feet shall be counted as open space. Usable open space shall not include any portion of off-street parking areas, driveways, rooftops or required front setbacks. Any accessory building or unit designed and intended to be used for recreational purposes shall be counted as usable open space.

(c) Private storage area. A minimum of eighty (80) cubic feet of private storage area shall be provided for each dwelling unit. The storage area shall have minimum dimensions of two (2) feet, and shall be in addition to normally expected cabinets and closets.

Sec. 33-109. Parking and loading requirements.

Parking and loading requirements shall be provided as per Article 39 of this chapter, unless superseded by Title 25 in the RT zone.

Sec. 33-110. Supplemental parking for detached single family homes.

Unless otherwise restricted in this code, property owners of detached, single-family homes may construct one supplemental uncovered parking space in residential front setback areas, subject to the following conditions:

(a) The supplemental parking space shall connect to the required driveway and be placed between the driveway and the closest, interior, side property line. For the purpose of the Escondido Zoning Code the supplemental parking space shall be considered part of the area devoted to driveway use;

(b) The supplemental parking space shall be permanently constructed using concrete, asphalt or paver blocks. The surface shall cover a minimum of eight (8) by twenty (20) feet and any pavers shall be either connected or no more than one (1) inch apart. Total curb cut shall not exceed forty percent (40%) of the street frontage;

(c) Vehicles parked on a supplemental parking space shall remain perpendicular to the residential street. Angled parking is prohibited;

(d) An area designed to facilitate turning around a vehicle to allow safe access to a collector street shall not be considered a supplemental parking space and shall not be used for parking;

(e) Residential properties with driveways accessing major roads, prime arterials, and collector streets, as depicted in the general plan circulation element may not have a supplemental parking space.

Sec. 33-111. Mobilehomes in single family zones (excluding mobilehome parks approved pursuant to Article 45 or superseded by Title 25).

Mobilehomes, in the R-A, R-E and R-1 zones shall comply with the following:

(a) Shall be manufactured within the last ten (10) years and shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974;

(b) Shall be installed on foundation system in compliance with all applicable requirements of the California Residential Building Code to the satisfaction of the city;

(c) Shall be covered with an exterior material customarily used on conventional dwellings to the satisfaction of the planning division. The exterior covering material shall extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;

(d) Shall have a roof constructed of shingles or other material customarily used for conventional dwellings to the satisfaction of the city.

Sec. 33-112. Landscaping.

Landscaping in residential zones shall conform to the requirements set forth in Article 62.

Sec. 33-113. Trash storage.

The following trash storage provisions shall apply in residential zones:

(a) Containers required for trash and recyclables storage shall be of a size, type and quantity approved by the director of community development. They shall be placed so as to be concealed from the street and shall be maintained.

(b) Required trash enclosure areas shall be constructed of decorative materials and landscape screening may be required pursuant to Article 62.

Sec. 33-114. Small lot development.

(a) Purpose. Development and recycling opportunity in certain multi-family zones.

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

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

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

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

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

(5) In the R-3 zone, a minimum density of seventy (70) percent of the maximum permitted density of the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan;

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

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

(8) Process. All requests for a small lot development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application.

THE FOLLOWING ARTICLES ARE PROPOSED TO BE REPEALED AND RESERVED:

Article 7 – Residential Agricultural (RA) Zone

Article 8 – Residential Estates (RE) Zone

Article 10 – Single-family Residential (R-1) Zone

Article 11 – Mobilehome Residential (R-T) Zone

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

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

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

NOTE: ARTICLE 9 – ANIMAL OVERLAY (AO) ZONE WILL REMAIN UNCHANGED.

EXHIBIT "D"

Case No. AZ 16-0005 / PHG 17-0007

Article 57. Miscellaneous Use Restrictions

Revise the following sections as shown below.

Proposed deletions are in ~~strikeout~~ font and additions are underlined.

Sec. 33-1107. Wineries.

Wineries may be permitted or conditionally permitted pursuant to Sec. 33-94 of Article 6. Conditional use permits for wineries (use number 2183) may be granted by the planning commission upon consideration of the following criteria:

- (a) Areas not devoted to agricultural production including the primary residence, the winery, ancillary structures, parking, landscaping, storage and loading areas, excluding driveways from the main road to the facility, shall not exceed three (3) acres;
- (b) Uses not directly related to wine production, including wine tasting, retail sales of wine oriented merchandise, meeting rooms for reception and food service shall generally occur indoors, be integrated with the winery facility and shall be ancillary to the primary activity;
- (c) All winemaking operations shall generally be conducted within enclosed buildings. Structures used for the winery operation and any outdoor operation shall generally be located in the central and interior portion of the site to provide maximum separation from surrounding properties;
- (d) Wine production may include grapes and/or fruit grown off-site and delivered to the facility; and
- (e) Wine tasting, if proposed, shall only involve product produced from the on-site winery. (Ord. No. 2004-06, § 7, 4-14-04)

Sec. 33-1121. ~~Transitional housing criteria~~ Reserved.

~~The following criteria shall be applied to applicants wishing to establish and maintain a transitional housing facility:~~

- ~~(a) Establishment. A management plan form shall be obtained, completed in detail, and returned to the City of Escondido housing division for review and approval. The transitional housing program management plan is a detailed analysis of how an agency intends to operate and maintain a transitional housing facility in accordance with existing city ordinances and the criteria contained in this section.~~
- ~~(b) Qualifications. The applicant shall be a qualified agency with knowledge, understanding, and demonstrable experience in the operation and management of a transitional housing facility.~~
- ~~(c) Client screening. The agency should establish a screening process, similar to standard renting procedures, which includes letter(s) of reference, verification of employment, and determination of tenant ability to pay rent. The tenants should agree to participate in the daily maintenance of the transi-~~

transitional housing facility, and in an orientation/training process provided by the facility aimed at promoting their transition toward stability.

~~———— (d) ——— Maximum client stay. Clients should be limited to a maximum stay of six (6) months.~~

~~———— (e) ——— Rent structure. The facility shall provide transitional housing at below the median rent level within the City of Escondido.~~

~~———— (f) ——— Property maintenance. The agency shall ensure that the facility is clean and litter free at all times. The grounds shall be landscaped with materials which are compatible with the surrounding neighborhood and maintained in a trim and weed free state. The structure shall be painted and maintained such that it is compatible with structures existing in the surrounding neighborhood.~~

~~———— (g) ——— Parking. There should be no more than four (4) tenant owned vehicles that are allowed to be parked at one time at the transitional housing facility/site location within single family zones. If the facility contains a garage or carport, it shall be used for its intended parking purpose. Parking shall be permitted within a driveway, provided no vehicle extends over the sidewalk. There shall be no parking within the yard setback except upon the driveway.~~

~~———— (h) ——— Agency services. The agency shall identify in the management plan the services which are available to clients off site, and shall demonstrate client's ability to transport themselves to the site where services are provided.~~

~~———— (i) ——— Lighting. Lighting shall be regulated by the provisions of Article 35, Outdoor Lighting, sections 33-710 through section 33-716, contained within this zoning code.~~

~~———— (j) ——— Noise. Noise levels shall be regulated by provisions contained within the City of Escondido noise ordinance (Ordinance No. 90-8).~~

~~———— (k) ——— Space and occupancy. Space and occupancy shall be regulated by the provisions contained within the Uniform Housing Code Chapter 5 (Space and Occupancy Standards), sections 501 through 504. (Ord. No. 92-15, § 11, 3-25-92)~~

ORDINANCE NO. 2017-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ESCONDIDO ZONING CODE ARTICLES 1, 6, 7, 8, 10, 11, 12, 13, 14 AND 57 TO CONSOLIDATE THE RESIDENTIAL ZONES INTO ONE ARTICLE, AND ESTABLISH AN R-5-30 (VERY HIGH MULTI-FAMILY RESIDENTIAL, 30 DU/AC) ZONE CATEGORY WITH ASSOCIATED R-5-30 DEVELOPMENT STANDARDS TO IMPLEMENT THE GENERAL PLAN DESIGNATION OF URBAN V

Applicant: City of Escondido
Planning Case No.: AZ 16-0005 /PHG 17-0007

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

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. That the City Council has reviewed and considered the Notice of Exemption prepared for this project in conformance with the California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168 – Use of Previous Program Environmental Impact Report (EIR) (SCH No. 2010071064) that was prepared for the adoption of the Escondido General Plan Update, Downtown Specific Plan Update and Climate Action Plan, and certified by the City Council in May 2012, and has determined that all environmental issues have been addressed and no significant environmental impact will result from the approval of this code amendment.

SECTION 3. That upon consideration of the staff report, Planning Commission recommendations, Planning Commission staff report, all public testimony presented at the hearings held on this project, and the Factors to be Considered set forth in Exhibit "A" to this Ordinance and incorporated by this reference, this City Council finds that the Zoning Code Amendments are consistent with the General Plan, the South Escondido Boulevard/Centre City Parkway Target Area objectives and all applicable specific plans of the City of Escondido.

SECTION 4. That the specified sections of the Escondido Zoning Code Articles 1, 6, 7, 8, 10, 11, 12, 13, 14 and 57 are amended as set forth in Exhibit "B", Exhibit "C" and Exhibit "D" to this Ordinance, all of which are incorporated by this reference.

SECTION 5. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

EXHIBIT "A"

FACTORS TO BE CONSIDERED AZ 2016-0005/PHG 17-0007

Zoning Code Amendment and Rezone to R-5-30

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code amendments as they only reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards and update references and outmoded text. The proposed new R-5 high density zone and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) implements the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category and would not adversely affect the public health, safety and welfare because the Urban V designation and the S. Escondido Blvd./Centre City Pkwy. Target Area allow for the higher residential density and encourage urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. No development project is proposed. The review of future development projects would include a CEQA environmental analysis specific to the project type and location.
2. The proposed Zoning Code amendments would not conflict with State law or be detrimental to surrounding properties because the amendments involve reorganizing existing Zoning Code sections, identifying minor conditional uses, updating definitions and adjusting some standards for internal consistency. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this code amendment. The property proposed to be rezoned from R-4-24 to R-5-30 is suitable for the uses and higher density permitted by the proposed zone as the area is flat, the residential uses would remain the same, and the area has a General Plan designation of Urban V that allows the higher density and encourages redevelopment. In addition, the proposed rezone area would be compatible with the mix of surrounding commercial and multi-family development. Specific property involved in future development projects will be reviewed individually for suitability.
3. The uses permitted by the proposed rezone to R-5-30 would not be detrimental to surrounding properties as the uses would be the same as currently permitted under the R-4-24 zone, and would not adversely affect the adjacent commercial development nor the multi-family development adjacent to the south, and west across Centre City Pkwy.
4. The proposed Zoning Code amendment to reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards, and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) are consistent with the adopted General Plan since the actions implement the General Plan designation of Urban V in the High Density Multi-Family Residential category, which allows for the higher residential density and encourages urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. The actions are also in conformance with the S. Escondido Blvd./Centre City Pkwy. Target Area objectives and would not diminish the Quality of Life Standards of the General Plan. In addition, the amendment would implement a portion of the "Working Together to Get to Yes!" program associated with the City Council's 2015-2016 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development."
5. The proposed rezone to R-5-30 from R-4-24 does not establish a residential density below seventy (70) percent of the maximum permitted density as the proposed density of 30 du/ac is the maximum density permitted by the General Plan Urban V designation. The proposed standards for the R-5 residential zone includes this restriction in the parcel requirements of Table 33-98b.
6. The proposed Zoning Code amendment and rezone would be compatible with and not adversely affect the Southern Gateway District of the Downtown Specific Plan, which is adjacent to the north of the subject area, since the district is planned for the development of offices and services, as well as, urban-style, higher density residential development (up to 100 du/ac) and taller buildings.

THE ENTIRE EZC ARTICLE 1 SHALL READ AS FOLLOWS:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS

Sec. 33-1. Short Title.

This Chapter 33 shall be known as the "Escondido Zoning Code."

Sec. 33-2. Authority for the zoning chapter.

Chapter 33 is adopted and amended pursuant to Section 11 of Article XI of the Constitution of the State of California and in compliance with the requirements of the Planning and Zoning Law, Title 7 of the Government Code.

Sec. 33-3. Purpose.

The purpose of this chapter is to serve the public health, safety, comfort, convenience and general welfare by dividing the city into zones and:

- (a) Establishing land use districts for public and private use and general provisions and standards of development with the aim of preserving a wholesome, serviceable and attractive community;
- (b) Regulating the use of buildings, structures, and land uses as between agriculture, industry, business, residence, civic and other purposes;
- (c) Regulating the location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure, and the intensity of land use;
- (d) Establishing and maintaining building setback requirements;
- (e) Establishing off-street parking and loading requirements;
- (f) Establishing signage, lighting, grading, and landscaping and irrigation requirements;
and
- (g) Establishing provisions for coordinating California Environmental Quality Act guidelines, quality of life standards, administration and enforcement, and growth management requirements.

Sec. 33-4. Replacement of other ordinances.

The provisions of this chapter shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or any part thereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as this chapter is more restrictive than such other ordinance, or part thereof; and that in all particulars wherein this chapter is more restrictive, each such other ordinance shall remain in full force and effect.

Sec. 33-5. Reference to any portion of this chapter.

Whenever reference is made to any portion of this chapter, or of any other law or ordinance, the reference applies to all amendments and additions now or hereinafter made.

Sec. 33-6. Interpretation.

(a) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public peace, health, safety, convenience, comfort, prosperity or general welfare. It is not intended by this chapter to abrogate, annul, impair or interfere with any existing or future provision of law or ordinance or with any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use or occupation of buildings or premises or upon the height or location of buildings or structures, or upon the lot area per family, size of yards and open spaces, number of garages or other requirements whatsoever, than is imposed or required by such existing laws, ordinances, easements, covenants or agreements, the provisions of this chapter shall govern.

(b) In any case where there is difficulty in interpreting and applying the provisions of this chapter to any specific case or situation, the planning commission shall upon request interpret the intent of this chapter by written policy and said interpretation shall be followed in applying said provisions.

Sec. 33-7. Building permits required.

Before commencing any work pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure within the City of Escondido, a permit for each separate building or structure shall be secured from the building official of said city by the owner or his agent for said work, and it shall be unlawful to commence said work until and unless said permit shall have been obtained.

Sec. 33-8. Definitions.

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

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

Alley means any public thoroughfare, having a width of not more than thirty (30) feet,.

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

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

Apartment means a room or group of two (2) or more rooms which is constructed, designed, intended for or actually used by, a single family for living and sleeping purposes for periods of thirty (30) consecutive days or longer. *Area of lot* means the total horizontal area included within ownership lot lines.

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

Arts and crafts show shall mean the activity of offering for sale of “arts and crafts” by means of announcing or advertising an “arts,” “crafts,” or “hobbies,” show, bazaar or festival, all of which are synonymous, or by any other means intended to communicate that the sale is an occasional, casual event offering the sale of personally crafted property. “Arts and crafts show” shall only be conducted by a property owner possessing a valid business license and an arts and crafts permit issued by the City of Escondido.

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

Basement means a story partly underground and having at least one-half (1/2) of its height above the average adjoining grade. A basement shall be termed a cellar when more than one-half (1/2) of its height is below the average adjoining grade. A basement or cellar shall be counted as a story if the vertical distance from the average adjoining grade to the ceiling is over five (5) feet.

Block means all property fronting upon one (1) side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus of dead end, or cul-de-sac street, city boundary, public parks or other natural boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

Boarding house – see Rooming house.

Building.

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

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

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

(4) *Main building* means one (1) or more buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

Business or commerce means the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity or service for profit or livelihood.

Carport means an accessory building or an accessory portion of the main building, with a solid roof and openings on one or more sides, designed and/or used only for the shelter of vehicles owned or operated by the occupants of the main building

Commercial dairy means any land whereupon is kept or maintained for any length of time, more than two (2) milk cows where milk or milk products are produced for, or intended for sale to the public.

Common area means the total area within a development that is not designed for the exclusive use of owners or tenants and which is available for common use by all owners, tenants or groups of tenants.

Court means an open unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two (2) or more sides by such building or buildings and a lot line, including the open space in a bungalow court or court apartment providing access to the units thereof.

Cul-de-Sac means a street or portion of a street that terminates without providing vehicular access to adjacent streets and includes pavement at its terminus to accommodate vehicles exiting in a forward manner by a single turning motion without reversing.

Detached dwelling means a dwelling that is structurally independent and separated from the existing primary dwelling by a minimum of ten (10) feet.

Director means the director of community development.

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

Dwelling.

(1) *Dwelling* means one (1) or more rooms in a building used for occupancy by one (1) family for living or sleeping purposes and having only one (1) kitchen.

(2) *Grouped dwelling* means a group of two (2) or more detached or semi-detached one-family, two-family, three-family or multiple dwellings occupying a parcel of land in one (1) ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including recreational vehicle or campgrounds,.

(3) *Multiple dwelling* means a building or portion thereof used for occupancy by four (4) or more families living independently of each other, and containing four (4) or more dwellings.

(4) *One-family or single-family dwelling* means a detached or semi-detached building designed for or occupied exclusively by one (1) family.

(5) *Two-family dwelling and duplex* means a detached or semi-detached building designed for or occupied exclusively by two (2) families.

(6) *Three-family dwelling and triplex* means a detached or semi-detached building designed for or occupied by three (3) families.

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

(8) *Accessory dwelling* means a secondary, but independent living facility which is located or established on the same lot as the primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation.

Family means one (1) or more persons related by blood, marriage, or adoption, or a group including unrelated individuals living together as a relatively permanent, bona fide, housekeeping unit.

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

(1) *Large family day care home* means a home which provides family day care, with no overnight stay, to nine (9) to fourteen (14) children, inclusive, including children who reside at the home;

(2) *Small family day care home* means a home which provides family day care, with no overnight stay, to eight (8) or fewer children, including children who reside at the home.

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

Frontage means that property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting and intercepting streets, and railroad right-of-way or unsubdivided acreage.

Garage.

(1) *Private garage* means an enclosed accessory building or an accessory portion of the main building, designed and/or used only for the shelter of vehicles owned or operated by the occupants of the main building.

(2) *Public garage* means any building except those described as a private garage, used for the storage or shelter of self-propelled vehicles.

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

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

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

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

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

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

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

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

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

Lath house (see greenhouse)

Lot means:

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

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

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

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

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

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

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

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

(E) *Cul-de-Sac lot* means an interior lot taking access from and having frontage primarily on the bulb of a cul-de-sac.

(F) *Flag lot* means a lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access way to the main body of the lot from the street of access.

(G) *Front lot line* means a line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from the street. (H) *Interior lot* means a lot other than a corner lot or reversed corner lot.

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

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

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

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

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

Mini-dorms (see Rooming house)

Mobilehome (also Manufactured Home) means a dwelling that is subject to California Code of Regulations Title 25 provisions built in a factory or other off-site location on a non-removable steel chassis that is transported and placed on a permanent or non-permanent foundation.

Mobilehome park means a development specifically approved for grouping mobilehomes and/or manufactured homes within a unified setting that is subject to California Code of Regulations Title 25 provisions. The term mobilehome park shall include the grouping of mobilehomes under a single ownership, or separate ownership of mobilehomes and mobilehome sites, or the establishment of a mobilehome subdivision, condominium, stock cooperative, or any similar project where the member of the project owns a home ownership share, fee lot, or condominium unit.

Mobilehome site means any portion of a mobilehome park designed for the use or occupancy of one mobilehome or manufactured home.

Mobilehome park street means any roadway used or designed to be used for the general circulation of traffic within the mobilehome park

Modular home means a dwelling that conforms to all local building codes, built in sections at a factory or other off-site location, and transported to the building site where the dwelling is assembled on-site on a permanent foundation.

Motel (see Hotel)

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

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

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

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

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

Recreational vehicle means a vehicle on wheels which offers living accommodations in a mobile setting for travel or recreational purposes in compliance with provisions established by the California Department of Motor Vehicles.

Rooming House means a building containing three (3) or more bedrooms or other rooms intended to be used, rented or leased, to be occupied by five (5) or more individuals under five (5) or more separate oral or written leases, subleases or any other contractual agreement designed to effectuate the same result, with or without meals, for compensation, as permanent guests pursuant to definite periods, by the month or greater term. A "Rooming Housing" does not require a property owner, or a manager, to be in residence. A "Rooming House" shall have a central kitchen. A "Rooming House" may or may not provide free access to common living areas beyond the bedrooms or guest rooms. A "room" means any rented, leased, let or hired living space or other square footage within the building that is used or designed to provide sleeping accommodations for one (1) or more persons. A properly permitted accessory dwelling unit, shall not be considered a rooming house.

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

Site area (see Building site and Lot area)

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

Story.

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

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

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

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

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

Supportive housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing that is provided in single-, two-, or multi-family dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

Target Population means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5, commencing with Section 4500, of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Title 25 means Title 25 of the California Code of Regulations.

Transitional housing means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing that is provided in single-, two-, or multi-family dwelling units, group residential, residential care facilities, or boarding house uses shall be permitted, conditionally permitted or prohibited in the same manner as the other single-, two-, or multifamily dwelling units, group residential, residential care facilities, or boarding house uses under this code.

Travel trailer (see Recreational vehicle)

Use.

- (1) *Use* means the purpose of which premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.
- (2) *Accessory use* means a use or activity incidental and accessory to the principal use of a lot or of a building located upon the same lot as the accessory use or activity.

Yard.

- (1) *Yard* means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.
- (2) *Front yard* means a yard extending across the full width of the lot, having at no point a depth of less than the minimum required horizontal distance between the front lot line, or

its tangent, and the closest permissible location of the main building. Said distance shall be measured by a line at right angles to the front lot line, or its tangent.

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

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

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

Zoning administrator means the director or designee.

Sec. 33-9. Reserved.

Sec. 33-10. Reserved.

Sec. 33-11. Reserved

Sec. 33-12. Reserved

Sec. 33-13. Determination of permitted uses.

The lists of uses included in various articles of this chapter are typical of permitted and conditionally permitted uses in their respective zones.

The director may determine that uses similar to the listed uses are permitted, or conditionally permitted, uses within the various zones. Such determinations will thereafter be uniformly applied and the director shall keep a record of all such determinations.

When the director cannot make a determination that a particular use is similar to the uses within any of the various zones, a request for an interpretation shall be forwarded to the planning commission for its determination pursuant to the rules of interpretation of section 33-6 of this article. After a planning commission interpretation specifying the appropriate zone, or zones, within which the particular use may fall, said use shall be permitted, or conditionally permitted, in the zones designated by the planning commission.

If the planning commission is unable to designate zones into which a particular use may fall, that use is prohibited in the city in the absence of an amendment to this chapter.

Sec. 33-14. Zoning districts.

In order to carry out orderly growth and development in the city, this chapter provides for various zoning classifications (e.g., R-1, R-2, R-3, etc.) in order to promote and protect the public health, safety, convenience and general welfare of the inhabitants, and through the orderly and planned use of land resources which are presently a part of said city, or which may become a part thereof in the future.

Sec. 33-15. Zoning district boundary uncertainty.

The boundaries of each zoning district shall be as shown on the "official zoning map," which is made a part of this chapter. In the event of any conflict between the official zoning map and any legal description or other designation of the boundary or boundaries of any zoning district, or where any uncertainty exists as to the boundary or boundaries of any zoning district shown on the official zoning map, the official zoning map shall prevail and the location of such boundary or boundaries shall be fixed as follows:

(a) Where such boundaries are indicated by scales as approximately following street, alley or lot lines in existence at the time the zoning district map(s) was adopted, such lines shall be construed to be such boundaries.

(b) Where any public street, alley or any private right-of-way or easement of any railroad, railway, canal, transportation or public utility company is vacated or abandoned, the existing zone which abuts said land shall apply to such vacated or abandoned property, then each such zone shall be considered to extend to the centerline of said vacated or abandoned property.

(c) In unsubdivided land or where a zoning district boundary divides a parcel, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

Secs. 33-16—33-29. Reserved.

EXHIBIT "C"

Case No. AZ 16-0005 / PHG 17-0007

THE ENTIRE EZC ARTICLE 6 SHALL READ AS FOLLOWS:

ARTICLE 6. RESIDENTIAL ZONES

Sec. 33-90. Purpose.

(a) Residential zones are established to provide for residential districts of various population densities so that the various types of residential developments may be segregated from each other as necessary to assure compatibility of uses within family living areas, including the necessary appurtenant and accessory facilities associated with such areas.

(b) The following classes of residential use zones are established:

(1) The agriculture residential (R-A) zone is established to provide an agricultural setting in which agricultural pursuits can be encouraged and supported within the city. The R-A zone is designed to include single-family detached dwellings and to protect agricultural uses from encroachment by urban uses until residential, commercial or industrial uses in such areas become necessary or desired.

(2) The estate residential (R-E) zone is established to provide a rural setting for family life in single-family detached dwellings. Provisions are made for the maintenance of limited agricultural pursuits as well as those uses necessary and incidental to single family living.

(3) The single-family residential (R-1) zone is established to provide a suburban setting suitable for family life in single-family, detached dwellings.

(4) The mobilehome residential (R-T) zone is established to provide a mobilehome park setting for family life in single-family detached mobilehomes. No land shall be classified into this zone where such classification would create an R-T zone area of less than four hundred thousand (400,000) square feet.

(5) The light multiple residential (R-2) zone is established to provide a multi-family setting for family life in low-height, low density dwelling units in close proximity to single-family residential neighborhoods.

(6) The medium multiple residential (R-3) zone, is established to provide a multi-family setting for family life in low-height, medium density dwelling units in close proximity to other multi-family neighborhoods.

(7) The high multiple residential (R-4) zone, is established to provide a multi-family setting for family life in mid-height, high density dwelling units in close proximity to other multi-family neighborhoods and near the city's center.

(8) The very high multiple residential (R-5) zone is established to provide a multi-family setting for family life in higher-height, very high density dwelling units in close proximity to other multi-family neighborhoods and near the city's center.

Sec. 33-91. Designation of single family residential sub-zones.

Several of the single family zones established by Sec. 33-90 are further classified into sub-zones based on the required minimum lot area and lot width. Sub-zones are designated by adding a suffix number to the symbol for the principal R-zone. The suffix number shall indicate the minimum lot area for the sub-zone stated in units of one thousand (1,000) square feet (except that the suffix for R-A sub-zones -5 and -10 shall be stated in units of 5AC and 10AC respectively).

Sec. 33-92. Designation of multiple family residential sub-zones.

The R-2, R-3, R-4 and R-5 zones established by Sec. 33-90 are further classified into sub-zones based on the maximum number of dwelling units allowed per net acre (density). Density sub-zones are designated by adding a suffix number to the symbol for the principal multiple residential zone. The suffix number shall indicate the maximum allowable units per net acre exclusive of the right-of-way of all public streets or alleys as classified in the circulation element of the Escondido general plan as amended, or as is indicated to be dedicated to the City of Escondido on the pertinent development proposal, whichever is more restrictive.

Sec. 33-93. General plan compatibility matrix

Table 33-93 lists the general plan designation corresponding to the residential zoning district designations. Densities for the Rural, Estate, and Suburban general plan designations are subject to topographic slope conditions.

Table 33-93

Zoning	Corresponding General Plan Designation
Residential agricultural (R-A)	Rural I, Rural II
Residential estate (R-E)	Estate I, Estate II
Single family residential (R-1)	Suburban, Urban I
Mobilehome residential (R-T)	Suburban, Urban I, Urban II
Light multi-family residential (R-2)	Urban II
Medium multi-family residential (R-3)	Urban III
High multi-family residential (R-4)	Urban IV
Very high multi-family residential (R-5)	Urban V

Sec. 33-94. Permitted and conditional uses and structures

Table 33-94 lists those uses in residential districts that are permitted (P) or subject to a major conditional use permit (C) or minor conditional use permit (C#).

Table 33-94

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Residential and Lodging								
Single-family dwellings detached	P	P	P		P	P ¹	P ¹	P ¹
Mobilehome on parcel alone, pursuant to Sec. 33-111	P	P	P	P				
Two-family and multiple-family dwellings					P	P ¹	P ¹	P ¹
Mobilehome parks pursuant to Article 45 and Title 25. A minimum 400,000 sq. ft. in land area required.			C	C	C			
Small lot developments pursuant to Sec. 33-114					P	P ¹		
Transitional Housing and Supportive Housing constructed as residential dwellings consistent with the underlying zone pursuant to Sec. 33-8 of Article 1	P	P	P	P	P	P	P	P
Rooming house, boarding house, mini-dorms etc. with central kitchen, interior access to sleeping rooms					C	C	C	C
Bed and breakfast facilities, pursuant to Article 32	C#	C#	C		C	C	C	C
Care in Residential Zones								
Licensed residential care facilities and group quarters for six (6) or fewer persons including but not limited to sanitariums, convalescent homes, rest home services, transitional and supporting housing	P	P	P	P	P	P	P	P
Licensed residential care facilities and group quarters for seven (7) or more persons, including but not limited to sanitariums, convalescent homes, rest home services, transitional and supportive housing.	C	C	C		C	C	C	C
Small and large family day care as defined in Sec. 33-8 pursuant to Sec. 33-1104 of Article 57	P	P	P		P	P	P	P
Day nurseries, child care centers (excluding small and large family care which are permitted uses)	C	C	C		C	C	C	C
Agriculture and Animals								
Animal specialties, poultry and egg production, rabbits, apiaries, aviaries, small animal farms	C							
Animals other than those listed in Table 33-95a, and provisions pursuant to Sec. 33-1116 of Article 57	C#	C#	C#					
Field and seed crops	P							

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Agriculture and Animals (continued)								
Livestock (on sites exceeding nine acres)	C							
Truck crops (includes vegetables, berries, melons) Orchards and vineyards (fruit and tree nuts) Horticultural specialties	P	P	P					
Wineries with a tasting room pursuant to Sec. 33-1107 of Article 57	C	C						
Wineries without a tasting room pursuant to Sec. 33-1107 of Article 57 (at least 50% of fruit used in winemaking must be grown on site)	P	P						
Social, Religious, Educational, Recreational, Governmental								
Golf courses, private and public	C	C	C	C	C	C		
Government services (except correctional institutions)	C	C	C	C	C	C	C	C
Nursery, primary and secondary (grades K-12), post-secondary and professional education	C	C	C		C	C	C	C
Religious activities, civic associations, social clubs and fraternal organizations and lodges	C	C	C	C	C	C	C	C
Resorts and group camps	C							
Tennis courts, private membership only	C	C	C	C	C	C		
Youth organizations pursuant to Sec. 33-1105 of Article 57	C	C	C	C	C	C	C	C
Utility and Communications Operations								
Communications (excluding offices and relay towers, microwave or others)	C	C	C	C	C	C	C	C
Utility facilities	C	C	C	C	C	C	C	C
Wireless service facilities on private property, including communication antennas, pursuant to Article 34	C	C	C	C	C	C	C	C
Miscellaneous								
Aluminum can and newspaper redemption centers without can crushing facilities (only as an accessory use to nursery, primary, secondary, post-secondary and professional education, and religious activities)	C	C			C	C	C	C
Arts and crafts shows as defined in Sec. 33-8, with permit pursuant to Sec. 33-1119 of Article 57	P	P	P	P	P	P	P	P
Cemeteries and / or Mausoleums	C	C	C		C			

Permitted/Conditional Uses & Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Miscellaneous (continued)								
Uses or structures permitted or conditionally permitted by this zone and involving hazardous materials (pursuant to Sec. 33-666 of Article 30)	C	C	C	C	C	C	C	C
Notes:								
1 No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by Sec. 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.								

Sec. 33-95. Permitted accessory uses and structures

Accessory uses and structures are permitted in residential zones, provided they are incidental to, and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to those listed in Table 33-95. Table 33-95a lists permitted animals as an accessory use.

Table 33-95

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Structures								
Accessory buildings such as garages, carports, green houses, gazebos, gardening sheds, recreation and similar structures which are customarily used in conjunction with and incidental to a principal use or structure	P	P	P	P	P	P	P	P
Accessory buildings or structures required for the storage of any products, equipment or uses lawfully permitted or produced on the premises	P	P	P					
Accessory buildings and structures for mobilehomes including carports, porches, awnings, skirting, portable storage cabinets, and similar structures which are customarily used in conjunction with, and incidental to, the principal use or structure, provided they are located within six (6) feet of a mobilehome	P	P	P	P				
Accessory dwelling units pursuant to Article 70.	P	P	P		P	P	P	P

Permitted Accessory Uses and Structures	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Accessory Uses and Activities (Continued)								
Parking for recreational vehicles pursuant to Article 25	P	P	P		P	P	P	P
Storage of materials used for the construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further, that such use shall be permitted only during the construction period and the thirty (30) days thereafter	P	P	P	P	P	P	P	P
Subdivision sales and signs in accordance with the requirements of this chapter	P	P	P	P	P	P	P	P
Vegetable and flower gardens	P	P	P	P	P	P	P	P

Table 33-95a

Permitted Animals in Residential Zones	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Animals Permitted in the Quantities Stated								
Birds*: Small species as household pets including canaries, parrots, parakeets, love birds, etc.	12	12	6	3	3	3	3	3
Birds*: Racing or homing pigeons pursuant to Sec. 33-1116 of Article 57	100	100	100					
Birds: Domesticated fowl including chickens, ducks, turkeys, etc. raised for meat and / or egg production. Quantity indicates total of all species for each parcel. Roosters are not permitted in the R-1 zone.	25	25	6 chickens (hens only)					
Bovine: Domesticated cattle, sheep, goats, swine raised for meat and / or milk production. Quantity indicates the total number of bovine animals per acre.	1	1						
Cats* (adults over four months)	3	3	2	1	1	1	1	1
Dogs* (adults over four months)	3	3	2	1	1	1	1	1
Emus: Same requirements as standard horses	1	1						
Goats (pygmy): Subject to the same requirements as miniature horses	2	2	2					
Horses (miniature): In the R1 zone said animals are permitted only on properties zoned R-1-10 or larger	2	2	2					

Permitted Animals in Residential Zones	R-A	R-E	R-1	R-T	R-2	R-3	R-4	R-5
Animals Permitted in the Quantities Stated (continued)								
Horses (standard): In the RA zone the quantity indicates the number of animals per person residing on the premises. In the RE zone the quantity indicates the number of animals for the first 40,000 SF of lot area; one additional horse is permitted for each additional 20,000 SF	1	1						
Potbelly pigs*, as household pet	1	1						
Rodents*: Chinchillas, chipmunks, guinea pigs, mice (white), hamsters, rabbits (adult), squirrels, etc. Quantity indicates total of all species for each parcel.	25	25	4	2	2	2	2	2
Tropical fish*: excluding turtles and carnivorous fresh water fish	No Limit							
Other animals in RA-AO and RE-AO animal overlay zones pursuant to Article 9 of this chapter	P	P						

*Household pets pursuant to Sec. 33-1116 of Article 57 of this chapter.

Sec. 33-96. Prohibited primary uses and structures.

All industrial, commercial and residential uses and structures not listed in this article are prohibited.

Sec. 33-97. Property development standards.

In addition to the property development standards set forth in this chapter, the following special development standards shall apply to land and structures in residential zones.

Sec. 33-98. Parcel requirements.

Tables 33-98a and 33-98b list parcel requirements for residential zones. Lots or parcels of land which were created prior to the application of the residential zone shall not be denied a building permit for reason of nonconformance with the parcel requirements of this section. For the purpose of establishing sub-zones, an acre contains 43,560 square feet.

Table 33-98a

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Street Lot Frontage	Population Density
R-T ²	4,500*	55*	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards ¹ . Frontage on a street end that does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement except for panhandle lots. Panhandle lots pursuant to Article 56.	Not more than one single-family dwelling may be placed on a lot or parcel of land in this zone.
R-1-6	6,000	60		
R-1-7	7,000	65		
R-1-8	8,000	70		
R-1-9	9,000	75		
R-1-10	10,000	80		
R-1-12	12,000	85		
R-1-15	15,000	90		
R-1-18	18,000	95		
R-1-20	20,000	100		
R-1-25	25,000	110		
R-E-20	20,000	100	20 feet or be connected to a public street by a permanent access easement ¹ . Panhandle lots pursuant to Article 56.	
R-E-25	25,000	110		
R-E-30	30,000	125		
R-E-40	40,000	150		
R-E-50	50,000			
R-E-60	60,000			
R-E-70	70,000			
R-E-80	80,000			
R-E-90	90,000			
R-E-100	100,000			
R-E-110	110,000			
R-E-130	130,000			
R-E-150	150,000			
R-E-170	170,000			
R-E-190	190,000			
R-E-210	210,000			
R-A-5	217,800	150	60 feet or be connected to a public street by a permanent access easement ¹ . Panhandle lots pursuant to Article 56.	
R-A-10	435,600			

Notes:

- ¹ Exception: Access to lots or parcels may be provided by private road easement conforming to the following standards:
 - (a) The minimum easement widths shall be twenty (20) to twenty-four (24) feet as determined by the city engineer and fire marshal; subject to the Escondido Design Standards and Standard Drawings;
 - (b) Pavement section widths, grades and design shall be approved by the city engineer;
 - (c) A cul-de-sac or turnaround shall be provided at the terminus to the satisfaction of the planning, engineering and fire departments.
- ² Except for land that was being used for mobile homes prior to the effective date of the ordinance codified in this article, no land shall be classified into this zone where such classification would create an R-T zone area of less than four hundred thousand (400,000) square feet.

Table 33-98b

Zoning Suffix	Minimum Lot Area (square feet)	Average Lot Width (feet)	Minimum Public Street Lot Frontage	Maximum Population Density
R-2	6,000	60	35 feet on a line parallel to the centerline of the street or on a cul-de-sac improved to city standards. Frontage on a street end which does not have a cul-de-sac improved to city standards shall not be counted in meeting this requirement.	12 du / acre
R-3	6,000	60		18 du / acre ¹
R-4	6,000	50		24 du / acre ¹
R-5	6,000	50		30 du / acre ¹

Notes:

- ¹ No vacant or underdeveloped lot or parcel of land in any R-3, R-4, and R-5 zone shall be improved or developed at a density below seventy (70) percent of the maximum permitted density. Exceptions to the minimum density requirement may be granted in writing as part of the plan approval required by Sec. 33-106 provided the development will not preclude the city from meeting its housing needs as described in the housing element of the Escondido general plan. Minimum density requirements shall not apply to property owners seeking to enhance or enlarge existing dwelling units or construct other accessory structures on a site.

Sec. 33-99. Front setback.

Table 33-99 lists front setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-99

Front Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Front setback depth (feet)	25 ¹	25 ¹	15 ^{1,2}	15 ^{1,2}	15 ^{1,2}	15 ^{1,2}	15 ^{1,2}	15 ³
Notes:								
<ol style="list-style-type: none"> ¹ A required front setback shall not be used for vehicle parking except such portion as is devoted to driveway use or the parking of recreational vehicles in accordance with Article 25, parking of recreational vehicles in residential zones. ² A garage having an entrance fronting on the street shall be set back at least twenty (20) feet from the street property line. ³ The front setback shall not be used for vehicle parking, except for such portion devoted to driveway use. Title 25 shall apply where appropriate. 								

Sec. 33-100. Side setback.

Table 33-100 lists side setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-100

Interior Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Interior side setback width (feet)	10 ¹	10 ¹	5 ^{1,2}	5 ⁴	5 ^{3,4}	5 ^{3,4}	5 ^{3,4}	5 ^{1,5}
Notes:								
<ol style="list-style-type: none"> ¹ When used for access to a required parking facility, the side setback shall be wide enough for a ten (10)-foot-wide, unobstructed, paved driveway. ² If the lot or parcel does not abut an alley, one (1) such side setback shall be at least ten (10) feet in width. ³ An additional five (5) feet setback shall be provided on each side of a lot or parcel of land for each story over two of a principal building, with a maximum requirement for any such side setback of fifteen (15) feet. ⁴ A driveway that provides a parking facility housing nine (9) or more vehicles with access to a street or alley shall be at least twenty-four (24) feet wide, unless the parking facility is served by two (2) one-way drives, in which case each driveway shall be at least twelve (12) feet wide. All driveways shall have a height clearance of at least thirteen (13) feet, and shall be paved with cement or asphaltic concrete. ⁵ Title 25 provisions shall apply where appropriate. 								

Street Side Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Corner (street) side setback width (feet)	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{1,2}	10 ^{2,3}
Notes:								
¹ A garage having access that is perpendicular to the street shall be set back at least twenty (20) feet from the street property line. A required side setback shall not be used for vehicle parking except such portion as is devoted to driveway use. ² The required street side setback shall not be used for vehicle parking. ³ Title 25 provisions shall apply where appropriate.								

Sec. 33-101. Rear setback.

Table 33-101 lists rear setback requirements in residential zones, excluding mobilehome parks approved pursuant to Article 45.

Table 33-101

Rear Setback Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T
Rear setback (feet)	20	20	20	15	10 ¹	10 ¹	10 ¹	5 ²
Notes:								
¹ An additional five (5) feet rear setback shall be provided for each building story over two (2) in height. Where the rear setback abuts a public alley, the setback may be measured from the centerline of the alley; however, in no event shall there be less than a five (5) foot setback from the edge of the alley. ² Title 25 provisions shall apply where appropriate.								

Sec. 33-102. Accessory buildings side setback and building requirements.

(a) The interior side setback of any accessory building located less than seventy (70) feet from the front property line in single and multi-family zones, or fifty (50) feet from the front property line in the R-T zone (unless superseded by Title 25), shall be the same as that required for the main building, pursuant to Table 33-100.

(b) An accessory building may be located on a side property line which is not contiguous to a street if, and only if, all of the following conditions are met:

(1) The building is located seventy (70) feet, or more, from the front property line [fifty (50) feet in the R-T zone, unless superseded by Title 25]; and

(2) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land; and

(3) The building does not require a Building Permit.

(c) An accessory building shall have a minimum setback of ten (10) feet for a side property line which is contiguous to a street.

(d) An accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(e) An accessory building that is seventy (70) feet or more from the front property line in single and multi-family zones, or fifty (50) feet in the R-T zone, but which does not meet the requirements of subsection (b) above, may not be located closer than five (5) feet from the interior side property line in single and multi-family zones, or three (3) feet in the R-T zone (unless superseded by Title 25).

(f) In the RA and RE zones, setbacks for accessory structures do not apply to animal enclosures.

Sec. 33-103. Accessory buildings rear setback and building requirements.

(a) No accessory building shall be situated on the rear property line in the R-T zone unless superseded by Title 25.

(b) An accessory building may be located on the rear property line in all residential zones (except the R-T zone) if, and only if, all the following conditions are met:

- (1) The building does not require a building permit; and
 - (2) Has facilities for the discharge of all roof drainage onto the subject lot or parcel of land.
- (c) An accessory building having direct vehicular access from an alley shall be located not less than twenty-five (25) feet from the edge of the alley farthest from the building.

(d) On a reverse corner lot the rear property line of which is also the side property line of the contiguous property, an accessory building shall be located not less than five (5) feet from the rear property line.

(e) In the RA and RE zones, setbacks for accessory structures do not apply to animal enclosures.

Sec. 33-104. Projections into setbacks (single and multi-family zones, excluding R-T zone).

(a) The following structures may be erected or projected into any required setback in all residential zones (excluding the R-T zone):

- (1) Fences and walls in accordance with codes or ordinances;
- (2) Landscape elements, including trees, shrubs and other plants, except that no hedge shall be grown or maintained at a height or location other than that permitted by city codes or ordinances;

- (3) Necessary appurtenances for utility services.

(b) In R-1 zones, a single story structure attached to an existing main building may be located within the rear setback to within ten (10) feet of the rear property line if the director of community development finds that the site for the proposed use is adequate in size and shape, and that the proposed use will not have an adverse effect upon adjacent or abutting properties. Such structures shall not be closer than five (5) feet from any retaining wall or toe of slope and the aggregate area of such structure shall not exceed forty (40) percent of the total area of the rear setback otherwise required by Sec. 33-101 of this article.

(c) The structures listed below may project into the minimum front or rear setback not more than four (4) feet and into the minimum side setback not more than two (2) feet, provided that such projections shall not be closer than three (3) feet to any lot line:

- (1) Cornices, eaves, belt courses, sills, buttresses or other similar architectural features;
- (2) Fireplace structures and bays, provided that they are not wider than eight (8) feet measured in the general direction of the wall of which it is a part;
- (3) Stairways, balconies, door stoops and fire escapes;
- (4) Awnings;
- (5) Planting boxes or masonry planters not exceeding forty-two (42) inches in height;
- (6) Porte-cochere over a driveway in a side setback area, provided such structure is not more than one (1) story in height and twenty-two (22) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.

Sec. 33-105. Projections into setback (R-T zone).

The following structures may be erected or projected into any required setback in the R-T zone unless superseded by Title 25:

- (a) Fences and walls in accordance with city codes or ordinances, but not to exceed five (5) feet in height;
- (b) Landscape elements including trees, shrubs and other plants, except hedges, and provided that such landscape feature does not hinder the movement of the mobilehome in or out of its space;
- (c) Trailer hitches;
- (d) Necessary appurtenances for utility services;
- (e) Awnings not to exceed one (1) foot.

Sec. 33-106. Plan approval required.

(a) Building plan review and building permits are required for the construction or modification of single family detached dwellings, mobilehomes, and some accessory structures in residential and R-T zones. Application shall be made to the building division for plan review, which is subject to planning division confirmation of zoning compliance.

(b) An appropriate development application for the construction or modification of two-family dwellings, multiple family dwellings, some accessory structures, and non-residential development in all residential zones is required pursuant to Article 61 of this chapter.

Sec. 33-107. Building requirements, generally.

Table 33-107 lists building requirements in residential zones (excluding mobilehome parks approved pursuant to Article 45).

Table 33-107

Building Requirements	R-A	R-E	R-1	R-2	R-3	R-4	R-5	R-T*
Building height (feet), except as otherwise provided in this chapter	35	35	35	35 ¹	35 ¹	75	75	35
Maximum Building stories				2 ¹	3 ¹	4 ¹	4 ¹	
Distance between residence and accessory buildings (feet)	10	10	10	10	10	10	10	10
Dwelling unit minimum floor area (square feet) ²	850	1,000	850	500	400	400	400	700
Maximum percent lot coverage by primary and accessory structures	20%	30%	40%	50%	none	none	none	60%
Maximum Floor Area Ratio (FAR) ³	0.3	0.4 ⁴	0.5	0.6	0.7	0.8	0.9	none
Square feet allowed for residential and parking regardless of the FAR	1,500	1,500	1,500	2,500	3,500	4,500	5,000	700

Notes:

- ¹ Buildings or structures in excess of one (1) story and located adjacent to single family zoned land, shall provide a setback equal to the abutting setback required by the single family zone standards, plus five (5) additional feet for each story over two (2) on the property line(s) abutting the single-family zone(s) as noted in Sec. 33-100 and 33-101. Additionally, building features such as windows, doors, balconies, etc., bulk and scale shall not adversely affect the adjacent single-family property.
- ² Area is exclusive of porches, garages, carports, entries, terraces, patios or basements.
- ³ FAR is the numerical value obtained by dividing the total gross floor area of all buildings on the site by the total area of the lot or premises.
- ⁴ Except that the maximum FAR for the RE-20 zone shall be 0.5; and for the RE-170 and RE-210 zones the maximum FAR shall be 0.3.
- * Requirements apply unless superseded by Title 25.

Sec. 33-108. Building requirements, multi-family zones.

(a) Dwelling groups. Each dwelling unit in a group or multiple dwelling developments shall front upon and have primary access to a street or a court which meets the following requirements:

(1) The court shall be unobstructed to the sky and shall extend to a street or to another court which has the same or greater width and extends to a street;

(2) The width of the court shall be twenty (20) feet if the court is bounded on both sides by buildings having access thereto, and ten (10) feet if bounded on one (1) side only, by such buildings;

(3) No portion of any required court shall be used for parking, turnaround, driveway or any other automotive purpose;

(4) Any such court shall be increased in width by five (5) feet for each story in excess of four (4) included in the combination of buildings on both sides of such a court.

(b) Usable open space. Each lot or parcel of land in the R-2 and R-3 zones shall provide on the same lot or parcel of land four hundred (400) square feet of usable open space, or two hundred (200) square feet in the R-4 and R-5 zones, as hereinafter defined, per dwelling unit, plus an additional two hundred (200) square feet of usable open space for each sleeping room (bedroom) over one (1) in said dwelling unit.

“Usable open space,” for the purpose of this section, means an open area or recreational facility which is designed and intended to be used for out-door living, landscaping and/or recreation. An area of usable open space shall not exceed a grade of ten (10) percent, shall have a minimum dimension of at least ten (10) feet (except balconies), and may include landscaping, walks, recreational facilities and decorative objects such as artwork and fountains. Up to one-half (1/2) of the requirement for each unit may be provided in a private patio or balcony having direct access from the unit. Balconies having a minimum dimension of not less than five (5) feet and a minimum area of not less than fifty (50) square feet shall be counted as open space. Usable open space shall not include any portion of off-street parking areas, driveways, rooftops or required front setbacks. Any accessory building or unit designed and intended to be used for recreational purposes shall be counted as usable open space.

(c) Private storage area. A minimum of eighty (80) cubic feet of private storage area shall be provided for each dwelling unit. The storage area shall have minimum dimensions of two (2) feet, and shall be in addition to normally expected cabinets and closets.

Sec. 33-109. Parking and loading requirements.

Parking and loading requirements shall be provided as per Article 39 of this chapter, unless superseded by Title 25 in the RT zone.

Sec. 33-110. Supplemental parking for detached single family homes.

Unless otherwise restricted in this code, property owners of detached, single-family homes may construct one supplemental uncovered parking space in residential front setback areas, subject to the following conditions:

(a) The supplemental parking space shall connect to the required driveway and be placed between the driveway and the closest, interior, side property line. For the purpose of the Escondido Zoning Code the supplemental parking space shall be considered part of the area devoted to driveway use;

(b) The supplemental parking space shall be permanently constructed using concrete, asphalt or paver blocks. The surface shall cover a minimum of eight (8) by twenty (20) feet and any pavers shall be either connected or no more than one (1) inch apart. Total curb cut shall not exceed forty percent (40%) of the street frontage;

(c) Vehicles parked on a supplemental parking space shall remain perpendicular to the residential street. Angled parking is prohibited;

(d) An area designed to facilitate turning around a vehicle to allow safe access to a collector street shall not be considered a supplemental parking space and shall not be used for parking;

(e) Residential properties with driveways accessing major roads, prime arterials, and collector streets, as depicted in the general plan circulation element may not have a supplemental parking space.

Sec. 33-111. Mobilehomes in single family zones (excluding mobilehome parks approved pursuant to Article 45 or superseded by Title 25).

Mobilehomes, in the R-A, R-E and R-1 zones shall comply with the following:

(a) Shall be manufactured within the last ten (10) years and shall be certified under the National Mobilehome Construction and Safety Standards Act of 1974;

(b) Shall be installed on foundation system in compliance with all applicable requirements of the California Residential Building Code to the satisfaction of the city;

(c) Shall be covered with an exterior material customarily used on conventional dwellings to the satisfaction of the planning division. The exterior covering material shall extend to the ground except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;

(d) Shall have a roof constructed of shingles or other material customarily used for conventional dwellings to the satisfaction of the city.

Sec. 33-112. Landscaping.

Landscaping in residential zones shall conform to the requirements set forth in Article 62.

Sec. 33-113. Trash storage.

The following trash storage provisions shall apply in residential zones:

(a) Containers required for trash and recyclables storage shall be of a size, type and quantity approved by the director of community development. They shall be placed so as to be concealed from the street and shall be maintained.

(b) Required trash enclosure areas shall be constructed of decorative materials and landscape screening may be required pursuant to Article 62.

Sec. 33-114. Small lot development.

(a) Purpose. Development and recycling opportunity in certain multi-family zones.

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

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

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

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

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

(5) In the R-3 zone, a minimum density of seventy (70) percent of the maximum permitted density of the zone classification shall be provided. Exceptions to the minimum density may be granted as part of the map approval provided the development would not preclude the city from meeting its housing needs as described in the housing element of the Escondido General Plan;

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

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

(8) Process. All requests for a small lot development shall be included in the project description and plans of the associated tentative parcel map or subdivision map application.

THE FOLLOWING EZC ARTICLES SHALL BE REPEALED AND RESERVED:

Article 7 – Residential Agricultural (RA) Zone

Article 8 – Residential Estates (RE) Zone

Article 10 – Single-family Residential (R-1) Zone

Article 11 – Mobilehome Residential (R-T) Zone

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

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

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

NOTE: ARTICLE 9 – ANIMAL OVERLAY (AO) ZONE REMAINS UNCHANGED.

Article 57. Miscellaneous Use Restrictions

REVISE ONLY THE FOLLOWING SECTIONS TO READ AS FOLLOWS.

Sec. 33-1107. Wineries.

Wineries may be permitted or conditionally permitted pursuant to Sec. 33-94 of Article 6, upon consideration of the following criteria:

- (a) Areas not devoted to agricultural production including the primary residence, the winery, ancillary structures, parking, landscaping, storage and loading areas, excluding driveways from the main road to the facility, shall not exceed three (3) acres;
- (b) Uses not directly related to wine production, including wine tasting, retail sales of wine oriented merchandise, meeting rooms for reception and food service shall generally occur indoors, be integrated with the winery facility and shall be ancillary to the primary activity;
- (c) All winemaking operations shall generally be conducted within enclosed buildings. Structures used for the winery operation and any outdoor operation shall generally be located in the central and interior portion of the site to provide maximum separation from surrounding properties;
- (d) Wine production may include grapes and/or fruit grown off-site and delivered to the facility; and
- (e) Wine tasting, if proposed, shall only involve product produced from the on-site winery.

Sec. 33-1121. Reserved.

ORDINANCE NO. 2017-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, REZONING FROM R-4-24 (HIGH MULTI-FAMILY RESIDENTIAL, 24 DU/AC) TO R-5-30 (VERY HIGH MULTI-FAMILY RESIDENTIAL, 30 DU/AC) APPROXIMATELY 22-ACRES ENCOMPASSING 186 ASSESSOR'S PARCELS DESIGNATED AS URBAN V IN THE GENERAL PLAN AND GENERALLY LOCATED BETWEEN 6TH AND 15TH AVENUES AND SOUTH ESCONDIDO BOULEVARD AND CENTRE CITY PARKWAY

Applicant: City of Escondido
Case No.: AZ 16-0005 / PHG17-0007

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

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. That on April 25, 2017, the Planning Commission recommended approval of the proposed zone change from R-4-24 to R-5-30 (resolution #6094).

SECTION 3. That the City Council has reviewed and considered the Notice of Exemption prepared for this project in conformance with CEQA Guidelines Sections 15162 and 15168 – Use of Previous Program Environmental Impact Report (EIR) (SCH No. 2010071064) that was prepared for the adoption of the Escondido General Plan Update, Downtown Specific Plan Update and Climate Action Plan, and certified by the City Council in May 2012, and has determined that all environmental issues have been

addressed and no significant environmental impact will result from the approval of this rezone.

SECTION 4. That upon consideration of the Factors to be Considered, attached as Exhibit "A" and incorporated by this reference, the staff report, Planning Commission recommendation, and all public testimony presented at the hearing held on this rezone, this City Council finds that the Zone Change is consistent with the General Plan, the South Escondido Boulevard/Centre City Parkway Target Area objectives and all applicable specific plans of the City of Escondido.

SECTION 5. That the Zone District Map of the City of Escondido is hereby amended by reclassifying the real property from R-4-24 to R-5-30, as depicted in Exhibit "B" attached, and incorporated by this reference.

SECTION 6. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 7. That if any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 8. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

EXHIBIT "A"

FACTORS TO BE CONSIDERED AZ 2016-0005/PHG 17-0007

Zoning Code Amendment and Rezone to R-5-30

1. The public health, safety and welfare would not be adversely affected by the proposed Zoning Code amendments as they only reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards and update references and outmoded text. The proposed new R-5 high density zone and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) implements the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category and would not adversely affect the public health, safety and welfare because the Urban V designation and the S. Escondido Blvd./Centre City Pkwy. Target Area allow for the higher residential density and encourage urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. No development project is proposed. The review of future development projects would include a CEQA environmental analysis specific to the project type and location.
2. The proposed Zoning Code amendments would not conflict with State law or be detrimental to surrounding properties because the amendments involve reorganizing existing Zoning Code sections, identifying minor conditional uses, updating definitions and adjusting some standards for internal consistency. The amendment would not expand or reduce the type of land uses that may be established in the City and no physical improvements are proposed as part of this code amendment. The property proposed to be rezoned from R-4-24 to R-5-30 is suitable for the uses and higher density permitted by the proposed zone as the area is flat, the residential uses would remain the same, and the area has a General Plan designation of Urban V that allows the higher density and encourages redevelopment. In addition, the proposed rezone area would be compatible with the mix of surrounding commercial and multi-family development. Specific property involved in future development projects will be reviewed individually for suitability.
3. The uses permitted by the proposed rezone to R-5-30 would not be detrimental to surrounding properties as the uses would be the same as currently permitted under the R-4-24 zone, and would not adversely affect the adjacent commercial development nor the multi-family development adjacent to the south, and west across Centre City Pkwy.
4. The proposed Zoning Code amendment to reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards, and the proposed rezone to R-5-30 (Very High Multi-Family Residential – 30 du/ac) from R-4-24 (High Multi-Family Residential, 24 du/ac) are consistent with the adopted General Plan since the actions implement the General Plan designation of Urban V in the High Density Multi-Family Residential category, which allows for the higher residential density and encourages urban multi-family housing characterized by taller structures in more densely developed areas that provide convenient access to a wider range of facilities and services. The actions are also in conformance with the S. Escondido Blvd./Centre City Pkwy. Target Area objectives and would not diminish the Quality of Life Standards of the General Plan. In addition, the amendment would implement a portion of the "Working Together to Get to Yes!" program associated with the City Council's 2015-2016 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development."
5. The proposed rezone to R-5-30 from R-4-24 does not establish a residential density below seventy (70) percent of the maximum permitted density as the proposed density of 30 du/ac is the maximum density permitted by the General Plan Urban V designation. The proposed standards for the R-5 residential zone includes this restriction in the parcel requirements of Table 33-98b.
6. The proposed Zoning Code amendment and rezone would be compatible with and not adversely affect the Southern Gateway District of the Downtown Specific Plan, which is adjacent to the north of the subject area, since the district is planned for the development of offices and services, as well as, urban-style, higher density residential development (up to 100 du/ac) and taller buildings.

EXHIBIT "B"

Parcels to be Rezoned to R-5-30

APN	ADDRNO	ADDRFRAC	ADDRUNIT	ROADPDI	ROADNAME	ROAD	ZIP
2361711500	1433		S		ORANGE	ST	92025
2361110800	1225		S		ORANGE	ST	92025
2361711200	1427		S		ORANGE	ST	92025
2333520400	419		W		08TH	AVE	92025
2361722100	1412		S		ORANGE	ST	92025
2361722902	0						
2332410400	337		W		06TH	AVE	92025
2360521200	432		W		10TH	AVE	92025
2335111200	326		W		11TH	AVE	92025
2360521100	418		W		10TH	AVE	92025
2332221000	428		W		07TH	AVE	92025
2360621000	426		W		11TH	AVE	92025
2332121000	428		W		06TH	AVE	92025
2361110700	1211		S		ORANGE	ST	92025
2361110500	1133		S		ORANGE	ST	92025
2361722200	1430		S		ORANGE	ST	92025
2361021000	491		W		11TH	AVE	92025
2335110300	345		W		10TH	AVE	92025
2361710200	1319		S		ORANGE	ST	92025
2335110100	1010		S		ORANGE	ST	92025
2335011400	930		S		ORANGE	ST	92025
2332220300	427		W		06TH	AVE	92025
2332220100	443		W		06TH	AVE	92025
2335011100	330		W		10TH	AVE	92025
2332410300	345		W		06TH	AVE	92025
2333611100	350		W		08TH	AVE	92025
2335011800	350		W		10TH	AVE	92025
2361720300	345		A-C	W	13TH	AVE	92025
2361120300	1118		S		ORANGE	ST	92025
2332411600	360		W		07TH	AVE	92025
2332220900	418		W		07TH	AVE	92025
2361620700	418		W		15TH	AVE	92025
2361722909	0						
2332121503	0						
2361722912	0						
2332121505	0						
2332311100	334		A&B	W	06TH	AVE	92025
2335111100	334		W		11TH	AVE	92025
2332220600	403		W		06TH	AVE	92025
2361722000	1400		S		ORANGE	ST	92025
2335011000	320		W		10TH	AVE	92025
2361720500	327		W		13TH	AVE	92025

EXHIBIT "B"
 Parcels to be Rezoned to R-5-30

2335110200	351		W	10TH	AVE	92025
2361120600	1154		S	ORANGE	ST	92025
2361110400	1125		S	ORANGE	ST	92025
2361721100	1348		S	ORANGE	ST	92025
2332220700	629		S	ORANGE	ST	92025
2333520600	403		W	08TH	AVE	92025
2333710400	335		W	08TH	AVE	92025
2332411200	338		W	07TH	AVE	92025
2333710200	351		W	08TH	AVE	92025
2332220400	419		W	06TH	AVE	92025
2335110900	350		W	11TH	AVE	92025
2332121507	0					
2332121506	0					
2361720200	1316		S	ORANGE	ST	92025
2360520800	404		W	10TH	AVE	92025
2335111000	346		W	11TH	AVE	92025
2332121504	0					
2333421000	426		W	08TH	AVE	92025
2335110400	337		W	10TH	AVE	92025
2361722918	0					
2333610400	317		W	07TH	AVE	92025
2361120400	1132		S	ORANGE	ST	92025
2360620400	421	A&B	W	10TH	AVE	92025
2361110200	405		W	11TH	AVE	92025
2332220200	435		W	06TH	AVE	92025
2360620300	427		W	10TH	AVE	92025
2333421500	430		W	08TH	AVE	92025
2361722907	0					
2332311400	350		W	06TH	AVE	92025
2361710800	1441		S	ORANGE	ST	92025
2333610700	320		W	08TH	AVE	92025
2361020300	425		W	11TH	AVE	92025
2361711400	1431		S	ORANGE	ST	92025
2361722400	350		W	15TH	AVE	92025
2360620600	1001		S	ORANGE	ST	92025
2361711100	1429		S	ORANGE	ST	92025
2361722915	0					
2333611300	345		W	07TH	AVE	92025
2361110600	1145		S	ORANGE	ST	92025
2332220500	411		W	06TH	AVE	92025
2361722901	0					
2361120100	361		W	11TH	AVE	92025

EXHIBIT "B"

Parcels to be Rezoned to R-5-30

2361720900	1336		S	ORANGE	ST	92025
2361110100	415		W	11TH	AVE	92025
2333420100	443	A-C	W	07TH	AVE	92025
2332311500	360		W	06TH	AVE	92025
2332220800	404		W	07TH	AVE	92025
2361620600	424		W	15TH	AVE	92025
2361120700	345		W	11TH	AVE	92025
2333611200	744		S	ORANGE	ST	92025
2361122600	1222		S	ORANGE	ST	92025
2361120900	0					
2332121200	444		W	06TH	AVE	92025
2361722913	0					
2333420400	419		W	07TH	AVE	92025
2332410500	325		W	06TH	AVE	92025
2332411700	0					
2333520200	433		W	08TH	AVE	92025
2361722920	0					
2360621100	424		W	11TH	AVE	92025
2335110800	356		W	11TH	AVE	92025
2361722906	0					
2332121502	0					
2361123000	322		W	13TH	AVE	92025
2361710100	405		W	13TH	AVE	92025
2361122800	1240		S	ORANGE	ST	92025
2361720400	335		W	13TH	AVE	92025
2333420500	407		W	07TH	AVE	92025
2361710700	410		W	15TH	AVE	92025
2360521000	414		W	10TH	AVE	92025
2360620200	445	1,2	W	10TH	AVE	92025
2332221200	0					
2361722700	1340		S	ORANGE	ST	92025
2361722911	0					
2361120800	337		W	11TH	AVE	92025
2361711300	1425		S	ORANGE	ST	92025
2361120500	1150		S	ORANGE	ST	92025
2335010900	318		W	10TH	AVE	92025
2332411300	344		W	07TH	AVE	92025
2333610900	332		W	08TH	AVE	92025
2361722919	0					
2333611000	344		W	08TH	AVE	92025
2360620900	418		W	11TH	AVE	92025
2332311000	318		W	06TH	AVE	92025
2335011500	358		W	10TH	AVE	92025

EXHIBIT "B"

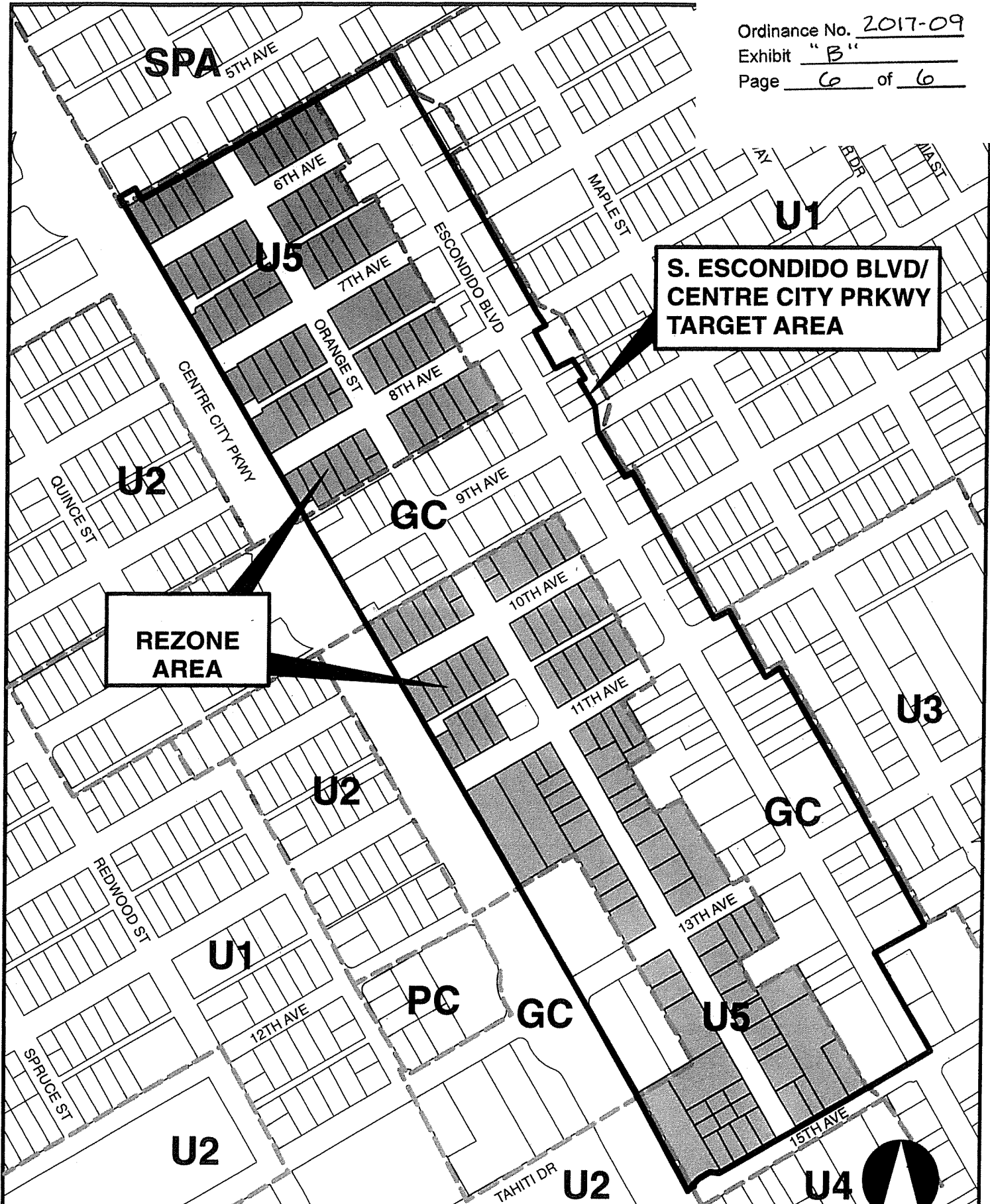
Parcels to be Rezoned to R-5-30

2361620200	0				
2361722917	0				
2333421300	731		S	ORANGE	ST 92025
2361722908	0				
2361722500	358		W	15TH	AVE 92025
2361722904	0				
2361711600	1435		S	ORANGE	ST 92025
2361720800	1326		S	ORANGE	ST 92025
2333420800	408		W	08TH	AVE 92025
2361722914	0				
2360620500	411	A&B	W	10TH	AVE 92025
2360520700	945		S	ORANGE	ST 92025
2333421400	741		S	ORANGE	ST 92025
2361710300	1331		S	ORANGE	ST 92025
2361722800	328		W	15TH	AVE 92025
2333520700	823		S	ORANGE	ST 92025
2360620100	447		W	10TH	AVE 92025
2361122500	1210	A-D	S	ORANGE	ST 92025
2361720100	357		W	13TH	AVE 92025
2361722910	0				
2333520100	443		W	08TH	AVE 92025
2332311300	342		W	06TH	AVE 92025
2361111000	402		W	13TH	AVE 92025
2333420600	707		S	ORANGE	ST 92025
2361722903	0				
2360621200	442		W	11TH	AVE 92025
2333420200	437		W	07TH	AVE 92025
2335110500	327		W	10TH	AVE 92025
2361110300	1117		S	ORANGE	ST 92025
2361110900	1231		S	ORANGE	ST 92025
2361120200	351		W	11TH	AVE 92025
2360520900	410		W	10TH	AVE 92025
2333520300	423		W	08TH	AVE 92025
2333710500	319		W	08TH	AVE 92025
2333710300	343		W	08TH	AVE 92025
2332411100	316		W	07TH	AVE 92025
2332221100	432		W	07TH	AVE 92025
2361722905	0				
2332121100	434		W	06TH	AVE 92025
2361122700	1230		S	ORANGE	ST 92025
2333610300	0				
2332410200	351		W	06TH	AVE 92025

EXHIBIT "B"

Parcels to be Rezoned to R-5-30

2333710100	820	A&B	S	ORANGE	ST	92025
2332120900	420		W	06TH	AVE	92025
2361722916	0					
2333420900	418		W	08TH	AVE	92025
2335111300	320		W	11TH	AVE	92025
2333610800	328		W	08TH	AVE	92025
2360521300	0					
2333420300	421		W	07TH	AVE	92025
2333710600	315		W	08TH	AVE	92025
2332311200	338		W	06TH	AVE	92025
2333520500	417		W	08TH	AVE	92025
2335110600	307		W	10TH	AVE	92025
2361711000	1403		S	ORANGE	ST	92025
2332121501	402		W	06TH	AVE	92025
2332410100	602		S	ORANGE	ST	92025
2332121500			W	06TH	AVE	92025
2361722900			W	15TH	AVE	92025



REZONE AREA

**S. ESCONDIDO BLVD/
CENTRE CITY PRKWAY
TARGET AREA**

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REZONE AREA
AZ 16-0005/PHG 17-0007





CITY COUNCIL

For City Clerk's Use:

APPROVED DENIED

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 10

Date: May 24, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Bill Martin, Director of Community Development

SUBJECT: Zoning Code Amendment (AZ16-0009)

STAFF RECOMMENDATION:

It is requested that the City Council introduce Ordinance No. 2017-10 approving an amendment to Article 34 (Communication Antennas) of the Escondido Zoning Code.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission unanimously recommended approval of the Zoning Code Amendment on April 25, 2017 (vote 7-0).

PROJECT DESCRIPTION:

An amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to modify the regulations for wireless communication facilities within the public right-of-way. No development project is proposed.

LOCATION:

Citywide

FISCAL ANALYSIS:

None

GENERAL PLAN ANALYSIS:

The proposed Zoning Code Amendment facilitates the development of the City's telecommunication network, which is supported by numerous goals and policies. Existing General Plan Goals and Policies call for a "Diverse and Economically Prosperous Economy" that address the need to provide broad economic prosperity and support for businesses of all sizes, along with providing quality communication systems that enhance economic viability, governmental efficiency and equitable access for all (Mobility and Infrastructure Goal 7, page I-19, and Telecommunication Goal 7, page III-51). The proposal also is consistent with General

Plan Economic Prosperity Goals (Goal 9, page I-21) to provide adequate infrastructure to support and maintain the economic vitality of Escondido businesses. Other General Plan policies that directly relate to wireless communication facilities include Telecommunication Policies. Telecommunication Policy 17.8 requires compatible colocation of telecommunication facilities that are designed in a manner to minimize visual impacts on surrounding uses. Telecommunication Policy 17.9 encourages the City to work with utility companies to provide opportunities for siting telecommunication facilities on city-owned property and public right-of-ways.

ENVIRONMENTAL REVIEW:

The proposed code amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) only establishes criteria to assess and process applications for the development of wireless communication facilities within the public right-of-way. The proposed zoning code amendment is not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.

BACKGROUND:

The growth in personal wireless services, advancements in technology, and the need for additional capacity has created an ever increasing demand for new wireless communication facilities and broadband capacity. With this growth and as more industries and cities become always-connected, there will be an unprecedented growth in mobile broadband and data demands, which cannot be met with today's network capacity. As a result, cities and counties throughout California have experienced an increase in the number of applications to upgrade existing wireless communication facilities (WCFs) and to install new WCFs within the public right-of-way.

Currently, the Escondido Zoning Code contains provisions for permitting WCFs within the right-of-way subject to the appropriate administrative or discretionary land-use permit, along with obtaining an encroachment permit from the Public Works Department, and execution of a license and encroachment agreement by the City. The City traditionally has reviewed previous requests for a single wireless telecommunication facility on a case-by-case basis by either City staff or the Planning Commission depending on the nature and location of the facility. The City's current regulations lack the needed criteria to efficiently evaluate and manage the current and anticipated demand for small cell wireless facility installations within the public right-of-way.

Therefore, the proposed modifications to Article 34 of the Escondido Zoning Code are necessary to address the long-term impact of new WCFs within the public right-of-way, and on the City's visual landscape and to locate and design facilities so they are as unobtrusive as possible. The proposed zoning code amendment also establishes a more efficient processing

framework with information that facilitates the deployment process in a consistent and predictable manner.

Wireless Communication Facilities that are installed in the public right-of-way, generally consist of the following elements:

1. An antenna, which can be comprised of various types and configurations, and can be mounted on the entity's own pole, or on a pole that is owned by another entity, such as a street light owned by the City, or public utility pole.
2. A cabinet, which contains the telecommunication facility's "brain." The cabinet typically is attached to the pole where the antennas is located.
3. A ground-mounted cabinet, which provides primary or back-up power to the antenna and may be include an electric meter. In some instances, the electric meter may be attached to the pole. Existing street lights already have electric power and typically do not need a separate electric service meter as opposed to public utility poles that may not provide separate electric power or may require a separate meter.
4. Telecommunication cable. Antennas are connected by existing or planned underground fiber optic cables or overhead fiber optic cables in the case of overhead utility poles (such as SDG&E poles).

Traditional "Macro Cell" vs. "Small Cell" - The demand for wireless service does not just include traditional cell towers anymore. Traditional structures (known as "Macro Facilities") form the core of the wireless network, enabling wireless service providers to deliver voice, text and broadband communications covering larger geographic areas. Macro facilities typically are taller and generally are placed on structures over 30 feet in height and/or locations with higher ground elevation, utilizing a set of larger panel antennas and associated radio equipment mounted onto the tower. These facilities also require larger ground-mounted equipment generally housed within an equipment compound or building. Macro facilities also are typically capable of accommodating multiple wireless service providers (collocation).

With the increase in demand, data that wireless providers would like to transmit far exceeds the capacity of their existing communications network. Installing wireless infrastructure at the precise location where it is needed improves the network and immediately benefits the community. The attachment of small wireless antennas and associated equipment on pole structures - which can include Distributed Antenna System (DAS) remote units, remote radio units and self-contained small cells - significantly improves the coverage and capacity of 3G, 4G and soon-to-be-deployed 5G wireless networks. Therefore, small cell facilities will be an important component in expanding the capacity of wireless networks to meet consumer demand as well as to fill holes in their coverage. The new small cell facility components generally are much smaller with low powered radio access nodes with a limited range designed to target a specific area. Because of their design and intended purpose, they would have to be deployed in more locations than the larger and taller traditional cell towers. Due to the targeted areas and small equipment needs for small cell applications, it appears the best and most efficient location for deployment will be the use of existing light poles, utility poles, traffic signals or other appropriate structures within the public right-of-way. Several non-host wireless

companies (Crown Castle and Mobilitie) along with major wireless carriers (Verizon, T-Mobile, AT&T) have been working with the City regarding the implementation of their next-generation mobile networks (small cell) throughout the community.

PLANNING COMMISSION DISCUSSION:

The Planning Commission unanimously recommended approval of the proposed Ordinance revisions and did not raise any issues regarding the proposal. There were no public speakers at the hearing.

PUBLIC INPUT:

Subsequent to the April 25, 2017 Planning Commission hearing, staff received correspondence from two wireless industry providers (Crown Castle and T-Mobile) which are attached with this report. The representative from T-Mobile requested clarification of certain design, separation, and processing timeframes in order to avoid confusion when designing and processing facility applications. Correspondence from Crown Castle recommends the proposed siting guidelines allow for more flexibility in the size and design of the small cell facilities to accommodate the existing and future range of equipment each carrier may currently utilize. The Crown Castle representative also feels that various levels of administrative review should be considered (tiered permit approach) rather than the more cumbersome CUP process in order to facilitate speed to market and certainty in the permitting process.

The proposed ordinance would allow for installation on a variety of structures within the right-of-way and also lists those that would be permitted by administrative approval (preferred sites). However, the Ordinance proposes certain locations and structures as discouraged. In these discouraged locations wireless facilities could be approved by a Conditional Use Permit when specific findings are met or exceeded. The CUP provides for public notice and input at a hearing before the Planning Commission. An alternative to the CUP process would be review by the City's Zoning Administrator, that would allow for faster processing of an application, but still would require public notice.

In consideration of recent public correspondence, City staff still recommends approval of the ordinance as set forth in the attachment without further modification. Many of the issues that were raised can be addressed separately through the development of specific design guidelines or handled on a case-by-case basis through project review.

ANALYSIS:

See Attached Exhibit "A" for the proposed Ordinance modifications.

Article 34 (Communication Antennas) is available on the City's Web Site at: <http://www.qcode.us/codes/escondido/view.php?topic=33-34&frames=on>

Section 33-740(k) of Article 34 (Communication Antennas) of the Escondido Zoning Code currently addresses the placement and design of wireless facilities within the public right-of-way. While the current provisions have worked well with the deployment of traditional wireless facilities, wireless providers desire to make the deployment of small cell facilities less

burdensome and complicated as they roll out dense networks in a scalable and repeatable way. Therefore, they desire appropriate streamlining of the regulatory approval process and to allow the planning application process to support large numbers of cells by fast tracking certain approvals that conform to preset design guidelines and location preferences; batching the process for groups of wireless facilities; and decreasing the approval time and certainty for wireless facilities. However, wireless providers also play a key role in the process by proposing appropriately designed facilities from the outset, along with the submittal of complete applications with accurate project information and supporting plans and documents.

The pressures on regulatory and planning agencies continue to increase as large numbers of sites need to be identified and approved, planning permissions secured and other requirements, such as aesthetics, leasing agreements and engineering designs satisfied. Although the community continues to support wireless facilities, potential concerns may occur regarding the placement of wireless facilities close to sensitive users. Residents generally have a lower tolerance for new poles but a higher tolerance for new and smaller cabinets within the public right-of-way because many utility companies, as well as the City, install cabinets within the right-of-way. The most controversial aspects of a new facility usually are the antenna and the pole. In order to balance the needs of the wireless providers and to avoid potential negative visual, neighborhood compatibility, and health and safety concerns; staff has proposed the following modifications:

Support Structures - The existing right-of-way provisions and proposed regulations continue to encourage new wireless facilities to be located on existing street lights, which reduces the potential visual impacts to the surrounding area because electrical service already is provided which eliminates the need to provide an additional electrical meter and disconnect on the pole. The telecommunication cables (fiber optic conduits and/or cables) have been installed underground in certain areas of the City to support the existing and proposed network or will need to be installed to support the new facilities. Installation on existing utility poles generally requires additional overhead wires to be added to support the network. Wireless facility providers also would be allowed to provide new replacement poles of substantially the same height and design as other poles throughout the neighborhood or new non-replacement poles to supplement existing street lights, but these are not preferred. Therefore, the applicant must demonstrate that the preferred poles are not available or feasible to support their facility in order to utilize a less preferred support structure. The siting of wireless facilities along the non-classified residential streets and along the front yard of residential properties is discouraged, but could be permitted subject to a Conditional Use Permit if appropriate for the site.

Design Criteria - The design criteria for small cell facilities have been modified to address siting, aesthetics, size, number of panels that can be mounted onto a structure, and height of the facility. The requirements also include additional separation requirements (300 ft. radius in residential areas) to avoid the visual clutter and proliferation of the facilities within residential neighborhoods. The regulations also require undergrounding of equipment where feasible to further reduce visual impacts and conflicts with existing facilities within the public right-of-way.

Wireless Facility Permits and Process: The proposed Ordinance establishes a new permit for the public right-of-way installation (Wireless Facility Permit). A new application form and supplemental submittal requirements will be developed by the Planning Division to be used for the submittal of new applications for wireless facilities within the public right-of-way. While all

WCFs will require some sort of discretionary review/or approval, the proposed Ordinance provisions encourage location and design guideline compliance which call for well-designed and sited facilities that meet the goals of the Ordinance. Applicants can expect a tiered permit system where the level of staff and public review of the facility proposal will depend on how well a facility is sited and how unobtrusive it is in appearance to the viewing public. An administrative permit will be required for all proposed wireless facilities that conform with the requirements of Communication Antennas Ordinance and Wireless Guidelines. Administrative Permits are subject to review and approval by the Director of Community Development. However, the Director also has the discretion to elevate any request to a Conditional Use Permit to be considered by the Planning Commission at a public hearing. A Conditional Use Permit would be required for any facility that is not subject to an Administrative Permit or for facilities in discouraged locations and those not in conformance with the Ordinance regulations (i.e., deviate from the design standards). Additional findings also are required for the approval of a Conditional Use Permit for a wireless facility in the public right-of-way.

Staff currently is working on a separate document to supplement the City's right-of-way requirements for WCFs that will include more specific design guidelines for the siting and development of wireless facilities in the public right-of-way, along with permitting, application submittal requirements and standard conditions of approval. These guidelines will be considered at a public hearing at a later date.

SUMMARY:

The existing process has been successful at regulating the development of traditional wireless facilities on private property, as well as the limited number of facilities currently developed within the public right-of-way over the years. With the ever increasing demand for wireless service and the preferred use by providers to utilize the right-of-way to meet the demand, the proposed Ordinance establishes the development of separate location and design guidelines to appropriately balance the City's goals of avoiding potential adverse visual and operational impacts associated with the placement and operation of wireless communication facilities in the public right-of-way with the goals of the wireless telecommunications providers to provide service to their customers

Respectfully Submitted,



Bill Martin
Director of Community Development



Jay Paul
Associate Planner

EXHIBIT "A"

Proposed Amendment to Section 33-704 (k) pertaining to Personal Wireless Service Facilities in the Right-of-Way.

- (k) Public Right-of-Way. All requirements of this Article shall apply to the placement, construction, modification, reconstruction, or repair of any personal wireless service facilities proposed within the public right-of-way, except to the extent precluded by state or federal law. The following general requirements also shall apply:
- (1) All personal wireless service facilities must comply with the City's requirements for an encroachment permit as set forth in Chapter 23 of this code and any guidelines adopted pursuant to this Article. All applicants shall enter into a license agreement as provided by the City to the extent the facility is proposed to be located on City facilities.
 - (2) Personal wireless service facilities in the right-of-way shall be installed on existing street light poles or substantially similar replacement poles in the same location. Where it has been demonstrated that it is not feasible to locate on an existing street light or similar replacement pole, a wireless facility may install a new streetlight to supplement existing lighting. New or replacement street light poles shall be designed to resemble the appearance and dimensions of a street light typical of the surrounding neighborhood, including size, height, color, materials and style, whenever feasible. Where it has been demonstrated that it is not feasible to locate on a new streetlight, a wireless facility may locate on an existing traffic signal, utility pole (**including strand mount**), or bus stop. The installation of a new structure, that is not a street light, may be permitted by conditional use permit. The installation of a new wooden pole is not permitted.
 - (3) All personal wireless service facilities in the right-of-way shall be sited in order to minimize potential visual and compatibility impacts with adjacent properties. In residential areas, placing wireless facilities along non-classified residential streets and along the front yard of residential properties should be avoided. Wireless facilities must be designed to be visually unobtrusive with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. The equipment must be painted or textured to match the color or surface of the structure on which they are attached, or otherwise screened to reduce their visibility.
 - (4) No more than one panel antenna may be mounted on a single pole or structure. No antenna may exceed two feet in length. Panel antennas shall be vertically mounted to a pole or support structure in compliance with any applicable separation requirements. An antenna enclosure attached to the top of a utility pole or street light shall be cylindrical in shape, shall not exceed four feet in height and shall not have a diameter greater than the diameter of the pole. New street lights or replacement poles must match the height and design of the existing street light in the same neighborhood. In no case shall a new wireless facility exceed 35 feet in height. The antennas and other related equipment shall be mounted as close to the pole as possible, with no more than a four-inch gap, to minimize impacts to the visual profile. Pole-mounted equipment, exclusive of antennas, shall not exceed six cubic feet in dimension. Pole-mounted equipment and antennas shall not extend eight inches from the pole in any direction. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.

- (5) The spacing between existing poles and new personal wireless service facilities must avoid visual clutter and maintain the existing character of the surrounding neighborhood. In residential areas, no wireless facility may be located within a 300-foot radius of any other wireless facility within the right-of-way, except in the case of a permitted collocation facility that does not result in a substantial increase in size.
- (6) No personal wireless service facility may be located within the right-of-way where there are no overhead utility facilities or streetlight poles unless permitted pursuant to a conditional use permit. No new overhead wires shall be allowed in areas where undergrounding of utilities has occurred or is anticipated.
- (7) All other non-antenna equipment associated with the personal wireless service facility shall be placed underground, except any required electric meter or disconnect switch associated with an installation on an existing utility pole. Equipment shelters shall not be allowed in the public right-of-way where their presence would interfere with existing uses or infrastructure, and shall be located as to minimize impacts to neighborhood aesthetics, pedestrian access, and vehicular site distance and safety.
- (8) **Wireless Facility Permits.** All new personal wireless service facilities proposed within the right-of-way, collocations or modifications to existing wireless facilities shall require the issuance of a wireless facility permit. The Director may establish the forms and submittal requirements to implement the requirements of this Article. The Director may refer any application for a wireless facility permit to the Planning Commission for consideration at a noticed public hearing.
 - (A) **Administrative Permit.** All proposed facilities which meet all the requirements in this Article and any adopted guidelines may be processed through an Administrative Wireless Facility Permit. The Director shall determine whether an application meets the requirements of this Article and any adopted guidelines. The application shall follow the procedures and fees for a Plot Plan and design review.
 - (B) **Conditional Use Permit.** All other proposed facilities that the Director determines do not meet the requirements of this Article or any adopted guidelines must be processed through a conditional use permit. The applicant must pay any necessary application fees in accordance with a conditional use permit application.
 - (C) **Planning Commission findings.** In addition to the findings in Section 33-1203, the Planning Commission must also make the following findings in approving a conditional use permit for a personal wireless service facility:
 - I. That the applicant has demonstrated that the site is necessary to close a significant gap in service;
 - II. That the location proposed conforms to the requirements of this Article and any adopted guidelines to the maximum extent possible;
 - III. That the design proposed conforms to the requirements of this Article and any adopted guidelines to the maximum extent possible;
 - IV. That the applicant has demonstrated a good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible or potentially available; and

- V. That the applicant has provided a meaningful comparative analysis that demonstrates that no alternative technology or other alternatives are feasible to comply with the design or placement requirements of this Article, and any adopted guidelines.
- (9) The City Council may, by resolution, establish additional criteria and guidelines for the location, operation, design and review of personal wireless service facilities in the public right-of-way.

CITY OF ESCONDIDO

**MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION**

April 25, 2017

The meeting of the Escondido Planning Commission Meeting was called to order at 7:00 p.m. by Adam Phillips, Deputy City Attorney, in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: Jeffery Weber, Chairman; Stan Weiler, Commissioner; James Spann, Commissioner; Michael Cohen, Commissioner, Joe Garcia, Commissioner; Don Romo, Commissioner; and James McNair, Commissioner.

Commissioners absent: None.

Staff present: Bill Martin, Director of Community Development; Rozanne Cherry, Principal Planner; Mike Strong, Assistant Planning Director; Owen Tunnell, Principal Engineer; Adam Phillips, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

MINUTES:

Moved by Commissioner Weiler, seconded by Commissioner Spann, to approve the minutes of the April 11, 2017, meeting. Motion carried unanimously. (7-0)

WRITTEN COMMUNICATIONS – None.

FUTURE NEIGHBORHOOD MEETINGS – None.

ORAL COMMUNICATIONS: – None.

PROCLAMATIONS:

1. Proclamation honoring Rozanne Cherry, Principal Planner, for 32 years of service to the City of Escondido.

PUBLIC HEARINGS:

1. ZONING CODE AMENDMENT AND REZONE - AZ 16-0005 / PHG 17-0007:

REQUEST: A Zoning Code Amendment to reorganize and consolidate the residential zones into one Zoning Code article; establish an R-5-30 (Very High Multi-Family Residential, 30 du/ac max.) zone with associated development standards to implement the adopted General Plan designation of Urban V in the High Density Multi-Family Residential category; rezone approximately 186 parcels within the Urban V General Plan designation from R-4-24 (High Multi-Family Residential, 24 du/ac max.) to R-5-30; and identify minor conditional use permits, update definitions and streamline the text. No development is proposed. The Code Amendment involves changes to Articles 1, 6, 7, 8, 10, 11, 12, 13, 14 and 57 of the Escondido Zoning Code.

PROPERTY SIZE AND LOCATION:

1. Code Amendment – Citywide;
2. Rezone – Approximately 186 parcels within the Urban V General Plan designation that are located between 6th and 15th Avenues and S. Escondido Blvd. and Centre City Parkway, in the S. Escondido Boulevard / Centre City Parkway Target Area.

Rozanne Cherry, Principal Planner, referenced the staff report and noted that staff issues were whether the proposed development standards for the new R-5-30 zone are appropriate for the General Plan Urban V designation, and whether the proposed change of zoning for the parcels within the Urban V designation was appropriate. Staff recommended approval based on the following: 1) The proposed amendments to the Zoning Code would consolidate all residential development standards in one Zoning Code article, streamline the text with the use of tables, and update and add definitions that reflect the current use of terms; 2) The proposed change of several conditionally permitted uses in the residential zones to Minor CUPs with review by the Zoning Administrator was consistent with the "Working Together to Get to Yes!" program associated with the City Council's 2015-2016 Action Plan Economic Development goal to "Revamp and clean up policies, practices and standards around Planning, Development, Enforcement and Economic Development;" 3) The proposed R-5-30 zoning and development standards would be consistent with the General Plan Urban V designation which permits densities up to 30 du/ac in residential units, town homes, apartments, flats and condominiums, and buildings up to 4-stories tall. The R-5-30 zone would provide the implementing zoning needed to make the Zoning Code consistent with

the General Plan and allow development projects to utilize the higher Urban V density, and 4) Adopting the proposed R-5-30 zoning for the subject area would be appropriate since it is a flat area located within the Urban V General Plan designation between two major thoroughfares (S. Escondido Boulevard, and Centre City Parkway), and close to shopping centers, community facilities, employment opportunities and entertainment. The ordinance must be approved the City Council in order to be effective.

Smitty Smith, Escondido, expressed his concern about more vehicles parking on the neighborhood streets and was opposed to increasing the density around 9th Avenue for that reason. He felt the area was already impacted by being overpopulated and not having adequate parking.

Chairman Weber concurred with subject area having parking issues. He expressed his view that in order to accommodate the population increase was to have higher densities near transit and City services. He then asked staff whether there were any pending applications. Mrs. Cherry replied in the negative, but noted she was aware of one person who was waiting to hear the outcome of this item.

Assistant Planning Director Strong stated that the issue of density was already considered though the General Plan update process. That process resulted in a ballot measure, in which all registered voters in Escondido were able to consider, vote, and affirm General Plan land use designation changes in several key areas of the city; and reconfirm the preservation of land use designations elsewhere in the city. The project before the Planning Commission was to systematically implement the update General Plan.

ACTION:

Moved by Chairman Weber, seconded by Commissioner Spann, to approve staff's recommendation. Motion carried unanimously. (7-0)

2. ZONING CODE AMENDMENT – AZ 16-0009:

REQUEST: An amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to modify the regulations for wireless communication facilities within the public right-of-way. The proposal also includes the adoption of the environmental determination prepared for the project. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

Mike Strong, Assistant Planning Director, referenced the staff report and noted that staff issues were the appropriateness of the new proposed Wireless Facilities Permit, development requirements, location preferences and processing requirements. Staff noted that the existing review and approval process has been very successful at regulating the development of traditional wireless facilities on private property, as well as the limited number of facilities currently developed within the public right-of-way over the years. However, that technology is changing and the Zoning Code must be updated. With the ever increasing demand for wireless service and the preferred use by providers to utilize the right-of-way to meet the demand, the proposed Ordinance would establish separate location and design guidelines to appropriately balance the City's goals of avoiding potential adverse visual and operational impacts associated with the placement and operation of wireless communication facilities in the public right-of-way with the goals of the wireless telecommunications providers to provide service to their customers. The ordinance must be approved the City Council in order to be effective.

Commissioner Weiler concurred with establishing the subject guidelines and encouraged staff to hold the carriers to standards that would be aesthetically pleasing.

Commissioner Garcia questioned whether the inclusion of cellular equipment on telephone poles or power poles would create an additional time element if the pole was knocked down. Mr. Strong noted that the new language prohibited cellular equipment on utility poles.

ACTION:

Moved by Commissioner Weiler, seconded by Commissioner Garcia, to approve staff's recommendation. Motion carried unanimously. (7-0)

ORAL COMMUNATIONS: None.

PLANNING COMMISSIONERS: No comments.

ADJOURNMENT:

Chairman Weber adjourned the meeting at 7:47 p.m. The next meeting was scheduled for May 9, 2017, at 7:00 p.m. in the City Council Chambers, 201 North Broadway, Escondido, California.

Mike Strong, Secretary to the Escondido
Planning Commission

Ty Paulson, Minutes Clerk

DRAFT

PLANNING COMMISSION

Agenda Item No.: H.2

Date: April 25, 2017

CASE NUMBER: AZ 16-0009
APPLICANT: City of Escondido
LOCATION: Citywide
TYPE OF PROJECT: Zoning Code Amendment

PROJECT DESCRIPTION: An amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to modify the regulations for wireless communication facilities within the public right-of-way. The proposal also includes the adoption of the environmental determination prepared for the project. No development project is proposed.

STAFF RECOMMENDATION: Approval

BACKGROUND/SUMMARY OF ISSUES: The growth in personal wireless services, advancements in technology and the need for additional capacity has created an ever increasing demand for new wireless communication facilities and broadband capacity. Experts predict that by 2020 anywhere from 21 billion to 50 billion devices will be connected, up from about 6 billion today. With this growth and as more industries and cities become always-connected, there will be an unprecedented growth in mobile broadband and data demands, which cannot be met with today's network capacity. As a result, cities and counties throughout California have experienced an increase in the number of applications to upgrade existing wireless communication facilities (WCFs) and to install new WCFs within the public right-of-way. Wireless providers are expected to install even more facilities to improve coverage and gain user capacity. Integration of small cells and distributed antenna systems ("DAS") into existing wireless networks is essential to meet the data demands. In order to provide the necessary coverage/capacity, small cells and DAS must be densely deployed on a wide-scale basis.

Currently, the Escondido Zoning Code contains provisions for permitting WCFs within the right-of-way subject to the appropriate administrative or discretionary land-use permit, along with obtaining an encroachment permit from the Public Works Department and execution of a license and encroachment agreement by the City. The City traditionally has reviewed previous requests for a single wireless telecommunication facility on a case-by-case basis by either City staff or the Planning Commission depending on the nature and location of the facility. The Communication Antennas Ordinance (Article 34) previously was amended in 2009 to include provisions to encourage the development of wireless facilities within the right-of-way, rather than on residential properties. The approved ordinance included processing requirements based on the underlying zoning designation. At that time, the City anticipated a limited number of small wireless facilities to be located within the public right-of-way. Most right-of-way installations in the years that immediately followed typically included two to three full-size antennas flush mounted onto a larger diameter replacement pole designed to resemble a street light. Supporting electrical cabinets generally were required to be installed in underground vaults to address potential aesthetic or space issues. The implementation of small cell facilities was in its early development phase at that time.

The City's current regulations lack the needed criteria to efficiently evaluate and manage the current and anticipated demand for small cell wireless facility installations within the public right-of-way. The City and the wireless industry share the same common goal to provide seamless and ubiquitous wireless coverage and capacity for the community's constituents. However, while the community's WCF users continue to embrace wireless communications, it will be important to not do so at the cost of the community's appearance or to introduce adverse impacts to their property or neighborhoods.

Therefore, the proposed modifications to Article 34 of the Escondido Zoning Code are necessary to address the long-term impact of new WCFs within the public right-of-way, and on the City's visual landscape and to locate and design facilities so they are as unobtrusive as possible. The proposed zoning code amendment also establishes a more efficient processing framework with information that facilitates the deployment process in a consistent and predictable manner.

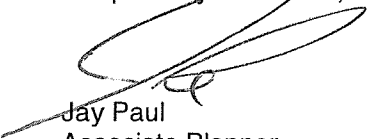
Staff feels the issues are as follows:

1. Appropriateness of the new proposed Wireless Facilities Permit, development requirements, location preferences and processing requirements.

REASONS FOR STAFF RECOMMENDATION:

1. Staff believes the existing process has been very successful at regulating the development of traditional wireless facilities on private property, as well as the limited number of facilities currently developed within the public right-of-way over the years. With the ever increasing demand for wireless service and the preferred use by providers to utilize the right-of-way to meet the demand, the proposed Ordinance established the development of separate location and design guidelines to appropriately balance the City's goals of avoiding potential adverse visual and operational impacts associated with the placement and operation of wireless communication facilities in the public right-of-way with the goals of the wireless telecommunications providers to provide service to their customers.

Respectfully Submitted,



Jay Paul
Associate Planner

ANALYSIS

A. ENVIRONMENTAL STATUS

The proposed code amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) only establishes criteria to assess and process applications for the development of wireless communication facilities within the public right-of-way. The proposed zoning code amendment is not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.

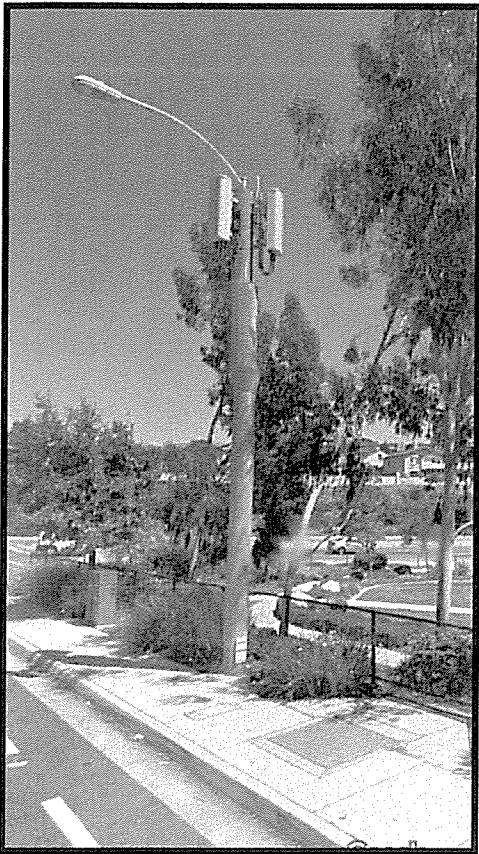
B. WIRELESS COMMUNICATION FACILITY

Wireless Communication Facilities that are installed in the public right-of-way, generally consist of the following elements:

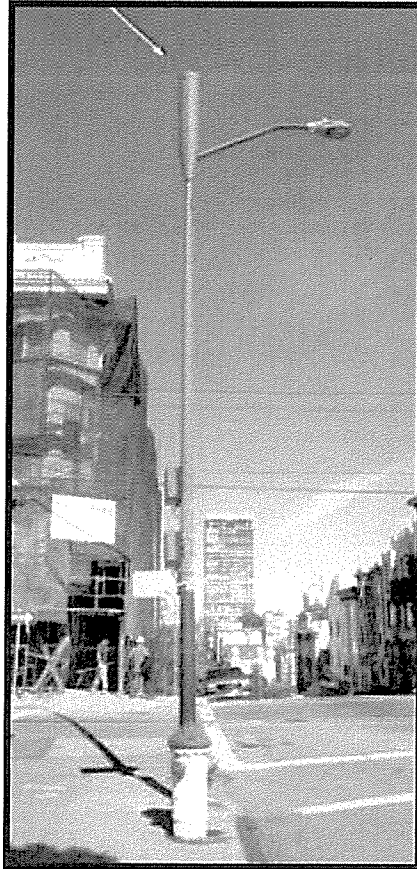
1. An antenna, which can be comprised of various types and configurations, and can be mounted on the entity's own pole, or on a pole that is owned by another entity, such as a street light owned by the City, or public utility pole.
2. A cabinet, which contains the telecommunication facility's "brain." The cabinet typically is attached to the pole where the antennas is located.
3. A ground-mounted cabinet, which provides primary or back-up power to the antenna and may include an electric meter. In some instances, the electric meter may be attached to the pole. Existing street lights already have electric power and typically do not need a separate electric service meter as opposed to public utility poles that may not provide separate electric power or may require a separate meter.
4. Telecommunication cable. Antennas are connected by existing or planned underground fiber optic cables or overhead fiber optic cables in the case of overhead utility poles (such as SDG&E poles).

Traditional "Macro Cell" vs. "Small Cell" - The demand for wireless service does not just include traditional cell towers anymore. Traditional structures (known as "Macro Facilities") form the core of the wireless network, enabling wireless service providers to deliver voice, text and broadband communications covering larger geographic areas. Macro facilities typically are taller and generally are placed on structures over 30 feet in height and/or locations with higher ground elevation, utilizing a set of larger panel antennas and associated radio equipment mounted onto the tower. These facilities also require larger ground-mounted equipment generally housed within an equipment compound or building. Macro facilities also are typically capable of accommodating multiple wireless service providers (collocation).

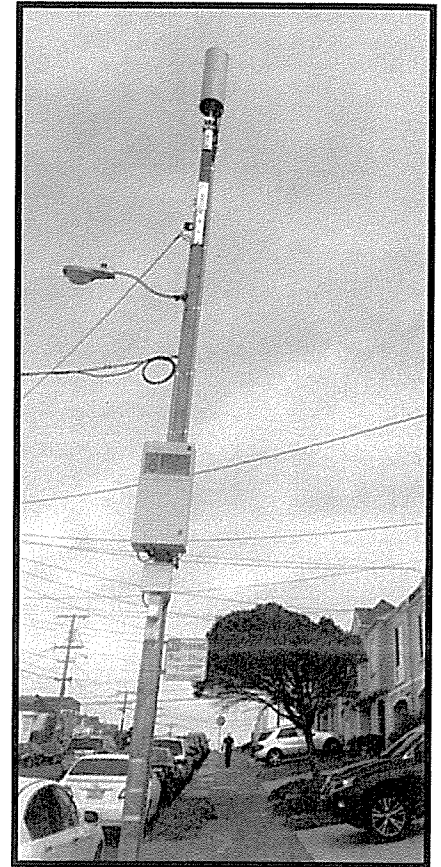
With the increase in demand, data that wireless providers would like to transmit far exceeds the capacity of their existing communications network. Installing wireless infrastructure at the precise location where it is needed improves the network and immediately benefits the community. The attachment of small wireless antennas and associated equipment on pole structures - which can include Distributed Antenna System (DAS) remote units, remote radio units and self-contained small cells - significantly improves the coverage and capacity of 3G, 4G and soon-to-be-deployed 5G wireless networks. Therefore, small cell facilities will be an important component in expanding the capacity of wireless networks to meet consumer demand as well as to fill holes in their coverage. The new small cell facility components generally are much smaller with low powered radio access nodes with a limited range designed to target a specific area. Because of their design, they would have to be deployed in more locations than the larger and taller traditional cell towers. Due to the targeted areas and small equipment needs for small cell applications, it appears the best and most efficient location for deployment will be the use of existing light poles, utility poles, traffic signals or other appropriate structures within the public right-of-way. Several non-host wireless companies (Crown Castle and Mobilitie) along with major wireless carriers (Verizon, T-Mobile, AT&T) have been working with the City regarding the implementation of their next-generation mobile networks (small cell) throughout the community.



Typical small macro facility
(Note: larger antennas and larger dia.
Pole with below ground equipment vault)



Small cell on street light
(Note: antennas mounted in radome
and radio equipment mounted lower
cabinet mounted onto pole)



Small cell on wooden utility pole
(Note: electric meter, disconnect
switch and equipment cabinet
mounted on the pole)

C. REGULATING WIRELESS COMMUNICATION FACILITIES UNDER FEDERAL LAW

Under the Federal Telecommunications Facilities Act (TCA) of 1996, a city may apply its general zoning and building requirements to the construction of new wireless telecommunication facilities. The TCA preserves the City's ability to exercise reasonable control regarding the placement, construction and design (time, place and manner) for the development of WCFs in the right-of-way. Despite federal limitations, cities historically have retained the ability to regulate aesthetic issues related to telecommunications facilities. However, federal and state law developments continue to erode that ability. The city also has certain proprietary rights over city-owned property and facilities. However, a city may not:

- Regulate based on the environmental effect of radio frequency emissions from facilities that comply with the Federal Communication Commission's (FCC) regulations and guidelines governing those emissions;
- Unreasonably discriminate between wireless service providers of functionally equivalent services;
- Prohibit wireless service; or
- Have the effect of prohibiting wireless services.

A city regulation has the effect of prohibiting wireless service when it prevents a wireless service provider from closing a significant gap in its service coverage using the least intrusive means, or imposes a regulation that effectively prohibits wireless facilities.

The latest Federal Law governing WCFs (Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012), known as the Spectrum Act, was intended to facilitate the telecommunication industry's rapid deployment of wireless infrastructure by requiring local government to approve any application that seeks to modify an existing wireless telecommunication facility that does not substantially alter the existing facility. State law also limits certain local regulation of wireless communication facilities both on private property and in the public right-of-way. State legislation (SB 1627) and FCC ruling also require a city to act on an application for a WCF within a "reasonable" amount of time and has established specific timeframe (shot clock) for processing applications. The City also cannot deny, and shall approve, any eligible facilities request for a modification of an existing wireless facility that does not substantially change the physical dimensions of such tower or base station. A decision to deny an application must be in writing and supported by substantial evidence.

Based on previous case law (Ninth Circuit in Sprint PCS Assets vs. City of Palos Verdes Estates) cities have the authority to regulate wireless facilities in the right-of-way based on aesthetics. The Ninth Circuit also determined that the California Constitution gives cities "the authority to regulate local aesthetics, and neither [California Public Utilities Code Section] 7901 nor [Section] 7901.1 divests it of that authority." The court recognized that the purpose-of public streets is not limited to travel. Streets also serve important social, expressive and aesthetic functions. Thus, time, place, and manner rules regulating access may include aesthetic considerations. Also, even though State law may permit such aesthetic regulation, the city's decision also must pass muster under federal law's significant gap analysis as discussed above.

D. HEALTH CONCERNS AND SAFEGUARDS

Potential health risks from exposure to the radio frequency (RF) electromagnetic fields generated by WCFs are a significant community concern. Accordingly, the FCC requires facilities to comply with RF exposure guidelines published in the Code of Federal Regulations (see 47 CFR §1.1307 and 47 CFR §1.1310). The limits of exposure established by the guidelines are designed to protect the public health with a very large margin of safety as they are many times below the levels that generally are accepted as having the potential to cause adverse health effects. Both the Environmental Protection Agency and Food and Drug Administration have endorsed the FCC's exposure limits, and courts have upheld the FCC rules requiring compliance with the limits.

Most WCFs create maximum exposures that are only a small fraction of the limits. Furthermore, because the antennas in a PCS, cellular, or other wireless network must be in a line-of-sight arrangement to effectively transmit, their power is focused on the horizon instead of toward the sky or ground. The FCC requires providers, upon license application, renewal, or modification, to demonstrate compliance with RF exposure guidelines. Where two or more wireless operators have located their antennas at a common location (called "collocation"), the total exposure from all antennas taken together must be within FCC guidelines. In some instances, facilities may be exempt from having to demonstrate compliance with FCC guidelines, due to their low power generation or height above ground level which is unlikely to cause exposures that exceed the guidelines.

E. GENERAL PLAN CONFORMANCE

Escondido's economy relies on innovation and providing job opportunities for the City's residents. Ubiquitous, high speed mobile broadband is proven to have a significant impact on a country's economic competitiveness and social prosperity. Existing General Plan Goals and Policies call for a "Diverse and Economically Prosperous Economy" that address the need to provide broad economic prosperity and support for businesses of all sizes, along with providing quality communication systems that enhance economic viability, governmental efficiency and equitable access for all (Mobility and Infrastructure Goals; Goal 7, page I-19 and Telecommunication Goal 7, page III-51). The proposal also is consistent with General Plan Economic Prosperity Goals (Goal 9, page I-21) to provide adequate infrastructure to support and maintain the economic vitality of Escondido businesses. Benefits of a sophisticated telecommunication system provide residents opportunities to utilize technology for establishing home offices. Telecommunication Policy 17.8 requires compatible collocation of telecommunication facilities that are designed in a manner to minimize visual impacts on surrounding uses, and Telecommunication Policy 17.9 encourages the City to work with utility companies to provide opportunities for siting telecommunication facilities on city-owned property and public right-of-ways.

F. ANALYSIS - See Attached Exhibit "B" for the proposed Ordinance modifications.

Article 34 (Communication Antennas) is available on the City's Web Site at: <http://www.qcode.us/codes/escondido/view.php?topic=33-34&frames=on>

Section 33-740(k) of Article 34 (Communication Antennas) of the Escondido Zoning Code) currently addresses the placement and design of wireless facilities within the public right-of-way. While the current provisions have worked well with the deployment of traditional wireless facilities, wireless providers desire to make the deployment of small cell facilities less burdensome and complicated as they roll out dense networks in a scalable and repeatable way. Therefore, they desire appropriate streamlining of the regulatory approval process and to allow the planning application process to support large numbers of cells by fast tracking certain approvals that conform to preset design guidelines and location preferences; batching the process for groups of wireless facilities; and decreasing the approval time and certainty for wireless facilities. However, wireless providers also play a key role in the process by proposing appropriately designed facilities from the outset, along with the submittal of complete applications with accurate project information and supporting plans and documents.

The pressures on regulatory and planning agencies continue to mount as large numbers of sites need to be identified and approved, planning permissions secured and other requirements, such as aesthetics and power limits, satisfied. Although the community continues to support wireless facilities, potential concerns may occur regarding the placement of wireless facilities close to sensitive users. Residents generally have a lower tolerance for new poles but a higher tolerance for new and smaller cabinets within the public right-of-way because many utility companies, as well as the City, install cabinets within the right-of-way. The most controversial aspects of a new facility usually are the antenna and the pole.

In order to balance the needs of the wireless providers and to avoid potential negative visual, neighborhood compatibility, and health and safety concerns; staff has proposed the following modifications:

Support Structures: The existing right-of-way provisions and proposed regulations continue to encourage new wireless facilities to be located on existing street lights, which reduces the potential visual impacts to the surrounding area because electrical service already is provided which eliminates the need to provide an additional electrical meter and disconnect on the pole. The telecommunication cables (fiber optic conduits and/or cables) have been installed underground in certain areas of the City to support the existing and proposed network or will need to be installed to support the new facilities. Installation on existing utility poles generally requires additional overhead wires to be added to support the network. Wireless facility providers also would be allowed to provide new replacement poles of substantially the same height and design as other poles throughout the neighborhood or new non-replacement poles to supplement existing street lights, but these are not preferred. Therefore, the applicant must demonstrate that the preferred poles are not available or feasible to support their facility in order to utilize a less preferred support structure. The siting of wireless facilities along the non-classified residential streets and along the front yard of residential properties is discouraged.

Design Criteria: The design criteria for small cell facilities have been modified to address siting, aesthetics, size, number of panels that can be mounted onto a structure, and height of the facility. The requirements also include additional separation requirements (300 ft. radius in residential areas) to avoid the visual clutter and proliferation of the facilities within residential neighborhoods. The regulations also require undergrounding of equipment where feasible to further reduce visual impacts and conflicts with existing facilities within the public right-of-way.

Wireless Facility Permits and Process: The proposed Ordinance establishes a new permit for the public right-of-way installation (Wireless Facility Permit). A new application form and supplemental submittal requirements will be developed by the Planning Division to be used for the submittal of new applications for wireless facilities within the public right-of-way. While all WCFs will require some sort of discretionary review/or approval, the proposed Ordinance provisions encourage location and design guideline compliance which call for well-designed and sited facilities that meet the goals of the Ordinance. Applicants can expect a tiered permit system where the level of staff and public review of the facility proposal will depend on how well a facility is sited and how unobtrusive it is in appearance to the viewing public. An administrative permit will be required for all proposed wireless facilities that conform with the requirements of Communication Antennas Ordinance and Wireless Guidelines. Administrative Permits are subject to review and approval by the Director of Community Development. However, the Director also has the discretion to elevate any request to a Conditional Use Permit to be considered by the Planning Commission at a public hearing. A Conditional Use Permit would be required for any

facility that is not subject to an Administrative Permit or for facilities in discouraged locations and those not in conformance with the Ordinance regulations. Additional findings also are required for the approval of a Conditional Use Permit for a wireless facility in the public right-of-way.

Staff currently is working on a separate document to supplement the City's right-of-way requirements for WCFs that will include more specific design guidelines for the siting and development of wireless facilities in the public right-of-way, along with permitting, application submittal requirements and standard conditions of approval. These guidelines will be considered at a public hearing at a later date.

EXHIBIT "A"

FACTORS TO BE CONSIDERED

AZ 16-0009

Zoning Code Amendment

1. Approval of the amendment to Article 34 (Communication Antennas) will not be detrimental to the public health, safety, or welfare or injurious to the property or improvements in the zone or vicinity in which the property is located because Personal Wireless Communication Facilities currently are allowed within the public right-of-way along all zones throughout the City. The proposed amendment further clarifies standards for the development of wireless facilities within the right-of-way; modifies and streamlines the review process by creating a new Wireless Facility Permit; and established clear Design Guidelines for wireless communication facilities within the public right of way. All facilities would continue to be required to conform to FCC Guidelines for Evaluative the Environmental Effects of Radiofrequency Radiation. No development project is proposed.
2. The properties/zones involved are suitable for the uses permitted and would not be detrimental to surrounding properties because the proposed the public right-of-way can adequately accommodate wireless communication facilities and the amendment only includes appropriate processing development standards and processing requirements to evaluate the appropriateness of a proposed wireless facilities proposed within the public right-of-way.
3. Escondido's economy relies on innovation and providing job opportunities for the City's residents. Ubiquitous, high speed mobile broadband is proven to have a significant impact on a country's economic competitiveness and social prosperity. The proposed amendment would be consistent with General Plan Goals and Policies that call for a "Diverse and Economically Prosperous Economy" that address the need to provide broad economic prosperity and support for businesses of all sizes. General Plan Mobility and Infrastructure Goals (Goal 7, page I-19 and Telecommunication Goal 7, page III-51) call for providing quality communication systems that enhance economic viability, governmental efficiency and equitable access for all. The proposed amendment also is consistent with General Plan Economic Prosperity Goals (Goal 9, page I-21) to provide adequate infrastructure to support and maintain the economic vitality of Escondido businesses. Telecommunication Policy 17.8 requires compatible colocation of telecommunication facilities that are designed in a manner to minimize visual impacts on surrounding uses, and Telecommunication Policy 17.9 encourages the City to work with utility companies to provide opportunities for siting telecommunication facilities on city-owned property and public right-of-ways.
4. The proposed code amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) only establishes criteria to assess and process applications for the development of wireless communication facilities within the public right-of-way. The proposed zoning code amendment is not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.
5. The proposed zoning code amendment would not affect any specific plans.

EXHIBIT "B"

Proposed Amendment to Section 33-704 (k) pertaining to Personal Wireless Service Facilities in the Right-of-Way.

- (k) Public Right-of-Way. All requirements of this Article shall apply to the placement, construction, modification, reconstruction, or repair of any personal wireless service facilities proposed within the public right-of-way, except to the extent precluded by state or federal law. The following general requirements also shall apply:
- (1) All personal wireless service facilities must comply with the City's requirements for an encroachment permit as set forth in Chapter 23 of this code and any guidelines adopted pursuant to this Article. All applicants shall enter into a license agreement as provided by the City to the extent the facility is proposed to be located on City facilities.
 - (2) Personal wireless service facilities in the right-of-way shall be installed on existing street light poles or substantially similar replacement poles in the same location. Where it has been demonstrated that it is not feasible to locate on an existing street light or similar replacement pole, a wireless facility may install a new streetlight to supplement existing lighting. New or replacement street light poles shall be designed to resemble the appearance and dimensions of a street light typical of the surrounding neighborhood, including size, height, color, materials and style, whenever feasible. Where it has been demonstrated that it is not feasible to locate on a new streetlight, a wireless facility may locate on an existing traffic signal, utility pole, or bus stop. The installation of a new structure, that is not a street light, may be permitted by conditional use permit. The installation of a new wooden pole is not permitted.
 - (3) All personal wireless service facilities in the right-of-way shall be sited in order to minimize potential visual and compatibility impacts with adjacent properties. In residential areas, placing wireless facilities along non-classified residential streets and along the front yard of residential properties should be avoided. Wireless facilities must be designed to be visually unobtrusive with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. The equipment must be painted or textured to match the color or surface of the structure on which they are attached, or otherwise screened to reduce their visibility.
 - (4) No more than one panel antenna may be mounted on a single pole or structure. No antenna may exceed two feet in length. Panel antennas shall be vertically mounted to a pole or support structure in compliance with any applicable separation requirements. An antenna enclosure attached to the top of a utility pole or street light shall be cylindrical in shape, shall be not exceed four feet in height and shall not have a diameter greater than the diameter of the pole. New street lights or replacement poles must match the height and design of the existing street light in the same neighborhood. In no case shall a new wireless facility exceed 35 feet in height. The antennas and other related equipment shall be mounted as close to the pole as possible, with no more than a four-inch gap, to minimize impacts to the visual profile. Pole-mounted equipment, exclusive of antennas, shall not exceed six cubic feet in dimension. Pole-mounted equipment and antennas shall not extend eight inches from the pole in any direction. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.

- (5) The spacing between existing poles and new personal wireless service facilities must avoid visual clutter and maintain the existing character of the surrounding neighborhood. In residential areas, no wireless facility may be located within a 300-foot radius of any other wireless facility within the right-of-way, except in the case of a permitted collocation facility that does not result in a substantial increase in size.
- (6) No personal wireless service facility may be located within the right-of-way where there are no overhead utility facilities or streetlight poles unless permitted pursuant to a conditional use permit. No new overhead wires shall be allowed in areas where undergrounding of utilities has occurred or is anticipated.
- (7) All other non-antenna equipment associated with the personal wireless service facility shall be placed underground, except any required electric meter or disconnect switch associated with an installation on an existing utility pole. Equipment shelters shall not be allowed in the public right-of-way where their presence would interfere with existing uses or infrastructure, and shall be located as to minimize impacts to neighborhood aesthetics, pedestrian access, and vehicular site distance and safety.
- (8) **Wireless Facility Permits.** All new personal wireless service facilities proposed within the right-of-way, collocations or modifications to existing wireless facilities shall require the issuance of a wireless facility permit. The Director may establish the forms and submittal requirements to implement the requirements of this Article. The Director may refer any application for a wireless facility permit to the Planning Commission for consideration at a noticed public hearing.
 - (A) **Administrative Permit.** All proposed facilities which meet all the requirements in this Article and any adopted guidelines may be processed through an Administrative Wireless Facility Permit. The Director shall determine whether an application meets the requirements of this Article and any adopted guidelines. The application shall follow the procedures and fees for a Plot Plan and design review.
 - (B) **Conditional Use Permit.** All other proposed facilities that the Director determines do not meet the requirements of this Article or any adopted guidelines must be processed through a conditional use permit. The applicant must pay any necessary application fees in accordance with a conditional use permit application.
 - (C) **Planning Commission findings.** In addition to the findings in Section 33-1203, the Planning Commission must also make the following findings in approving a conditional use permit for a personal wireless service facility:
 - I. That the applicant has demonstrated that the site is necessary to close a significant gap in service;
 - II. That the location proposed conforms to the requirements of this Article and any adopted guidelines to the maximum extent possible;
 - III. That the design proposed conforms to the requirements of this Article and any adopted guidelines to the maximum extent possible;
 - IV. That the applicant has demonstrated a good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible or potentially available; and

- V. That the applicant has provided a meaningful comparative analysis that demonstrates that no alternative technology or other alternatives are feasible to comply with the design or placement requirements of this Article, and any adopted guidelines.
9. The City Council may, by resolution, establish additional criteria and guidelines for the location, operation, design and review of personal wireless service facilities in the public right-of-way.

**Wireless Ordinance Comparison
San Diego Jurisdictions**

Jurisdiction	Wireless Ordinance	Right-of-Way Standards	R-O-W Design Requirements
Carlsbad	No: Adopted detailed Council Policy No. 64 for Wireless Communication Facilities	Yes	Antenna assembly not to exceed height of pole Antennas shall be vertically mounted and shall not exceed 8 inches in distance from pole to front side of panel No more than 4 panel antennas and 2 omni-directional antennas mounted onto a pole
Chula Vista	No. Zoning Code references radio transmission towers with CUP or Minor CUP in certain zones	No	
Coronado	No. Referred to as antenna tower or antenna mast, subject to underlying zoning regulations and Design Review Commission approval	No.	
County	Yes	Yes	Antennas cannot project more than 2 feet above support structure (i.e., light pole) No more than 2 antennas allowed on a site Equipment cabinets no larger than 6 cubic feet
Del Mar	No. Allowed with CUP in limited zones	No	
El Cajon	Yes. CUP required for monopoles in all zones	No.	
Encinitas	Yes	No	
Escondido	Yes	Yes	
Imperial Beach	Yes	No	
La Mesa	No. Have separate Wireless Design Guidelines. City Council approval required for wireless facilities	No	

Lemon Grove	No. Referred to as communication in zoning code and allowed within certain zones subject to varying permits.	No	
National City	Yes. Allowed with CUP in limited zones	No	
Oceanside	Yes	No	
Poway	No. Poway has no wireless regulations in zoning code	No	
San Diego	Yes, including separate design guidelines	Provided in Wireless Communication Facility Guidelines	24 inch or smaller antenna and one equipment cabinet for small cells Equipment cabinet may not exceed 7 cubic feet Antennas to be mounted no more than 4 inches from pole for full size antennas (Macro Facilities) and no downtilt
San Marcos	Yes	Yes	Contains location and design preferences for antennas and equipment Antennas not to exceed 4' above street light or traffic standard Panel antennas mounted to pole not to extend more than 6" from the pole in any direction Wooden poles – horizontal antenna mount not to extend more than 5' from pole No more than 4 panel antennas or 2 omni-directional (whip antennas) on any pole
Santee	Yes	No	
Vista	No, Draft Ordinance being developed	Draft Ordinance contains R-O-W standards	No specific antenna design, size or height requirements



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

Notice of Exemption

To: San Diego County Clerk/Recorder's Office
 Attn: Fish and Wildlife Notices
 1600 Pacific Hwy. Suite 260
 San Diego, CA 92101
 MS: A-33

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

Project Title/Case No.: AZ16-0009 (Communication Antenna Ordinance)

Project Location - Specific: Citywide

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

Description of Project: An amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to modify the regulations for wireless communication facilities within public the right-of-way. The proposal also includes the adoption of the environmental determination prepared for the project. No development project is proposed.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Jay Paul, Associate Planner (City of Escondido Planning Div.) Telephone: (760) 839-4537

Address: 201 N. Broadway, Escondido, CA 92025

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

Exempt Status: Categorical Exemption CEQA Section 15061(b)(3) "General Rule"

Reasons why project is exempt:

The proposed code amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) only establishes criteria to assess and process applications for the development of wireless communication facilities within the public right-of-way. The proposed zoning code amendment is not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.

Area Code/Telephone/Extension (760) 839-4537

Signature: _____
 Jay Paul, Associate Planner

 Date

Signed by Lead Agency

Date received for filing at OPR: N/A

Signed by Applicant

Jay Paul

From: Rose, Joseph <Joseph.Rose41@T-Mobile.com>
Sent: Friday, May 05, 2017 12:28 PM
To: Jay Paul
Cc: Fulton, Michael; Salyer, Melania
Subject: T-Mobile Questions/Concerns with New ROW Wireless Ordinance
Attachments: Small cell designs.pptx

Hi Jay,

Thanks for taking the time to speak with me yesterday. As I explained on the phone we would like to get a quick face to face meeting set up with you to discuss a few questions and concerns regarding the new ROW wireless ordinance.

Here are a few of our points we would like to discuss:

1. When is the exact date that this will be voted on for approval and subsequently go into effect? You mentioned the 24th on the phone, is that the 24th of May?
2. Does the 6 cubic feet include a meter box and/or telco box that would possibly be separate from our actual pole mounted equipment?
3. Does the 2ft antenna size include any shrouds or coverings that may be required or is the 2ft strictly for the antenna? And is the 2ft the absolute maximum size or can there be variances?
 - a. If there are variances to the antenna size will that take it out of admin review?
4. Are there any City owned assets that are off limits?
5. What will be the typical time to process applications if they fall under the administrative review and if they don't fall under the admin review what will be the typical review time?
6. What exactly does the 300 ft. radius entail? Would that just be for light standards on residential streets? What is the radius for commercial areas where small cells would be appropriate at numerous intersections?
7. Does the 300ft only apply to a single carrier? For example if AT&T has a small cell on a light standard would that mean that T-Mobile would have to be at least 300ft from that standard or would it mean just AT&T would have to be 300ft away?

I have attached a copy of our equipment design. We will most likely be going with the 4 unit design on the last slide, good news is this is smaller than the 6 cubic ft. that the ordinance allows for. We are still pending the design of the actual pole attached antennas and hope to have more info on that soon.

Please let me know once you have reviewed my email and let me know a good time to have a quick face to face so we can discuss our build plan with you in a little more detail.

Thank you,

Joey Rose, Esq.



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May 5, 2017

Mr. Jay Paul
City of Escondido
Planning Division
201 North Broadway
Escondido, CA 92025

RE: Amendment to Article 34 (Communication Antenna Ordinance)
of the Escondido Zoning Code

Dear Mr. Paul:

As outside counsel for Crown Castle NG West LLC ("Crown Castle"), I want to thank the City of Escondido ("City") for allowing Crown Castle to participate in the process of rewriting of the City's Communications Antenna Ordinance ("Ordinance"). As the largest provider of Small Cells and Distributed Antenna Systems (collectively "Small Cells") in the United States, Crown Castle has deployed thousands of telecommunications facilities in the public Right-of-Ways ("ROW"). These facilities employ several technologies and are usually termed with the generic "Small Cells." Consequently, Crown Castle has developed an expertise in working with jurisdictions to thoughtfully plan and deploy wireless communication facilities ("WCF") throughout southern California, including every jurisdiction in San Diego County.

Crown Castle believes the City's Draft Ordinance is a good first step. The Ordinance, however, needs to:

- 1) more accurately characterize the critical role wireless infrastructure plays in modern society and the current state of the law;
- 2) more accurately acknowledge the authority of Certificate of Public Convenience and Necessity ("CPCN") to enter into and occupy the ROW; and,
- 3) Develop better design and siting criteria to achieve the stated goal of "providing seamless and ubiquitous wireless coverage and capacity for the community's constituents", while minimizing potential adverse visual impacts to the community.

The Critical Role Wireless Infrastructure Plays in Society

In the Staff Report, Section F. Analysis, it states that it is the wireless providers that desire the streamlining of the regulatory approval process for Small Cell deployments. That is only partially correct. It is the federal government and the State that also want to stream line the approval process. That legislative desire manifested itself in shot clock requirements, defining universal terms (such as collocation), and defining criteria for eligible facilities requests whereby local discretion is curtailed to the point that jurisdictions shall not deny and must approve modifications to an existing WCF. All of this legislative activity is in acknowledgement of the critical role wireless infrastructure plays in society.

Over half the households in the United States do not have a landline. According to the FCC:.

“The number of 911 calls placed by people using wireless phones has significantly increased in recent years. It is estimated that about 70 percent of 911 calls are placed from wireless phones, and that percentage is growing. For many Americans, the ability to call 911 for help in an emergency is one of the main reasons they own a wireless phone. Other wireless 911 calls come from “Good Samaritans” reporting traffic accidents, crimes or other emergencies. The prompt delivery of wireless 911 calls to public safety organizations benefits the public by promoting safety of life and property.” www.fcc.gov/guides/wireless-911-services

Wireless data usage is growing exponentially; therefore robust wireless infrastructure is needed to meet this prolific public demand. Wireless connectivity is no longer a luxury; it is a public health and safety necessity. It is estimated by some experts that nationally there will need to be more than 1.5 million WCF installed in the ROW in order to achieve 5G compatibility. Local jurisdictions should be opening up their infrastructure to the maximum extent possible instead of creating ordinances that limit or restrict attachment options on existing vertical infrastructure in the ROW. Local regulations that take into consideration the minimum physical requirements of the wireless industry, and that clearly articulate community values and standards are most effective.

The Current State of the Law

Regulations must be reasonable in regard to time, place and manner and must not contravene federal and state law. The City’s authority to regulate aesthetics does not over-ride State franchise holders’ rights to enter into and occupy the ROW. City regulations cannot prohibit nor have the effect of prohibiting a wireless provider from providing service. Further, a wireless provider cannot be denied a permit so long as it is proposing the “least intrusive means” to fill a gap in service. Under California Public Utility Code Section 7901 and 7901.1, telephone utility companies have State vested rights to erect poles and other appurtenant equipment within the ROW in order to

deploy their networks. Therefore, a “significant gap” analysis is not needed because these telephone utility companies already have a right to be in the ROW. Furthermore, even if the City insisted on a “significant gap” analysis, insufficient coverage or capacity would satisfy any “significant gap” requirement. Given that Small Cells can have coverage objectives as small as a couple hundred feet, such as covering a particularly busy intersection, a significant gap will always exist – and requiring such analysis would be an unnecessary burden on an applicant – adding time and cost to the process while adding no substantive value to the City’s review of an application.

Crown Castle is a Competitive Local Exchange Carrier (“CLEC”) and Authority to Be In the ROW

Crown Castle is a Competitive Local Exchange Carrier (“CLEC”) in the State of California that provides regulated telecommunications services under Certificate of Public Convenience and Necessity (“CPCN”) #U-6741-C granted by the California Public Utilities Commission (“CPUC”). Crown Castle is not a wireless service provider, nor does it provide wireless services to the general public. Instead, Crown is a telephone utility or “carrier’s carrier” that builds whole communications networks and provides telecommunications services to its customers. These networks include fiber optic cabling, digital processing hubs, and small antennas.

Crown Castle’s networks are used to provide coverage and capacity solutions to wireless carriers such as Verizon, AT&T, and T-Mobile to name a few. Given that Crown Castle is a telephone corporation under California law; it has express rights to access the ROW to install its facilities in order to provide regulated services. Furthermore, Crown Castle has already entered into a License Agreement with the City to attach to City facilities located in the ROW. Specific equipment and antenna configurations were agreed to and included in that Agreement.

Therefore, Crown Castle’s primary areas of concern with the Draft Ordinance are the treatment of Small Cells in the ROW and how these new standards would affect the existing Agreement between Crown Castle and the City. Below are specific comments regarding the Staff Report; Exhibit “A” factors to be considered; and, Exhibit “B” proposed amendments to Section 33-704(k).

Develop Better Design and Siting Criteria

Section F, Analysis

Under the discussion of Support Structures, the City provides guidance that collocating on an existing streetlight is preferred, and that non-replacement poles are not preferred. Further, new poles should be proposed as street lights. Although this direction is helpful, the Ordinance should address all other existing vertical infrastructure located in the ROW, including that not owned by the City.

The City cannot create a monopoly whereby wireless providers must demonstrate that the preferred "City" poles are not available or feasible to support the WCF before using a less preferred "non-City" support structure. Most wireless providers would not be opposed to a statutory preference for existing municipal infrastructure, so long as the City charges pole rent that is consistent with regulated rents wireless providers typically pay to attach to other poles located in the ROW, Requiring attachment to City poles at inflated pole rents would create an illegal monopoly in the City's favor.

All existing vertical infrastructure in the ROW should be open to attachment – State law requires this. The City could create a spectrum or gradation of poles types from most preferred to least preferred / most discouraged. Non-City poles such as utility poles should be encouraged and preferred. Utility poles are usually not sited along the front yards of residential properties, and provide inconspicuous opportunities to provide coverage and capacity into residential areas. In fact, it is this "last mile" of connectivity in residential areas that is proving most challenging. While everyone agrees that the siting of WCF along arterial and collector streets is preferred, that is not always possible. Small Cells have limited power and thus limited range. Therefore, it is imperative that the City's Ordinance include an administrative approval process that allows for Small Cells to be sited anywhere in the ROW, including residential areas.

Design Criteria

City Design Criteria that requires space separation between WCF is ill-advised. As was mentioned earlier, Small Cells often have coverage objectives that are often a couple hundred feet in distance or less. As 5G technology proliferates, these distances, along with equipment size will continue to shrink. Whether because of topographic considerations or a number of other reasons, the City may find it more desirable to allow more WCF in a particular area because it would result in an overall reduction in the number of WCF City-wide. The City's proposed 300-foot radius separation between WCF in residential areas will certainly lead to an effective prohibition of service and should be removed from the Ordinance. Other jurisdictions have addressed this challenge by requiring a minimum space separation between WCF, along the same side of the street.

Wireless Facility Permits and Process

Jurisdictions with populations larger than 100,000 people generally do not have the time, resources or desire to require a Conditional Use Permit ("CUP") for each and every WCF application. Instead, these mid-to-larger jurisdictions often adopt a tiered permitting approach whereby WCF of a certain size and dimension are allowed administratively in the ROW. WCF larger than the administrative threshold would have to under-go a more rigorous discretionary review process. The creation of an administrative review process for Small Cells steers wireless providers to build physically smaller WCF because speed to market and certainty of permitting process are compelling incentives to industry.

Siting criteria should be specific. Community values that the City wishes to encourage must be clearly articulated. Specific antenna and equipment configurations, along with the ability of wireless providers (in consultation with the City) to modify and enhance configurations, should be contained in the City's License Agreement. The City may want to limit its aesthetic review to impacts to "public views" as opposed to impacts to "the viewing public". Unless the City already has specific guidelines for protecting private views, the City should be leery of creating a slippery slope whereby "the viewing public" could be interpreted to mean private views.

The City Staff's Analysis makes mention of requiring additional findings for the approval of a CUP for a WCF in the ROW. All findings required for an approval must specifically be provided for in the Ordinance. As the FCC provided in its 2014 Wireless Infrastructure Report and Order (FCC 14-153) any information the City requires must be based on a "code provision, ordinance, application instruction, or otherwise publically-stated procedures that require the information to be submitted." Any provision requiring support of "additional findings" is unsupportable in law.

As discussed earlier, the ROW is its own land use designation. Besides moving traffic, the ROW has historically and properly been the means by which utility infrastructure is brought to end users. The City should not impose adjacent zoning regulations upon WCF located in the ROW. To do so would diminish the primary purpose of the ROW, to transport people, goods and services.

EXHIBIT "A"

We propose altering Zoning Code Amendment (1) as follows:

1. Approval of the amendment to Article 34 (Communication Antennas) will improve public health and welfare and beneficial to the property or improvements in adjacent zones or vicinity in which the property is located because Personal WCF are currently allowed within the ROW throughout all zones in the City."

EXHIBIT "B"

Proposed Amendment to Section 33-704(k) pertaining to Personal Wireless Service Facilities in the ROW.

(k) The maintenance of WCF in the ROW should be specifically exempted from the Ordinance.

(2) Infeasibility of locating on an existing streetlight should include economic infeasibility if the City charges more than regulated rates paid by wireless providers to other pole owners within the ROW.

Traffic signals should be a possibility for attachment. In other jurisdictions such as the City of San Diego, wireless providers are allowed to attach to these facilities. Traffic signals, especially in underground districts, are sometimes the only existing vertical infrastructure available in the ROW. Many jurisdictions find it more desirable to attach to existing traffic signals than to have wireless providers propose a new vertical element into the ROW.

For reasons mentioned earlier in this letter, utility poles should be encouraged and considered a preferred location. The City may want to expand its pallet of acceptable new structures from just streetlights, to include structures typically found in the ROW such as traffic signs, bus stops, etc. The City should not limit the ability of wireless providers to tailor a WCF in the ROW to the surrounding community as much as possible.

(3) As discussed earlier in this letter, the ROW is its own unique land use. Adjacent land uses and zoning should not limit or restrict the primary use and purpose of the ROW. While the siting of WCF on classified streets should be strongly encouraged, siting on local streets should be permitted administratively so long as the WCF complies with size and dimension standards.

We propose that the last line of the paragraph be modified to read, "attached, or otherwise screened or camouflaged to reduce their visibility."

(4) The following standards are arbitrary, capricious and ill-advised:

- One panel antenna per pole, not to exceed 2-feet in height.

Although technology is shrinking the size of wireless components, Small Cells are not shrinking. The primary reason for this is that consumer demand is requiring more speed, more bandwidth and more services. Consequently, larger antennas are needed than the 2-foot requirement. In regard to one panel antenna per pole standard, panel antennas are directional antennas. Therefore, the proposed standard would make new WCF one sector/directional facilities (with the exception of pole top radome extensions).

- Maximum height for a WCF is 35-feet.

This standard is arbitrary unless all street lights, and other potential support structures, in the ROW are 35-feet in height or less. WCF should be attached to support structures that blend into the built environment of the ROW regardless of the height of the structure. Some jurisdictions restrict WCF height of WCF support structures to the average height of poles in the area.

- Pole mounted equipment and antennas must be mounted with less than a 4-inch gap.

General Order 95, and other such health and safety regulations, may not allow for such tight spacing on a pole. The City may want to consider adding the phrase, "unless other, larger equipment separation requirements are required to conform to health and safety regulations such GO 95 and OSHA."

- Pole mounted equipment may not exceed 6-cubic feet.

As stated earlier, although technology is making components smaller, Small Cells are not necessarily getting smaller. The proposed 6-cubic feet standard is too small to hold the typical equipment found at a Small Cell. Many jurisdictions that have a tier regulatory system, such as the City of San Diego, are currently evaluating the possibility of increasing volume standards in order to accommodate these larger Small Cells.

- Pole mounted equipment may not and antennas must be within 8-inches of the pole

This proposed requirement has the same problems as the 4-inch gap requirement discussed above. There are health and safety regulations that may supersede City requirements.

- Pole top extensions may not have a radome antenna that exceeds 4-feet in height, and it must not exceed the diameter of the pole.

Although the Ordinance prefers pole top extensions, the City needs to be more realistic than requiring radomes that cannot exceed the diameter of the pole. Typical street lights have slightly tapered poles that narrow to between 7-10 inches in diameter. Radome antenna brackets are by necessity larger than the antenna because it fastens the antenna to the outside of the pole. The City should be less concerned with regulating antenna sizes and more focused on creating aesthetic standards that clearly articulate Escondido's community values.

Although technology is reducing the size of components, consumer demand (especially for data) is driving the need for wireless infrastructure to be more robust. Consequently, wireless carriers are required to use multiple frequency bands in an attempt to keep up with that demand. Multiple frequencies usually results in larger antennas and more ancillary equipment to support various services. Additionally, there are climbing safety regulations such as General Order 95 that would be contravened by the City's proposed standards. Consequently, the restrictions currently contained in the Ordinance will not meet the needs of today's networks.

(5) As discussed earlier in this letter, a 300-foot radius separation between WCF in any zone should be re-evaluated.

(6) The Ordinance states that no WCF may be located in the ROW where there are no overhead utility facilities or streetlight poles unless pursuant to a CUP. This is confusing. In an area with no overhead utilities but streetlights, no WCF may be located in the ROW except through a CUP. Further, the Ordinance states that if there are overhead utility facilities but no streetlight poles, no WCF may be located in the ROW, except through a CUP. Neither of these limitations makes much sense when more poles, not fewer poles, are needed for attachment in order to make 5G connectivity a reality.

The no new overhead wires should be limited to underground districts. To require that a new CLEC entrant underground its utility lines, when the ILEC does not is illegal. The City cannot discriminate among entities providing equivalent services. This discrimination would be further compounded if the City's "anticipated" underground district never occurs. Most CLECs and other wireless providers would not be opposed to a statutory requirement to underground utility lines so long as every other user and utility in the ROW undergrounds their utility lines.

(7) The second paragraph, first sentence should be modified to read, "All other non-antenna equipped associated with the personal wireless service facility shall be placed underground wherever feasible, excepting any required electric meter or disconnect switch."

(8) Wireless Facility Permits. Routine maintenance should be specifically exempted from the Ordinance.

(A) An Administrative Permit should be granted for Small Cells attached to any existing antenna support structure located in the ROW, regardless of adjacent zoning. The ROW is its own land use designation and adjacent land uses should not encumber the primary purpose of the ROW to transport people, good and services

(C)(I) For telephone utility companies like Crown Castle, California Utility Code Section 7901 and 7901.1 make this finding moot. State franchise holders have the authority to enter into and construct and install poles in the ROW in order to develop their networks. While federal law may allow jurisdictions to require applicants prove a "significant gap" in coverage, State law has no such requirement.

(C)(IV) We propose altering to: "That the applicant has demonstrated a good-faith effort to identify and evaluate more preferred locations within the ROW and that..."

The FCC has made clear that the City cannot be in the business of dictating the technologies that companies must use to provide services. Further, the FCC has pre-empted the field and local jurisdictions are not allowed to regulate RF emissions or technological choices.

Crown Castle strongly recommends that the City hold a wireless workshop with industry and other stakeholders. It is important that City regulations take into consideration the minimum physical and special needs of wireless providers. Best practices and procedures should be shared. The Ordinance needs to be structured so that ubiquitous wireless coverage and capacity is achieved, with the least amount of adverse impacts on the community. Crown Castle looks forward to assisting the City achieve its wireless goals.

If you have any questions or need additional information regarding these comments, please do not hesitate to contact me. Thank you again for the opportunity to comment, we look forward to working with the City.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul R. O'Boyle". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul R. O'Boyle

ORDINANCE NO. 2017-10

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING ARTICLE 34 OF THE ESCONDIDO
ZONING CODE PERTAINING WIRLESS
COMMUNICATION FACILITIES WITHIN THE
RIGHT-OF-WAY

Planning Case No. AZ16-0009

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

SECTION 1. That proper notices of a public hearing have been given and public hearings have been held before the Planning Commission and City Council on this issue.

SECTION 2. That the City Council has determined that this Zoning Code Amendment is exempt from the California Environmental Quality Act ("CEQA") in conformance with CEQA Guidelines Section 15061(b)(3) "General Rule" and finds that no significant environmental impact will result from approving this code amendment.

SECTION 3. That upon consideration of the staff report; Planning Commission recommendation; Factors to be Considered, attached as Exhibit "A" to this Ordinance and incorporated by this reference; and all public testimony presented at the hearing held on this project, this City Council finds the proposed Zoning Code Amendment is consistent with the General Plan and does not affect any specific plans of the City of Escondido.

SECTION 4. That Article 34 of the Escondido Zoning Code, Section 33-704(k) "Public Right-of-Way" is deleted and replaced with language attached as Exhibit "B" to this Ordinance and incorporated by this reference.

SECTION 5. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

EXHIBIT "A"

FACTORS TO BE CONSIDERED AZ16-0009

1. Approval of the amendment to Article 34 (Communication Antennas) will not be detrimental to the public health, safety, or welfare or injurious to the property or improvements in the zone or vicinity in which the property is located because Personal Wireless Communication Facilities currently are allowed within the public right-of-way along all zones throughout the City. The proposed amendment further clarifies standards for the development of wireless facilities within the right-of-way; modifies and streamlines the review process by creating a new Wireless Facility Permit; and established clear Design Guidelines for wireless communication facilities within the public right of way. All facilities would continue to be required to conform to FCC "Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation." No development project is proposed.
2. The properties/zones involved are suitable for the uses permitted and would not be detrimental to surrounding properties because the proposed the public right-of-way can adequately accommodate wireless communication facilities and the amendment only includes appropriate processing development standards and processing requirements to evaluate the appropriateness of a proposed wireless facilities proposed within the public right-of-way.
3. Escondido's economy relies on innovation and providing job opportunities for the City's residents. Ubiquitous, high speed mobile broadband is proven to have a significant impact on a country's economic competitiveness and social prosperity. The proposed Zoning Code Amendment facilitates the development of the City's telecommunication network, which is supported by numerous goals and policies. The proposed amendment would be consistent with General Plan Goals and Policies that call for a "Diverse and Economically Prosperous Economy" that address the need to provide broad economic prosperity and support for businesses of all sizes. General Plan Mobility and Infrastructure Goals (Goal 7, page I-19 and Telecommunication Goal 7, page III-51) call for providing quality communication systems that enhance economic viability, governmental efficiency and equitable access for all. The proposed amendment also is consistent with General Plan Economic Prosperity Goals (Goal 9, page I-21) to provide adequate infrastructure to support and maintain the economic vitality of Escondido businesses. Telecommunication Policy 17.8 requires compatible colocation of telecommunication facilities that are designed in a manner to minimize visual impacts on surrounding uses, and Telecommunication Policy 17.9 encourages the City to work with utility companies to provide opportunities for siting telecommunication facilities on city-owned property and public right-of-ways.
4. The proposed code amendment is exempt from environmental review in conformance with CEQA Guideline Section 15061(b)(3). The activity is covered by the general rule that exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. Approval of the proposed amendment to the Escondido Zoning Code would not individually or cumulatively result in the possibility of creating significant effects on the environment because the proposed amendment to the Zoning Code (Article 34) only establishes criteria to assess and process applications for the development of wireless communication facilities within the public right-of-way. The proposed zoning code amendment is not a "physical condition" that will impact the environment for the purposes of CEQA. Therefore, the proposed code amendment is not subject to CEQA under the General Rule and no further environmental review is necessary.
5. The proposed zoning code amendment would not affect any specific plans.

EXHIBIT "B"

Proposed Amendment to Section 33-704 (k) pertaining to Personal Wireless Service Facilities in the Right-of-Way.

- (k) Public Right-of-Way. All requirements of this Article shall apply to the placement, construction, modification, reconstruction, or repair of any personal wireless service facilities proposed within the public right-of-way, except to the extent precluded by state or federal law. The following general requirements also shall apply:
- (1) All personal wireless service facilities must comply with the City's requirements for an encroachment permit as set forth in Chapter 23 of this code and any guidelines adopted pursuant to this Article. All applicants shall enter into a license agreement as provided by the City to the extent the facility is proposed to be located on City facilities.
 - (2) Personal wireless service facilities in the right-of-way shall be installed on existing street light poles or substantially similar replacement poles in the same location. Where it has been demonstrated that it is not feasible to locate on an existing street light or similar replacement pole, a wireless facility may install a new streetlight to supplement existing lighting. New or replacement street light poles shall be designed to resemble the appearance and dimensions of a street light typical of the surrounding neighborhood, including size, height, color, materials and style, whenever feasible. Where it has been demonstrated that it is not feasible to locate on a new streetlight, a wireless facility may locate on an existing traffic signal, utility pole, or bus stop. The installation of a new structure, that is not a street light, may be permitted by conditional use permit. The installation of a new wooden pole is not permitted.
 - (3) All personal wireless service facilities in the right-of-way shall be sited in order to minimize potential visual and compatibility impacts with adjacent properties. In residential areas, placing wireless facilities along non-classified residential streets and along the front yard of residential properties should be avoided. Wireless facilities must be designed to be visually unobtrusive with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. The equipment must be painted or textured to match the color or surface of the structure on which they are attached, or otherwise screened to reduce their visibility.
 - (4) No more than one panel antenna may be mounted on a single pole or structure. No antenna may exceed two feet in length. Panel antennas shall be vertically mounted to a pole or support structure in compliance with any applicable separation requirements. An antenna enclosure attached to the top of a utility pole or street light shall be cylindrical in shape, shall not exceed four feet in height and shall not have a diameter greater than the diameter of the pole. New street lights or replacement poles must match the height and design of the existing street light in the same neighborhood. In no case shall a new wireless facility exceed 35 feet in height. The antennas and other related equipment shall be mounted as close to the pole as possible, with no more than a four-inch gap, to minimize impacts to the visual profile. Pole-mounted equipment, exclusive of antennas, shall not exceed six cubic feet in dimension. Pole-mounted equipment and antennas shall not extend eight inches from the pole in any direction. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the extent feasible.

- (5) The spacing between existing poles and new personal wireless service facilities must avoid visual clutter and maintain the existing character of the surrounding neighborhood. In residential areas, no wireless facility may be located within a 300-foot radius of any other wireless facility within the right-of-way, except in the case of a permitted collocation facility that does not result in a substantial increase in size.
- (6) No personal wireless service facility may be located within the right-of-way where there are no overhead utility facilities or streetlight poles unless permitted pursuant to a conditional use permit. No new overhead wires shall be allowed in areas where undergrounding of utilities has occurred or is anticipated.
- (7) All other non-antenna equipment associated with the personal wireless service facility shall be placed underground, except any required electric meter or disconnect switch associated with an installation on an existing utility pole. Equipment shelters shall not be allowed in the public right-of-way where their presence would interfere with existing uses or infrastructure, and shall be located as to minimize impacts to neighborhood aesthetics, pedestrian access, and vehicular site distance and safety.
- (8) **Wireless Facility Permits.** All new personal wireless service facilities proposed within the right-of-way, collocations or modifications to existing wireless facilities shall require the issuance of a wireless facility permit. The Director may establish the forms and submittal requirements to implement the requirements of this Article. The Director may refer any application for a wireless facility permit to the Planning Commission for consideration at a noticed public hearing.
 - (A) **Administrative Permit.** All proposed facilities which meet all the requirements in this Article and any adopted guidelines may be processed through an Administrative Wireless Facility Permit. The Director shall determine whether an application meets the requirements of this Article and any adopted guidelines. The application shall follow the procedures and fees for a Plot Plan and design review.
 - (B) **Conditional Use Permit.** All other proposed facilities that the Director determines do not meet the requirements of this Article or any adopted guidelines must be processed through a conditional use permit. The applicant must pay any necessary application fees in accordance with a conditional use permit application.
 - (C) **Planning Commission findings.** In addition to the findings in Section 33-1203, the Planning Commission must also make the following findings in approving a conditional use permit for a personal wireless service facility:
 - I. That the applicant has demonstrated that the site is necessary to close a significant gap in service;
 - II. That the location proposed conforms to the requirements of this Article and any adopted guidelines to the maximum extent possible;
 - III. That the design proposed conforms to the requirements of this Article and any adopted guidelines to the maximum extent possible;
 - IV. That the applicant has demonstrated a good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible or potentially available; and

- V. That the applicant has provided a meaningful comparative analysis that demonstrates that no alternative technology or other alternatives are feasible to comply with the design or placement requirements of this Article, and any adopted guidelines.
- (9) The City Council may, by resolution, establish additional criteria and guidelines for the location, operation, design and review of personal wireless service facilities in the public right-of-way.



FUTURE CITY COUNCIL AGENDA ITEMS
Updated May 18, 2017

*AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617*

May 31, 2017
NO MEETING (5th Wednesday/Memorial Day)

June 7, 2017
4:30 p.m.

CONSENT CALENDAR

Bid Award for Water Meters
(S. Bennett)

On April 17, 2017, requests for bids were emailed out to eight vendors and three bid responses were received, opened, and evaluated on May 1, 2017.

Final Engineer's Report for the City of Escondido Landscape Maintenance District Zones 1 through 38 for Fiscal Year 2017/2018
(E. Domingue)

Adoption of Resolution No. 2017-83 is the final step in the annual review process for the Engineer's Report and assessments for Zones 1 through 38 of the City of Escondido Landscape Maintenance District for FY 2017/2018.

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.

Lease of Surplus Right-of-Way to Cross Connection Church at El Norte Parkway and Seven Oakes Road
(J. Procopio)

A lease was entered into on July 1, 2007, with Calvary Chapel of Escondido for parking purposes. Calvary Chapel of Escondido is now known as Cross Connection Church. The parties desire to enter into a new five-year lease agreement to allow continued use of the vacant real property.

June 7, 2017
Continued

CONSENT CALENDAR Continued

Bid Award for the East Valley Parkway/Valley Center Road Improvement Project
(J. Procopio)

This project will widen East Valley Parkway/Valley Center Road from Beven Drive to the northern City limits. The budget adjustment is to accept \$800,000 Rincon Tribe contributed to the project. The NV5 amendment is for construction support and testing services.

Extension of Time for a Ten-Lot Tentative Subdivision Map 898 (SUB 17-0003)
(B. Martin)

The project applicant has requested an extension of time for Tract 898 that includes ten single-family residential lots on approximately 7.1-acres of land. The project originally was recommended for approval by the Planning Commission on December 11, 2007 and approved by the City Council on February 6, 2008. The Escondido Subdivision Ordinance requires time extension to be considered by the original approval body, which was the City Council.

PUBLIC HEARINGS

Public Hearing Regarding the Fiscal Year 2017-2018 One-Year Action Plan for Use of Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) Funds, and Emergency Solutions Grant (ESG) Funds -
(J. Petrek)

This is a required hearing for the Annual Action Plan for allocating federal HOME, CDBG, and ESG funds for projects and programs. The City Council is being asked to adopt the 2017-2018 One-Year Action Plan.

Recommendations for Allocation of HOME Funds
(J. Petrek)

Need Green Sheet

CURRENT BUSINESS

FUTURE AGENDA ITEMS (D. Halverson)

Weekly Activity Report



May 18, 2017

FEATURED THIS WEEK

- 94 parking permits were sold at a recent meeting of the Rose to Foxdale Resident Parking District. The successful sales of these parking permits is a direct result of the support the City has received from the neighborhood.
- The Summercreek Homeowners Association (HOA) contacted City engineering staff with concerns about the road striping on West Valley Parkway adjacent to their development. As a result, new striping was implemented on W. Valley Parkway near Claudan Road. The Home Owner's Association board members wrote to the City to express their appreciation for these improvements. The City will continue to monitor speeds and traffic safety in the area.
- City staff has been diligently pursuing grant funding for implementation of the Spruce Street Channel Improvement Project and has secured \$414,000 from the County of San Diego Department of Environmental Health. The project is being coordinated with the Active Transportation Grant for the improvements of the culvert and pedestrian access where West Valley Parkway crosses the channel. The completion of the engineering design is expected in early 2018.

SPECIAL EVENTS

Wine & Craft Beer Tasting at Cruisin' Grand
Friday, May 19, 2017 from 5 to 9 p.m.
Maple Street Plaza

The City of Escondido will host its annual Wine & Craft Beer Tasting at Cruisin' Grand on Friday, May 19, 2017 from 5-9 p.m. on Maple Street Plaza in Downtown Escondido. The wine industry in Escondido has grown tremendously over the last several years, and this event is a great way to sample vintages from a variety of wineries in one festive, unique setting.

Featured wineries, all local to Escondido, include [BK Cellars Urban Winery & Tasting Lounge](#), [Espinosa Vineyards](#), [Forgotten Barrel](#), [Highland Valley Vineyards](#), [Hungry Hawk Vineyards](#), [Keys Creek Winery](#), [Stehleon Vineyards](#), [Vesper Vineyards](#), plus [SIP Wine and Beer](#), [Jacked Up Brewery](#) and [Stone Brewing](#).

Proceeds from the event will benefit [ArtHatch](#), an Escondido-based, arts-focused nonprofit offering a free teen program which gives studio space, exhibition space, professional art supplies, and workshops to North County teens aged 15-19.

Go to www.escondido.org/cruisin-grand.aspx for more information and to purchase tickets. Tickets will also be available for purchase the day of the event at the registration table.

Grand Avenue Festival

Sunday, May 21, 2017 from 9 a.m. to 5 p.m.

Downtown Escondido

Presented by the Escondido Chamber of Commerce and the Escondido Downtown Business Association and coordinated by Kennedy & Associates. This festival is the second largest in the State. There will be over 500 booths and a variety of food and family entertainment.

ECONOMIC DEVELOPMENT

Globe St. profiled the Innovate 78 Tech study last week and specifically mentioned 3 Screens Studio, a digital marketing firm located in downtown Escondido. Read the article here:

http://www.globest.com/sites/carrierrossenfeld/2017/05/09/why-innovative-cos-are-drawn-to-sds-78-corridor/?cmp=share_email

COMMUNITY DEVELOPMENT

Major Projects Update

The following major projects are currently being reviewed and coordinated with Planning, Engineering, Fire, Building and Utilities staff. A complete description of each project can be viewed [here](#). Updates provided below cover project milestones that occurred last week.

Commercial / Office:

1. Escondido Research and Technology Center – East (ERTC) (Developer: James McCann) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week.* A grading plan for a temporary parking lot to serve the hospital was approved June 13, 2016, and the parking lot is now under construction.
2. Escondido Research and Technology Center – West (ERTC) (Developer: James McCann) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week.* Construction is underway on the approximately 76,000 square foot medical office building with a linear accelerator. Palomar Health also will be constructing their new outpatient center adjacent to the site at 2185 Citracado Parkway.
3. Centerpointe 78 Commercial (Developer: Lars Andersen, Pacific Development) – The grading permit was approved on May 10, 2017. The applicant recently submitted a modified front elevation to Planning that would eliminate the second set of entry/exit doors. That modified plan is currently being reviewed by staff. A revised landscape plan was submitted for review on May 5, 2017. A building permit for the supermarket shell building will be ready to issue once the modified plan is approved and fee credits are verified. Building plans for the tenant improvement of the market were submitted into plan check on May 9, 2017.

4. Westfield Theater (Developer: Kim Brewer, Westfield) – *This project has been placed on hold by Westfield while they finalize lease negotiations so there is no change from the following update reported last week:* No grading, building or improvement plans have been submitted by the developer at this time.
5. Felicita Development, LLC (Developer: Katherine Park, Creative Design Associates) – *This project is on hold pending further direction and submittal of information from the applicant.* Follow-up meetings conducted by the applicant with staff and the wildlife agencies lead staff to believe a revised project is forthcoming.
6. Springhill Suites (Developer: Raj Patel, San Bernardino Hospitality LLC) – *The applicant is cleared to start construction so there is no change from the following update reported last week:* Construction is expected to commence within the next month.
7. Centre City Commercial Center (Developer: Todd Dwyer) – Revisions to the traffic study have been reviewed by staff leading to the issuance of the Draft Mitigated Negative Declaration for a 30-day public review period commencing on May 9, 2017. A demolition plan for the existing motel and restaurant buildings on the site was submitted last week. The Centre City Parkway access agreement is tentatively scheduled for consideration by City Council on June 7, 2017.

Industrial

1. StorQuest (Developer: The William Warren Group, Inc.) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* Revised building plans for this approved self-storage facility at 220 W. Mission Ave. were submitted to the Building Division on March 22, 2017 and routed to Esgil for re-check. The Fire Department signed off on the building plans on May 5, 2017. Revised grading plans were received by Engineering the week of April 30, 2017.
2. Victory Industrial Development (Developer: Scott Merry, Badiie Development) – The applicant has secured his permits from the Army Corps, Regional Board, and CA Fish and Wildlife. The grading plan has been approved and grading can commence following a pre-construction bird survey. Signal plans and street improvement plans have been approved.
3. Escondido Self-Storage Facility (Developer: Brandywine Homes, Inc.) – Building plans, grading plans, landscape plans and the final map have been submitted and comments have been provided by staff and Esgil. The third check of the grading plan was resubmitted to Engineering last week.
4. Innovative Industrial Development (Developer: Scott Merry, Badiie Development) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* The second check of the grading plan was resubmitted to Engineering the week of May 8, 2017. Building plans were submitted on March 29, 2017 and are being reviewed by Esgil.
4. North American Self-Storage (Developer: Russ Colvin) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* (This project is participating in the expedited plan check program) The demo permit has been issued. The applicant submitted a 2nd plan check for the grading plan on April 13, 2017, and

comments from all departments were provided back within 13 days. A boundary adjustment to combine the two lots on the site is ready to record. The applicant is coordinating construction timing for an off-site water line with multiple departments.

City Projects

1. Micro-Filtration Reverse Osmosis (Developer: City of Escondido Utilities Department) – *No further updates to this item will be provided while litigation is in progress:* The Planning Commission approved the proposed CUP on December 13, 2016. An appeal of that decision was filed and the City Council denied the appeal on January 11, 2017 and affirmed the Planning Commission's decision to approve the project.
2. Wastewater Collections Yard Expansion (Developer: City of Escondido Utilities Department) – *Project review is on-going but there are no new milestones to report this week:* Grading, building and landscape plans are now being reviewed by staff. Utilities staff is assessing value engineering options in an effort to reduce the cost of the facility. The most likely option will be to build the project in phases starting with two of the three approved buildings.
3. HARRF Biogas to Energy Project (Developer: City of Escondido Utilities Department) – *Communications with the applicant are on-going but no construction plans have been submitted since the project was approved and there are no new milestones to report this week:* A Conditional Use Permit for the project was approved by the Planning Commission December 13, 2016.
4. Lake Wohlford Replacement Dam (Developer: City of Escondido Utilities Department) – A Draft EIR was prepared and issued for a 45-day public review period that began on October 4, 2016 and closed on November 17, 2016. Staff and AECOM are now in the process of coordinating responses to the comments that were received during the public review period. A field visit with staff from the state and federal wildlife agencies took place on May 11, 2017, to review biological mitigation requirements.

Institutional

1. Escondido United Reformed Church (Developer: Brent Cooper) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* A revised grading plan has been approved. Building plans have gone through one round of plan check and the applicant is now discussing with Planning the possibility of modifying the CUP to add floor area to the sanctuary and classroom building.
2. Self-Realization Fellowship Center (Developer: John Pyjar, Domusstudio Architecture) – The CUP application was submitted on November 14, 2016. Staff reviewed the initial submittal and sent a letter to the applicant on December 14, 2016, indicating that the application was incomplete and specifying the additional information that was necessary to complete the application. The applicant has indicated they intend to resubmit the requested information this week.

Residential

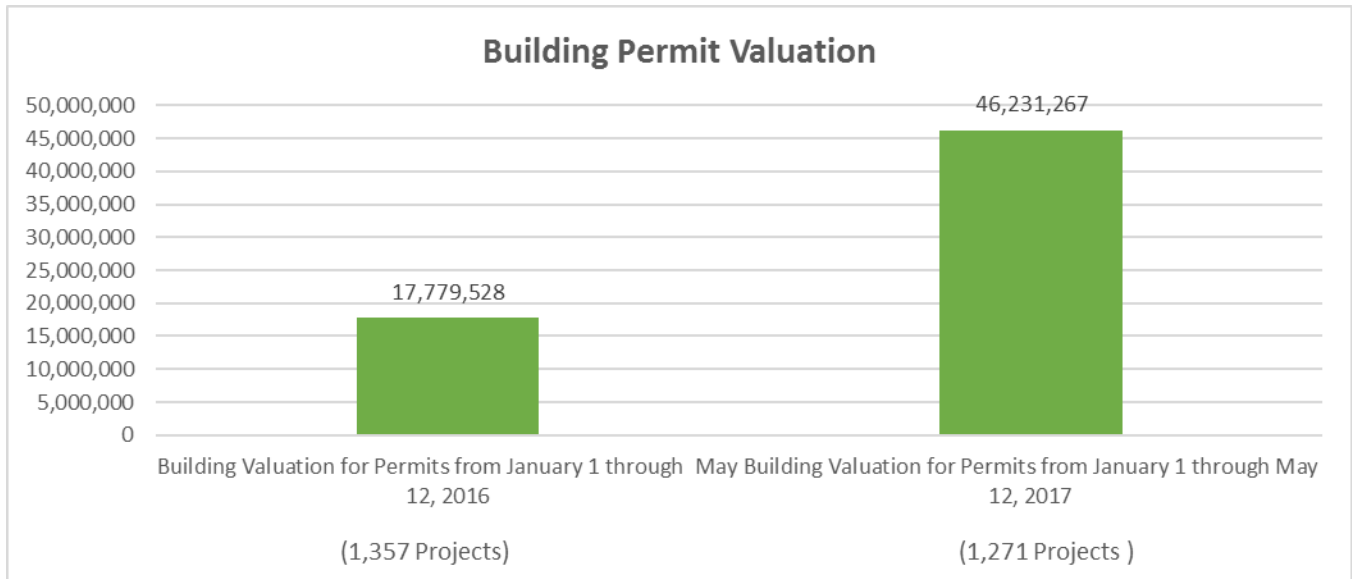
1. Oak Creek (Developer: Jason Han, New Urban West) – *This project has been placed on hold by the developer while the City completes construction of the Southwest Sewer Project so there is no change from the following update reported last week: No grading or improvement plans have been submitted by the developer at this time.*
2. Amanda Estates (Developer: Jason Han, New Urban West) – *This project has been placed on hold by the developer while the City completes construction of the Southwest Sewer Project so there is no change from the following update reported last week: No grading or improvement plans have been submitted by the developer at this time.*
3. Pradera (Developer: Moses Kim, Lennar Homes) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week: Another phase of six homes received building permits on April 3, 2017. This project is nearing completion as there are only one or two phase remaining to construct.*
4. Lexington (Zenner) (Developer: Eric Johnston, KB Homes) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week: The applicant received building permits for 10 new homes on April 18, 2017. Building permits for 15 additional homes were issued on May 4, 2017, and eight more homes were issued on May 9.*
5. Stella Park Condominiums (Developer: Edward Kaen, ETP, LLC) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week: Lyon Homes submitted a precise grading plan on March 28, 2017. A final map, street improvement plans and landscape plans were also submitted on April 17, 2017. Building plans were submitted into plan check on April 6, 2017 and landscape plans on May 1, 2017. The rough grading permit is nearing approval, allowing construction to start on the project.*
6. Wohlford (Developer: Jack Henthorne) – *The Draft EIR has been posted on the City website and released for a 45-day public review period commencing on March 27, 2017 and ending on May 12, 2017. The EIR consultant is now starting to prepare draft responses to the comments that have already been received. Potential Development Agreement terms are now being considered.*
7. Latitude II (Developer: Peter Zak, Lyon/NCA) – *A grading permit has been issued and grading is back underway. Building plans are nearing approval pending approval of the final map. The final map has been scheduled for City Council approval on June 7, 2017. Utilities has issued comments for the off-site water line plans.*
8. Canyon Grove Estates Tract 932 (Developer: John Vance, Shea Homes) – *The model homes have been completed and are now open. Construction of the phases is underway with three more phases receiving building permits last week. Engineering comments on the precise grading plan for the remainder of the development were sent on May 16, 2017.*
9. Safari Highlands Ranch (SHR) (Developer: Jeb Hall, Concordia Homes) – *A second revised tentative map depicting various minor changes and clarifications to roads, easements and drainage facilities was submitted on April 25, 2017. Revised technical engineering reports*

as well as responses to staff comments were also submitted for review. Additional revised studies including the traffic analysis and the sewer and water plan are expected to be submitted this week. Once the resubmittal is complete, notification will be sent out to Planning's email list and the revised studies will be loaded on the City's website at the following link: [Safari Highlands Ranch Specific Plan - City of Escondido](#). Staff anticipates that the Draft EIR will be out for public review in June or July of 2017.

10. High Pointe Tract 693-J (Developer: Russell Schaeffer, True Life Communities) – *The applicant continues to actively market the property and there is no change from the following update reported last week:* 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) – *Communications with the applicant are on-going but there are no new milestones to report this week:* No grading or improvement plans have been submitted by the developer at this time.
12. 701 San Pasqual Valley Rd (Developer: Bob Stewart) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* Staff has met several times with the applicant to help work through project design and storm water issues. A Draft Mitigated Negative Declaration has been submitted and staff has provided comments to the applicant on the draft and technical studies.
13. Veterans Village (Developer: Veterans Village of San Diego) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* Demolition has been completed. Grading is underway. Building permits were issued on March 31, 2017.
14. Escondido Gateway (Developer: Greg Waite, Integral Communities) – The builder (Lyon Homes) is coordinating with city staff to resolve ownership and title issues regarding three strips of land under existing excess right-of way that is proposed to be vacated for the applicant's use. It is expected that those title issues will be resolved through a combination of quitclaims and eminent domain. A revised rough grading plan and street improvement plans were resubmitted about two weeks ago.
15. The Villages at Escondido Country Club (Developer: Jason Han, New Urban West, Inc.) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* A project resubmittal in response to the City's November 30, 2016 letter was received on March 16, 2017. Planning staff has provided a location on the City's website for ECC project-related documents and plans. The information can be accessed at the following link: [ECC - City of Escondido](#)
16. Ivy/Valley Parkway Mixed-Use Development (Developer: Abad Rahan Pars Inc./ Norm Wieme, Architect) – *Project review and communications with the applicant are on-going but there are no new milestones to report this week:* The applicant has indicated that grading and building plans are expected to be submitted into plan check soon. Utilities staff is currently working on a reimbursement agreement for new water infrastructure that will be installed by the project in the adjoining alley.

17. North Avenue Estates (Developer: Casey Johnson) – An application to re-entitle aspects of the previously approved project that have expired and modify the project design to reflect new storm water requirements was submitted to the Planning Division on March 7, 2017. A first round of comments has been provided back to the applicant. The applicant is coordinating easement and utility crossing issues with the County Water Authority, whose main underground water transmission lines cross the site.

Building Division

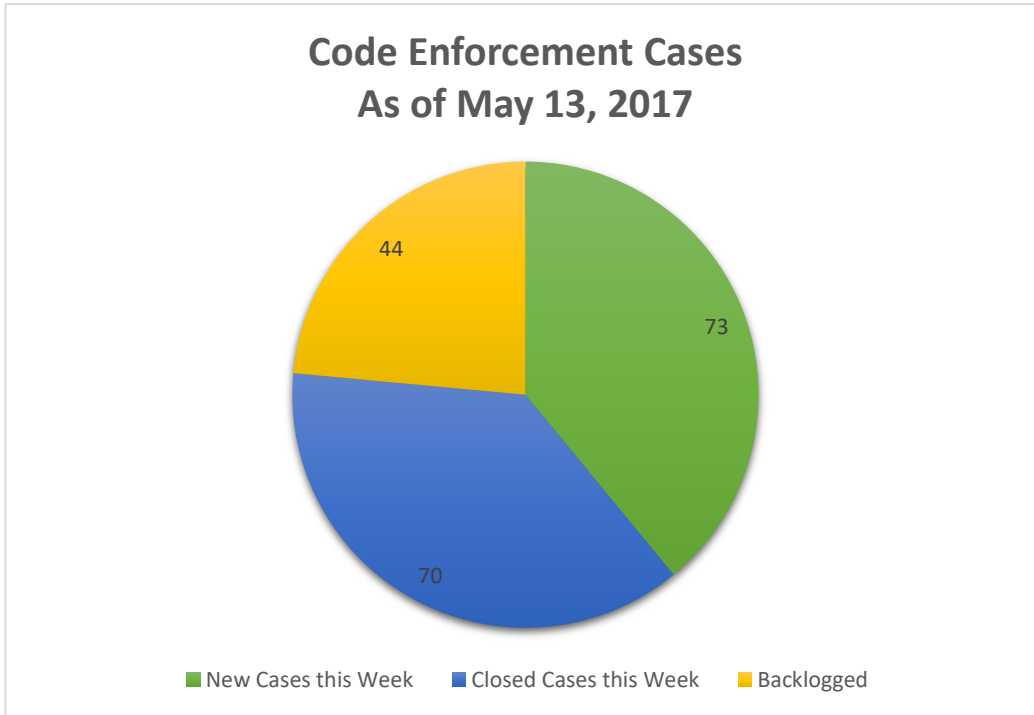


Building Permits Issued Last Week	Total Valuation
93	\$7,786,226

1. 14 solar permits were issued for the week. The Building Division has issued 355 solar permits this year compared to 514 issued for the same time last year.
2. Building inspectors responded to 193 inspection requests for the week, averaging 39 inspections per day.
3. The Building Division has issued 103 single-family dwelling permits this year and permits for 112 multi-family units. This compares with 32 single-family dwellings and zero multi-family dwellings for the same time last year.
4. Projects nearing permit issuance are:
 - a. Latitude 2, a 112-unit apartment complex consisting of six, three-story buildings at 610-660 Centre City Pkwy.
 - b. Three new apartment buildings (nine units) at 917 W. Lincoln Avenue.
 - c. 43,885 square foot retail building at the former Toyota dealership location – 999 North Broadway.

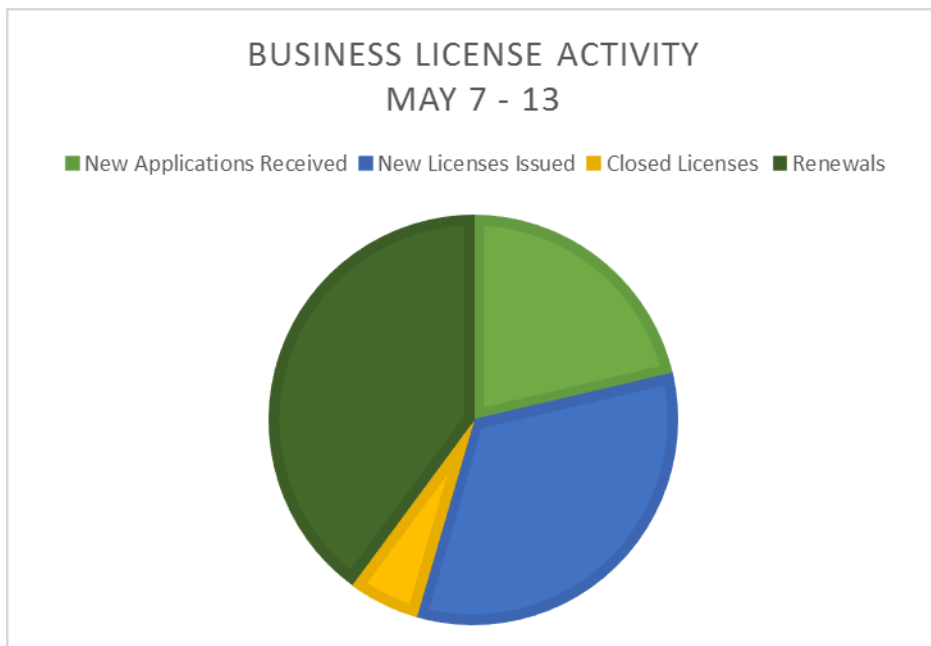
5. The construction of the City Plaza three-story mixed use building at 300 S. Escondido Blvd. has received approval of the exterior framing for level one and roof sheathing inspection is scheduled for this week.
6. The Solutions for Change affordable housing project at 1560 S. Escondido Blvd. is preparing the building for final inspection.
7. Roof framing is proceeding at The Meadowbrook three-story apartment building with underground garage at 2081 Garden Valley Glen.
8. Escondido Disposal is proceeding with the tenant improvement for the existing building and has completed the drywall. Roof framing on their new transfer building also has been completed. The suspended ceiling in the office has passed inspection.
9. The new Popeye's restaurant at 1541 E. Valley Parkway has received rough framing approval. Drywall inspection is being requested for this week. Final inspection and occupancy is expected soon.
10. The medical office building at 2125 Citracado Parkway has received partial foundation approval and underground plumbing.
11. The Westminster Seminary has received foundation approval for three of their nine buildings.
12. The children's building at the Emmanuel Faith Community Church has received partial foundation inspection and underground plumbing inspection. Construction of the exterior masonry walls is progressing.
13. The eight model homes at the Canyon Grove development (Shea Homes) have been completed and are open to the public. Three additional phases comprising 18 homes have received building permits.
14. KB Homes (Lexington) is requesting rough framing inspection for six homes in Phase 1. Twenty-three new single-family dwellings have been issued for KB Homes so far this month.

Code Enforcement

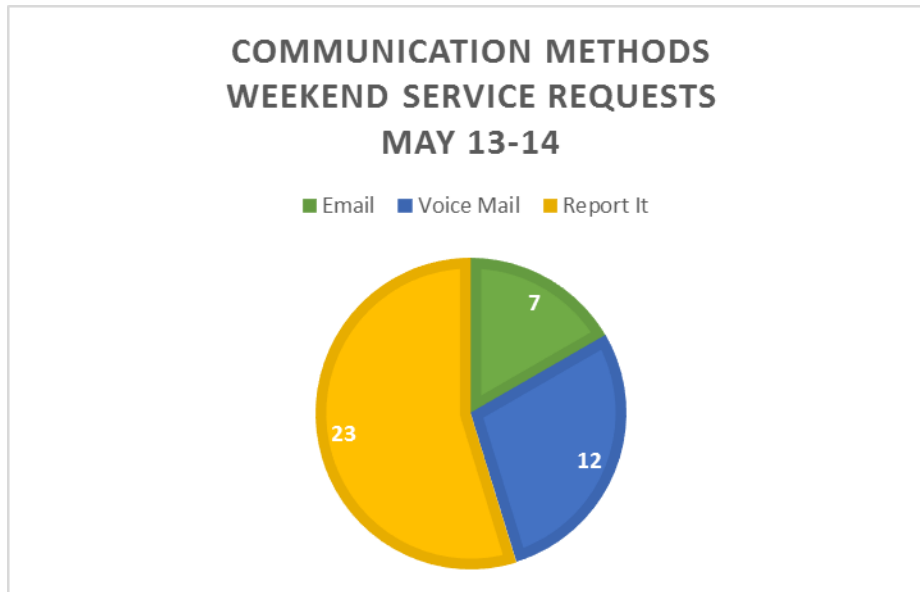
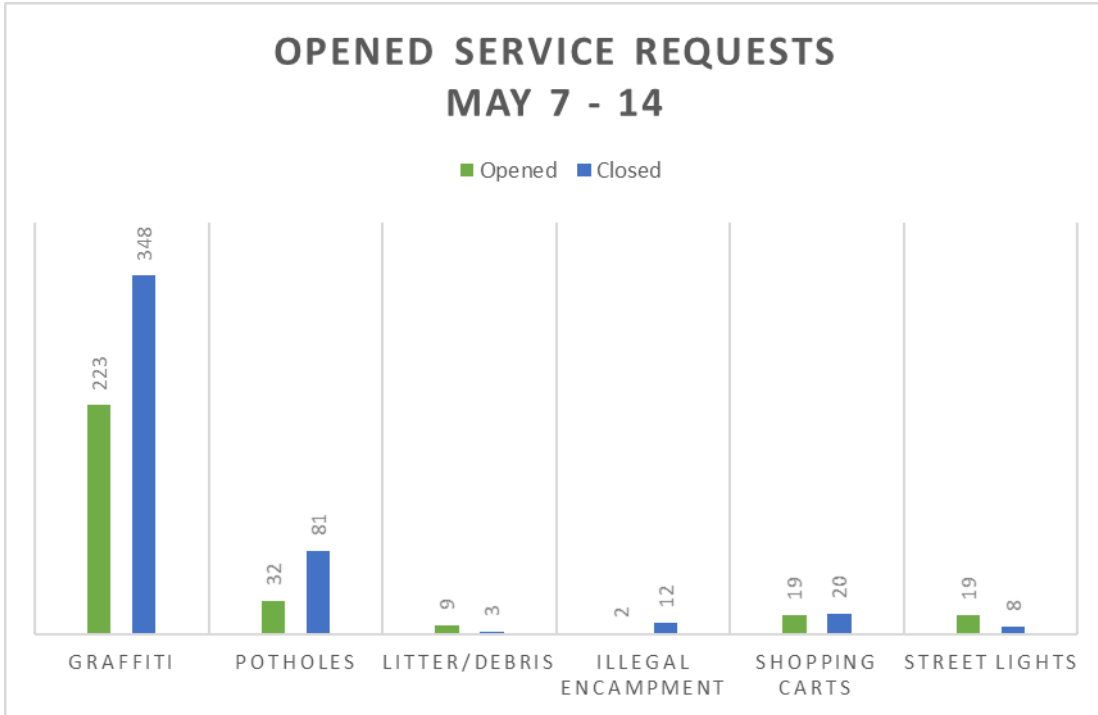


Total Open Code Cases	Illegal Signs Confiscated over the Previous Weekend
499	102

Business Licensing



Building Maintenance & Operations



Graffiti Restitution

Collected This Week	Collected Year to Date
\$128	\$3397.30

ENGINEERING

Capital Improvement Projects

Jim Stone Pool

The new circulation piping is being installed at this time, along with tile work associated with the pool remodel.

PRIVATE DEVELOPMENT

Pradera - Lennar Communities

No changes from that reported last week; Vertical framing has now begun on the final phase of 16 homes.

Lexington Model Homes - KB Homes

The developer is completing the final section of underground improvements on site. Framing of the first seven homes along Lehner Avenue continues along with the pouring of concrete slabs on seven more pads.

Escondido Boulevard at 3rd Avenue

No changes from that previously reported. The contractor is using a crane to deliver materials to the third floor. Lane closures along 3rd Avenue will be a regular occurrence to allow for the lifting of construction materials to the newly completed third floor.

Tract 932 - Canyon Grove Shea Homes Community

The final utility has been relocated along Ash Street so the remaining storm drain and surface improvements can be completed. Work is expected to resume on Monday, May 22, 2017. Onsite underground utilities are continuing to be constructed along with the first phase of 16 homes.

Latitude II Condominiums by a Lyon Homes Partnership: Washington Avenue at Centre City Parkway

The remaining section of the storm drain box has resumed construction, steel fabrication for the floor section will begin this week.

Solutions Housing 1560 S. Escondido Boulevard

The project is nearing completion with the removal of all existing concrete improvements along the project frontage this week. The work will require the closing of a single lane of north bound traffic for a period of two weeks. The new concrete work was delayed; the anticipated concrete pour is set for Thursday, May 18, 2017.

Veterans Village

The project's off site water improvements are idled this week while the developer's design engineer determines the best solution for installing the project water mains around the multiple utility crossings along this project's frontage.

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 Avenue. The developer has resumed grading of the site this week. The project requires the import of material which is expected to be completed this week.

Palomar Medical Center

No changes from that previously reported; The hospital is starting the construction of another temporary parking lot located at Health Center Driveway North and Citracado Parkway.

Rincon Water/ Ash Street By-Pass project

The project is completing the water main tie in located at the Hubbard Avenue/Ash Street intersection this week.

POLICE

Incidents

- On 5/7/17 at 15:15 hours, officers responded to the California Center for the Arts regarding a subject who matched the description of the suspect who was involved in punching a CCAE employee about a month ago. Officers contacted the suspect who they know to be on probation with search conditions. During the search, an officer located an illegal knife and placed the subject under arrest. As the officer continued the search he located a second illegal knife. As the officer has his hand in the suspect's pocket, he begins to physically resist, which results in a small cut on the officer's finger. Officers regained control and escorted the suspect to a patrol vehicle. While placing the suspect in the vehicle, he continued to physically resist and a second officer sustained a minor complaint of pain to his knee and leg. Both officers declined medical treatment. The suspect did not sustain any injuries and was arrested for Felony Resisting Arrest, Felony Weapon Possession and Felony Battery on a Peace Officer.
- On 5/9/17 at O'Sullivan's Pub, 118 E. Grand Ave, an intoxicated female suspect kicked and spit at two officers. The female suspect was taken to the ground, placed in max-restraints and transported to Palomar Medical Center for medical clearance. Neither officer was injured.
- On 5/9/17, an officer conducted a traffic stop on Valley Center Road just east of Lake Wohlford Rd. While the officer was conversing with the driver, a vehicle being driven by a 70-year-old male sideswiped the patrol vehicle, shearing off the driver side mirror and damaging the driver side rear tire and rim. No one was injured in the collision.
- On 5/9/17 at 23:30 hours, an officer located a rolling stolen red Nissan Titan pickup in the area of Centre City Parkway and Brotherton Ave. The male adult suspect also had an active/served Temporary Restraining Order with the victim of the stolen vehicle listed as the protected party. Officers converged and conducted a high-risk

stop without incident. The suspect was booked into jail for Auto Theft and Violation of a Court Order.

- On 5/10/17 at 00:20 hours, officers responded to an unresponsive person lying in the parking lot at 1288 Auto Park Way, cold to the touch. The first officer on scene and checked the person for a pulse, but the person in question, a female adult, had no signs of life. The officer immediately administered CPR until he was relieved by medics, which was about three minutes later. The female regained a pulse and she was transported to Palomar Medical Center. The preliminary information suggests an overdose.
- On 5/10/17 at 18:28 hours, officers responded to the Carl's Jr, 1280 E. Valley Pkwy, in reference to a male attempting to talk to a child in the restroom. The male had his pants down and was asking odd questions. An officer arrived on scene to contact the male, and the male became agitated and elected to fight, resulting in a use of force. The male was arrested and booked into the Vista Jail for Felony Resisting Arrest and Annoying a Child.
- On 5/11/17 at 00:16 hours, an officer initiated a vehicle stop on a silver PT Cruiser. The driver failed to yield and a pursued ensued. The vehicle collided with several parked vehicles in the area of 1200 E. Grand Ave. Two occupants were pronounced dead at the scene and two other occupants were transported to the hospital. Traffic responded to the scene and Volunteers assisted with traffic control.
- On 5/11/17 at 23:30 hours, officers responded to a domestic violence call at the Econo Lodge, 515 W. Washington #218. Officers attempted to contact the occupants but they would not open the door. The Management requested officers remove the subjects from the property due to the disturbance and they were given a key. Upon entering the room, they contacted the male suspect and his girlfriend. The male was very uncooperative and hostile. It was determined a domestic violence incident had occurred and upon taking the male into custody, he began violently resisting. The suspect had to be placed into Max Restraints as he continued to resist. Escondido Fire Department responded for treatment and transported the suspect to Palomar Medical Center for booking clearance. The suspect was booked for Felony Domestic Violence and Resisting Arrest.
- On 5/12/17 at 13:40 hours, a male suspect went to his ex-wife's apartment at 1301 Morning View Dr. to confront her father. Prior to entering the apartment, he told a security guard to call the paramedics in several minutes. During the confrontation, the suspect threatened to kill his ex-wife's father. An officer stopped the suspect as he left the apartment complex. The suspect refused commands resulting in a minor use of force. A search resulted in the recovery of 25.32 grams of meth. The suspect was booked into Vista Detention Facility for several Felony offenses.

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