



Council Meeting Agenda

NOVEMBER 20, 2019
CITY COUNCIL CHAMBERS
6:00 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	Paul McNamara
DEPUTY MAYOR	Consuelo Martinez
COUNCIL MEMBERS	Olga Diaz John Masson Michael Morasco
CITY MANAGER	Jeffrey Epp
CITY CLERK	Zack Beck
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

**November 20, 2019
6:00 P.M. Meeting**

Escondido City Council

CALL TO ORDER

MOMENT OF REFLECTION:

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

FLAG SALUTE

ROLL CALL: Diaz, Martinez, Masson, Morasco, McNamara

PRESENTATIONS: Certificate of Recognition: Dax Franklin

CLOSED SESSION 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. (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/RRB)

2. **APPROVAL OF WARRANT REGISTER (Council)**

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 336005 – 336185 dated October 30, 2019
- 336186 – 336366 dated November 6, 2019

Staff Recommendation: **Approval (Finance Department: Joan Ryan)**

3. **APPROVAL OF MINUTES: Regular Meeting of November 6, 2019**

4. **THIRD AMENDMENT TO CONSULTING AGREEMENT FOR PREPARATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT AND FINDINGS OF FACT FOR THE CITYWIDE SPHERE OF INFLUENCE UPDATE AND THE HARVEST HILLS (SAFARI HIGHLANDS RANCH) PROJECT (CASE NO. ENV 15-0009 AND SUB 15-0019) -**

Request the City Council approve authorizing the Mayor and City Clerk to execute a Third Amendment to the Consulting Agreement and scope of services with Michael Baker International to complete the preparation of the Final Environmental Impact Report and Findings of Fact for the proposed Citywide Sphere of Influence Update and the Harvest Hills project for a not-to-exceed price of \$63,470 plus a contingency of \$40,000.

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

RESOLUTION NO. 2019-172

5. **THE DESIGNATION OF A PROXY VOTER ON THE SAN DIEGO COUNTY WATER AUTHORITY BOARD OF DIRECTORS IN THE EVENT THE CITY OF ESCONDIDO'S REGULAR BOARD MEMBER IS ABSENT -**

Request the City Council approve the designation of the member of the San Diego County Water Authority (SDCWA) Board of Directors representing the Vista Irrigation District (VID) to serve as proxy voter for the City of Escondido. This proxy shall only be effective in the event of absence of the City of Escondido's regular member of that Board and after the City of Escondido's regular member has notified the SDCWA Board Clerk in writing of his or her planned absence. The current VID SDCWA Board member is Marty Miller. The current City of Escondido Board member is City Council Member John Masson.

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

RESOLUTION NO. 2019-173

6. **SUMMARY VACATION OF A PORTION OF JUNIPER STREET -**

Request the City Council approve authorizing the Summary Vacation of a portion of excess right-of-way along Juniper Street in accordance with Section 8334(a) of the California Streets and Highways Code.

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

RESOLUTION NO. 2019-176

7. **PUBLIC SERVICE AGREEMENT FOR SENIOR TRANSPORTATION SERVICES -**

Request the City Council approve authorizing the Mayor and City Clerk to execute a Public Service Agreement with Facilitating Access to Coordinated Transportation (FACT) in the amount of \$105,000 to provide transportation services to and from the Park Avenue Community Center Senior Nutrition program.

Staff Recommendation: **Approval (Communications and Community Services Department: Joanna Axelrod)**

RESOLUTION NO. 2019-177

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

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

8. [ANIMAL REGULATIONS UPDATE / AZ 19-0004 AND PHG 19-0047 -](#)

Approved on November 6, 2019 with a vote of 5/0

ORDINANCE NO. 2019-16 (Second Reading and Adoption)

PUBLIC HEARINGS

9. [REZONE, MASTER AND PRECISE DEVELOPMENT PLAN, TENTATIVE SUBDIVISION MAP, GRADING EXEMPTION, AND SPECIFIC ALIGNMENT PLAN - NUTMEG HOMES RESIDENTIAL PROJECT \(SUB 18-0005 AND ENV 18-0005\) -](#)

Request the City Council approve certifying a Final Environmental Impact Report and Mitigation Monitoring and Reporting Program for the development of the full Project site with a maximum of 18 dwelling units per acre; a General Plan Amendment of the full Project site from Office to Urban III; a Rezone of the full site from Residential Estates, minimum 20,000-square-foot lot size, to Planned Development-Residential, maximum 18 units per acre; a Master and Precise Development Plan for the construction of 37 townhome units on a portion of the Project site, as well as associated parking, open space and landscaping, fencing, and stormwater facilities; and a Tentative Subdivision Map for 37 units on the north portion of the Project site, a Specific Alignment Plan for Nutmeg Street and Centre City Parkway, and a Grading Exemption for a slope with retaining wall exceeding Grading Ordinance height standards.

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

A) RESOLUTION NO. 2019-166 B) RESOLUTION NO. 2019-167

C) ORDINANCE NO. 2019-19 (First Reading and Introduction)

D) RESOLUTION NO. 2019-168

10. [AMENDMENT TO THE CITY OF ESCONDIDO WASTE AND RECYCLING EDCO REFUSE SERVICES, INC. WASTE AND RECYCLING FRANCHISE AGREEMENT -](#)

Request the City Council approve an amendment of the rates and fees charged under the Waste and Recycling Franchise Agreement (the Franchise Agreement) with Escondido Disposal, Inc. (EDI). These rates and fees are specified in Exhibits A and B of the Franchise Agreement. The new rates and fees will include: a) an increase to the franchise fee from 10 percent to 11.5 percent; and b) a 2.7824 percent increase to the monthly residential and commercial fees for service, with the percentage increase being linked to the increase in the Consumer Price Index (CPI). The new rates and fees would be effective for Commercial and Residential Solid Waste and Recycling Services on January 1, 2020. Future annual CPI adjustments can be made on January 1 of each year, through 2024.

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

RESOLUTION NO. 2019-142

11. ESCONDIDO'S PUBLIC FACILITIES FEE, PARK DEVELOPMENT FEE, TRAFFIC IMPACT FEE, AND DRAINAGE FACILITIES FEE -

Request the City Council approve a 2 percent inflationary adjustment to the Public Facilities, Park Development, Traffic Impact, and Drainage Facilities Development Impact Fees, and establish a reduced Public Facilities Fee of \$0.60 per square foot for parking structures constructed as a primary use that reflects the level of impact these facilities have on municipal services.

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

RESOLUTION NO. 2019-152

12. ADOPTION OF THE 2019 CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL, AND FIRE CODES, EXISTING AND GREEN BUILDING STANDARDS, AND LOCAL AMENDMENTS -

Request the City Council approve amending the City of Escondido Municipal Code to reflect the 2019 California Building, Residential, Plumbing, Electrical, Mechanical, Energy, Historical, and Fire Codes, Existing and Green Building Standards, and proposed local amendments.

Staff Recommendation: **Approval (Community Development Department: Bill Martin and Fire Department: Rick Vogt)**

A) ORDINANCE NO. 2019-17 (Second Reading and Adoption)

B) ORDINANCE NO. 2019-18 (Second Reading and Adoption)

CURRENT BUSINESS

13. PRESENTATION OF COMMUNITY SURVEY RESULTS REGARDING A POTENTIAL ONE CENT SALES TAX MEASURE ON THE NOVEMBER 2020 BALLOT -

Request the City Council conduct a follow-up community satisfaction survey and additional information gathering to determine specific facilities and services that the City could enhance or provide to improve community satisfaction with funding from the potential revenue measure.

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

FUTURE AGENDA

14. 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: Zack Beck)**

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. This report is also available on the City's website, www.escondido.org.

- **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
November 27	-	-	No Meeting	-
December 4	-	-	No Meeting	-
December 11	-	-	No Meeting	-
December 18	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

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

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

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

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

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

- Online at <http://www.escondido.org/meeting-agendas.aspx>
- In the City Clerk's Office at City Hall
- 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 5:00 in Closed Session and 6:00 in Open Session.
(Verify schedule with City Clerk's Office)**

**Members of the Council also sit as the Successor Agency to the Community Development
Commission, 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.



AFFIDAVITS

OF

ITEM

POSTING



CITY COUNCIL STAFF REPORT

Consent Item No. 2

November 20, 2019

File No. 0400-40

SUBJECT: Approval of Warrants

DEPARTMENT: Finance Department

RECOMMENDATION:

Request approval for City Council and Housing Successor Agency warrant numbers:

336005 – 336185 dated October 30, 2019

336186 – 336366 dated November 6, 2019

FISCAL ANALYSIS:

The total amount of the warrants for the following periods are as follows:

October 24 – October 30, 2019, is \$ 2,487,353.39

October 31 – November 6, 2019, is \$ 1,509,497.65

BACKGROUND:

The Escondido Municipal Code Section 10-49 states that warrants or checks may be issued and paid prior to audit by the City Council, provided the warrants or checks are certified and approved by the Director of Finance as conforming to the current budget. These warrants or checks must then be ratified and approved by the City Council at the next regular Council meeting.

CITY OF ESCONDIDO
November 6, 2019
6:00 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on Wednesday, November 6, 2019 in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk, led the Moment of Reflection.

FLAG SALUTE

Paul McNamara, Mayor, led the flag salute.

ATTENDANCE

The following members were present: Councilmember Olga Diaz, Deputy Mayor Consuelo Martinez, Councilmember John Masson, Councilmember Michael Morasco, and Mayor Paul McNamara. Quorum present.

Also present were: Jeffrey Epp, City Manager; Michael McGuinness, City Attorney; Mike Strong, Assistant Planning Director; Julie Procopio, Director of Engineering Services; Zack Beck, City Clerk.

PROCLAMATIONS

Mayor McNamara read the Native American Heritage Month Proclamation.

Mike Frank received the Veteran's Day Proclamation.

ORAL COMMUNICATIONS

Delores McQuinston - Asked the City Council how many housing units can currently be built in Escondido without any changes to the general plan?

CONSENT CALENDAR

MOTION: Moved by Council Member Morasco and seconded by Council Member Diaz to approve all Consent Calendar items, except item 4 and item 6. Approved unanimously.

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

Request the City Council approve the City Council and Housing Successor Agency warrant numbers:

- 335510 – 335720 dated October 16, 2019
- 335721 – 336003 dated October 23, 2019

Staff Recommendation: **Approval (Finance Department: Joan Ryan)**

3. APPROVAL OF MINUTES: Regular Meeting of October 23, 2019

4. TREASURER'S INVESTMENT REPORT FOR THE QUARTER ENDED SEPTEMBER 30, 2019 -
Request the City Council receive and file the Quarterly Investment Report. (File No. 0490-55)

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

MOTION: Moved by Council Member Masson and seconded by Council Member Morasco to receive and file the Quarterly Investment Report. Approved unanimously.

5. SET HEARING TO ADOPT THE 2019 CALIFORNIA BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL, AND FIRE CODES, EXISTING AND GREEN BUILDING STANDARDS, AND LOCAL AMENDMENTS -

Request the City Council approve scheduling a public hearing on November 20, 2019 to introduce Ordinance No. 2019-17 and 2019-18, amending the City of Escondido Municipal Code to reflect the 2019 California Building, Residential, Plumbing, Electrical, Mechanical, Energy, Historical, and Fire Codes, Existing and Green Building Standards, and proposed local amendments. (File No. 0680-50)

Staff Recommendation: **Approval (Community Development Department: Bill Martin and Fire Department: Rick Vogt)**

A) ORDINANCE NO. 2019-17 B) ORDINANCE NO. 2019-18

6. SUMMARY VACATION OF EXCESS RIGHT OF WAY ON QUAIL ROAD -

Request the City Council approve authorizing the Summary Vacation of a portion of Right-of-Way (ROW) located at the Northwest corner of Jesmond Dene Road and Quail Road in Escondido. (File No. 0690-40)

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

RESOLUTION NO. 2019-155

MOTION: Moved by Deputy Mayor Martinez and seconded by Council Member Morasco to approve authorizing the Summary Vacation of a portion of Right-of-Way (ROW) located at the Northwest corner of Jesmond Dene Road and Quail Road in Escondido. Approved with four yes votes. Council Member Masson abstained from the vote.

7. CONSULTING AGREEMENT TO COMPLY WITH AMERICA'S WATER INFRASTRUCTURE ACT AND A BUDGET ADJUSTMENT -

Request the City Council approve and adopt Resolution No. 2019-162, authorizing the execution of a Consulting Agreement with Jacobs Engineering, Inc. in the amount of \$156,338 to ensure the City's compliance with America's Water Infrastructure Act, Compliance Crosswalks, Risk and Resiliency Assessments, and Emergency Response Plans. On October 23, 2018, Congress signed into law the America's Water Infrastructure Act (AWIA), national legislation designed to, among other things, improve drinking water and water quality; increase water infrastructure investments; and enhance public health and quality of life. A section of the AWIA requires utilities to conduct a risk and resilience assessment of their community water systems and develop a corresponding emergency response plan. The San Diego County Water Authority partnered with member agencies (including Escondido) to obtain proposals from firms to prepare the AWIA assessment and plan. (File No. 0600-10, A-3318)

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

RESOLUTION NO. 2019-162

- 8. PROPOSED MILLS ACT CONTRACT AND CEQA EXEMPTION FOR 134 WEST SIXTH AVENUE (CASE HP 18-0003) -**
Request the City Council approve authorizing entering into Mills Act Contracts for the subject property located at 134 West 6th Avenue, and approve the CEQA Exemption for the property. (File No. 0880-10)
Staff Recommendation: **Approval (Community Development Department: Bill Martin)**
RESOLUTION NO. 2019-163
- 9. AMEND ENGINEERING AND TRAFFIC SURVEY (SPEED ZONE) ON RINCON AVENUE -**
Request the City Council approve amending an Engineering and Traffic Survey (Speed Zone) on Rincon Avenue between Broadway and Conway Drive. (File No. 1050-45)
Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**
RESOLUTION NO. 2019-164
- 10. APPROVAL OF CALPERS INDUSTRIAL DISABILITY FOR POLICE OFFICER ELIZABETH RIVERA -**
Request the City Council approve the California Public Employees' Retirement system (CalPERS) Industrial Disability Retirement for Police Officer Elizabeth Rivera. (File No. 0170-57)
Staff Recommendation: **Approval (Human Resources Department: Jessica Perpetua)**
RESOLUTION NO. 2019-169
- 11. APPROVAL OF CALPERS INDUSTRIAL DISABILITY FOR FIRE ENGINEER KENNETH BURRIS -**
Request the City Council approve the California Public Employees' Retirement system (CalPERS) Industrial Disability Retirement for Fire Engineer Kenneth Burris. (File No. 0170-57)
Staff Recommendation: **Approval (Human Resources: Jessica Perpetua)**
RESOLUTION NO. 2019-171
- 12. ANNUAL FINANCIAL REPORT ON CAPITAL FUNDS FUNDED BY DEVELOPMENT IMPACT FEES PER GOVERNMENT CODE SECTION 66006 -**
Request the City Council receive and file the Annual Financial Report on Developer Fees. (File No. 0480-45)
Staff Recommendation: **Receive and File (Finance Department: Joan Ryan)**
- 13. FISCAL YEAR 2019 U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION -**
Request the City Council approve authorizing the Escondido Police Department to accept a \$38,882 Fiscal Year 2019 Edward Byrne Memorial Justice Assistance Grant; authorizing the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend the grant funds. Grant funds will be used to cover salary expenses for two part-time patrol technicians and department training expenses. (File No. 0480-70)
Staff Recommendation: **Approval (Police Department: Craig Carter)**

CONSENT RESOLUTIONS AND ORDINANCES (COUNCIL/RRB)

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

14. DOWNTOWN SPECIFIC PLAN AMENDMENT AND MASTER AND PRECISE DEVELOPMENT PLAN FOR THE QUINCE STREET SENIOR HOUSING PROJECT (PHG 17-0028) -

Approved on October 23, 2019 with a vote of 5/0

ORDINANCE NO. 2019-12R (Second Reading and Adoption)

15. MASTER AND PRECISE DEVELOPMENT PLAN MODIFICATION FOR CITY PLAZA (CASE NO. PHG 17-0026) -

Approved on October 23, 2019 with a vote of 4/0/1 (Morasco Absent)

ORDINANCE NO. 2019-14 (Second Reading and Adoption)

PUBLIC HEARINGS

16. ANIMAL REGULATIONS UPDATE / AZ 19-0004 AND PHG 19-0047 -

Request the City Council approve updating the list of permitted and conditionally permitted animals and pets in residential zones, and approve to conditionally permit the keeping of two (2) alpacas on property located at 2050 Miller Avenue. (File No. 0810-15)

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

A) RESOLUTION NO. 2019-158 B) ORDINANCE NO. 2019-16 (First Reading and Introduction)

Mike Strong, Assistant Planning Director, presented the staff report utilizing a PowerPoint presentation.

Mayor McNamara opened the public hearing and asked if anyone wished to speak on this issue in any way.

Kelly Thor - Submitted proposed amendment to allow alpacas. Spoke in favor of the amendment.

Stan Stark - Spoke in favor of the amendment.

John Valdez - Expressed support for the positive changes that are taking place in the City of Escondido. Spoke in favor of the amendment.

Ryan Jimenez - Spoke in favor of the amendment.

Mayor McNamara closed the public hearing.

MOTION: Moved by Council Member Morasco and seconded by Council Member Masson to approve updating the list of permitted and conditionally permitted animals and pets in residential zones, and approve to conditionally permit the keeping of two (2) alpacas on property located at 2050 Miller Avenue. Approved unanimously.

CURRENT BUSINESS

17. FIRST AMENDMENT TO THE DESIGN BUILD AGREEMENT FOR THE MEMBRANE FILTRATION REVERSE OSMOSIS FACILITY -

Request the City Council approve authorizing the award of the First Amendment to the Design Build Agreement for the Membrane Filtration Reverse Osmosis (MFRO) Facility in an amount of \$489,100 to Filanc Brown and Caldwell Joint Venture, and approve a budget adjustment in the amount of \$500,000. (File No. 060-10, A-3292)

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

RESOLUTION NO. 2019-147

MOTION: Moved by Council Member Diaz and seconded by Council Member Masson to approve authorizing the award of the First Amendment to the Design Build Agreement for the Membrane Filtration Reverse Osmosis (MFRO) Facility in an amount of \$489,100 to Filanc Brown and Caldwell Joint Venture, and approve a budget adjustment in the amount of \$500,000. Approved unanimously.

18. NATIONAL FITNESS CAMPAIGN GRANT -

Request the City Council approve authorizing the Communications and Community Services Department to accept a National Fitness Campaign Model Cities Grant totaling \$150,000; authorizing the Director of Communications and Community Services or her designee to execute necessary documents on behalf of the City of Escondido including a purchase contract with National Fitness Campaign, LLC; and approve a \$195,000 budget adjustment from the Utilities Fund to a new Mountain View Park Improvements CIP account. (File No. 0480-70)

Staff Recommendation: **Approval (Communications and Community Services Department: Joanna Axelrod)**

RESOLUTION NO. 2019-170

MOTION: Moved by Deputy Mayor Martinez and seconded by Council Member Diaz to approve authorizing the Communications and Community Services Department to accept a National Fitness Campaign Model Cities Grant totaling \$150,000; authorizing the Director of Communications and Community Services or her designee to execute necessary documents on behalf of the City of Escondido including a purchase contract with National Fitness Campaign, LLC; and approve a \$195,000 budget adjustment from the Utilities Fund to a new Mountain View Park Improvements CIP account. Approved unanimously.

19. REVIEW OF DEPUTY MAYOR SELECTION PROCESS -

Escondido Municipal Code Section 2-24 provides the method and criteria for the selection of the City's Deputy Mayor. Councilmember Morasco has requested that the City Council review and reconsider the Deputy Mayor selection process provided for in the Code. (File No. 0680-50)

Staff Recommendation: **None (City Attorney Department: Michael R. McGuinness)**

Direction provided by the City Council to have the City Attorney draft an ordinance that would have the Deputy Mayor selected on a rotational basis, based on seniority, for a one-year term with the change going into effect following the 2020 election.

FUTURE AGENDA

20. 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: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

Council Member Masson - Attended a San Diego County Water Authority meeting. In the process of selecting a new General Manager.

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. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

None.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 7:35 p.m.

MAYOR

CITY CLERK

CITY COUNCIL STAFF REPORT

Consent Item No. 4

November 20, 2019

File No. 0600-10, A-3191

SUBJECT: Third Amendment to Consulting Agreement for Preparation of the Final Environmental Impact Report and Findings of Fact for the Citywide Sphere of Influence Update and the Harvest Hills (Safari Highlands Ranch) Project (Case No. ENV 15-0009 and SUB 15-0019).

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2019-172 authorizing the Mayor and City Clerk to execute a Third Amendment to Consulting Agreement and scope of services with Michael Baker International (MBI) to complete the preparation of the Final Environmental Impact Report (EIR) and Findings of Fact for the proposed Citywide Sphere of Influence Update and the Harvest Hills project for a not-to-exceed price of \$63,470 plus a contingency of \$40,000.

FISCAL ANALYSIS:

Since 2015, all costs related to the preparation of the Draft EIR as well the costs to cover staff and consultant review, have been funded by the applicant, Safari Highlands Ranch, LLC. The cost associated with processing this consulting agreement amendment as well as reimbursement of staff and consultant costs will continue to be funded by the applicant and will not impact City funds.

PREVIOUS ACTION:

On March 23, 2016, the City Council approved Resolution No. 2016-34, authorizing the Mayor and City Clerk to execute, on behalf of the City, a Consulting Agreement with MBI for the preparation of a Draft EIR for \$296,475. On August 23, 2017, the City Council approved Resolution No. 2017-122, authorizing a First Amendment to the Consulting Agreement with MBI for \$120,860 for the preparation of the responses to the comments received on the Draft EIR and preparation of the Final EIR. On May 16, 2018, the City Council approved Resolution No. 2018-74 authorizing a Second Amendment to Consulting Agreement with MBI in the amount of \$85,550 to continue preparation of the responses to the comments received on the Draft EIR and preparation of the Final EIR.

BACKGROUND:

The application for this project was first submitted to the City of Escondido (City) in August 2015 and since that time, it has generated significant interest among the public, various organizations as well as other public agencies. The project was subject to a robust staff review resulting in various project and site plan changes including removing a proposed on-site satellite water treatment facility,

relocation of a proposed on-site fire station, changing a proposed five-acre public park to a Homeowners' Association park, design changes to one of the emergency access roads and reconfiguration of some of the residential lots. These changes, plus ongoing consultations with the City and County of San Diego, LAFCO and the federal and state resource agencies, resulted in an extended time to complete the Draft EIR. On October 16, 2017, the Draft EIR was released for public review and was subject to a 78-day public review period that ended January 2, 2018. During that time, the City received over 800 pages of comments from 13 public agencies and 45 individual or organization reviewers. Since then, City staff has been working with MBI, the aforementioned public agencies, and the applicant's consultant team in an effort to respond to these comments and to address various project features related to parks, on and off-site public improvements and fire safety issues. Additionally, the applicant has been consulting with San Diego County, the California Department of Fish and Wildlife and the US Fish and Wildlife Service to revise the Biological Technical Report and negotiate terms for the transfer of the Multiple Species Conservation Plan (MSCP) implementation from the County to the City as part of the annexation agreement.

Over the past four months, the applicant has proposed to incorporate several new concepts into the development as part of a rebranding of Safari Highlands Ranch to Harvest Hills. Harvest Hills, as envisioned by the developer, is an "agri-hood" which integrates agriculture into the residential neighborhood as a way to facilitate local food production while providing recreation for members of the community. It would include rebranding the housing and community center building with more rural, agricultural style architecture and themes. It would also include a working farm area, community gardens located in neighborhood parks, and programs to include farming, cooking and gardening classes and training for the residents. Other new concepts include designing the community center to provide temporary refuge in the event of fire or other emergency in consultation with the Fire Department. The developer is also proposing that the project be a "net zero energy" community by providing enough renewable energy produced on site to meet project demand. The project would also be "carbon neutral" in that project related greenhouse gas emissions would be offset through project energy efficiency programs and purchasing of off-site carbon credits. The details of the net zero energy and carbon neutral concepts have not yet been provided to the City for review but will be discussed as part of the staff evaluation for the Planning Commission and City Council public hearings.

DISCUSSION:

California Environmental Quality Act (CEQA) Guidelines Section 15088(a) requires that the City, acting as CEQA Lead Agency, evaluate and prepare written responses to comments on environmental issues submitted by Draft EIR reviewers. As described above, the City received many public comments, some of which included lengthy attachments. Responding to these comments required more work than MBI's estimate as authorized by the City Council through the second amendment to the consulting agreement, and that work is on-going. This third amendment to the consulting agreement provides additional funding for MBI to incorporate project changes into the EIR, complete their responses to the comments, make necessary edits to the document and prepare the

Final EIR and related Findings of Fact. As described above, the project description has evolved and it is necessary for MBI to ensure that these changes are adequately addressed in the Final EIR.

This third amendment to the consulting agreement is for a not-to-exceed time and materials fee of \$63,470. The agreement amendment provides for an additional \$40,000 contingency fee that would only be triggered due to unforeseen events requiring additional EIR work and with the express and written consent of the applicant and authorization of the Director of Community Development. A similar contingency provision was included in the prior second amendment.

This agenda item involves ongoing technical and administrative activities related to completing CEQA review of the Safari Highlands Ranch project and does not have a legally binding effect on any possible future discretionary action. This project will be subject to a number of discretionary actions which will require City Council approval. Due to the complexity of completing the Final EIR as well as related staff work, the dates of these public hearings have yet to be determined.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
11/13/19 5:10 p.m.

ATTACHMENTS:

1. Resolution No. 2019-172
2. Resolution No. 2019-172 – Exhibit “1” – Third Amendment to Consulting Agreement; and Attachment “A” Scope of Work and Fee

RESOLUTION NO. 2019-172

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 THIRD AMENDMENT TO THE CONSULTING AGREEMENT WITH MICHAEL BAKER INTERNATIONAL TO COMPLETE THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT ANALYZING IMPACTS OF THE PROPOSED CITYWIDE SPHERE OF INFLUENCE UPDATE AND HARVEST HILLS (SAFARI HIGHLANDS RANCH) PROJECT

Case No.: ENV 15-0009, SUB 15-0019

WHEREAS, the applicant for the residential project known as Harvest Hills (Safari Highlands Ranch) is proposing a Master Planned Community (“the project”) involving 550 single-family residential lots, 13 open space lots, 15 Home Owners Association lots, eight private street lots, two public facilities lots, one fire station lot, one public park lot, and one private park lot on 1,098 acres of vacant property located northeast of the Rancho Vistamonte Community and north of the San Diego Zoo Safari Park in unincorporated San Diego County; and

WHEREAS, the project application entitlements include a Sphere of Influence update, Development Agreement, annexation to the City of Escondido (“City”), Specific Plan, Tentative Subdivision Map; Rezoning; Grading Exemptions; and various Annexations and Detachments subject to approval of the Local Agency Formation Commission; and

WHEREAS, on March 23, 2016, the City Council approved Resolution No. 2016-34, authorizing the Mayor and City Clerk to execute, on behalf of the City, a Consulting

Agreement with Michael Baker International for the preparation of a Draft Environmental Impact Report (“EIR”) for the project, stating that the technical studies prepared for the project supported this approach to satisfying California Environmental Quality Act (“CEQA”) requirements; and

WHEREAS, upon receipt of comments on the Draft EIR from the public and interested agencies and in order to complete the requirements of CEQA, it was necessary to prepare responses to the comments and prepare a Final EIR consistent with State law; and

WHEREAS, on August 23, 2017, the City Council approved Resolution No. 2017-122, authorizing the Mayor and City Clerk to execute, on behalf of the City, a First Amendment to Consulting Agreement with Michael Baker International for the preparation of a Final Environmental Impact Report (“EIR”) for the project; and

WHEREAS, on May 16, 2018, the City Council approved Resolution No. 2018-74 authorizing the Mayor and City Clerk to execute, on behalf of the City, a Second Amendment to Consulting Agreement with Michael Baker International for the preparation of a Final Environmental Impact Report (“EIR”) for the project; and

WHEREAS, in consideration of the First and Second Amendments to Consulting Agreement and additional work required to fully respond to the voluminous record of comments received during the Draft EIR comment period and to address various changes in the project as proposed by the developer, the City has determined that additional work is required to complete the Final EIR, to prepare Findings of Fact, and prepare other documents necessary to satisfy CEQA requirements; and

WHEREAS, the Director of Community Development recommends the execution

of a Third Amendment to Consulting Agreement (“Agreement”) with MBI to complete the Final EIR, in accordance with the Scope of Work identified as Attachment “A” to the Agreement; and

WHEREAS, the Director of Community Development requests authorization of an additional \$40,000.00 contingency fee in the unforeseen event that additional work on the EIR is required to complete the document; and

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

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

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the Director of Community Development.
3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, a Third Agreement Amendment with Michael Baker International in the amount not-to-exceed \$63,470 for preparation of the Final EIR and other CEQA documentation and an additional \$40,000 contingency fee subject to authorization of the Community Development Director and the project applicant. A copy of the Third Amendment to Consulting Agreement is attached as Exhibit “1” and is incorporated by this reference.



CITY OF ESCONDIDO
THIRD AMENDMENT TO CONSULTING AGREEMENT

This "Amendment" is made this 20th day of November, 2019

Between: CITY OF ESCONDIDO
 a municipal corporation
 201 N. Broadway
 Escondido, California 92025
 Attn: Bill Martin, Dir. of Community Development
 ("CITY")

And: Michael Baker International
 9755 Clairemont Mesa Blvd. Suite 100
 San Diego, CA 92124
 Attn: Bob Stark, AICP
 (858) 614-5000
 ("CONSULTANT")

Witness that whereas:

- A. CITY and CONSULTANT entered into a consulting agreement on March 23, 2016 ("Agreement"), wherein CITY retained CONSULTANT to provide services to prepare a Draft Environmental Impact Report (EIR) for the Citywide Sphere of Influence Update and Safari Highlands Ranch Project; and

- B. CITY and CONSULTANT entered into a First Amendment to the Consulting Agreement on August 23, 2017, to prepare responses to comments on the Draft EIR; and

- C. CITY and CONSULTANT entered into a Second Amendment to the Consulting Agreement on May 16, 2018, to prepare additional work on the responses to comments on the Draft EIR; and

- D. CITY and CONSULTANT desire to enter into a Third Amendment to the Consulting Agreement for a fee not to exceed \$63,470.00 to include additional work, which is defined in "Attachment A", and which is incorporated by reference.

NOW THEREFORE, it is mutually agreed by and between CITY and CONSULTANT as follows:

1. The CONSULTANT will furnish the services described in "Attachment A" to this Amendment subject to the terms in item #2 below.
2. In connection with the work covered by this Third Amendment to the Consulting Agreement, the City may, at any time during the process of the work, order other work or materials incidental thereto in an amount to not exceed \$63,470. Consultant shall not perform work in excess of the services described in Attachment "A" without the prior, written approval of the CITY. Before any additional work beyond that described in Attachment "A" is initiated, Consultant shall identify the kind and estimated quantities of the additional work to be done. Such work shall be subject to the written authorization and approval from the Community Development Director and the project applicant. The City and Consultant shall negotiate a price to complete any such additional work which shall not exceed the authorized contingency amount of \$40,000.00. If a price cannot be negotiated, then the work shall be accomplished in accordance with the unit prices established in the March 23, 2016 Agreement.
3. All additional terms under the Agreement between CITY and CONSULTANT still apply to the additional work to be performed by CONSULTANT under this Third Amendment to Consulting Agreement. If any of the terms of this Third Amendment to Consulting Agreement conflict with the Agreement, this Third Amendment to Consulting Agreement must prevail.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the parties have executed this Third Amendment as of the day and year first above written.

CITY OF ESCONDIDO

Date: _____

Paul McNamara, Mayor

Date: _____

Zack Beck City Clerk

Date: _____

Michael Baker International

Consultant

(The above signature should be notarized)

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.

Memorandum

TO: John Helmer, Project Manager DATE: October 1, 2019
City of Escondido

FROM: Bob Stark SUBJECT: **Safari Highlands Ranch and Citywide Sphere of
Influence Update EIR - Amendment #3**

Michael Baker International requests an amendment to our contract to address changes to our scope of work. We understand the project applicant intends to submit a substantially revised Specific Plan that we understand reduces the overall project footprint and replaces parks with community farm and agriculture uses. As a result, Michael Baker will need to revise the EIR to incorporate updated biology and traffic reports among other technical items, update EIR text, revise responses to comments on the Draft EIR, update exhibits and appendices, and address other “loose ends,” the full extent of which are not yet known.

Michael Baker is in receipt of a color rendering of the project entry and a brief description of the project’s rebranding as a carbon neutral farming-focused housing development (as reflected in the name change from “Safari Highlands Ranch” to “Harvest Hills”). However, we have not been afforded an opportunity to fully evaluate the extent of the project changes as reflected in the updated Specific Plan (i.e., the “project”) and resulting need for EIR revisions. For example, while the project synopsis notes the project will be “carbon neutral” and “net zero energy,” no substantiating documentation has been provided to support these features. Similarly, the rendering depicts citrus groves and row crops, but an evaluation of water supply and demand, and other operational and management characteristics has not been addressed.

Michael Baker also understands that other issues such as location, funding, timing, and operational characteristics of the planned fire station are still being discussed. New off-site mitigation for traffic (and the potential impact of that mitigation) is another topic that is outstanding and will need to be reconciled in the Final EIR. Given the degree of uncertainty in level of effort as characterized above, we have done our best to estimate the labor hours and expenses necessary to complete the Final EIR documents and prepare for and attend public hearings. It may be prudent to add a contingency budget for unforeseen work as well, to be authorized by the City should additional work beyond this estimate be requested.

Safari Highlands Ranch and Citywide Sphere of Influence Update EIR – Amendment #3

Task Description	Approximate Person Hours					Total Estimated Hours	Expenses	Total Estimated Fee
	Project Manager	Senior Planner	Associate Planner	Tech Editor/ GIS	Administrative Assistant			
<i>Hourly Rate:</i>	\$225	\$165	\$115	\$95	\$65			
Final EIR, MMRP, & Findings	80	120	60	16	8	284		\$46,740
Meetings and Hearings	40	20	8	4	2	74		\$13,730
Reproduction and Outside Costs	--	--	--	--	--	0	\$3,000	\$3,000
Total:	120	140	68	20	10	358	\$3,000	\$63,470

Note: Public noticing and filing fees are not included in this scope. A \$3,000 allowance for document reproduction and incidentals has been added.

CITY COUNCIL STAFF REPORT

Consent Item No. 5

November 20, 2019

File No. 0145-80

SUBJECT: The Designation of a Proxy Voter on the San Diego County Water Authority Board of Directors in the Event the City of Escondido's Regular Board Member is Absent

DEPARTMENT: Utilities Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2019-173, to approve the designation of the member of the San Diego County Water Authority (SDCWA) Board of Directors representing the Vista Irrigation District (VID) to serve as proxy voter for the City of Escondido. This proxy shall only be effective in the event of absence of the City of Escondido's regular member of that Board and after the City of Escondido's regular member has notified the SDCWA Board Clerk in writing of his or her planned absence. The current VID SDCWA Board member is Marty Miller. The current City of Escondido Board member is City Council Member John Masson.

PREVIOUS ACTION:

There has been no previous City Council action related to this agenda item.

BACKGROUND:

The County Water Authority Act (the Act) allows a member agency's representative to the San Diego County Water Authority (SDCWA) Board of Directors to designate another member of the SDCWA Board of Directors to vote in his or her absence, provided the designee is confirmed by the governing body of the member agency. This confirmation can come in the form of a Resolution adopted by the City Council and filed with the Clerk of the SDCWA Board of Directors.

If the City Council adopts this Resolution and files it with the SDCWA Clerk, the City's regular representative to the SDCWA Board must file a written notice with the SDCWA Clerk each time that he or she will be absent and wishes the confirmed proxy to vote on behalf of the City. A sample of this notice is attached as Attachment 1. If the notice is not received by the SDCWA Clerk, the vote of the proxy voter on behalf of the absent City of Escondido representative will not be counted. The designation of a proxy shall not direct how the absent representative's vote shall be cast on any matter.

The Resolution designating the proxy and all notices activating the proxy shall be maintained on file with the SDCWA. The designation of the proxy may be changed or rescinded entirely by a future resolution of the Escondido City Council.

Designation of a Proxy Voter for Escondido on the SDCWA Board of Directors
November 20, 2019
Page 2

Staff recommend designating the VID representative to the SDCWA Board, presently Marty Miller, to serve as the proxy voter on behalf of the City of Escondido. VID is another North San Diego County water agency, co-owner of the Escondido-Vista Water Treatment Plant, and co-owner and operator of the San Luis Rey Local Water System. VID's interests are generally well-aligned with the City's in matters related to the SDCWA, especially in terms of imported water supply and implementation of the San Luis Rey Water Rights Settlement Agreement.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Christopher W. McKinney, Director of Utilities
11/13/19 5:19 p.m.

ATTACHMENTS:

1. Attachment 1
2. Resolution No. 2019-173



DIRECTOR PROXY DESIGNEE NOTICE

Pursuant to Section 45-6 (g) of the County Water Authority Act, Director John Masson, representing the City of Escondido will be absent from the formal/special Board of Directors meeting on _____ and wishes Marty Miller, the Director designated and confirmed by resolution number _____ on file with the Clerk of the Board, to cast the agency's vote at that meeting.

Designator: _____
(Director who will be absent)

Time/Date Received: _____

By: _____
Clerk of the Board

FAX to Clerk of the Board at 858-522-6567
or email: mnelson@SDCWA.org

RESOLUTION NO. 2019-173

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING THE DESIGNATION OF ANOTHER
MEMBER OF THE SAN DIEGO COUNTY
WATER AUTHORITY BOARD OF DIRECTORS
TO VOTE IN THE ABSENCE OF THE CITY OF
ESCONDIDO'S REPRESENTATIVE TO THE
BOARD

WHEREAS, pursuant to section 6, paragraph (g) of the County Water Authority Act, the City Council of the City of Escondido may designate a member of the San Diego County Water Authority Board of Directors to vote on behalf of the City of Escondido in the absence of the City of Escondido's regular representative to that Board; and

WHEREAS, the City Council of the City of Escondido desires to confirm the duly appointed member of the San Diego County Water Authority Board representing the Vista Irrigation District to this proxy designation.

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

1. That the above recitations are true.
2. That the City Council designates the member of the San Diego County Water Authority Board representing the Vista Irrigation District to vote as proxy for the City of Escondido in the event that the City of Escondido's regular representative to that Board is absent.
3. This proxy designation shall be effective only when the City of Escondido's regular representative to the San Diego County Water Authority Board notifies the Board Clerk in writing of the planned absence.

CITY COUNCIL STAFF REPORT

Consent Item No. 6

November 20, 2019

File No. 0690-40

SUBJECT: Summary Vacation of a Portion of Juniper Street

DEPARTMENT: Engineering Services

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2019-176, authorizing the Summary Vacation of a portion of excess right-of-way (ROW) along Juniper Street in accordance with Section 8334(a) of the California Streets and Highways Code.

FISCAL ANALYSIS:

The fee of \$1,200 for processing the street vacation has been paid to offset the City of Escondido's (City) costs in processing the ROW vacation.

BACKGROUND:

The property owner at 307 East Grand Avenue, the Ritz Theater, has requested that the City vacate six (6) inches of excess ROW along their Juniper Street frontage. The area of the subject property to be vacated is within a 14-foot wide parkway that is in excess of what is needed by the City at this location.

Pursuant to California Street and Highways Code §8334(a) excess right of way of a street or highway that is not required for street or highway purposes may be summarily vacated.

There are no utilities that will be impacted by this action.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services
11/13/19 4:46 p.m.

ATTACHMENTS:

1. Resolution No. 2019-176
2. Resolution No. 2019-176 – Exhibits “A” and “B”

RESOLUTION NO. 2019-176

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AUTHORIZING SUMMARY VACATION OF A
PORTION OF EXCESS RIGHT OF WAY
ALONG A PUBLIC STREET KNOWN AS
JUNIPER STREET HEREIN SPECIFICALLY
DESCRIBED

WHEREAS, the City of Escondido owns the portion of excess right-of-way (“ROW”) along Juniper Street, more particularly described in the legal description and map attached as Exhibits “A” and “B” and incorporated by this reference, which is to be vacated through this Resolution; and

WHEREAS, the area to be vacated is not required for street or highway purposes; and

WHEREAS, the proposed vacation area is eligible for consideration as a summary vacation pursuant to California Streets and Highways Code Section 8334(a) without the requirement of a public hearing.

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 this action is taken pursuant to the California Streets and Highways Code section 8330, et seq.
3. That it is hereby found and determined that the subject land meets the criteria set forth in the California Streets and Highways Code section 8334(a), “excess right-of-way of a street or highway not required for street or highway purposes.”

4. That the summary vacation of a portion of Juniper Street frontage, more particularly described in attached Exhibits "A" and "B" is authorized, approved and hereby declared vacated.

5. That City departments and local utilities have been notified and there are no objections to the proposed vacation.

6. That the City Clerk is hereby directed and authorized to record a certified copy of this Resolution, with the effective date of the vacation, of the above-described area, to be the date of recordation with the office of the County Recorder of San Diego County, and on said date, the subject vacation area shall no longer constitute a street pursuant to the provisions of the California Streets and Highways Code Section 8336.

EXHIBIT "A"
CITY OF ESCONDIDO
PUBLIC STREET VACATION

THAT PORTION OF JUNIPER STREET (80 FEET WIDE) AS SHOWN ON TOWN OF ESCONDIDO MAP, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND 0.50 FEET WIDE LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 24 OF SAID MAP NO. 336; THENCE SOUTH 30°47' EAST 138.00 FEET TO THE POINT OF TERMINATION OF HEREIN DESCRIBED STRIP.

THE SIDELINES OF SAID STRIP SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE NORTHWESTERLY IN A LINE HAVING A BEARING OF SOUTH 59°13' WEST AND PASSES THROUGH SAID NORTHWESTERLY CORNER, AND SOUTHWESTERLY IN A LINE HAVING A BEARING OF SOUTH 59°13' WEST AND PASSES THROUGH SAID POINT OF TERMINATION OF SAID STRIP.

CONTAINING 69 SF, MORE OR LESS

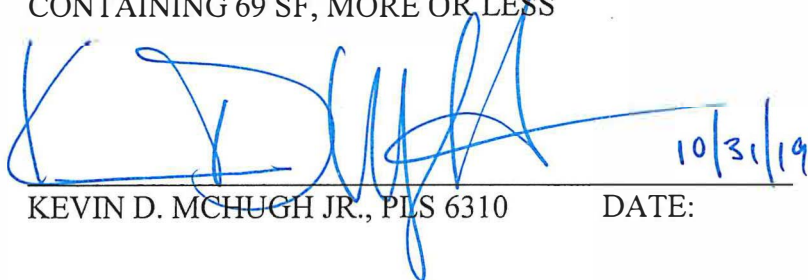
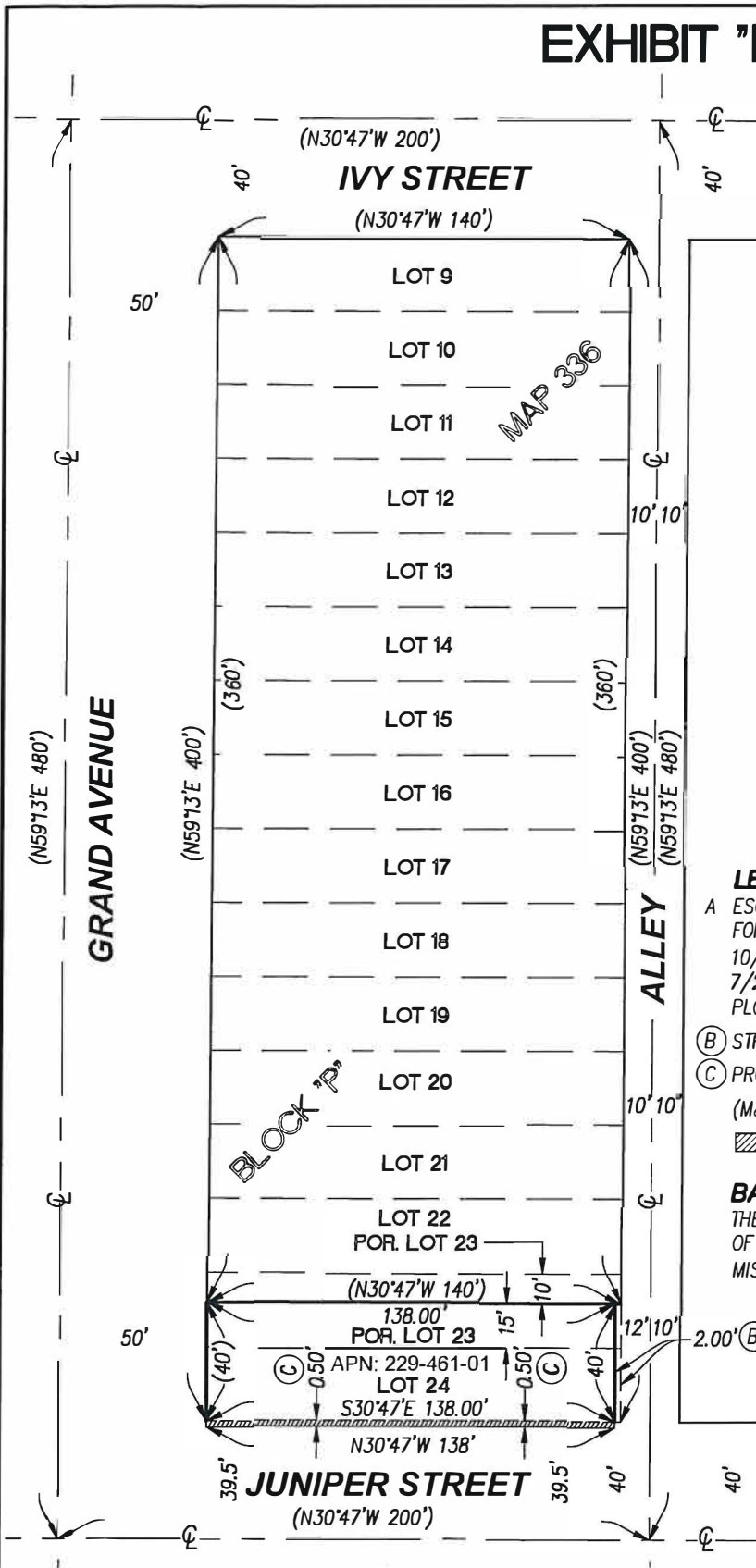

KEVIN D. MCHUGH JR., PLS 6310 DATE: 10/31/19



EXHIBIT "B"



VICINITY MAP
 NO SCALE

THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION.

KEVIN D. MCHUGH, P.L.S. 6310
 EXPIRES: 09-30-2020

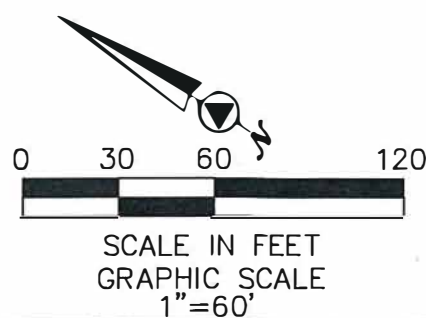


LEGEND:

- A ESCONDIDO IRRIGATION DISTRICT HOLDER OF AN EASEMENT FOR PIPE LINE, DITCHES AND INCIDENTAL PURPOSES REC. 10/9/1886 IN BOOK 67, PAGE 113, OF DEEDS AND REC. 7/21/1886 IN BOOK 67, PAGE, 318, OF DEEDS. NOT PLOTTABLE.
 - (B) STREET DEDICATION FOR ROAD PURPOSES BY SEPARATE INST.
 - (C) PROPOSED PUBLIC STREET VACATION. EXAGGERATED FOR CLARITY.
- (M&R) INDICATES RECORD DATA PER MAP 336.
- VACATION
 AREA = 69 SF±

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS PLAT IS A PORTION OF THE CENTERLINE OF GRAND AVENUE AS SHOWN ON MISCELLANEOUS MAP NO. 41. (I.E. N53°13'E)



Prepared by:

Planning ▲ Engineering ▲ Surveying
 Salvado.
 200 E. Washington Ave., Suite 200
 Escondido, CA 92025
 O. 760.741.3570
 F. 760.741.1786
 www.masson-assoc.com

10/31/2019

ENGINEERING SERVICES
 201 North Broadway, CA 92025 (760) 839-4651

PUBLIC STREET VACATION

DOC. NO.
 SHEET: 1 OF 1

CITY COUNCIL STAFF REPORT

Consent Item No. 7

November 20, 2019

File No. 0600-10, A-3321

SUBJECT: Public Service Agreement for Senior Transportation Services

DEPARTMENT: Communications & Community Services, Senior Nutrition division

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2019-177 authorizing the Mayor and City Clerk to execute a Public Service Agreement with Facilitating Access to Coordinated Transportation (FACT) in the amount of \$105,000 to provide transportation services to and from the Park Avenue Community Center Senior Nutrition program.

FISCAL ANALYSIS:

Funding for senior meal and transportation services is included in the FY 2019-2020 Senior Nutrition Budget in the amount of \$286,752 (\$132,921.50 for meals and \$153,830.50 for transportation). Additionally, the Senior Nutrition Program has been awarded CDBG funding for FY 2019-2020 in the amount of \$56,110 for meals and \$34,610 for transportation services. These grant funds offset contract costs to the General Fund.

Furthermore, the City has been awarded a nutrition grant through the County of San Diego Aging and Independent Services. This grant also offsets the Senior Nutrition meal and transportation services contract costs to the General Fund by a maximum of \$106,320.

PREVIOUS ACTION:

On July 11, 2018, the City Council approved Resolution No. 2018-104, authorizing a Public Service Agreement with Redwood Senior Homes and Services for provision of meal and transportation services. The term of the Agreement was for one year, with four additional one-year option periods.

On June 12, 2019, the City Council adopted Resolution No. 2019-81, approving the City of Escondido Fiscal Year (FY) 2019-2020 Annual Operating Budget.

BACKGROUND:

In 2018, a Public Service Agreement was executed with Redwood Senior Homes and Services for the provision of meals and transportation services. The term of the Agreement was for one year, with four additional one-year option periods. However, Redwood is no longer able to provide the transportation component to the City of Escondido for the remaining years of the contract.

On September 6, 2019, the City was notified that Redwood Senior Homes and Services would no longer be able to provide transportation services for the Nutrition Program.

In September 2019, City staff mailed Requests for Proposals (RFP) to multiple businesses that provide transportation services seeking a substitute provider. One proposal was received. After reviewing the proposal, FACT was determined to be a responsive bidder. Therefore, staff is recommending the contract be awarded to FACT.

The City's meal and transportation services present a solution to Escondido seniors who are faced with fixed incomes and escalating food and transportation costs. Not only do they have access to high-quality nutrition, but the program helps to combat isolation in a positive environment. As a result of this service, the senior community continues to be an active participant in the City's economic and civic growth.

The City of Escondido has offered the Senior Nutrition Program for over 40 years and transportation services for approximately 22 years. During the past two years, the Senior Nutrition Program has experienced a steady increase in participation in the numbers of seniors who utilize the transportation service. In FY 2018-2019, over 12,966 one-way rides were completed. By the end of FY 2019-2020, it is estimated that 13,600 trips will have been completed.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Joanna Axelrod, Director of Communications and Community Services
11/14/19 9:37 a.m.

ATTACHMENTS:

1. Resolution No. 2019-177
2. Resolution No. 2019-177 –Exhibit “A” PSA

RESOLUTION NO. 2019 -177

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 SERVICE AGREEMENT
WITH FACILITATING ACCESS TO
COORDINATED TRANSPORTATION FOR
PROVISION OF TRANSPORTATION
SERVICES

WHEREAS, the City of Escondido recognizes the need for transportation services for elderly persons in our community; and

WHEREAS, Facilitating Access to Coordinated Transportation (“FACT”) has submitted a proposal for providing senior transportation services; and

WHEREAS, the City Council desires at this time, and deems it to be in the best public interest, to approve a Public Service Agreement (“Agreement”) with FACT to provide transportation services for elderly persons; and

WHEREAS, the Director of Communications and Community Services recommends approval of entering into an Agreement with FACT for one (1) year; with (3) three one-year additional option periods, in an amount not to exceed \$105,000 for the remainder of FY 19-20, for transportation services.

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

1. That the above recitations are true.
2. That the City Council accepts the recommendation of the Director of Communications and Community Services.

3. That the Mayor and City Clerk are authorized to execute, on behalf of the City, the Agreement for senior transportation services attached as Exhibit "A" in substantially similar form as approved by the City Attorney.



CITY OF ESCONDIDO
PUBLIC SERVICES AGREEMENT

This Agreement is made this ____ day of _____, ____.

Between: CITY OF ESCONDIDO
a Municipal Corporation
201 N. Broadway
Escondido, California 92025
Attn: Danielle Lopez
760-839-6269
("CITY")

And: Facilitating Access to Coordinated Transportation (FACT)
516 Civic Center Drive
Oceanside, CA 92054
Attn: Arun Prem
760-754-1252
("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, for an amount not to exceed \$105,000. 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: _____

Paul McNamara
Mayor

Date: _____

Zack Beck
City Clerk

Date: _____

Facilitating Access to Coordinated Transportation (FACT)

Signature

Name & Title (please print)

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.

ATTACHMENT "A" **Scope of Work**

I. GENERAL.

Facilitating Access to Coordinated Transportation ("Contractor") will provide the City of Escondido ("City") transportation for individuals over sixty-years of age ("Seniors") to and from the Park Avenue Community Center, home of the Escondido Senior Center, Monday through Friday, excluding recognized holidays. This program is partially funded by the County of San Diego ("County").

II. LOCATION.

Park Avenue Community Center, 210 E Park Ave, Escondido, CA 92025.

III. TRANSPORTATION SERVICES.

Contractor shall provide transportation services as follows:

- A. Contractor shall provide curb-to-curb service to and from the Senior's home and the Park Avenue Community Center. Contractor will transport Seniors who live within the City of Escondido and neighboring unincorporated areas of San Diego County that have an Escondido address;
- B. City shall provide the Contractor with a list of Seniors that have qualified to utilize the transportation services under the terms of the program. The City shall provide the Contractor with an updated list monthly or as changes occur. The Contractor shall contact the Program Coordinator or designated representative for verification of any individual not listed to validate transportation service as needed;
- C. Contractor shall use any combination of sedans, vans, and paratransit vehicles that are capable of transporting Seniors based on their mobility and accessibility needs (e.g. wheelchairs, walkers, scooters, etc.);
- D. As a transportation brokerage, the Contractor shall seek written permission from the City to use a transportation services provider not listed below:
 - 1. Safety First;
 - 2. AAA Transport;
 - 3. NCTD Lift;
 - 4. LYFT;
 - 5. Furaat Transportation;
 - 6. Golden State Transportation;
 - 7. Telekom Transportation;
 - 8. USA Care Medical Transportation;
 - 9. Venture Medical Transportation;

10. Eleet Transportation

- E. Contractor shall provide transportation services Monday through Friday, except designated City holidays (see Paragraph IV below). Contractor shall pick-up Seniors and drop them off at the Park Avenue Community Center between the hours of 8:00 a.m. – 11:00 a.m. Contractor shall return Seniors to their respective homes beginning at 12:30 p.m.;
- F. Contractor shall make appropriate accommodations for Seniors with mobility issues that may include but not limited to wheelchairs, walkers, and canes;
- G. Contractor will provide the City with daily rider logs that outline the Seniors' name and how many one-way trips were provided that day. These logs are due to the City no later 2:00 p.m. the following business day.
- H. Contractor shall direct Seniors wishing to provide donations for transportation services to City staff for acceptance;
- I. Contractor shall maintain a reservation line 24/7 utilizing any combination of call center personnel or voicemail; and
- J. Contractor shall instruct drivers to aid Seniors utilizing the transportation services with appropriate assistance when exiting/entering the vehicle, as well as door-to-door support as needed.

IV. **SCHEDULE.**

Contractor shall provide transportation services Monday through Friday except for City recognized holidays as follows:

Monday, November 11, 2019 – Veteran's Day
Thursday, November 28, 2019 – Thanksgiving Day
Friday, November 29, 2019 – Day After Thanksgiving
Wednesday, December 25, 2019 – Christmas Day
Wednesday, January 1, 2020 – New Year's Day
Monday, January 20, 2020 – Martin Luther King Jr. Day
Monday, February 17, 2020 – President's Day
Monday, May 25, 2020 – Memorial Day

V. **RATES.**

Contractor shall provide the services listed based on the following rates:

Service	Rate
Transportation Services	\$11.00/trip

Transportation Reservation No Shows	\$11.00/trip
Late Cancellation of Transportation Reservation*	\$11.00/trip

*Late cancellations are defined as less than 2-hours in advance of the reservation time after 10:00 a.m. the day of or after 4:00 p.m. the day before for reservations prior to 10:00 a.m. the following service day.

VI. PAYMENT.

The total contract price shall not exceed \$105,600.00 for transportation services. However, if funding from the County of San Diego ("County") is reduced or eliminated, the City may terminate this PSA as provided herein.

Payment will be made after the services have been performed. Contractor shall submit monthly invoices no later than the fifth of the following month. Upon receipt of the invoice, the City will submit payment within thirty (30) days.

Invoices shall be prepared and submitted to City of Escondido, Park Avenue Community Center, 210 Park Avenue, Escondido, CA 92025. Invoices shall contain the following information: description of services, unit prices, extended totals, and purchase order number.

VII. RENEWAL OPTION.

City and Contractor may agree to enter into subsequent agreements for three additional one (1) year periods ("Subsequent Agreements"). Subsequent Agreements will require City and Contractor to enter into a new agreement within sixty days (60) prior to the termination of the preceding agreement's contract period. Either party may, at that time, decline to renew the contract, and such declination would render the renewal option null and void.

The Subsequent Agreements will be subject to the following price increase terms:

- A. Renewal Period 1 (July 2020 – June 2021) Increase: Contractor stipulates that the cumulative total of Renewal Period 1 increases would not exceed 5% of the prices in effect at the end of the initial period.
- B. Renewal Period 2 (July 2021 – June 2022) Increase: Contractor stipulates that the cumulative total of Renewal Period 2 increases would not exceed 5% of the prices in effect at the end of the first renewal period.
- C. Renewal Period 3 (July 2022 – June 2023) Increase: Contractor stipulates that the cumulative total of Renewal Period 3 increases would not exceed 5% of the prices in effect at the end of the second renewal period.

VIII. CRIMINAL BACKGROUND CHECKS

Contractor shall ensure criminal background checks are completed prior to employment or placement of Contractor's staff and volunteers in compliance with any licensing, certification, or funding requirements, which may be higher than the minimum standard described herein.

At a minimum, background checks shall be in compliance with Board of Supervisors Policy C-28 and are required for any Contractor staff or volunteer assigned to sensitive positions funded by this contract. Sensitive positions are those that: (A) physically supervise minors or vulnerable adults; (B) have unsupervised physical contact with minors or vulnerable adults; and/or (C) have a fiduciary responsibility to any County client, or direct access to, or control over, bank accounts or accounts with financial institutions of any client.

IX. COMPLIANCE WITH COUNTY CONTRACT AND FEDERAL LAW

Contractor shall comply with all laws, ordinances, orders, rules and regulations (state, federal, municipal or promulgated by other agencies or bodies having or claiming jurisdiction) applicable to the performance of Contractor's obligations to the City, including those provisions required by the County Contract Number 547766 and under 2 C.F.R. Part 200, Appendix II, which are on file with the City, and available upon request.

X. SPECIAL CONDITIONS.

All terms and conditions of the RFP shall be included herein.

ORDINANCE NO. 2019-16

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING CHAPTER 4 OF THE MUNICIPAL
CODE AND ARTICLES 6 AND 57 OF THE
ZONING CODE TO UPDATE ANIMAL
REGULATIONS

APPLICANT: Kelly Thor
CASE NO.: AZ 19-0004

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 Planning Commission conducted a public hearing on September 24, 2019, to discuss and consider proposed amendments to the Municipal Code and Zoning Code, considered public testimony, and made a recommendation to the City Council.

SECTION 3. 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 November 6, 2019, 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 4. That upon consideration of the staff report, Planning Commission recommendation, Planning Commission staff report, all public testimony presented at the hearing held on this project, and the "Findings of Fact," attached as Exhibit "A" to this

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

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 9

November 20, 2019

File No. 0800-10

SUBJECT: Rezone, Master and Precise Development Plan, Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan – Nutmeg Homes Residential Project (SUB 18-0005 and ENV 18-0005)

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is requested that the City Council conduct a public hearing on the Nutmeg Homes Project proposal, which includes a General Plan Amendment and Rezone of a property straddling North Nutmeg Street between North Centre City Parkway and Interstate 15, as well as the development of a portion of that property with 37 townhome units; and take action on the recommendations of City staff and the Planning Commission, which recommends that the City Council:

1. Adopt Resolution No. 2019-166, to certify a Final Environmental Impact Report and Mitigation Monitoring and Reporting Program for the development of the full Project site with a maximum of 18 dwelling units per acre.
2. Adopt Resolution No. 2019-167, for a General Plan Amendment of the full Project site from Office (O) to Urban III (U3).
3. Introduce Ordinance No. 2019-19, for a Rezone of the full site from Residential Estates, minimum 20,000-square-foot lot size (RE-20), to Planned Development- Residential, maximum 18 units per acre (PD-R-18). Ordinance No. 2019-19 would also approve a Master and Precise Development Plan for the construction of 37 townhome units on a portion of the Project site (the “north portion” as described below), as well as associated parking, open space and landscaping, fencing, and stormwater facilities.
4. Adopt Resolution No. 2019-168, for a Tentative Subdivision Map for 37 units on the north portion of the Project site, a Specific Alignment Plan for Nutmeg Street and Centre City Parkway, and a Grading Exemption for a slope with retaining wall exceeding Grading Ordinance height standards.

PROJECT DESCRIPTION

The full Project site is currently 6.7 acres in size and consists of three (3) separate lots under common ownership, including two (2) lots on the north side of Nutmeg Street (APNs 224-260-46 and

224-260-47; herein referred to as the “north portion”), and one (1) lot on the south side of Nutmeg Street (APN 224-260-23; herein referred to herein as the “south portion”).

On June 15, 2018, the applicant submitted an application to the Planning Division to develop the full Project site with a multi-family development of for-sale townhomes, at a maximum density of 18 units per acre. The Project would vacate right-of-way, primarily along Centre City Parkway, to increase the size of the Project site to 7.45 acres gross and net, potentially allowing up to 134 units. The application included requests for a General Plan Amendment, Rezone, Master and Precise Development Plan, Tentative Subdivision Map, Specific Alignment Plan, and Grading Exemption. Specific details about these requests are provided later in this section.

As initially proposed, the Project would have involved extensive grading within the Caltrans right-of-way directly adjacent to Interstate 15. It also would have included a connection to a Caltrans-owned stormwater drain, and the establishment and maintenance of landscaped fuel modification zones, within that Caltrans right-of-way. These activities would have required the issuance of an encroachment permit from Caltrans, as well as the establishment of a landscape maintenance agreement between Caltrans and the City of Escondido. The establishment of this landscape maintenance agreement would have made the City responsible for future maintenance of the area, or would have required the City to make a separate agreement with the Project’s homeowners’ association, to ensure that they maintained it. (Caltrans does not enter into such agreements directly with private parties, only public agencies.)

During the course of reviewing the application material, Planning staff consulted with Caltrans and provided opportunities for them to review the application materials and submit comments. During this time, Caltrans reviewed the Project’s traffic study, and stressed the need for an encroachment permit and landscape maintenance agreement (as described above), but did not indicate that an encroachment permit was infeasible. However, during the public review period for the Draft Environmental Impact Report (EIR), which ran from May 10, 2019, through June 24, 2019, Caltrans commented that they would not support issuance of an encroachment permit for this Project, as doing so would provide no benefit to the State. In response to comments received during the public review process of the Draft EIR, including, but not limited to, comments made by responsible agencies, the proposed Project needed to be modified from that proposed in the Draft EIR in order to reduce the total disturbed area of the Project site including the grading within the Caltrans right-of-way. Implementation of the Project would be impossible without the Caltrans encroachment permit. In response to these Caltrans comments, the proposed Project was modified in the Final EIR to eliminate grading within the Caltrans right-of-way and reduce the amount of site preparation and grading to accommodate the development Project. These modifications would reduce the size of the Project and lessen the amount of site work and potential environmental impacts.

The scope of the Project has therefore been modified, and at this time, the applicants are seeking the following approvals:

- Certification of a Final EIR for development of the full Project site, with the analysis assuming that up to 135 units would be constructed.
- A General Plan Amendment to change the designation of the full Project site from Office (O) to Urban III (U3), to allow a multi-family residential development with density of at least 12.6 units/acre and not more than 18 units/acre.
- A Rezone to change the zoning classification of the full Project site from Residential Estates (RE-20; minimum 20,000-SF lot size) to Planned Development-Residential (PD-R-18; maximum 18 units/acre).
- A Tentative Subdivision Map for only the north portion to accommodate 37 townhomes.
- A Master and Precise Development Plan for only the north portion; to allow open space and building height standards that deviate from those required for the Medium Multiple Residential zone (or R-3, the zoning classification generally associated with the U3 General Plan designation).
- A Grading Exemption for one cut slope plus soil nail retaining wall, exceeding the 20' height limit described in the City of Escondido Grading Ordinance (affected slope is located near the northwest corner of the north portion).
- A Specific Alignment Plan for Nutmeg Street and Centre City Parkway, for street design that deviates from typical City standards.

At some point after the above components are approved, the applicant intends to seek separate approvals for the portion of the Project site to the south of Nutmeg Street (referred to herein as the "south portion"), as follows:

- A Tentative Subdivision Map for the south portion only.
- A Master Development Plan and Precise Development Plan to incorporate the south portion of the site into the overall Project.

The Final EIR that has been prepared for the Project identifies the reasonably foreseeable environmental impacts of the whole action (i.e. full build-out of the north and south portions) and recommends mitigation measures and alternatives which can avoid or reduce those impacts associated with the full Project. This approach follows the principle that the EIR process should be combined with the Project approvals to examine all phases of the Project, rather than piecemealing individual parts viewed and analyzed separately. Although the Final EIR, General Plan Amendment, and Rezone covers the full Project site (i.e. north and south portions), a site design for the south portion of the Project site is not provided for City Council review. Full plans for the south portion,

including details on unit placement, building design, floor plans, open space and recreational amenities, parking, landscaping, grading, fencing, and stormwater facilities, among others, will be prepared separately and submitted to the City when an application for a new Tentative Map and Modification to the Master/Precise Development Plan is submitted. When these plans are submitted, staff will review them for conformity to all applicable codes and regulations, and for compatibility with the development on the north portion, before taking them before the Planning Commission and then City Council for final approval.

FISCAL ANALYSIS:

The proposed Project is private development that will require the payment of fees in effect at the time permits are requested.

PLANNING COMMISSION RECOMMENDATION:

On October 22, 2019, the Planning Commission voted 5-0 to recommend that the City Council approve the series of actions related to the Project, based upon the findings and conditions of approval contained within the Planning Commission staff report. The Planning Commission attached two (2) additional conditions of approval to the Project, as follows:

- A minimum of ten (10) guest parking spaces shall be provided on the north portion of the site, and shall be shown on the final construction, landscape, and grading plan submittals.
- Future requests to develop the south portion of the Project site shall demonstrate that the full Project (north and south combined) can conform to the minimum standards for “usable open space” for the R-3 zone, as defined in Section 33-108(b) of the City of Escondido Zoning Code. These standards require 400 square feet of usable open space per dwelling unit, as well as an additional 200 square feet for each bedroom over one (1) in said dwelling unit.

These conditions have been included as Conditions of Approval #9 and #10, respectively, in the “Master and Precise Development Plan” section of Exhibit B to Resolution 2019-168. The Recommendation section of this report reflects the full Planning Commission recommendation.

Written and oral testimony was provided to the Planning Commission at their meeting on October 22, 2019. A letter emailed by a Project neighbor shortly before the meeting was provided to the Commissioners at the dais, and expressed support for the Project due to its provision for a new traffic signal at the Nutmeg/Centre City intersection. A copy of this letter is included with this staff report as Attachment 3. At the meeting, two (2) planning consultants for the Project spoke in support of it, and delivered a brief presentation. One (1) resident of a neighborhood near the Project also spoke, and expressed approval of a traffic signal at Centre City Parkway and Nutmeg, but was also concerned about the Project’s impacts on drainage patterns and traffic on Nutmeg Street. Staff explained that a Storm Water Quality Management Plan (SQWMP) had been prepared and the EIR contained an

analysis of hydrologic issues related to the Project. Staff also discussed the improvements proposed for Nutmeg Street by the Project, which are fully explained in the “Analysis” section later in this report.

Please note that the Planning Commission staff report and draft Planning Commission meeting minutes are provided in Attachments 1 and 2, respectively. The meeting minutes provide detailed comments from the speakers and Commissioners.

PREVIOUS ACTION:

A request for initiation of a General Plan Amendment was included on the consent agenda for the City Council meeting of January 24, 2018, under Case File No. PHG 17-0030. The City Council voted unanimously at this meeting to allow the applicant to submit an application to the Planning Division for the General Plan Amendment.

ANALYSIS

General Plan

The General Plan land use designation for the subject property is Office (O) and the zoning classification is Residential Estates (RE-20; minimum 20,000-SF lot size). The Office land use designation is intended for a variety of office-based businesses, and supportive commercial uses, such as restaurants. The Residential Estates zoning classification is intended for single-family residences on lots that are approximately one-half acre or larger. Because the General Plan designation and zoning classification are not compatible with each other in their objectives or intended uses, any development of the site would require a change to one or both.

The Project proposes to change the General Plan designation of the site to Urban III (U3), which would allow a multi-family development with a maximum density of 18 dwelling units per acre, and a minimum density of 12.6 units/acre (70% of the maximum). The Project would also change the zoning classification of the site to Planned Development- Residential (PD-R-18, maximum 18 units/acre). While the Tentative Subdivision Map and Master/Precise Development Plan under consideration at the November 20, 2019 City Council meeting proposes to construct 37 units on 2.42 net acres, for a density of only 15.3 units/acre on that portion, separate development approvals for the south portion are anticipated to raise the total number of units across the entire site to as many as 134, for an overall density of 18 units/acre. Therefore, the PD-R-18 classification is necessary across both the north and south portions of the Project site.

Building Design, Open Space, and Amenities

As shown on the site plan for the Project, the proposed townhome units in the north portion would be grouped into clusters of two (2), three (3), four (4), or six (6) units. Two (2) “villa” floorplans are proposed: a 1,104-SF floorplan with two (2) bedrooms and 2.5 bathrooms (Plan 1), and a 1,339-SF

floorplan with three bedrooms and 2.5 bathrooms (Plan 2). Of the 37 units proposed for the north portion of the Project, nine (9) would utilize Plan 1 and the remaining 28 would utilize Plan 2. Both floorplans would include three (3) stories, with a two (2) car garage and foyer on the ground level; a kitchen, great room, half-bath, and private deck on the second level; and two (2) or three (3) bedrooms, two (2) full bathrooms, and laundry on the third level.

The exterior design of the proposed townhomes would utilize a neutral color palette, with variation in materials for visual interest. Primary wall materials would be stucco or siding, in Toque White (off-white) and Versatile Gray (light gray) for stucco, and Keystone Gray (medium gray/tan) and Carriage Door (red/brown) for siding. Stone accent walls would be included at ground level for all buildings, primarily at the front doors of most units. Deck railings would be painted in Well-Bred Brown (dark brown), and some windows would include shutters, which would be painted in Oakmoss (olive green). Flat tile roofing in a dark brown shade would also be included. All proposed colors are by Sherwin-Williams, stone veneer is by Coronado Stone, and roofing is by Eagle Roofing. Colors and materials by other manufacturers may be approved by staff when construction plans are submitted, provided they are substantially similar to those proposed, as specified in proposed General Condition of Approval #2. Since the provided plans do not call out a color scheme for eaves, window frames, front doors, or garage doors, General Condition of Approval #2 also requires that these features be painted to match or coordinate with other parts of the building.

The Project proposes a total of 26,135 square feet of open space meeting the definition of “usable” as described in Section 33-108(b) of the Zoning Code. Included in this figure are private balconies (one per unit) as well as a common area featuring a grassy play area, seating, exercise station, and space. If this were a traditional R-3 development, an overall requirement of 27,800 square feet of open space would apply for the north portion. Approval for the 1,665-square-foot deficiency is requested as part of the Master and Precise Development Plan for the Project. The Master and Precise Development Plan also includes a request for increased building heights, since the R-3 zone limits development to 35', while the proposed townhomes would range from 34'11" to 39'.

Project Access and Street Improvements

Access to the north portion of the Project site would be via a 24'-wide, ungated driveway on Nutmeg Street. A secondary, emergency-only access driveway would also be provided on Nutmeg, to the east of the main driveway (closer to the intersection with Centre City Parkway), and would be gated.

Numerous improvements are proposed for both Nutmeg Street and Centre City Parkway. Some are design features, while others are included as mitigation measures in the Project's EIR, to reduce traffic impacts related to the Project. Because the ultimate design of both streets does not conform to City standards in all respects, a Specific Alignment Plan is proposed as part of the Project.

For Centre City Parkway, a 58'-wide vacation along the west side of the right-of-way would add 0.97 acre to the overall Project site (0.16 on the north portion, and 0.81 on the south portion), and would reduce the right-of-way width from 200 to 142 feet. A five (5) foot wide sidewalk, six (6) inch curb,

and gutter would be constructed along the Centre City frontage for both the north and south portions of the Project site. On the east side of the street, grading of a sloped area within the right-of-way would be included to make room for future street improvements on this side (though specific improvements to the east side of the street are not proposed under this Project). The northbound side of Centre City Parkway would continue to have a dedicated left-turn lane onto Nutmeg as well as a through lane. For the southbound side of Centre City Parkway, a dedicated right-turn lane (onto Nutmeg) would be constructed, and a dedicated left-turn lane (onto Coyote Hill) would be striped. A traffic signal would be installed at the Nutmeg/Centre City intersection. A portion of the street section would be replaced by the applicant in the process of making these improvements (the portion to be replaced would be the west half and twelve (12) feet of the east half).

For Nutmeg Street, which is curved in the portion that passes the Project site, the existing right-of-way (which varies in width) would be widened and realigned slightly to increase the turning radius, to enhance traffic safety. These activities would require small dedications and vacations of right-of-way, in various places along the Project frontage, as shown on the Tentative Subdivision Map. A five (5) foot wide sidewalk, six (6) inch curb, gutter, and five (5) foot to six (6) foot bicycle lane would be installed along each side of Nutmeg. Left-turn pockets would also be provided at the intersection of Nutmeg and the main Project entrance, to prevent motorists from blocking moving traffic while waiting for an opportunity to enter either the north or the south portion of the site. For Nutmeg, the entire street section would be replaced by the applicant in the process of making these improvements.

One mitigation measure included in the EIR would make improvements to the segment of Nutmeg Street between Country Club Lane and Via Alexandra, which is not adjacent to the development site but is expected to experience traffic impacts as a result of the Project. These improvements would widen the roadway to provide for a 14'-wide southbound lane with curb, gutter, and sidewalk, to be designed as a green streets facility. The improvements would include removal and reconstruction of existing driveways to private driveway standards, and a parking restriction along the improved section, to the satisfaction of the City Engineer. A separate mitigation measure would require signalization of the Nutmeg/Country Club intersection, as well as restriping the southbound approach to create a shared left-turn/through lane and a dedicated right-turn lane.

ENVIRONMENTAL REVIEW

A Notice of Preparation (NOP) was issued for the Project on August 29, 2018, in compliance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines. An Initial Study was prepared in conjunction with the NOP, and made available for public viewing via a link on the City's website. The Initial Study identified several potentially significant environmental impacts, in the areas of aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation and traffic, and mandatory findings of significance. Five (5) comment letters were received in response to the NOP from local, state, and federal agencies, and a

sixth (6th) letter was received from a neighbor of the Project. Responses to these letters were incorporated into the Draft Environmental Impact Report (EIR).

A public scoping meeting was held for the Project on September 6, 2018, and three (3) to four (4) members of the public attended. Concerns raised during the meeting centered on provisions for guest parking within the development, safety issues at the intersection of Nutmeg Street and Centre City Parkway, and drainage in the vicinity of Coyote Hill Glen and Centre Parkway.

The Draft Environmental Impact Report (City Log No. ENV 18-0005) was circulated for a 45-day public review period, from May 10, 2019, through June 24, 2019. Six (6) comment letters were received during and after this review period from various state and local agencies. Responses to all six (6) letters have been incorporated into the Final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts with respect to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation.

As part of the environmental review process, Planning staff issued consultation invitations to a list of tribal groups maintained by the California Native American Heritage Commission, as required by state law (SB18) for all projects involving an amendment to a General Plan. Additionally, staff issued separate consultation invitations to a smaller subset of tribal groups, as required by another state law (AB52) for all projects subject to the California Environmental Quality Act. A total of five (5) tribal groups requested to consult about the Project under SB18 and/or AB52. A sixth (6th) group did not request to consult, but referred staff to another group for input (that other group turned out to be one of the five tribes that did specifically request to consult). Three (3) of the five (5) groups agreed to close consultation after reviewing the Draft EIR and confirming that they were satisfied with the enclosed mitigation measures. Of the two (2) remaining tribal groups, the Pauma Band of Luiseño Indians requested to keep consultation open pending selection of a tribal monitor for ground-disturbing activities. This monitor is a Project requirement per Mitigation Measures CR-1 and CR-2 of the Project's EIR, but selection is not anticipated to occur until after the Project is approved and the EIR is certified. To address this issue, Mitigation Measure CR-1 has been revised in the Final EIR to require notification of the Pauma Band before the monitor is selected and hired. The San Luis Rey Band of Mission Indians have also requested to keep consultation open due to concerns about a milling site on the south portion of the Project site, which would be buried by the Project (the EIR's position is that this milling site is not a significant resource). However, staff believes that the San Luis Rey Band's concerns can be addressed via Mitigation Measures CR-1 through CR-10, since they establish a process for monitoring of ground-disturbing activities, as well as the treatment of any tribal cultural resources, artifacts, or remains that may be found on the site during these activities.

When an individual project is a necessary precedent for action on a larger project with a significant effect, an EIR must address itself to the scope of the larger project. The Project's scope, as described in the Final EIR, includes a preliminary development proposal for the whole action (i.e. full build-out of the north and south portions). Changes or alterations have been required in, or incorporated into, the Project that avoid or substantially lessen the significant environmental effects

as identified through agency comments and the Final EIR. That is, much of the development in the southern portion of the site has been pulled out of the Caltrans right-of-way, as described in Background section of this staff report. Although the Final EIR enlightens the public and the Planning Commission as to the significant effects, possible ways to minimize those effects, and reasonable alternatives to the full Project; the site design and development proposal included within this requested discretionary action only includes 37 units of the first entitlement phase. The action to approve the Tentative Subdivision Map, Master and Precise Development Plan, and Grading Exemption for the northern portion of the Project would be adequately covered by the Final EIR.

The Draft EIR assumes a maximum of 135 units for the Project; since at the time of its release for public review, the applicant had indicated that the site could accommodate that many units (at the 18 unit/acre density). Between the release of the Draft EIR and the completion of the Final EIR, staff received updated Project size information (i.e. vacation and right-of-way acquisition) that showed that only 134 units could be accommodated. The Final EIR brought forth to the Planning Commission for consideration at the hearing on October 22, 2019, still assumes a maximum of 135 units. When the applicant submits applications for a Tentative Subdivision Map and modified Master and Precise Development Plan to develop the south portion, those applications will be reviewed by Planning staff to verify that the overall Project still conforms to the terms and assumptions of this Final EIR, including a maximum yield of 134 units. If changes to the Project or its circumstances occur, or new information becomes available after certification, the City would prepare a subsequent EIR if required under CEQA Guidelines Section 15162(a). Otherwise, the City would determine whether to prepare an EIR addendum, or no further documentation, relying on this Final EIR if it retains relevance.

PUBLIC INPUT

Public outreach was conducted in the City's review and consideration of the Project proposal. The Project application was circulated to various City, County, regional, and state agencies for review, and modifications were made to the Project to address any concerns. No new issues of concern have been identified. Comments from agencies have either been addressed through the processing of the Project or have been included as Conditions of Approval.

On August 29, 2018, a Notice of Preparation (NOP) and Initial Study were distributed for the Project in compliance with CEQA, to inform the public that an EIR was determined to be the appropriate format for analysis of Project-related environmental impacts. Six comments were submitted from state and local agencies and from a private citizen in response to the NOP; these comments and responses were included within the Draft EIR for the Project.

A public scoping meeting was held on September 6, 2018, to give attendees the opportunity to learn more about the Project and provide input on topics they believed should be addressed during the environmental review process for the Project. Concerns about drainage, the adequacy of guest parking within the development, and traffic safety on surrounding streets were raised during this meeting. The EIR that was later produced included analyses of hydrology and traffic issues, and the

Project as presented for the Planning Commission would have provided nine (9) guest parking spaces in the north portion, but this was increased to ten (10) spaces per a condition added by the Commission (as discussed earlier in this report). With ten (10) guest spaces, the north portion conforms to the guest parking requirement typically applied to R-3 developments (one (1) guest space per four (4) units or fraction thereof).

A Draft Environmental Impact Report (EIR) was prepared for the Project and circulated for a 45-day public review from May 10, 2019, through June 24, 2019. Six comments from state and local agencies were received during this review period, and responses to those comments were incorporated into the Final EIR.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
11/13/19 5:10 p.m.

Mike Strong, Assistant Director of Planning
11/13/19 5:06 p.m.

ATTACHMENTS:

1. Attachment 1 – Planning Commission staff report (October 22, 2019)
2. Attachment 2 – Draft Planning Commission Minutes (October 22, 2019)
3. Attachment 3 – Correspondence Received Outside of Draft EIR Public Review Period (October 22, 2019)
4. Resolution No. 2019-166
5. Resolution No. 2019-166 – Exhibits A, B, C, and D
6. Resolution No. 2019-167
7. Resolution No. 2019-167 – Exhibits A and B
8. Ordinance No. 2019-19
9. Ordinance No. 2019-19 – Exhibits A and B
10. Resolution No. 2019-168
11. Resolution No. 2019-168 – Exhibits A and B



PLANNING COMMISSION

Agenda Item No.: G.2
Date: October 22, 2019

PROJECT NUMBER / NAME: SUB 18-0005 and ENV 18-0005 / Nutmeg Homes

REQUEST: A General Plan Amendment, Rezone, Tentative Subdivision Map, Master and Precise Development Plan, Specific Alignment Plan, and Grading Exemption, for a multi-family residential development known as Nutmeg Homes. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: Both sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15

APN / APNS: 224-260-23, 224-260-46, and 224-260-47

GENERAL PLAN / ZONING: O (Office) / RE-20 (Residential Estates; 20,000 SF min. lot size)

APPLICANT: Consultants Collaborative

PRIMARY

REPRESENTATIVE: Jason Greminger

DISCRETIONARY ACTIONS REQUESTED: General Plan Amendment, Rezone, Tentative Subdivision Map, Master and Precise Development Plan, Specific Alignment Plan, and Grading Exemption.

PREVIOUS ACTIONS: City Council authorized the intake and processing of the application on January 24, 2018.

PROJECT PLANNER: Ann Dolmage, Associate Planner adolmage@escondido.org

CEQA RECOMMENDATION: Recommend certification of the Final EIR

STAFF RECOMMENDATION: Recommend approval to City Council

REQUESTED ACTION: Approve Planning Commission Resolution No. 2019-23

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS:

Bill Martin, Community Development Director
 Mike Strong, Assistant Planning Director

BACKGROUND:

Before any application for a General Plan Amendment may be submitted to the Planning Division, City Council must consider the applicant's initiation request, and vote to authorize Planning staff to accept and process the application. On December 1, 2017, the applicant requested initiation of a General Plan Amendment for a site straddling North Nutmeg Street between North Centre City Parkway and Interstate 15. The initiation request was placed on the consent agenda for the City Council hearing on January 24, 2018, and Council voted unanimously to authorize staff to accept a General Plan Amendment application for the project.

On June 15, 2018, the applicant submitted an application to develop the full project site as described above. In addition to the request for a General Plan Amendment, the application included requests for a Rezone, Tentative Subdivision Map, and Master Development Plan. Subsequent to the initial filing on June 15, 2018, requests for a Precise Development Plan, Grading Exemption, and Specific Alignment Plan were later added to the package. Three (3) separate lots under common ownership were involved in the request, including two (2) lots on the north side of Nutmeg Street (APNs 224-260-46 and 224-260-47), referred to in this report as the "north portion", and one (1) lot on the south side of Nutmeg Street (APN 224-260-23), referred to herein as the "south portion". The General Plan Amendment would change the land use designation of the site from Office (O) to Urban III (U3), to facilitate the development of up to 134 townhome units, as well as associated parking, landscaping, and recreational amenities.

As initially proposed, the project would have involved extensive grading within the Caltrans right-of-way directly adjacent to Interstate 15. It also would have included a connection to a Caltrans-owned stormwater drain, and the establishment and maintenance of landscaped fuel modification zones, within that Caltrans right-of-way. These activities would have required the issuance of an encroachment permit from Caltrans, as well as the establishment of a landscape maintenance agreement between Caltrans and the City of Escondido. The establishment of this landscape maintenance agreement would have made the City responsible for future maintenance of the area, or would have required the City to make a separate agreement with the project's homeowners' association, to ensure that they maintained it. (Caltrans does not enter into such agreements directly with private parties, only public agencies.) During the course of reviewing the application material, Planning staff consulted with Caltrans and provided opportunities for them to review the application materials and submit comments. During this time, Caltrans reviewed the project's traffic study, and stressed the need for an encroachment permit and landscape maintenance agreement (as described above), but did not indicate that an encroachment permit was infeasible. However, during the public review period for the Draft Environmental Impact Report (EIR), which ran from May 10 through June 24, 2019, Caltrans commented that they would not support issuance of an encroachment permit for this project, as doing so would provide no benefit to the State. In response to comments received during the public review process of the Draft EIR, including, but not limited to, comments made by responsible agencies, the proposed project needed to be modified from that proposed in the Draft EIR in order to reduce the total disturbed area of the project site including the grading within the Caltrans right-of-way. Implementation of the project would be impossible without the Caltrans

encroachment permit. In response to these Caltrans comments, the proposed project was modified in the Final EIR to eliminate grading within the Caltrans right-of-way and reduce the amount of site preparation and grading to accommodate the development project. These modifications would reduce the size of the project and lessen the amount of site work and potential environmental impacts.

The scope of the project has therefore been modified for the Planning Commission public hearing on October 22, 2019. At this time, the applicants are seeking the following approvals:

- Certification of the Final EIR for the full project site (north and south portions, with the analysis assuming that 135 units would be constructed, as a “worst case” scenario).
- A General Plan Amendment to change the designation of both the north and south portions from Office (O) to Urban III (U3), to allow a multi-family residential development with density of at least 12.6 units/acre and not more than 18 units/acre.
- A Rezone to change the zoning classification of both the north and south portions from Residential Estates (RE-20; minimum 20,000-SF lot size) to Planned Development-Residential (PD-R-18; maximum 18 units/acre).
- A Tentative Subdivision Map for only the north portion to accommodate 37 townhomes.
- A Master and Precise Development Plan for only the north portion; to allow open space, parking, and building height standards that deviate from those required for the Medium Multiple Residential zone (or R-3, the zoning classification generally associated with the U3 General Plan designation).
- A Grading Exemption for one cut slope plus soil nail retaining wall, exceeding the 20' height limit described in the City of Escondido Grading Ordinance (affected slope is located near the northwest corner of the north portion, just inside a proposed fire wall discussed later in this report).
- A Specific Alignment Plan for Nutmeg Street and Centre City Parkway, for street design that deviates from typical City standards.

At some point after the above components are approved, the applicant intends to seek separate approvals for the south portion, as follows:

- A Tentative Subdivision Map for the south portion only.
- A Master Development Plan and Precise Development Plan to incorporate the south portion of the site into the overall project

The Final EIR that has been prepared for the project identifies the reasonably foreseeable environmental impacts of the whole action (i.e. full build-out of the north and south portions) and recommends mitigation measures and alternatives which can avoid or reduce those impacts associated with the full project. This approach follows the principle that the EIR process should be combined with the project approvals to examine all phases of the project, rather than piecemealing individual parts viewed and analyzed separately. Although the Final EIR, General Plan Amendment, and Rezone covers the full project site (i.e. north and south portions), a site design for the south portion of the project site is not provided for Planning Commission review. Full plans for the south portion, including details on unit placement, building design, floor plans, open space and recreational amenities, parking, landscaping, grading, fencing, and stormwater facilities, among others, will be prepared separately and submitted to the City when an application for a new Tentative Map and Modification to the Master/Precise Development Plan is submitted. When these plans are submitted, staff will review them for conformity to all applicable codes and regulations, and for compatibility with the development on the north portion, before taking them before the Planning Commission and then City Council for final approval.

PROJECT ANALYSIS:

1. General Plan / Zoning

The General Plan land use designation for the subject property is Office (O) and the zoning classification is Residential Estates (RE-20; minimum 20,000-SF lot size). The Office land use designation is intended for a variety of administrative and professional businesses, and other commercial uses that support those businesses, such as restaurants. The Residential Estates zoning classification is intended for single-family residences on lots that are approximately one-half acre or larger. Because the General Plan designation and zoning classification are not compatible with each other in their objectives or intended uses, any development of the site would require a change to one or both. The project proposes to change the General Plan designation of the site to Urban III (U3), which would allow a multi-family development with a density between 12.6 and 18 dwelling units per acre. The project would also change the zoning classification of the site to Planned Development- Residential (PD-R-18, maximum 18 units/acre). While the north portion alone is expected to construct 37 units on 2.42 net acres, for a density of only 15.3 units/acre on that portion, separate development approvals for the south portion are anticipated to raise the total number of units across the entire site to as many as 134, for an overall density of 18 units/acre. Therefore, the PD-R-18 classification is necessary across both the north and south portions of the project site.

2. Development Standards

The table below contains information on development standards for the R-3 Zone (Medium Multiple Residential), which is typically associated with the U3 land use designation of the General Plan (the land use designation proposed for this site), and which allows a density of up to 18 units per acre (the maximum density proposed for the project). The development standards proposed for the project are also presented for comparison.

Because the project does not meet the standards of the R-3 zone for open space and building height, approval of a Master and Precise Development Plan is requested as part of the application package. Additionally, while the project would provide 74 parking spaces for residents (within individual private garages) instead of the 71 that would be required for an R-3 Zone project of this size, it would provide only nine (9) guest parking spaces, instead of the ten (10) required for an R-3 Zone project. The surplus of three (3) resident spaces is due to the fact that two (2) bedroom units typically are required to provide 1.75 resident spaces per unit, while each two (2) bedroom unit within this development will provide two (2) resident spaces. Guests to the development cannot expect to take advantage of the 0.25-space surplus that each two (2) bedroom unit would provide within its private garage, nor can guests expect to park off-site, since street parking will not be available on either Centre City Parkway or Nutmeg Street. Therefore, a request for relief from the guest parking standard is also in this project's Master and Precise Development Plan request.

	Zoning Code Development Standards for R-3 (Multifamily zone with density comparable to project)	Proposed Standards
Setbacks	Front: 15' Side (interior): 5' for first two floors; 10' for third floor Side (street): 10' Rear: 10'	Front: 15' Side (interior/west): 23.4' Side (street/east): 30' Rear: 10'
Height Limit	35' and three stories maximum. (General Plan limits heights to 2-4 stories for the U3 designation; no specific height limit or measurement noted.)	Buildings range from 34'11" to 39' at highest points. All buildings will be three stories.
Floor Area Ratio	0.7	0.45
Parking	2-bedroom units: <ul style="list-style-type: none"> • 1.75 spaces required per unit • 15.75 spaces required for 9 units; may be rounded down to 15 spaces • At least one space per unit must be covered 3-bedroom units:	2-bedroom units: <ul style="list-style-type: none"> • 2 spaces provided per unit (18 spaces for 9 units) • All spaces would be covered (private garages)

	<ul style="list-style-type: none"> • 2 spaces required per unit • 56 spaces required for 28 units • At least one space per unit must be covered <p>Guest parking:</p> <ul style="list-style-type: none"> • 1 space required per 4 units or fraction thereof • 10 guest spaces required for 37 units • May be covered or uncovered <p>Total parking required: 81 total (71 resident spaces and 10 guest spaces)</p>	<p>3-bedroom units:</p> <ul style="list-style-type: none"> • 2 spaces provided per unit (56 spaces for 28 units) • All spaces would be covered (private garages) <p>Guest parking:</p> <ul style="list-style-type: none"> • 9 spaces provided • All guest spaces would be uncovered <p>Total parking provided: 83 (74 resident spaces and 9 guest spaces)</p>
Usable Open Space (per definition in Section 33-108 of Zoning Code)	<p>600 SF per 2-bedroom unit (5,400 SF for 9 units)</p> <p>800 SF per 3-bedroom unit (22,400 SF for 28 units)</p> <p>Total usable open space required: 27,800 SF</p>	Usable open space provided: 26,135 SF

3. Design Review

The project was taken to four (4) staff design review meetings between July 2018 and March 2019. Recommendations were made during those meetings in regards to building design, recreational amenities, guest parking, fencing, and landscaping. All recommendations were transmitted to the applicant, and were incorporated into the design of the project to the extent possible.

4. Residential Floor Plans

Two (2) "villa" floorplans are proposed for the development of the north portion: a 1,104-SF floorplan with two (2) bedrooms and 2.5 bathrooms (Plan 1), and a 1,339-SF floorplan with three bedrooms and 2.5 bathrooms (Plan 2). Of the 37 units proposed for the north portion of the project, nine (9) would utilize Plan 1 and the remaining 28 would utilize Plan 2. Both floorplans would include three (3) stories, with a two (2) car garage and foyer on the ground level; a kitchen,

great room, half-bath, and private deck on the second level; and two (2) or three (3) bedrooms, two (2) full bathrooms, and laundry on the third level.

5. Residential Exterior Building Design

As shown on the site plan for the project, the proposed townhome units would be grouped in clusters of two (2), three (3), four (4), or six (6) units. These clusters have been assigned labels as follows:

- Building B - six (6) units per building in a rectangle configuration; one (1) building proposed
- Building C - four (4) units per building in a square configuration; two (2) buildings proposed
- Building E - three (3) units per building in a row configuration; seven (7) buildings proposed
- Building F - two (2) units per building; one (1) building proposed

There are no clusters labeled “Building A” or “Building D” in the north portion. These are configurations that were assigned solely to the south portion of the project, under the original application, but the current Master and Precise Development Plan request covers only the north portion.

The exterior design of the proposed townhomes would utilize a neutral color palette, with variation in materials for visual interest. Primary wall materials would be stucco or siding, in Toque White (off-white) and Versatile Gray (light gray) for stucco, and Keystone Gray (medium gray/tan) and Carriage Door (red/brown) for siding. Stone accent walls would be included at ground level for all buildings, primarily at the front doors of most units. Deck railings would be painted in Well-Bred Brown (dark brown), and some windows would include shutters, which would be painted in Oakmoss (olive green). Flat tile roofing in a dark brown shade would also be included. All proposed colors are by Sherwin-Williams, stone veneer is by Coronado Stone, and roofing is by Eagle Roofing. Colors and materials by other manufacturers may be approved by staff when construction plans are submitted, provided they are substantially similar to those proposed, as specified in proposed General Condition of Approval #2. Since the provided plans do not call out a color scheme for eaves, window frames, front doors, or garage doors, General Condition of Approval #2 also requires that these features be painted to match or coordinate with other parts of the building.

6. Fencing and Signage

Fencing and walls on the north portion of the project would incorporate a variety of materials and designs, as follows:

- Tubular steel (six (6) feet maximum height): This fencing type would be installed along the Nutmeg Street and Centre City Parkway frontages. It would also wrap around the northeast corner of the site to fully enclose a bioretention basin in this area, and extend

westward for roughly 60 feet, before meeting up with the block retaining wall described next.

- Block retaining wall (varying height): This wall would be installed along the north property line, starting where the tubular steel fencing described above ends, and extending roughly 185 feet westward. It would also extend along the west sides of the bioretention basins at the northeast corner of the site, and between these basins. A fire wall would be installed along part of this retaining wall; see next item.
- Fire wall (eight (8) feet in height): A fire wall would be constructed along the majority of the north property line (on top of the block retaining wall, where necessary), and along much of the west property line. The fire wall would cut across the northwest corner of the site, following the edge of proposed grading activities.
- Soil nail retaining wall (varying height): This wall would be installed near the northwest corner of the site, as separation between a graded slope and building pads.
- Sound wall (eight (8) feet in height): This wall would be constructed along the south side of the open space area (where the park, seating, exercise station, and spa are located). At the time this sound wall was added to the design, the fire wall along the north and west property lines of the north portion of the project had not yet been proposed, and the sound wall was necessary to minimize interstate-related noise for residents using this open space (per the noise study prepared for the project). After the fire wall was added, the sound wall next to the open space area was not removed from the project, and the noise study was not updated to confirm whether the fire wall alone would reduce outdoor noise levels to acceptable levels per City standards.

7. Landscaping and Grading

The applicant has provided a conceptual landscape plan listing a variety of trees, shrubs, vines, and groundcovers to be used in the north portion. Locations of trees are called out on the conceptual landscape plan, including street trees along the Nutmeg frontage. Specific locations of shrubs, vines, and groundcovers are not called out. As a condition of approval of the project, the applicant will be required to submit a full landscape package for review by Engineering and Planning, indicating specific locations of all plantings, as well as irrigation details and information confirming that the landscape design conforms to local and state water efficiency standards (as codified in Article 62 of the Zoning Code, and the State of California's 2015 Model Water Efficiency Landscape Ordinance).

Per the project's Fire Protection Plan, certain landscaped areas around the perimeter of the north portion will serve as irrigated fuel modification zones to reduce wildfire threats. The far northwest corner of the site (i.e., the area to be located behind the proposed fire wall) is also identified as a fuel modification zone in the Fire Protection Plan, but the vegetation in this area will be thinned instead of replaced with landscaping.

The proposed development of the north side of the project site would require grading in the approximate amounts of 13,150 cubic yards of cut and 6,500 cubic yards of fill. Approximately 6,650 cubic yards of export material would be generated.

8. Project Access, Street Design, and Improvements

Access to the north portion of the project site would be via a 24'-wide, ungated driveway on Nutmeg Street. A secondary, emergency-only access driveway would also be provided on Nutmeg, to the east of the main driveway (closer to the intersection with Centre City Parkway), and would be gated.

Numerous improvements are proposed for both Nutmeg Street and Centre City Parkway. Some are design features, while others are included as mitigation measures in the project's EIR, to reduce traffic impacts related to the project. Because the ultimate design of both streets does not conform to City standards in all respects, a Specific Alignment Plan is proposed as part of the project.

Currently, the Centre City Parkway right-of-way is 200 feet wide. A 58'-wide vacation along the west side of the right-of-way would add 0.97 acre to the overall project site (0.16 on the north portion, and 0.81 on the south portion), and would reduce the right-of-way width to 142 feet. A five (5) foot wide sidewalk, six (6) inch curb, and gutter would be constructed along the Centre City frontage for both the north and south portions of the project site. On the east side of the street, grading of a sloped area within the right-of-way would be included to make room for future street improvements on this side (though specific improvements to the east side of the street are not proposed under this project). The northbound side of Centre City Parkway would continue to have a dedicated left-turn lane onto Nutmeg as well as a through lane. For the southbound side of Centre City Parkway, a dedicated right-turn lane (onto Nutmeg) would be constructed, and a dedicated left-turn lane (onto Coyote Hill) would be striped. A traffic signal would be installed at the Nutmeg/Centre City intersection. For Centre City Parkway, a portion of the street section would be replaced by the applicant in the process of making these improvements (the portion to be replaced would be the west half and twelve (12) feet of the east half).

For Nutmeg Street, which is curved in the portion that passes the project site, the existing right-of-way (which varies in width) would be widened and realigned slightly to increase the turning radius, to enhance traffic safety. These activities would require small dedications and vacations of right-of-way, in various places along the project frontage, as shown on the Tentative Subdivision Map. A five (5) foot wide sidewalk, six (6) inch curb, gutter, and five (5) foot to six (6) foot bicycle lane would be installed along each side of Nutmeg. Left-turn pockets would also be provided at the intersection of Nutmeg and the main project entrance, to prevent motorists from blocking moving traffic while waiting for an opportunity to enter either the north or the south portion of the site. For Nutmeg, the entire street section would be replaced by the applicant in the process of making these improvements.

One mitigation measure included in the EIR would make improvements to the segment of Nutmeg Street between Country Club Lane and Via Alexandra, which is not adjacent to the development site but is expected to experience traffic impacts as a result of the project. These improvements would widen the roadway to provide for a 14'-wide southbound lane with curb, gutter, and sidewalk, to be designed a green streets facility. The improvements would include removal and reconstruction of existing driveways to private driveway standards, and a parking restriction along the improved section, to the satisfaction of the City Engineer. A separate mitigation measure would require installation of a traffic signal at the Nutmeg/Country Club intersection, as well as restriping the southbound approach to create a shared left-turn/through lane and a dedicated right-turn lane.

ENVIRONMENTAL STATUS:

A Notice of Preparation (NOP) was issued for the project on August 29, 2018, in compliance with Section 15082 of the California Environmental Quality Act (CEQA) Guidelines. An Initial Study was prepared in conjunction with the NOP, and made available for public viewing via a link on the City's website. The Initial Study identified several potentially significant environmental impacts, in the areas of aesthetics, air quality, biological resources, cultural and tribal cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation and traffic, and mandatory findings of significance. Five (5) comment letters were received in response to the NOP from local, state, and federal agencies, and a sixth (6th) letter was received from a neighbor of the project. Responses to these letters were incorporated into the Draft Environmental Impact Report (EIR).

A public scoping meeting was held for the project on September 6, 2018, and three (3) to four (4) members of the public attended. Concerns raised during the meeting centered on provisions for guest parking within the development, safety issues at the intersection of Nutmeg Street and Centre City Parkway, and drainage in the vicinity of Coyote Hill Glen and Centre Parkway.

The Draft Environmental Impact Report (City Log No. ENV 18-0005) was circulated for a 45-day public review period, from May 10, 2019 through June 24, 2019. Six (6) comment letters were received during and after this review period from various state and local agencies. Responses to all six (6) letters have been incorporated into the Final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts with respect to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation.

As part of the environmental review process, Planning staff issued consultation invitations to a list of tribal groups maintained by the California Native American Heritage Commission, as required by state law (SB18) for all projects involving an amendment to a General Plan. Additionally, staff issued separate consultation invitations to a smaller subset of tribal groups, as required by another state law (AB52) for all projects subject to the California Environmental Quality Act. A

total of five (5) tribal groups requested to consult about the project under SB18 and/or AB52. A sixth (6th) group did not request to consult, but referred staff to another group for input (that other group turned out to be one of the five tribes that did specifically request to consult).

Consultation activities with these five (5) groups took the form of in-person meetings, phone calls, emails, and a site visit. During consultation activities, tribal representatives were given the opportunity to review the project plans and ask questions. They were also notified of the release of the Notice of Preparation for the Draft EIR, as well as the release of the Draft EIR itself, and encouraged to provide input on the proposed mitigation measures for cultural and tribal cultural resources.

Three (3) of the five (5) groups agreed to close consultation after reviewing the Draft EIR and confirming that they were satisfied with the enclosed mitigation measures. Of the two (2) remaining tribal groups, the Pauma Band of Luiseño Indians requested to keep consultation open pending selection of a tribal monitor for ground-disturbing activities. This monitor is a project requirement per Mitigation Measures CR-1 and CR-2 of the project's EIR, but selection is not anticipated to occur until after the project is approved and the EIR is certified. To address this issue, Mitigation Measure CR-1 has been revised in the Final EIR to require notification of the Pauma Band before the monitor is selected and hired. The San Luis Rey Band of Mission Indians have also requested to keep consultation open due to concerns about a milling site on the south portion of the project site, which would be buried by the project (the EIR's position is that this milling site is not a significant resource). However, staff believes that the San Luis Rey Band's concerns can be addressed via Mitigation Measures CR-1 through CR-10, since they establish a process for monitoring of ground-disturbing activities, as well as the treatment of any tribal cultural resources, artifacts, or remains that may be found on the site during these activities.

When an individual project is a necessary precedent for action on a larger project with a significant effect, an EIR must address itself to the scope of the larger project. The project's scope, as described in the Final EIR, includes a preliminary development proposal for the whole action (i.e. full build-out of the north and south portions). Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects as identified through agency comments and the Final EIR. That is, much of the development in the southern portion of the site has been pulled out of the Caltrans right-of-way, as described in Background section of this staff report. Although the Final EIR enlightens the public and the Planning Commission as to the significant effects, possible ways to minimize those effects, and reasonable alternatives to the full project; the site design and development proposal included within this requested discretionary action only includes 37 units of the first entitlement phase. The action to approve the Tentative Subdivision Map, Master and Precise Development Plan, and Grading Exemption for the northern portion of the project would be adequately covered by the Final EIR.

The Draft EIR assumes a maximum of 135 units for the project, since at the time of its release for public review, the applicant had indicated that the site could accommodate that many units (at the 18 unit/acre density). Between the release of the Draft EIR and the completion of the Final EIR,

staff received updated project size information (i.e. vacation and right-of-way acquisition) that showed that only 134 units could be accommodated. The Final EIR brought forth to the Planning Commission for consideration at the hearing on October 22, 2019, still assumes a maximum of 135 units. When the applicant submits applications for a Tentative Subdivision Map and modified Master and Precise Development Plan to develop the south portion, those applications will be reviewed by Planning staff to verify that the overall project still conforms to the terms and assumptions of this Final EIR, including a maximum yield of 134 units. If changes to the project or its circumstances occur, or new information becomes available after certification, the City would prepare a subsequent EIR if required under CEQA Guidelines Section 15162(a). Otherwise, the City would determine whether to prepare an EIR addendum, or no further documentation, relying on this Final EIR if it retains relevance.

CONCLUSIONS:

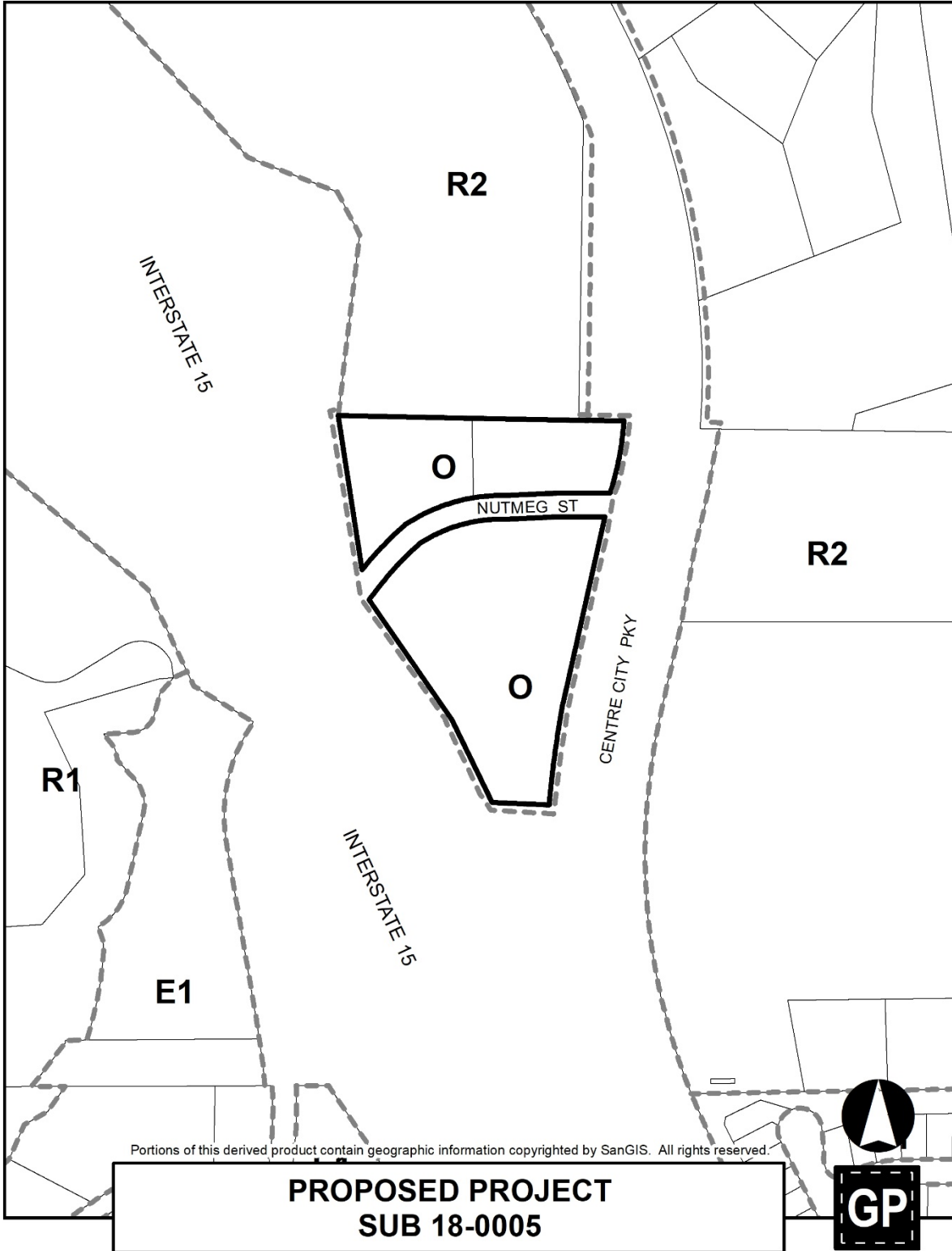
The Planning Commission is the authorized agency for granting discretionary approval of a Tentative Subdivision Map and Grading Exemption. However, the City Council is the authorized agency for granting approval of a General Plan Amendment, Rezone, Master Development Plan, and Precise Development Plan. When one concurrent application is filed for all of these approval types, the full project is brought to Planning Commission first for a recommendation on approval or denial, and is then brought to City Council for a final decision.

The proposed project is consistent with the General Plan, as proposed to be amended, as well as with the development standards approved under the Master Development Plan. The project as proposed will not have a significant effect on the environment, as designed and conditioned. The Final EIR contains mitigation measures designed to minimize or eliminate possible significant environmental effects. The location, size, design, and operating characteristics of the proposed project will not be incompatible with or will adversely affect or will be materially detrimental to adjacent land uses. The site is suitable for the type and intensity of use or development which is proposed. Staff recommends that the Planning Commission recommend approval of Planning Case No. SUB 18-0005, based upon the factors/findings and conditions contained in the attached Planning Commission Resolution No. 2019-23 (Attachment 3).

ATTACHMENTS:

1. Location and General Plan Map
2. Planning Commission Resolution No. 2019-23

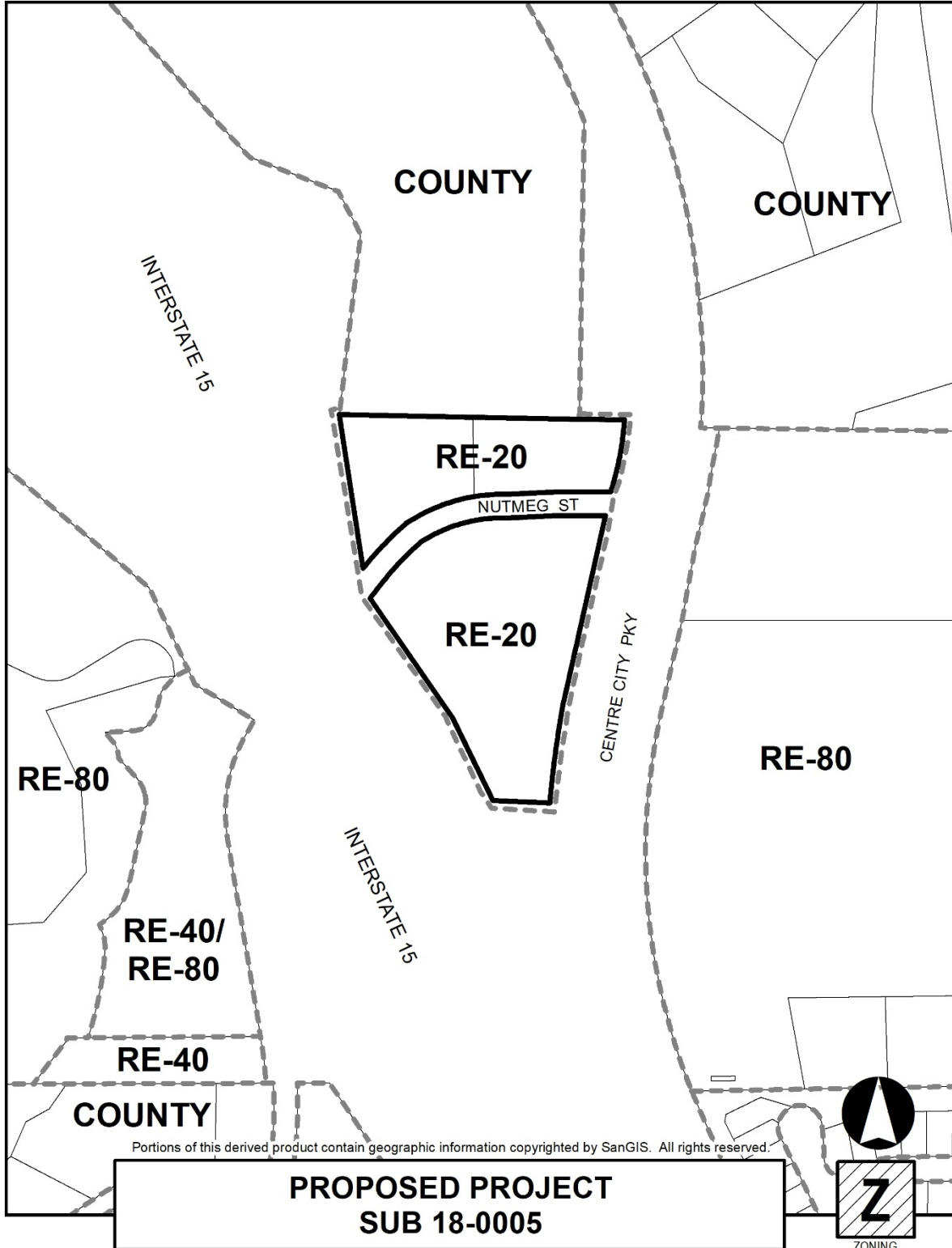
ATTACHMENT 1



Portions of this derived product contain geographic information copyrighted by SanGIS. All rights reserved.

**PROPOSED PROJECT
SUB 18-0005**





ATTACHMENT 2

Planning Commission
Hearing Date: October 22, 2019
Effective Date: October 23, 2019

PLANNING COMMISSION RESOLUTION NO. 2019-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING CITY COUNCIL CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT (SCH No. 2018081063), WHICH INCLUDES ADOPTION OF FINDINGS OF FACT AND A MITIGATION MONITORING AND REPORTING PROGRAM; AND RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT, REZONE, TENTATIVE SUBDIVISION MAP, MASTER AND PRECISE DEVELOPMENT PLAN, GRADING EXEMPTION, AND SPECIFIC ALIGNMENT PLAN; FOR THE NUTMEG HOMES RESIDENTIAL DEVELOPMENT

APPLICANT: Jason Greminger, Consultants Collaborative

CASE NO: SUB 18-0005 and ENV 18-0005

WHEREAS, Jason Greminger of Consultants Collaborative (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. SUB 18-0005), constituting a request for a General Plan Amendment from Office (O) to Urban III (U3), and a Rezone from Residential Estates (RE-20; 20,000 SF minimum lot size) to Planned Development Residential (PD-R-18; maximum density of 18 units/acre), for a 7.45 gross acres site straddling Nutmeg Street, between Centre City Parkway and Interstate 15 (APNs 224-260-23, 224-260-46, and 224-260-47); and a request for a Tentative Subdivision Map for 37 townhome units, a Master and Precise Development Plan to establish the design of said units and site-specific development standards, and a

Grading Exemption for a graded slope and retaining wall exceeding height limits as defined in the City of Escondido Grading Ordinance, for APNs 224-260-46 and 224-260-47 (constituting 2.42 gross acres on the north side of Nutmeg Street); and

WHEREAS, the application also included a request for a Specific Alignment Plan for Centre City Parkway and Nutmeg Street, for street design deviating from typical City of Escondido standards; and

WHEREAS, the subject property is all that real property described in Exhibit "A," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, that the application was assessed in conformance with the California Environmental Quality Act (CEQA) the Final Environmental Impact Report (EIR; SCH # 2018081063) consisting of the Draft EIR and responses to comments and errata has been prepared pursuant to the CEQA to analyze the environmental effects of the project; and

WHEREAS, Section 21000 et. seq. of the Public Resources Code and Section 15000 et. seq. of Title 14 of the California Code of Regulations {CEQA Guidelines) which

govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the EIR; and

WHEREAS, the City Council is required pursuant to CEQA {Guidelines Section 15021), to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant environmental effects keeping in mind the obligation to balance a variety of public objectives; and

WHEREAS, as reflected in the Final EIR, Mitigation Measures required under CEQA were developed to reduce the potential for adverse effects with respect to biological resources, cultural resources, hazards and hazardous materials, noise, and transportation and traffic. In determining whether the proposed Project has a significant effect on the environment, the City has based its decision on substantial evidence and has complied with CEQA Section 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b); and

WHEREAS, City staff provided public notice of the application in accordance with City and State public noticing requirements; and

WHEREAS, the Planning Commission of the City of Escondido did, on October 22, 2019, hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present

evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;
- c. The staff report, dated October 22, 2019, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

WHEREAS, said public hearing before the Planning Commission was conducted in all respects as required by the Escondido Municipal Code and the rules of this Planning Commission; and

5. That Ordinance No. 78-02, enacted pursuant to Section 65974 of the Government Code and pertaining to the dedication of land and fees for school facilities, has been adopted by the City of Escondido.

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

1. That the above recitations are true and correct.
2. That the Planning Commission has independently reviewed and considered the Final EIR, provided as Exhibit "B," and determined that it is complete and adequate for this project, and there are no significant environmental effects which are not mitigated. After considering the Final EIR and in conjunction of with making specific findings, the

Planning Commission hereby recommends that the City Council certify the Final EIR in accordance with the requirements of CEQA.

3. The Findings of Fact and Mitigation Monitoring and Reporting Plan of this Resolution provide findings required under Section 15091 of the CEQA Guidelines for significant effects of the project. The Planning Commission hereby recommends City Council adoption these various CEQA Findings of Fact, attached hereto as Exhibits "C." The Mitigation Monitoring and Reporting Plan, attached hereto as Exhibit "D," is hereby recommended to be adopted to ensure implementation of feasible mitigation measures identified in the EIR. The Planning Commission finds that these mitigation measures are fully enforceable conditions on the project and shall be binding upon the City and affected parties.

3. That the Project's Findings of Fact, attached as Exhibit "E," were made by said Commission.

4. That, considering the Final EIR, CEQA Findings of Fact, Project Findings of Fact, and applicable law, the Planning Commission hereby makes a motion to recommend City Council approval of a General Plan Amendment and Rezone on the subject property, attached as Exhibit "F," and recommend approval of said Project, attached as Exhibit "G," subject to the Conditions of Approval attached as Exhibit "H."

5. That this Tentative Subdivision Map shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed prior to expiration of the associated Development Agreement, or unless an Extension of Time is granted pursuant to Section 66452.6 of the California Government Code.

BE IT FURTHER RESOLVED that, pursuant to Government Code Section 66020(d)(1):

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Public Works Departments. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, www.escondido.org, and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with Section 66020.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 22nd day of October, 2019, by the following vote, to wit:

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

JAMES SPANN, Chairman
Escondido Planning Commission

ATTEST:

MIKE STRONG, Secretary of the
Escondido Planning Commission

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

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

EXHIBIT "A"

LEGAL DESCRIPTION PLANNING CASE NO. SUB 18-0005

Parcel 1 (APN 240-260-23):

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, SOUTHEASTERLY AND SOUTHERLY OF THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113 AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 IN BOOK 2786, PAGE 349 OF OFFICIAL RECORDS AND EASTERLY AND NORTHERLY OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA IN DEED RECORDED SEPTEMBER 28, 1971 AS FILE NO. 220908 OF OFFICIAL RECORDS.

Parcel 2 (APN 240-260-46):

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967, IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 1 WITH THE WESTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHERLY LINE TO AND ALONG THE NORTHERLY LINE OF SAID LOT 2, SOUTH 89° 27' WEST 335.26 FEET; THENCE SOUTH 3° 36' 11" EAST TO THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113, AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO, RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 OF OFFICIAL RECORDS; THENCE NORTHEASTERLY AND EASTERLY ALONG SAID NORTHERLY LINE TO SAID WESTERLY LINE OF THE STATE OF CALIFORNIA LAND; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

Parcel 3 (APN 240-260-47):

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967, IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 1 WITH THE WESTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHERLY LINE TO AND ALONG THE NORTHERLY LINE OF SAID LOT 2, SOUTH 89° 27' WEST 335.26 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 3° 36' 11" EAST TO THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113 AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO, RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 OF OFFICIAL RECORDS; THENCE SOUTHWESTERLY ALONG SAID LINE TO THE EASTERLY LINE OF THE STATE OF CALIFORNIA LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JANUARY 10, 1973 AS FILE NO. 73-007572; THENCE NORTH 10° 53' 54" WEST 320.77 FEET TO THE NORTHERLY LINE OF SAID LOT 2; THENCE NORTH 89° 27' EAST 284.04 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT “B”

DRAFT AND FINAL ENVIRONMENTAL IMPACT REPORTS CASE NO. ENV 18-0005

Due to the number of pages of Exhibit “B,” the following link has been provided to review the document electronically on the City’s web site:

<https://www.escondido.org/nutmeg.aspx>

Draft EIR files available at this link include the following:

- The full text of the Draft EIR (available for public review from May 10, 2019 through June 24, 2019)
- All appendices included with the Draft EIR (Appendices A through M)

Final EIR files uploaded to this site include the following:

- A simplified Final EIR document, including a mitigation monitoring and reporting program, responses to comments received on the Draft EIR, and revisions/errata for the Draft EIR
- Two new appendices added for the Final EIR (Appendices C-1 and E-1).

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

EXHIBIT “C”

CEQA FINDINGS OF FACT CASE NO. ENV 18-0005

Due to the number of pages of Exhibit “C,” the following link has been provided to review the document electronically on the City’s web site:

<https://www.escondido.org/nutmeg.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

EXHIBIT “D”

MMRP CASE NO. ENV 18-0005

Due to the number of pages of Exhibit “D,” the following link has been provided to review the document electronically on the City’s web site:

<https://www.escondido.org/nutmeg.aspx>

A hardcopy of the Attachment is available for review in the Office of the Planning Division during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

EXHIBIT “E”

FACTORS TO BE CONSIDERED/FINDINGS OF FACT PLANNING CASE NO. SUB 18-0005

Environmental Determinations:

1. Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Title 14 California Code of Regulations Section 15000 et. seq., the City is the Lead Agency for the Project, as the public agency with the principal responsibility for approving the proposed Project.
2. In accordance with CEQA Guidelines Section 15082, the City distributed a Notice of Preparation (“NOP”) of the Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on August 29, 2018, for a 30-day public comment period. Various agencies and other interested parties responded to the NOP.
3. The Draft EIR for the proposed Project was then prepared and after completing the Draft EIR (SCH No. 2018081063), the City released the document for public review for a 45-day public comment period by filing a Notice of Availability with the County Clerk of San Diego. The 45-day public comment period started May 10, 2019, and ended June 24, 2019. During the public comment period of the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines Sections 15086 and 15087.
4. The City received comments concerning the Draft EIR from public agencies, organizations, and individuals, and pursuant to CEQA Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues. The City has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Draft EIR is not required.
5. The City prepared a Final EIR, which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR, the technical appendices and referenced documents, revisions and additions to those documents, public and agency comments on the Draft EIR, and the City’s responses to comments.
6. Based on the Planning Commission’s review of the Project, no special circumstances exist that would create a reasonable possibility that granting a General Plan Amendment, Rezone, Master and Precise Development Plan, Tentative Subdivision Map, Grading Exemption, and

Specific Alignment Plan for this Project would have a significant effect on the environment beyond what was previously analyzed and disclosed.

7. The Planning Commission has carefully reviewed and considered all environmental documentation comprising the Final EIR, including the Draft EIR and the revisions and additions thereto, the technical appendices and referenced documents, and the public comments and the responses thereto (on file in the Office of the City Clerk and incorporated by this reference), and has found that the Final EIR considers all potentially significant environmental impacts of the Project and is complete and adequate, and fully complies with all requirements of CEQA and the State CEQA Guidelines. The Planning Commission has considered all significant impacts, mitigation measures, and Project alternatives identified in the Final EIR and found that all potentially significant impacts of the Project have been lessened or avoided to the extent feasible. The Planning Commission also finds that the Project alternatives would not satisfy the Project objectives as effectively as the Project. Pursuant to Public Resource Code Section 21082.1(c)(3) and CEQA Guidelines Section 15090(a)(3), the Planning Commission also finds that the EIR reflects the City's independent judgment as the lead agency for the proposed Project.
8. As required by CEQA, the City, in recommending City Council adoption of these Findings of Fact, also recommends adoption of the Mitigation Monitoring and Reporting Program (MMRP) included in the Final EIR. The Planning Commission finds that the MMRP meets the requirements of California Public Resources Code (PRC) Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate the potentially significant effects of the recommended Plan.

General Plan Amendment Determinations

1. The public health, safety and welfare will not be adversely affected by the proposed General Plan Amendment from Office (O) to Urban III (U3). A Draft Environmental Impact Report was prepared for the project and circulated for public review from May 10, 2019 to June 24, 2019, as required under CEQA. This environmental review document found that development of the property could have potentially significant impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation., and mitigation measures were proposed to reduce these impacts to a less than significant level.
2. The proposed General Plan Amendment for the subject site would be compatible with existing development patterns in the surrounding areas. While most residential neighborhoods in far north Escondido consist of single-family homes, several of these neighborhoods are planned developments that have implemented site-specific development standards, such as the clustering of small residential lots in and around common open space areas. An approved Specific Plan and development project for The Villages, on the former Escondido Country Club site to the southwest, will include both attached and detached condominiums in its unit mix (in addition to single-family homes). All setbacks proposed by the project would match or

exceed the setbacks required of a traditional R-3 development. While some buildings would exceed the 35' height limit imposed the R-3 zone, no buildings would exceed three stories. The design of the proposed townhomes incorporates a neutral color palette and a range of exterior finishes (including stucco, siding, and stone) to coordinate with the surrounding natural environment.

3. The proposed General Plan Amendment from Office (O) to Urban III (U3) would be consistent with the goals and polices of the General Plan as a whole. In the General Plan's Housing Element, Housing Policy 1.1 calls for the expansion of housing stock while preserving the health, safety, and welfare of residents and the fiscal stability of the City, while Housing Policy 2.2 calls for efforts to increase homeownership through education, availability, and affordability. The General Plan Amendment would facilitate the development of up to 134 for-sale townhomes (across both the north and south portions of the property covered by the amendment) to support the City's housing stock. Per Planned Development Policy 6.3, planned developments are expected to address visual impacts, preservation of natural setting, the use of superior architectural features, adequate separation between structures within the site and between the site and neighboring properties, and preservation of common open space. The project has undergone multiple rounds of design review, and has been designed with a neutral color palette to coordinate with the surrounding area. Common open space in the north portion would be provided in the form of landscaping and a small park with spa, seating area, and exercise station. All proposed setbacks in the north portion meet or exceed the setbacks that would be required for a traditional R-3 development, and the Fire Department has reviewed the project plans to ensure that adequate separation exists between the buildings themselves (as well as between the buildings and the fire wall) for emergency access. While the site is currently undeveloped and occupied by sensitive vegetation communities, mitigation measures have been included in the EIR to mitigate impacts to those communities.
4. The proposed General Plan Amendment is suitable and will not affect the allowed land uses in any zones. The purpose of the proposed General Plan Amendment is to change the land use designation of the property to Office (O) to Urban III (U3). The specific use proposed for the site (multi-family residential at a maximum density of 18 units/acre) would then be consistent with the new U3 designation.

Rezone Determinations

1. The proposed Rezone would not be detrimental to the public health, safety, or welfare of the City because the development standards and building requirements allowed under the Rezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Engineering Services Department regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building and Safety Division regulations. The proposal meets the purpose of the Municipal and Zoning

Codes as it would be consistent with the established rules of the proposed zoning districts. The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.

2. The property involved is suitable for the uses permitted by the proposed zone. The proposed Rezone would change the zoning of three lots under common ownership (APNs 224-260-23, 224-260-46, and 224-260-47) from RE-20 (Residential Estates; 20,000-SF minimum lot size) to PD-R-18 (Planned Development-Residential; maximum 18 units/acre). A General Plan Amendment to change the land use designation of these lots from Office (O) to Urban III (U3) is also proposed under this project to maintain consistency with the Rezone request. The change of zone also is proposed in conjunction with a Tentative Subdivision Map and Master and Precise Development Plan that would allow the construction of 37 townhome units, as well as approximately 26,135 SF of usable open space, on APNs 224-260-46 and 224-260-47. It is expected that the applicant or developer will seek a separate Tentative Subdivision Map and a Modification to the Master and Precise Development Plan at a later date, to construct additional units on APN 224-260-23 and absorb them into the overall development, pending a design for that lot that will keep all project-related improvements out of the Caltrans right-of-way adjacent to Interstate 15.
3. The uses proposed for the subject property would not be detrimental to surrounding properties. All public services and utilities to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. While development in the larger vicinity is characterized by single-family residences on larger lots, topography and the layout of the road network (including both surface streets and Interstate 15) provide a degree of separation between the proposed townhomes and nearby lower-density neighborhoods. The project has been designed to keep grading and development away from a slope in the far northwest corner of the site that exceeds 35%, as required by the General Plan (Community Character Policy 1.12 and Biological & Open Space Resources Policy 1.1, and Quality of Life Standard #8). Several street improvements are proposed under the project that would benefit non-residents of the project as much as the residents, including installation of traffic signals at the Nutmeg/Centre City and Nutmeg/Country Club intersections, the creation of new turn lanes at these intersections, and improvements along Nutmeg between Country Club Lane and Via Alexandra. The open space system protects slopes and fuel modification zones, and provides landscaping for aesthetics and screening. Proposed development standards and building designs provide a clear design concept and are compatible with the character of buildings on adjoining and nearby properties.
4. The site's proposed zoning classification of Planned Development-Residential (PD-R-18) would not be consistent with the existing General Plan designation of Office (O). However, the existing zoning classification of Residential Estates (RE-20) is also not consistent with the

existing Office designation. In order to develop the site in any way, a change to either the zoning classification or the land use designation, or both, is necessary. In conjunction with the proposed Rezone to PD-R-18, the project proposes to amend the land use designation of the site to Urban III (U3). The U3 designation is intended for multi-family projects with a maximum density of 18 units/acre, and minimum density of 12.6 units/acre. Under the concurrent request for a Tentative Subdivision Map and Master/Precise Development Plan for the north portion of the project, the density of that portion would be 15.3 units/acre (37 units on 2.42 acres). Even if the north portion of the site were the only portion to ever be developed under this project, it would fall within the minimum and maximum densities described above for the U3 land use designation. When the applicants submit an application for a new Tentative Subdivision Map and a Modification to the Master/Precise Development Plan to construct additional units on the south portion of the site, the overall density of the expanded project would not be allowed to exceed 18 units/acre.

5. The proposed Rezone would not establish a residential density below 70 percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5. The project site is currently zoned RE-20. The project would change the zoning to PD-R-18, which would allow a maximum density of 18 units/acre; a density of 12.6 units/acre would be 70% of that maximum. With 37 units, the north portion of the site on its own would have a density of 15.3 units/acre. When an application is submitted for a Tentative Subdivision Map and Modification to a Master/Precise Development Plan to develop the south portion of the site, the overall density for both portions will not be allowed to exceed 18 units/acre or fall below 12.6 units/acre. For an overall project site of 7.45 acres, this would translate to a density of no more than 134 units and no fewer than 93 units.
6. The project site is not located within an existing or proposed specific plan area, so the relationship of the proposed changes is not applicable to any specific plans.

Planned Development Determinations

1. The location, design, and residential density of the proposed Planned Development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido city council, or in the process of being prepared and adopted. The proposed Master and Precise Development Plan would create 37 townhomes on 2.42 acres on the north side of Nutmeg Street, for a density of 15.3 units/acre on that north portion. This conforms to the densities allowed by the land use designation and zoning classification proposed under the concurrent General Plan Amendment and Rezone. The project site is not covered under any existing or proposed specific plans.
2. The proposed location allows the Planned Development to be well integrated with its surroundings. The project site is immediately surrounded by residential neighborhoods

characterized mostly by larger-lot, single-family homes; however, there are residential planned developments in the broader area that utilize small single-family lots to provide for common space or to meet other objectives, and an approved project on the former Escondido Country Club site would include condominiums in its unit mix. Proposed development standards are largely consistent with those assigned to the City's R-3 (Medium Multiple Residential) zone. The design of the proposed structures would incorporate a range of building materials (stucco, paneling, and stone) in a palette of neutral colors that would coordinate with the surrounding terrain and existing development in the area. Landscaping has been proposed for aesthetic purposes and to screen the development from surrounding roads.

3. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. A traffic impact analysis was prepared for the project and mitigation measures have been proposed in the EIR. These mitigation measures would include improvements to the Nutmeg/Centre City and Nutmeg/Country Club intersections via the installation of traffic signals and construction or striping of turn lanes; the creation of left-turn pockets at the intersection of Nutmeg and the project access point; and the widening of Nutmeg Street between Country Club and Via Alexandra for the addition of a southbound travel lane with curb, gutter, and sidewalk designed as a green streets facility. The project also proposes a Specific Alignment Plan for Centre City Parkway and Nutmeg Street.
4. The proposed location and design allows residents within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. All utilities intended for the site are already in place or can be extended to serve the site. Police and fire services are available and sufficient for the development.
5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The project underwent multiple rounds of design review between July 2018 and March 2019 to refine the look of the proposed buildings and the provision of resident amenities. The proposed residences would incorporate a neutral color palette and a mixture of exterior finishes to coordinate with the surrounding environment. Amenities on the north side of the project would include a small park with seating, a spa, and an exercise station. A conceptual landscape plan has been provided that includes attractive and regionally-appropriate plantings for recreation areas, fuel modification zones, bioretention basins, and street trees.
6. The Planned Development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. While grading will be necessary to construct the project, the

development has been designed to coordinate with the existing topography of the site, and the project's effects on views from surrounding streets and residences has been analyzed within the project's EIR.

7. The uses proposed would have a beneficial effect not obtainable under existing zoning regulations, and any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the Planned Development in accord with adopted city policy. The project site's existing zoning is Residential Estates (RE-20), which is not compatible with its existing General Plan land use designation of Office (O). Because these designations are not compatible, development of the site with either a residential use or an office use requires a Rezone, a General Plan Amendment, or both. Rezoning the site to a zoning classification allowing office uses is not ideal, since per trip generation rates published by SANDAG (the San Diego Association of Governments), an office use could generate thousands more daily trips to and from the site (depending on the exact type and size of the occupant) when compared to a 37-unit or even a 134-unit townhome development. Additionally, while a well-planned office development could add high-quality jobs to the City, it would not help the City increase its supply of for-sale housing, and it would not be more compatible with the single-family character of the surrounding area than a townhome development, so a trade-off between competing goals would be involved.

California law requires each city and county to develop local programs within their housing element in order to meet their "fair share" of existing and future housing needs for all income groups, as determined by the California Department of Housing and Community Development. The Regional Housing Needs Allocation (RHNA) is a State mandated process devised to distribute planning responsibility for housing need throughout California. As more cities and counties consider loosening zoning restrictions to allow for more housing, the proposed project provides an opportunity to focus on the moderate density opportunities and achieve the development potential of available land resources to support housing development in the City of Escondido.

Tentative Subdivision Map Determinations:

1. The Planning Commission makes the finding that none of the findings (a) through (g) below in Section 66474 of the California Government Code, which require a City to deny approval of a Tentative Subdivision Map, apply to this Project for the reasons stated as follows:

Findings for Tentative Map Approval	Explanation of Finding
A. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act	A General Plan Amendment is proposed as part of this project, to change the land use designation of the project site from Office (O) to Urban III (U3). The proposed subdivision is consistent with the allowed uses for the U3

	<p>land use designation. The U3 land use designation allows a maximum density of 18 dwelling units per acre, and a minimum density of 12.6 units per acre (70% of the maximum). The proposed Tentative Map would construct 37 units on the north portion of the project site, for a density of 15.3 units per acre on this north portion, which falls within the range of acceptability. When the applicant applies for an additional Tentative Map to develop the south portion, the overall density of the site (north plus south) will not be allowed to exceed 18 units per acre or fall below 12.6 units per acre. The Project is also consistent, and advances, a number of other important goals and policies of the General Plan, as discussed in the October 22, 2019 Planning Commission Staff Report. The Project site is not located within an existing or proposed specific plan.</p>
<p>B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.</p>	<p>The proposed subdivision would conform to the minimum and maximum densities allowed for the U3 land use designation. A Master and Precise Development Plan are proposed in conjunction with the Tentative Map. Development standards are proposed under the Master Development Plan; however, the Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fuel modification zones; traffic access; grading; and recreational amenities were all reviewed for compliance to relevant City policies and codes. As conditioned, the design and improvements of the proposed subdivision are consistent with the General Plan.</p>
<p>C. The Project site is physically suitable for the proposed type of Project.</p>	<p>The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.</p> <p>The site is suitable for the residential type of development proposed since adequate access and utilities can be provided to the site.</p>

	<p>A view analysis has been provided in the EIR that demonstrates that the proposed design would not result in any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and does not contain any significant topographical features. Grading and development activities have been arranged to avoid the northwest corner of the site, which contains a substantial sloped area exceeding 35%. A conceptual landscape plan provided by the applicant proposes to plant a variety of trees, shrubs, and groundcovers throughout the project site, including street trees along Nutmeg for screening between the site and the street corridor.</p>
<p>D. That the site is physically suitable for the proposed density of development.</p>	<p>The granting of the Tentative Subdivision Map would not violate the requirements, goals, policies, or spirit of the General Plan. The Urban III land use designation allows for a maximum of 18 dwelling units per acre and a minimum of 12.6 dwelling units per acre. Adequate to the site for both residents and emergency services can be provided via Nutmeg Street, and necessary utilities are available or can be provided. The portions of the site that contain slopes over 35 percent would be precluded from grading or development activities, or are small and isolated and therefore do not meet the standards of steep slope protection as envisioned by the General Plan or its implementing ordinances.</p> <p>The Project also would not be out of character for the area because the proposed development would be well integrated into its surroundings. The new residences would incorporate compatible and integrated architecture, materials, and colors. The project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties.</p>
<p>E. The design of the subdivision or the</p>	<p>The Project site has been thoroughly</p>

<p>proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.</p>	<p>analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063). Impacts to nesting birds, sensitive vegetation communities, and mature or protected trees were identified in the EIR, and mitigation measures have been proposed to reduce those impacts to a less than significant level. No special status plant or animal species were discovered on the Project site during the preparation of the biological technical report, though a comment letter submitted by the US Fish and Wildlife Service during the Draft EIR review period indicates that a sufficient number of gnatcatcher surveys may not have been performed during the preparation of that biological report. To remedy this situation, MM BIO-2 has been revised in the Final EIR to require the applicant to obtain the additional gnatcatcher surveys prior to vegetation removal.</p>
<p>F. That the design of the subdivision or the type of improvements is not likely to cause serious public health concerns.</p>	<p>The design of the map and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fuel modification zones; unit configuration; traffic and emergency access; grading; and open space and recreational amenities were all reviewed for compliance to relevant City policies and codes. Realignment of Nutmeg Street via a Specific Alignment Plan, and additional street improvements such as the installation of traffic signals at two intersections and the creation or striping of turn lanes and bicycle lanes, would improve traffic safety for both the residents of the development and other road users. Deviations from R-3 development standards and grading exemptions are also proposed as discussed in the October 22, 2019 Staff Report (although the current zoning of the site is RE-20, the R-3 zone was selected for comparison since the density of the proposed Planned Development is comparable to the density of</p>

	<p>a traditional R-3 development). Elsewhere, the proposed subdivision map has been designed to meet the requirements of the City and other service agencies standards. All necessary public facilities and services are in place or can be extended to serve the Project, which comes with support from fire, sewer, water, and school service providers, indicating that existing facilities are available to service the Project.</p> <p>New homes are not proposed to be located in areas that contain earthquake faults, flooding or dam inundation potential. Environmentally sensitive areas and drainage courses are maintained and incorporated within the plan. The design of the subdivision would not result in serious health problems and would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.</p>
<p>G. That the design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.</p>	<p>The design of the map and type of improvements would not conflict with easements of record, or easements established through court judgment, or acquired by the population at large, for access through, or use of property within the proposed map. All easements identified in the preliminary title report for the subject property are shown on the proposed Tentative Subdivision Map. No conflicts with easements of record have been identified.</p>

2. All permits and approvals applicable to the proposed Tentative Map pursuant to Chapter 33 of the Municipal Code have been obtained, or conditions of approval have been proposed to ensure they will be obtained. Approval of a General Plan Amendment, Rezone, Master and Precise Development Plan, Grading Exemption, and Specific Alignment Plan along with the Tentative Map will allow the applicant to implement the design of the subdivision as shown on the map. The project has been conditioned to require several permits necessary to construct the project as proposed, including grading, landscape, building, and encroachment permits.

3. The proposed Tentative Map shall be in conformity with the zone in which it is located. The project site is currently zoned RE-20. However, a Rezone is proposed in conjunction with the Tentative Map to change the zoning to PD-R-18. The General Plan land use designation would also be changed accordingly, from O to U3. Additionally, a Master and Precise Development Plan is proposed to allow site-specific development standards for open space, building height, and guest parking, which deviate from standards normally applied to multi-

family developments. The density of the north portion of the site would be 15.3 units per acre, which is allowed for the General Plan land use designation of U3 and the zoning classification of PD-R-18. When an application is submitted to add the south portion of the site to the development via a second Tentative Map and a Modification to the Master and Precise Development Plan, the overall density of the project will be limited to 18 units per acre. The Tentative Subdivision Map has been conditioned appropriately to provide all infrastructure improvements including sufficient open space and landscaping. The conditions of approval and subsequent design review of future residential development would ensure consistency with all standard requirements.

4. All applicable requirements of the Map Act and any ordinance of the City of Escondido regulating land divisions have been satisfied.

Specific Alignment Plan Determinations:

1. Nutmeg Street is classified on the City of Escondido's Circulation Element as a Local Collector Road, beginning at Centre City Parkway and running nearly to El Norte Parkway, where it becomes a Collector Road. Centre City Parkway is classified as a Collector starting at the northbound I-15 on-ramp and running northward. In response to site conditions and constraints, the Project is proposing modifications to Local Collector and Collector standards for the portions of these roads that run past the residential development site.
2. The roadway improvements to Nutmeg Street and Centre City Parkway, as proposed in the Project's Specific Alignment Plan (SAP), would create a more "complete street" by realigning and widening the Nutmeg right-of-way; improving project frontages with sidewalks, curbs, and gutters (as well as bicycle lanes on Nutmeg); and creating or striping turn lanes with adequate vehicle capacity at the Nutmeg/Centre City intersection and the project entry points. The SAP would therefore provide a modified Local Collector Road and Collector Road that achieve City standards for acceptable levels of service.

Grading Exemption Determinations:

1. Granting the proposed Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
 - a. While the EIR anticipates that the project will have impacts to sensitive vegetation communities and to mature and/or protected trees, mitigation measures have been proposed in the EIR to reduce these impacts to a less than significant level, and the development shall incorporate erosion control measures as defined in the City's stormwater management requirements.
 - b. The proposed Grading Exemption would not create a negative visual impact upon neighboring properties. The slope and retaining wall requiring the exemption

- would be located behind the new townhomes, and not adjacent to any public streets.
- c. The proposed slopes would not intrude into or disturb the use of any adjacent property or adversely block the primary view of any adjacent parcels; disturb any utilities or drainage facilities; obstruct circulation patterns or access; nor preclude the future development of any adjacent parcel. The slope and retaining wall covered under the exemption would be located entirely on the project site, and no utilities or drainage facilities currently exist in that area of the site. The slope and wall would be located behind the proposed townhomes, clear of any interior streets, walkways, and recreation areas. The property to the direct north of the project site (located within County jurisdiction) is currently undeveloped, and contains a hill located near the property line it shares with the project site, which would likely preclude any development near that property line.
 - d. The proposed design of the slope would not adversely affect any adjoining septic systems. The property to the direct north of the project site is undeveloped, and any future development on that property is likely to be located a considerable distance from the shared property line, due to site topography. To the direct west of the project site is the Caltrans right-of-way for Interstate 15; this right-of-way contains no septic systems. The proposed project will be provided with sewer service.
 - e. The project's EIR includes a visual analysis that indicates that no significant impacts to aesthetics or visual quality would arise as a result of the project.
 - f. The proposed cut and fill slopes would be structurally stable since all slopes will be manufactured so as not to exceed a standard 2:1 inclination.

All graded areas shall be protected from wind and water erosion through compliance with the City's stormwater management requirements. The development will be required to incorporate interim erosion control plans, certified by the project engineer and reviewed and approved by the City's Engineering Services Department.

Hillside and Ridgeline Protection Overlay Determinations:

1. The bulk, scale, density, and overall character of the proposed development is compatible with the surrounding neighborhood and with the natural, cultural, scenic and open space resources of the area. The density of the project does not exceed the maximum allowed for the U3 land use designation of the General Plan. Proposed development standards are comparable with standards for a development in the R-3 (Medium Multiple Residential) zone, and any deviations (such as the one for building height) are discussed in the October 22, 2019 Planning Commission staff report and accounted for as part of the proposed Master and Precise Development Plan. Open space areas have been proposed for protection of slopes, fuel modification zones, stormwater management facilities, and recreational amenities.

2. The location and design of the proposed development respects and preserves the natural landform, vegetation, and wildlife of the project. The project has been designed to avoid grading or developing upon a substantial 35%+ slope near the northwest corner of the site. Smaller, isolated slopes exceeding 35% are located in other areas of the site, and staff have determined that do not meet the standards of steep slope protection envisioned by the General Plan or its implementing ordinances. Mitigation measures have been proposed to compensate for impacts to sensitive biological habitat. No ridgelines are located on the project site per the hillside and ridgeline overlay map on file at the Community Development Department.
3. The location and design of the development does not substantially alter the natural appearance and land form of the hillsides and ridges. No ridgelines are located on the project site per the hillside and ridgeline overlay map on file at the City. While the site does contain sloped areas of 35 percent or greater, the largest of these slopes would be precluded from any grading or development. Other slopes exceeding 35% fragmented and relatively small.
4. The location and design of the proposed development will protect the safety of current and future residents, and will not create a significant threat to life and property due to slope instability, fire, flood, mud flow, erosion, or other hazards. City Engineering staff have reviewed the project's conceptual grading design, and will review the final grading plan submittal as a condition of approval for the project. A geotechnical report, fire protection plan, and drainage study have been provided to aid staff review and to inform the environmental analysis in the project EIR, and mitigation measures and conditions of approval have been proposed where appropriate to minimize threats to life and property. No flood hazard zones exist on the site per FEMA's flood hazard maps.
5. All grading associated with the project has been minimized to the extent possible, preserving the character of the property while utilizing appropriate erosion control practices as determined by Engineering staff to avoid erosion, slides, or flooding, in order to have as minimal an effect on said environment as possible. Grading information has been provided with the project application and reviewed by Engineering staff. Conditions of approval have been proposed to require issuance of a grading permit prior to any ground-disturbing activities, and to require the use of erosion-control measures during grading.

Proceedings:

1. The Record of Proceedings upon which the Planning Commission bases its decision includes, but is not limited to: (1) the Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the Final EIR; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Final EIR and the Project itself; (3) the evidence, facts, findings and other determinations set forth in herein; (4) the General Plan and the Escondido Municipal Code; (5) all designs, plans, studies, data and

correspondence submitted to the City in connection with the Final EIR and the Project itself; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Final EIR and/or elsewhere during the course of the review of the Project itself; (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

EXHIBIT “F”

**General Plan Amendment
Change of Land Use Designation
APNs 224-260-23, 224-260-46, and 224-260-47
SUB 18-0005 / ENV 18-0005**

The parcels associated with the proposed General Plan Amendment are as follows:

APNs	Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation
224-260-23	Office (O)	Urban III (U3)
224-260-46	Office (O)	Urban III (U3)
224-260-47	Office (O)	Urban III (U3)

I. Land Use Element- Land Use Designations Map

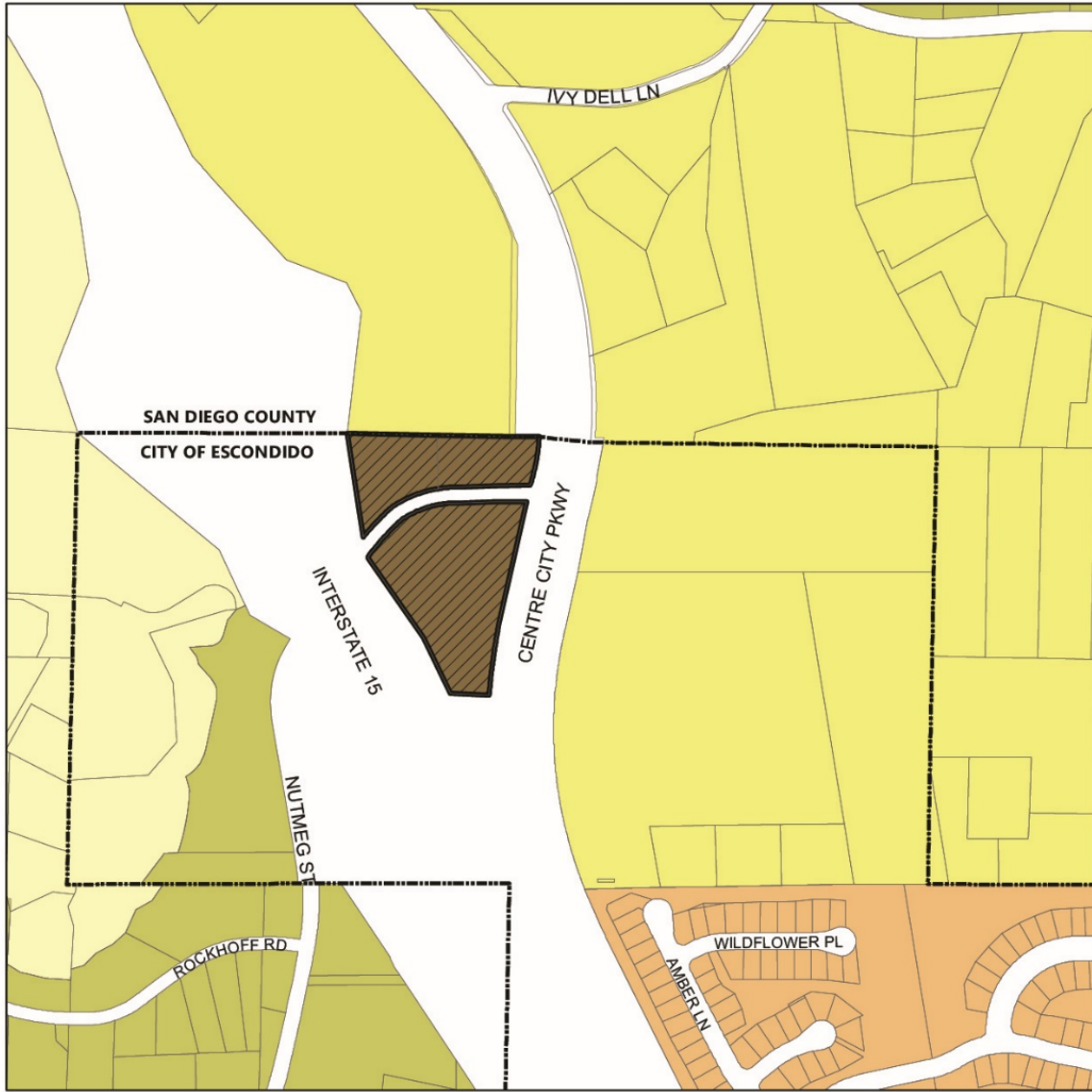
The General Plan Land Use Map is amended as shown on the following page (incorporates SUB 18-0005 / ENV 18-0005 land use mapping strategy described in the October 22, 2019 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the Office (O) General Plan Land Use. The entire, existing General Plan land use map is on file with the Office of the City Clerk.

The map amends the following in the General Plan Land Use Element:

- Page II-3, Figure II-1: Color of project site to be changed from magenta (Office) to medium brown (Urban III). (Please note that the hatching shown is intended to distinguish the project site from the rest of the exhibit, and should not be included in Figure II-1.)

II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this General Plan Amendment reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



Rezone
Change of Zoning Classification
APNs 224-260-23, 224-260-46, and 224-260-47
SUB 18-0005 / ENV 18-0005

The parcels associated with the proposed Rezone are as follows:

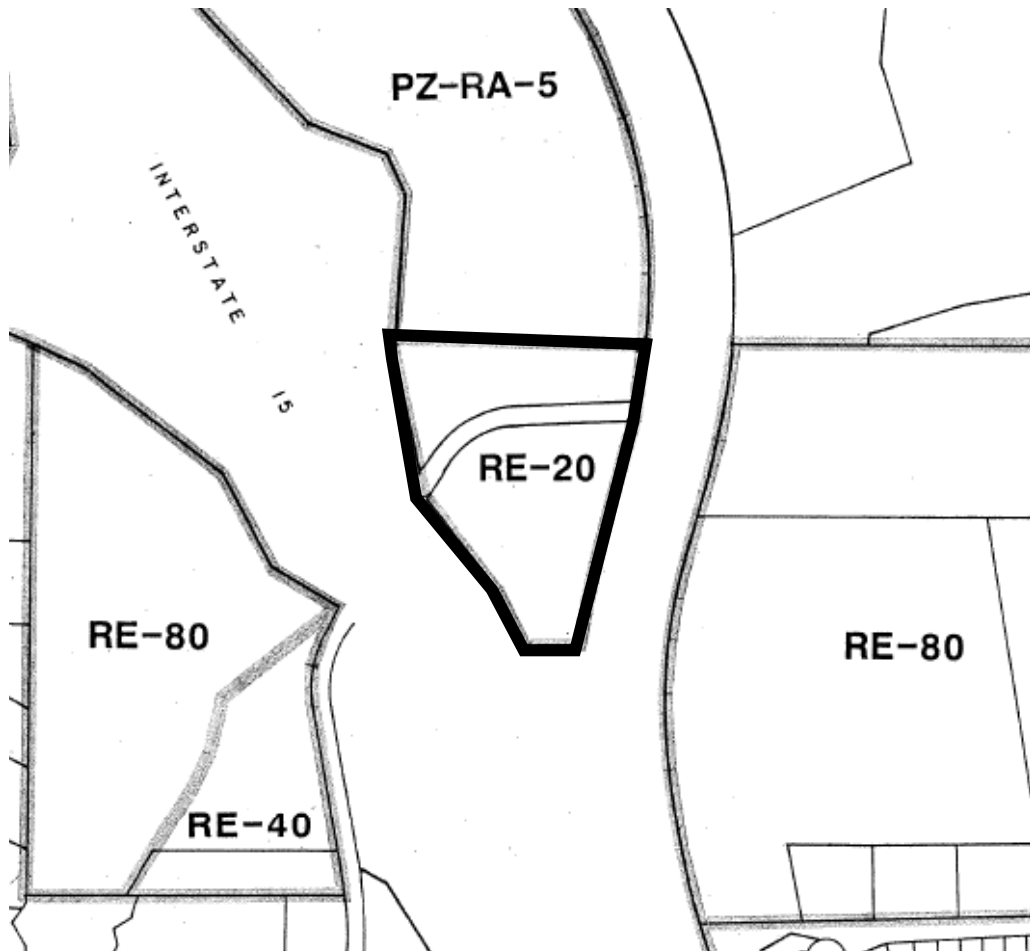
APNs	Existing Zoning Classification	Proposed Zoning Classification
224-260-23	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-46	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-47	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)

I. Zoning Map

The Zoning Map is amended as shown on the following page (incorporates SUB 18-0005 / ENV 18-0005 land use mapping strategy described in the October 22, 2019 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the PD-R-18 zoning classification. The entire, existing Zoning Map is on file with the Office of the City Clerk.

II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this Rezone reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



Zoning Map to be changed from Residential Estates, 20,000-SF minimum lot size (RE-20) to Planned Development-Residential, maximum 18 units/acre density (PD-R-18)

EXHIBIT “H”

CONDITIONS OF APPROVAL PLANNING CASE NO. SUB 18-0005

Nothing in this permit shall relieve the Applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. **This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.**

Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the conditional use permit conditions.

MITIGATION MEASURES

MM BIO-1: Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that if initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 and September 15), the Project Applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California Fish and Game Code. The pre-construction survey shall be performed no more than seven (7) days before the start of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no construction activities shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.

MM BIO-2: Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN) protocol surveys in accordance with Wildlife Agency criteria shall be accomplished. (This includes: from March 15 to June 30, a minimum of six (6) surveys shall be conducted at least one week apart; or, between July 1 and March 14, nine (9) surveys are required, to be conducted at minimum two (2) week intervals.) If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the presence of CAGN occupied coastal sage scrub shall be fenced and construction within 500 feet of occupied habitat shall occur only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with Resources Agencies. The noise barrier shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.

No permit (i.e. grading, tree-trimming, or vegetation removal) that would impact Coastal Sage Scrub, Southern Mixed Chaparral, or Coast Live Oak Woodland habitat on the project site shall be issued until the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that they will/have purchased off-site of suitable habitat within a City approved mitigation bank (such as the Daley Ranch Conservation Bank) at mitigation ratios noted in Table 4.3-2.

MM BIO-3: Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that the replacement of impacted mature trees will occur. Unless otherwise determined by the City mature trees will be replaced at a minimum 1:1 ratio. The Project Applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development or City designee.

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

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

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

MM CR-4: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code

Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

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

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

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

MM CR-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the

Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

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

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

MM HAZ-1: Prior to the issuance of any building permit, the project applicant shall demonstrate to the satisfaction of the City Building Department that all windows adjacent to preserved vegetation are dual paned with both panes tempered.

MM HAZ-2: Prior to the approval of the Final Landscape Plan, the wall and fence component shall provide a noncombustible, 8-foot wall at the rear or side yard that would function as a heat-deflecting landscape wall as shown on Figure 4.7-1 to the satisfaction of the City Community Development Department.

MM HAZ-3: (Eliminated in Final EIR)

MM HAZ-4: Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R's that demonstrate to the satisfaction of the City's Community Development Department and City Attorney that the annual review of landscape maintenance plans includes a third party evaluation of Fuel Modification Zones (FMZ) area that meet the requirements of the FMZ and City's Fire Department (EFD).

MM NOI-1: In order to reduce the noise levels at the two proposed outdoor recreation areas, the project applicant shall construct two 8-foot sound walls, with one located on the south side of the outdoor recreation area that is located on the north side of Nutmeg Street and the other wall located southwest of the outdoor recreation area that is located on the south side of Nutmeg Street. The sound walls shall be constructed of a solid material (e.g., glass, concrete block, or plaster). The locations of the proposed outdoor recreation area sound walls are shown in Figure 4.10-5.

MM NOI-2: The project applicant will provide a “windows closed” condition for each proposed residential townhome. A “window closed” condition is a term that means that a home is capable of providing adequate ventilation and temperature control without opening the windows. A “windows closed” condition requires a means of mechanical ventilation per Chapter 12, Section 1205 of the Uniform Building Code. This shall be achieved with a standard forced air conditioning and heating system with a filtered outside air intake vent for each residential unit.

MM NOI-3: For the P1-Villas, the project applicant shall require all windows and exterior doors on the northwest, southwest, and southeast sides of Building 1 to have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors are shown on Figure 4.10-5.

MM NOI-4: For the P2-Villas, the project applicant shall require all windows and exterior doors on the southwest side of Buildings 12 to 18, the northwest side of Building 18, and the northwest side of the westernmost unit of Buildings 16 and 17 to have a minimum STC rating of 35 STC. In addition, all windows and exterior doors on the northwest side of Buildings 19 and 20 and southwest side of Building 19 and the southeast and northwest sides of Buildings 12 to 18 that were not covered by the 35 STC requirement shall have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors is shown on Figure 4.10-5.

MM TRA-1: Prior to the occupancy of the proposed project the intersection of North Centre City Parkway/North Nutmeg Street will be improved to the satisfaction of the City as noted below:

- Installation of a traffic signal;
- Restripe the southbound approach to provide a dedicated left-turn lane; and,
- Construct a dedicated right-turn lane on the southbound approach of the intersection.

MM TRA-2: The proposed project at the intersection of West Country Club Lane/ North Nutmeg Street will provide the following:

- Installation of a traffic signal at the intersection; and,
- Restripe the southbound approach to provide a shared left-turn/through lane and a dedicated right-turn lane.

MM TRA-3: Prior to the occupancy of the proposed project the existing right-of-way on North Nutmeg Street from West Country Club Lane to Via Alexandra will be widened to provide for a 14'

wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include removal and reconstructions of existing driveways to private driveway standards and a parking restriction along the improved section of Nutmeg Street to the satisfaction of the City Engineer.

MM TRA-4: The proposed project at the intersection of North Centre City Parkway/North Nutmeg Street intersection will provide the following minimum storage lengths for left turn and right-turn lanes:

- Eastbound Left-Turn Lane: 100 feet; and,
- Southbound Right-Turn Lane: 125 feet

MM TRA-5: The proposed project at the intersection of Nutmeg Street/Project Access will provide 50-foot left-turn pockets for the eastbound and westbound left-turn lanes.

GENERAL

1. This project is conditionally approved as set forth on the application and project drawings submitted to the City of Escondido, all designated as approved by the City Council on [placeholder until City Council hearing], and shall not be altered without express authorization by the Director of Community Development.
2. The Project shall be completed in substantial conformance to the plans approved, except as modified herein. The Project shall be constructed and operated by the Applicant in accordance with the authorized use as described in the application materials and plans on file with the Office of the Clerk of the City of Escondido. Any additional uses or facilities other than those approved with this permit, as described in the approved plans, will require a separate application and approval. Colors and materials shall conform to the approved plans and the exhibits and references in the staff report, to the satisfaction of the Planning Division. For building features that do not have a specific material and/or color called out on the plans and exhibits (e.g., eaves, window frames, front doors, and garage doors), selected materials and colors should match the rest of the development.
3. Approval of all Project-related permits will expire 36 months after the approval of this Project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.
4. Applicant shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Escondido, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of the series of actions that this Project comprises, and/or (b) City's approval or issuance of any permit or action, whether discretionary or ministerial, in

connection with the land use and activity contemplated described by this Project. This obligation survives until all legal proceedings have been concluded and continues even if the City's approval is not validated.

5. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.
6. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.

TENTATIVE SUBDIVISION MAP

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when permits are issued, including any applicable City-Wide Facilities fees.
2. Three copies of a revised Tentative Map, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading plans, landscape plans and the final map.
3. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
6. All new utilities shall be underground.

7. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
8. No street names are established as part of this approval. A separate request shall be submitted prior to final map.
9. Access roads and project grading must comply with SDG&E guidelines for any encroachment to, and into, right of way. Any grading to be performed within SDG&E right of way requires a "permission to grade" letter.
10. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a check payable to "County Clerk", in the amount of \$3,321.00 for a project with an Environmental Impact Report. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Wildlife filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Wildlife documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).
11. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the building permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.
12. All pedestrian passageways in the designated trail connection as depicted on the approved Tentative Subdivision Map shall have walkway non-slip surfaces, such as decomposed granite, to enable multi-generational use, designed to prevent dust, and otherwise be designed to allow convenient use for outdoor activities. There shall be no obstructions above the open space except for devices to enhance its usability, such awning structures.

MASTER AND PRECISE DEVELOPMENT PLAN

1. The Project includes a Fire Protection Plan which is located in the Project's Draft EIR as Appendix E, and in amended form in the Final EIR as Appendix E-1. The Fire Protection Plan describes the wildland fire resistance features incorporated into the project. The key fire resistance features incorporated into the project are listed below:
 - The project shall maintain Fuel Modification Zones (FMZs) as described in Figure 5 (Conceptual Fuel Modification Plan) and Table 5 of the Fire Protection Plan (as well as Figure 4.7-1 of the Final EIR).
 - A noncombustible, 8-foot wall shall be installed as shown in Figure 5 (Conceptual Fuel Modification Plan) to function as a heat-deflecting wall.
 - Dual-pane, tempered glass shall be used for all windows adjacent to preserved vegetation.
2. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
3. All exterior residential lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code.
4. Setbacks shall be as described in the October 22, 2019 Staff Report and depicted on the Master Plan/Tentative Map.
5. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the Master and Precise Development Plan where specified. All other signs must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code) standards for the RE (Residential Estates) zone.
6. Prior to issuance of a grading permit, the emergency access road width, pavement and gate specifications shall be reviewed and approved by the Fire Department.
7. This Master Development Plan and Precise Development Plan approval adopt development standards for area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking, and screening, per Section 33-401(f) of the City of Escondido Zoning Code, and as described in the October 22, 2019 Staff Report.
8. All new home design or development and/or improvement shall comply with or meet the intent of the Master and Precise Development Plan criteria through methods listed in the standards

and guidelines, as listed in the October 22, 2019 Staff Report, or through alternative methods that achieve the same objective.

GRADING AND GRADING EXEMPTION

1. An exemption from the Grading Ordinance is approved as part of this project, as described in the October 22, 2019 Staff Report. This exemption includes one cut slope plus soil nail retaining wall located near the northwest corner of the site, exceeding the 20' height limit described in the City of Escondido Grading Ordinance.
2. All project grading shall conform with the approved Tentative Subdivision Map. In cases where the grading plan later submitted is not consistent with the approved Tentative Subdivision, the Applicant shall be required to obtain a substantial conformance determination or map amendment for grading prior to issuance of grading permits.
3. A plan shall be submitted for approval by the Director of Community Development, the Engineering Services Department, and the Fire Department regarding the security treatment of the site during the construction phase, the on- and off -site circulation and parking of construction workers' vehicles, and any heavy equipment needed for the construction of the Project.
4. All roadways shall be a minimum of 24 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Escondido Fire Department.
5. The Postmaster shall approve final location of mailbox kiosks associated with this Project prior to issuance of a precise grading permit.

LANDSCAPING

1. Four copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Services Department, prior to issuance of grading or building permits. The detailed landscape and irrigation plans shall be equivalent or superior to the planting plan attached as an exhibit, to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
2. Details of project fencing and walls, including materials and colors, shall be depicted on the landscape plans. All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures. The 8' fire wall described in the Fire Protection Plan shall conform to Caltrans design

standards and/or be compatible with similarly-designed freestanding walls located along the I-15 corridor. These items shall be approved by the Director of Community Development prior to the issuance of building and/or grading permits.

3. All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Director of Community Development. The Applicant and/or HOA shall be responsible for the removal in a timely manner of any graffiti posted on such walls.
4. All fencing for basin areas shall be set back at least five feet from back of sidewalk or edge of pavement to allow the appropriate integration of landscape screening to the satisfaction of the Planning Division.
5. Landscaping adjacent to preserved land shall not include species listed as highly or moderately invasive by the California Invasive Plant Council (Cal- IPC 2013).
6. Plants on the Prohibited Plant List (Appendix D of the Fire Protection Plan) shall not be planted on the site unless otherwise approved by the Escondido Fire Department.
7. All vegetation (including existing vegetation to be retained) shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
8. The Homeowners Association (HOA) shall be responsible for maintenance of landscaping in all common areas and fuel modification zones, in compliance with the requirements detailed within the Fire Protection Plan and as determined by the Escondido Fire Department. Prior to issuance of building permits, all fuel modification zones shall be permanently marked at the property line to delineate the zones and aid ongoing maintenance activities.
9. All fuel modification zone vegetation management activities shall be completed annually by May 15 and more often as needed for fire safety, as determined by the Escondido Fire Department.
10. The installation of the common area and right-of-way landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

11. Street trees shall be provided along street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.

CC&Rs

1. Applicant shall establish a homeowner's association (HOA) and corresponding covenants, conditions and restrictions (CC&Rs). Prior to recordation of the Final Map, two copies of the CC&Rs shall be submitted to the Planning Division for review and approval. Except for those public improvements located in the public right-of-way, the CC&Rs shall contain provisions for the maintenance of any common landscaping, open space, walls, common drainage facilities, fuel modification zones, etc. to the satisfaction of the Planning and Engineering Divisions. A review fee established in the current fee schedule shall be collected at the time of submittal.

Prior to issuance of a building permit, the Applicant shall provide the Planning Division with a recorded copy of the official CC&Rs that have been approved by the Department of Real Estate and the Planning and Engineering Divisions. At a minimum, the CC&Rs shall contain the following provisions:

- a. Notice and Amendment. A copy of any proposed amendment shall be provided to the City in advance. If the proposed amendment affects the City, City shall have the right to disapprove. A copy of the final approved amendment shall be transmitted to City within 30 days for the official record.
- b. Failure of Association to Maintain Common Area Lots and Easements. In the event that the Association fails to maintain the "Common Area Lots and/or the Association's Easements," the City shall have the right, but not the duty, to perform the necessary maintenance. If the City elects to perform such maintenance, the City shall give written notice to the Association, with a copy thereof to the Owners in the Project, setting forth with particularity the maintenance which the City finds to be required and requesting the same be carried out by the Association within a period of 30 days from the giving of such notice. In the event that the Association fails to carry out such maintenance of the Common Area Lots and/or Association's Easements within the period specified by the City's notice, the City shall be entitled to cause such work to be completed and shall be entitled to reimbursement with respect thereto from the Owners as provided herein.
- c. Special Assessments Levied by the City. In the event the City has performed the necessary maintenance to either Common Area Lots and/or Association's Easements, the City shall submit a written invoice to the Association for all costs incurred by the City to perform such maintenance of the Common Area Lots and or Association's Easements; and pursue collection.
- d. Landscape Maintenance Responsibilities. The HOAs and individual lot or unit owner landscape maintenance responsibilities shall be established.

- e. Homeowner improvements such as balconies, trellis, and decks. The CC&Rs shall set forth requirements for the HOA to review and approve all homeowner landscape and hardscape plans to ensure compliance with local, State and Federal laws. The CC&Rs shall state the individual lot or unit owner allowances and prohibitions regarding balconies, trellis, decks and other improvements as regulated by the Project approval.

ENGINEERING CONDITIONS OF APPROVAL ESCONDIDO TRACT NUMBER SUB18-0005

GENERAL

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

approval, the Planning Department will stamp and approve 3 copies of the Revised Tentative Map and Master and Precise Development plan. One of these approved copies must be included in the first submittal for plan check to the Engineering Department.

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. The developer shall construct frontage street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
N. Nutmeg Street	Local Collector per Specific Alignment Plan
N. Centre City Parkway	Collector per Specific Alignment Plan

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

3. The Developer shall construct a new four leg offset traffic signal at the intersection of N. Centre City Parkway and N. Nutmeg Street, designed to accommodate and control the existing private road to the east, prior to the first project occupancy. Any work on this private road will require permission from the private property owner(s) involved.
4. The Developer shall construct a new traffic signal at the intersection of W. Country Club Lane and North Nutmeg Street prior to the first project occupancy.
5. The N. Centre City Parkway and N. Nutmeg Street intersection improvements shall include minimum vehicle storage lengths of 100 feet and 125 feet for the eastbound left-turn lane and westbound right-turn lane, respectively. Taper lengths for the westbound right-turn lane shall be per current City, Caltrans, and MUTCD Standards and to the satisfaction of the City Engineer.
6. The project shall provide a minimum 50-foot eastbound left-turn pocket for the project entrance off N. Nutmeg Street per current City, Caltrans, and MUTCD Standards.
7. Prior to the first occupancy, the existing N. Nutmeg Street roadway, from West Country Club Lane to Via Alexandra, shall be widened to provide for a 14' wide

southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include removal and reconstruction of existing driveways to private driveway standards and a parking restriction along the improved section of N. Nutmeg Street to the satisfaction of the City Engineer.

8. Access to this project shall be improved with an alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.
9. All on-site roads, driveways, and parking areas shall be private and shall be detailed on the Grading Plans. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks (one side only), street lights, paving, and base.
10. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. For the second Final Engineering submittal to be accepted by the City, the developer shall provide the City documentation demonstrating Final Engineering submittals have been made to other these other agencies from whom permits must be obtained. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Permit.
11. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the City of Escondido's public right-of-way.
13. The developer's engineer shall prepare and submit for approval by the City a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
14. The project is subject to the vacation of public rights-of-way within or adjoining the project boundary. Specific areas to be vacated shall be determined to the satisfaction of the City Engineer. The developer shall pay the current Street Vacation Processing fee in effect at the time of the Street Vacation application submittal. The street vacation must be approved by the City Council prior to recordation of the Final Map. The developer shall be responsible for relocation of any existing utilities within this street vacation. The developer and their Title Company shall determine if the City is

the underlying fee owner of portion of the public right-of-way to be vacated for the project. If the City is the underlying fee owner, the developer shall pay for an appraisal and shall compensate the City fair market value for the property being vacated.

15. The developer may be responsible for a grind and overlay of N. Centre City Parkway due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
16. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided as needed for adequate sight distance and subject to the approval of the City Engineer.
17. The developer shall be required to construct a minimum 24-foot-wide emergency access road to the satisfaction of the City Engineer and City Fire Marshal.
18. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
19. The improvement of N. Centre City Parkway shall include a striped Class II bicycle path. The width, design and precise location of the bicycle path shall be to the satisfaction of the City Engineer.
20. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
21. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the Home Owner's Association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&R's.
22. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer and the City Building Official.

GRADING

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The

developer shall be responsible for maintaining all erosion control facilities throughout the project.

3. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" portland concrete cement over 6" asphalt base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
5. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
8. Prior to approval of the grading plan, the developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
9. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
10. Grading or stockpiling of dirt shall not be performed on the parcel located at the southwest corner of N. Nutmeg Street and N. Centre City Parkway (APN 224-260-23), except as necessary to construct the required street improvements listed above and included in this project.
11. A temporary outlet for proposed storm drain associated with N. Nutmeg Street and N. Centre City Parkway improvements shall be shown on the grading plan. Rip rap and a headwall, designed in accordance with San Diego Regional Standard

Drawings, shall be provided for the temporary outlet. The temporary outlet shall be located within APN 224-260-23, at a location to the satisfaction of the City Engineer.

12. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The drainage from this project will flow directly onto adjoining property within the jurisdiction of the County of San Diego or CALTRANS. Any drainage plans for facilities within the jurisdiction of these agencies shall be subject to their review and approval. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Permit.
3. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association. Provisions stating this shall be included in the CC&R'S.
4. All basins and post-construction BMP's facilities constructed with this project (including those within the public right-of-way) are private. The responsibility for maintenance of these storm drains shall be that of the Home Owners Association.
5. The project shall limit 100-year drainage flows to their pre-construction rates. Details and calculations for the detention basins shall be submitted and approved as part of the grading plan check.
6. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
7. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.

8. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
9. Infiltration testing shall be provided at the location of proposed infiltration BMPs, and be included in the preliminary soils and geotechnical report signed by the Soils Engineer. Infiltration rates of proposed BMPs shall meet flood-control and hydromodification flow attenuation and drawdown times in accordance with the City's Storm Water Design Manual. If infiltration BMPs are deemed infeasible for the site, changes to the project design shall be implemented to the satisfaction of the City Engineer and Community Development Director. Project design changes could include, but shall not be limited to, reduction in impervious areas by reducing building footprints or designing biofiltration basins that connect to a storm drain.

WATER SUPPLY

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to recordation of the Final Map, to the satisfaction of the City Engineer. The City of Escondido and the Rincon District will sign approval of the improvement plans with respect to the water mains.

SEWER

1. Required sewer main improvements for the project include construction of an 8-inch public sewer main in N. Centre City Parkway, from W. Country Club Lane to N. Nutmeg Street, and in N. Nutmeg Street from N. Centre City Parkway to across the project property frontage. The proposed alignment of the sewer main shall be to the satisfaction of the Utilities Engineer.
2. A minimum 20-foot all weather access road (suitable for use by the City's vector trucks) to all sewer manholes within easements shall be required.
3. A minimum 20-foot sewer easement shall be required for public sewer.
4. A private 4" minimum PVC sewer lateral with a standard clean-out within 18" of the public utilities easement/sewer easement/right-of-way shall be constructed for each single family dwelling unit and up to four attached residential units. All other uses shall have a minimum 6" sewer lateral. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and Uniform

Plumbing Code. The sewer laterals shall be included in the improvement & grading plans and bonding quantities.

5. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral, or within 15' of any sewer main.
6. There shall be no permanent structures located within sewer easements.
7. All sewer laterals will be considered a private sewer system to the public main. The property owners' association will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.
8. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
9. The developer may be responsible for a 12-wide grind and overlay of N. Centre City Parkway due to the offsite sewer trench necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping shall be installed on the project frontage along both sides of N. Nutmeg Street and the west side of N. Centre City Parkway (from the County of San Diego boundary to Caltrans boundary) and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.
3. A Continuing Encroachment Permit for this project's required maintenance of the landscaping in the surrounding public right-of-ways must be applied for, and in conjunction, a perpetual liability insurance policy with the City as an additionally insured must be put in place.

FINAL MAP - EASEMENTS AND DEDICATIONS

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

STREET

CLASSIFICATION

N. Nutmeg Street

Local Collector per Specific Alignment Plan

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. The developer is responsible for making the arrangements to vacate all streets or quitclaim all easements of record which conflict with the proposed development prior to approval of the Grading Plan. All street vacations shall be accomplished by means of a separate public hearing. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Grading Plan. Building permits will not be issued for buildings in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

FEES

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

CC&R's

1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&R's for maintenance by the Home Owners' Association of private roadways, driveways, parking areas, private utilities, drainage and storm water facilities, private street lighting, storm drains, and any common open spaces and landscaping. These provisions must be approved by the Engineering Department prior to approval of the Final Map.
3. The CC&Rs shall make provisions for the Home Owners' Association maintenance of the Project's frontage landscaping, irrigation, fencing, retaining walls along all project frontages on N. Nutmeg Street and N. Centre City Parkway. The Developer as Declarant will be required to obtain a Continuing Encroachment Permit to conduct this ongoing landscape maintenance in the City Right-of Way.
4. The CC&R's must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
5. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.
6. The CC&R's must state that (if stamped concrete or pavers are used in private streets) the Home Owners' Association is responsible for replacing the stamped concrete or pavers in-kind if the City has to trench the street for repair or replacement of an existing utility.

UTILITY UNDERGROUNDING AND RELOCATION

1. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

CITY OF ESCONDIDO

**ACTION MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION**

October 22 2019

The meeting of the Escondido Planning Commission was called to order at 7:00 p.m. by Chairman Spann, in the City Council Chambers, 201 North Broadway, Escondido, California.

Commissioners present: James Spann, Chairman; Don Romo, Vice-Chair; Michael Cohen, Commissioner; James Spann, Commissioner; Mark Watson, Commissioner; and Stan Weiler, Commissioner.

Commissioners absent: Commissioner Garcia and Commissioner Watson.

Staff present: Mike Strong, Assistant Planning Director; Owen Tunnell, Assistant City Engineer; Adam Phillips, Senior Deputy City Attorney; Jay Paul, Senior Planner; Ann Dolmage, Associate Planner; and Kirsten Peraino, Minutes Clerk.

MINUTES:

Moved by Commissioner Cohen, seconded by Commissioner Watson to approve the Action Minutes of the October 8, 2019 meeting. Motion carried unanimously Ayes: Cohen, Romo, Spann, Watson and Weiler; Noes: None. Absent: Garcia and McNair. (5-0-0).

WRITTEN COMMUNICATIONS: – Received.

FUTURE NEIGHBORHOOD MEETINGS: – None.

ORAL COMMUNICATIONS: – None.

PUBLIC HEARINGS:

1. MODIFICATION TO A CONDITIONAL USE PERMIT – PHG 19-0017:

REQUEST: A modification to a previously approved Conditional Use Permit for New Life Presbyterian Church to convert an existing single-family residence into a family counseling center/multi-purpose building to support church-related activities and become part of the church campus. Access to the site would be provided from Alexander Drive and the northern driveway would be closed. Primary pedestrian and disabled access would be provided from the existing church property on the west. New front yard fencing would be provided along with a gate to restrict access to the southern driveway, which would remain. The upper story of the split-level structures is proposed to be used for meeting/multi-purpose rooms, office space, lounge area, kitchen and bathrooms. The lower floor is proposed to be used for multi-purpose uses. Exterior modifications to the structure and landscape/fencing improvements also are proposed. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The approximately 0.42-acre property (18,480 SF) is located on the western side of Alexander Drive, south of Citracado Parkway, addressed as 2117 Alexander Drive, (APN 238-110-06).

ENVIRONMENTAL STATUS: Exempt pursuant to a CEQA Section 15303, Class 3 'New Construction or Conversion of Small Structures'.

STAFF RECOMMENDATION: Approval

PUBLIC SPEAKERS:

Mario Escobar, spoke in opposition to the project.

David Escobar, spoke in opposition to the project.

Gabe Winter, spoke in opposition to the project.

Robin Lee, Pastor of New Life Presbyterian Church spoke in favor of project.

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

COMMISSION ACTION: Motion by Watson, seconded by Cohen to approve staff recommendation with the added conditions:

1. Restrict the use of the property to uses of the church and church members only and prohibit special events, social service uses, and activities that could occur that are not related to church office use.
2. Commercial deliveries should be directed for drop-off and pick-up through the main campus.

Motion carried unanimously. Ayes: Cohen, Romo, Spann, Watson and Weiler. Noes: None. Absent: Garcia and McNair (5-0-0).

2. TENTATIVE SUBDIVISION MAP, GENERAL PLAN AMENDMENT, REZONE, MASTER AND PRECISE DEVELOPMENT PLAN, SPECIFIC ALIGNMENT PLAN, AND GRADING EXEMPTION - SUB 18-0005 / ENV 18-0005:

REQUEST: The proposed project is a General Plan Amendment and Rezone for a 7.45-acre site straddling North Nutmeg Street, between North Centre City Parkway and Interstate 15. The General Plan Amendment would change the designation of the site from Office (O) to Urban III (U3), and the Rezone would change the zoning classification from Residential Estates (RE-20) to Planned Development-Residential (PD-R-18). The proposed project consists of a proposal to develop the northern portion of this site (i.e., the area north of Nutmeg Street) with 37 townhome units, ranging in size from 1,104 SF to 1,339 SF. To accommodate the development request, the applicant requests approvals of a Tentative Subdivision Map (TSM), a Master and Precise Development Plan (to establish site-specific development standards), a Specific Alignment Plan (SAP) for both Nutmeg Street and Centre City Parkway (for a roadway design that varies from City standards), and a Grading Exemption (for one cut slope exceeding 20 feet-in-height in the northwest corner of the site). Separate approvals would be required to develop the southern portion of the site. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The project site, subject to the General Plan Amendment and Rezone straddles North Nutmeg Street, between North Centre City Parkway and Interstate 15. The northern portion, subject to the TSM, Master and Precise Development Plan, and Grading Exemption permit requests, is currently 2.33 acres in size. The project proposes 0.17 acre in right-of-way reversions and 0.08 acre in right-of-way dedications to bring the final size of the northern portion to 2.42 acres (gross and net). The southern portion is currently 4.37 acres, but proposes 0.81 acre in right-of-way reversions and 0.15 acre in right-of-way dedications to accommodate the SAP and future development potential, to bring the final size of the southern portion to 5.03 acres.

ENVIRONMENTAL STATUS: The Draft Environmental Impact Report (City Log No. ENV 18-0005) was issued for a 45-day public review on May 10, 2019. Responses to comments received on the Draft EIR have been incorporated into the Final EIR. Mitigation measures required under CEQA were developed to reduce the potential for adverse impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation.

STAFF RECOMMENDATION: Approval to Council

PUBLIC SPEAKERS:

Jason Greminger, Applicant, spoke in favor of project.
Jim Simmons, Applicant, spoke in favor of project.
Cary Moen, spoke in opposition to the project.

COMMISSIONER DISCUSSION AND QUESTIONS:

The Commissioners discussed various aspects of the project.

COMMISSION ACTION: Motion by Weiler, seconded by Watson to approve staff recommendation with the added conditions:

1. A tenth surface parking space shall be added to the site plan.
2. Development of the southern portion of the property shall provide adequate open space and recreational amenities to create overall project compliance with the open space requirements.

Motion carried unanimously. Ayes: Cohen, Romo, Spann, Watson and Weiler. Noes: None. Absent: Garcia and McNair (5-0-0).

CURRENT BUSINESS: – None.

ADJOURNMENT:

Chairman Spann adjourned the meeting at 8:21 p.m. to the next regularly scheduled Planning Commission meeting to be held at 7:00 p.m. on Tuesday, October 22, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.

Mike Strong, Secretary to the
Escondido Planning Commission

Kirsten Peraino, Minutes Clerk

ATTACHMENT 3

ARNOLD & THERESA VELDKAMP

10510 COYOTE HILL GLEN
ESCONDIDO, CALIFORNIA 92026

(760) 745-0556

aveldkamp@superiorm.com

October 21, 2019

Re: Nutmeg Homes
SUB 18-0005

Dear Chairman and Planning Commission Members:

I am a neighbor to the proposed project known as Nutmeg Homes. I live on Coyote Hill Glen and I very much appreciate the work the developer put into working with me and my neighbors to resolve the intersection at Nutmeg, Center City Parkway and Coyote Hill Glen.

Although I and my neighbors would like to see no change in the general plan and zoning for the site, we realize the project's improvement of the intersection, including a traffic signal, will make all of us safer and that this improvement will not happen without this project. Therefore I am in support of this development and urge you to approve it.

Sincerely,



Arnold Veldkamp

RESOLUTION NO. 2019-166

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
CERTIFYING THE FINAL ENVIRONMENTAL
IMPACT REPORT AND ADOPTING FINDINGS
OF FACT AND A MITIGATION MONITORING
AND REPORTING PROGRAM FOR NUTMEG
HOMES PROJECT PROPOSAL

CASE NOS.: SUB 18-0005 and ENV 18-0005

WHEREAS, Consultants Collaborative (“Applicant”) submitted a land use development application to build 135 new homes on property located in the north portion of the City of Escondido (“City”), on both sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15. The Project site is comprised of three lots with Assessor’s Parcel Numbers 224-260-23, 224-260-46, and 224-260-47, legally described in Exhibit “D,” which is attached to this Resolution and incorporated herein by this reference as though fully set forth; and

WHEREAS, pursuant to the authority of Government Code Section 66410 et. seq., Government Code Sections 65864–65869.5, and all relevant articles and sections of the Escondido Zoning Code, said verified application in its entirety constitutes a General Plan Amendment, Rezone, Master and Precise Development Plan, Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan (“Project”); and

WHEREAS, said verified application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case Nos. SUB 18-0005 and ENV 18-0005, in accordance with the rules and regulations of the Escondido Municipal and Zoning Codes, and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and

the California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000 et seq.); and

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

WHEREAS, an Initial Study Checklist was prepared in accordance with CEQA Guidelines Section 15063. Based on the Initial Study, the City determined an EIR would be prepared to address potential direct and cumulative impacts associated with aesthetics, agricultural resources, biological resources, cultural resources (including tribal cultural resources), geology and soils, hazards and hazardous materials, land use and planning, noise, and transportation and traffic; and

WHEREAS, in accordance with Guidelines Section 15082, the City distributed a Notice of Preparation (“NOP”) of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties on August 29, 2018, for a 30-day comment period, which ended on October 1, 2018. The Initial Study was provided as an attachment to the NOP; and

WHEREAS, the Draft EIR for the proposed Project was then prepared and circulated for review and comment by the public, agencies, and organizations and was circulated for public review and comment pursuant to the State CEQA Guidelines by filing a Notice of Availability (“NOA”) of the Draft EIR for review with the County Clerk of San Diego. The NOA was also mailed to organizations and parties expressing interest in the Project on May 7, 2019, notifying the general public, public agencies, and

interested individuals and organizations that a 45-day public review period would begin on May 10, 2019, and end on June 24, 2019. The NOA was also filed with the City Clerk, published in the Daily Transcript, and posted on the City's website; and

WHEREAS, a Notice of Completion of the Draft EIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2018081063) on May 6, 2019; and

WHEREAS, during the 45-day public comment period of the Draft EIR, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies and others pursuant to State CEQA Guidelines Sections 15086 and 15087; and

WHEREAS, the City received comments concerning the Draft EIR from public agencies, organizations, and individuals, and pursuant to CEQA Guidelines Section 15088, the City prepared responses to all written comments received on the Draft EIR which raised environmental issues; and

WHEREAS, the City has determined that the comments received on the Draft EIR did not contain any significant new information within the meaning of CEQA Guidelines Section 15088.5 and therefore, recirculation of the Draft EIR is not required; and

WHEREAS, the City prepared a Final EIR, which contains the information required by CEQA Guidelines Section 15132, including the Draft EIR, the technical appendices and referenced documents, revisions and additions to those documents, public and agency comments on the Draft EIR and the City's responses to comments; and

WHEREAS, the Planning Commission did hold a duly noticed public hearing as prescribed by law to consider the certification of the Final EIR on October 22, 2019, during which it received any evidence and took and considered public testimony from those wishing to be heard regarding certification of the Final EIR; and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 2019-23 recommending that City Council certify the EIR, adopt the CEQA Findings of Fact, and adopt the Mitigation Monitoring and Reporting Program; and recommending approval of said Project, on file with the Office of the City Clerk and incorporated herein by this reference as though fully set forth herein; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided a Notice of City Council Public Hearing to all organizations and individuals who had previously requested such notice, and published the Notice of Public Hearing in the Daily Transcript and posted the Notice on the City's website; and

WHEREAS, the City Council did on November 20, 2019, hold a duly noticed public hearing as prescribed by law to consider the Planning Commission's recommendation to certify the Final EIR and approve said Project, during which it considered all factors relating to the EIR and the Project, including additional evidence and considered public testimony from those wishing to be heard regarding certification of the Final EIR; and

WHEREAS, the City Council has carefully reviewed and considered all environmental documentation comprising the Final EIR, including the Draft EIR and the revisions and additions thereto, the technical appendices and referenced documents, and the public comments and the responses thereto (Exhibit "A" of this Resolution, on

file in the Office of the City Clerk and incorporated herein by this reference as though fully set forth herein), and has found that the Final EIR considers all potentially significant environmental impacts of the Project and is complete and adequate, and fully complies with all requirements of CEQA and the State CEQA Guidelines; and

WHEREAS, at said public hearing, City Council members independently and jointly reviewed and analyzed the Draft EIR and Final EIR, and these documents reflect the independent judgment of the City Council and the City as the Lead Agency for the Project. The City Council considered all significant impacts, mitigation measures, Project alternatives identified in the Final EIR, and considered all written and oral communications from the public regarding the environmental analysis, and found that all potentially significant impacts of the Project have been lessened or avoided to the extent feasible; and

WHEREAS, pursuant to CEQA Guidelines Section 15091 and 15097, the City of Escondido has prepared CEQA Findings of Fact and a Mitigation Monitoring and Reporting Program, which have been filed with the City of Escondido (attached hereas as Exhibits “B” and “C” of this Resolution, incorporated herein by this reference as though fully set forth herein).

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

1. That the above recitations are true.
2. That in determining whether the proposed Project has a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has based its decision on substantial evidence and has complied with

CEQA Sections 21081.5 and 21082.2 and Guidelines Section 15901(b). In addition, the City has analyzed the potential for adverse secondary impacts that could result from the mitigation measures proposed as part of the Project pursuant to CEQA Guidelines Section 15126.4(a)(1)(D), and finds that no additional significant adverse impacts would result from implementation of Project mitigation measures.

3. That the Record of Proceedings upon which the City Council bases its decision includes, but is not limited to: (1) the Final EIR and the appendices and technical reports cited in and/or relied upon in preparing the Final EIR; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Final EIR and the Project itself; (3) the evidence, facts, findings and other determinations set forth herein; (4) the General Plan and the Escondido Municipal Code; (5) all designs, plans, studies, data and correspondence submitted to the City in connection with the Final EIR and the Project itself; (6) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City during the comment period relating to the Final EIR and/or elsewhere during the course of the review of the Project itself; and (7) all other matters of common knowledge to the to the City, including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City and its surrounding areas.

4. That the findings of the Planning Commission, contained in Planning Commission Resolution No. 2019-023, on file with the Office of the City Clerk and incorporated herein by reference, are hereby adopted as the findings of the City Council.

5. That the City has made no decisions that constitute an irretrievable commitment of resources toward the proposed Project prior to certification of the Final EIR, nor has the City previously committed to a definite course of action with respect to the proposed Project.

6. That the City Council finds and determines that the applicable provisions of CEQA and the State CEQA Guidelines have been duly observed in conjunction with said hearing and the considerations of this matter and all of the previous proceedings related thereto. The City Council finds and determines that (a) the Final EIR is complete and adequate in scope and has been completed in compliance with CEQA and the State CEQA Guidelines for implementation thereof; (b) the Final EIR was presented to the City Council, and the City Council has fully reviewed and considered the information in Final EIR prior to approving the Project; and (c) the Final EIR reflects the City Council's independent judgment and analysis, and, therefore, the Final EIR is hereby declared to be certified in relation to the subject of this Resolution.

7. That pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the City Council hereby adopts and approves the Mitigation Monitoring and Reporting Program, which is appended hereto as Exhibit "C" and is made a part hereof by this reference, with respect to the significant environmental effects identified in the Final EIR, and hereby makes and adopts the provisions of the Mitigation Monitoring and Reporting Program as conditions of approval for the Project.

8. That this action is final on the date this Resolution is adopted by the City Council. Unless a shorter statute of limitations applies, the time limits for judicial review shall be as provided in California Code of Civil Procedures Section 1094.6.

9. That pursuant to Public Resources Code Section 21081. 6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials, which constitute the record of proceedings, are located at the City of Escondido, City Civic Center. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

EXHIBIT "A"

FINAL ENVIRONMENTAL IMPACT REPORT (OCT. 2019)

On file in the Office of the City Clerk, and available online at
<https://www.escondido.org/nutmeg.aspx>

EXHIBIT "B"

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT

On file in the Office of the City Clerk and online at <https://www.escondido.org/nutmeg.aspx>

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
Biological Resources						
MM BIO-1 Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that if initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 and September 15), the Project Applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California	Prior to issuance of Grading Permit Prior to construction On-going during construction	General Contractor to consult with qualified biologist to verify compliance with requirements Qualified biologist to submit report documenting compliance with requirements	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>Fish and Game Code. The pre-construction survey shall be performed no more than seven (7) days before the start of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no construction activities shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.</p>						
<p>MM BIO-2 Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN) protocol surveys in accordance with Wildlife</p>	<p>Prior to issuance of Grading Permit Prior to construction On-going during construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements Qualified biologist to submit report</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>Agency criteria shall be accomplished. (This includes: from March 15 to June 30, a minimum of six (6) surveys shall be conducted at least one week apart; or, between July 1 and March 14, nine (9) surveys are required, to be conducted at minimum two (2) week intervals.) If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the presence of CAGN occupied coastal sage scrub shall be fenced and construction within 500 feet of occupied habitat shall occur only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with Resources Agencies. The noise barrier</p>		documenting compliance with requirements				

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.</p> <p>No permit (i.e. grading, tree-trimming, or vegetation removal) that would impact Coastal Sage Scrub, Southern Mixed Chaparral, or Coast Live Oak Woodland habitat on the project site shall be issued until the Project Applicant shall demonstrates to the satisfaction of the City Community Development Director or City designee that they will/have purchased off-site of suitable habitat within a City approved mitigation bank (such as the Daley Ranch Conservation Bank) at mitigation ratios noted in Table 4.3-2.</p>						
<p>MM BIO-3</p> <p>Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the</p>	<p>Prior to issuance of Grading Permit</p> <p>Prior to construction</p>	<p>General Contractor to consult with qualified biologist to verify compliance with requirements</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
satisfaction of the City Community Development Director or City designee that the replacement of impacted mature trees will occur. Unless otherwise determined by the City mature trees will be replaced at a minimum 1:1 ratio. The Project Applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development or City designee.	On-going during construction	Qualified biologist to submit report documenting compliance with requirements				
Cultural Resources						
MM CR-1 The City of Escondido Planning Division ("City") recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as	Prior to issuance of Grading Permit	Grading plan must include this measure as a note Agreement must be completed prior to	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location ("TCA Tribe") prior to issuance of a grading permit. The Pauma tribe shall be consulted prior to contracting with the Native American Monitor. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.</p>		<p>issuance of grading permit</p>				

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM CR-2</p> <p>Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is from a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Prior to issuance of Grading Permit</p> <p>The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<p>Grading plan must include this measure as a note</p> <p>Project Applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program</p>	<p>Verification by City of Escondido</p>			
<p>MM CR-3</p> <p>The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading</p>	<p>On-going during construction</p>	<p>Grading plan must include this measure as a note</p> <p>Native American monitor shall attend the pre-grading meeting</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
contractors to explain and coordinate the requirements of the monitoring program.		Grading contractor shall explain and coordinate the requirements of the monitoring program				
<p>MM CR-4</p> <p>During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<p>During the initial grubbing, site grading, excavation or disturbance of the ground surface.</p> <p>The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<p>Grading plan must include this measure as a note</p> <p>During the initial grubbing, site grading, excavation or disturbance of the ground surface, the Project Applicants qualified archaeologist and the Native American monitor shall be on site full-time</p> <p>Any resources shall be addressed in accordance with CEQA</p> <p>Any resources shall be addressed as defined in California Public</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
		Resources Code Section 21074				
<p>MM CR-5</p> <p>In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p>	On-going during construction	Grading plan must include this measure as a note Any resources shall be addressed in accordance with CEQA	Verification by City of Escondido			
<p>MM CR-6</p> <p>If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the</p>	On-going during construction	Grading plan must include this measure as a note Any resources shall be addressed in accordance with CEQA	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.</p>						
<p>MM CR-7</p> <p>The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The</p>	<p>On-going during construction</p>	<p>Grading plan must include this measure as a note Any resources shall be addressed in accordance with CEQA</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.						
<p>MM CR-8</p> <p>As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an</p>	On-going during construction	Grading plan must include this measure as a note If human remains are found on the project site they shall be address as specified by California Health and Safety Code Section 7050.5 and with California Public Resources Code section 5097.98.	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur</p>						

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
on-site in the presence of a Native American monitor.						
<p>MM CR-9</p> <p>If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation</p>	On-going during construction	Grading plan must include this measure as a note Native American monitor must be present during any testing or cataloging of those resources Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe Any tribal cultural resources not accepted by the TCA Tribe shall be curated at the San Diego Archaeological Center	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.						
<p>MIM CR-10</p> <p>Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources</p>	Prior to the release of the grading bond	<p>Grading plan must include this measure as a note</p> <p>Project Applicant's cultural resource qualified archaeologist shall prepare report</p> <p>Native American monitor shall provide opportunity to include notes or comments</p> <p>The report will include CA Department of Park and Recreation Forms if needed</p> <p>City Staff must approve all persons involved prior to pre-construction meeting</p>	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
Hazards and Hazardous Materials						
MM HAZ-1 Prior to the issuance of any building permit, the project applicant shall demonstrate to the satisfaction of the City Building Department that all windows adjacent to preserved vegetation are dual paned with both panes tempered.	Prior to the issuance of any building permit.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
MM HAZ-2 2 Prior to the approval of the Final Landscape Plan, the wall and fence component shall provide a noncombustible, 8-foot wall at the rear or side yard that would function as a heat-deflecting landscape wall as shown on Figure 4.7-1 to the satisfaction of the City Community Development Department.	Prior to the approval of the Final Landscape Plan.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM HAZ-4</p> <p>Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R's that demonstrate to the satisfaction of the City's Community Development Department and City Attorney that the annual review of landscape maintenance plans includes a third party evaluation of Fuel Modification Zones (FMZ) area that meet the requirements of the FMZ and City's Fire Department (EFD).</p>	<p>Prior to the issuance of the first Certificate of Occupancy.</p>	<p>Project Applicant shall demonstrate compliance to City Attorney and Community Development Director</p>	<p>Verification by City of Escondido</p>			
Noise						
<p>MM NOI-1</p> <p>In order to reduce the noise levels at the two proposed outdoor recreation areas, the project applicant shall construct two 8-foot sound walls, with one located on the south side of the</p>	<p>Prior to the issuance of the first building permit.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>outdoor recreation area that is located on the north side of Nutmeg Street and the other wall located southwest of the outdoor recreation area that is located on the south side of Nutmeg Street. The sound walls shall be constructed of a solid material (e.g., glass, concrete block, or plaster). The locations of the proposed outdoor recreation area sound walls are shown in Figure 4.10-5.</p>						
<p>MM NOI-2 The project applicant will provide a "windows closed" condition for each proposed residential townhome. A "window closed" condition is a term that means that a home is capable of providing adequate ventilation and temperature control without opening the windows. A "windows closed" condition requires a means of mechanical ventilation per Chapter 12, Section 1205 of the Uniform Building Code. This shall be achieved with a standard forced air conditioning and</p>	<p>Prior to the issuance of the first building permit.</p>	<p>Project Applicant shall demonstrate compliance to City Staff</p>	<p>Verification by City of Escondido</p>			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
heating system with a filtered outside air intake vent for each residential unit.						
MM NOI-3 For the P1-Villas, the project applicant shall require all windows and exterior doors on the northwest, southwest, and southeast sides of Building 1 to have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors are shown on Figure 4.10-5.	Prior to the issuance of the first building permit for the P1-Villas.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
MM NOI-4 For the P2-Villas, the project applicant shall require all windows and exterior doors on the southwest side of Buildings 12 to 18, the northwest side of Building 18, and the northwest side of the westernmost unit of Buildings 16 and 17 to have a minimum STC rating of 35 STC. In addition, all windows and exterior doors on the northwest side of Buildings 19 and 20 and southwest side of Building 19 and the southeast and northwest sides of Buildings 12 to 18 that	Prior to the issuance of the first building permit for the P2-Villas.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
were not covered by the 35 STC requirement shall have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors is shown on Figure 4.10-5.						
Traffic and Transportation						
<p>MM TRA-1</p> <p>Prior to the occupancy of the proposed project the intersection of North Centre City Parkway/North Nutmeg Street will be improved to the satisfaction of the City as noted below:</p> <ul style="list-style-type: none"> • Installation of a traffic signal; • Restripe the southbound approach to provide a dedicated left-turn lane; and, <p>Construct a dedicated right-turn lane on the southbound approach of the intersection</p>	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
<p>MM TRA-2</p> <p>The proposed project at the intersection of West Country Club Lane/ North Nutmeg Street will provide the following:</p> <ul style="list-style-type: none"> • Installation of a traffic signal at the intersection; and, • Restripe the southbound approach to provide a shared left-turn/through lane and a dedicated right-turn lane. 	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			
<p>MM TRA-3</p> <p>Prior to the occupancy of the proposed project the existing right-of-way on North Nutmeg Street from West Country Club Lane to Via Alexandra will be widened to provide for a 14' wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include</p>	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
removal and reconstructions of existing driveways to private driveway standards and a parking restriction along the improved section of Nutmeg Street to the satisfaction of the City Engineer.						
<p>MM TRA-4</p> <p>The proposed project at the intersection of North Centre City Parkway/North Nutmeg Street intersection will provide the following minimum storage lengths for left turn and right-turn lanes:</p> <ul style="list-style-type: none"> • Eastbound Left-Turn Lane: 100 feet; and, • Southbound Right-Turn Lane: 125 feet 	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

Mitigation Monitoring and Compliance Program - SUB 18-0005 and ENV 18-0005

Mitigation Measure	Monitoring Phase	Monitoring Method	Enforcement Agency & Responsible Agency	Verification of Compliance		
				Initials	Date	Remarks
MM TRA-5 The proposed project at the intersection of Nutmeg Street/Project Access will provide 50-foot left-turn pockets for the eastbound and westbound left-turn lanes.	Prior to the occupancy of the project.	Project Applicant shall demonstrate compliance to City Staff	Verification by City of Escondido			

EXHIBIT "D"

LEGAL DESCRIPTION

Parcel 1 (APN 240-260-23):

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, SOUTHEASTERLY AND SOUTHERLY OF THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113 AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 IN BOOK 2786, PAGE 349 OF OFFICIAL RECORDS AND EASTERLY AND NORTHERLY OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA IN DEED RECORDED SEPTEMBER 28, 1971 AS FILE NO. 220908 OF OFFICIAL RECORDS.

Parcel 2 (APN 240-260-46):

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967, IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 1 WITH THE WESTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHERLY LINE TO AND ALONG THE NORTHERLY LINE OF SAID LOT 2, SOUTH 89° 27' WEST 335.26 FEET; THENCE SOUTH 3° 36' 11" EAST TO THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113, AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO, RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 OF OFFICIAL RECORDS; THENCE NORTHEASTERLY AND EASTERLY ALONG SAID NORTHERLY LINE TO SAID WESTERLY LINE OF THE STATE OF CALIFORNIA LAND; THENCE NORTHERLY ALONG SAID WESTERLY LINE TO THE POINT OF BEGINNING.

Parcel 3 (APN 240-260-47):

ALL THAT PORTION OF LOTS 1 AND 2 IN SECTION 5, TOWNSHIP 12 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, LYING WESTERLY OF THE WESTERLY LINE OF LAND CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967, IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID LOT 1 WITH THE WESTERLY LINE OF THE LAND CONVEYED TO THE STATE OF CALIFORNIA, BY DEED RECORDED MAY 15, 1947 AS DOCUMENT NO. 51967 IN BOOK 2380, PAGE 435 OF OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHERLY LINE TO AND ALONG THE NORTHERLY LINE OF SAID LOT 2, SOUTH 89° 27' WEST 335.26 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 3° 36' 11" EAST TO THE CENTER LINE OF COUNTY ROAD SURVEY NO. 1113 AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO, RECORDED MAY 6, 1948 AS DOCUMENT NO. 45789 OF OFFICIAL RECORDS; THENCE SOUTHWESTERLY ALONG SAID LINE TO THE EASTERLY LINE OF THE STATE OF CALIFORNIA LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED JANUARY 10, 1973 AS FILE NO. 73-007572; THENCE NORTH 10° 53' 54" WEST 320.77 FEET TO THE NORTHERLY LINE OF SAID LOT 2; THENCE NORTH 89° 27' EAST 284.04 FEET TO THE TRUE POINT OF BEGINNING.

RESOLUTION NO. 2019-167

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A GENERAL PLAN
AMENDMENT TO SUPPORT THE NUTMEG
HOMES PROJECT PROPOSAL

CASE NOS. SUB 18-0005 and ENV 18-0005

WHEREAS, Consultants Collaborative (“Applicant”) submitted a land use development application to build 135 new homes on property located in the north portion of the City of Escondido (“City”), along both sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15. The Project site is comprised of three lots with Assessor’s Parcel Numbers 224-260-23, 224-260-46, and 224-260-47, legally described in Exhibit “D” to City Council Resolution No. 2019-166, which is incorporated herein by this reference as though fully set forth herein; and

WHEREAS, said verified application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case Nos. SUB 18-0005 and ENV 18-0005 in accordance with the rules and regulations of the Escondido Municipal and Zoning Codes, and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and CEQA (Public Resources Code Section 21000 et seq.); and

WHEREAS, the Planning Division of the Community Development Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for October 22, 2019, at which interested persons were given the opportunity to appear and present their views with respect to said proposed Project actions. Following the public hearing on October 22, 2019, the Planning Commission

adopted Resolution No. 2019-23, which recommended that the City Council, among other things, approve the General Plan Amendment; and

WHEREAS, an original copy of all other materials is on file in the Office of the City Clerk, with a copy of each document submitted to the City Council for its consideration. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act; and

WHEREAS, the City Council did on November 20, 2019, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a) Written information including all application materials and other written and graphical information posted on the project website.
- b) Oral testimony from City staff, interested parties, and the public.
- c) The City Council staff report, dated November 20, 2019, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.
- d) Additional information submitted during the public hearing; and

WHEREAS, the City Council has reviewed the request for the General Plan Amendment, and reviewed and considered the recommendation from the Planning Commission; and

WHEREAS, pursuant to the California Environmental Quality Act, a Final Environmental Impact Report (SCH No. 2018081063) relative to the Project was prepared and the City Council has certified it, along with adopting the CEQA Findings of Fact and the Mitigation Monitoring and Reporting Program per City Council Resolution No. 2019-166; and

WHEREAS, Ordinance No. 78-2 enacted pursuant to Section 65974 of the California Government Code and pertaining to the dedication of land and fees for school facilities has been adopted by the City of Escondido.

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

1. That the above recitations are true.
2. That the Findings of Fact, attached as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, are hereby made by this City Council, and represent the City Council's careful consideration of the record. The findings of this City Council on Exhibit "A" shall be the final and determinative Findings of Fact on this matter.
3. That upon consideration of the Findings, all material in the November 20, 2019, City Council staff report (a copy of which is on file with the Office of the City Clerk), public testimony presented at the hearing, and all other oral and written evidence on this Project, this City Council approves the General Plan Amendment as depicted in Exhibit "B," which is incorporated by this reference, as though fully set forth herein.

4. That concurrently with this Resolution, the City Council is taking a number of actions in furtherance of the Project, as generally described by the November 20, 2019, City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective within its corporate limits as a statute in the manner provided by state law. Therefore, this Resolution shall become effective and operative only if Resolution Nos. 2019-166 and 2019-168 are approved; and effective and operative on the day immediately subsequent to the date that Ordinance No. 2019-19 becomes effective.

EXHIBIT "A"

FINDINGS OF FACT

General Plan Amendment Determinations

1. The public health, safety and welfare will not be adversely affected by the proposed General Plan Amendment from Office (O) to Urban III (U3). A Draft Environmental Impact Report was prepared for the project and circulated for public review from May 10, 2019 to June 24, 2019, as required under CEQA. This environmental review document found that development of the property could have potentially significant impacts related to biological resources, cultural resources, hazards and hazardous materials, noise, and traffic and transportation., and mitigation measures were proposed to reduce these impacts to a less than significant level.
2. The proposed General Plan Amendment for the subject site would be compatible with existing development patterns in the surrounding areas. While most residential neighborhoods in far north Escondido consist of single-family homes, several of these neighborhoods are planned developments that have implemented site-specific development standards, such as the clustering of small residential lots in and around common open space areas. An approved Specific Plan and development project for The Villages, on the former Escondido Country Club site to the southwest, will include both attached and detached condominiums in its unit mix (in addition to single-family homes). All setbacks proposed by the project would match or exceed the setbacks required of a traditional R-3 development. While some buildings would exceed the 35' height limit imposed the R-3 zone, no buildings would exceed three stories. The design of the proposed townhomes incorporates a neutral color palette and a range of exterior finishes (including stucco, siding, and stone) to coordinate with the surrounding natural environment.
3. The proposed General Plan Amendment from Office (O) to Urban III (U3) would be consistent with the goals and polices of the General Plan as a whole. In the General Plan's Housing Element, Housing Policy 1.1 calls for the expansion of housing stock while preserving the health, safety, and welfare of residents and the fiscal stability of the City, while Housing Policy 2.2 calls for efforts to increase homeownership through education, availability, and affordability. The General Plan Amendment would facilitate the development of up to 134 for-sale townhomes (across both the north and south portions of the property covered by the amendment) to support the City's housing stock. Per Planned Development Policy 6.3, planned developments are expected to address visual impacts, preservation of natural setting, the use of superior architectural features, adequate separation between structures within the site and between the site and neighboring properties, and preservation of common open space. The project has undergone multiple rounds of design review, and has been designed with a neutral color palette to coordinate with the surrounding area. Common open space in

the north portion would be provided in the form of landscaping and a small park with spa, seating area, and exercise station. All proposed setbacks in the north portion meet or exceed the setbacks that would be required for a traditional R-3 development, and the Fire Department has reviewed the project plans to ensure that adequate separation exists between the buildings themselves (as well as between the buildings and the fire wall) for emergency access. While the site is currently undeveloped and occupied by sensitive vegetation communities, mitigation measures have been included in the EIR to mitigate impacts to those communities.

4. The proposed General Plan Amendment is suitable and will not affect the allowed land uses in any zones. The purpose of the proposed General Plan Amendment is to change the land use designation of the property to Office (O) to Urban III (U3). The specific use proposed for the site (multi-family residential at a maximum density of 18 units/acre) would then be consistent with the new U3 designation.

EXHIBIT "B"

GENERAL PLAN AMENDMENT

The parcels associated with the proposed General Plan Amendment are as follows:

APNs	Existing General Plan Land Use Designation	Proposed General Plan Land Use Designation
224-260-23	Office (O)	Urban III (U3)
224-260-46	Office (O)	Urban III (U3)
224-260-47	Office (O)	Urban III (U3)

I. Land Use Element- Land Use Designations Map

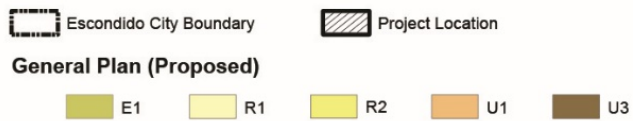
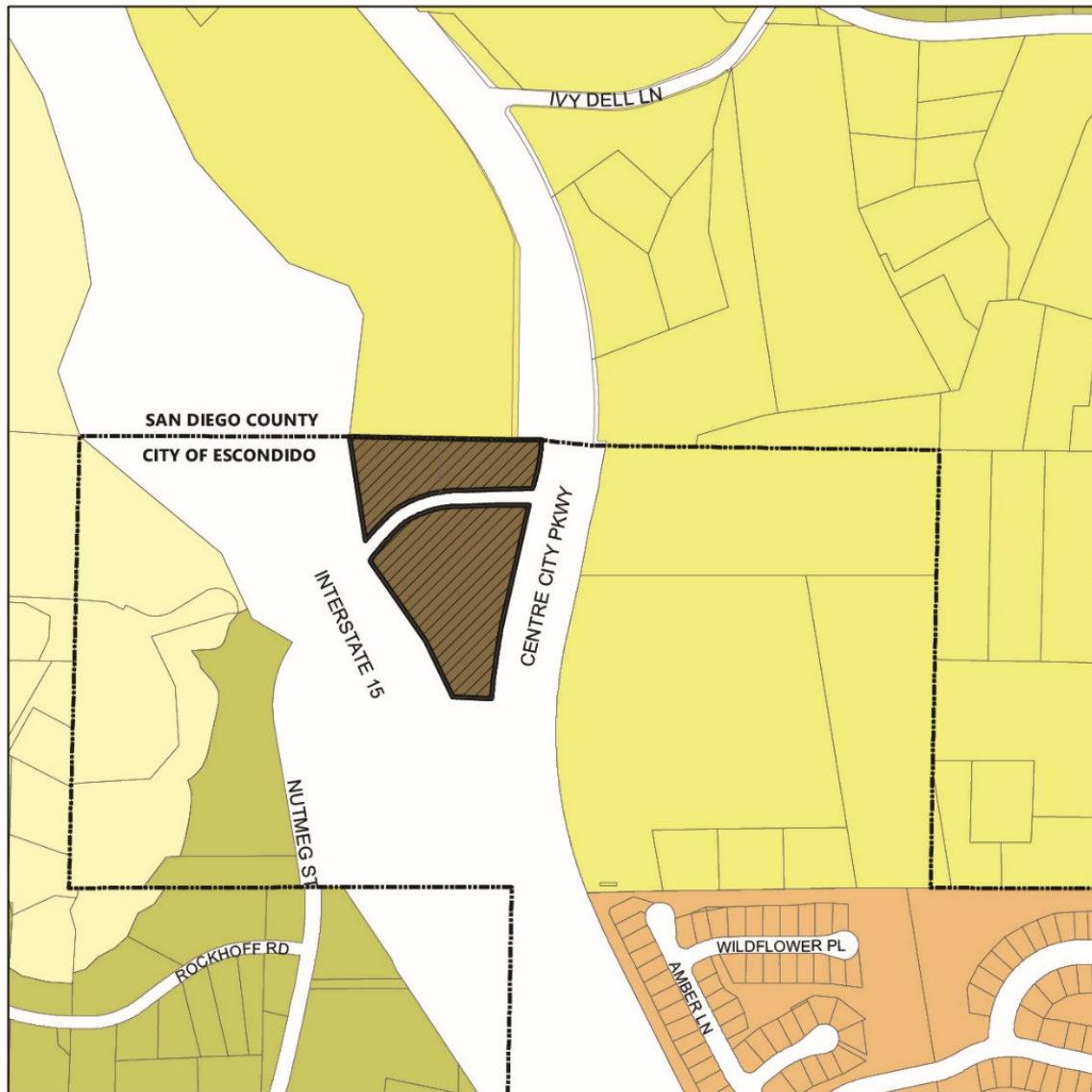
The General Plan Land Use Map is amended as shown on the following page (incorporates SUB 18-0005 / ENV 18-0005 land use mapping strategy described in the October 22, 2019 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the Urban III (U3) General Plan Land Use. The entire, existing General Plan land use map is on file with the Office of the City Clerk.

The map amends the following in the General Plan Land Use Element:

- Page II-3, Figure II-1: Color of project site to be changed from magenta (Office) to medium brown (Urban III). (Please note that the hatching shown is intended to distinguish the project site from the rest of the exhibit, and should not be included in Figure II-1.)

II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this General Plan Amendment reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



ORDINANCE NO. 2019-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING AN AMENDMENT TO THE CITYWIDE ZONING MAP TO CHANGE THE DESIGNATION OF THE 7.45-ACRE PROJECT SITE FROM RE-20 TO PD-R-18, AND A MASTER AND PRECISE DEVELOPMENT PLAN, TO SUPPORT THE NUTMEG HOMES PROJECT PROPOSAL

APPLICANT: Consultants Collaborative
CASE NOS.: SUB 18-0005 and ENV 18-0005

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

SECTION 1. The City Council makes the following findings:

a) Consultants Collaborative ("Applicant") submitted a verified land use development application on property located in the north portion of the City, on both sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15. The Project site is currently 6.7 acres in size and is comprised of three lots with Assessor's Parcel Numbers 224-260-23, 224-260-46, and 224-260-47, legally described as Exhibit "C" to City Council Resolution No. 2019-166, which is incorporated herein by this reference as though fully set forth herein. Said verified application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case Nos. SUB 18-0005 and ENV 18-0005, and seeks approval of a General Plan Amendment, Rezone, Master and Precise Development Plan, Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan relating to the Project site. The Project site would increase in size to 7.45 acres under these approvals.

b) The Planning Division of the Community Development Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for October 22, 2019. Following the public hearing on October 22, 2019, the Planning Commission adopted Resolution No. 2019-23, which recommended that the City Council, among other things, approve the Project's Rezone and Master and Precise Development Plan.

SECTION 2. An original copy of the proposed Rezone and Master and Precise Development Plan, and all other related Project materials, are on file in the Office of the City Clerk, with a copy of each document submitted to the City Council for its consideration. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act.

SECTION 3. The City Council did on November 20, 2019, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

a) Written information including all application materials and other written and graphical information posted on the project website.

b) Oral testimony from City staff, interested parties, and the public.

c) The City Council staff report, dated November 20, 2019, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.

d) Additional information submitted during the public hearing.

SECTION 4. Pursuant to the California Environmental Quality Act, a Final Environmental Impact Report (SCH No. 2018081063) relative to the Project was prepared and the City Council has certified it, along with adopting the CEQA Findings of Fact and the Mitigation Monitoring and Reporting Program per City Council Resolution No. 2019-166.

SECTION 5. That, upon consideration of the Findings of Fact, attached as Exhibit "A", the City Council desires at this time and deems it to be in the best public interest to approve the Master and Precise Development Plan, which is attached to the November 20, 2019, City Council staff report, and is incorporated herein by this reference as though fully set forth herein.

SECTION 6. The Zone District Map of the City of Escondido is hereby amended to change the zoning on the subject site from RE-20 (Residential Estates – 20,000 square foot minimum lot size) to Planned Development-Residential 18 (PD-R 18), as set forth in Exhibit "B" and incorporated herein by reference as though fully set forth herein.

SECTION 7. All references within this Ordinance to "Applicant," "Developer," or "Subdivider" shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors of assigns own, control, or

otherwise have development authority for all, a portion, or portions of that property included within the Project site.

SECTION 8. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 9. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. Concurrently with this Ordinance, the City Council is taking a number of actions in furtherance of the Project, as generally described by the November 20, 2019 City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective within its corporate limits as a statute in the manner provided by state law. Therefore, this Ordinance shall become effective after final passage and publication as required by law, and operative only if City Council Resolution Nos. 2019-166, 2019-167, and 2019-168 are approved.

SECTION 11. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 12. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its

passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 13. The Ordinance shall become effective 30 days from the date of the passage.

EXHIBIT “A”

FINDINGS OF FACT

Rezone Determinations

1. The proposed Rezone would not be detrimental to the public health, safety, or welfare of the City because the development standards and building requirements allowed under the Rezone would be subject to all local and State regulations including, but not limited to, Air Pollution Control District regulations, Engineering Services Department regulations, Health Department regulations, Zoning Code standards, Fire Department standards, and Building and Safety Division regulations. The proposal meets the purpose of the Municipal and Zoning Codes as it would be consistent with the established rules of the proposed zoning districts. The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.
2. The property involved is suitable for the uses permitted by the proposed zone. The proposed Rezone would change the zoning of three lots under common ownership (APNs 224-260-23, 224-260-46, and 224-260-47) from RE-20 (Residential Estates; 20,000-SF minimum lot size) to PD-R-18 (Planned Development-Residential; maximum 18 units/acre). A General Plan Amendment to change the land use designation of these lots from Office (O) to Urban III (U3) is also proposed under this project to maintain consistency with the Rezone request. The change of zone also is proposed in conjunction with a Tentative Subdivision Map and Master and Precise Development Plan that would allow the construction of 37 townhome units, as well as approximately 26,135 SF of usable open space, on APNs 224-260-46 and 224-260-47. It is expected that the applicant or developer will seek a separate Tentative Subdivision Map and a Modification to the Master and Precise Development Plan at a later date, to construct additional units on APN 224-260-23 and absorb them into the overall development, pending a design for that lot that will keep all project-related improvements out of the Caltrans right-of-way adjacent to Interstate 15.
3. The uses proposed for the subject property would not be detrimental to surrounding properties. All public services and utilities to serve the Project would remain as identified in the General Plan or applicable Municipal and Zoning Codes. While development in the larger vicinity is characterized by single-family residences on larger lots, topography and the layout of the road network (including both surface streets and Interstate 15) provide a degree of separation between the proposed townhomes and nearby lower-density neighborhoods. The project has been designed to keep grading and development away from a slope in the far northwest corner of the site that exceeds 35%, as required by the General Plan (Community Character Policy 1.12 and Biological & Open Space Resources Policy 1.1, and Quality of Life Standard #8). Several street improvements are proposed under the project that would benefit

non-residents of the project as much as the residents, including installation of traffic signals at the Nutmeg/Centre City and Nutmeg/Country Club intersections, the creation of new turn lanes at these intersections, and improvements along Nutmeg between Country Club Lane and Via Alexandra. The open space system protects slopes and fuel modification zones, and provides landscaping for aesthetics and screening. Proposed development standards and building designs provide a clear design concept and are compatible with the character of buildings on adjoining and nearby properties.

4. The site's proposed zoning classification of Planned Development-Residential (PD-R-18) would not be consistent with the existing General Plan designation of Office (O). However, the existing zoning classification of Residential Estates (RE-20) is also not consistent with the existing Office designation. In order to develop the site in any way, a change to either the zoning classification or the land use designation, or both, is necessary. In conjunction with the proposed Rezone to PD-R-18, the project proposes to amend the land use designation of the site to Urban III (U3). The U3 designation is intended for multi-family projects with a maximum density of 18 units/acre, and minimum density of 12.6 units/acre. Under the concurrent request for a Tentative Subdivision Map and Master/Precise Development Plan for the north portion of the project, the density of that portion would be 15.3 units/acre (37 units on 2.42 acres). Even if the north portion of the site were the only portion to ever be developed under this project, it would fall within the minimum and maximum densities described above for the U3 land use designation. When the applicants submit an application for a new Tentative Subdivision Map and a Modification to the Master/Precise Development Plan to construct additional units on the south portion of the site, the overall density of the expanded project would not be allowed to exceed 18 units/acre.
5. The proposed Rezone would not establish a residential density below 70 percent of the maximum permitted density of any lot or parcel of land previously zoned R-3, R-4, or R-5. The project site is currently zoned RE-20. The project would change the zoning to PD-R-18, which would allow a maximum density of 18 units/acre; a density of 12.6 units/acre would be 70% of that maximum. With 37 units, the north portion of the site on its own would have a density of 15.3 units/acre. When an application is submitted for a Tentative Subdivision Map and Modification to a Master/Precise Development Plan to develop the south portion of the site, the overall density for both portions will not be allowed to exceed 18 units/acre or fall below 12.6 units/acre. For an overall project site of 7.45 acres, this would translate to a density of no more than 134 units and no fewer than 93 units.
6. The project site is not located within an existing or proposed specific plan area, so the relationship of the proposed changes is not applicable to any specific plans.

Planned Development Determinations

1. The location, design, and residential density of the proposed Planned Development is consistent with the goals and policies of the Escondido General Plan and any applicable specific plan or with any policies adopted by, or being considered by the Escondido city

council, or in the process of being prepared and adopted. The proposed Master and Precise Development Plan would create 37 townhomes on 2.42 acres on the north side of Nutmeg Street, for a density of 15.3 units/acre on that north portion. This conforms to the densities allowed by the land use designation and zoning classification proposed under the concurrent General Plan Amendment and Rezone. The project site is not covered under any existing or proposed specific plans.

2. The proposed location allows the Planned Development to be well integrated with its surroundings. The project site is immediately surrounded by residential neighborhoods characterized mostly by larger-lot, single-family homes; however, there are residential planned developments in the broader area that utilize small single-family lots to provide for common space or to meet other objectives, and an approved project on the former Escondido Country Club site would include condominiums in its unit mix. Proposed development standards are largely consistent with those assigned to the City's R-3 (Medium Multiple Residential) zone. The design of the proposed structures would incorporate a range of building materials (stucco, paneling, and stone) in a palette of neutral colors that would coordinate with the surrounding terrain and existing development in the area. Landscaping has been proposed for aesthetic purposes and to screen the development from surrounding roads.
3. All vehicular traffic generated by the Planned Development will be accommodated safely and without causing undue congestion upon adjoining streets. A traffic impact analysis was prepared for the project and mitigation measures have been proposed in the EIR. These mitigation measures would include improvements to the Nutmeg/Centre City and Nutmeg/Country Club intersections via the installation of traffic signals and construction or striping of turn lanes; the creation of left-turn pockets at the intersection of Nutmeg and the project access point; and the widening of Nutmeg Street between Country Club and Via Alexandra for the addition of a southbound travel lane with curb, gutter, and sidewalk designed as a green streets facility. The project also proposes a Specific Alignment Plan for Centre City Parkway and Nutmeg Street.
4. The proposed location and design allows residents within the zone to be adequately serviced by existing or proposed public facilities and services and does not provide an undue or negative impact on existing public facilities and services. All utilities intended for the site are already in place or can be extended to serve the site. Police and fire services are available and sufficient for the development.
5. The overall design of the proposed Planned Development produces an attractive, efficient and stable environment. The project underwent multiple rounds of design review between July 2018 and March 2019 to refine the look of the proposed buildings and the provision of resident amenities. The proposed residences would incorporate a neutral color palette and a mixture of exterior finishes to coordinate with the surrounding environment. Amenities on the north side of the project would include a small park with seating, a spa, and an exercise station. A conceptual landscape plan has been provided that includes attractive and regionally-

appropriate plantings for recreation areas, fuel modification zones, bioretention basins, and street trees.

6. The Planned Development is well integrated with its settings, does not require excessive earthmoving or grading, or destruction of desirable natural features, nor is visually obstructive or disharmonious with surrounding areas and facilities, and does not substantially harm major views from adjacent properties. While grading will be necessary to construct the project, the development has been designed to coordinate with the existing topography of the site, and the project's effects on views from surrounding streets and residences has been analyzed within the project's EIR.
7. The uses proposed would have a beneficial effect not obtainable under existing zoning regulations, and any departure from existing ordinance requirements shall be warranted by the design and the amenities incorporated in the Planned Development in accord with adopted city policy. The project site's existing zoning is Residential Estates (RE-20), which is not compatible with its existing General Plan land use designation of Office (O). Because these designations are not compatible, development of the site with either a residential use or an office use requires a Rezone, a General Plan Amendment, or both. Rezoning the site to a zoning classification allowing office uses is not ideal, since per trip generation rates published by SANDAG (the San Diego Association of Governments), an office use could generate thousands more daily trips to and from the site (depending on the exact type and size of the occupant) when compared to a 37-unit or even a 134-unit townhome development. Additionally, while a well-planned office development could add high-quality jobs to the City, it would not help the City increase its supply of for-sale housing, and it would not be more compatible with the single-family character of the surrounding area than a townhome development, so a trade-off between competing goals would be involved.

California law requires each city and county to develop local programs within their housing element in order to meet their "fair share" of existing and future housing needs for all income groups, as determined by the California Department of Housing and Community Development. The Regional Housing Needs Allocation (RHNA) is a State mandated process devised to distribute planning responsibility for housing need throughout California. As more cities and counties consider loosening zoning restrictions to allow for more housing, the proposed project provides an opportunity to focus on the moderate density opportunities and achieve the development potential of available land resources to support housing development in the City of Escondido.

EXHIBIT “B” REZONE MAP

The parcels associated with the proposed Rezone are as follows:

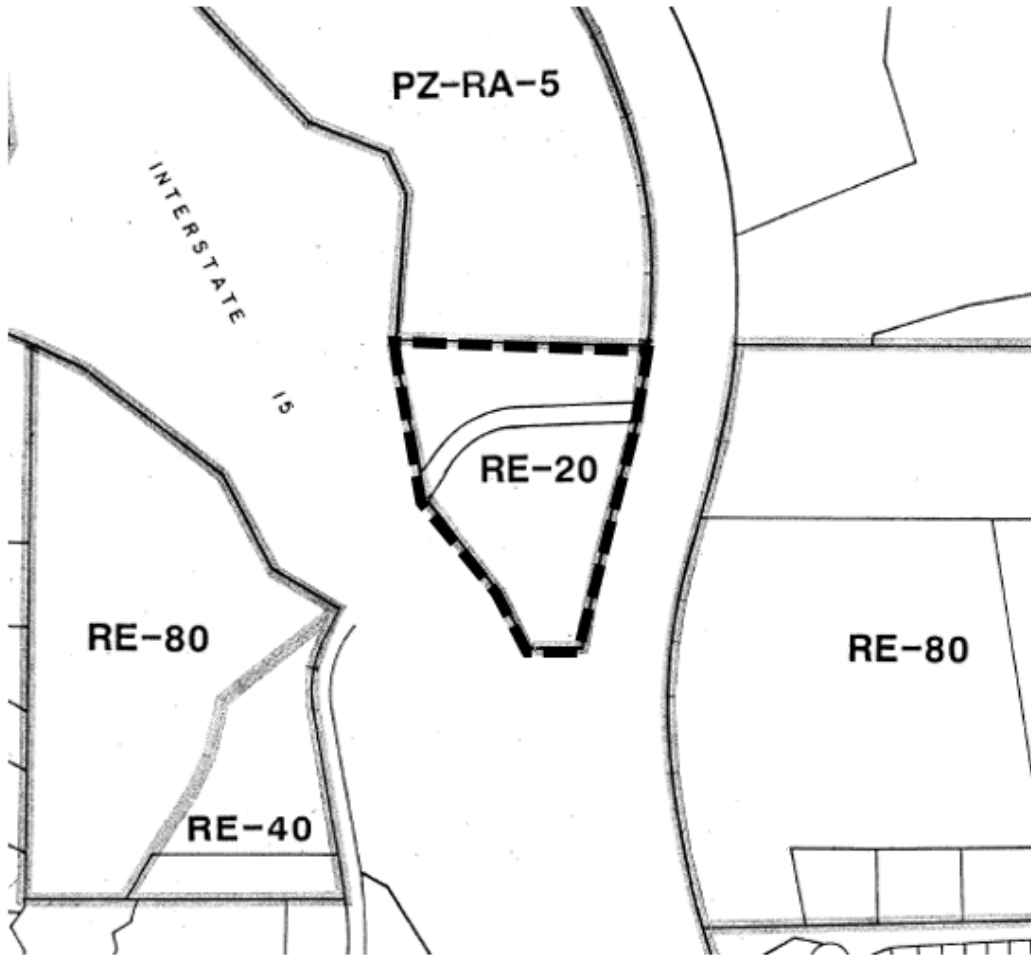
APNs	Existing Zoning Classification	Proposed Zoning Classification
224-260-23	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-46	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)
224-260-47	Residential Estates, 20,000-SF max lot size (RE-20)	Planned Development-Residential, 18 max units/acre (PD-R-18)

I. Zoning Map

The Zoning Map is amended as shown on the following page (incorporates SUB 18-0005 / ENV 18-0005 land use mapping strategy described in the October 22, 2019 Planning Commission staff report), as attached hereto and made a part hereof. All parcels will carry the PD-R-18 zoning classification. The entire, existing Zoning Map is on file with the Office of the City Clerk.

II. Clerical Tasks

The City Clerk be hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the adoption of this Rezone reveals that there is a conflict, in order to avoid confusion and possible accidental repeal of existing provisions.



Subject property (APNs 224-260-23, 224-260-46, and 224-260-47)
Zoning Map to be changed from Residential Estates, 20,000-SF minimum lot size (RE-20) to Planned Development-Residential, maximum 18 units/acre density

RESOLUTION NO. 2019-168

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING A TENTATIVE SUBDIVISION MAP, GRADING EXEMPTION, AND SPECIFIC ALIGNMENT PLAN TO SUPPORT THE NUTMEG HOMES PROJECT PROPOSAL ON THE NORTH PORTION OF THE PROJECT SITE

CASE NOS. SUB 18-0005 and ENV 18-0005

WHEREAS, Consultants Collaborative (“Applicant”) submitted a land use development application for property located in the north portion of the City of Escondido (“City”), along both sides of North Nutmeg Street, between North Centre City Parkway and Interstate 15. The Project site is comprised of three lots with Assessor’s Parcel Numbers 224-260-23, 224-260-46, and 224-260-47, legally described in Exhibit “D” to City Council Resolution No. 2019-166, which is incorporated herein by this reference as though fully set forth herein; and

WHEREAS, the Tentative Subdivision Map was later revised to limit its scope to the portion of the Project site on the north side of North Nutmeg Street, and to build 37 townhomes on the north portion of the project site as characterized in the November 20, 2019 City Council staff report; and

WHEREAS, said verified application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case Nos. SUB 18-0005 and ENV 18-0005 in accordance with the rules and regulations of the Escondido Municipal and Zoning Codes, and the applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and CEQA (Public Resources Code Section 21000 et seq.); and

WHEREAS, the Planning Division of the Community Development Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for October 22, 2019, at which interested persons were given the opportunity to appear and present their views with respect to said proposed Project actions. Following the public hearing on October 22, 2019, the Planning Commission adopted Resolution No. 2019-023, which recommended that the City Council, among other things, approve the Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan; and

WHEREAS, an original copy of the proposed Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan and all other related Project materials are on file in the Office of the City Clerk, with a copy of each document submitted to the City Council for its consideration. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act; and

WHEREAS, the City Council did on November 20, 2019, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a) Written information including all application materials and other written and graphical information posted on the project website.
- b) Oral testimony from City staff, interested parties, and the public.

c) The City Council staff report, dated November 20, 2019, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request.

d) Additional information submitted during the public hearing; and

WHEREAS, the City Council has reviewed the request for the Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan, and reviewed and considered the recommendation from the Planning Commission; and

WHEREAS, pursuant to the California Environmental Quality Act, a Final Environmental Impact Report (SCH No. 2018081063) relative to the Project was prepared and the City Council has certified it, along with adopting the CEQA Findings of Fact and the Mitigation Monitoring and Reporting Program per City Council Resolution No. 2019-166; and

WHEREAS, Ordinance No. 78-2 enacted pursuant to Section 65974 of the California Government Code and pertaining to the dedication of land and fees for school facilities has been adopted by the City of Escondido; and

WHEREAS, in accordance with Government Code Section 66473.5, no local agency shall approve a tentative map, unless there is a finding that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300 of the Government Code), or any specific plan adopted pursuant to Article 8 (commencing with Section 65450 of the Government Code); and

WHEREAS, on November 20, 2019, the City Council adopted Resolution No. 2019-167 to approve a General Plan Amendment, and introduced Ordinance No. 2019-

19 to approve a Rezone and Master and Precise Development Plan; to provide consistency between the General Plan, Municipal Code, and Zoning Code, and to enable potential adoption of the proposed Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan on the subject site.

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

1. That the above recitations are true.
2. That the Findings of Fact, attached as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, are hereby made by this City Council, and represent the City Council's careful consideration of the record. The findings of this City Council on Exhibit "A" shall be the final and determinative Findings of Fact on this matter.
3. That upon consideration of the Findings, all material in the November 20, 2019, City Council staff report (a copy of which is on file with the Office of the City Clerk), public testimony presented at the hearing, and all other oral and written evidence on this Project, this City Council approves the Tentative Subdivision Map, Grading Exemption, and Specific Alignment Plan, subject to the Conditions of Approval in Exhibit "B," which is incorporated by this reference, and the Mitigation Monitoring and Reporting Program set forth as Exhibit "C" to City Council Resolution No. 2019-166, which is incorporated by this reference. Copies of said Resolution are on file with the Office of the City Clerk and are incorporated herein by this reference. Said Mitigation Monitoring and Reporting Program included in City Council Resolution No. 2019-166

carries the same force and effect as though fully set forth and promulgated herein this City Council Resolution.

4. That this Tentative Subdivision Map shall be null and void unless a Final Map, conforming to the Tentative Subdivision Map and all required conditions, is filed within thirty-six (36) months from the effective date of approval of the Tentative Subdivision Map, unless additional time is granted pursuant to the Map Act, or pursuant to an extension of time, as described in Section 32.210 of the City of Escondido Municipal Code.

5. That concurrently with this Resolution, the City Council is taking a number of actions in furtherance of the Project, as generally described by the November 20, 2019, City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective within its corporate limits as a statute in the manner provided by state law. Therefore, this Resolution shall become effective and operative only if Resolution Nos. 2019-166 and 2019-167 are approved; and effective and operative on the day immediately subsequent to the date that Ordinance 2019-19 becomes effective.

BE IT FURTHER RESOLVED that, pursuant to Government Code Section 66020(d)(1):

1. NOTICE IS HEREBY GIVEN that the project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development Department and Public Works Department. The project is also subject to dedications, reservations, and exactions, as specified in the Conditions

of Approval.

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020.

EXHIBIT "A"

FINDINGS OF FACT

Tentative Subdivision Map Determinations:

1. The Planning Commission makes the finding that none of the findings (a) through (g) below in Section 66474 of the California Government Code, which require a City to deny approval of a Tentative Subdivision Map, apply to this Project for the reasons stated as follows:

Findings for Tentative Map Approval	Explanation of Finding
<p>A. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451 of the Subdivision Map Act</p>	<p>A General Plan Amendment is proposed as part of this project, to change the land use designation of the project site from Office (O) to Urban III (U3). The proposed subdivision is consistent with the allowed uses for the U3 land use designation. The U3 land use designation allows a maximum density of 18 dwelling units per acre, and a minimum density of 12.6 units per acre (70% of the maximum). The proposed Tentative Map would construct 37 units on the north portion of the project site, for a density of 15.3 units per acre on this north portion, which falls within the range of acceptability. When the applicant applies for an additional Tentative Map to develop the south portion, the overall density of the site (north plus south) will not be allowed to exceed 18 units per acre or fall below 12.6 units per acre. The Project is also consistent, and advances, a number of other important goals and policies of the General Plan, as discussed in the October 22, 2019 Planning Commission Staff Report. The Project site is not located within an existing or proposed specific plan.</p>
<p>B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.</p>	<p>The proposed subdivision would conform to the minimum and maximum densities allowed for the U3 land use designation. A Master and Precise Development Plan are proposed in conjunction with the Tentative Map. Development standards are proposed under the Master Development Plan; however, the Project's proposed street alignments, grades</p>

	<p>and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; fuel modification zones; traffic access; grading; and recreational amenities were all reviewed for compliance to relevant City policies and codes. As conditioned, the design and improvements of the proposed subdivision are consistent with the General Plan.</p>
<p>C. The Project site is physically suitable for the proposed type of Project.</p>	<p>The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063), and as appropriate, the Final EIR recommends measures to mitigate potential impacts.</p> <p>The site is suitable for the residential type of development proposed since adequate access and utilities can be provided to the site. A view analysis has been provided in the EIR that demonstrates that the proposed design would not result in any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. The project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and does not contain any significant topographical features. Grading and development activities have been arranged to avoid the northwest corner of the site, which contains a substantial sloped area exceeding 35%. A conceptual landscape plan provided by the applicant proposes to plant a variety of trees, shrubs, and groundcovers throughout the project site, including street trees along Nutmeg for screening between the site and the street corridor.</p>
<p>D. That the site is physically suitable for the proposed density of development.</p>	<p>The granting of the Tentative Subdivision Map would not violate the requirements, goals, policies, or spirit of the General Plan. The Urban III land use designation allows for a maximum of 18 dwelling units per acre and a minimum of 12.6 dwelling units per acre. Adequate to the site for both residents and</p>

	<p>emergency services can be provided via Nutmeg Street, and necessary utilities are available or can be provided. The portions of the site that contain slopes over 35 percent would be precluded from grading or development activities, or are small and isolated and therefore do not meet the standards of steep slope protection as envisioned by the General Plan or its implementing ordinances.</p> <p>The Project also would not be out of character for the area because the proposed development would be well integrated into its surroundings. The new residences would incorporate compatible and integrated architecture, materials, and colors. The project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties.</p>
<p>E. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.</p>	<p>The Project site has been thoroughly analyzed for applicable environmental impacts related to this proposed development (Environmental Impact Report, State Clearinghouse #2018081063). Impacts to nesting birds, sensitive vegetation communities, and mature or protected trees were identified in the EIR, and mitigation measures have been proposed to reduce those impacts to a less than significant level. No special status plant or animal species were discovered on the Project site during the preparation of the biological technical report, though a comment letter submitted by the US Fish and Wildlife Service during the Draft EIR review period indicates that a sufficient number of gnatcatcher surveys may not have been performed during the preparation of that biological report. To remedy this situation, MM BIO-2 has been revised in the Final EIR to require the applicant to obtain the additional gnatcatcher surveys prior to vegetation removal.</p>
<p>F. That the design of the subdivision or the type of improvements is not likely to cause serious public health concerns.</p>	<p>The design of the map and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades</p>

	<p>thereof; location and size of all required easements and rights-of-way; fuel modification zones; unit configuration; traffic and emergency access; grading; and open space and recreational amenities were all reviewed for compliance to relevant City policies and codes. Realignment of Nutmeg Street via a Specific Alignment Plan, and additional street improvements such as the installation of traffic signals at two intersections and the creation or striping of turn lanes and bicycle lanes, would improve traffic safety for both the residents of the development and other road users. Deviations from R-3 development standards and grading exemptions are also proposed as discussed in the October 22, 2019 Staff Report (although the current zoning of the site is RE-20, the R-3 zone was selected for comparison since the density of the proposed Planned Development is comparable to the density of a traditional R-3 development). Elsewhere, the proposed subdivision map has been designed to meet the requirements of the City and other service agencies standards. All necessary public facilities and services are in place or can be extended to serve the Project, which comes with support from fire, sewer, water, and school service providers, indicating that existing facilities are available to service the Project.</p> <p>New homes are not proposed to be located in areas that contain earthquake faults, flooding or dam inundation potential. Environmentally sensitive areas and drainage courses are maintained and incorporated within the plan. The design of the subdivision would not result in serious health problems and would not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.</p>
<p>G. That the design of the subdivision or the type of improvements would not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.</p>	<p>The design of the map and type of improvements would not conflict with easements of record, or easements established through court judgment, or acquired by the population at large, for access through, or use of property within the proposed map. All easements identified in the</p>

	preliminary title report for the subject property are shown on the proposed Tentative Subdivision Map. No conflicts with easements of record have been identified.
--	--

2. All permits and approvals applicable to the proposed Tentative Map pursuant to Chapter 33 of the Municipal Code have been obtained, or conditions of approval have been proposed to ensure they will be obtained. Approval of a General Plan Amendment, Rezone, Master and Precise Development Plan, Grading Exemption, and Specific Alignment Plan along with the Tentative Map will allow the applicant to implement the design of the subdivision as shown on the map. The project has been conditioned to require several permits necessary to construct the project as proposed, including grading, landscape, building, and encroachment permits.
3. The proposed Tentative Map shall be in conformity with the zone in which it is located. The project site is currently zoned RE-20. However, a Rezone is proposed in conjunction with the Tentative Map to change the zoning to PD-R-18. The General Plan land use designation would also be changed accordingly, from O to U3. Additionally, a Master and Precise Development Plan is proposed to allow site-specific development standards for open space, building height, and guest parking, which deviate from standards normally applied to multi-family developments. The density of the north portion of the site would be 15.3 units per acre, which is allowed for the General Plan land use designation of U3 and the zoning classification of PD-R-18. When an application is submitted to add the south portion of the site to the development via a second Tentative Map and a Modification to the Master and Precise Development Plan, the overall density of the project will be limited to 18 units per acre. The Tentative Subdivision Map has been conditioned appropriately to provide all infrastructure improvements including sufficient open space and landscaping. The conditions of approval and subsequent design review of future residential development would ensure consistency with all standard requirements.
4. All applicable requirements of the Map Act and any ordinance of the City of Escondido regulating land divisions have been satisfied.

Specific Alignment Plan Determinations:

1. Nutmeg Street is classified on the City of Escondido's Circulation Element as a Local Collector Road, beginning at Centre City Parkway and running nearly to El Norte Parkway, where it becomes a Collector Road. Centre City Parkway is classified as a Collector starting at the northbound I-15 on-ramp and running northward. In response to site conditions and constraints, the Project is proposing modifications to Local Collector and Collector standards for the portions of these roads that run past the residential development site.
2. The roadway improvements to Nutmeg Street and Centre City Parkway, as proposed in the Project's Specific Alignment Plan (SAP), would create a more "complete street" by realigning

and widening the Nutmeg right-of-way; improving project frontages with sidewalks, curbs, and gutters (as well as bicycle lanes on Nutmeg); and creating or striping turn lanes with adequate vehicle capacity at the Nutmeg/Centre City intersection and the project entry points. The SAP would therefore provide a modified Local Collector Road and Collector Road that achieve City standards for acceptable levels of service.

Grading Exemption Determinations:

1. Granting the proposed Grading Exemption is consistent with the Grading Design Guidelines for the following reasons:
 - a. While the EIR anticipates that the project will have impacts to sensitive vegetation communities and to mature and/or protected trees, mitigation measures have been proposed in the EIR to reduce these impacts to a less than significant level, and the development shall incorporate erosion control measures as defined in the City's stormwater management requirements.
 - b. The proposed Grading Exemption would not create a negative visual impact upon neighboring properties. The slope and retaining wall requiring the exemption would be located behind the new townhomes, and not adjacent to any public streets.
 - c. The proposed slopes would not intrude into or disturb the use of any adjacent property or adversely block the primary view of any adjacent parcels; disturb any utilities or drainage facilities; obstruct circulation patterns or access; nor preclude the future development of any adjacent parcel. The slope and retaining wall covered under the exemption would be located entirely on the project site, and no utilities or drainage facilities currently exist in that area of the site. The slope and wall would be located behind the proposed townhomes, clear of any interior streets, walkways, and recreation areas. The property to the direct north of the project site (located within County jurisdiction) is currently undeveloped, and contains a hill located near the property line it shares with the project site, which would likely preclude any development near that property line.
 - d. The proposed design of the slope would not adversely affect any adjoining septic systems. The property to the direct north of the project site is undeveloped, and any future development on that property is likely to be located a considerable distance from the shared property line, due to site topography. To the direct west of the project site is the Caltrans right-of-way for Interstate 15; this right-of-way contains no septic systems. The proposed project will be provided with sewer service.
 - e. The project's EIR includes a visual analysis that indicates that no significant impacts to aesthetics or visual quality would arise as a result of the project.
 - f. The proposed cut and fill slopes would be structurally stable since all slopes will be manufactured so as not to exceed a standard 2:1 inclination.

All graded areas shall be protected from wind and water erosion through compliance with the City's stormwater management requirements. The development will be required to incorporate interim erosion control plans, certified by the project engineer and reviewed and approved by the City's Engineering Services Department.

Hillside and Ridgeline Protection Overlay Determinations:

1. The bulk, scale, density, and overall character of the proposed development is compatible with the surrounding neighborhood and with the natural, cultural, scenic and open space resources of the area. The density of the project does not exceed the maximum allowed for the U3 land use designation of the General Plan. Proposed development standards are comparable with standards for a development in the R-3 (Medium Multiple Residential) zone, and any deviations (such as the one for building height) are discussed in the October 22, 2019 Planning Commission staff report and accounted for as part of the proposed Master and Precise Development Plan. Open space areas have been proposed for protection of slopes, fuel modification zones, stormwater management facilities, and recreational amenities.
2. The location and design of the proposed development respects and preserves the natural landform, vegetation, and wildlife of the project. The project has been designed to avoid grading or developing upon a substantial 35%+ slope near the northwest corner of the site. Smaller, isolated slopes exceeding 35% are located in other areas of the site, and staff have determined that do not meet the standards of steep slope protection envisioned by the General Plan or its implementing ordinances. Mitigation measures have been proposed to compensate for impacts to sensitive biological habitat. No ridgelines are located on the project site per the hillside and ridgeline overlay map on file at the Community Development Department.
3. The location and design of the development does not substantially alter the natural appearance and land form of the hillsides and ridges. No ridgelines are located on the project site per the hillside and ridgeline overlay map on file at the City. While the site does contain sloped areas of 35 percent or greater, the largest of these slopes would be precluded from any grading or development. Other slopes exceeding 35% fragmented and relatively small.
4. The location and design of the proposed development will protect the safety of current and future residents, and will not create a significant threat to life and property due to slope instability, fire, flood, mud flow, erosion, or other hazards. City Engineering staff have reviewed the project's conceptual grading design, and will review the final grading plan submittal as a condition of approval for the project. A geotechnical report, fire protection plan, and drainage study have been provided to aid staff review and to inform the environmental analysis in the project EIR, and mitigation measures and conditions of approval have been proposed where appropriate to minimize threats to life and property. No flood hazard zones exist on the site per FEMA's flood hazard maps.

5. All grading associated with the project has been minimized to the extent possible, preserving the character of the property while utilizing appropriate erosion control practices as determined by Engineering staff to avoid erosion, slides, or flooding, in order to have as minimal an effect on said environment as possible. Grading information has been provided with the project application and reviewed by Engineering staff. Conditions of approval have been proposed to require issuance of a grading permit prior to any ground-disturbing activities, and to require the use of erosion-control measures during grading.

EXHIBIT "B"

CONDITIONS OF APPROVAL

Nothing in this permit shall relieve the Applicant from complying with conditions and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. **This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations, and procedures.**

Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the conditional use permit conditions.

MITIGATION MEASURES

MM BIO-1: Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that if initial grading and vegetation removal activities (i.e., earthwork, clearing, and grubbing) must occur during the general bird breeding season for migratory birds and raptors (January 15 and September 15), the Project Applicant shall retain a qualified biologist to perform a pre-construction survey of potential nesting habitat to confirm the absence of active nests belonging to migratory birds and raptors afforded protection under the Migratory Bird Treaty Act and California Fish and Game Code. The pre-construction survey shall be performed no more than seven (7) days before the start of the activities. If the qualified biologist determines that no active migratory bird or raptor nests occur, the activities shall be allowed to proceed without any further requirements. If the qualified biologist determines that an active migratory bird or raptor nest is present, no construction activities shall occur until the young have fledged the nest and the nest is confirmed to no longer be active, as determined by the qualified biologist.

MM BIO-2: Prior to the issuance of any grading permit that would impact coastal California gnatcatcher (CAGN) protocol surveys in accordance with Wildlife Agency criteria shall be accomplished. (This includes: from March 15 to June 30, a minimum of six (6) surveys shall be conducted at least one week apart; or, between July 1 and March 14, nine (9) surveys are required, to be conducted at minimum two (2) week intervals.) If surveys document absence of CAGN no additional avoidance or minimization measures are required. If surveys document the presence of CAGN occupied coastal sage scrub shall be fenced and construction within 500 feet of occupied habitat shall occur only between September 1 and February 15 to avoid indirect impacts to nesting CAGN. If avoidance is not feasible, a temporary noise barrier shall be used during construction, at the appropriate location(s), in coordination with Resources Agencies. The noise barrier shall attenuate noise levels to 60 dBA or less at the edge of breeding habitat.

No permit (i.e. grading, tree-trimming, or vegetation removal) that would impact Coastal Sage Scrub, Southern Mixed Chaparral, or Coast Live Oak Woodland habitat on the project site shall be issued until the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that they will/have purchased off-site of suitable habitat within a City approved mitigation bank (such as the Daley Ranch Conservation Bank) at mitigation ratios noted in Table 4.3-2.

MM BIO-3: Prior to the issuance of any permit (i.e. grading, tree-trimming, or vegetation removal) by the City the Project Applicant shall demonstrate to the satisfaction of the City Community Development Director or City designee that the replacement of impacted mature trees will occur. Unless otherwise determined by the City mature trees will be replaced at a minimum 1:1 ratio. The Project Applicant shall replace protected trees at a minimum 2:1 ratio, unless otherwise determined by the City. The number, size, and species of replacement trees shall be determined on a case-by-case basis by the City's Director of Community Development or City designee.

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

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

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

MM CR-4: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The

qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

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

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

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

MM CR-8: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close

proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

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

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

MM HAZ-1: Prior to the issuance of any building permit, the project applicant shall demonstrate to the satisfaction of the City Building Department that all windows adjacent to preserved vegetation are dual paned with both panes tempered.

MM HAZ-2: Prior to the approval of the Final Landscape Plan, the wall and fence component shall provide a noncombustible, 8-foot wall at the rear or side yard that would function as a heat-deflecting landscape wall as shown on Figure 4.7-1 to the satisfaction of the City Community Development Department.

MM HAZ-3: (Eliminated in Final EIR)

MM HAZ-4: Prior to the issuance of the first Certificate of Occupancy the project applicant shall provide CC&R's that demonstrate to the satisfaction of the City's Community Development Department and City Attorney that the annual review of landscape maintenance plans includes a third party evaluation of Fuel Modification Zones (FMZ) area that meet the requirements of the FMZ and City's Fire Department (EFD).

MM NOI-1: In order to reduce the noise levels at the two proposed outdoor recreation areas, the project applicant shall construct two 8-foot sound walls, with one located on the south side of the outdoor recreation area that is located on the north side of Nutmeg Street and the other wall located southwest of the outdoor recreation area that is located on the south side of Nutmeg

Street. The sound walls shall be constructed of a solid material (e.g., glass, concrete block, or plaster). The locations of the proposed outdoor recreation area sound walls are shown in Figure 4.10-5.

MM NOI-2: The project applicant will provide a "windows closed" condition for each proposed residential townhome. A "window closed" condition is a term that means that a home is capable of providing adequate ventilation and temperature control without opening the windows. A "windows closed" condition requires a means of mechanical ventilation per Chapter 12, Section 1205 of the Uniform Building Code. This shall be achieved with a standard forced air conditioning and heating system with a filtered outside air intake vent for each residential unit.

MM NOI-3: For the P1-Villas, the project applicant shall require all windows and exterior doors on the northwest, southwest, and southeast sides of Building 1 to have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors are shown on Figure 4.10-5.

MM NOI-4: For the P2-Villas, the project applicant shall require all windows and exterior doors on the southwest side of Buildings 12 to 18, the northwest side of Building 18, and the northwest side of the westernmost unit of Buildings 16 and 17 to have a minimum STC rating of 35 STC. In addition, all windows and exterior doors on the northwest side of Buildings 19 and 20 and southwest side of Building 19 and the southeast and northwest sides of Buildings 12 to 18 that were not covered by the 35 STC requirement shall have a minimum STC rating of 30 STC. The locations of the mitigated windows and doors is shown on Figure 4.10-5.

MM TRA-1: Prior to the occupancy of the proposed project the intersection of North Centre City Parkway/North Nutmeg Street will be improved to the satisfaction of the City as noted below:

- Installation of a traffic signal;
- Restripe the southbound approach to provide a dedicated left-turn lane; and,
- Construct a dedicated right-turn lane on the southbound approach of the intersection.

MM TRA-2: The proposed project at the intersection of West Country Club Lane/ North Nutmeg Street will provide the following:

- Installation of a traffic signal at the intersection; and,
- Restripe the southbound approach to provide a shared left-turn/through lane and a dedicated right-turn lane.

MM TRA-3: Prior to the occupancy of the proposed project the existing right-of-way on North Nutmeg Street from West Country Club Lane to Via Alexandra will be widened to provide for a 14' wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include removal and reconstructions of existing driveways to private driveway standards and a parking restriction along the improved section of Nutmeg Street to the satisfaction of the City Engineer.

MM TRA-4: The proposed project at the intersection of North Centre City Parkway/North Nutmeg Street intersection will provide the following minimum storage lengths for left turn and right-turn lanes:

- Eastbound Left-Turn Lane: 100 feet; and,
- Southbound Right-Turn Lane: 125 feet

MM TRA-5: The proposed project at the intersection of Nutmeg Street/Project Access will provide 50-foot left-turn pockets for the eastbound and westbound left-turn lanes.

GENERAL

1. This project is conditionally approved as set forth on the application and project drawings submitted to the City of Escondido, all designated as approved by the City Council on [placeholder until City Council hearing], and shall not be altered without express authorization by the Director of Community Development.
2. The Project shall be completed in substantial conformance to the plans approved, except as modified herein. The Project shall be constructed and operated by the Applicant in accordance with the authorized use as described in the application materials and plans on file with the Office of the Clerk of the City of Escondido. Any additional uses or facilities other than those approved with this permit, as described in the approved plans, will require a separate application and approval. Colors and materials shall conform to the approved plans and the exhibits and references in the staff report, to the satisfaction of the Planning Division. For building features that do not have a specific material and/or color called out on the plans and exhibits (e.g., eaves, window frames, front doors, and garage doors), selected materials and colors should match the rest of the development.
3. Approval of all Project-related permits will expire 36 months after the approval of this Project, unless the conditions have been met or an extension of time has been approved pursuant to the Municipal Code.
4. Applicant shall and does hereby agree to indemnify, protect, defend, and hold harmless the City of Escondido, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of the series of actions that this Project comprises, and/or (b) City's approval or issuance of any permit or action, whether discretionary or ministerial, in connection with the land use and activity contemplated described by this Project. This obligation survives until all legal proceedings have been concluded and continues even if the City's approval is not validated.
5. If any of the following conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained

according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation.

6. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid, this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.

TENTATIVE SUBDIVISION MAP

1. The developer shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when permits are issued, including any applicable City-Wide Facilities fees.
2. Three copies of a revised Tentative Map, reflecting all modifications and any required changes shall be submitted to the Planning Division for certification prior to submittal of grading plans, landscape plans and the final map.
3. All construction and grading shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Engineering Division, Building Division, and Fire Department.
4. The legal description attached to the application has been provided by the applicant and neither the City of Escondido nor any of its employees assume responsibility for the accuracy of said legal description.
5. If blasting is required, verification of a San Diego County Explosives Permit and a copy of the blaster's public liability insurance policy shall be filed with the Fire Chief and City Engineer prior to any blasting within the City of Escondido.
6. All new utilities shall be underground.
7. All project-generated noise shall comply with the City's Noise Ordinance (Ord. 90-08) to the satisfaction of the Planning Division.
8. No street names are established as part of this approval. A separate request shall be submitted prior to final map.

9. Access roads and project grading must comply with SDG&E guidelines for any encroachment to, and into, right of way. Any grading to be performed within SDG&E right of way requires a "permission to grade" letter.
10. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a check payable to "County Clerk", in the amount of \$3,321.00 for a project with an Environmental Impact Report. These fees include an authorized County administrative handling fee of \$50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Wildlife filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Wildlife documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).
11. All utility connections shall be designed to coordinate with the architectural elements of the site so as not to be exposed except where necessary. Locations of pad mounted transformers, meter boxes, and other utility related items shall be included in the site plan submitted with the building permit application with an appropriate screening treatment. Transformers, terminal boxes, meter cabinets, pedestals, ducts and other facilities may be placed above ground provided they are screened with landscaping.
12. All pedestrian passageways in the designated trail connection as depicted on the approved Tentative Subdivision Map shall have walkway non-slip surfaces, such as decomposed granite, to enable multi-generational use, designed to prevent dust, and otherwise be designed to allow convenient use for outdoor activities. There shall be no obstructions above the open space except for devices to enhance its usability, such awning structures.

MASTER AND PRECISE DEVELOPMENT PLAN

1. The Project includes a Fire Protection Plan which is located in the Project's Draft EIR as Appendix E, and in amended form in the Final EIR as Appendix E-1. The Fire Protection Plan describes the wildland fire resistance features incorporated into the project. The key fire resistance features incorporated into the project are listed below:

- The project shall maintain Fuel Modification Zones (FMZs) as described in Figure 5 (Conceptual Fuel Modification Plan) and Table 5 of the Fire Protection Plan (as well as Figure 4.7-1 of the Final EIR).
 - A noncombustible, 8-foot wall shall be installed as shown in Figure 5 (Conceptual Fuel Modification Plan) to function as a heat-deflecting wall.
 - Dual-pane, tempered glass shall be used for all windows adjacent to preserved vegetation.
2. All requirements of the Public Art Partnership Program, Ordinance No. 86-70, shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.
 3. All exterior residential lighting shall conform to the requirements of Article 35 (Outdoor Lighting) of the Escondido Zoning Code.
 4. Setbacks shall be as described in the October 22, 2019 Staff Report and depicted on the Master Plan/Tentative Map.
 5. No signage is approved as part of this permit. A separate sign permit shall be required prior to the installation of any signs. All proposed signage associated with the project must comply with the Master and Precise Development Plan where specified. All other signs must comply with the City of Escondido Sign Ordinance (Article 66, Escondido Zoning Code) standards for the RE (Residential Estates) zone.
 6. Prior to issuance of a grading permit, the emergency access road width, pavement and gate specifications shall be reviewed and approved by the Fire Department.
 7. This Master Development Plan and Precise Development Plan approval adopt development standards for area, coverage, light and air orientation, building height, sign placement and design, site planning, street furniture placement and design, yard requirements, open spaces, off-street parking, and screening, per Section 33-401(f) of the City of Escondido Zoning Code, and as described in the October 22, 2019 Staff Report.
 8. All new home design or development and/or improvement shall comply with or meet the intent of the Master and Precise Development Plan criteria through methods listed in the standards and guidelines, as listed in the October 22, 2019 Staff Report, or through alternative methods that achieve the same objective.
 9. As specified by the Planning Commission at the public hearing on October 22, 2019, a minimum of ten (10) guest parking spaces shall be provided on the north portion of the site, and shall be shown on the construction, landscape, and grading plan submittals.
 10. As specified by the Planning Commission at the public hearing on October 22, 2019, future requests to develop the south portion of the project site shall demonstrate that the full project

(north and south combined) can conform to the minimum standards for "usable open space" for the R-3 zone, as defined in Section 33-108(b) of the City of Escondido Zoning Code. These standards require 400 square feet of usable open space per dwelling unit, as well as an additional 200 square feet for each bedroom over one (1) in said dwelling unit.

GRADING AND GRADING EXEMPTION

1. An exemption from the Grading Ordinance is approved as part of this project, as described in the October 22, 2019 Staff Report. This exemption includes one cut slope plus soil nail retaining wall located near the northwest corner of the site, exceeding the 20' height limit described in the City of Escondido Grading Ordinance.
2. All project grading shall conform with the approved Tentative Subdivision Map. In cases where the grading plan later submitted is not consistent with the approved Tentative Subdivision, the Applicant shall be required to obtain a substantial conformance determination or map amendment for grading prior to issuance of grading permits.
3. A plan shall be submitted for approval by the Director of Community Development, the Engineering Services Department, and the Fire Department regarding the security treatment of the site during the construction phase, the on- and off -site circulation and parking of construction workers' vehicles, and any heavy equipment needed for the construction of the Project.
4. All roadways shall be a minimum of 24 feet in width during construction and maintained free and clear, including the parking of vehicles, in accordance with the California Fire Code and the Escondido Fire Department.
5. The Postmaster shall approve final location of mailbox kiosks associated with this Project prior to issuance of a precise grading permit.

LANDSCAPING

1. Four copies of a detailed landscape and irrigation plan(s) shall be submitted to the Engineering Services Department, prior to issuance of grading or building permits. The detailed landscape and irrigation plans shall be equivalent or superior to the planting plan attached as an exhibit, to the satisfaction of the Planning Division. A plan check fee based on the current fee schedule will be collected at the time of the submittal. The required landscape and irrigation plans(s) shall comply with the provisions, requirements and standards outlined in Article 62 (Landscape Standards) of the Escondido Zoning Code. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.

2. Details of project fencing and walls, including materials and colors, shall be depicted on the landscape plans. All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed in a manner similar to, and consistent with, the primary structures. The 8' fire wall described in the Fire Protection Plan shall conform to Caltrans design standards and/or be compatible with similarly-designed freestanding walls located along the I-15 corridor. These items shall be approved by the Director of Community Development prior to the issuance of building and/or grading permits.
3. All masonry freestanding or retaining walls visible from points beyond the project site shall be treated with a protective sealant coating to facilitate graffiti removal. The sealant shall be of a type satisfactory to the Director of Community Development. The Applicant and/or HOA shall be responsible for the removal in a timely manner of any graffiti posted on such walls.
4. All fencing for basin areas shall be set back at least five feet from back of sidewalk or edge of pavement to allow the appropriate integration of landscape screening to the satisfaction of the Planning Division.
5. Landscaping adjacent to preserved land shall not include species listed as highly or moderately invasive by the California Invasive Plant Council (Cal- IPC 2013).
6. Plants on the Prohibited Plant List (Appendix D of the Fire Protection Plan) shall not be planted on the site unless otherwise approved by the Escondido Fire Department.
7. All vegetation (including existing vegetation to be retained) shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan. All irrigation shall be maintained in fully operational condition.
8. The Homeowners Association (HOA) shall be responsible for maintenance of landscaping in all common areas and fuel modification zones, in compliance with the requirements detailed within the Fire Protection Plan and as determined by the Escondido Fire Department. Prior to issuance of building permits, all fuel modification zones shall be permanently marked at the property line to delineate the zones and aid ongoing maintenance activities.
9. All fuel modification zone vegetation management activities shall be completed annually by May 15 and more often as needed for fire safety, as determined by the Escondido Fire Department.
10. The installation of the common area and right-of-way landscaping and irrigation shall be inspected by the project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.

11. Street trees shall be provided along street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Trees within five feet of the pavement shall be provided with root barriers.

CC&Rs

1. Applicant shall establish a homeowner's association (HOA) and corresponding covenants, conditions and restrictions (CC&Rs). Prior to recordation of the Final Map, two copies of the CC&Rs shall be submitted to the Planning Division for review and approval. Except for those public improvements located in the public right-of-way, the CC&Rs shall contain provisions for the maintenance of any common landscaping, open space, walls, common drainage facilities, fuel modification zones, etc. to the satisfaction of the Planning and Engineering Divisions. A review fee established in the current fee schedule shall be collected at the time of submittal.

Prior to issuance of a building permit, the Applicant shall provide the Planning Division with a recorded copy of the official CC&Rs that have been approved by the Department of Real Estate and the Planning and Engineering Divisions. At a minimum, the CC&Rs shall contain the following provisions:

- a. Notice and Amendment. A copy of any proposed amendment shall be provided to the City in advance. If the proposed amendment affects the City, City shall have the right to disapprove. A copy of the final approved amendment shall be transmitted to City within 30 days for the official record.
- b. Failure of Association to Maintain Common Area Lots and Easements. In the event that the Association fails to maintain the "Common Area Lots and/or the Association's Easements," the City shall have the right, but not the duty, to perform the necessary maintenance. If the City elects to perform such maintenance, the City shall give written notice to the Association, with a copy thereof to the Owners in the Project, setting forth with particularity the maintenance which the City finds to be required and requesting the same be carried out by the Association within a period of 30 days from the giving of such notice. In the event that the Association fails to carry out such maintenance of the Common Area Lots and/or Association's Easements within the period specified by the City's notice, the City shall be entitled to cause such work to be completed and shall be entitled to reimbursement with respect thereto from the Owners as provided herein.
- c. Special Assessments Levied by the City. In the event the City has performed the necessary maintenance to either Common Area Lots and/or Association's Easements, the City shall submit a written invoice to the Association for all costs incurred by the City to perform such maintenance of the Common Area Lots and or Association's Easements; and pursue collection.

- d. Landscape Maintenance Responsibilities. The HOAs and individual lot or unit owner landscape maintenance responsibilities shall be established.
- e. Homeowner improvements such as balconies, trellis, and decks. The CC&Rs shall set forth requirements for the HOA to review and approve all homeowner landscape and hardscape plans to ensure compliance with local, State and Federal laws. The CC&Rs shall state the individual lot or unit owner allowances and prohibitions regarding balconies, trellis, decks and other improvements as regulated by the Project approval.

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

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

STREET IMPROVEMENTS AND TRAFFIC

1. Public street improvements shall be constructed to City Standards as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, drainage, lighting, etc. shall be resolved to the satisfaction of the City Engineer.
2. The developer shall construct frontage street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundary:

<u>STREET</u>	<u>CLASSIFICATION</u>
N. Nutmeg Street	Local Collector per Specific Alignment Plan
N. Centre City Parkway	Collector per Specific Alignment Plan

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

3. The Developer shall construct a new four leg offset traffic signal at the intersection of N. Centre City Parkway and N. Nutmeg Street, designed to accommodate and control the existing private road to the east, prior to the first project occupancy. Any work on this private road will require permission from the private property owner(s) involved.
4. The Developer shall construct a new traffic signal at the intersection of W. Country Club Lane and North Nutmeg Street prior to the first project occupancy.
5. The N. Centre City Parkway and N. Nutmeg Street intersection improvements shall include minimum vehicle storage lengths of 100 feet and 125 feet for the eastbound left-turn lane and westbound right-turn lane, respectively. Taper lengths for the westbound right-turn lane shall be per current City, Caltrans, and MUTCD Standards and to the satisfaction of the City Engineer.
6. The project shall provide a minimum 50-foot eastbound left-turn pocket for the project entrance off N. Nutmeg Street per current City, Caltrans, and MUTCD Standards.
7. Prior to the first occupancy, the existing N. Nutmeg Street roadway, from West Country Club Lane to Via Alexandra, shall be widened to provide for a 14' wide southbound lane with curb, gutter, and sidewalk designed as a green streets facility. Improvements shall include removal and reconstruction of existing driveways to private driveway standards and a parking restriction along the improved section of N. Nutmeg Street to the satisfaction of the City Engineer.
8. Access to this project shall be improved with an alley-type driveway in accordance with Escondido Standard Drawing No. G-5-E with a minimum throat width of 24 feet.

9. All on-site roads, driveways, and parking areas shall be private and shall be detailed on the Grading Plans. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director. The private street improvements shall include, but not be limited to, the construction of concrete curb, sidewalks (one side only), street lights, paving, and base.
10. Plans for construction within any right-of-way under a jurisdiction other than the City of Escondido will be subject to the review by both the City of Escondido and the other jurisdiction. For the second Final Engineering submittal to be accepted by the City, the developer shall provide the City documentation demonstrating Final Engineering submittals have been made to other these other agencies from whom permits must be obtained. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Permit.
11. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.
12. The developer will be required to provide a detailed detour and traffic control plan, for all construction within existing rights-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. This plan shall be approved prior to the issuance of an Encroachment Permit for construction within the City of Escondido's public right-of-way.
13. The developer's engineer shall prepare and submit for approval by the City a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
14. The project is subject to the vacation of public rights-of-way within or adjoining the project boundary. Specific areas to be vacated shall be determined to the satisfaction of the City Engineer. The developer shall pay the current Street Vacation Processing fee in effect at the time of the Street Vacation application submittal. The street vacation must be approved by the City Council prior to recordation of the Final Map. The developer shall be responsible for relocation of any existing utilities within this street vacation. The developer and their Title Company shall determine if the City is the underlying fee owner of portion of the public right-of-way to be vacated for the project. If the City is the underlying fee owner, the developer shall pay for an appraisal and shall compensate the City fair market value for the property being vacated.
15. The developer may be responsible for a grind and overlay of N. Centre City Parkway due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
16. Adequate horizontal sight distance shall be provided at all street intersections. Increased parkway widths, open space easements, and restrictions on landscaping shall be provided as needed for adequate sight distance and subject to the approval of the City Engineer.
17. The developer shall be required to construct a minimum 24-foot-wide emergency access road to the satisfaction of the City Engineer and City Fire Marshal.

18. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
19. The improvement of N. Centre City Parkway shall include a striped Class II bicycle path. The width, design and precise location of the bicycle path shall be to the satisfaction of the City Engineer.
20. The project shall be designed to comply with the maximum grade of intersecting streets of 6% per the Escondido Design Standards.
21. Street lighting shall be required on all on-site private streets. It shall be the responsibility of the Home Owner's Association to adequately maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&R's.
22. Pedestrian access routes shall be provided into the project to the satisfaction of the City Engineer and the City Building Official.

GRADING

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department. The first submittal of the grading plan shall be accompanied by 3 copies of the preliminary soils and geotechnical report. The soils engineer will be required to indicate in the soils report that he/she has reviewed the grading design and found it to be in conformance with his/her recommendations.
2. Erosion control, including riprap, interim slope planting, sandbags, or other erosion control measures shall be provided to control sediment and silt from the project. The developer shall be responsible for maintaining all erosion control facilities throughout the project.
3. All private driveways and parking areas shall be paved with a minimum of 3" asphalt concrete over 6" of aggregate base or 7" portland concrete cement over 6" asphalt base. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. Cut slope setbacks shall be of sufficient width to allow for construction of all necessary screen walls and/or brow ditches.
5. The developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
6. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
7. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
8. Prior to approval of the grading plan, the developer will be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.

9. All proposed retaining walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in their report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by the Regional or City Standard Drawings. The cost of any independent third party review deemed necessary by the City Engineer shall be reimbursed by the developer. Retaining walls or deepened footings that are to be constructed as part of building structure will be permitted as part of the Building Department plan review and permit process.
10. Grading or stockpiling of dirt shall not be performed on the parcel located at the southwest corner of N. Nutmeg Street and N. Centre City Parkway (APN 224-260-23), except as necessary to construct the required street improvements listed above and included in this project.
11. A temporary outlet for proposed storm drain associated with N. Nutmeg Street and N. Centre City Parkway improvements shall be shown on the grading plan. Rip rap and a headwall, designed in accordance with San Diego Regional Standard Drawings, shall be provided for the temporary outlet. The temporary outlet shall be located within APN 224-260-23, at a location to the satisfaction of the City Engineer.
12. Trash enclosures shall be constructed to comply with storm water quality management requirements to the satisfaction of the City Engineer.

DRAINAGE

1. Final on-site and off-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The drainage from this project will flow directly onto adjoining property within the jurisdiction of the County of San Diego or CALTRANS. Any drainage plans for facilities within the jurisdiction of these agencies shall be subject to their review and approval. The developer shall be responsible for securing all necessary permits from the appropriate agencies prior to approval of the Grading Permit.
3. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association. Provisions stating this shall be included in the CC&R'S.
4. All basins and post-construction BMP's facilities constructed with this project (including those within the public right-of-way) are private. The responsibility for maintenance of these storm drains shall be that of the Home Owners Association.
5. The project shall limit 100-year drainage flows to their pre-construction rates. Details and calculations for the detention basins shall be submitted and approved as part of the grading plan check.

6. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
7. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts from buildings shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
8. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
9. Infiltration testing shall be provided at the location of proposed infiltration BMPs, and be included in the preliminary soils and geotechnical report signed by the Soils Engineer. Infiltration rates of proposed BMPs shall meet flood-control and hydromodification flow attenuation and drawdown times in accordance with the City's Storm Water Design Manual. If infiltration BMPs are deemed infeasible for the site, changes to the project design shall be implemented to the satisfaction of the City Engineer and Community Development Director. Project design changes could include, but shall not be limited to, reduction in impervious areas by reducing building footprints or designing biofiltration basins that connect to a storm drain.

WATER SUPPLY

1. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
2. This project is located within the Rincon Del Diablo Municipal Water District. It will be the developer's responsibility to make arrangements with the Rincon District as may be necessary to provide water service for domestic use and fire protection. The developer shall provide evidence of such arrangements prior to recordation of the Final Map, to the satisfaction of the City Engineer. The City of Escondido and the Rincon District will sign approval of the improvement plans with respect to the water mains.

SEWER

1. Required sewer main improvements for the project include construction of an 8-inch public sewer main in N. Centre City Parkway, from W. Country Club Lane to N. Nutmeg Street, and in N. Nutmeg Street from N. Centre City Parkway to across the project property frontage. The proposed alignment of the sewer main shall be to the satisfaction of the Utilities Engineer.
2. A minimum 20-foot all weather access road (suitable for use by the City's vector trucks) to all sewer manholes within easements shall be required.
3. A minimum 20-foot sewer easement shall be required for public sewer.

4. A private 4" minimum PVC sewer lateral with a standard clean-out within 18" of the public utilities easement/sewer easement/right-of-way shall be constructed for each single family dwelling unit and up to four attached residential units. All other uses shall have a minimum 6" sewer lateral. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and Uniform Plumbing Code. The sewer laterals shall be included in the improvement & grading plans and bonding quantities.
5. No trees or deep rooted bushes shall be planted within 10' of any sewer lateral, or within 15' of any sewer main.
6. There shall be no permanent structures located within sewer easements.
7. All sewer laterals will be considered a private sewer system to the public main. The property owners' association will be responsible for all maintenance of their individual sewer laterals to the sewer main. Provisions stating this shall be included in the CC&Rs.
8. An encroachment permit shall be obtained from CALTRANS for all work within the CALTRANS right-of-way.
9. The developer may be responsible for a 12-wide grind and overlay of N. Centre City Parkway due to the offsite sewer trench necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.

LANDSCAPE

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees in effect at the time of the submittal.
2. Permanent landscaping shall be installed on the project frontage along both sides of N. Nutmeg Street and the west side of N. Centre City Parkway (from the County of San Diego boundary to Caltrans boundary) and all areas disturbed by the project (including offsite areas). The landscaping, including storm water treatment BMPs, shall be maintained by Home Owners Association. Provisions stating this shall be included in the CC&Rs.
3. A Continuing Encroachment Permit for this project's required maintenance of the landscaping in the surrounding public right-of-ways must be applied for, and in conjunction, a perpetual liability insurance policy with the City as an additionally insured must be put in place.

FINAL MAP - EASEMENTS AND DEDICATIONS

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

STREET

CLASSIFICATION

N. Nutmeg Street

Local Collector per Specific Alignment Plan

2. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
3. Necessary public utility easements for sewer, storm drain, etc. shall be granted to the City on the Final Map. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
4. The developer is responsible for making the arrangements to vacate all streets or quitclaim all easements of record which conflict with the proposed development prior to approval of the Grading Plan. All street vacations shall be accomplished by means of a separate public hearing. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Grading Plan. Building permits will not be issued for buildings in which construction will conflict with existing easements, nor will any securities be released until the existing easements are quitclaimed.

FEES

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

CC&R's

1. Copies of the CC&R's shall be submitted to the Engineering Department and Planning Department for approval prior to approval of the Final Map.
2. The developer shall make provisions in the CC&R's for maintenance by the Home Owners' Association of private roadways, driveways, parking areas, private utilities, drainage and storm water facilities, private street lighting, storm drains, and any common open spaces and

landscaping. These provisions must be approved by the Engineering Department prior to approval of the Final Map.

3. The CC&Rs shall make provisions for the Home Owners' Association maintenance of the Project's frontage landscaping, irrigation, fencing, retaining walls along all project frontages on N. Nutmeg Street and N. Centre City Parkway. The Developer as Declarant will be required to obtain a Continuing Encroachment Permit to conduct this ongoing landscape maintenance in the City Right-of Way.
4. The CC&R's must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
5. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.
6. The CC&R's must state that (if stamped concrete or pavers are used in private streets) the Home Owners' Association is responsible for replacing the stamped concrete or pavers in-kind if the City has to trench the street for repair or replacement of an existing utility.

UTILITY UNDERGROUNDING AND RELOCATION

1. The developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 10

November 20, 2019

File No. 0600-10, A-2340

SUBJECT: Amendment to the City of Escondido Waste and Recycling Franchise Agreement Between the City of Escondido and EDCO Refuse Services, Inc.

DEPARTMENT: Utilities Department, Recycling Division

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2019-142, approving an amendment of the rates and fees charged under the City of Escondido Waste and Recycling Franchise Agreement (the Franchise Agreement) Between the City of Escondido (City) and EDCO Refuse Services, Inc. (EDI) These rates and fees are specified in Exhibits A and B of the Franchise Agreement. The new rates and fees will include: a) an increase to the franchise fee from 10 percent to 11.5 percent; and b) a 2.7824 percent increase to the monthly residential and commercial fees for service, with the percentage increase being linked to the increase in the Consumer Price Index (CPI). The new rates and fees would be effective for Commercial and Residential Solid Waste and Recycling Services on January 1, 2020. Future annual CPI adjustments can be made on January 1 of each year, through 2024.

FISCAL ANALYSIS:

The City collects a franchise fee from EDI for the exclusive right to collect and process commercial and residential solid waste, recyclables, and green waste. Escondido's current franchise fee is 10 percent of EDI's gross revenues, which totaled approximately \$1,845,000 in 2019 General Fund revenues. The proposed amendment would increase the EDI franchise fee to 11.5 percent, an increase of 1.5 percent. This increase would result in additional General Fund revenues of approximately \$277,000 annually, assuming EDI's gross revenues remain at 2019 levels. Residential franchise fee rates will increase by \$0.39 per month, and commercial franchise fee rates will increase by \$2.11 per month. Future franchise fee amendments, subject to City Council approval at a later date pursuant to State constitutional requirements, could incrementally increase the franchise fee to 13 percent of EDI's gross revenues, which is consistent with other refuse franchise fee rates in the region.

The Franchise Agreement allows for annual percentage increases in EDI's fees for service up to the annual percentage increase in the CPI. The CPI increased at a rate of 2.7824 percent in 2018. Revenues resulting from the CPI adjustment will be retained by EDI to offset their increased cost of operations. A summary of recommended increases is shown in Tables 2, 3, and 4 of this report. The complete list of the recommended increases is provided in Exhibits A and B.

Household Hazardous Waste fees associated with AB939 were established in 1994. AB939 is the "California Integrated Waste Management Act (IWMA) of 1989" and establishes an integrated waste management hierarchy to guide local agencies in implementation source reduction programs and

recycling and composting programs. No increases in Household Hazardous Waste Fees are being requested at this time.

PREVIOUS ACTION:

On June 19, 2019, the City Council adopted Resolution No. 2019-61, authorizing a Waste and Recycling Franchise Agreement with EDI and Escondido Resource Recovery, divisions of Refuse Services, Inc. The agreement specified rates to be charged for solid waste and recycling services and amended certain terms and conditions of the prior Franchise Agreement that was approved in 1999.

The new agreement identified maximum rates paid by the ratepayers at that time, and preserved the contractor’s right to increase the maximum rates annually according to the change in the previous year’s Consumer Price Index (CPI). The table below shows the CPI-linked EDI rate increases that have been approved by the City Council over the last ten years, along with the increase recommended to take effect on January 1, 2020. These increases are for basic residential and commercial collection services.

Table 1

Date of City Council Action	Residential Increase	Commercial Increase
January 2009	0%	4.39%
April 2009	1.045%	0%
January 2012	1.29%	0.895%
January 2013	1.66%	0%
January 2014	0.9032%	0%
January 2015	0%	1.4752%
March 2015	2.43%	0%
February 2016	0.789%	0.789%
January 2017	1.9757%	1.9757%
January 2018	3.2766%	2.519%
January 2019	2.62%	1.46%
Proposed January 2020	2.7824%	2.7824%

BACKGROUND:

On September 24, 2019, EDI proposed to the City an increase in the solid waste and recycling rates in accordance with Section 13.2 (C) of the Waste and Recycling Franchise Agreement. The rate increase is based on the percent change in the CPI in 2018, as mentioned earlier in this report. A notice of the City Council hearing to consider these proposed commercial and residential rate increases was mailed to all residential and commercial customers on October 4, 2019, in compliance with California Proposition 218.

If the City Council adopts the proposed CPI-linked residential and commercial rate increases, the residential total monthly base rate for solid waste organics and recycling services and the commercial total monthly rate (using a three-yard permanent bin collected once per week as an example) will increase according to the following tables. These tables are for illustrated purposes; the complete list of recommended increases is provided in Exhibits A and B.

TABLE 2 - Residential Rates or Fees

Rate or Fee	Current Rate or Fee	Proposed Increase	New Rate or Fee
Base Rate	17.62	0.49	18.11
Franchise Fee	1.96	0.39	2.35
AB939	0.21	0.42	0.63
HHW	0.52	0.00	0.52
Total	\$20.31	\$1.30	\$21.61

TABLE 3 - Commercial Rates or Fees

Rate or Fee	Current Rate or Fee	Proposed Increase	New Rate or Fee
Base Rate	94.13	2.62	96.75
Franchise Fee	10.46	2.11	12.57
AB939	0.21	1.51	1.72
HHW	0.52	0.00	0.52
Total	\$105.32	\$6.24	\$111.56

TABLE 4 – Residential Anaerobic Digestion of Commingled Organics
**New Rate Effective January 1, 2021*

Rate or Fee	Current Rate or Fee	Proposed Increase	New Rate or Fee
Base Rate	3.00	0.00	3.00
Franchise Fee	0.33	\$0.06	0.39
Total	\$3.33	\$0.06	\$3.39

The proposed increases to the rates and fees charged by EDI will become effective January 1, 2020, and apply to all commercial and residential collection rates. The complete tables of the new proposed rates are shown in the amended Exhibits A and B, which are attached to Resolution No. 2019-142.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Christopher W. McKinney, Director of Utilities
11/14/19 9:16 a.m.

ATTACHMENTS:

1. Resolution No. 2019-142
2. Resolution No. 2019-142 – Exhibit A and B

RESOLUTION NO. 2019-142

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING THE CITY OF ESCONDIDO
WASTE AND RECYCLING FRANCHISE
AGREEMENT WITH EDCO REFUSE
SERVICES, INC.

WHEREAS, in June 2019 the City of Escondido (“City”) approved a Waste and Recycling Franchise Agreement (the “Agreement”) with Escondido Resource Recovery and Escondido Disposal, Inc., Divisions of EDCO Refuse Services, Inc. (EDI) to provide residential, commercial and industrial trash and recycling collection services; and

WHEREAS, Section 13 of the Agreement allows for an annual increase in the base rates by an amount not to exceed the percentage increase in the Consumer Price Index (“CPI”) for the previous year; and

WHEREAS, such base rate increases will be considered by the City Council upon receipt of written notice of the proposed increase, with notice coming no later than 60 days prior to the effective date of the proposed increase; and

WHEREAS, the rates and fees under the Agreement are set forth in Exhibits “A” and “B” of the Agreement, attached to this Resolution and incorporated by this reference.
and

WHEREAS, EDI requested an increase in the residential rates and fees to be effective January 1, 2020; and this request was made in writing on September 24, 2019;
and

WHEREAS, the rates are being increased pursuant to the Agreement and in compliance with the notice and majority protest requirements of Proposition 218 (California Constitution, Article XIII D, Section 6); and

WHEREAS, a Public Notice was mailed to property owners/customers of record on October 4, 2019, which provided the 45 day notice of hearing and opportunity formulas for residential and commercial rates and fees; and

WHEREAS, the City has conducted, in compliance with Proposition 218, a public hearing to consider the proposed rate and fee increases on November 20, 2019; and

WHEREAS, California Government Code section 53756 permits the adoption of a schedule of fees authorizing automatic adjustments for a period not to exceed five years.

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

1. That the above recitations are true.
2. The Residential and Commercial Solid Waste Disposal Organics and Recycling Rates set forth in Exhibits "A" and "B" of the Agreement attached to this Resolution and incorporated by this reference, will supersede all prior rates and fees for services as set forth in Exhibit "A" and Exhibit "B."
3. The Residential and Commercial Solid Waste Disposal Organics and Recycling Rates set forth in Exhibit "A" and Exhibit "B" will be effective for all changes on or after January 1, 2020, unless otherwise specified in writing.

**CITY OF ESCONDIDO WASTE AND RECYCLING FRANCHISE AGREEMENT
 Between the City of Escondido and EDCO Refuse Services, Inc.
 Amended Exhibit A - Residential Rates
 Effective January 1, 2020**

BASIC RESIDENTIAL RATE

	<u>Per Month</u>
Base Rate	\$ 18.11
Franchise Fee	\$ 2.35
AB939	\$ 0.63
HHW	\$ 0.52
Total Rate - Residential Service	<u>\$ 21.61</u>

Residential Rate with Anaerobic Digestion of Commingled Organics

* Rate Effective January 1, 2021, or the date the Anaerobic Digester is operational, whichever is later.

	<u>Per Month</u>
Base Rate	\$ 3.00
Franchise Fee	\$ 0.39
Total Rate - Anaerobic Digestion	<u>\$ 3.39</u>

MISCELLANEOUS

Bulk item	\$ 12.59 per item
Tires (under 17") Rim Diam.	\$ 3.76 /each
(17" - 23") Rim Diam.	\$ 15.11 /each
(Over 23") Rim Diam.	\$ 251.51 /each
Refrigerator, freezer, air conditioner	\$ 50.32 /each
Bags (under 25 lbs.)	\$ 1.27 /each

MOBILE HOME CURB SERVICE RATE

Service	21.61 Per month
----------------	-----------------

ADDITIONAL CART

Trash	\$ 4.40 Per additional cart (3 month minimum)
Recycling	\$ - Per additional cart

AUTOMATED OVERAGE CHARGES

\$ 12.59	Trip charge
\$ 1.28	Per bag

GREEN WASTE CART RENTAL

\$ 3.41	additional 4th cart and above
---------	-------------------------------

CITY OF ESCONDIDO WASTE AND RECYCLING FRANCHISE AGREEMENT
Between the City of Escondido and EDCO Refuse Services, Inc.
Amended Exhibit B - Commercial Rates
Effective January 1, 2020

BASIC COMMERCIAL RATE

	<u>Rate</u>
3 Cubic Yard Bin 1/week	\$ 96.75
Franchise Fee	12.57
AB939	1.72
HHW	0.52
Total	<u>\$ 111.56</u>

PERMANENT BINS

<u>BIN SIZE</u>	<u>1 x WK</u>	<u>2 x WK</u>	<u>3 x WK</u>	<u>4 x WK</u>	<u>5 x WK</u>	<u>6 x WK</u>
1 1/2 YARD	\$ 75.46	\$ 127.18	\$ 178.96	\$ 230.72	\$ 282.48	\$ 334.23
3 YARD	\$ 111.56	\$ 195.56	\$ 279.59	\$ 363.55	\$ 447.58	\$ 531.52
4 YARD	\$ 145.57	\$ 259.07	\$ 372.61	\$ 486.15	\$ 599.65	\$ 713.17

EXTRA DUMP CHARGES FOR PERMANENT BINS

	<u>1 1/2 YARD</u>	<u>3 YARD</u>	<u>4 YARD</u>
Per Bin Dump	\$ 21.76	\$ 32.17	\$ 40.28

T-BINS \$ 98.69 \$ 118.40

Customer is allowed to keep bin for 1 week

GREENS T-BIN \$ 88.02 \$ 108.94

CONSTRUCTION BINS

<u>BIN SIZE</u>	<u>1 x WK</u>	<u>2 x WK</u>	<u>3 x WK</u>	<u>4 x WK</u>	<u>5 x WK</u>
1 1/2 YARD	\$ 108.81	\$ 171.62	\$ 234.45	\$ 297.27	\$ 380.08
3 YARD	\$ 154.16	\$ 279.80	\$ 405.51	\$ 531.14	\$ 656.81
4 YARD	\$ 176.36	\$ 343.94	\$ 511.45	\$ 679.04	\$ 846.59

NOTE: ALL CONSTRUCTION BINS HAVE A ONE TIME DELIVERY FEE OF: \$ 36.78

EXTRA DUMP CHARGES FOR CONSTRUCTION BINS

	<u>1 1/2 YARD</u>	<u>3 YARD</u>	<u>4 YARD</u>
Per Bin Dump	\$ 28.38	\$ 36.62	\$ 46.93

OFF-ROAD BINS

<u>BIN SIZE</u>	<u>1 x WK</u>	<u>2 x WK</u>	<u>3 x WK</u>	<u>4 x WK</u>	<u>5 x WK</u>
1 1/2 YARD	\$ 132.26	\$ 253.23	\$ 374.17	\$ 495.17	\$ 616.13
3 YARD	\$ 152.44	\$ 293.55	\$ 434.67	\$ 575.80	\$ 716.92
4 YARD	\$ 165.87	\$ 320.47	\$ 475.06	\$ 629.69	\$ 784.28

NOTE: ALL OFF ROAD BINS HAVE A ONE TIME DELIVERY FEE OF: \$ 36.78

EXTRA DUMP CHARGES FOR OFF ROAD BINS

	<u>1 1/2 YARD</u>	<u>3 YARD</u>	<u>4 YARD</u>
Per Bin Dump	\$ 28.38	\$ 38.62	\$ 46.94

Multi- Family Recycling Fee: \$1.05 per month per dwelling unit

COMPACTOR / DOB RATES

COMPACTORS:

	<u>Haul</u>	<u>Disposal</u>
"C"	230.35	\$ 50.70
"D"	235.13	\$ 50.70
"F"	246.32	\$ 50.70
"P"	207.92	\$ 50.70

<u>DOB'S - Trash</u>	<u>Haul</u>	<u>Disposal (6 tons)</u>	<u>Sub-total</u>	<u>Del Charge</u>	<u>Total</u>
14 YARD (8' X 16' X 3')	\$ 238.95	\$ 304.20	\$ 543.15	\$ 56.40	\$ 599.55
25 YARD (8' X 18' X 5')	\$ 238.95	\$ 304.20	\$ 543.15	\$ 56.40	\$ 599.55
38 YARD (8' X 22' X 6')	\$ 238.95	\$ 304.20	\$ 543.15	\$ 56.40	\$ 599.55

<u>DOB's - C&D</u>	<u>Haul</u>	<u>Per Ton</u>	<u>Del Charge</u>
38 YARD (8' X 22' X 6')	\$ 238.95	+ Tip Fee	\$ 56.40

GREENS DOB: \$ 258.77 \$ 223.81 \$ 480.58 \$ 62.67 \$ 543.25

SCRAP METAL DOB \$ 256.77 \$ 143.52 \$ 400.29 \$ 62.67 \$ 462.96

CARDBOARD DOB \$ 256.77 \$ - \$ 256.77 \$ 62.67 \$ 319.44

MISCELLANEOUS DOB Rates

STEAM CLEAN:	\$	36.25	Per hour
UNABLE TO SERVICE:	\$	85.94	
STANDBY TIME:	\$	3.37	Per minute
DOB DEL. CHARGE:	\$	56.40	(One time charge)
Container Rental	\$	4.03	Per day starting with the 8th day (temporary boxes)
	\$	4.03	Per day starting with the 13th day (permanent boxes 3 months or more)

<u>DOB - MANIFESTED WASTE:</u>	<u>Haul</u>	<u>Disposal (6 tons)</u>	<u>Sub-total</u>	<u>Del Charge</u>	<u>Total</u>
14 YARD (8' X 16' X 3')	\$ 238.95	\$ 414.36	\$ 653.31	\$ 56.40	\$ 709.71
25 YARD (8' X 18' X 5')	\$ 238.95	\$ 414.36	\$ 653.31	\$ 56.40	\$ 709.71
38 YARD (8' X 22' X 6')	\$ 238.95	\$ 414.36	\$ 653.31	\$ 56.40	\$ 709.71
MANIFEST FEE:	\$ 64.58				
SPECIAL HANDLING:	\$ 64.58				
PORTAL TO PORTAL CHARGE:	\$ 125.49	Per hour			

RECYCLE BIN RATES

	<u>1 x WK</u>	<u>2 x WK</u>	<u>3 x WK</u>	<u>4 x WK</u>	<u>5 x WK</u>
1 1/2 YARD	\$ 46.23	\$ 95.77	\$ 145.27	\$ 194.82	\$ 244.33
3 YARD	\$ 57.79	\$ 107.31	\$ 156.83	\$ 206.39	\$ 255.92
4 YARD	\$ 74.28	\$ 123.83	\$ 173.36	\$ 222.89	\$ 272.43

EXTRA DUMP CHARGES FOR OFF-ROAD RECYCLING BINS

	<u>1 1/2 YARD</u>	<u>3 YARD</u>	<u>4 YARD</u>
Per Dump	\$ 23.11	\$ 34.23	\$ 42.80

95 GALS Commercial Recycling Carts

	<u>SERVICE</u>	<u>RATE/MO OR FEE</u>
950T Extra Dump		\$ 9.07 Fee
950N Newspaper	1 X WK	\$ 20.65 Per month
950G Glass	1 X WK	\$ 20.65 Per month
950P Plastic & Aluminum	1 X WK	\$ 20.65 Per month
950GR Green Waste	1 X WK	\$ 3.51 Per month Per Cart

COMPACTOR BIN FORMULA

Less bin rental	537.65 - \$18 =	\$ 519.65
Divide by 4.333 weeks	\$ 519.65 / 4.333 =	\$ 119.93
Divide by # of days pick up	\$ 119.93 / 6 =	\$ 19.99
Multiply by 3 to 1 ratio	\$ 19.99 x 3 =	\$ 59.97
Multiply by # of days pick up	\$ 59.97 x 6 =	\$ 359.82
Multiply by 52 weeks	\$ 359.82 x 52 =	\$ 18,710.64
Divide by 12 months	18,710.64 / 12 =	\$ 1,559.22

COMPACTOR PER DUMP FORMULA

FOR EXTRA DUMPS

Rate less bin rental	113.80 - \$18 =	\$ 95.80
Divide by 4.333	\$ 95.80 / 4.333	\$ 22.11
Multiply by 3 to 1 ratio	\$ 22.11 x 3 =	\$ 66.33
Add'l overhead labor cost		\$ 24.58
Total per dump		<u>\$ 90.91</u>

COMPACTOR BOX RENTAL

Large Compactors \$ 150.50 Per month

ROLL OUT FEE SCHEDULE:

ANYTHING UNDER 25 FEET IS FREE; OVER IS \$.06 PER FOOT
 i.e. Roll out 100 ft @/Week is figured as follows:

Per Foot Charge		\$ 0.06000
Days Dumped Per Week (2)	100 ft - 25 ft = 75 ft x 2	150 feet
Weekly Charge	Weekly Charge	\$ 9.00
Annual Charge	\$ 9.18 x 52 =	\$ 477.36
Monthly Charge for Roll-Out 2X week	\$ 477.36 / 12 =	\$ 39.78
Minimum charge /Month		\$ 1,1100

MISCELLANEOUS COMMERCIAL FEES

Locking Lids	\$	6.55	Per Month
Balanced Lids	\$	7.87	Per Month
Enclosure Cleaning	\$	59.09	Minimum-subject to estimate
Brakes	\$	65.64	1 time charge
Bar Locks	\$	39.85	1 time charge
Extra Keys	\$	1.96	each
Locks	\$	20.34	each
Lock & Unlock Charge (Barlock Bins)	\$	1.31	for each lock/unlock (x per wk service)

Commercial Commingled Organics

Bins & Carts

* Rate Effective January 1, 2021, or the date the Anaerobic Digester is operational, whichever is later.

1st Bin Size	Frequency			Extra Pickup
	<u>1</u>	<u>2</u>	<u>3</u>	
Cart (65 gl)	\$ 90.96	\$ 181.91	\$ 272.87	\$ 36.39
Cart (96 gl)	\$ 102.58	\$ 205.16	\$ 307.75	\$ 41.03
2 CY	\$ 166.37	\$ 332.75	\$ 499.10	\$ 66.55

Each Additional Bin

Size	<u>1</u>	<u>2</u>	<u>3</u>
Cart (65 gl)	\$ 86.41	\$ 172.81	\$ 259.22
Cart (96 gl)	\$ 97.45	\$ 194.90	\$ 292.35
2 CY	\$ 158.05	\$ 316.11	\$ 474.16

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 11

November 20, 2019

File No. 0480-45

SUBJECT: Escondido's Public Facilities Fee, Park Development Fee, Traffic Impact Fee, and Drainage Facilities Fee

DEPARTMENT: City Manager's Office

RECOMMENDATION:

It is requested that the City Council: 1) adopt Resolution No. 2019-152 approving a 2 percent inflationary adjustment to the Public Facilities, Park Development, Traffic Impact, and Drainage Facilities Development Impact Fees (collectively "Development Impact Fees"); and, 2) establish a reduced Public Facilities Fee of \$0.60 per square foot for parking structures constructed as a primary use that reflects the level of impact these facilities have on municipal services.

FISCAL ANALYSIS:

New residential, industrial, and commercial (retail and office) projects pay Development Impact Fees to offset the cost of Citywide public facilities that are necessary to serve the new development. Public facilities include those for parks, fire and medical emergencies, police, administration / technology, a public library, a senior citizen center, public works, drainage, and traffic improvements.

The current fees established by the City Council in December 2017 cumulatively fund up to 82 percent of expected costs for facilities to serve new development, with anticipated grants and other one-time revenues to offset the shortfall. The City's adopted fees place Escondido squarely in the mid-range of development impact fees charged by other jurisdictions in this area. The 2 percent adjustment will maintain the City's ability to fund public improvements at the rate previously approved by the City Council.

GENERAL PLAN CONFORMANCE:

This item is consistent with General Plan Public Facility Financing Policy 3.1 (page VIII-8) that states: *"Maintain and periodically update development impact fees and major infrastructure financing programs to assure that all new and infill developments contribute their proportionate share of funding for necessary municipal infrastructure and public facilities."*

BACKGROUND:

Development Impact Fees:

In December 2017, the City Council approved the first comprehensive evaluation and adjustment of Development Impact Fees in more than a decade. The updated fees ensure that sufficient revenue is collected to offset impacts caused by new development and more accurately reflect the costs to serve new growth. Direction was given to adjust fees based on a schedule that cumulatively collects approximately 82 percent of the total infrastructure costs, and to rely on grants, bonds, and/or other one-time revenues to offset the 18 percent funding gap.

Development Impact Fees for projects in the Downtown Specific Planning Area (SPA) were significantly lower than Citywide fees in order to incentivize development opportunities. The 2017 adjustment included a schedule for raising Downtown SPA Development Impact Fees over a three-year period in three equal installments to be consistent with city-wide fees. The first adjustment was effective February 19, 2018; the second adjustment was effective February 19, 2019; and the third and final adjustment will be effective February 19, 2020.

The City Council also directed staff to *annually* schedule Development Impact Fees for inflationary adjustments to avoid “rate shock” encountered when a long time elapses without reviewing fees necessitating large increases at any one time. The City Council accepted staff’s recommendation to rely on SANDAG’s method for annually adjusting the regional traffic impact fee (RTCIP) as a basis for calculating the City’s annual Development Impact Fee adjustments. The last annual fee adjustment occurred in December 2018 when the City Council approved a 3.3 percent inflationary increase to the Development Impact Fees in order to maintain their purchasing power for completing necessary public improvements to serve new development.

Parking Structure Fees:

As regions of the City become more urbanized and land values increase in higher density areas, it has become cost effective for some applicants to incorporate vehicle parking structures as a component in their project plans. While surface parking lots do not trigger a Development Impact Fee, structured parking generates the need for Police and Fire Department equipment and apparatus that safety personnel rely on when responding to service calls. When a parking structure is incorporated as an *accessory use* for a project, the Development Impact Fee collected for the *primary use* offsets the parking structure emergency service impacts; staff is not proposing to amend this fee.

There are currently no existing or proposed parking structures constructed as a primary use (i.e. not affiliated with a specific project) in Escondido. Such a facility, however, would generate similar emergency service needs as a parking structure that functions as an accessory use. The City’s Development Impact Fees do not include a provision for primary use parking structures facilities, and would otherwise be charged the standard industrial Public Facilities Fee of \$1.64 per square foot.

The Development Impact Public Facilities Fee bundles Fire, Police, Library, Senior Center, Public Works, Technology & Administration infrastructure in a single fee based on land use. It would not be appropriate to apply the *full* Public Facilities Fee for parking structures that only function as a primary use because their impacts only involve safety equipment related to emergencies. A reduced Public Facilities fee for primary use parking structures that is commensurate with impacts on emergency services would ensure that sufficient revenue is collected to offset impacts and more accurately reflect the costs to serve new primary use parking structures.

As previously stated, the Development Impact Fee for “Public Facilities” bundles Fire, Police, Library, Senior Center, Public Works, Technology & Administration infrastructure in a single fee. The Fire and Police public facility portion is 36.7 percent of this bundled fee. Staff proposes establishing a reduced fee for primary use parking structures based on 36.7 percent of the industrial Public Facility fee, which would total \$0.60 per square foot. This methodology is consistent with Public Facility Fees for primary use parking structures assessed in the cities of Chula Vista and San Diego.

DISCUSSION / RECOMMENDATION:

SANDAG uses The Engineering News Record Construction Cost Index (ENR CCI), but never less than 2 percent, to adjust for price changes and to translate set numbers into inflation-free dollars. Adjusting the fees according to the ENR CCI does not increase the Development Impact Fee revenue beyond the amount necessary to accommodate for future growth because an ENR CCI adjustment only keeps the current level of fee revenue at pace with inflation.

The ENR CCI is based on monthly price changes in lumber, cement, structural steel, and labor. Los Angeles construction costs are similar to those in San Diego. Between December 2017 and December 2018 (latest available data), the ENR Los Angeles CCI increased by 0.64 percent. It is worth noting that other Construction Cost Indexes grew faster during this same timeframe, with the ENR National CCI growing 3.3 percent, and the Caltrans CCI increasing 1.1 percent.

Public Facility Fees established for parking structures have been historically set at the industrial rate (currently \$1.64/sq.ft.). Based on the reduced level of impact these facilities have on municipal services and infrastructure, it is appropriate to establish a reduced fee commensurate with their impact, which is 36.7 percent of the industrial rate. Staff researched other San Diego County communities regarding their parking structure Development Impact Fees and analyzed Escondido's local emergency response requirements to determine the recommended fee of \$0.60 per sq.ft. This fee would only be applied to "stand-alone" primary use parking structures, not for parking structures constructed as accessory to the on-site primary use.

Resolution No. 2019-152, recommended for adoption, implements a 2 percent inflationary adjustment for Development Impact Fees on February 19, 2020, pursuant to Attachment 1.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Jay Petrek, Assitant City Manager
11/13/19 4:50 p.m.

ATTACHMENTS:

1. Attachment 1 - 2019 Inflationary Development Impact Fee Adjustment
2. Resolution No. 2019-152

ATTACHMENT 1
 2020 Development Impact Fee 2% Inflationary Adjustment

	Current Fee (2019)	2020 Adjustment
Public Facilities		
Residential	\$4,777.00 / DU	\$4,872.54 / DU
Downtown SPA Residential ⁶	\$3,740.14 / DU	\$4,872.54 / DU
Commercial	\$2.17 / sq. ft.	\$2.21 / sq. ft.
Industrial	\$1.64 / sq. ft.	\$1.67 / sq. ft.
Parking Structure (primary use)	\$1.64 / sq. ft.	\$0.60 / sq. ft.
Park Development		
Single Family Residential	\$6,715.00 / DU	\$6,849.30 / DU
Multi-Family Residential	\$6,405.00 / DU	\$6,533.10 / DU
Multi-Family Downtown SPA ⁶	\$4,655.40 / DU	Same as single and multi family rates based on type
Drainage Facilities		
Single Family Residential	\$1,092.00 / DU	\$1,113.84 / DU
Multi-Family Residential	\$451.00 / DU	\$460.02 / DU
Downtown SPA ⁶ Residential	\$428.34 / DU	Same as single and multi family rates based on type
All other uses	\$0.71 / sq. ft.	\$0.72 / sq. ft.
Local Traffic Impact¹		
Category		
Single Family	\$4,029.00 / DU	\$4,109.58 / DU
Multi Family ²	\$2,014.00 / DU	\$2,054.28 / DU
Commercial/Retail/Service³		
Bank	\$9.30 / sq. ft.	\$9.49 / sq. ft.
Sit Down (Quality) Restaurant	\$15.50 / sq. ft.	\$15.81 / sq. ft.
High Turnover or Deli	\$13.95 / sq. ft.	\$14.23 / sq. ft.
Fast food with or without drive-thru	\$15.50 / sq. ft.	\$15.81 / sq. ft.
Fast food with or without drive-thru	\$46.49 / sq. ft.	\$47.42 / sq. ft.
Convenience Market	\$31.00 / sq. ft.	\$31.62 / sq. ft.
Convenience Market with Fueling	\$13,946.00 / fuel space	\$14,224.92 / fuel space
Car Wash	\$69,728 / each	\$71,122.56 / each
Office⁴		
Office ⁴	\$3.10 / sq. ft.	\$3.16 / sq. ft.
Medical / Dental Office	\$5.42 / sq. ft.	\$5.53 / sq. ft.
Hospital / Care Facility	\$3.87 / sq. ft.	\$3.95 / sq. ft.
Industrial⁵		
Industrial ⁵	\$2.32 / sq. ft.	\$2.37 / sq. ft.
Church	\$1.39 / sq. ft.	\$1.42 / sq. ft.

¹ Refer to SANDAG's "Not so Brief Guide to Traffic Generation" using \$150 per average daily trip (ADT) for non-residential uses not listed in this table

Development Impact Fees

November 20, 2019

Page 5

- ² Condo, townhome, mobile home, retirement, duplex
- ³ Grocery, discount/club store, specialty retail, lumber, hardware, garden, car sales, auto repair, day care, hotel, bowling center, theatre, and health club
- ⁴ Includes education
- ⁵ Includes business park, warehouse, storage, science Research & Development
- ⁶ Fee adjustments in the Downtown SPA were approved for implementation in three equal installments on 2/19/18, 2/19/19, and 2/19/20. The 2 percent inflationary increase is applied to the adjusted installment.

RESOLUTION NO. 2019-152

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADJUSTING DEVELOPMENT IMPACT FEES FOR PUBLIC FACILITIES, PARK DEVELOPMENT, TRAFFIC IMPACT, AND DRAINAGE FACILITIES, AND ESTABLISHING A PARKING STRUCTURE PUBLIC FACILITIES FEE

WHEREAS, Government Code Section 66000 et seq. allows for the collection of Development Impact Fees to fund certain city-wide improvements necessary serve new growth; and

WHEREAS, the City Council of the City of Escondido ("City") has adopted Chapter 6 of the Escondido Municipal Code, which established certain Development Impact Fee ("DIF") amounts for funding public facilities and infrastructure needed to serve new development; and

WHEREAS, section 6-444.4 of the Municipal Code provides that the City Council may, by Resolution, adjust or modify the fees; and

WHEREAS, the City Council has authorized an annual review of DIF amounts for necessary inflationary adjustments in order to maintain their purchasing power for completing necessary public improvements to serve new development; and

WHEREAS, the City Council relies on the San Diego Association of Governments' ("SANDAG") method for adjusting DIF amounts that utilizes the Engineering News Record Los Angeles Construction Cost Index ("ENR CCI") with a minimum 2 percent annual increase to document price changes in lumber, structural steel, cement, and labor reflecting construction costs trends, which are similar to those

in San Diego, as a basis for determining inflationary increases for local public works projects; and

WHEREAS, the ENR CCI evaluation for the period that includes December 2017 to December 2018, SANDAG's latest available data, documented a 0.64 percent inflationary increase in construction costs; and

WHEREAS, on December 11, 2019, the City Council held a duly noticed public hearing on the proposal to adjust the DIF amounts with an opportunity for the public to be heard, pursuant to the provisions of Government Code Sections 66016-66018.

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

1. That the above recitations are true.
2. That the City of Escondido Fee Schedule for Public Facilities, Park Development, Drainage Facilities and Local Traffic Impact shall be adjusted 2 percent to account for the construction costs associated with building the needed infrastructure to serve new growth, as follows:

SEE NEXT PAGE

		Current Fee (2019)	2020 Adjustment
Public Facilities			
	Residential	\$4,777.00 / DU	\$4,872.54 / DU
	Downtown SPA Residential ⁶	\$3,740.14 / DU	\$4,872.54 / DU
	Commercial	\$2.17 / sq. ft.	\$2.21 / sq. ft.
	Industrial	\$1.64 / sq. ft.	\$1.67 / sq. ft.
	Parking Structure-Primary Use	\$1.64 / sq. ft.	\$0.60 / sq. ft.
Park Development			
	Single Family Residential	\$6,715.00 / DU	\$6,849.30 / DU
	Multi-Family Residential	\$6,405.00 / DU	\$6,533.10 / DU
	Multi-Family Downtown SPA ⁶	\$4,655.40 / DU	Same as single and multi family rates based on type
Drainage Facilities			
	Single Family Residential	\$1,092.00 / DU	\$1,113.84 / DU
	Multi-Family Residential	\$451.00 / DU	\$460.02 / DU
	Downtown SPA ⁶ Residential	\$428.34 / DU	Same as single and multi family rates based on type
	All other uses	\$0.71 / sq. ft.	\$0.72 / sq. ft.
Local Traffic Impact¹			
Category			
	Single Family	\$4,029.00 / DU	\$4,109.58 / DU
	Multi Family ²	\$2,014.00 / DU	\$2,054.28 / DU
Commercial/Retail/Service³			
	Bank	\$15.50 / sq. ft.	\$15.81 / sq. ft.
	Sit Down (Quality) Restaurant	\$13.95 / sq. ft.	\$14.23 / sq. ft.
	High Turnover or Deli	\$15.50 / sq. ft.	\$15.81 / sq. ft.
	Fast food with or without drive-thru	\$46.49 / sq. ft.	\$47.42 / sq. ft.
	Convenience Market	\$31.00 / sq. ft.	\$31.62 / sq. ft.
	Convenience Market with Fueling	\$13,946.00 / fuel space	\$14,224.92 / fuel space
	Car Wash	\$69,728 / each	\$71,122.56 / each
Office⁴			
	Medical / Dental Office	\$5.42 / sq. ft.	\$5.53 / sq. ft.
	Hospital / Care Facility	\$3.87 / sq. ft.	\$3.95 / sq. ft.
Industrial⁵			
	Church	\$1.39 / sq. ft.	\$1.42 / sq. ft.

¹ Refer to SANDAG's "Not so Brief Guide to Traffic Generation" using \$150 per average daily trip (ADT) for non-residential uses not listed in this table

² Condo, townhome, mobile home, retirement, duplex

- ³ Grocery, discount/club store, specialty retail, lumber, hardware, garden, car sales, auto repair, day care, hotel, bowling center, theatre, and health club
- ⁴ Includes education
- ⁵ Includes business park, warehouse, storage, science Research & Development
- ⁶ Fee adjustments in the Downtown SPA were approved for implementation in three equal installments on 2/19/18, 2/19/19, and 2/19/20. The 2 percent inflationary increase is applied to the adjusted installment.

4. The DIF amounts set forth by this Resolution shall supercede those set by prior Resolutions regarding Public Facility, Park Development, Drainage Facilities and Local Traffic Impact fees.

5. The DIF amounts set forth by this Resolution may be modified on a case-by-case basis by a Development Agreement in exchange for, or in recognition of, specific development considerations and subject to approval by the City Council.

6. The DIF amounts set forth by this Resolution include a previously approved three-year phased adjustment for projects within the Downtown Specific Plan Area (SPA). The first adjustment was implemented on February 19, 2018, the second adjustment will be effective February 19, 2019; and the third adjustment will be effective February 19, 2020.

7. The DIF amounts adopted herein shall be effective on February 19, 2020.

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 12

November 20, 2019

File No. 0680-50

SUBJECT: Adoption of the 2019 California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical, and Fire Codes, Existing and Green Building Standards, and Local Amendments

DEPARTMENT: Community Development Department (Building Division) and Fire Department

RECOMMENDATION:

It is requested that the City Council approve Ordinances No. 2019-17 and 2019-18, amending the City of Escondido Municipal Code (EMC) to reflect the 2019 California Building, Residential, Plumbing, Electrical, Mechanical, Energy, Historical, and Fire Codes, Existing and Green Building Standards, and proposed local amendments.

FISCAL ANALYSIS:

The adoption of updated state codes is not anticipated to impact the General Fund.

PREVIOUS ACTION:

On December 4, 2013, the City Council approved Ordinance Nos. 2013-11 and 2013-13, amending the City of Escondido Municipal Code to reflect the 2013 California Building, Residential, Plumbing, Electrical, Mechanical, and Fire Codes, and Green Building Standards Codes and proposed local amendments.

On November 16, 2016, the City Council approved Ordinance Nos. 2016-09 and 2016-17 amending the Municipal Code to reflect the 2016 California Building, Residential, Plumbing, Electrical, Mechanical, Energy, Historical, and Fire Codes, Green Building Standards, and proposed local amendments.

BACKGROUND:

Every three years the State of California Building Standards Commission adopts model codes as the basis for the California Building Standards Code (CBSC). The adopted codes, California Code of Regulations (CCR), Title 24, provide a common set of rules and regulations throughout the state. The CBSC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and

- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The State recently modified and adopted, effective on January 1, 2020, the following:

- 2019 California Building Code (based on the 2018 International Building Code)
- 2019 California Residential Code (based on the 2018 International Residential Code)
- 2019 California Plumbing Code (based on the 2018 Uniform Plumbing Code)
- 2019 California Electrical Code (based on the 2017 National Electrical Code)
- 2019 California Mechanical Code (based on the 2018 Uniform Mechanical Code)
- 2019 California Green Building Standards Code
- 2019 California Energy Code
- 2019 California Historical Building Code
- 2019 California Fire Code (based on the 2018 International Fire Code)
- 2019 California Existing Building Code (base on the 2018 International Existing Building Code)
- 2019 California Referenced Standards Code

DISCUSSION:

The changes to the uniform codes are minimal and should impose no substantial changes on the City of Escondido residents. Adoption of the codes will allow the Building and Fire Departments to enforce the most recent state standards.

In 2016, the City of Escondido adopted the California Fire Code (CFC) with local amendments. There are several notable changes to the 2019 CFC from the 2016 CFC, which could impact Escondido businesses.

Notable changes to the CFC for operational permits:

Additional annual operational permits are now required by the state for commercial businesses that meet the following requirements. These permits will be issued during the annual inspections of the businesses.

- High piled storage (previously called “high piled combustible storage”). A permit will be required for any high piled storage over 500 square feet.
- Mobile food vehicles (food trucks). A permit and annual inspection will be required for mobile food vehicles operating in the City.
- Plant extraction systems. This new chapter in the CFC that requires a permit for plant extraction operations is for commercial/lab settings only.

- Outdoor assembly events with over 1,000 persons. This operational permit and inspection will take place at the time of the event.

Notable change to the CFC for construction permits:

- Fire watch is required for construction sites, during nonworking hours, for buildings over 40 feet in height. Fire watch must be conducted by trained and approved personnel.

Notable changes to the CFC for commercial businesses:

- Carbon Dioxide (CO₂) commonly used in beverage dispensing such as soda, beer, carbonated drink service requires a local CO₂ detection system / alarm per the 2016 CFC. However, in 2020 for new businesses in new or existing buildings, CO₂ detection alarms will be required to be tied into the existing fire alarm system, if a fire alarm system is required.
- Fire sprinklers will be required in *existing* A2 occupancies in buildings that have an occupancy load of 300 or more and serve alcoholic beverages. (A2 is defined as an assembly used for food and/or drink consumption including; banquet halls, casinos, night clubs, restaurants/ dining, taverns and bars)

Amendments to Escondido Municipal Code – Chapter 11 Fire Prevention and Protection:

- EMC Section 11-15: Includes the adoption of 2019 CFC appendix D Sections D102 and D103.6-D103.6.2 along with previously adopted appendices. Provides clarification about weight capacity and markings/signage for fire access roads.
- EMC Section 11-16: Language cleanup renumbering the entire section on Mid-Rise Buildings from section 320 to 321.
- EMC Section 11-16: Repeals the previously adopted Chapter 80, NFPA 13D Section 7.6 Alarms that required an exterior bell for sprinkler systems on single-family homes. NFPA also repealed this section and eliminating the exterior bell will result in significant cost savings.

Notable changes to the 2019 California Building Code:

- The method of calculating occupant load in business areas has been revised to generally reduce occupant loads within specified areas.

Notable changes to the 2019 California Green Building Standards Code:

- Requires replacement of non-compliant plumbing fixtures in residential buildings prior to issuance of a Certificate of Occupancy.
- Sets minimum standards for the use of shade trees in parking and landscape areas.

Notable changes to the 2019 Energy Code:

- Solar photovoltaic systems required for new single-family dwelling and apartment buildings of three stories or less.
- Solar panels and modules may not be placed on the portion of a roof that is below an emergency escape and rescue opening. A pathway of 36 inches shall be provided.

Amendments to Escondido Municipal Code Chapter 6– Building and Building Regulations

- Changes are proposed to EMC Section 6-13 (Permits) to eliminate duplicative language already in the Building Code and to provide clarification for work that is exempted from permit requirements. Attachment 1 is a strikeout version of the proposed changes to this section.
- EMC Section 6-39 (Standard specifications for public works) is revised to update the Green Book to the 2018 edition.

The remaining changes are administrative.

The Building Advisory and Appeals Board members were provided a copy of the proposed ordinance, findings and local amendments.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Bill Martin, Director of Community Development
11/13/19 4:42 p.m.

Rick Vogt, Fire Chief
11/13/19 4:46 p.m.

ATTACHMENTS:

1. Attachment “1” – Strikeout
2. Ordinance No. 2019-17
3. Ordinance No. 2019-18

ESCONDIDO MUNICIPAL CODE CHAPTER 6, SECTION 6-13 STRIKE-OUT



Sec. 6-13. Permits.

Sec. 6-13.1. Permits Required. Except as specified in Section 6-13.2, no building, structure or building service equipment regulated by this code and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or building service equipment has first been obtained from the building official.

Sec. 6-13.2. Work Exempt from Permit. A permit shall not be required for the types of work in each of the separate classes of permit as listed below. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of the technical codes or any other laws or ordinances of this jurisdiction.

Sec. 6-13.3. Building Permit Exemptions. In addition to the list provided in the California Building Code section 105.2, a building permit shall not be required for the following:

~~**Sec. 6-13.3.1.** One-story detached accessory buildings, associated with a Group R-3 Occupancy, used as tool and storage sheds, playhouses, gazebos and similar uses, provided the floor area does not exceed one hundred twenty (120) square feet (11.15 m²).~~

~~— **Sec. 6-13.3.2.** Fences not over six (6) feet (1,829 mm) high.~~

~~— **Sec. 6-13.3.3.** Oil derricks.~~

~~— **Sec. 6-13.3.4.** Nonfixed and movable, fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.~~

~~— **Sec. 6-13.3.5.** Retaining walls which are not over four (4) feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.~~

~~— **Sec. 6-13.3.6.** Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2:1.~~

~~**Sec. 6-13.3.7.** Decks, porches, sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade, measured vertically to the floor or grade below at any point within thirty-six (36) inches (914 mm) horizontally to the edge of the open side, and not over any basement or story below and are not part of an accessible route.~~

~~— **Sec. 6-13.3.8.** Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.~~

~~— Sec. 6-13.3.9. Temporary motion picture, television and theater stage sets and scenery.~~

~~— Sec. 6-13.3.10. Window awnings supported by an exterior wall that do not project more than fifty-four (54) inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3, and Group U Occupancies.~~

~~— Sec. 6-13.3.11. Prefabricated swimming pools accessory to a Group R-3 Occupancy that are less than twenty-four (24) inches (610 mm) deep, do not exceed five thousand (5,000) gallons (18,925 L) and are installed entirely above ground.~~

Sec. 6-13.3.12. Except for buildings on the historic register or in the Old Escondido Neighborhood, the installation of replacement windows in existing window openings associated with a residential dwelling unit with no modifications to the existing rough opening or to the exterior weather proofing. This does not exempt the installation from retaining code compliance for bedroom egress.

Sec. 6-13.3.13. Ground supported, non-internally illuminated signs, not over six (6) feet in height. This does not exempt these signs from planning division permits or from compliance with the Zoning Code.

~~— Sec. 6-93.3.14. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~

~~— Sec. 6-13.3.15. Swings and other playground equipment accessory to detached one- and two-family dwellings.~~

~~— Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.~~

~~— Sec. 6-13.4. Plumbing Permits. A plumbing permit shall not be required for the following:~~

~~— Sec. 6-13.4.1. The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any concealed trap, drain pipe, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.~~

~~— Sec. 6-13.4.2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.~~

~~— Sec. 6-13.5. Electrical Permits. An electrical permit shall not be required for the following:~~

~~Sec. 6-13.5.13.4.~~ Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

~~Sec. 6-13.5.23.5.~~ Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

~~— Sec. 6-13.5.3. Temporary decorative lighting.~~

~~Sec. 6-13.5.43.6.~~ Repair or replacement of current-carrying parts of any switch, contactor or control device.

~~Sec. 6-13.3.7.5.5.~~ Reinstallation of attachment plug receptacles, but not the outlets ~~therefore.~~

~~Sec. 6-13.5.63.8.~~ Repair or replacement of any overcurrent device of the required capacity.

~~Sec. 6-13.5.7.3.9.~~ Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

~~— Sec. 6-13.5.8. Taping Joints.~~

-

~~— Sec. 6-13.5.9. Removal of electrical wiring.~~

-

~~— Sec. 6-13.5.10. Temporary wiring for experimental purposes in suitable experimental laboratories.~~

~~— Sec. 6-13.5.11. The wiring for temporary theater, motion picture or television stage sets.~~

~~— Sec. 6-13.5.12. Electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty-five (25) volts and not capable of supplying more than fifty (50) watts of energy.~~

-

~~— Sec. 6-13.5.13. Low energy power, control and signal circuits of Class II and Class III as defined in the Electrical Code.~~

~~— Sec. 6-13.5.14. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.~~

~~Sec. 6-13.5.153.10.~~ Communication circuits per Chapter 8 of the Electrical Code.

~~— **Sec. 6-13.6. Mechanical Permits.** A mechanical permit shall not be required for the following:~~

~~-~~

~~— **Sec. 6-13.6.1.** A portable heating appliance.~~

~~-~~

~~— **Sec. 6-13.6.2.** Portable ventilating equipment.~~

~~— **Sec. 6-13.6.3.** A portable cooling unit.~~

~~-~~

~~— **Sec. 6-13.6.4.** A portable evaporative cooler.~~

~~-~~

~~— **Sec. 6-13.6.5.** A closed system of steam, hot or chilled water piping within heating or cooling equipment regulated by the Mechanical Code.~~

~~-~~

~~— **Sec. 6-13.6.6.** Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes.~~

~~-~~

~~— **Sec. 6-13.6.7.** Refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.~~

~~-~~

~~— **Sec. 6-13.6.8.** A unit refrigerating system as defined in the Mechanical Code.~~

ORDINANCE NO. 2019-17

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING CHAPTER 11 OF THE ESCONDIDO
MUNICIPAL CODE TO ADOPT THE 2019
CALIFORNIA FIRE CODE AND LOCAL
AMENDMENTS

WHEREAS, the State of California Building Standards Commission is charged with the development of uniform codes and regulations for application to the construction of buildings within the state; and

WHEREAS, California Health and Safety Code Section 17960 requires the city to enforce within its jurisdiction all the provisions published in the State Buildings Standards Code and the provisions of other rules and regulations promulgated pursuant to the provisions of the California Health and Safety Code pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, or arrangement of apartments, hotels or dwellings; and

WHEREAS, every three years the California Building Standards Commission updates and adopts uniform codes for application throughout the state; and

WHEREAS, California Health and Safety Code Section 17958.7 allows local amendments to the California Building Standards Codes, when such codes are amended and adopted at the local level, and when local findings are made for unique climatic, geological or topographical conditions.

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

SECTION 1. That Escondido Municipal Code Chapter 11, Article 2, Division 1, Section 11-15(a) is repealed and replaced as follows:

- (a) The 2019 California Fire Code, California Code of Regulations, Title 24, Part 9, including Appendix Chapters 4, B, and D (Sections D102, D103.6, D103.6.1, D103.6.2 only), C, I, and N, as published by the International Code Council is adopted by the City of Escondido.

SECTION 2. That Escondido Municipal Code Section Chapter 11, Article 2, Division 1, Section 11-16 is amended by replacing the number “320” with the number “321” in the subsections beginning with Mid-rise buildings (320) through Locking of Stairway doors (320.1.9.4).

SECTION 3. That Escondido Municipal Code Section Chapter 11, Article 2, Division 1, Section 11-16 is amended by repealing Chapter 80. Referenced Standards, to include subsection 7.6 Alarms.

SECTION 4. That the adoption of the technical codes or amendments to the Escondido Municipal Code do not affect the following matters:

- a. Actions or proceedings that begin before the effective date of this ordinance;
- b. Prosecution for ordinance violations committed before the effective date of this ordinance;
- c. Licenses and penalties due and unpaid at the effective date of this ordinance and collection of these licenses and penalties;
- d. Bonds and cash deposits required to be posted, filed, deposited pursuant to any ordinance; and

- e. Matters of record referring to or connected with an ordinance the substance of that is included in the Municipal Code. These provisions shall be construed to apply to the corresponding provisions of the Municipal Code.

SECTION 6. General Penalty. Violations of the California Fire Code adopted in this ordinance are subject to all penalty provisions found in Escondido Municipal Code Chapter 1.

SECTION 7. Not less than one copy of the California Fire Code adopted in this ordinance shall be maintained by the Fire Chief and shall be made available to the public upon request.

SECTION 8. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional 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 thereof.

SECTION 9. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

ORDINANCE NO. 2019-18

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
AMENDING CHAPTER 6 OF THE ESCONDIDO
MUNICIPAL CODE, TO ADOPT THE 2019
CALIFORNIA BUILDING, RESIDENTIAL,
PLUMBING, ELECTRICAL, MECHANICAL, AND
GREEN BUILDING STANDARDS CODES AND
LOCAL AMENDMENTS

WHEREAS, the State of California Building Standards Commission is charged with the development of uniform codes and regulations for application to the construction of buildings within the state; and

WHEREAS, California Health and Safety Code Section 17960 requires the city to enforce within its jurisdiction all the provisions published in the State Buildings Standards Code and the provisions of other rules and regulations promulgated pursuant to the provisions of the California Health and Safety Code pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, or arrangement of apartments, hotels or dwellings; and

WHEREAS, every three years the California Building Standards Commission updates and adopts uniform codes for application throughout the state; and

WHEREAS, California Health and Safety Code Section 17958.7 allows local amendments to the California Building Standards Codes, when such codes are amended and adopted at the local level, and when local findings are made for unique climatic, geological or topographical conditions.

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

SECTION 1. That Escondido Municipal Code Chapter 6, Article 1, Section 6-1.2, (a) through (i) is repealed and replaced as follows

Sec. 6-1.2. Codes Adopted. The following technical codes, as published by the International Code Council, are adopted by the City of Escondido:

- (a) The 2019 California Building Code, California Code of Regulations, Title 24, Part 2, including Chapter 29, and Appendix Chapters C and I.
- (b) The 2019 California Residential Code, California Code of Regulations, Title 24, Part 2.5, including Appendix Chapter H.
- (c) The 2019 California Electrical Code, California Code of Regulations, Title 24, Part 3.
- (d) The 2019 California Mechanical Code, California Code of Regulations, Title 24, Part 4.
- (e) The 2019 California Plumbing Code, California Code of Regulations, Title 24, Part 5, including Appendix Chapters A, D, and H.
- (f) The 2019 California Energy Code, California Code of Regulations Title 24, Part 6.
- (f) The 2019 California Historical Building Code, California Code of Regulations Title 24, Part 8.
- (g) The 2019 California Existing Building Code, California Code of Regulations, Title 24, Part 10.
- (h) The 2019 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11.
- (i) The 2019 California Referenced Standards Code, California Code of Regulations Title 24, Part 12.

SECTION 2. That Escondido Municipal Code Chapter 6, Article 1, Section 6-13.3 is repealed and replaced as follows:

Sec. 6-13.3. Building Permit Exemptions. In addition to the list provided in the California Building Code section 105.2, a permit shall not be required for the following:

Sec. 6-13.3.1. Decks, porches, sidewalks and driveways not more than thirty (30) inches (762 mm) above adjacent grade, measured vertically to the floor or grade below at any point within thirty-six (36) inches (914 mm) horizontally to the edge of the open side, and not over any basement or story below and are not part of an accessible route.

Sec. 6-13.3.2. Except for buildings on the historic register or in the Old Escondido Neighborhood, the installation of replacement windows in existing window openings associated with a residential dwelling unit with no modifications to the existing rough opening or to the exterior weather proofing. This does not exempt the installation from retaining code compliance for bedroom egress.

Sec. 6-13.3.3. Ground supported, non-internally illuminated signs, not over six (6) feet in height. This does not exempt these signs from planning division permits or from compliance with the Zoning Code.

Sec. 6-13.3.4. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

Sec. 6-13.3.5. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

Sec. 6-13.3.6. Repair or replacement of current-carrying parts of any switch, contactor or control device.

Sec. 6-13.3.7 Reinstallation of attachment plug receptacles, but not the outlets.

Sec. 6-13.3.8. Repair or replacement of any overcurrent device of the required capacity.

Sec. 6-13.3.9. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

Sec. 6-13.3.10. Communication circuits per Chapter 8 of the Electrical Code.

SECTION 3. That Escondido Municipal Code Chapter 6, Article 2, Section 6-39, is amended by replacing all references to the 2015 edition to the Standard Specifications for Public Works Construction (the “Green Book”) with the 2018 edition.

SECTION 4. That the adoption of the technical codes or amendments to the Escondido Municipal Code do not affect the following matters:

- a. Actions or proceedings that begin before the effective date of this ordinance;
- b. Prosecution for ordinance violations committed before the effective date of this ordinance;
- c. Licenses and penalties due and unpaid at the effective date of this ordinance and collection of these licenses and penalties;
- d. Bonds and cash deposits required to be posted, filed, deposited pursuant to any ordinance; and
- e. Matters of record referring to or connected with an ordinance the substance of that is included in the Municipal Code. These provisions shall be construed to apply to the corresponding provisions of the Municipal Code.

SECTION 6. General Penalty. Violations of the technical codes adopted in this ordinance are subject to all penalty provisions found in Escondido Municipal Code Chapter 1.

SECTION 7. Not less than one copy of the technical codes adopted in this ordinance shall be maintained by the Building Official and shall be made available to the public upon request.

SECTION 8. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional 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 thereof.

SECTION 9. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10. 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 City of Escondido.

CITY COUNCIL STAFF REPORT

Current Business Item No. 13

November 20, 2019

File No. 0865-60

SUBJECT: Presentation of community survey results regarding a potential one cent sales tax measure on the November 2020 ballot.

DEPARTMENT: City Manager's Office

RECOMMENDATION:

Authorize staff to take necessary steps to conduct a follow-up community satisfaction survey, and gather additional information to determine specific facilities and services that the City could enhance or provide to improve community satisfaction with funding from the potential revenue measure.

FISCAL ANALYSIS:

The City's Finance Department estimates that a one cent transaction and use tax (sales tax) would generate approximately \$25 million in annual revenue. A general tax measure requires approval of 50 percent of voters, plus one.

The FY 2019-2020 budget allocated \$50,000 for consultant services to conduct a community survey. A contract with True North Research Inc. to conduct the survey was approved for \$32,750, leaving a balance of \$17,250.

BACKGROUND:

The City of Escondido's revenues have not kept pace with the growing costs associate with providing municipal services and facilities. It is becoming more challenging to maintain the quality of City services such as crime and gang prevention, 9-1-1 response, streets, parks and infrastructure maintenance and repair. The City has aggressively responded to this financial challenge by reducing its workforce below pre-recession levels, reducing its pension obligations, deferring maintenance, and cutting back on services, despite serving a larger population. During the budget update on May 8, 2019, the City Council was informed that future budget years will experience dramatic increases in expenditures that far exceed anticipated revenues, resulting in a structural budget gap. In order to maintain (or improve) service levels, additional revenue sources are needed.

During the development of the FY 2019-2020 budget, the City Manager recommended evaluating a potential sales tax measure to structurally increase revenues for maintaining City services. On August 21, 2019, the City Council approved a consulting agreement with True North Research, Inc. for the preparation of the community survey. The City Council also formed an Ad Hoc City Council subcommittee (Diaz and Masson) to work with staff and the consultant in developing the survey questions.

The survey was administered by phone and online in English and Spanish between October 14 - 25, 2019, to a random sample of 1,084 registered voters in the City of Escondido who are likely to participate in the November 2020 election. The margin of error for this sample size is +/-2.95 percent. Complete results of the survey are provided in Attachment 1.

DISCUSSION:

Approximately six-in-ten voters surveyed shared favorable opinions of the quality of life in Escondido, with 8 percent reporting it as excellent, and 52 percent reporting good. Approximately one-third (32 percent) reported the City's quality of life as fair, whereas about 6 percent reported poor, and 1 percent indicated very poor to describe the quality of life.

With regard to what changes the City could make to improve the quality of life in Escondido, approximately 25 percent of the respondents supported increasing police presence, followed by 21 percent recommending addressing homeless issues. Thirteen percent of the respondents cited improving infrastructure, roads, streets, and sidewalks to improve quality of life, while cleaning up and beautifying the City and landscaping and / or removing graffiti were identified by another nine percent. Reducing traffic congestion was identified by six percent of respondents, while providing affordable housing was cited by five percent. Fourteen percent of respondents could not think of any desired changes, or reported that no changes are needed to make Escondido a better place to live.

Seventy percent of Escondido voters surveyed indicated they were satisfied with the City's efforts to provide municipal services, with 14 percent reporting very satisfied, and 57 percent somewhat satisfied. Approximately 23 percent reported that they were dissatisfied with the City's overall performance, and seven percent were unsure or unwilling to state their opinion.

With only the information provided in the ballot language, 65 percent of likely November 2020 voters surveyed indicated that they would definitely or probably support a proposed one-cent sales tax, whereas 23 percent state that they would oppose the measure. Seven percent were unsure or unwilling to share their voting choice.

NEXT STEPS:

Based on the survey results, there appears strong support for a potential revenue measure. The Registrar of Voters' deadline for placing a measure on the November 2020 ballot is June 24, 2020, and requires a two-thirds majority of the City Council (four affirmative votes). However, the only direction staff is seeking at this time is authority to conduct further community polling and outreach efforts to gather information regarding specific services that the City could enhance or provide to improve community satisfaction with funding from a potential revenue measure.

Community Survey Results
November 20, 2019
Page 3

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Jay Petrek, Assitant City Manager
11/13/19 4:38 p.m.

ATTACHMENTS:

1. Attachment 1: Escondido Revenue Measure Results

VOTER OPINION SURVEY
SUMMARY REPORT

PREPARED FOR THE
CITY OF ESCONDIDO



NOVEMBER 4, 2019



1592 N COAST HIGHWAY 101
ENCINITAS CA 92024
760.632.9900 WWW.TN-RESEARCH.COM



TABLE OF CONTENTS

Table of Contents	i
List of Tables	iii
List of Figures	iv
Introduction	1
Motivation for Research	1
Overview of Methodology.....	2
Organization of Report.....	2
Acknowledgments	2
Disclaimer	2
About True North.....	2
Just the Facts	3
Quality of Life & City Services	3
Initial Ballot Test	3
Services	3
Positive Arguments	4
Interim Ballot Test	4
Negative Arguments.....	4
Final Ballot Test	4
Support at Lower Rate	4
Conclusions	5
Quality of Life & City Services	7
Quality of Life.....	7
Question 2	7
Changes to Improve Escondido	9
Question 3	9
Overall Performance Rating	10
Question 4	10
Initial Ballot Test	12
Question 5	12
Support by Subgroups	13
Reasons for Opposing Measure	14
Question 6	14
Services	15
Question 7	15
Service Ratings by Initial Support	16
Positive Arguments	17
Question 8	17
Positive Arguments by Initial Support.....	18
Interim Ballot Test	19
Question 9	19
Support by Subgroups	19
Negative Arguments	21
Question 10	21
Negative Arguments by Initial Support	21
Final Ballot Test	23
Question 11	23
Change in Support	24
Final Ballot Test at Lower Rate	26
Question 12	26
Background & Demographics	27
Methodology	28
Questionnaire Development	28

Programming, Pre-Test & Translation 28
Sample 28
Statistical Margin of Error 28
Recruiting & Data Collection 29
Data Processing 30
Rounding 30
Questionnaire & Toplines..... 31



LIST OF TABLES

Table 1	Demographic Breakdown of Support at Initial Ballot Test	13
Table 2	Top Services by Position at Initial Ballot Test	16
Table 3	Top Positive Arguments by Position at Initial Ballot Test	18
Table 4	Demographic Breakdown of Support at Interim Ballot Test	20
Table 5	Negative Arguments by Position at Initial Ballot Test	22
Table 6	Demographic Breakdown of Support at Final Ballot Test	24
Table 7	Movement Between Initial & Final Ballot Test	25
Table 8	Demographics of Sample	27



LIST OF FIGURES

Figure 1	Quality of Life	7
Figure 2	Quality of Life by Years in Escondido & Age	8
Figure 3	Quality of Life by Homeowner on Voter File, Council District & Child in Hsld	8
Figure 4	Changes to Improve City	9
Figure 5	Overall Satisfaction	10
Figure 6	Overall Satisfaction by Years in Escondido & Age	10
Figure 7	Overall Satisfaction by Homeowner on Voter File, Council District & Child in Hsld	11
Figure 8	Initial Ballot Test	12
Figure 9	Reasons for not Supporting Measure	14
Figure 10	Services	15
Figure 11	Positive Arguments	17
Figure 12	Interim Ballot Test	19
Figure 13	Negative Arguments	21
Figure 14	Final Ballot Test	23
Figure 15	Final Ballot Test at One-Half Cent	26
Figure 16	Maximum Margin of Error Due to Sampling	29



INTRODUCTION

Nestled in the foothills of North County, the City of Escondido is a diverse community known for its rich history, small town-charm, vibrant downtown, world-class arts, and a progressive vision for its future. Established in 1888 and currently home to an estimated 152,739 residents¹, the City's team of full-time and part-time employees provides a full suite of municipal services including police, fire, public works, planning, parks, and community services.

Over the past decade, the City of Escondido's revenues have not kept pace with the growing costs associated with providing municipal services and facilities. Although the City has been proactive in responding to this challenge by reducing its costs, deferring maintenance projects, cutting back on basic services where feasible, and through effective financial management practices, the practical reality is that existing revenues simply do not support the high quality services that residents have come to expect. The City is facing a \$6,000,000 deficit in the next fiscal year that is expected to grow up to \$18,000,000 in the next few years. To provide the funding required to maintain and improve the quality of essential city services, the City of Escondido will need to establish a local revenue measure.

MOTIVATION FOR RESEARCH The primary purpose of this study was to produce an unbiased, statistically reliable evaluation of voters' interest in supporting a general sales tax measure to provide the funding noted above. Additionally, should the City decide to move forward with a revenue measure, the data provide guidance as to how to structure the measure so it is consistent with the community's priorities and expressed needs. Specifically, the study was designed to:

- Gauge current, *baseline* support for enacting a local sales tax to ensure adequate funding for general municipal services;
- Identify the types of services voters are most interested in funding, should the measure pass;
- Expose voters to arguments in favor of, and against, the proposed tax measure to assess how information affects support for the measure; and
- Estimate support for the measure once voters are presented with the types of information they will likely be exposed to during an election cycle.

It is important to note at the outset that voters' opinions about tax measures are often somewhat fluid, especially when the amount of information they initially have about a measure is limited. How voters think and feel about a measure today may not be the same way they think and feel once they have had a chance to hear more information about the measure during the election cycle. Accordingly, to accurately assess the feasibility of establishing a sales tax increase to fund municipal services, it was important that in addition to measuring *current* opinions about the measure (Question 5), the survey expose respondents to the types of information voters are likely to encounter during an election cycle, including arguments in favor of (Question 8) and opposed to (Question 10) the measure, and gauge how this type of information ultimately impacts their voting decision (Questions 9 & 11).

1. Source: California Department of Finance estimate for January 2019.

OVERVIEW OF METHODOLOGY For a full discussion of the research methods and techniques used in this study, turn to *Methodology* on page 28. In brief, the survey was administered to a random sample of 1,084 voters in the City of Escondido who are likely to participate in the November 2020 election. The survey followed a mixed-method design that employed multiple recruiting methods (telephone and email) and multiple data collection methods (telephone and online). Administered between October 15 and October 23, 2019, the average interview lasted 16 minutes.

ORGANIZATION OF REPORT This report is designed to meet the needs of readers who prefer a summary of the findings as well as those who are interested in the details of the results. For those who seek an overview of the findings, the sections titled *Just the Facts* and *Conclusions* are for you. They provide a summary of the most important factual findings of the survey in bullet-point format and a discussion of their implications. For the interested reader, this section is followed by a more detailed question-by-question discussion of the results from the survey by topic area (see *Table of Contents*), as well as a description of the methodology employed for collecting and analyzing the data. And, for the truly ambitious reader, the questionnaire used for the interviews is contained at the back of this report (see *Questionnaire & Toplines* on page 31) and a complete set of crosstabulations for the survey results is contained in Appendix A.

ACKNOWLEDGMENTS True North thanks the City of Escondido for the opportunity to assist the City in this important effort. The collective expertise, local knowledge, and insight provided by city staff and representatives improved the overall quality of the research presented here. A special thanks also to Tom Shephard (Tom Shephard & Associates) for assisting in the design of the survey.

DISCLAIMER The statements and conclusions in this report are those of the authors (Dr. Timothy McLarney and Richard Sarles) at True North Research, Inc. and not necessarily those of the City of Escondido. Any errors and omissions are the responsibility of the authors.

ABOUT TRUE NORTH True North is a full-service survey research firm that is dedicated to providing public agencies with a clear understanding of the values, perceptions, priorities, and concerns of their residents and voters. Through designing and implementing scientific surveys, focus groups, and one-on-one interviews as well as expert interpretation of the findings, True North helps its clients to move with confidence when making strategic decisions in a variety of areas—such as planning, policy evaluation, performance management, establishing fiscal priorities, passing revenue measures, and developing effective public information campaigns.

During their careers, Dr. McLarney and Mr. Sarles have designed and conducted over 1,000 survey research studies for public agencies, including more than 350 revenue measure feasibility studies. Of the measures that have gone to ballot based on Dr. McLarney's recommendation, 97% have been successful. In total, the research that Dr. McLarney has conducted has led to over \$32 billion in successful local revenue measures.



JUST THE FACTS

The following section is an outline of the main factual findings from the survey. For the reader's convenience, we have organized the findings according to the section titles used in the body of this report. Thus, if you would like to learn more about a particular finding, simply turn to the appropriate report section.

QUALITY OF LIFE & CITY SERVICES

- Approximately six-in-ten voters surveyed shared favorable opinions of the quality of life in Escondido, with 8% reporting it is excellent and 52% stating it is good. Approximately one-third (32%) of voters said the quality of life in the City is fair, whereas about 8% used poor (6%) or very poor (1%) to describe the quality of life in Escondido.
- When asked what changes the City could make to improve the quality of life in Escondido, improving public safety and/or increasing police presence was the most common, mentioned by approximately one quarter (25%) of respondents, followed by addressing homeless issues (21%), improving infrastructure, roads, streets, and sidewalks (13%), cleaning up and beautifying the City and landscaping and/or removing graffiti (9%), reducing traffic congestion (6%), and providing affordable housing (5%). Fourteen percent (14%) of respondents could not think of any desired changes (11%) or reported that no changes are needed (3%) to make Escondido a better place to live.
- Seventy percent (70%) of Escondido voters surveyed indicated that they were satisfied with the City's efforts to provide municipal services, with 14% saying they were very satisfied and 57% somewhat satisfied. Approximately 23% reported that they were dissatisfied with the City's overall performance, and 7% were unsure or unwilling to state their opinion.

INITIAL BALLOT TEST

- With only the information provided in the ballot language, 70% of likely November 2020 voters surveyed indicated that they would definitely or probably support the proposed one-cent sales tax, whereas 23% stated that they would oppose the measure and 7% were unsure or unwilling to share their vote choice.
- Among voters who initially opposed the sales tax or were unsure, a belief that taxes are already too high and the perception that funds have been/will be mismanaged or misspent were the most common, each mentioned by approximately 35% of voters who received the question. An additional 16% cited a desire for additional information about the measure.

SERVICES

When presented with a list of 18 services that could be funded by the sales tax measure, voters were most interested in using the money for:

- Maintaining local streets and repairing potholes.
- Keeping public areas clean and free of graffiti.
- Reducing gang activity and drug-related crimes.
- Providing quick responses to 9-1-1 emergencies.
- Providing fire protection and paramedic services.
- Repairing and maintaining public buildings and infrastructure including sidewalks, curbs and storm drains.

POSITIVE ARGUMENTS

When presented with arguments in favor of the measure, voters found the following arguments to be the most persuasive:

- *By keeping our city safe, clean and well-maintained, this measure will help protect our property values and keep Escondido a great place to live.*
- *Fast emergency response times for 9-1-1 calls are critical for saving lives. This measure will ensure that we have enough police officers, firefighters, dispatchers, and paramedics to respond quickly to 9-1-1 emergencies.*
- *The funding raised by this measure will allow the City to keep up with basic repairs and maintenance to public facilities, storm drains, streets, and sidewalks. If we don't take care of it now, it will be a lot more expensive to repair in the future.*

INTERIM BALLOT TEST

- After learning more about the services that could be funded, as well as hearing arguments in favor of the measure, overall support among likely November 2020 voters remained virtually unchanged at 70%, with 37% of voters indicating that they would *definitely* vote yes on the measure. Approximately 23% of respondents opposed the measure at this point in the survey, and an additional 7% were unsure or unwilling to state their vote choice.

NEGATIVE ARGUMENTS

Of the arguments in opposition to the measure, voters found the following arguments to be the most persuasive:

- *There are no guarantees on how funds will be spent, which means the City can divert the money to pet projects. The City government can't be trusted with our tax dollars.*
- *Taxes are already too high - we can't afford another tax increase. This is especially true for seniors and others on fixed incomes.*

FINAL BALLOT TEST

- After providing respondents with the wording of the proposed measure, a list of services that could be funded by the measure, as well as arguments in favor of and against the proposal, support for the one-cent sales tax measure was found among 65% of likely November 2020 voters, with 32% indicating that they would *definitely* support the measure. Approximately 25% of respondents were opposed to the measure at the Final Ballot Test, and 9% were unsure or unwilling to state their vote choice.

SUPPORT AT LOWER RATE

- Voters who did not support the proposed measure at the Final Ballot Test were asked if they would support the measure at a lower sales tax rate of one-half cent. An additional 8% of voters indicated they would support the measure under this condition.



CONCLUSIONS

The bulk of this report is devoted to conveying the details of the study findings. In this section, however, we attempt to ‘see the forest through the trees’ and note how the collective results of the survey answer the key questions that motivated the research. The following conclusions are based on True North’s interpretations of the survey results and the firm’s collective experience conducting revenue measure studies for public agencies throughout the State.

Is it feasible to place a local sales tax measure on the ballot in 2020?

Yes. Escondido voters generally have a positive opinion of the quality of life in the city, and they value the services they receive from the City of Escondido. Together, these sentiments translate into solid *natural* support (70%) for establishing a one cent sales tax to provide funding for general city services including police patrols, gang, drug and crime prevention, fire protection, paramedic, 9-1-1 emergency response, street maintenance, pothole repair, addressing homelessness, graffiti removal, park maintenance, library and other city services.

The results of this study suggest that, if structured appropriately and combined with an effective public outreach/education effort and a solid independent campaign, the proposed sales tax measure has a very good chance of passage if placed on the November 2020 ballot.

Having stated that a general sales tax measure is feasible, it is important to note that the measure’s prospects will be shaped by external factors and that a recommendation to place the measure on the November 2020 ballot comes with several qualifications and conditions. Indeed, although the results are promising, all revenue measures must overcome challenges prior to being successful. The proposed measure is no exception. The following paragraphs discuss some of the challenges and the next steps that True North recommends.

Which services do Escondido voters view as priorities?

A general tax is “any tax imposed for general governmental purposes”² and is distinguished from a special tax in that the funds raised by a general tax are not earmarked for a specific purpose(s). Thus, a general tax provides a municipality with a great deal of flexibility with respect to what is funded by the measure on a year-to-year basis.

Although the Escondido City Council would have the discretion to decide how to spend the revenues, the survey results indicate that voters are most interested in using the proceeds to fund public works and public safety. Specifically, voters most strongly favored using measure proceeds to maintain local streets and repair potholes, keep public areas clean and free of graffiti, reduce gang activity and drug-related crimes, provide quick responses to 9-1-1 emergencies, provide fire protection and paramedic services, and repair/maintain public buildings and infra-

2. Section 1, Article XIII C, California Constitution.

structure including sidewalks, curbs and storm drains, and address homelessness.

How might a public information campaign affect support for the proposed measure?

As noted in the body of this report, individuals' opinions about revenue measures are often not rigid, especially when the amount of information presented to the public on a measure has been limited. Thus, in addition to measuring current support for the measure, one of the goals of this study was to explore how the introduction of additional information about the measure may affect voters' opinions about the proposal.

It is clear from the survey results that voters' opinions about the proposed revenue measure are somewhat sensitive to the nature, and amount, of information they have about the measure. Information about the specific services and infrastructure improvements that could be funded by the measure, as well as arguments in favor of the measure, were found by many voters to be compelling reasons to support the proposed sales tax. However, voters were also sensitive to opposition arguments designed to reduce support for the measure. Accordingly, one of the keys to building and *sustaining* support for the proposed measure will be the presence of an effective, well-organized public outreach effort and a separate, independent campaign that focuses on the need for the measure as well as the many benefits that it will bring.

How might the economic or political climate alter support for the measure?

A survey is a snapshot in time—which means the results of this study and the conclusions noted above must be viewed in light of the current economic and political climates. Should the economy and/or political climate improve, support for the measure could increase. Conversely, negative economic and/or political developments, especially at the local level, could dampen support for the measure below what was recorded in this study.

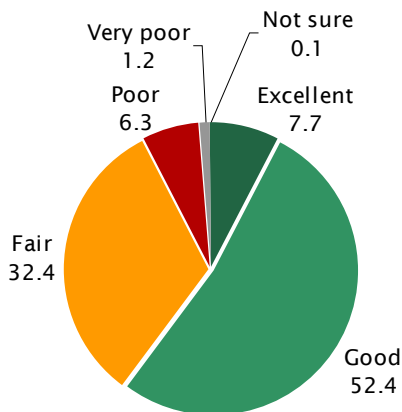
QUALITY OF LIFE & CITY SERVICES

The opening section of the survey was designed to gauge voters' opinions regarding the City of Escondido's performance in providing municipal services, as well as their perceptions of the quality of life in the City.

QUALITY OF LIFE At the outset of the interview, voters were asked to rate the quality of life in the City of Escondido using a five-point scale of excellent, good, fair, poor, or very poor. As shown in Figure 1 below, six-in-ten voters shared favorable opinions of the quality of life in Escondido, with 8% reporting it is excellent and 52% stating it is good. Approximately one-third (32%) of voters surveyed said the quality of life in the City is fair, whereas about 8% used poor (6%) or very poor (1%) to describe the quality of life in Escondido.

Question 2 *How would you rate the overall quality of life in Escondido? Would you say it is excellent, good, fair, poor or very poor?*

FIGURE 1 QUALITY OF LIFE



Figures 2 and 3 on the next page show how ratings of the quality of life in Escondido varied by a variety of demographics. Although the majority of nearly all subgroups provided favorable quality of life ratings, the most positive assessments were more likely among those over the age of 50, homeowners, voters who reside in Council Districts 2 and 4, and those with no children in the home.

FIGURE 2 QUALITY OF LIFE BY YEARS IN ESCONDIDO & AGE

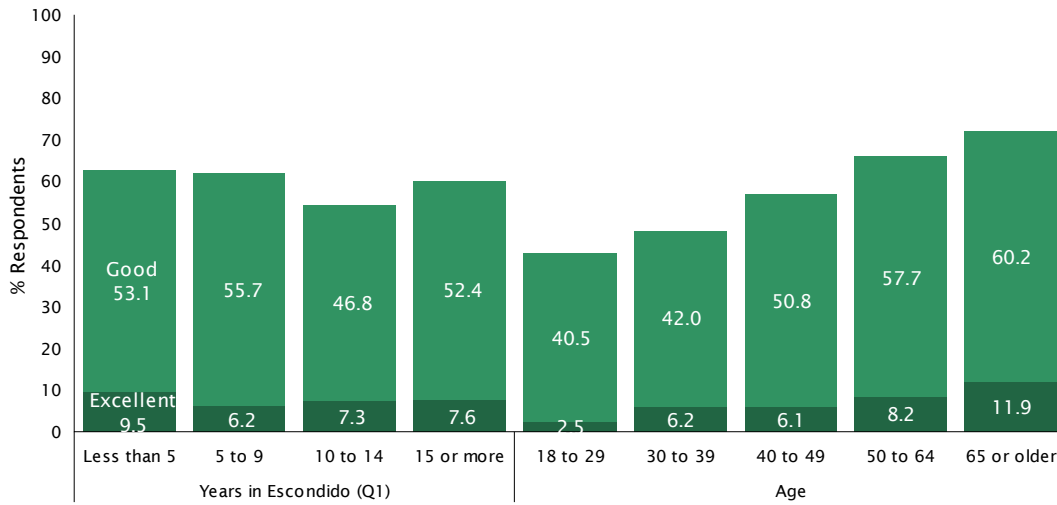
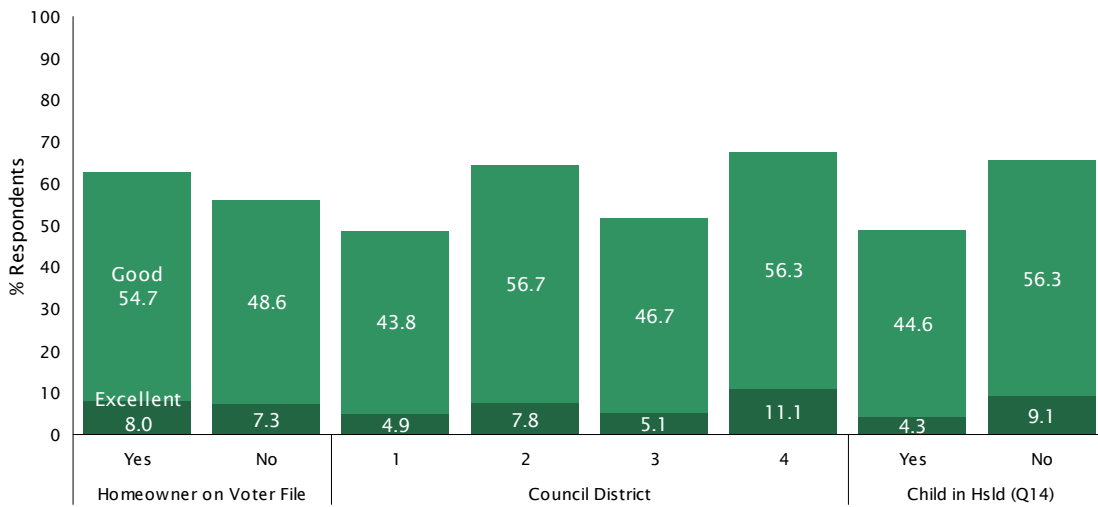


FIGURE 3 QUALITY OF LIFE BY HOMEOWNER ON VOTER FILE, COUNCIL DISTRICT & CHILD IN HSLD

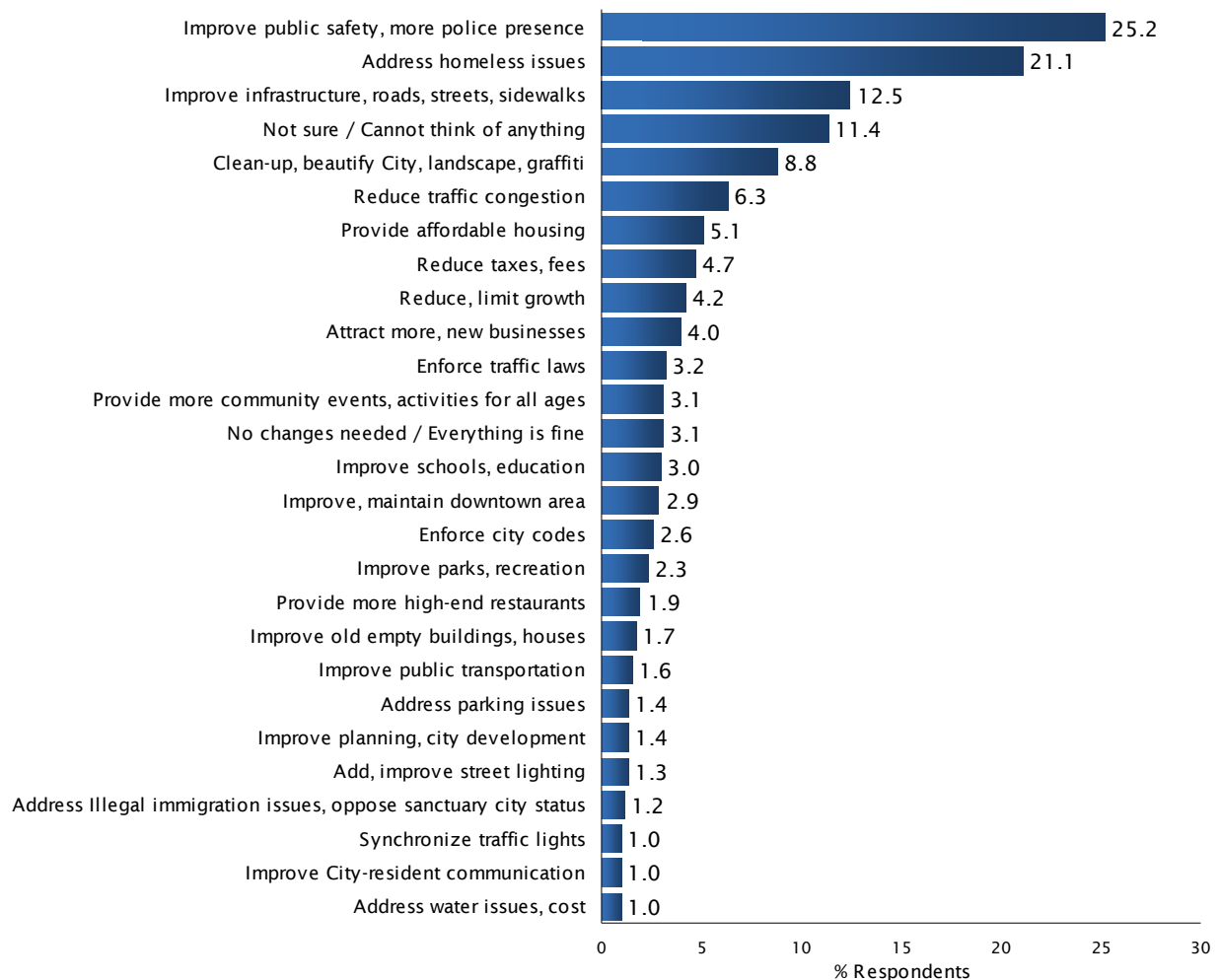


CHANGES TO IMPROVE ESCONDIDO The next question in this series asked voters to indicate the one thing that city government could *change* to make Escondido a better place to live, now and in the future. Question 3 was posed in an open-ended manner, allowing residents to mention any aspect or attribute that came to mind without being prompted by or restricted to a particular list of options. True North later reviewed the verbatim responses and grouped them into the categories shown in Figure 4 below.

Among specific changes desired, improving public safety and/or increasing police presence was the most common, mentioned by approximately one quarter (25%) of voters surveyed, followed by addressing homeless issues (21%), improving infrastructure, roads, streets, and sidewalks (13%), cleaning up and beautifying the City and landscaping and/or removing graffiti (9%), reducing traffic congestion (6%), and providing affordable housing (5%). Fourteen percent (14%) of respondents could not think of any desired changes (11%) or reported that no changes are needed (3%) to make Escondido a better place to live.

Question 3 *If the city government could change one thing to make Escondido a better place to live now and in the future, what change would you like to see?*

FIGURE 4 CHANGES TO IMPROVE CITY



OVERALL PERFORMANCE RATING The final question in this series asked respondents to indicate if, overall, they were satisfied or dissatisfied with the job the City of Escondido is doing to provide city services. Because this question does not reference a specific program, facility, or service and requested that the respondent consider the City’s performance in general, the findings of this question may be regarded as an *overall performance rating* for the City.

As shown in Figure 5 below, 70% of Escondido voters surveyed indicated that they were satisfied with the City’s efforts to provide municipal services, with 14% saying they were very satisfied and 57% somewhat satisfied. Approximately 23% reported that they were dissatisfied with the City’s overall performance, and 7% were unsure or unwilling to state their opinion. For the interested reader, figures 6 and 7 displays how the percentage of respondents satisfied with the City’s overall performance varied across several demographic subgroups.

Question 4 *Generally speaking, are you satisfied or dissatisfied with the job the City of Escondido is doing to provide city services?*

FIGURE 5 OVERALL SATISFACTION

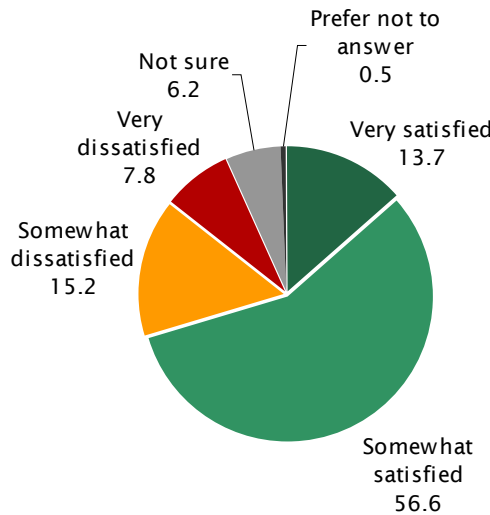


FIGURE 6 OVERALL SATISFACTION BY YEARS IN ESCONDIDO & AGE

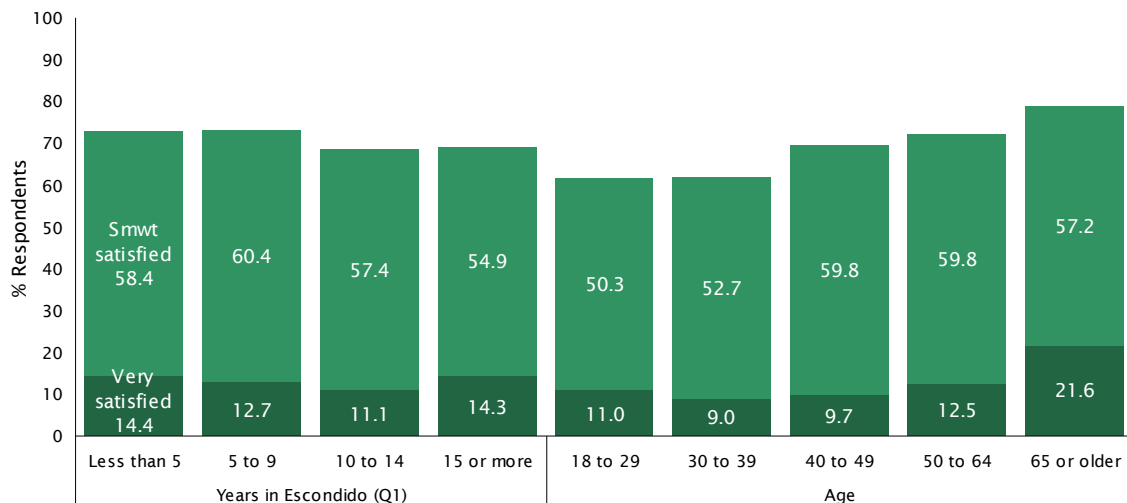
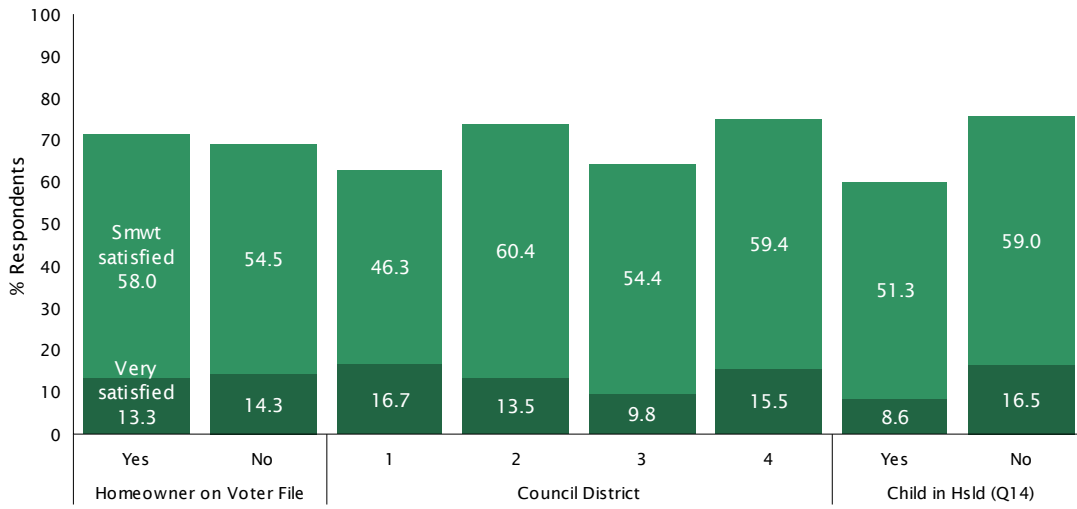


FIGURE 7 OVERALL SATISFACTION BY HOMEOWNER ON VOTER FILE, COUNCIL DISTRICT & CHILD IN HSLD



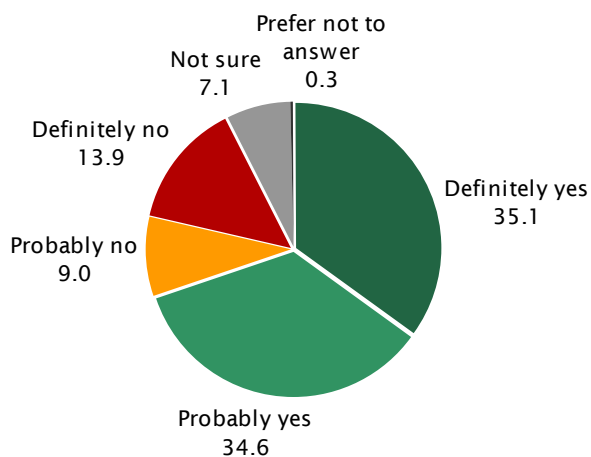
INITIAL BALLOT TEST

The primary research objective of this survey was to estimate voters' support for establishing a one-cent sales tax to provide funding for general city services in the City of Escondido, including police patrols, gang, drug and crime prevention, fire protection, paramedic, and 9-1-1 emergency response, street maintenance, pothole repair, addressing homelessness, graffiti removal, park maintenance, library and other city services. To this end, Question 5 was designed to take an early assessment of voters' support for the proposed measure.

The motivation for placing Question 5 near the front of the survey is twofold. First, voter support for a measure can often depend on the amount of information they have about a measure. At this point in the survey, the respondent has not been provided information about the proposed measure beyond what is presented in the ballot language. This situation is analogous to a voter casting a ballot with limited knowledge about the measure, such as what might occur in the absence of an effective campaign. Question 5, also known as the Initial Ballot Test, is thus a good measure of voter support for the proposed measure *as it is today*, on the natural. Because the Initial Ballot Test provides a gauge of natural support for the measure, it also serves a second purpose in that it provides a useful baseline from which to judge the impact of various information items conveyed later in the survey on voter support for the measure.

Question 5 *Next year, voters in Escondido may be asked to vote on a local ballot measure. Let me read you a summary of the measure. To provide funding for general city services in the City of Escondido, including police patrols, gang, drug and crime prevention; fire protection, paramedic, and 9-1-1 emergency response; street maintenance, pothole repair; addressing homelessness; graffiti removal, park maintenance, library and other city services; shall an ordinance establishing a one-cent sales tax be adopted, providing approximately 25 million dollars annually for city services until ended by voters, with independent audits, citizen oversight, and all money locally controlled? If the election were held today, would you vote yes or no on this measure?*

FIGURE 8 INITIAL BALLOT TEST



As shown in Figure 8, 70% of likely November 2020 voters surveyed indicated that they would definitely or probably support the proposed one-cent sales tax, whereas 23% stated that they would oppose the measure and 7% were unsure or unwilling to share their vote choice. For general taxes in California, the level of support recorded at the Initial Ballot Test is approximately 20 percentage points above the simple majority (50%+1) required for passage.

SUPPORT BY SUBGROUPS For the interested reader, Table 1 shows how support for the measure at the Initial Ballot Test varied by key demographic traits. The blue column (Approximate % of Universe) indicates the percentage of the electorate that each subgroup category comprises. The most striking pattern is that support for the proposed measure exceeded the 50% threshold in every identified subgroup with the exception of those who assigned a poor or very poor rating to the job the City has done managing its financial resources, still coming in right at the 50% threshold. It is also worth noting that support among the subset of voters likely to participate in the March 2020 election was just slightly lower than that found among the larger group of November 2020 voters (67% vs. 70%).

TABLE 1 DEMOGRAPHIC BREAKDOWN OF SUPPORT AT INITIAL BALLOT TEST

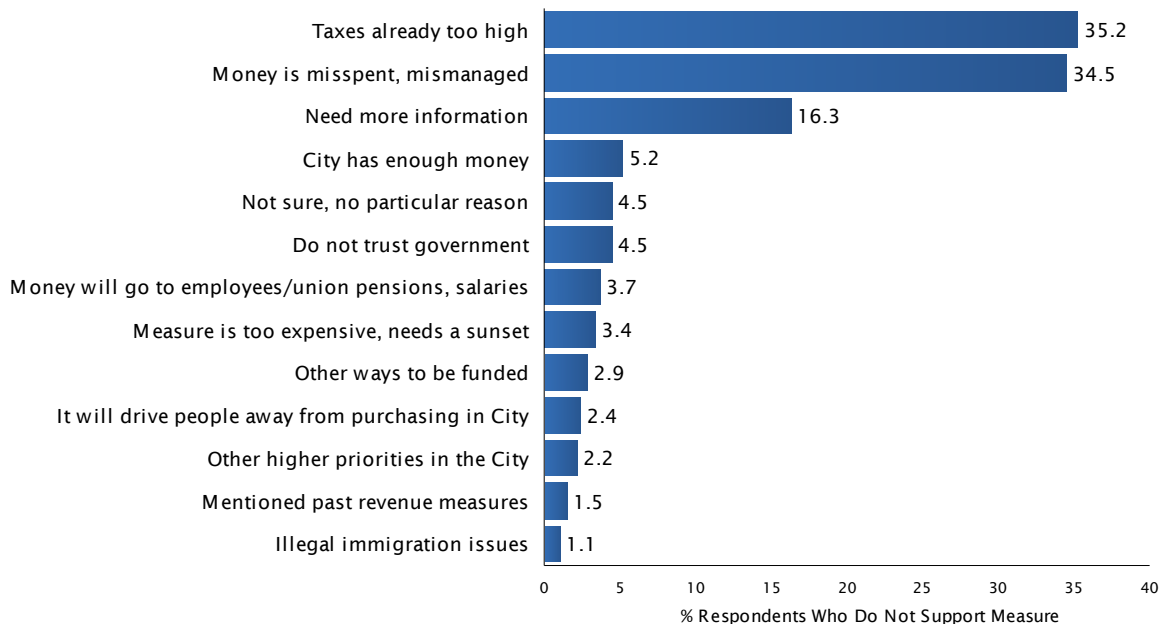
		Approximate % of Voter Universe	% Probably or Definitely Yes	% Not sure
Overall		100	69.7	7.1
Years in Escondido (Q1)	Less than 5	19	71.0	9.8
	5 to 9	15	75.4	6.2
	10 to 14	11	68.8	5.8
	15 or more	55	68.0	6.7
Fiscal Management (Q13)	Excellent, good	32	80.8	4.2
	Fair	32	67.9	6.6
	Poor, very poor	16	49.8	6.5
	Not sure	19	71.6	13.6
Age	18 to 29	15	79.9	10.5
	30 to 39	15	74.1	3.8
	40 to 49	15	72.0	11.8
	50 to 64	29	63.7	6.9
	65 or older	26	66.6	4.6
Registration Year	Since Nov 16	11	82.9	4.3
	Jun 10 to <Nov 16	24	73.2	9.5
	Jun 04 to <Jun 10	17	75.2	4.0
	Before June 04	48	63.0	7.6
Household Party Type	Single dem	17	76.1	5.9
	Dual dem	8	89.5	4.7
	Single rep	13	56.2	4.4
	Dual rep	14	56.7	6.7
	Other	21	73.6	4.5
	Mixed	27	69.4	12.1
Party	Democrat	35	80.0	6.9
	Republican	36	57.6	6.9
	Other / DTS	29	71.9	7.6
Child in Hsld (Q14)	Yes	30	71.3	7.6
	No	70	70.2	6.7
Homeowner on Voter File	Yes	61	66.8	7.6
	No	39	74.3	6.4
Likely to Vote by Mail	Yes	81	69.8	7.2
	No	19	69.3	6.6
Likely Nov 2019 Voter	Yes	68	64.7	6.8
	No	32	80.2	7.7
Gender	Male	48	66.7	5.7
	Female	52	72.4	8.4
Likely Mar 2020 Voter	Yes	82	66.8	7.5
	No	18	83.3	5.1
Council District	1	15	76.2	7.5
	2	32	74.0	5.1
	3	23	66.1	9.6
	4	30	64.5	7.1
Hispanic Surname	Yes	23	74.6	6.8
	No	77	68.2	7.2
Overall Satisfaction (Q4)	Satisfied	75	72.7	6.1
	Dissatisfied	25	61.5	8.1

REASONS FOR OPPOSING MEASURE Respondents who opposed the measure (or were unsure) at the Question 5 Initial Ballot Test were subsequently asked if there was a particular reason for their position. Question 6 was asked in an open-ended manner, allowing respondents to mention any reason that came to mind without being prompted by, or restricted to, a particular list of options.

Among specific reasons offered for not supporting the measure, a belief that taxes are already too high and the perception that city funds have been/will be mismanaged or misspent were the most common, each mentioned by approximately 35% of voters who received the question. An additional 16% cited a desire for additional information about the measure.

Question 6 *Is there a particular reason why you do not support or are unsure about the measure I just described?*

FIGURE 9 REASONS FOR NOT SUPPORTING MEASURE



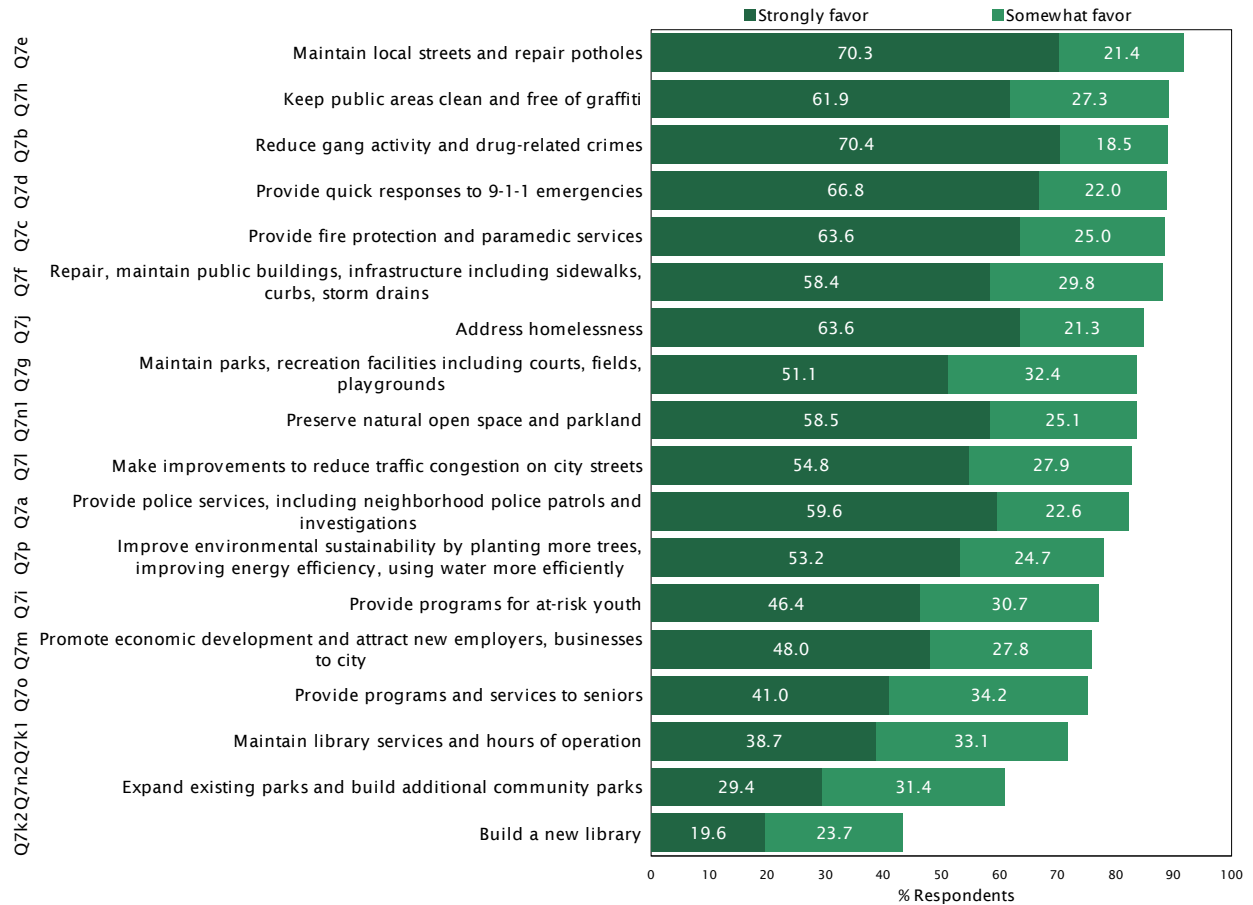
SERVICES

The ballot language presented in Question 5 indicated that the proposed measure would provide funding for general city services in the City of Escondido, including police patrols, gang, drug and crime prevention, fire protection, paramedic, and 9-1-1 emergency response, street maintenance, pothole repair, addressing homelessness, graffiti removal, park maintenance, library and other city services. The purpose of Question 7 was to provide respondents with a full range of services that may be funded by the proposed measure, as well as identify which of these services voters most favored funding with the proceeds of the measure.

After reading each service, respondents were asked if they would favor or oppose spending some of the money on that particular item assuming that the measure passed. Descriptions of the services tested, as well as voters' responses, are shown in Figure 7 below. The order in which the services were presented to respondents was randomized to avoid a systematic position bias.

Question 7 *The measure we've been discussing will provide funding for a variety of services in your community. If the measure passes, would you favor or oppose using some of the money to: -----, or do you not have an opinion?*

FIGURE 10 SERVICES



Overall, the services that resonated with the largest percentage of respondents were maintaining local streets and repairing potholes (92% strongly or somewhat favor), keeping public areas clean and free of graffiti (89%), reducing gang activity and drug-related crimes (89%), providing quick responses to 9-1-1 emergencies (89%), providing fire protection and paramedic services (89%), and repairing and maintaining public buildings and infrastructure including sidewalks, curbs and storm drains (88%).

SERVICE RATINGS BY INITIAL SUPPORT Table 2 presents the top five services (showing the percentage of respondents who *strongly* favor each) by position at the Initial Ballot Test. Not surprisingly, individuals who initially opposed the measure were generally less likely to favor spending money on a given service when compared with supporters. Nevertheless, initial supporters, opponents, and the undecided did agree on three of the top five priorities for funding.

TABLE 2 TOP SERVICES BY POSITION AT INITIAL BALLOT TEST

Position at Initial Ballot Test (Q5)	Item	Services Summary	% Strongly Favor
Probably or Definitely Yes (n = 755)	Q7b	Reduce gang activity and drug-related crimes	79
	Q7e	Maintain local streets and repair potholes	78
	Q7d	Provide quick responses to 9-1-1 emergencies	76
	Q7j	Address homelessness	74
	Q7c	Provide fire protection and paramedic services	71
Probably or Definitely No (n = 248)	Q7e	Maintain local streets and repair potholes	51
	Q7b	Reduce gang activity and drug-related crimes	46
	Q7d	Provide quick responses to 9-1-1 emergencies	42
	Q7c	Provide fire protection and paramedic services	42
	Q7h	Keep public areas clean and free of graffiti	41
Not Sure (n = 77)	Q7b	Reduce gang activity and drug-related crimes	66
	Q7e	Maintain local streets and repair potholes	60
	Q7j	Address homelessness	57
	Q7c	Provide fire protection and paramedic services	56
	Q7d	Provide quick responses to 9-1-1 emergencies	55

POSITIVE ARGUMENTS

If the City chooses to place a measure on an upcoming ballot, voters will be exposed to various arguments about the measure in the ensuing months. Proponents of the measure will present arguments to try to persuade voters to support a measure, just as opponents may present arguments to achieve the opposite goal. For this study to be a reliable gauge of voter support for the proposed sales tax measure, it is important that the survey simulate the type of discussion and debate that will occur prior to the vote taking place and identify how this information ultimately shapes voters' opinions about the measure.

The objective of Question 8 was thus to present respondents with arguments in favor of the proposed measure and identify whether they felt the arguments were convincing reasons to support it. Arguments in opposition to the measure were also presented and are discussed later in this report (see *Negative Arguments* on page 21). Within each series, specific arguments were administered in random order to avoid a systematic position bias.

Question 8 *What I'd like to do now is tell you what some people are saying about the measure we've been discussing. Supporters of the measure say: _____. Do you think this is a very convincing, somewhat convincing, or not at all convincing reason to SUPPORT the measure?*

FIGURE 11 POSITIVE ARGUMENTS

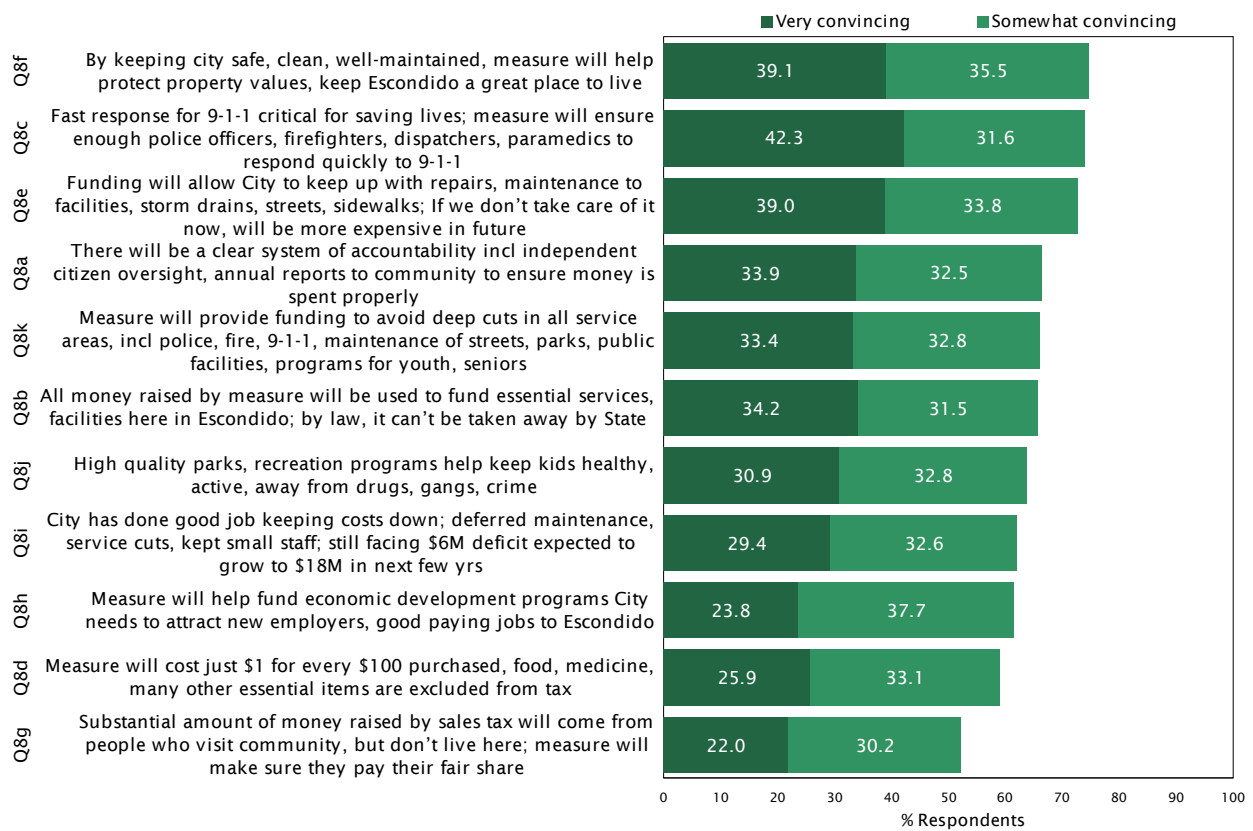


Figure 11 on the previous page presents the truncated positive arguments tested, as well as voters’ reactions to the arguments. The arguments are ranked from most convincing to least convincing based on the percentage of respondents who indicated that the argument was either a ‘very convincing’ or ‘somewhat convincing’ reason to support the sales tax measure. Using this methodology, the most compelling positive arguments were: *By keeping our city safe, clean and well-maintained, this measure will help protect our property values and keep Escondido a great place to live* (75% very or somewhat convincing), *Fast emergency response times for 9-1-1 calls are critical for saving lives. This measure will ensure that we have enough police officers, fire-fighters, dispatchers, and paramedics to respond quickly to 9-1-1 emergencies* (74%), and *The funding raised by this measure will allow the City to keep up with basic repairs and maintenance to public facilities, storm drains, streets, and sidewalks. If we don’t take care of it now, it will be a lot more expensive to repair in the future* (73%).

POSITIVE ARGUMENTS BY INITIAL SUPPORT Table 3 lists the top five most convincing positive arguments (showing the percentage of respondents who cited it as *very convincing*) according to respondents’ vote choice at the Initial Ballot Test. The positive arguments resonated with a much higher percentage of voters initially inclined to support the measure compared with those who initially opposed the measure or were unsure. Nevertheless, three arguments were ranked among the top five most compelling by all three groups.

TABLE 3 TOP POSITIVE ARGUMENTS BY POSITION AT INITIAL BALLOT TEST

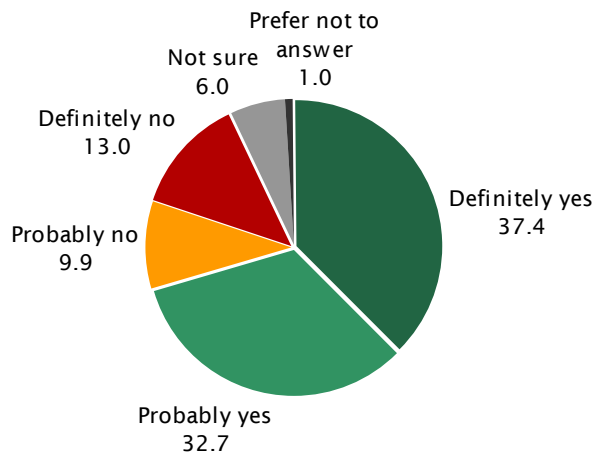
Position at Initial Ballot Test (Q5)	Item	Positive Argument Summary	% Very Convincing
Probably or Definitely Yes (n = 755)	Q8c	Fast response for 9-1-1 critical for saving lives; measure will ensure enough police officers, firefighters, dispatchers, paramedics to respond quickly to 9-1-1	56
	Q8e	Funding will allow City to keep up with repairs, maintenance to facilities, storm drains, streets, sidewalks; If we don’t take care of it now, will be more expensive in future	51
	Q8f	By keeping city safe, clean, well-maintained, measure will help protect property values, keep Escondido a great place to live	50
	Q8k	Measure will provide funding to avoid deep cuts in all service areas, incl police, fire, 9-1-1, maintenance of streets, parks, public facilities, programs for youth, seniors	45
	Q8b	All money raised by measure will be used to fund essential services, facilities here in Escondido; by law, it can’t be taken away by State	45
Probably or Definitely No (n = 248)	Q8f	By keeping city safe, clean, well-maintained, measure will help protect property values, keep Escondido a great place to live	12
	Q8c	Fast response for 9-1-1 critical for saving lives; measure will ensure enough police officers, firefighters, dispatchers, paramedics to respond quickly to 9-1-1	10
	Q8e	Funding will allow City to keep up with repairs, maintenance to facilities, storm drains, streets, sidewalks; If we don’t take care of it now, will be more expensive in future	9
	Q8a	There will be a clear system of accountability incl independent citizen oversight, annual reports to community to ensure money is spent properly	9
	Q8j	High quality parks, recreation programs help keep kids healthy, active, away from drugs, gangs, crime	8
Not Sure (n = 136)	Q8a	There will be a clear system of accountability incl independent citizen oversight, annual reports to community to ensure money is spent properly	25
	Q8e	Funding will allow City to keep up with repairs, maintenance to facilities, storm drains, streets, sidewalks; If we don’t take care of it now, will be more expensive in future	19
	Q8f	By keeping city safe, clean, well-maintained, measure will help protect property values, keep Escondido a great place to live	16
	Q8c	Fast response for 9-1-1 critical for saving lives; measure will ensure enough police officers, firefighters, dispatchers, paramedics to respond quickly to 9-1-1	15
	Q8i	City has done good job keeping costs down; deferred maintenance, service cuts, kept small staff; still facing \$6M deficit expected to grow to \$18M in next few yrs	14

INTERIM BALLOT TEST

After exposing respondents to services that could be funded by the measure as well as the types of positive arguments voters may encounter during an election cycle, the survey again presented respondents with the ballot language used previously to gauge how support for the proposed sales tax measure may have changed. As shown in Figure 12, overall support among likely November 2020 voters remained virtually unchanged at 70%, with 37% of voters indicating that they would *definitely* vote yes on the measure. Approximately 23% of respondents opposed the measure at this point in the survey, and an additional 7% were unsure or unwilling to state their vote choice.

Question 9 *Sometimes people change their mind about a measure once they have more information about it. Now that you have heard a bit more about the measure, let me read you a summary of it again. To provide funding for general city services in the City of Escondido, including police patrols, gang, drug and crime prevention; fire protection, paramedic, and 9-1-1 emergency response; street maintenance, pothole repair; addressing homelessness; graffiti removal, park maintenance, library and other city services; shall an ordinance establishing a one-cent sales tax be adopted, providing approximately 25 million dollars annually for city services until ended by voters, with independent audits, citizen oversight, and all money locally controlled? If the election were held today, would you vote yes or no on this measure?*

FIGURE 12 INTERIM BALLOT TEST



SUPPORT BY SUBGROUPS Table 4 on the next page shows how support for the measure at this point in the survey varied by key voter subgroups, as well as the change in subgroup support when compared with the Initial Ballot Test. Positive differences appear in green and negative differences appear in red. As shown in the table, support for the sales tax measure increased or decreased by modest amounts (less than 5 percentage points) between the Initial and Interim Ballot Test for nearly all voter subgroups.

TABLE 4 DEMOGRAPHIC BREAKDOWN OF SUPPORT AT INTERIM BALLOT TEST

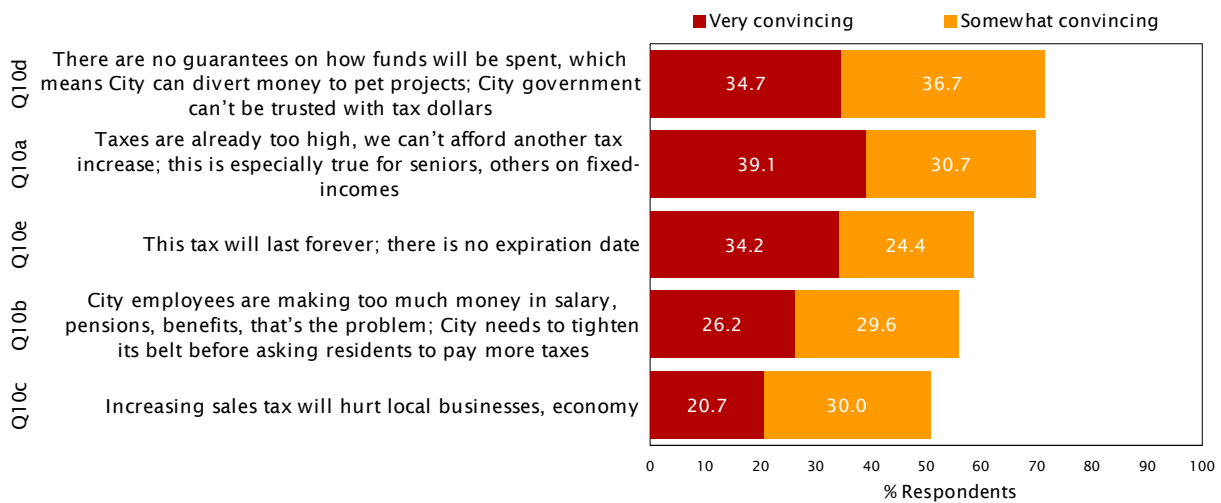
		Approximate % of Voter Universe	% Probably or Definitely Yes	Change From Initial Ballot Test (Q5)
Overall		100	70.2	+0.5
Years in Escondido (Q1)	Less than 5	19	72.1	+1.1
	5 to 9	15	79.0	+3.6
	10 to 14	11	66.9	-2.0
	15 or more	55	67.6	-0.4
Fiscal Management (Q13)	Excellent, good	32	83.5	+2.7
	Fair	32	68.9	+1.0
	Poor, very poor	16	48.3	-1.5
	Not sure	19	69.8	-1.9
Age	18 to 29	15	86.5	+6.6
	30 to 39	15	71.3	-2.8
	40 to 49	15	72.2	+0.2
	50 to 64	29	64.3	+0.6
	65 or older	26	65.5	-1.1
Registration Year	Since Nov 16	11	84.4	+1.5
	Jun 10 to <Nov 16	24	74.2	+1.0
	Jun 04 to <Jun 10	17	71.4	-3.8
	Before June 04	48	64.5	+1.5
Household Party Type	Single dem	17	80.5	+4.4
	Dual dem	8	89.2	-0.3
	Single rep	13	56.4	+0.2
	Dual rep	14	54.8	-1.9
	Other	21	68.3	-5.3
Mixed		27	73.5	+4.2
Party	Democrat	35	83.9	+3.9
	Republican	36	57.5	-0.1
	Other / DTS	29	69.0	-3.0
Child in Hsld (Q14)	Yes	30	72.8	+1.4
	No	70	70.7	+0.5
Homeowner on Voter File	Yes	61	68.0	+1.2
	No	39	73.6	-0.7
Likely to Vote by Mail	Yes	81	70.4	+0.7
	No	19	69.0	-0.3
Likely Nov 2019 Voter	Yes	68	65.6	+1.0
	No	32	79.7	-0.5
Gender	Male	48	67.3	+0.6
	Female	52	72.8	+0.4
Likely Mar 2020 Voter	Yes	82	68.6	+1.8
	No	18	77.6	-5.7
Council District	1	15	78.2	+2.0
	2	32	72.8	-1.2
	3	23	69.1	+3.0
	4	30	64.1	-0.4
Hispanic Surname	Yes	23	77.4	+2.8
	No	77	68.0	-0.2
Overall Satisfaction (Q4)	Satisfied	75	74.2	+1.5
	Dissatisfied	25	60.1	-1.4

NEGATIVE ARGUMENTS

Whereas Question 8 of the survey presented respondents with arguments in favor of the sales tax measure, Question 10 presented respondents with arguments designed to elicit opposition to the measure. In the case of Question 10, however, respondents were asked whether they felt that the argument was a very convincing, somewhat convincing, or not at all convincing reason to *oppose* the measure. The arguments tested, as well as voters' opinions about the arguments, are presented below in Figure 13.

Question 10 *Next, let me tell you what opponents of the measure are saying. Opponents of the measure say: _____. Do you think this is a very convincing, somewhat convincing, or not at all convincing reason to OPPOSE the measure?*

FIGURE 13 NEGATIVE ARGUMENTS



Most voters found the negative arguments tested to be less convincing than the positive arguments. The most compelling negative arguments were: *There are no guarantees on how funds will be spent, which means the City can divert the money to pet projects. The City government can't be trusted with our tax dollars* (71% very or somewhat convincing) and *Taxes are already too high - we can't afford another tax increase. This is especially true for seniors and others on fixed incomes* (70%).

NEGATIVE ARGUMENTS BY INITIAL SUPPORT Table 5 on the next page ranks the negative arguments (showing the percentage of respondents who cited each as very convincing) according to respondents' vote choice at the Initial Ballot Test.

TABLE 5 NEGATIVE ARGUMENTS BY POSITION AT INITIAL BALLOT TEST

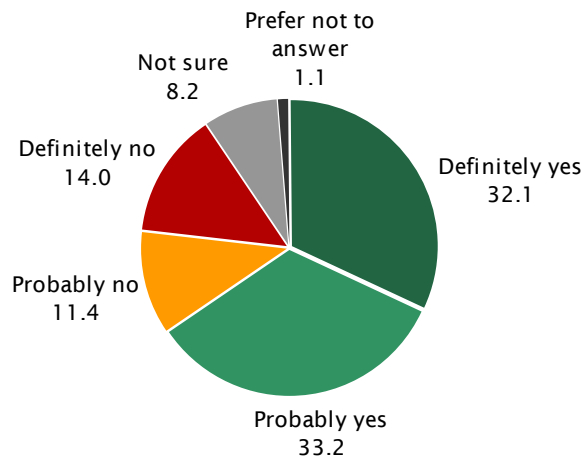
Position at Initial Ballot Test (Q5)	Item	Negative Argument Summary	% Very Convincing
Probably or Definitely Yes (n = 755)	Q10a	Taxes are already too high, we can't afford another tax increase; this is especially true for seniors, others on fixed-incomes	28
	Q10d	There are no guarantees on how funds will be spent, which means City can divert money to pet projects; City government can't be trusted with tax dollars	25
	Q10e	This tax will last forever; there is no expiration date	20
	Q10b	City employees are making too much money in salary, pensions, benefits, that's the problem; City needs to tighten its belt before asking residents to pay more taxes	20
	Q10c	Increasing sales tax will hurt local businesses, economy	11
Probably or Definitely No (n = 248)	Q10e	This tax will last forever; there is no expiration date	72
	Q10a	Taxes are already too high, we can't afford another tax increase; this is especially true for seniors, others on fixed-incomes	71
	Q10d	There are no guarantees on how funds will be spent, which means City can divert money to pet projects; City government can't be trusted with tax dollars	61
	Q10b	City employees are making too much money in salary, pensions, benefits, that's the problem; City needs to tighten its belt before asking residents to pay more taxes	47
	Q10c	Increasing sales tax will hurt local businesses, economy	47
Not Sure (n = 77)	Q10e	This tax will last forever; there is no expiration date	50
	Q10d	There are no guarantees on how funds will be spent, which means City can divert money to pet projects; City government can't be trusted with tax dollars	45
	Q10a	Taxes are already too high, we can't afford another tax increase; this is especially true for seniors, others on fixed-incomes	45
	Q10c	Increasing sales tax will hurt local businesses, economy	28
	Q10b	City employees are making too much money in salary, pensions, benefits, that's the problem; City needs to tighten its belt before asking residents to pay more taxes	22

FINAL BALLOT TEST

Voters' opinions about ballot measures are often not rigid, especially when the amount of information presented to the public on a measure has been limited. A goal of the survey was thus to gauge how voters' opinions about the proposed measure may be affected by the information they could encounter during the course of an election cycle. After providing respondents with the wording of the proposed measure, services that could be funded, and arguments in favor of and against the proposal, the survey again asked voters whether they would vote 'yes' or 'no' on the proposed sales tax measure.

Question 11 *Now that you have heard a bit more about the measure, let me read you a summary of it one more time. To provide funding for general city services in the City of Escondido, including police patrols, gang, drug and crime prevention; fire protection, paramedic, and 9-1-1 emergency response; street maintenance, pothole repair; addressing homelessness; graffiti removal, park maintenance, library and other city services; shall an ordinance establishing a one-cent sales tax be adopted, providing approximately 25 million dollars annually for city services until ended by voters, with independent audits, citizen oversight, and all money locally controlled? If the election were held today, would you vote yes or no on this measure?*

FIGURE 14 FINAL BALLOT TEST



At this point in the survey, support for the one-cent sales tax measure was found among 65% of likely November 2020 voters, with 32% indicating that they would *definitely* support the measure. Approximately 25% of respondents were opposed to the measure at the Final Ballot Test, and 9% were unsure or unwilling to state their vote choice.



CHANGE IN SUPPORT

Table 6 provides a closer look at how support for the proposed measure changed over the course of the interview by calculating the difference in support between the Initial, Interim, and Final Ballot tests within various subgroups of voters. The percentage of support for the measure at the Final Ballot Test is shown in the column with the heading *% Probably or Definitely Yes*. The columns to the right show the difference between the Final and the Initial, and the Final and Interim Ballot Tests. Positive differences appear in green, and negative differences appear in red.

TABLE 6 DEMOGRAPHIC BREAKDOWN OF SUPPORT AT FINAL BALLOT TEST

		Approximate % of Voter Universe	% Probably or Definitely Yes	Change From Initial Ballot Test (Q5)	Change From Interim Ballot Test (Q9)
Overall		100	65.2	-4.5	-4.9
Years in Escondido (Q1)	Less than 5	19	64.7	-6.3	-7.4
	5 to 9	15	75.4	-0.0	-3.6
	10 to 14	11	61.3	-7.5	-5.5
	15 or more	55	63.5	-4.5	-4.1
Fiscal Management (Q13)	Excellent, good	32	80.8	+0.0	-2.7
	Fair	32	64.2	-3.7	-4.7
	Poor, very poor	16	41.5	-8.3	-6.8
	Not sure	19	62.1	-9.5	-7.7
Age	18 to 29	15	75.5	-4.4	-11.0
	30 to 39	15	65.8	-8.3	-5.6
	40 to 49	15	70.1	-1.9	-2.1
	50 to 64	29	60.6	-3.1	-3.7
	65 or older	26	61.4	-5.2	-4.1
Registration Year	Since Nov 16	11	77.2	-5.7	-7.2
	Jun 10 to <Nov 16	24	64.5	-8.7	-9.7
	Jun 04 to <Jun 10	17	69.4	-5.8	-2.0
	Before June 04	48	61.4	-1.6	-3.1
Household Party Type	Single dem	17	74.6	-1.5	-5.9
	Dual dem	8	84.2	-5.2	-4.9
	Single rep	13	48.9	-7.3	-7.5
	Dual rep	14	51.9	-4.9	-2.9
	Other	21	65.5	-8.1	-2.8
	Mixed	27	67.6	-1.7	-5.9
Party	Democrat	35	77.0	-3.1	-7.0
	Republican	36	52.7	-4.9	-4.8
	Other / DTS	29	66.3	-5.6	-2.7
Child in Hsld (Q14)	Yes	30	66.9	-4.4	-5.8
	No	70	65.9	-4.3	-4.8
Homeowner on Voter File	Yes	61	64.2	-2.6	-3.9
	No	39	66.9	-7.3	-6.6
Likely to Vote by Mail	Yes	81	64.9	-4.8	-5.5
	No	19	66.5	-2.8	-2.5
Likely Nov 2019 Voter	Yes	68	62.3	-2.4	-3.3
	No	32	71.4	-8.8	-8.3
Gender	Male	48	65.6	-1.2	-1.7
	Female	52	64.9	-7.6	-7.9
Likely Mar 2020 Voter	Yes	82	64.0	-2.7	-4.5
	No	18	70.8	-12.6	-6.9
Council District	1	15	70.6	-5.6	-7.6
	2	32	69.4	-4.6	-3.3
	3	23	64.4	-1.6	-4.7
	4	30	58.6	-6.0	-5.6
Hispanic Surname	Yes	23	69.9	-4.7	-7.5
	No	77	63.8	-4.4	-4.2
Overall Satisfaction (Q4)	Satisfied	75	69.5	-3.2	-4.7
	Dissatisfied	25	54.6	-7.0	-5.5

As expected, voters generally responded to the negative arguments with a reduction in their support for the sales tax measure when compared with the levels recorded at the Interim Ballot Test. The general trend over the course of the entire survey (Initial to Final Ballot Test) was also one of modestly declining support for most voter subgroups, averaging -5 percentage points overall. Nevertheless, even with this decline, support for the proposed measure at the Final Ballot Test remained well above the simple majority required for passage of a general tax.

Whereas Table 6 displays change in support for the measure over the course of the interview at the subgroup level, Table 7 displays the individual-level changes that occurred between the Initial and Final Ballot tests for the measure. On the left side of the table is shown each of the response options to the Initial Ballot Test and the percentage of respondents in each group. The cells in the body of the table depict movement within each response group (row) based on the information provided throughout the course of the survey as recorded by the Final Ballot Test. For example, in the first row we see that of the 35.1% of respondents who indicated that they would definitely support the measure at the Initial Ballot Test, 25.7% also indicated they would definitely support the measure at the Final Ballot Test. Approximately 7.0% moved to the probably support group, 1.0% moved to the probably oppose group, 0.7% moved to the definitely oppose group, and 0.7% stated they were now unsure of their vote choice.

To ease interpretation of the table, the cells are color coded. Red shaded cells indicate declining support, green shaded cells indicate increasing support, whereas white cells indicate no movement. Moreover, within the cells, a white font indicates a fundamental change in the vote: from yes to no, no to yes, or not sure to either yes or no.

TABLE 7 MOVEMENT BETWEEN INITIAL & FINAL BALLOT TEST

Initial Ballot Test (Q5)		Final Ballot Test (Q11)				
		Definitely support	Probably support	Probably oppose	Definitely oppose	Not sure
Definitely support	35.1% →	25.7%	7.0%	1.0%	0.7%	0.7%
Probably support	34.6% →	6.1%	23.2%	2.3%	0.4%	2.6%
Probably oppose	9.0% →	0.3%	1.4%	5.3%	1.2%	0.8%
Definitely oppose	13.9% →	0.0%	0.3%	2.0%	11.1%	0.5%
Not sure	7.4% →	0.0%	1.3%	0.9%	0.6%	4.6%

As one might expect, the information conveyed in the survey had the greatest impact on individuals who either weren't sure about how they would vote at the Initial Ballot Test or were tentative in their vote choice (probably yes or probably no). Moreover, Table 7 makes clear that although the information did impact some voters, it did not do so in a consistent way for all respondents. Some respondents found the information conveyed during the course of the interview to be a reason to become more supportive of the measure, whereas a slightly larger percentage found the same information to be a reason to be less supportive. Despite 14% of respondents making a *fundamental*³ shift in their opinion about the measure over the course of the interview, the net impact is that support for the measure at the Final Ballot Test was approximately five percentage points lower than support at the Initial Ballot Test.

3. This is, they changed from a position of support, opposition or undecided at the Initial Ballot Test to a different position at the Final Ballot Test.

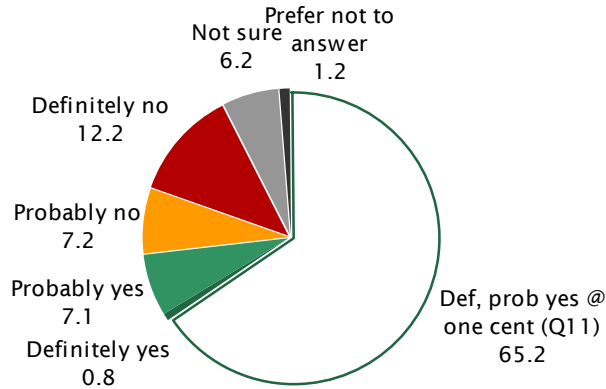
FINAL BALLOT TEST AT LOWER RATE

The ballot language tested throughout the survey indicated that the measure would increase the local sales tax rate by one cent and be used to fund general city services. Voters who did not support the proposed measure at the Final Ballot Test (Question 11) were subsequently asked if they would support the measure if the rate were set at a lower amount: one-half cent.

As shown in Figure 15, lowering the tax rate to one-half cent generated a modest amount of additional support for the proposed measure. An additional 8% of voters indicated they would support the measure if the tax rate were lowered to one-half cent, although nearly all of the additional support for the measure was ‘soft’ (probably yes).

Question 12 *What if the measure I just described raised the sales tax by a lower amount: one-half cent? Would you vote yes or no on the measure?*

FIGURE 15 FINAL BALLOT TEST AT ONE-HALF CENT





BACKGROUND & DEMOGRAPHICS

TABLE 8 DEMOGRAPHICS OF SAMPLE

Total Respondents	1,084
Years in Escondido (Q1)	
Less than 5	19.2
5 to 9	15.1
10 to 14	10.7
15 or more	54.9
Prefer not to answer	0.1
Fiscal Management (Q13)	
Excellent, good	31.6
Fair	32.2
Poor, very poor	16.3
Not sure	19.2
Prefer not to answer	0.7
Child in Hsld (Q14)	
Yes	29.3
No	67.9
Prefer not to answer	2.8
Age	
18 to 29	15.0
30 to 39	15.2
40 to 49	14.8
50 to 64	28.9
65 or older	26.1
Registration Year	
Since Nov 16	10.9
Jun 10 to <Nov 16	23.9
Jun 04 to <Jun 10	17.1
Before June 04	48.1
Party	
Democrat	35.3
Republican	35.7
Other / DTS	28.9
Household Party Type	
Single dem	17.1
Dual dem	8.4
Single rep	12.5
Dual rep	13.9
Other	21.3
Mixed	26.9
Homeowner on Voter File	
Yes	61.2
No	38.8
Likely to Vote by Mail	
Yes	81.0
No	19.0
Likely Nov 2019 Voter	
Yes	67.6
No	32.4
Likely Mar 2020 Voter	
Yes	82.4
No	17.6
Gender	
Male	48.3
Female	51.7
Council District	
1	15.0
2	32.3
3	22.9
4	29.7
Hispanic Surname	
Yes	23.3
No	76.7

In addition to questions directly related to the proposed measure, the study collected basic demographic information about respondents and their households. Some of this information was gathered during the interview, although much of it was collected from the voter file. The profile of the likely November 2020 voter sample used for this study is shown in Table 8.



M E T H O D O L O G Y

The following sections outline the methodology used in the study, as well as the motivation for using certain techniques.

QUESTIONNAIRE DEVELOPMENT Dr. McLarney of True North Research worked closely with the City of Escondido to develop a questionnaire that covered the topics of interest and avoided possible sources of systematic measurement error, including position-order effects, wording effects, response-category effects, scaling effects, and priming. Several questions included multiple individual items. Because asking items in a set order can lead to a systematic position bias in responses, items were asked in random order for each respondent.

Some of the questions asked in this study were presented only to a subset of respondents. For example, only individuals who did not support the sales tax or were unsure at the Final Ballot Test (Question 11) were asked if they would support the measure at a lower tax rate (Question 12). The questionnaire included with this report (see *Questionnaire & Toplines* on page 31) identifies the skip patterns that were used during the interview to ensure that each respondent received the appropriate questions.

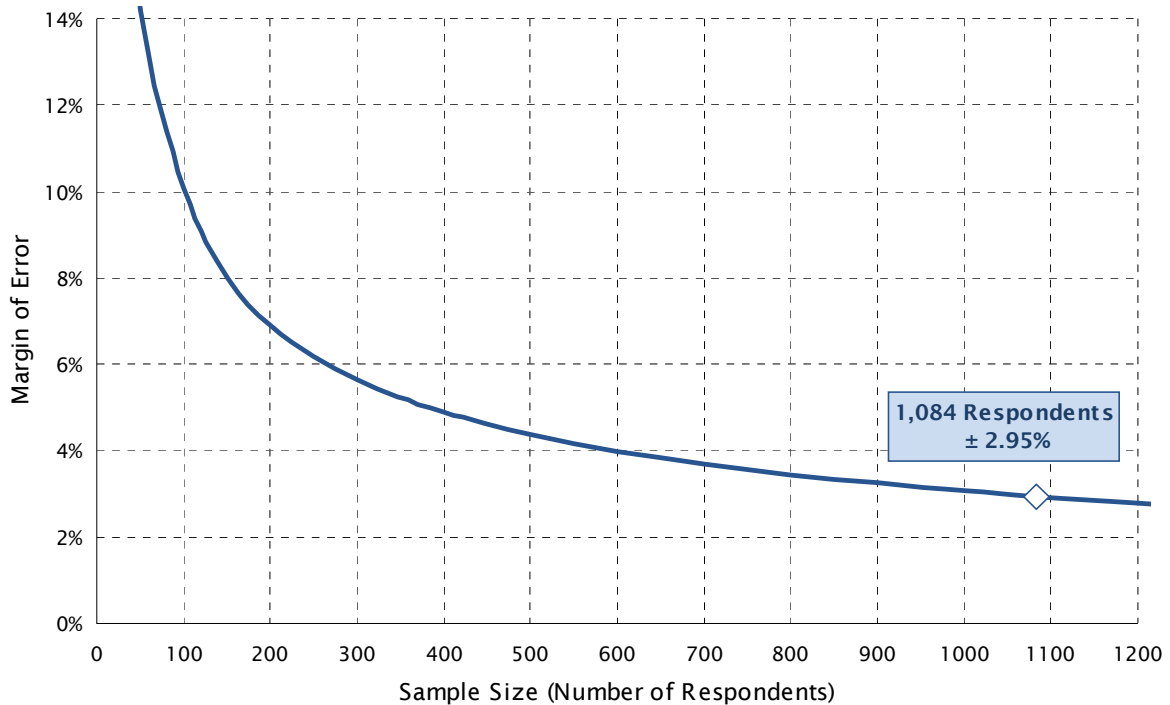
PROGRAMMING, PRE-TEST & TRANSLATION Prior to fielding the survey, the questionnaire was CATI (Computer Assisted Telephone Interviewing) programmed to assist interviewers when conducting telephone interviews. The CATI program automatically navigates skip patterns, randomizes the appropriate question items, and alerts the interviewer to certain types of keypunching mistakes should they occur. The survey was also programmed into a passcode-protected online survey application to allow online participation for sampled voters. The integrity of the questionnaire was pre-tested internally by True North and by dialing into voter households in the City prior to formally beginning the survey. The final questionnaire was also professionally translated into Spanish to allow for data collection in English and Spanish.

SAMPLE The survey was administered to a random sample of 1,084 registered voters in the City likely to participate in the November 2020 election. Consistent with the profile of this universe, the sample was stratified into clusters, each representing a combination of age, gender, and household party-type. Individuals were then randomly selected based on their profile into an appropriate cluster. This method ensures that if a person of a particular profile refuses to participate in the study, they are replaced by an individual who shares their same profile.

STATISTICAL MARGIN OF ERROR By using the probability-based sampling design noted above, True North ensured that the final sample was representative of voters in the City who are likely to participate in the November 2020 election. The results of the sample can thus be used to estimate the opinions of *all* voters likely to participate in this election. Because not all voters participated in the study, however, the results have what is known as a statistical margin of error due to sampling. The margin of error refers to the difference between what was found in the survey of 1,084 voters for a particular question and what would have been found if all 53,199 likely November 2020 voters identified in the City had been surveyed for the study.

Figure 16 provides a graphic plot of the *maximum* margin of error in this study. The maximum margin of error for a dichotomous percentage result occurs when the answers are evenly split such that 50% provide one response and 50% provide the alternative response. For this survey, the maximum margin of error is $\pm 2.95\%$.

FIGURE 16 MAXIMUM MARGIN OF ERROR DUE TO SAMPLING



Within this report, figures and tables show how responses to certain questions varied by subgroups such as age, gender, and partisan affiliation. Figure 16 is thus useful for understanding how the maximum margin of error for a percentage estimate will grow as the number of individuals asked a question (or in a particular subgroup) shrinks. Because the margin of error grows exponentially as the sample size decreases, the reader should use caution when generalizing and interpreting the results for small subgroups.

RECRUITING & DATA COLLECTION The survey followed a mixed-method design that employed multiple recruiting methods (telephone and email) and multiple data collection methods (telephone and online). Telephone interviews averaged 16 minutes in length and were conducted during weekday evenings (5:30PM to 9PM) and on weekends (10AM to 5PM). It is standard practice not to call during the day on weekdays because most working adults are unavailable and thus calling during those hours would likely bias the sample.

Voters recruited via email were assigned a unique passcode to ensure that only voters who received an invitation could access the online survey site, and that each voter could complete the survey only one time. During the data collection period, an email reminder notice was also sent to encourage participation among those who had yet to take the survey. A total of 1,084 surveys were completed between October 15 and October 23, 2019.

DATA PROCESSING Data processing consisted of checking the data for errors or inconsistencies, coding and recoding responses, weighting, and preparing frequency analyses and cross-tabulations.

ROUNDING Numbers that end in 0.5 or higher are rounded up to the nearest whole number, whereas numbers that end in 0.4 or lower are rounded down to the nearest whole number. These same rounding rules are also applied, when needed, to arrive at numbers that include a decimal place in constructing figures and tables. Occasionally, these rounding rules lead to small discrepancies in the first decimal place when comparing tables and charts for a given question. Due to rounding, some figures and narrative include numbers that add to more than or less than 100%.

QUESTIONNAIRE & TOPLINES



City of Escondido
Revenue Measure Feasibility Survey
Final Toplines (n=1,084)

Section 1: Introduction to Study

Hi, may I please speak to _____. My name is _____, and I'm calling on behalf of TNR, an independent public opinion research firm. We're conducting a survey of voters about important issues in Escondido (ES-con-DEE-doh) and I'd like to get your opinions.

If needed: This is a survey about important issues in your community. I'm NOT trying to sell anything and I won't ask for a donation.

If needed: The survey should take about 12 minutes to complete.

If needed: If now is not a convenient time, can you let me know a better time so I can call back?

If the person asks why you need to speak to the listed person or if they ask to participate instead, explain: For statistical purposes, at this time the survey must only be completed by this particular individual.

If the person says they are an elected official or is somehow associated with the survey, politely explain that this survey is designed to measure the opinions of those not closely associated with the study, thank them for their time, and terminate the interview.

Section 2: Quality of Life & City Services

I'd like to begin by asking you a few questions about what it is like to live in Escondido.

Q1	How long have you lived in Escondido?		
1	Less than 1 year		2%
2	1 to 4 years		17%
3	5 to 9 years		15%
4	10 to 14 years		11%
5	15 years or longer		55%
99	Prefer not to answer		0%
Q2	How would you rate the overall quality of life in Escondido? Would you say it is excellent, good, fair, poor or very poor?		
1	Excellent		8%
2	Good		52%
3	Fair		32%
4	Poor		6%
5	Very poor		1%
98	Not sure		0%
99	Prefer not to answer		0%

Q3	If the city government could change one thing to make Escondido a better place to live now and in the future, what change would you like to see? Verbatim responses recorded and later grouped into categories shown below.	
	Improve public safety, more police presence	25%
	Address homeless issues	21%
	Improve infrastructure, roads, streets, sidewalks	12%
	Not sure / Cannot think of anything	11%
	Clean-up, beautify City, landscape, graffiti	9%
	Reduce traffic congestion	6%
	Reduce taxes, fees	5%
	Provide affordable housing	5%
	Reduce, limit growth	4%
	Attract more, new businesses	4%
	Enforce traffic laws	3%
	Improve, maintain downtown area	3%
	Improve schools, education	3%
	Enforce city codes	3%
	Provide more community events, activities for all ages	3%
	No changes needed / Everything is fine	3%
	Improve parks, recreation	2%
	Provide more high-end restaurants	2%
	Improve old empty buildings, houses	2%
	Improve public transportation	2%
	Add, improve street lighting	1%
	Address parking issues	1%
	Improve government, leadership	1%
	Address water issues, cost	1%
	Address Illegal immigration issues, oppose sanctuary city status	1%
	Improve local economy, job opportunities	1%
	Improve planning, city development	1%
	Support, bring more small business	1%
	Add more bike lanes	1%
	Improve library	1%
	Improve City-resident communication	1%
	Synchronize traffic lights	1%

Q4	Generally speaking, are you satisfied or dissatisfied with the job the City of Escondido is doing to provide city services? <i>Get answer, then ask: Would that be very (satisfied/dissatisfied) or somewhat (satisfied/dissatisfied)?</i>		
	1	Very satisfied	14%
	2	Somewhat satisfied	57%
	3	Somewhat dissatisfied	15%
	4	Very dissatisfied	8%
	98	Not sure	6%
	99	Prefer not to answer	1%

Section 3: Initial Ballot Test

Next year, voters in Escondido may be asked to vote on a local ballot measure. Let me read you a summary of the measure.

Q5	<p>To provide funding for general city services in the City of Escondido, including:</p> <ul style="list-style-type: none"> • Police patrols, gang, drug and crime prevention • Fire protection, paramedic, and 9-1-1 emergency response • Street maintenance, pothole repair • Addressing homelessness • Graffiti removal, park maintenance, library and other city services <p>shall an ordinance establishing a one-cent sales tax be adopted, providing approximately 25 million dollars annually for city services until ended by voters, with independent audits, citizen oversight, and all money locally controlled?</p> <p>If the election were held today, would you vote yes or no on this measure? <i>Get answer, then ask: Would that be definitely (yes/no) or probably (yes/no)?</i></p>		
	1	Definitely yes	35% Skip to Q7
	2	Probably yes	35% Skip to Q7
	3	Probably no	9% Ask Q6
	4	Definitely no	14% Ask Q6
	98	Not sure	7% Ask Q6
	99	Prefer not to answer	0% Skip to Q7
Q6	<p>Is there a particular reason why you do <u>not</u> support or are unsure about the measure I just described? <i>If yes, ask: Please briefly describe your reason. Verbatim responses recorded and later grouped into categories shown below.</i></p>		
	Taxes already too high		35%
	Money is misspent, mismanaged		35%
	Need more information		16%
	Do not trust government		5%
	City has enough money		5%
	Not sure, no particular reason		5%

Money will go to employees/union pensions, salaries	4%
Other ways to be funded	3%
Measure is too expensive, needs a sunset	3%
Other higher priorities in the City	2%
Mentioned past revenue measures	2%
It will drive people away from purchasing in City	2%
Illegal immigration issues	1%

Section 4: Services

<p>The measure we've been discussing will provide funding for a variety of services in your community.</p> <p>Q7 If the measure passes, would you favor or oppose using some of the money to: _____, or do you not have an opinion? <i>Get answer, if favor or oppose, then ask: Would that be strongly (favor/oppose) or somewhat (favor/oppose)?</i></p>							
	<i>Randomize. Split Sample K1-K2, N1/N2 using odd/even clusters</i>	Strongly Favor	Somewhat Favor	Somewhat Oppose	Strongly Oppose	Not sure	Prefer not to answer
A	Provide police services, including neighborhood police patrols and investigations	60%	23%	7%	4%	5%	2%
B	Reduce gang activity and drug-related crimes	70%	19%	3%	3%	3%	2%
C	Provide fire protection and paramedic services	64%	25%	3%	3%	2%	3%
D	Provide quick responses to 9-1-1 emergencies	67%	22%	4%	3%	2%	3%
E	Maintain local streets and repair potholes	70%	21%	2%	3%	1%	2%
F	Repair and maintain public buildings and infrastructure including sidewalks, curbs and storm drains	58%	30%	4%	3%	2%	2%
G	Maintain parks and recreation facilities including courts, fields, and playgrounds	51%	32%	6%	4%	3%	3%
H	Keep public areas clean and free of graffiti	62%	27%	3%	3%	2%	2%
I	Provide programs for at-risk youth	46%	31%	10%	6%	5%	3%
J	Address homelessness	64%	21%	5%	5%	2%	3%
K1	Maintain library services and hours of operation	39%	33%	12%	7%	5%	5%
K2	Build a new library	20%	24%	23%	21%	10%	3%
L	Make improvements to reduce traffic congestion on city streets	55%	28%	7%	4%	4%	2%
M	Promote economic development and attract new employers and businesses to the city	48%	28%	9%	7%	5%	2%
N1	Preserve natural open space and parkland	58%	25%	6%	4%	3%	3%

N2	Expand existing parks and build additional community parks	29%	31%	18%	10%	9%	2%
O	Provide programs and services to seniors	41%	34%	12%	5%	5%	3%
P	Improve environmental sustainability by planting more trees, improving energy efficiency, and using water more efficiently	53%	25%	8%	7%	5%	2%

Section 5: Positive Arguments

What I'd like to do now is tell you what some people are saying about the measure we've been discussing.

Q8	Supporters of the measure say: _____. Do you think this is a very convincing, somewhat convincing, or not at all convincing reason to SUPPORT the measure?	Very Convincing	Somewhat Convincing	Not At All Convincing	Don't Believe	Not sure	Prefer not to answer
	<i>Randomize</i>						
A	There will be a clear system of accountability including independent citizen oversight and annual reports to the community to ensure that the money is spent properly.	34%	33%	12%	15%	4%	3%
B	All money raised by the measure will be used to fund essential services and facilities here in Escondido. By law, it can't be taken away by the State.	34%	31%	14%	14%	4%	3%
C	Fast emergency response times for 9-1-1 calls are critical for saving lives. This measure will ensure that we have enough police officers, firefighters, dispatchers, and paramedics to respond quickly to 9-1-1 emergencies.	42%	32%	14%	6%	3%	3%
D	This measure will cost just 1 dollar for every 100 dollars purchased – and food, medicine and many other essential items are excluded from the tax.	26%	33%	23%	11%	4%	3%
E	The funding raised by this measure will allow the City to keep up with basic repairs and maintenance to public facilities, storm drains, streets, and sidewalks. If we don't take care of it now, it will be a lot more expensive to repair in the future.	39%	34%	13%	8%	3%	3%
F	By keeping our city safe, clean and well-maintained, this measure will help protect our property values and keep Escondido a great place to live.	39%	35%	13%	7%	2%	3%

G	A substantial amount of the money raised by the sales tax will come from people who <i>visit</i> our community, but don't live here. This measure will make sure they pay their fair share for the facilities and services they use while in our city.	22%	30%	24%	18%	4%	3%
H	This measure will help fund the economic development programs the City needs to attract new employers and good paying jobs to Escondido.	24%	38%	19%	12%	4%	3%
I	The City of Escondido has done a good job keeping costs down. It has deferred maintenance projects, cut back on basic services, and kept a small staff despite a growing population. Even with these cost-cutting efforts, the City is facing a 6-million-dollar deficit next year that it expected to grow up to 18 million dollars in the next few years. There is no more room to cut if we want to keep our community a safe, clean place to live. We need to support this measure.	29%	33%	17%	14%	5%	3%
J	High quality parks and recreation programs help keep kids healthy, active, and away from drugs, gangs and crime.	31%	33%	19%	12%	3%	3%
K	This measure will provide the funding needed to avoid deep cuts in all service areas, including police, fire protection, 9-1-1 emergency response times, the maintenance of streets, parks and public facilities, as well as programs for youth and seniors.	33%	33%	16%	11%	4%	3%

Section 6: Interim Ballot Test

Sometimes people change their mind about a measure once they have more information about it. Now that you have heard a bit more about the measure, let me read you a summary of it again.

Q9	To provide funding for general city services in the City of Escondido, including:		
	<ul style="list-style-type: none"> • Police patrols, gang, drug and crime prevention • Fire protection, paramedic, and 9-1-1 emergency response • Street maintenance, pothole repair • Addressing homelessness • Graffiti removal, park maintenance, library and other city services 		
	shall an ordinance establishing a one-cent sales tax be adopted, providing approximately 25 million dollars annually for city services until ended by voters, with independent audits, citizen oversight, and all money locally controlled?		
	If the election were held today, would you vote yes or no on this measure? <i>Get answer, then ask:</i> Would that be definitely (yes/no) or probably (yes/no)?		
	1	Definitely yes	37%
	2	Probably yes	33%
	3	Probably no	10%
4	Definitely no	13%	
98	Not sure	6%	
99	Prefer not to answer	1%	

Section 7: Negative Arguments

Next, let me tell you what opponents of the measure are saying.

Q10	Opponents of the measure say: _____. Do you think this is a very convincing, somewhat convincing, or not at all convincing reason to OPPOSE the measure?						
	<i>Randomize</i>	Very Convincing	Somewhat Convincing	Not At All Convincing	Don't Believe	Not sure	Prefer not to answer
A	Taxes are already too high - we can't afford another tax increase. This is especially true for seniors and others on fixed-incomes.	39%	31%	18%	7%	3%	2%
B	City employees are making too much money in salary, pensions and benefits - that's the problem. The City needs to tighten its belt before asking residents to pay more taxes.	26%	30%	22%	13%	7%	2%
C	Increasing the sales tax will hurt our local businesses and our economy.	21%	30%	28%	14%	5%	2%

D	There are no guarantees on how funds will be spent, which means the City can divert the money to pet projects. The City government can't be trusted with our tax dollars.	35%	37%	15%	7%	5%	2%
<i>Only odd clusters receive item E.</i>							
E	This tax will last forever. There is no expiration date.	34%	24%	26%	9%	4%	2%

Section 8: Final Ballot Test

Now that you have heard a bit more about the measure, let me read you a summary of it one more time.

Q11 To provide funding for general city services in the City of Escondido, including:

- Police patrols, gang, drug and crime prevention
- Fire protection, paramedic, and 9-1-1 emergency response
- Street maintenance, pothole repair
- Addressing homelessness
- Graffiti removal, park maintenance, library and other city services

shall an ordinance establishing a one-cent sales tax be adopted, providing approximately 25 million dollars annually for city services until ended by voters, with independent audits, citizen oversight, and all money locally controlled?

If the election were held today, would you vote yes or no on this measure? *Get answer, then ask: Would that be definitely (yes/no) or probably (yes/no)?*

1	Definitely yes	32%	Skip to Q13
2	Probably yes	33%	Skip to Q13
3	Probably no	11%	Ask Q12
4	Definitely no	14%	Ask Q12
98	Not sure	8%	Ask Q12
99	Prefer not to answer	1%	Skip to Q13

Q12 What if the measure I just described raised the sales tax by a lower amount: **one-half cent**? Would you vote yes or no on the measure? *Get answer, then ask: Would that be definitely (yes/no) or probably (yes/no)?*

	Def, prob yes @ one cent (Q11)	65%
1	Definitely yes	1%
2	Probably yes	7%
3	Probably no	7%
4	Definitely no	12%
98	Not sure	6%
99	Prefer not to answer	1%

Section 9: Background & Demographics

Thank you so much for your participation. I have just two background questions for statistical purposes.

Q13	In your opinion, has the City of Escondido done an excellent, good, fair, poor or very poor job of managing its financial resources?		
	1	Excellent	3%
	2	Good	29%
	3	Fair	32%
	4	Poor	12%
	5	Very poor	4%
	98	Not sure	19%
	99	Prefer not to answer	1%
Q14	Do you have children under the age of 18 living in your household?		
	1	Yes	29%
	2	No	68%
	99	Prefer not to answer	3%
Those are all of the questions that I have for you. Thanks so much for participating in this important survey.			

Post-Interview & Sample Items

S1	Gender		
	1	Male	48%
	2	Female	52%
	3	Prefer not to answer	0%
S2	Party		
	1	Democrat	35%
	2	Republican	36%
	3	Other	6%
	4	DTS	23%

S3 Age on Voter File		
1	18 to 29	15%
2	30 to 39	15%
3	40 to 49	15%
4	50 to 64	29%
5	65 or older	26%
S4 Registration Date		
1	Since Nov 2016	11%
2	Jun 2010 to before Nov 2016	24%
3	Jun 2004 to before Jun 2010	17%
4	Before June 2004	48%
S5 Household Party Type		
1	Single Dem	17%
2	Dual Dem	8%
3	Single Rep	13%
4	Dual Rep	14%
5	Single Other	15%
6	Dual Other	6%
7	Dem & Rep	6%
8	Dem & Other	9%
9	Rep & Other	10%
0	Mixed (Dem + Rep + Other)	2%
S6 Homeowner on Voter File		
1	Yes	61%
2	No	39%
S7 Likely to Vote by Mail		
1	Yes	81%
2	No	19%

S8	Likely November 2019 Voter		
	1	Yes	68%
	2	No	32%
S9	Likely March 2020 Voter		
	1	Yes	82%
	2	No	18%
S10	Likely November 2020 Voter		
	1	Yes	100%
	2	No	0%
S11	Council District		
	1	One	15%
	2	Two	32%
	3	Three	23%
	4	Four	30%
S12	Hispanic Surname		
	1	Yes	23%
	2	No	77%



FUTURE CITY COUNCIL AGENDA ITEMS

Updated November 14, 2019

*AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT (760) 839-4617*

November 27, 2019
NO MEETING (Thanksgiving Day)

December 4, 2019
NO MEETING

December 11, 2019
NO MEETING

December 18, 2019	
6:00 p.m.	
PROCLAMATION	
	Drugged Driving Prevention Month
PRESENTATION	
	Certificate of Recognition – Dr. Roy Archer
CONSENT CALENDAR	
	<p>City Council to Delegate Duties Related to the 401K, 457 and Retirement Health Savings Plan (J. Perpetua)</p> <p><i>Council approved Resolution No. 2018-147 delegating plan management responsibility to the Deputy City Manager/Administrative Services. The person who held the position has retired resulting in the reassignment of certain duties to the Director of Finance.</i></p>
	<p>Annual Destruction of Records (Z. Beck)</p> <p><i>The records identified for destruction are more than two years old, do not affect the title to real property or liens thereon, are not court records, are not required to be kept further by a statute and are no longer required by the City. Authority to destroy these records is requested as provided by California Government Code Section 34090 and the City's adopted Records Retention Schedule.</i></p>
	<p>Fiscal Impact Analysis for New Residential Development (J. Procopio)</p> <p><i>As a part of the City's ongoing efforts to address projected budget shortfalls, Keyser Marston & Associates, Inc. (KMA) has prepared a Fiscal Impact Analysis (FIA) evaluating the costs to serve residential development. The FIA shows that the ongoing costs to serve new residential development is not fully offset by revenues, thereby creating a structural deficit with each new development project approved. Staff recommends that the City</i></p>

	<p><i>Council consider adopting a Citywide Community Facilities Districts (CFD) to which the City would condition new developments to annex prior to creation of new residential lots.</i></p>
	<p>Agreement with CalFire for Emergency Use of Facilities at Kit Carson Park (J. Procopio)</p> <p><i>CalFire has utilized Kit Carson Park for staging of its base camp in connection with emergency firefighting efforts in the past. The current Agreement will be expiring in December of 2019. The City and CalFire desire to enter into a five year, as-needed agreement to formalize the terms of future use and compensation provisions in order to streamline the process during future emergency fire incidents.</i></p>
<p>PUBLIC HEARINGS</p>	
<p>CURRENT BUSINESS</p>	
	<p>Review of Campaign Contribution Limits (M. McGuinness)</p> <p><i>At the October 9, 2019 Escondido City Council Meeting, Mayor Paul McNamara requested that an item be placed on the agenda regarding campaign contribution limits in Escondido.</i></p>
	<p>City Council Member and Mayor Compensation (M. McGuinness)</p> <p><i>Section B(9) of the City Council Rules and Policies requires that the salary of the Mayor and City Council Members be considered during December of odd-numbered years that, if adopted, would become effective after the next municipal election.</i></p>
	<p>Adopt Resolution Updating the Salary Plans for the Unclassified Clerical/Technical Group, Salary Bands for the Management Group, and the Unclassified Service Schedule List (J. Perpetua)</p> <p><i>Pursuant to Government Code Sections 20636 and 20636.1, California Code of Regulations Section 570.5, and the Escondido Municipal Code Sections 19-8 and 19-9, the City is required to maintain a list of all unclassified position titles. Throughout the year, the Human Resources Department works with City departments to conduct job studies to ensure that job classifications reflect current job duties.</i></p>
<p>FUTURE AGENDA ITEMS</p>	

Weekly Activity Report



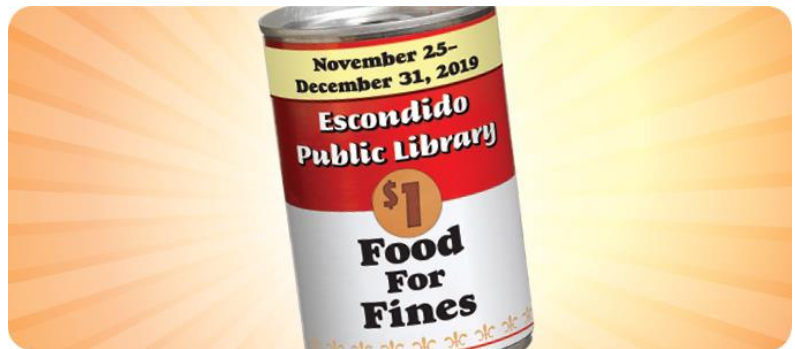
November 14, 2019

Pay Off Library Fines with Canned Food

November 25 - December 31

The holidays are coming, and the Escondido Public Library is getting into the giving spirit with its annual Food for Fines program. Food for Fines offers patrons the opportunity to clear up to \$20.00 in fines from Library accounts by donating non-perishable, nutritious, pre-packaged food. Each food item counts as \$1.00 toward reducing fines. The food is donated to Escondido's Interfaith Community Services and distributed to local needy families.

All donations must be given at the Customer Service Desk. Keep an eye out for the colorful tracker in the lobby, which will show the amount of food donated throughout the program. Last year, the Library donated 1,590 pounds of food.



The Escondido Public Library is located at 239 S. Kalmia Street, Escondido.

Stunt Dog Show Comes to the Center for the Arts

Chris Perondi's stunt dogs will be coming the California Center for the Arts this weekend, November 16 and 17. Producing the world's first and #1 "Stunt Dog Show" since 1999, his show features dogs that have been rescued from pounds and shelters.

The show has been featured on Ellen DeGeneres, the Tonight Show, Oprah Winfrey, in numerous commercials, and much more! Click the image below for more information and tickets.

CHRIS PERONDI'S STUNT DOG EXPERIENCE [BUY TICKETS NOW](#)

Presented by the California Center for the Arts, Escondido.

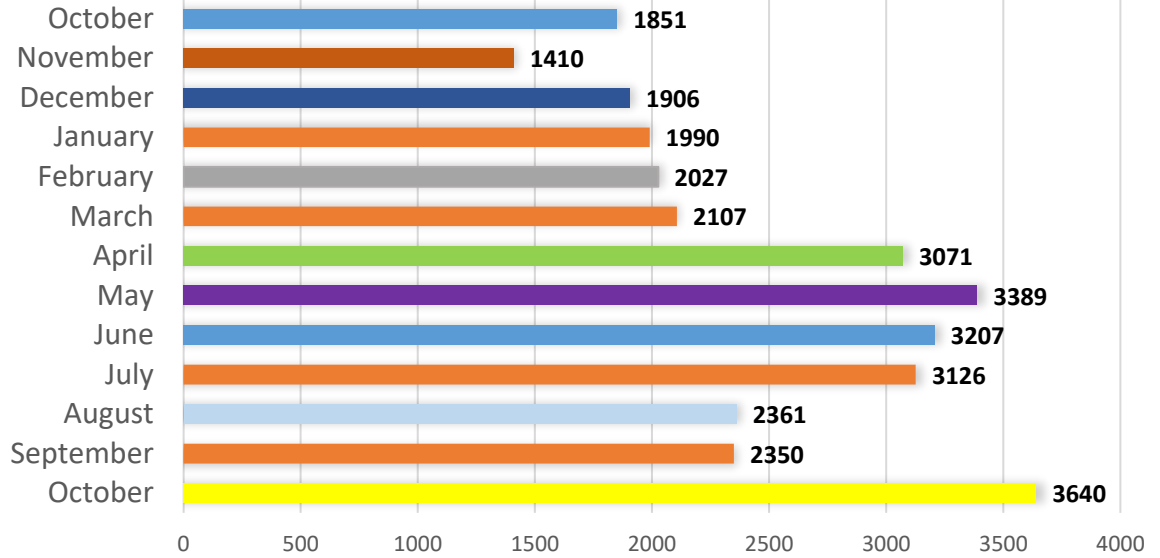
NOV 16, MULTIPLE TIMES AVAILABLE
Venue: Center Theater

\$25-55*
[* Learn more...](#)

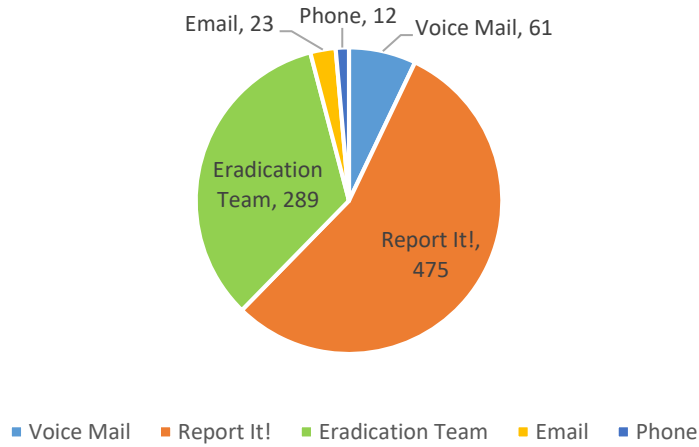
BY THE NUMBERS

Public Works

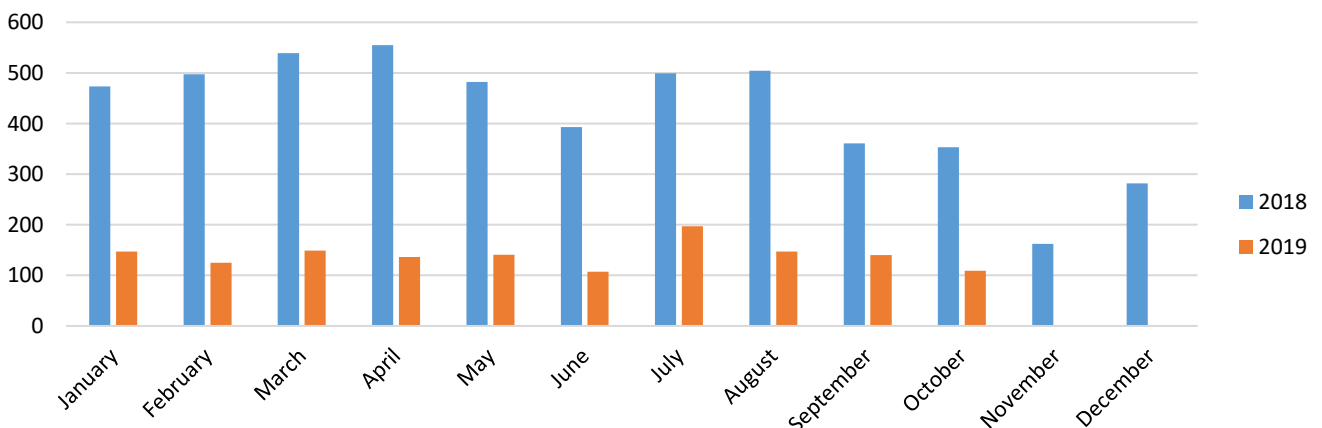
Number of Graffiti Tags Removed 2018 - 2019



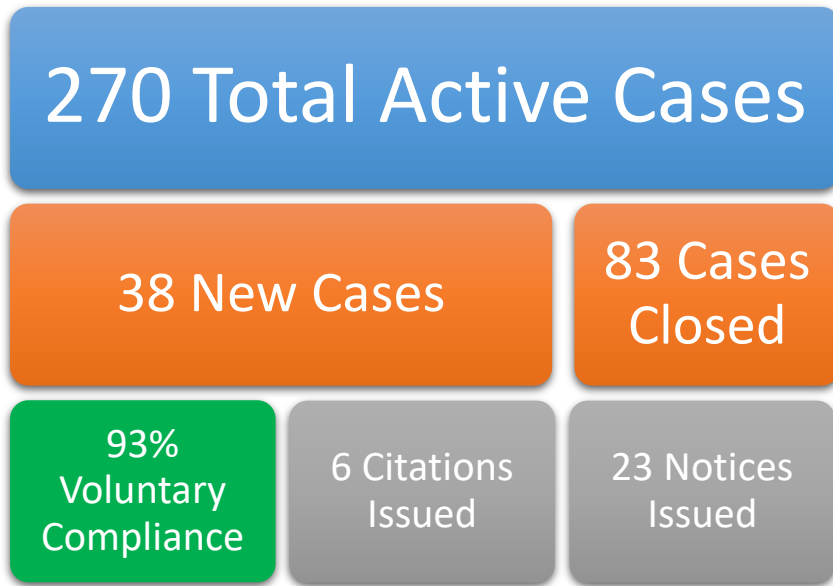
How Graffiti Was Reported - October 2019



NUMBER OF SHOPPING CARTS REMOVED

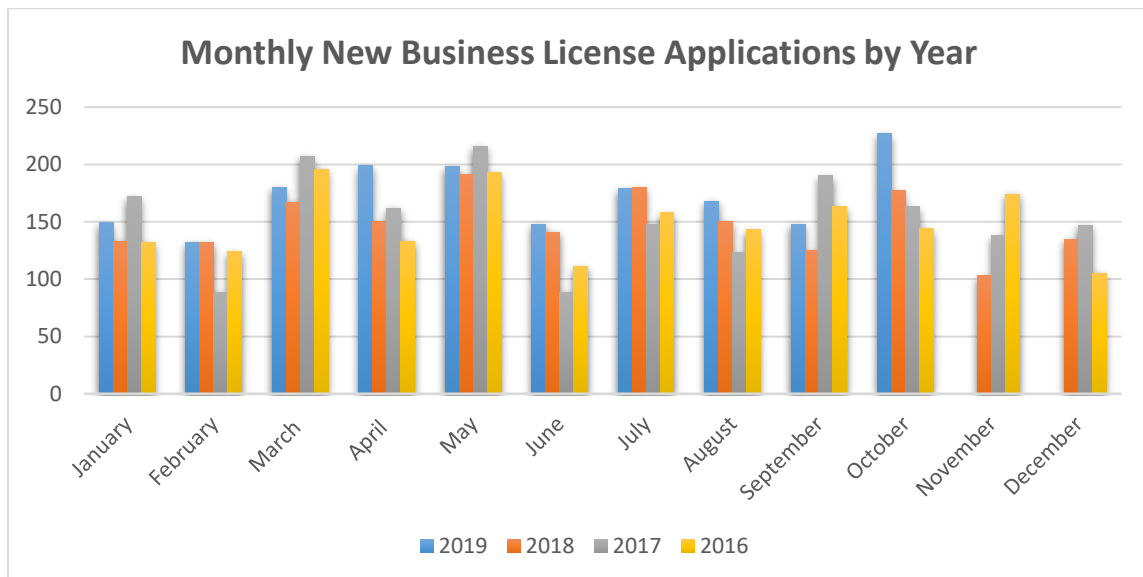


Code Enforcement



Total Code Cases (Year To Date)	2,397
---------------------------------	-------

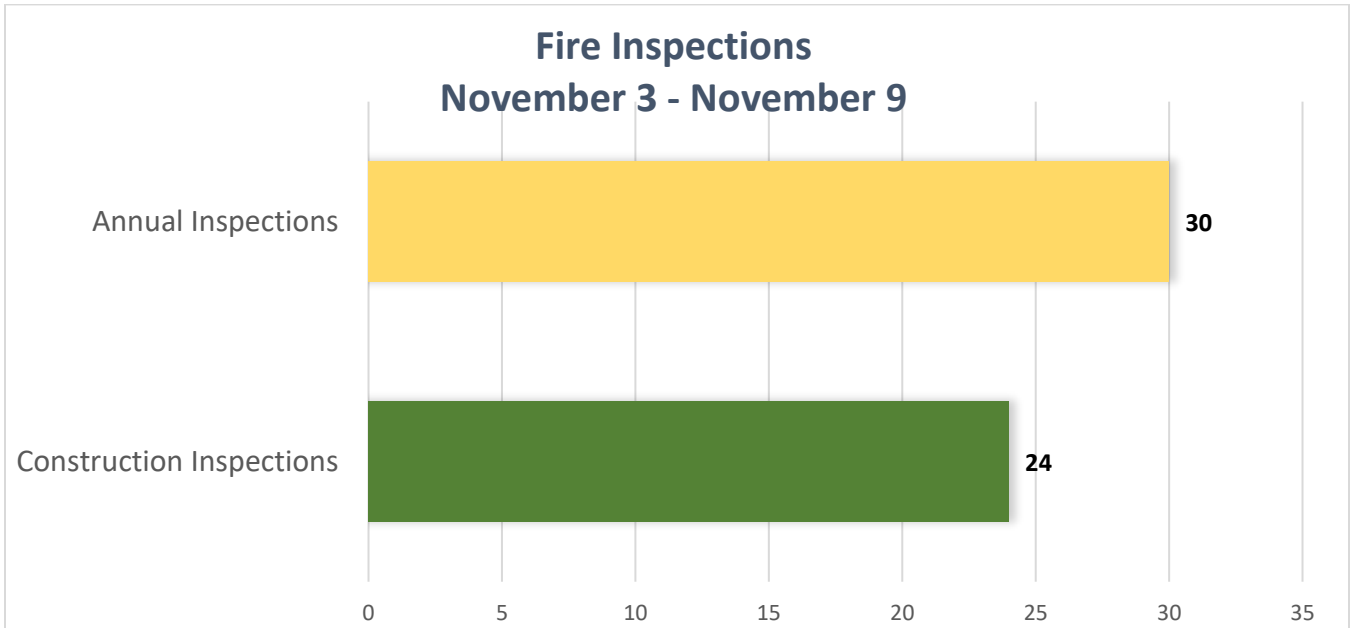
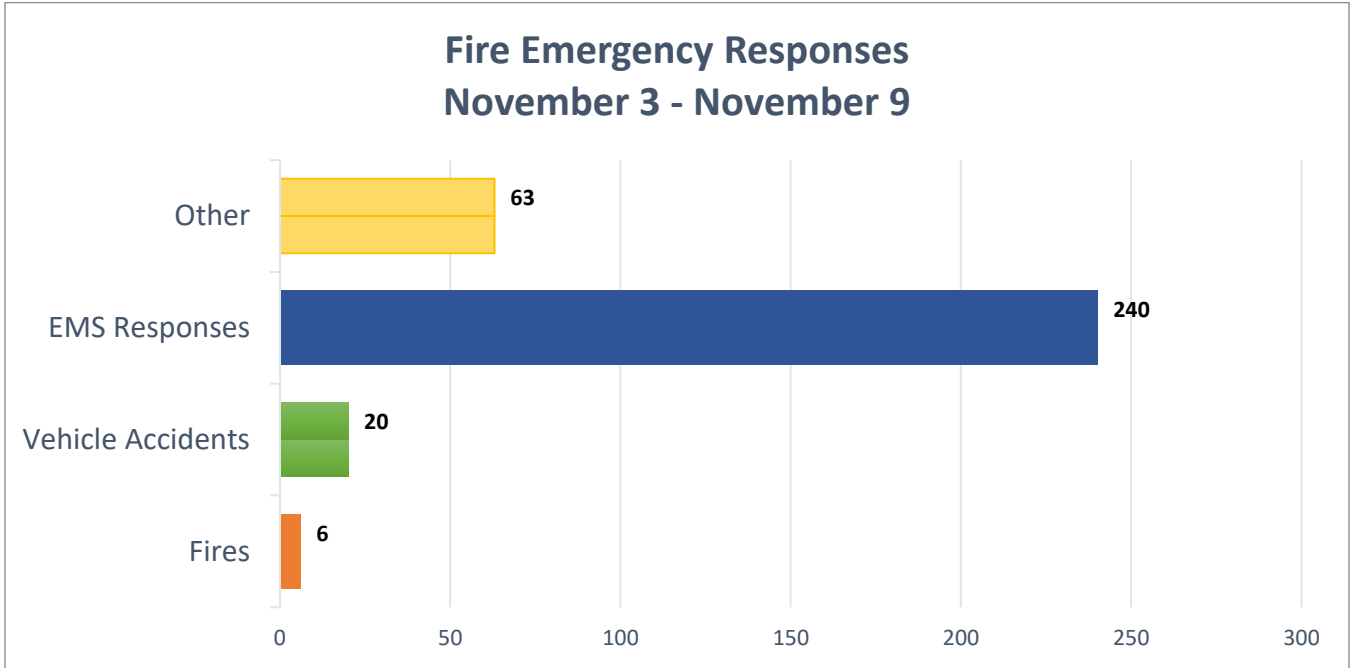
Business Licenses



Graffiti Restitution

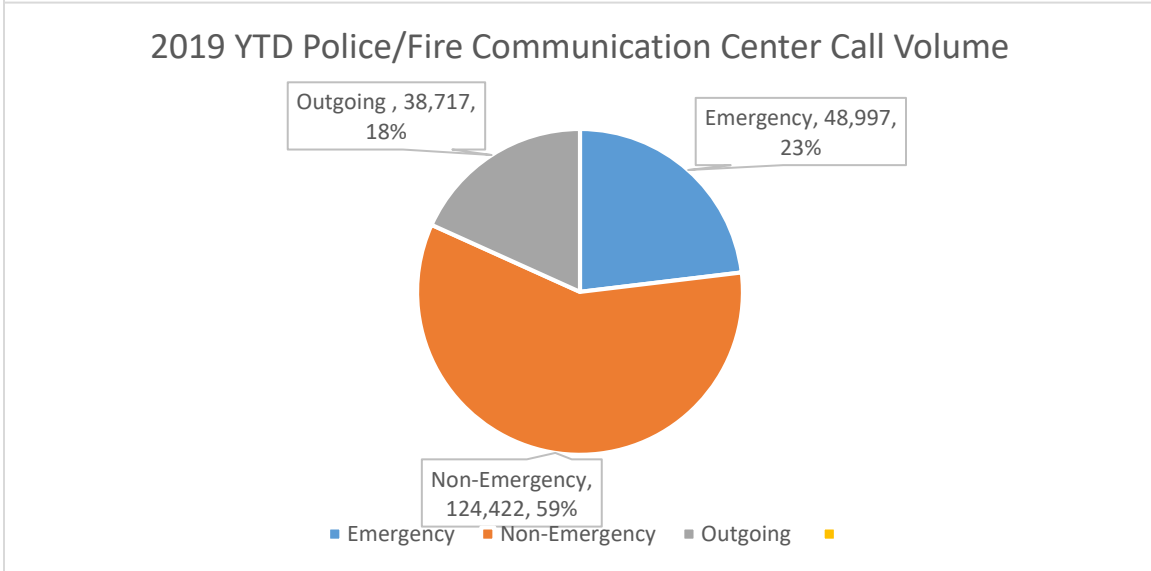
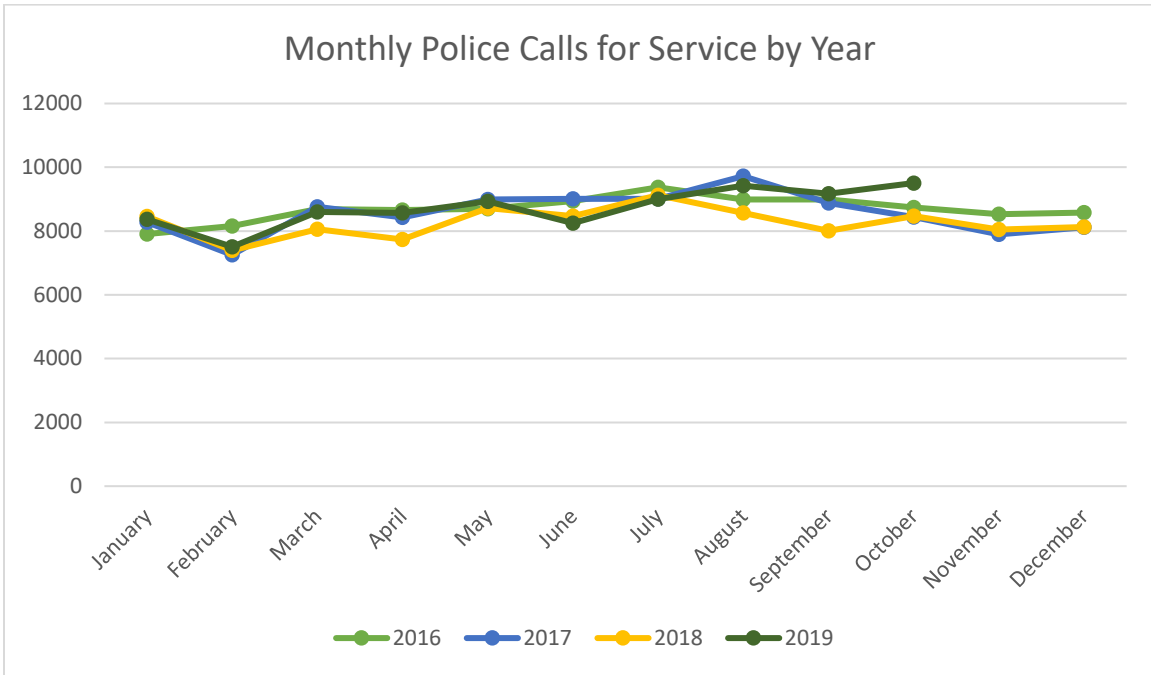
Collected This Week	Collected Year to Date
\$54.89	\$5,212.21

Fire:

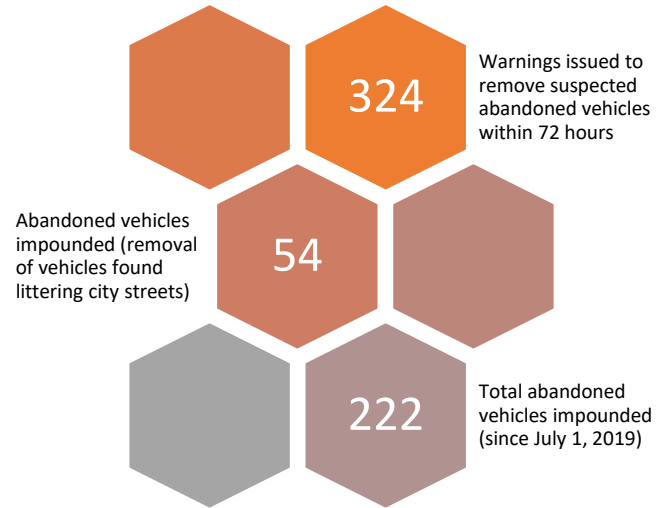


Total Emergency Responses (Year To Date)	14,858
--	--------

Police:

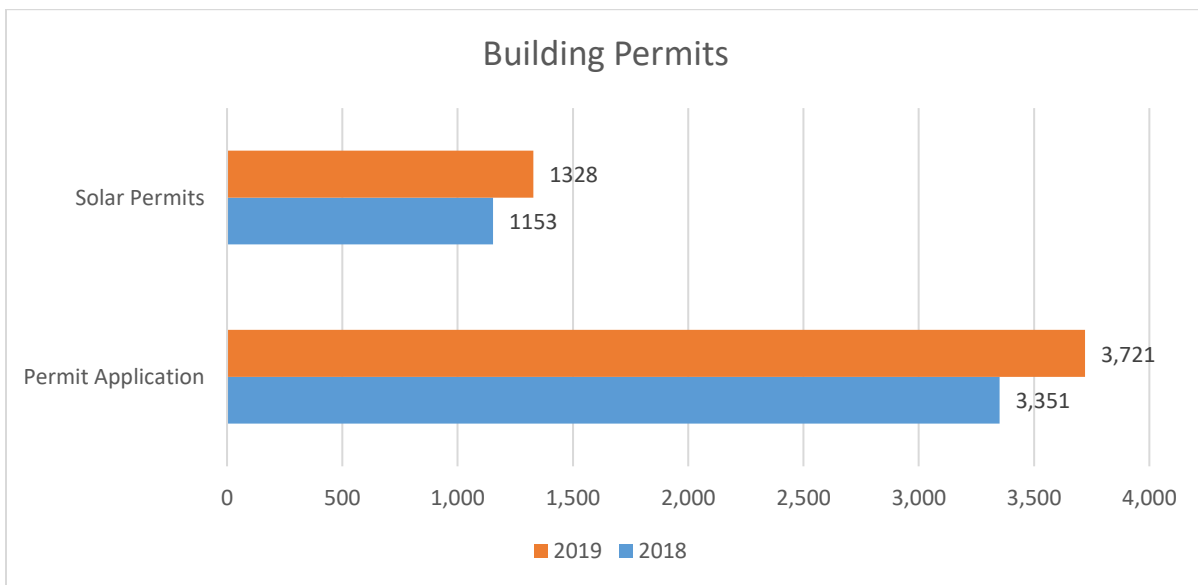
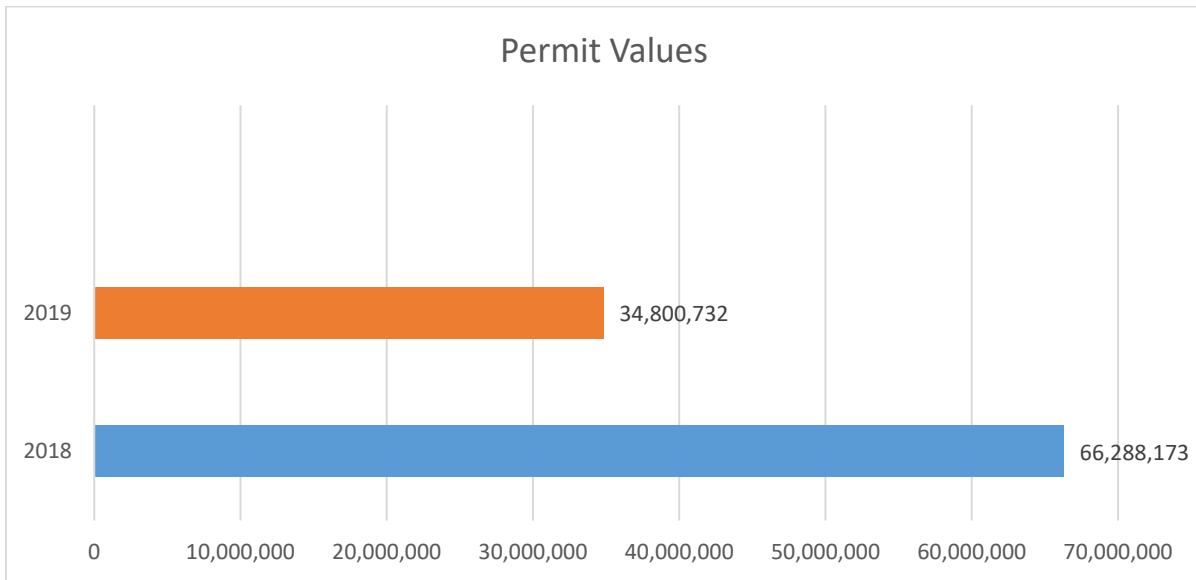


October Abandoned Vehicle Data



Building Division:

**Data reflects activity through November 9 of each year.*



VOLUNTEER PROGRAM



Upcoming Event:



Tree Planting at Kit Carson Park

Saturday, November 23, 2019 – 8:30 a.m.

If you are interested in helping beautify your community, come join us for a tree planting event at Kit Carson Park.

- **No need to register for this volunteer opportunity, just check in at the Kit Carson Park Amphitheater no later than 8:30 am.**
- Wear long pants, long sleeved shirts and closed toe shoes. Bring a shovel if you have one. The holes for planting trees will be pre-dug, but help will be needed with filling the holes in.

Kit Carson Park is located at: 3333 Bear Valley Pkwy, Escondido, CA 92025.

Get Involved:

If you would like to get involved with future projects and volunteer in Escondido, visit:

<https://volunteer.escondido.org/>

POLICE DEPARTMENT

Incidents:

COPPS Officers Help Homeless Man Return Home

About six months ago, EPD officers encountered a homeless man who, at one point, had a successful career. This same man had fallen on difficult times; he lost his job and began using drugs. He eventually ended up homeless in Escondido and did not know where to turn for help. Recently, he met officers with the COPPS unit and reached out for assistance. With the help of the officers the man was able to reunite with his family on the east coast and end his time on the streets.

Frontera Cash and Loan burglarized

During the early morning hours of November 8, the Frontera Cash and Loan business was burglarized. The thieves cut a hole in the rooftop and succeeded in forcing entry into the safe and stealing thousands of dollars in jewelry. Detectives are working to solve the burglary.

Escondido Man Pleads Guilty to Secretly Filming Females

In May of 2018 a 45-year old Escondido Resident, Renaldo Martinez-Mendoza used his cell phone while at work to film unsuspecting women in a restaurant's restroom. A female patron discovered the hidden cell phone. Pursuant to a search warrant, Mendoza's cell phone was searched and revealed several videos of patrons were captured on the cell phone in various stages of undress without their knowledge. Additional warrants were obtained and served at Mendoza's restaurant and at his home. Additional victims were located, but not identified. Mendoza pled guilty and was sentenced to 18 months in jail, three years' probation and lifetime registration as a sex offender in the state of California.

COPPS:

The COPPS (Community Oriented Policing and Problem-Solving) Unit is dedicated to increasing the quality of life for the residents of Escondido through pro-active responses to crime trends, quality of life issues, and addressing crime and public nuisance in Grape Day Park and at Maple Street Plaza.

- No arrests
- 7 citations
- 35 extra patrols/calls for service

Did You Know:

EPD Property and Evidence Room

After officers have collected evidence at a crime scene it is impound at the police department. Rarely does anyone wonder what happens to all the evidence and other property that is impounded; unless you are one of three people who work in the property and evidence room. These employees know where all items are located and what to do with them. So far, in 2019, the Property Division has received almost 10,000 pieces of property, including 133 firearms and 1,387 items related to narcotics. Currently, there are approximately 300,000 items stored in the property room and on average it receives 50 items daily.

The law dictates how long evidence must be stored, and how to dispose of it. So far in 2019 the Property Division has purged over 40,000 items. Officers, detective, deputy district attorneys, and public defenders rely on the organization and accessibility of the Property Division to view physical evidence in a case. Many of the items must also be available for review or presentation

in court, making it vitally important that evidence items are properly categorized and stored. The Property Division is one of the many important cogs that keeps the police department running efficiently.



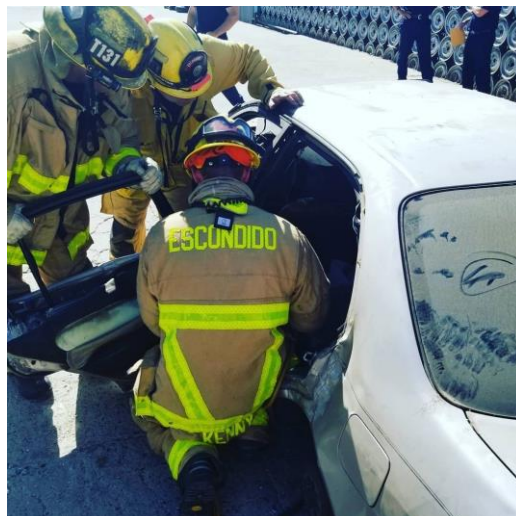
Tip of the Week:

As the holidays approach would-be thieves are on the lookout for easy targets. Often thieves watch parking lots hoping citizens will leave personal belongings or new merchandise in their vehicles. Often purses, cell phones and wallets are left in plain sight in the passenger compartment of the vehicle. To foil thieves, never leave anything of value in your vehicle. If you must to leave it in your car, put it in the trunk.

FIRE DEPARTMENT

News:

On Monday, November 4, Firefighter Paramedics Kenny and Stillman completed hands-on automobile extrication training using power equipment (“Jaws of Life”). This training, hosted by Cardinal Auto Wrecking using wrecked vehicles, provides our Firefighters with experience using our equipment and practice time with rescue techniques on many types of automobiles.



On Tuesday, November 5 at 8:36 am, the Fire Department was dispatched to the area of 800 Buchanan Street for a residential structure fire. The first arriving Captain found a metal shed in the backyard of a home with smoke coming out of it. The fire was quickly extinguished, however, the investigation into the cause of the fire revealed an unapproved and very unsafe living area where potentially illegal activities were taking place. Several other City departments were notified, including the Building Department, Code Enforcement, County Hazardous Materials and Environmental Health, Storm Water and the Police Department.



On Tuesday, November 5, Division Chief Holcomb was reassigned as a Fireline Safety Officer from the Kincade Fire in Sonoma County, to the Ranch Fire, located just north of San Francisco. He de-mobilized from the incident and returned home on Sunday, November 11.



On Friday, November 8, Orange Glen High School hosted a career day. The fire engine crew from Station #2 (N. Midway) including Captain Tebbe, Engineer Ratliff and Firefighter Paramedic Friedrichs spoke to approximately 100 freshman students about the rewards of a career in the fire service. After the discussion, the students were given an up close tour of the fire engine including the gear and equipment.



COMMUNITY DEVELOPMENT

Major Projects Update

The following major projects are being reviewed and coordinated by Planning, Engineering, Fire, Building and Utilities. The list of projects below encompasses recent project updates and/or milestones from last week.

Commercial / Office:

1. Escondido Research and Technology Center (ERTC) – West (Developer: James McCann) 2181 Citracado Parkway – A plan for a new two-story, 57,000 SF, 52-bed Palomar Rehabilitation Institute (PRI) was submitted as a Plot Plan on July 31, 2017. The Plot Plan approval letter was issued on February 7, 2018. An MOU explaining the phasing and proposed parking improvements for the hospital has been signed by all parties and was completed on July 15, 2019. The state OSHPD will issue building permits and oversee construction inspections. Site preparation and grading activities for the PRI building has commenced. A grading permit has been issued for the parking lot expansion on the Parcel 1 property.
2. Escondido Research and Technology Center (ERTC) – East (Developer: James McCann) 2130 Citracado Parkway – Building plans for a 71,656 SF medical office building in this approved medical complex area across from Palomar Hospital were submitted into plan check on October 9, 2018. A subsequent plan submittal increased the size of the building to approximately 80,000 SF, which exceeds the specific plan allowance for that planning area. A plot plan application for the modified building design has been submitted by the applicant. A fee deferral agreement has been signed by all parties in anticipation of building permit issuance. Engineering has approved the new temporary parking lot for hospital employees on Lots 10-15 at the southern end of the ERTC.

Industrial

1. Escondido Self-Storage Facility (Developer: Brandywine Homes, Inc.) 2319 Cranston Dr. – Updated building plans were resubmitted into plan check on July 24, 2018. The building plans have been approved for some time and the building permit is ready to be issued upon payment of fees. A fee deferral agreement is ready to record. The grading permit has been approved.
2. Citracado Business Park (Developer: Dentt Properties) 2207 Harmony Grove Road – A proposed specific plan for two industrial warehouse/office buildings (145,930 SF and 125,930 SF) with the buildings to be separated by the future extension of Citracado Parkway. The application was submitted on August 14, 2018. All departments have completed their initial review and comments were sent to the applicant on September 17, 2018. SDG&E also has provided comments regarding the high voltage power lines that traverse the site. The applicant's traffic consultant submitted revised methodology and distribution to Engineering on October 19, 2018, and a revised Traffic Impact Analysis was submitted to Engineering on August 8, 2019. The developer and consultant team met with Engineering and Planning on August 20, 2019, to discuss proposed traffic mitigation measures. Caltrans has recently responded favorably to the Engineering Division's suggestion of adaptive signal timing as feasible mitigation for the Nordahl/Hwy 78 area. Two vacant residences on the site were demolished on October 4, 2019.

City Projects

1. Membrane-Filtration Reverse Osmosis (Developer: City of Escondido Utilities Department) SE corner Ash/Washington – On January 16, 2019, the City Council expressed continued support for the MFRO, but directed staff to investigate moving the facility from Ash/Washington to another location. A city-owned property located at 901 W. Washington Avenue has been selected as the new MFRO site. An on-site meeting with the selected design-build and environmental contractors occurred on January 28, 2019. A Design Build Agreement was approved by the City Council on April 3, 2019. The Design Build Agreement with Filanc+BC Joint Venture provides for design and pre-construction services. The Design Build team met with Utilities and Planning on May 15, 2019 and June 5, 2019 to discuss design and timeline issues. City staff met with the Design Build team to review site plan comments on August 14, 2019, and again on September 3, 2019. A Plot Plan application was submitted for review on October 14, 2019. A comment letter was issued on November 6, 2019, and a follow-up meeting with Utilities occurred the next day.
2. Lake Wohlford Replacement Dam (Developer: City of Escondido Utilities Department) – A Draft EIR was prepared and issued for a 45-day public review period that began on October 4, 2016 and closed on November 17, 2016. A field visit with staff from the state and federal wildlife agencies took place on May 11, 2017, to review biological mitigation requirements including an agency request for full mitigation for emergent vegetation at the eastern end of the lake that came into existence since the lake level was reduced for safety reasons. Staff sent a follow-up letter to the wildlife agencies on June 29, 2017, seeking clarification on the proposed biological mitigation requirements. Additional information has been compiled and analyzed by the City's biological consultants based on recent conversations with the agencies. The biological consultant and staff met with the wildlife agencies on November 28, 2018 to discuss a modified approach to fulfilling mitigation requirements. Written information summarizing what was discussed at the meeting was transmitted to the agencies on December 4, 2018. City staff concluded a revised assessment of potential biological impacts and met with the agencies to present the findings. Additional information requested by the agencies was prepared and submitted as requested. The agencies responded they do not concur with the alternative mitigation proposal and the issue remains unresolved.

Residential

1. Harvest Hills (aka Safari Highlands Ranch) (Developer: Jeb Hall, Concordia Homes) 550 lots east of Rancho San Pasqual – A Notice of Availability for the Draft EIR was issued on October 16, 2017 for public review and comment. The comment period ended on January 2, 2018. Staff transmitted all the comment letters and emails to the Draft EIR consultant for review and to prepare a response to each comment. The Draft EIR and appendices have been posted on the City's website at the following link:

<https://www.escondido.org/safari-highlands-ranch-specific-plan.aspx>

The responses to comments have generated related revisions to the project design. The applicant's engineer submitted a revised tentative map on October 26, 2018. Generally, the amount of grading and the area of disturbance has decreased, while the overall number of 550 residential lots has remained the same. Engineering met with the project engineer and applicant on January 31, 2019, to discuss their comments on the revised tentative map. The revised tentative map and exhibits have been posted on-line at the link above. The applicant met with Traffic Engineering during the week of February 25th to discuss off-site improvements.

Staff, applicant and biological consultant met with the wildlife agencies on April 23, 2019, to discuss the revisions to the project design mentioned above. The applicant and staff met on June 20, 2019, to refine the list of outstanding issues remaining to be resolved prior to advancing to public hearings for the project. The applicant met with Traffic Engineering staff on August 15, 2019, and agreement was reached on several of the off-site mitigation locations on October 28, 2019. Additional information regarding biological resources was submitted on August 29, 2019. A revised tentative map addressing previous staff comments was submitted on November 6, 2019. A third amendment to the EIR contract for additional consultant funding will be presented to the City Council on November 20, 2019.

2. 18 lots at 701 San Pasqual Valley Rd (Developer: Bob Stewart) – A tentative map for ten single-family lots was approved by City Council on February 8, 2008. The applicant has been working to revise the map to develop more homes on the property. In response to follow-up discussions with the applicant about revising the map, comments were provided on April 29, 2019. Additional discussions between the applicant and the City to resolve project issues also occurred on June 20, 2019. The applicant submitted a tentative map time extension on July 10, 2019, to extend the processing timeline. The tentative map's expiration date was extended another two years on October 30, 2018. The map will expire on February 6, 2022.
3. The Villages at Escondido Country Club (Developer: Jason Han, New Urban West, Inc.) 380 residences – The City Council voted 3-2 to approve the project on November 15, 2017. The applicant submitted rough grading plans, drainage improvement plans and utility relocation plans for all three villages on May 7, 2018. Most of the plans are in third or fourth plan check. Engineering comments were returned on March 12, 2019; and the developer team met with Engineering on April 1, 2019, to discuss the comments. The homebuilder met with Building, Engineering and Planning on April 24, 2019 to discuss the building plan check and precise grading plan processes. A revised Certified Tentative Map for substantial conformance review was submitted on May 23, 2019 and included a proposal to relocate approximately 10 residential lots within the development. These changes in Villages 2 and 3 resulted from comments provided by the Regional Water Quality Control Board and that agency now has issued a permit. The revised Certified Tentative Map was approved on September 3, 2019. A rough grading permit for Village 1 was issued on September 16, 2019, and grading is underway. All remaining buildings in the village center area of Village 1 have been demolished. Final engineering for Villages 2 and 3 was resubmitted to staff on October 14, 2019. This includes rough grading plans, improvement plans, and the final map. Partial staff comments were issued last week on Villages 2 and 3 and the Country Club Drive improvements. Village 1 improvement plans were approved on November 8, 2019.

The approved tentative subdivision map, Final EIR and appendices, Specific Plan and other related information can be accessed on the City's website at the following link:

<https://www.escondido.org/ecc.aspx>

4. North Avenue Estates (Developer: Casey Johnson) 34 lots at North Ave./Conway Dr. –The City Council approved the project on January 10, 2018. LAFCO approved the annexation application on October 1, 2018, and the annexation has recorded. The new homebuilder, Taylor Morrison Homes submitted a Precise Development Plan to Planning on December 14, 2018. Grading plans, final map and improvement plans were submitted for review on December 7, 2018. Engineering met with the applicant's engineer on January 31, 2019 to discuss drainage issues. A revised Certified TM was approved on March 14, 2019. Final engineering plans were resubmitted on March 21, 2019. The project engineer, Engineering

and County Water Authority staff met on April 2, 2019, to discuss the street and utility crossings over the CWA aqueduct. The applicant's engineer submitted a revised design to address the CWA issues the week of June 3rd. Building plans for four model homes were submitted into plan check on July 15, 2019. The most recent comments by Planning on the building plans were sent out on October 24, 2019. The Precise Development Plan was approved by the Planning Commission on August 13, 2019. Revised grading and improvement plans were resubmitted on October 25, 2019. A resubmittal of the final map is expected this week.

5. Quince Street Senior Housing (Developer: Matt Jumper, 220 Quince, L.P.) 145 apartment units at 220 N. Quince St. – The five-story affordable senior housing apartment project was submitted on November 21, 2017. The applicant submitted revised plans on May 3, 2019. Public review of the Draft Mitigated Negative Declaration resulted in two comment letters. A Final MND was prepared and included in the staff report, which was presented to the Planning Commission. The project was reviewed by the Planning Commission on August 13, 2019 and the commission unanimously supported the project. The City Council approved the project on October 23, 2019.

7. Sager Ranch/Daley Ranch Resort Specific Plan (Developer: J. Whalen Associates, Inc., Sager Ranch Partners) 203 housing units and 225-room resort hotel on 1,783-acres, just north and east of Daley Ranch – This proposed residential and resort hotel annexation and specific plan project was received on March 2, 2018. The project submittal has been deemed incomplete and a letter from staff requesting additional project related information was sent to the applicant on April 4, 2018. Requested information includes annexation exhibits, proposed general plan amendment text, a proposed Transfer of Development Rights Program, environmental initial study, and a fiscal impact analysis. Planning met with the applicant on May 17, 2018 to discuss items listed in the letter. A follow-up meeting to discuss engineering issues occurred on June 27, 2018. The applicant met with Escondido Fire and Valley Center Fire on August 1, 2018 to discuss fire protection issues. Significant fire-related issues to be addressed include the steepness of the project entry road, secondary emergency access and Fire Department response times. A follow-up meeting with the applicant to discuss these issues occurred on October 11, 2018. On April 5, 2019, the applicant provided a letter response with alternative compliance proposals to address some of the fire-related issues. On May 14, 2019 the applicant provided additional fire-related information requested by Fire and Planning. Fire, Planning, and Engineering staff met with the applicant team on May 29, 2019 to discuss the fire-related information. A financial feasibility study for the proposed resort was submitted on July 8, 2019.

A project webpage containing draft documents and plans has been added to the Planning Division's website at the following link:

<https://www.escondido.org/daley-ranch-resort-specific-plan.aspx>

8. Nutmeg Condo General Plan Amendment (Developer: Jim Simmons, CCI) 137 townhome condo units on 7.7 acres on both sides of Nutmeg between I-15 and Centre City Parkway – This proposed multi-family residential development includes a GPA from Office to Urban III (up to 18 du/acre) as well as a specific alignment plan for Nutmeg and a vacation of approximately one acre of public right-of-way for use in the project. The project application was received on June 15, 2018. Initial comments from Planning, Fire, Engineering, Utilities and Traffic Engineering were provided to the applicant on July 13, 2018. A Notice of Availability for the Draft EIR was issued May 7, 2019, announcing a 45-day public review period from May 10, 2019 to June 24, 2019. Caltrans expressed a concern for having encroachment into their right

of way. As a result, project revisions are necessary for the southern portion of the property to accommodate grading and fuel modification zone planning on-site. The applicant met with Planning and Engineering on August 14, 2019 to discuss potential changes to the project. The project applicant is splitting the project into northern and southern pieces. The GPA, Final EIR and northern piece were recommended for approval by the Planning Commission on October 22, 2019. The City Council will consider the same part of the proposal on November 20, 2019.

9. Oak Creek (Builder: KB Homes) 65 single-family residential lots on approximately 44 acres at Felicita Road and Hamilton Lane – The Zoning Administrator approved a modification to the Precise Development Plan to revise the architecture on October 25, 2018. On-site remediation of hazardous materials has been completed and DTSC has issued a clearance letter. On-site improvement plans have been approved. The rough grading permit was issued on April 18, 2019, and grading has commenced on the site. The Precise Grading Plan for the model homes has been approved and building permits for two model homes were issued the week of July 8. A Model Home Permit was approved by Planning on July 10, 2019, for the sales office and temporary improvements. A second plan check submittal for the final map was received the week of May 13. Second plan check for the off-site improvement plans was received on June 3, 2019. Engineering comments have been returned and Engineering has approved all improvements, excepting those provided for on Felicita, which additional changes are expected. County of San Diego staff from the Parks and Public Works Divisions have met with the applicant to discuss ways to evaluate floodplain and drainage issues occurring at the Felicita Park. A follow up meeting with Engineering occurred on August 28, 2019. In response the applicant submitted a hydraulics study to DPW on September 9, 2019. Discussions between KB Homes and the County have been on-going with the expectation the County will provide final direction this week.
10. Villa Portofino (Developer: Chris Post, ATC Design Group) 15 apartment units in a three-story building with parking garage at 2690 S. Escondido Blvd. – This 15-unit multi-family residential project on a 0.52-acre parcel between S. Escondido Blvd and Cranston Drive was submitted as a Plot Plan application on November 28, 2018. A Development Agreement will be required to reduce open space. A comment letter was issued on December 20, 2018. Planning, Fire and Engineering met with the applicant on June 10, 2019, to discuss revisions to the plans intended to address the previous comments. A revised project design was routed to all departments on August 23, 2019. Planning has notified the applicant the project design is not consistent with the South Centre City Specific Plan. Engineering and Utilities comments were provided to the applicant on October 2, 2019.
11. Palomar Heights (Developer: Ninia Hammond, Integral Communities) Demolition and redevelopment of the old Palomar Hospital site with 510 multi-family units – A proposed Tentative Map, Planned Development, Specific Plan Amendment and EIR to redevelop the 13.8-acre former hospital site. Up to 5,500 square feet of recreation or commercial space could be included. A partial project application was submitted on December 24, 2018. Engineering and Planning comments on the initial project submittal were sent to the applicant on February 12, 2019. A contract for a developer-funded planning consultant to work on this project as an extension of Planning staff was approved by the City Council on February 13, 2019. Planning Engineering and Fire met with the applicant team on February 27, 2019 and again on April 24, 2019 to go through proposed revisions to the site plan and building designs. The applicant revised the plans to increase the unit count from 424 units to 510 units. A Notice of Preparation (NOP) for the Draft EIR was issued on May 3, 2019 and a public scoping meeting took place on May 20, 2019. The public comment period for the NOP closed on June 3, 2019, and approximately 28 comment letters and written forms from the scoping meeting

were received. Resubmittal of the redesign package was filed on June 25, 2019. Design and site plan information was submitted on July 1, 2019 and a screen check EIR was submitted on July 29, 2019. City comments on the design package was transmitted on August 2, 2019. Comments on the screen check EIR were issued on August 27, 2019. It is anticipated that the draft EIR will be released for public review and comment in mid to late fall. The third revision to project plans was submitted to Planning on September 11, 2019. Comments are expected to be issued this week. A meeting with Utilities to discuss water and sewer plans and meter credits took place on October 3, 2019. A Planning Commission work session focused on project design occurred on October 8, 2019. A City comment letter, including Planning Commission feedback on design review, was transmitted to the applicant on October 21, 2019.

The development proposal and other related information can be accessed on the City's website at the following link:

<https://www.escondido.org/palomarheights.aspx>

12. Henry Ranch (Builder: Joe Martin, Trumark Homes) An approved development of 97 single-family residential homes on 74.35 acres at the eastern terminus of Lincoln Avenue – The Tract 920 development proposal was originally approved in 2007 and an extension of the associated Development Agreement was approved in 2016. Final Map, grading plans and improvement plans were submitted for initial review on February 12, 2019. Architectural plans were submitted for Design Review on February 15, 2019, and comments were issued on March 14, 2019. The second submittal of final engineering was received on April 22, 2019, and several rounds of comments have been provided. The project applicant is still working on the improvement plans, particularly water service issues and a meeting with Utilities has been scheduled for this week. Grading plans have been approved and issued.
13. Del Prado (Developer: Kerry Garza, Touchstone Communities) – An approved 113-unit townhome-style Planned Development located at the southwestern corner of Brotherton Road and the Centre City Parkway frontage road - The Del Prado project was approved by the City Council in May of 2016. The project site is separated into two parcels by an SDGE parcel. Engineering and Planning are reviewing third plan check for final map, grading and improvement plans for Del Prado South. Del Prado North is in second plan check for the same plans. No building plans have been submitted into plan check. Planning has provided comments for the North landscape plans. The applicant is attempting to resolve sewer issues with the Regional Water Quality Control Board because sewer lines are proposed to cross over water lines. Utilities is awaiting resubmittal of a full set of plans and met with the applicant on August 1, 2019 to review potential redesign options. Planning approved the South landscape plan.
14. Hacienda De Vega Redevelopment – (Developer: Tony Cassolato) A proposed residential condominium development consisting of 42 three-story attached townhomes on 1.75 acres – The project would demolish the vacant restaurant building and redevelop the entire site for residential use. An application for a tentative map, plot plan and condominium permit was submitted on October 8, 2019. Initial comments from all departments have been prepared.
15. Accessory Dwelling Units – Planning staff is currently working on thirteen (13) applications for accessory dwelling units. Twenty-six (26) accessory dwelling units have been approved so far this year. Twenty-four (24) accessory dwelling units were approved in 2018. Three (3) accessory dwelling units were approved in 2017.

Building Division:

1. The Building Division issued 90 permits (including 32 solar photovoltaic) with a total valuation of \$374,768.
2. Our building inspectors responded to 214 inspection requests. 170 customers visited the Building counter during the week.
3. *No change from the previous.* The Latitude 2 apartment project at 650 Center City Pkwy has received Building final approvals and Temporary Certificates of Occupancy for buildings 1-4. Field Engineering have released Building 6 for TCO. The Building Division has granted a Temporary Certificate of Occupancy, with minor restrictions and is awaiting a request for Final inspection of Bldg. 6. Final Inspection pending the receipt of all final reports from the contractor.
4. *No change from the previous.* The new two story church sanctuary building at 1864 N. Broadway is progressing toward final inspection. Finish work continues to proceed and may take several weeks to complete. A Final Inspection will be performed once work is completed and requested by the contractor.
5. *No Change from the previous.* The new 105 room hotel at 200 La Terraza is currently operating on a Temporary Certificate of Occupancy, pending Engineering final approval. Work is on-going to complete Engineering conditions, however, additional time is needed; Since their current TCO expires today they will be granted an additional 30-day extension, which will expire November 18th, 2019.
6. The new five-story storage building at 852 Metcalf St is headed toward completion, with a final inspection scheduled for this week.
7. The new Gateway Grand 126-unit apartment project at 700 W. Grand Ave. has received approval of Exterior shear of floors 4 & 5. Fourth floor corridor shear walls have been approved for Building B. Floor sheathing for the 4th floor of Bldg. C has been approved. Framing and all MEP's are on-going in Building B with the first layer of drywall approved in several units on the 2nd floor.
8. *No change from the previous.* The new apartments at 917 W Lincoln Ave, consisting of 3 buildings and 9 total units, has received partial approval of drywall. Drywall installation is complete. Finish work is on-going and will take several weeks to complete. Staff is awaiting a request for final inspection. Temporary Gas & Electric meters have been approved and released.
9. *No change from the previous.* The new 2 story 20,000 sf office building for Superior Ready Mix on 1564 W Mission is awaiting final inspection.
10. *No change from the previous.* KB Homes, located at the Oak Creek development on Daisy Field Glen has completed the model home construction phase of the development. Plan revisions have been submitted and are currently under review. Staff has been informed by KB's permit coordinator that requests for permit issuance of the first phase could be occurring within the next 2 to 3 weeks. The number of homes in the first phase could total between 12-16 dwellings. Construction of the Guard shack is currently underway-so far framing, roof

sheathing, drywall and exterior lath have been approved. Precise Grading plans for Phases 1 & 2, totaling 12 SFD's, are currently in review.

11. The Starbucks "shell" building located at 350 W Valley Pkwy has received partial pre-roofing inspection to allow for shear transfer connections to be placed. Exterior shear has been approved. Rough framing, electrical, plumbing and mechanical has been approved. Drywall & Exterior Lath have been approved. Shell Building Final is currently in progress.

ENGINEERING DEPARTMENT

Capital Improvements:

1. El Norte Parkway Improvements – *No changes from that reported last week;* The project includes widening of El Norte Parkway at the flood control channel by the installation of a new bridge, construction of new median islands from Valley Parkway to Washington Avenue, landscaping and a drip irrigation system, a bike/pedestrian signal at the flood control channel, along with roadway resurfacing. The bridge deck and supporting structures is the focus of work this week. Iron workers are on site placing and tying reinforcing rebar. The median islands that are to be constructed between the Channel and Washington Avenue are scheduled to begin on Tuesday of next week. Seventy-two (72) working days are remaining for project completion. Submittals are continuing to be processed by staff.



2. Transit Center Pedestrian Bridge Project – On the north end of the project the contractor is continuing grading operations to shape the new channel alignment. The contractor has completed placing steel reinforcement for the wall footing for new walls along Spruce Street and 3rd Avenue in preparation of the concrete placement. Installation of irrigation system lateral lines is continuing on the completed slopes at the northern most end of the project. The demolition of an existing 10' X 10' storm drain structure is underway this week which must be removed as part of the channel realignment. Twenty-six (26) working days remain on the contract.
3. 2019 Street Rehabilitation and Maintenance Project Rebid- The re-bid of the project has been completed and achieved the desired outcome. The low bid came in at a cost savings of \$363,962 dollars. This year's project will resurface approximately 71-lane miles of pavement, replace 0.59- miles of sidewalk, and restripe 2.5- miles of bike lanes, install 51 pedestrian ramps, and replace 90 street trees that are currently damaging concrete improvements. With the continued investment into our streets the City has increased its Pavement Condition Index (PCI) from 55 to 61 points since 2013. This year's project is Maintenance Zone W, which is west of I-15 between State Route 78 and Felicita Avenue. Streets include Eucalyptus Avenue, Valley Parkway between Auto Parkway and 11th Avenue, Citracado Parkway East of Valley Parkway and 9th Avenue between Auto Parkway and Hale Avenue. Out of service area street is Valley Parkway between Fig Street and Grape Street. More information can be found at <https://www.escondido.org/city-of-escondido-street-maintenance-program.aspx>
4. Storm Drain Pipe Lining and Rehabilitation Project Phase1 – *No changes from that reported last week*; The project consists of 14 work zones and 3 Bid Alternate locations for the videoing, grouting, repairing, and lining of existing corrugated metal pipes (CMP) within the City's inventory. Pipe replacement is required for a segment crossing Grand Avenue South of Midway Drive. The contract days have been suspended until delivery of material for this segment of construction.

Private Development

1. Tract 932 - Canyon Grove Shea Homes Community – *No changes from that reported last week*; The developer will resume final asphalt placement on November 13th & 14th of this month. The roadway connection between Vista Avenue and Vista Verde Way is scheduled to be opened to all traffic by the end of the month. This opening will connect El Norte Parkway to the South and Ash Street to the West.
2. Latitude II Condominiums: Washington Avenue @ Centre City Parkway – *No changes from that reported last week*: The project will be working on punch list items over the next reporting period.
3. Tract 934 – *No changes from that reported last week*: Is a 5 lot subdivision located at 1207 Gamble Street. Offsite sidewalk improvements were formed this week.
4. 1221 Gamble Street – *No changes from that reported last week*: Is a 3 lot subdivision located adjacent to Tract 934. The contractor has placed the concrete spandrel along Gamble Street.
5. KB Homes Oak Creek Project – *No changes from that reported last week*; The construction of on site improvements are continuing this week. Offsite water laterals along Hamilton Lane is ongoing this week.
6. ATT Facility Tank Relocation – All punch list items have been completed. This will complete reporting on this project.

7. North American Self Storage – The project is located at 852 Metcalf Street. The contractor has started final concrete replacement at the Mission Avenue /Metcalf intersection this week.
8. Pradera by Lennar – *No changes from that reported last week:* The construction and installation of 779’ of 12” water main along Conway Drive, between Lehner Drive and Rincon Avenue is complete. The contractor is tying the new line to the City’s potable water system.
9. Henry Ranch Tract 920 – The project is located at the intersection of El Norte Parkway/Lincoln Avenue. The contractor has been issued a Grading Permit and grading began this past week. 433,000 cubic yards of material will be processed during the grading operation with 50,000 cubic yards of material being exported off site.
10. The Villages – *No changes from that reported last week:* Village 1 grading is continuing this week. Village 1 is between Country Club Drive to the south, David Drive to the east and Golden Circle Drive to the north. A total of 111 homes are to be constructed in Village 1. No Parking signs are in placed on Country Club Drive South of Country Club Lane. The work will be for the relocation of a 4” steel gas main located in Country Club Drive. There are 5 locations along the project frontage that required the gas mains to be relocated due to the construction of future Storm Drain pipe.
11. SDG&E 16” Gas Main Replacement: *No changes from that reported last week:* The City has issued an Encroachment Permit for pot holing of utilities for a future gas main replacement project on Bear Valley Parkway between HWY 78/ San Pasqual Valley Road interaction then South to Beethoven Drive. Information is being gathered to aid in the development of the new gas main alignment. Pot holing will begin this week. The construction phase is not expected until 2021.

GRANT APPLICATIONS

Applications:

- Public Works applied for \$400,000 in a Public Safety Power Shutoff (PSPS) Resiliency Allocation through a Cal OES Request for Proposal. If selected to receive the PSPS allocation, Public Works will use the funds to install new emergency back-up generators at two critical emergency operations facilities, the PW Yard and EVCC. Currently, these two City facilities do not have back-up generators.

During an emergency event, the Public Works Yard is responsible for the Public Works Emergency Operations Center, Traffic Signal Control Center, emergency vehicle fueling infrastructure, and emergency vehicle repairs. The EVCC is the primary emergency evacuation center for the City and surrounding areas of the County. These two new back-up generators will ensure the continuity of operations for these critical emergency functions.

- This week, the City has applied for a \$310,000 grant from the California Department of Housing and Community Development under the SB2 Planning Grant program. This will allow the City to initiate three projects to accelerate housing production, including updating the Housing Element (2021-2029), creating a new specific plan for the East Valley/Hospital Professional Zone, and conducting a housing sector feasibility study to evaluate and market housing construction opportunities in Escondido.

###