



# Council Meeting Agenda

**SEPTEMBER 23, 2020**  
**VIDEO CONFERENCE**  
**6:00 P.M. Regular Session**  
**201 N. Broadway, Escondido, CA 92025**

MAYOR	<b>Paul McNamara</b>
DEPUTY MAYOR	<b>Consuelo Martinez</b>
COUNCIL MEMBERS	<b>Olga Diaz</b> <b>Michael Morasco</b>
CITY MANAGER	<b>Jeffrey Epp</b>
CITY CLERK	<b>Zack Beck</b>
CITY ATTORNEY	<b>Michael McGuinness</b>
DIRECTOR OF COMMUNITY DEVELOPMENT	<b>Mike Strong</b>
DIRECTOR OF ENGINEERING SERVICES	<b>Julie Procopio</b>

**COVID-19 PUBLIC SERVICE ANNOUNCEMENT**

Pursuant to Governor Newsom’s Executive Orders, including N-25-20 and N-29-20: Certain Brown Act requirements for the holding of a public meeting have been temporarily suspended and members of the Escondido City Council and staff will participate in this meeting via teleconference. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit their agenda and non-agenda comments online at the following link: <https://www.escondido.org/agenda-position.aspx>. Council Chambers will be closed.

Public Comment: To submit comments in writing, please do so at the following link: <https://www.escondido.org/agenda-position.aspx>. If you would like to have the comment read out loud at the meeting (not to exceed three minutes), please write “Read Out Loud” in the subject line.

Depending on the volume and/or similarity of public comments, and pursuant to the City Council Rules of Procedure, the Mayor or Presiding Councilmember may limit the number of comments to be read and/or limit the amount of time each comment may be read. It is in the interests of members of the public who desire that their statement be read out loud to be mindful of this potential limitation when drafting their comment. The entirety of all comments received from the public will be made a part of the record of the meeting.

The meeting will be available for viewing via public television on Cox Communications Channel 19 (Escondido only). The meeting will also be live streamed online at the following link: <https://www.escondido.org/meeting-broadcasts.aspx>

**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

**September 23, 2020  
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, Morasco, McNamara

**PROCLAMATIONS:** October 2020 National Fire Prevention Week  
2020 Pollution Prevention Week

## **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:
  - 345523 – 345736 dated September 9, 2020.Staff Recommendation: **Approval (Finance Department: Christina Holmes)**
3. **APPROVAL OF MINUTES: None Scheduled**
4. **ANNUAL DESTRUCTION OF RECORDS -**  
Request the City Council authorize the annual destruction of City records in accordance with Government Code Section 34090 et seq.  
  
Staff Recommendation: **Approval (City Clerk's Department: Zack Beck)**  
  
RESOLUTION NO. 2020-138
5. **CITY CONFLICT OF INTEREST CODE UPDATE -**  
Request the City Council approve the proposed minor changes to the City's conflict of interest code reflect changes in management positions and changes in the State of California model conflict of interest code.  
  
Staff Recommendation: **Approval (City Attorney's Office: Michael McGuinness)**  
  
RESOLUTION NO. 2020-128
6. **APPROVAL OF CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR POLICE OFFICER THOMAS D. PHELPS -**  
Request the City Council approve the Industrial Disability Retirement for Police Officer Thomas D. Phelps.  
  
Staff Recommendation: **Approval (Human Resources Department: Jessica Perpetua)**  
  
RESOLUTION NO. 2020-144
7. **JESMOND DENE MUSCO BALLFIELD LIGHT LED RETROFIT PROJECT -**  
Request the City Council authorize the Director of Public Works to enter into an agreement with MUSCO Sports Lighting, LLC for equipment to upgrade the existing metal-halide ballfield lighting at Jesmond Dene Park to light-emitting diode ("LED") technology in an amount not to exceed \$269,050.00, utilizing Fiscal Year 2019-2020 U.S. Department of Housing and Urban Development ("HUD") Community Development Block Grant program funds.  
  
Staff Recommendation: **Approval (Public Works Department: Joseph Goulart)**  
  
RESOLUTION NO. 2020-136
8. **PURCHASE TWO TYMCO MODEL 600 REGENERATIVE AIR STREET SWEEPERS FROM TYMCO, INC. OF WACO, TEXAS -**  
Request the City Council authorize the Public Works / Fleet Services Division to purchase two TYMCO 600 Regenerative Air Street Sweepers from TYMCO Inc. through a Cooperative Purchase Contract with the Houston-Galveston Area Council ("HGAC").  
  
Staff Recommendation: **Approval (Public Works Department: Joseph Goulart)**  
  
RESOLUTION NO. 2020-135



**9. AUTHORITY TO ACCEPT LOCAL ROADWAY SAFETY PROGRAM GRANT TO PERFORM LOCAL ROADWAY SAFETY PLAN AND BUDGET ADJUSTMENT -**

Request the City Council authorize the Director of Engineering Services or her designee to accept grant funds in the amount of \$72,000 for developing a Local Roadway Safety Plan and authorize a budget adjustment allocating grant funds to the project. The City was selected to receive grant funds from the Caltrans Local Highway Safety Improvement Program ("HSIP") to prepare a Local Roadway Safety Plan that will analyze collisions, identify priority corridors and roadway safety solutions.

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

RESOLUTION NO. 2020-139

**10. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT PREPARED FOR THE LAKE WOHLFORD DAM REPLACEMENT PROJECT ("ENV 13-0005") -**

Request the City Council approve certifying the Final Environmental Impact Report and adopt findings of fact, a statement of overriding considerations, and a mitigation monitoring and reporting program for the Lake Wohlford Dam Replacement Project.

Staff Recommendation: **Approval (Community Development Department: Mike Strong)**

RESOLUTION NO. 2020-145

**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.)

**PUBLIC HEARINGS**

**11. ZONE CHANGE, MASTER AND PRECISE DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, AND SPECIFIC ALIGNMENT PLAN FOR CARVANA AUTO DEALERSHIP (PL20-0447) -**

Request the City Council approve a Master and Precise Development Plan for the development of a Carvana Fulfillment Center / Vending Machine auto dealership, and Zone Change from General Industrial (M-2) to Planned Development-Industrial (PD-I) located at 555 N. Hale Avenue. In conjunction with this action, it is requested that the City Council approve a Conditional Use Permit for an auto dealership within an industrial zone, and Specific Alignment Plan for Hale Avenue, with associated street improvements, parking, landscaping, and storm water facilities.

Staff Recommendation: **Approval (Community Development Department: Mike Strong)**

a) RESOLUTION NO. 2020-129 b) ORDINANCE NO. 2020-25

## CURRENT BUSINESS

12. **FINANCIAL STATUS REPORT AND BUDGET ADJUSTMENT REQUEST FOR FISCAL YEAR 2019/20 -**

Request the City Council receive and file the year-end financial status report for fiscal year 2019/20, and approve the budget adjustment to distribute the General Fund year-end financial results.

Staff Recommendation: **Receive and File/Approval (Finance Department: Christina Holmes)**

13. **DEVELOPMENT IMPACT FEES ASSOCIATED WITH PUBLIC FACILITIES, PARK DEVELOPMENT, TRAFFIC IMPACT, DRAINAGE FACILITIES, AND FUNDING OF ONGOING MUNICIPAL SERVICES -**

Request the City Council approve adopting Resolution No. 2020-125 updating Development Impact Fees collected for Public Facilities, Park Development, Traffic Impact, and Drainage Facilities to fully offset costs anticipated to serve new development, and introduce Ordinance No. 2020-24 amending Municipal Code Chapter 6, Article 17 and Chapter 6, Article 18B to establish a provision regarding other fees and exactions for ongoing municipal services.

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

a) RESOLUTION NO. 2020-125 b) ORDINANCE NO. 2020-24

14. **CITYWIDE SERVICES COMMUNITY FACILITIES DISTRICT 2020-1 ANNEXATION OF PROJECTS UNDER ENTITLEMENT REVIEW -**

Request the City Council direct staff to continue requiring projects that were not entitled prior to May 13, 2020 to offset the ongoing costs of providing public services to the project by annexing into the Citywide Services Community Facilities District or through another approved funding mechanism.

Staff Recommendation: **Provide Direction (Engineering Services Department: Julie Procopio)**

## FUTURE AGENDA

15. **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 AND OTHER 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](http://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
September 30	-	-	No Meeting (5 <sup>th</sup> Wednesday)	-
October 7	-	-	No Meeting (League of CA Cities)	-
October 14	-	-	No Meeting	-
October 21	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](http://www.escondido.org), and clicking the "Live Streaming –City Council Meeting now in progress" button on the home page.

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

**The City Council is scheduled to meet the first four Wednesdays  
of the month at 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**

**September 23, 2020**

**File No. 0400-40**

SUBJECT: Approval of Warrants

DEPARTMENT: Finance Department

RECOMMENDATION:

Request approval for City Council and Housing Successor Agency warrant numbers 345523 – 345736 dated September 9, 2020.

FISCAL ANALYSIS:

The total amount of the warrants for the period of September 3 – September 9, 2020, is \$1,341,129.42.

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.



Consent Item No. 3

September 23, 2020

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**APPROVAL**

**OF**

**MINUTES**

## CITY COUNCIL STAFF REPORT

**Consent Item No. 4**

**September 23, 2020**

**File No. 0160-35**

SUBJECT: Annual Destruction of Records

DEPARTMENT: City Clerk's Office

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-138, authorizing the destruction of City records as set forth in Exhibit "A," which is attached to Resolution No. 2020-138, for the following departments and divisions: City Attorney, City Clerk, City Manager, City Treasurer, Community Development, Community Services, Employee Benefits, Engineering, Finance, Fire, HARRF, Housing, Human Resources, Library, Payroll, Police, Public Works, Risk Management, and Utilities.

FISCAL ANALYSIS:

None.

BACKGROUND:

The records identified for destruction are more than two years old. These records do not affect the title to real property or liens thereon, are not court records, are not evidence in any claim file or any pending litigation or potential claim or litigation, 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 et seq. Said records consist of documents identified in Exhibit "A," which is attached to Resolution No. 2020-138. The Department Head and the City Attorney's office have reviewed the records for historical value and for compliance with the established retention requirements, and consent to their destruction.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Zack Beck*, City Clerk

9/16/20 3:53 p.m.

ATTACHMENTS:

1. Resolution No. 2020-138
2. Resolution No. 2020-138 Exhibit A



RESOLUTION NO. 2020-138

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AUTHORIZING THE DESTRUCTION OF  
CERTAIN CITY RECORDS

WHEREAS, the City Clerk of the City of Escondido has described and identified City records, which are more than two (2) years old. These records, as listed in Exhibit "A," 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 Clerk, and are of a classification qualifying for destruction in accordance with the provisions of Government Code Section 34090 et seq.; and

WHEREAS, the City Attorney consents to the destruction of the described records in the certification and application of the City Clerk as set forth in Exhibit "A," which is attached to this Resolution and incorporated by this reference; and

WHEREAS, once the destruction of records is complete, as set forth in Exhibit "A," the City Clerk is authorized to certify the destruction of records.

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 finds that there is good cause to approve the destruction of the identified City records as set forth in Exhibit "A."

## City of Escondido Destruction Report - Exhibit A

Box No	Department	Record Series	From Date	To Date	Destruct Date
1083874	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083875	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083879	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/14/2014	6/30/2015	6/30/2020
1083880	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083881	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083882	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083884	Accounts Payable - 022.2	0470-10 - Accounts Payable	11/1/2013	6/30/2015	6/30/2020
1083885	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083886	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083890	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083891	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083892	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083895	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083896	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083897	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083898	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083899	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083903	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083904	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083905	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083906	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083907	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083913	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083915	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083917	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083918	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083919	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083921	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083922	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083936	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083937	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083939	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1083948	Accounts Payable - 022.2	0470-10 - Accounts Payable	7/1/2014	6/30/2015	6/30/2020
1084883	City Clerk - 004	0470-45 - Rejected Bids	6/5/2014	11/6/2014	11/6/2019
1085880	City Clerk - 004	0480-70 - Grants, Successful	3/2/2011	5/8/2017	6/18/2020
9896	City Clerk - 004	0600-10 - Agreements	4/23/2008	8/15/2011	5/18/2020
9899	City Clerk - 004	0600-10 - Agreements	9/26/2007	6/30/2011	4/29/2020
10994	City Clerk - 004	0640-10 - Statement of Economic Interests	3/14/1988	7/5/2013	7/5/2020
1085101	City Clerk - 004	0670-65 - Public Records Requests	10/2/2017	10/26/2017	10/26/2019
1084013	City Clerk - 004	0670-66 - Deposition Subpoena	8/29/2016	10/4/2016	10/4/2019
1084014	City Clerk - 004	0670-66 - Deposition Subpoena	10/10/2016	11/2/2016	11/2/2019
1084015	City Clerk - 004	0670-66 - Deposition Subpoena	6/17/2016	8/16/2016	8/16/2019
1084267	City Clerk - 004	0670-66 - Deposition Subpoena	12/22/2016	1/12/2017	1/12/2020
1084268	City Clerk - 004	0670-66 - Deposition Subpoena	1/9/2017	2/23/2017	2/23/2020
1084863	City Clerk - 004	0670-66 - Deposition Subpoena	2/14/2017	5/2/2017	5/2/2020
1084864	City Clerk - 004	0670-66 - Deposition Subpoena	5/5/2017	7/12/2017	7/12/2020

1084866	City Clerk - 004	0670-66 - Deposition Subpoena	7/13/2017	8/7/2017	8/7/2020
12420	Code Enforcement - 250	0480-35 - Business Licenses	8/18/1985	11/30/2014	11/30/2019
12422	Code Enforcement - 250	0480-35 - Business Licenses	5/6/1986	12/31/2014	12/31/2019
12423	Code Enforcement - 250	0480-35 - Business Licenses	7/28/1980	1/31/2015	1/31/2020
12424	Code Enforcement - 250	0480-35 - Business Licenses	7/20/1962	2/10/2015	2/10/2020
12426	Code Enforcement - 250	0480-35 - Business Licenses	1/31/1976	1/18/2015	1/18/2020
12444	Code Enforcement - 250	0480-35 - Business Licenses	12/15/1986	2/20/2015	2/20/2020
12445	Code Enforcement - 250	0480-35 - Business Licenses	1/2/1957	2/28/2015	2/28/2020
12446	Code Enforcement - 250	0480-35 - Business Licenses	1/18/1950	2/18/2015	2/18/2020
12447	Code Enforcement - 250	0480-35 - Business Licenses	2/9/1987	12/31/2014	12/31/2019
12448	Code Enforcement - 250	0480-35 - Business Licenses	6/10/1975	3/31/2015	3/31/2020
12449	Code Enforcement - 250	0480-35 - Business Licenses	3/9/1962	2/1/2015	2/1/2020
12499	Code Enforcement - 250	0480-35 - Business Licenses	1/29/1962	4/30/2015	4/30/2020
1083138	Code Enforcement - 250	0480-35 - Business Licenses	10/16/1984	5/31/2015	5/31/2020
1083157	Code Enforcement - 250	0480-35 - Business Licenses	7/31/2013	11/3/2014	11/3/2019
1083815	Code Enforcement - 250	0480-35 - Business Licenses	1/1/2012	12/31/2014	12/31/2019
1086304	Community Services - 101	0105-10 - Correspondence	1/1/1965	12/31/1990	12/31/1993
1086276	Community Services - 101	0135-10 - Local & County Organizations	1/1/1959	1/1/1992	1/1/1992
1086315	Community Services - 101	0145-30 - State Agencies	1/1/1965	12/31/1992	12/31/1995
1086303	Community Services - 101	0150-60 - Public Ceremonies & Events	1/1/1973	12/31/2007	12/31/2012
1086306	Community Services - 101	0150-60 - Public Ceremonies & Events	1/1/1980	12/31/2014	12/31/2019
11342	Community Services - 101	0420-43 - Bank Deposit Slips	1/1/2011	12/31/2011	12/31/2015
11343	Community Services - 101	0420-43 - Bank Deposit Slips	1/1/2012	12/31/2012	12/31/2015
11350	Community Services - 101	0420-43 - Bank Deposit Slips	1/1/2012	12/31/2013	12/31/2017
1086316	Community Services - 101	0430-10 - Departmental Budget	1/1/1978	12/31/1994	12/31/1997
1086309	Community Services - 101	0430-20 - External Financial Support Requests	1/1/1988	12/31/2001	12/31/2004
12474	Community Services - 101	0470-26 - Purchase History	1/1/2005	12/31/2013	12/31/2018
12462	Community Services - 101	0480-15 - Daily Cash Receipts	1/1/2009	3/25/2015	3/25/2020
12465	Community Services - 101	0480-15 - Daily Cash Receipts	1/1/2010	8/30/2014	8/30/2019
12479	Community Services - 101	0480-15 - Daily Cash Receipts	1/1/2014	12/31/2014	12/31/2019
12487	Community Services - 101	0480-15 - Daily Cash Receipts	1/1/2012	8/16/2014	8/16/2019
1086281	Community Services - 101	0480-25 - Billings & Receipts	1/1/1982	12/31/1997	12/31/2002
1086341	Community Services - 101	0480-80 - Grants, Unsuccessful	1/1/1961	12/31/1995	12/31/1998
1086278	Community Services - 101	0500-30 - Inventories	1/1/1972	12/31/1994	12/31/1997
1086312	Community Services - 101	0600-11 - Departmental Contracts and Agreements	1/1/2003	12/31/2016	12/31/2019
1086286	Community Services - 101	0600-12 - Community Service Agreements, Instructors	1/1/2014	4/1/2017	4/1/2020
1084776	Community Services - 101	0900-20 - Facility Use/Permits/Insurance Binders	1/1/2008	12/31/2016	12/31/2019
1085426	Community Services - 101	0900-20 - Facility Use/Permits/Insurance Binders	1/1/2006	12/31/2016	12/31/2019
1086248	Community Services - 101	0915-55 - City Lakes, Wohlford/Dixon	1/1/1956	12/31/2000	12/31/2003
1086249	Community Services - 101	0915-55 - City Lakes, Wohlford/Dixon	1/1/1970	12/31/2000	12/31/2003
1086274	Community Services - 101	0915-55 - City Lakes, Wohlford/Dixon	1/1/1971	12/31/1995	12/31/1998
1086275	Community Services - 101	0915-55 - City Lakes, Wohlford/Dixon	1/1/1974	12/31/2001	12/31/2004
1086299	Community Services - 101	0915-55 - City Lakes, Wohlford/Dixon	1/1/1967	12/31/1993	12/31/1996

1086300	Community Services - 101	0915-55 - City Lakes, Wohlford/Dixon	1/1/1949	12/31/1994	12/31/1997
1084438	Community Services - 101	1100-15 - Site Supervisors Incident Reports	1/1/2016	6/30/2017	6/30/2020
1086302	Community Services - 101	1120-30 - Escondido School Districts	1/1/1963	12/31/1992	12/31/1997
1086310	Community Services - 101	1120-30 - Escondido School Districts	1/1/1971	12/31/1987	12/31/1992
1086311	Community Services - 101	1120-30 - Escondido School Districts	1/1/1962	12/31/1998	12/31/2003
1086317	Community Services - 101	1120-30 - Escondido School Districts	1/1/1960	12/31/2004	12/31/2009
1084538	Community Services - 101	1130-30 - Youth Sports Activities	1/1/2014	3/31/2017	3/31/2020
1086319	Community Services - 101	1130-30 - Youth Sports Activities	1/1/1965	12/31/2005	12/31/2008
1084454	Community Services - 101	1140-10 - Recreation Classes	1/1/2016	12/31/2016	12/31/2019
1084537	Community Services - 101	1140-10 - Recreation Classes	1/1/2012	12/31/2016	12/31/2019
1085422	Community Services - 101	1140-10 - Recreation Classes	1/1/2016	12/31/2016	12/31/2019
1085927	Community Services - 101	1140-10 - Recreation Classes	8/1/2016	6/30/2017	6/30/2020
1085929	Community Services - 101	1140-10 - Recreation Classes	8/1/2016	6/30/2017	6/30/2020
1086327	Community Services - 101	1140-10 - Recreation Classes	8/1/2016	6/30/2017	6/30/2020
1084804	Community Services - 101	1140-30 - After School Recreation Programs	8/1/2014	6/30/2015	6/30/2020
1084808	Community Services - 101	1140-30 - After School Recreation Programs	4/1/2014	6/30/2015	6/30/2020
1084815	Community Services - 101	1140-30 - After School Recreation Programs	8/1/2014	6/30/2015	6/30/2020
1084828	Community Services - 101	1140-30 - After School Recreation Programs	8/1/2014	6/30/2015	6/30/2020
1084830	Community Services - 101	1140-30 - After School Recreation Programs	8/1/2014	6/30/2015	6/30/2020
1084835	Community Services - 101	1140-30 - After School Recreation Programs	8/1/2014	6/30/2015	6/30/2020
1084853	Community Services - 101	1140-30 - After School Recreation Programs	8/1/2014	6/30/2015	6/30/2020
1086318	Community Services - 101	1140-30 - After School Recreation Programs	1/1/1968	12/31/2003	12/31/2008
1084919	Employee Benefits - 023.1	0720-24 - Benefit File	9/21/1986	9/22/2016	9/22/2019
1085627	Employee Benefits - 023.1	0720-24 - Benefit File	6/19/1978	1/14/2017	1/14/2020
1085707	Employee Benefits - 023.1	0720-24 - Benefit File	8/18/1969	11/5/2016	11/5/2019
1083461	Engineering - 402	0730-40 - Departmental Personnel Files	6/23/1975	12/19/2014	12/19/2019
1083949	Finance - 022	0400-15 - Travel Expense Statements	7/1/2014	6/30/2015	6/30/2020
1085846	Finance - 022	0400-30 - Fixed Assets	7/1/2015	6/30/2017	6/30/2020
1085863	Finance - 022	0420-60 - Banking Daily Worksheets	1/1/2013	6/30/2014	6/30/2020
1085992	Finance - 022	0430-80 - Carryovers/Budget Adjustments	7/1/2013	6/30/2014	6/30/2020
1083953	Finance - 022	0480-10 - Accounts Receivable	7/1/2014	8/30/2014	8/30/2019
1083955	Finance - 022	0480-10 - Accounts Receivable	9/1/2014	11/30/2014	11/30/2019
1083784	Finance - 022	0480-15 - Daily Cash Receipts	7/1/2014	7/31/2014	7/31/2019
1084225	Finance - 022	0480-15 - Daily Cash Receipts	1/20/2014	8/20/2014	8/20/2019
1084540	Finance - 022	0480-15 - Daily Cash Receipts	10/1/2014	10/31/2014	10/31/2019
1084541	Finance - 022	0480-15 - Daily Cash Receipts	9/1/2014	9/30/2014	9/30/2019
1084542	Finance - 022	0480-15 - Daily Cash Receipts	4/1/2015	4/30/2015	4/30/2020
1084543	Finance - 022	0480-15 - Daily Cash Receipts	8/1/2014	8/31/2014	8/31/2019
1084544	Finance - 022	0480-15 - Daily Cash Receipts	1/1/2015	1/31/2015	1/31/2020
1084545	Finance - 022	0480-15 - Daily Cash Receipts	2/1/2015	2/28/2015	2/28/2020
1084546	Finance - 022	0480-15 - Daily Cash Receipts	3/1/2015	3/31/2015	3/31/2020
1084547	Finance - 022	0480-15 - Daily Cash Receipts	11/1/2014	11/30/2014	11/30/2019
1084548	Finance - 022	0480-15 - Daily Cash Receipts	12/1/2014	12/31/2014	12/31/2019
1084550	Finance - 022	0480-15 - Daily Cash Receipts	6/1/2015	6/30/2015	6/30/2020

1084551	Finance - 022	0480-15 - Daily Cash Receipts	5/1/2015	5/31/2015	5/31/2020
1084579	Finance - 022	0480-15 - Daily Cash Receipts	1/1/2015	3/31/2015	3/31/2020
1084580	Finance - 022	0480-15 - Daily Cash Receipts	4/1/2015	6/30/2015	6/30/2020
1084589	Finance - 022	0480-15 - Daily Cash Receipts	7/1/2014	6/30/2015	6/30/2020
1085306	Finance - 022	0480-15 - Daily Cash Receipts	1/1/2007	12/31/2009	12/31/2014
1085562	Finance - 022	0480-15 - Daily Cash Receipts	7/1/2014	12/31/2014	12/31/2019
1085733	Finance - 022	0480-15 - Daily Cash Receipts	1/1/2015	4/30/2015	4/30/2020
1086111	Finance - 022	0480-80 - Grants, Unsuccessful	7/1/2007	6/30/2013	6/30/2016
1085920	Finance - 022	0670-70 - Departmental Project Files	12/1/2004	6/30/2013	6/30/2020
1084779	Fire - 600	0450-20 - Time Cards	1/1/2014	12/31/2014	12/31/2019
1084782	Fire - 600	0450-20 - Time Cards	1/1/2014	12/31/2014	12/31/2019
11893	HARRF - 411.2	1360-45 - Internal Testing	1/1/2007	12/31/2007	12/31/2019
1083114	Housing 200.1	0873-01 - Funding Program HOMES	2/11/2009	11/18/2014	11/18/2019
1083115	Housing 200.1	0873-01 - Funding Program HOMES	9/5/2010	12/1/2014	12/1/2019
1083121	Housing 200.1	0873-01 - Funding Program HOMES	11/3/2009	1/7/2015	1/7/2020
1083125	Housing 200.1	0873-01 - Funding Program HOMES	8/9/2006	12/9/2014	12/9/2019
1083134	Housing 200.1	0873-01 - Funding Program HOMES	11/4/2008	1/7/2015	1/7/2020
1083137	Housing 200.1	0873-01 - Funding Program HOMES	6/15/2001	12/9/2014	12/9/2019
1083050	Housing 200.1	0875-14 - Senior Housing Program	2/9/2000	10/29/2014	10/29/2019
1083681	Housing 200.1	0875-20 - Housing Rehabilitation	7/26/1990	12/1/2015	12/1/2019
1084026	Information Systems - 031	0450-20 - Time Cards	1/1/2013	12/31/2014	12/31/2019
1084995	Joslyn Senior Ctr - 105	0900-20 - Facility Use/Permits/Insurance Binders	1/1/2014	12/31/2016	12/31/2019
1083361	Payroll - 022.3	0450-10 - Individual Employee Payroll Files	1/1/2014	12/31/2014	12/31/2019
1083364	Payroll - 022.3	0450-10 - Individual Employee Payroll Files	1/1/2014	12/31/2014	12/31/2019
1083368	Payroll - 022.3	0450-10 - Individual Employee Payroll Files	1/1/2014	12/31/2014	12/31/2019
12300	Payroll - 022.3	0450-14 - Direct Deposit Reports	1/1/2014	12/31/2014	12/31/2019
1083399	Payroll - 022.3	0450-20 - Time Cards	11/22/2014	3/28/2015	3/28/2020
1083401	Payroll - 022.3	0450-20 - Time Cards	3/29/2015	6/20/2015	6/20/2020
1083403	Payroll - 022.3	0450-20 - Time Cards	6/22/2014	11/8/2014	11/8/2019
1083404	Police - 500	0450-20 - Time Cards	9/28/2014	12/20/2014	12/20/2019
1083405	Police - 500	0450-20 - Time Cards	6/22/2014	9/27/2014	9/27/2019
1084177	Police - 500	0450-20 - Time Cards	12/21/2014	3/14/2015	3/14/2020
1085908	Purchasing - 022.4	0470-25 - Purchase Orders	7/1/2014	6/30/2015	6/30/2020
1085909	Purchasing - 022.4	0470-25 - Purchase Orders	7/1/2014	6/30/2015	6/30/2020
1084161	Risk Management - 024	0170-86 - Employee Safety Meetings	7/1/2011	1/1/2015	1/1/2020
1084467	Treasurer - 005	0420-40 - Check Stubs	9/9/1998	1/15/2015	1/15/2020
1084402	Treasurer - 005	0420-45 - Transfer of Funds Advice	7/1/2014	6/30/2015	6/30/2020
1084073	Treasurer - 005	0420-60 - Banking Daily Worksheets	7/1/2014	12/31/2014	12/31/2019
1084344	Treasurer - 005	0420-60 - Banking Daily Worksheets	7/31/2011	4/30/2015	4/30/2020
1085702	Utilities - 411	0105-10 - Correspondence	4/1/1986	8/15/2016	8/15/2019
1084036	Utility Billing - 022.1	0480-20 - Billing & Service Request	12/3/2012	12/31/2014	12/31/2019
1084042	Utility Billing - 022.1	0480-20 - Billing & Service Request	1/1/2011	12/29/2014	12/29/2019
1084055	Utility Billing - 022.1	0480-20 - Billing & Service Request	1/1/2008	12/14/2014	12/14/2019
1084743	Utility Billing - 022.1	0480-20 - Billing & Service Request	1/2/2015	4/30/2015	4/30/2020
12071	Utility Billing - 022.1	0480-25 - Billings & Receipts	9/9/2014	9/22/2014	9/22/2019
12072	Utility Billing - 022.1	0480-25 - Billings & Receipts	8/29/2014	9/8/2014	9/8/2019
12074	Utility Billing - 022.1	0480-25 - Billings & Receipts	8/21/2014	8/28/2014	8/28/2019
12075	Utility Billing - 022.1	0480-25 - Billings & Receipts	7/21/2014	7/29/2014	7/29/2019
12076	Utility Billing - 022.1	0480-25 - Billings & Receipts	6/30/2014	7/7/2014	7/7/2019

12077	Utility Billing - 022.1	0480-25 - Billings & Receipts	8/8/2014	8/20/2014	8/20/2019
12078	Utility Billing - 022.1	0480-25 - Billings & Receipts	7/30/2014	8/7/2014	8/7/2019
12079	Utility Billing - 022.1	0480-25 - Billings & Receipts	7/8/2014	7/18/2014	7/18/2019
12316	Utility Billing - 022.1	0480-25 - Billings & Receipts	10/24/2014	10/30/2014	10/30/2019
12318	Utility Billing - 022.1	0480-25 - Billings & Receipts	10/31/2014	11/7/2014	11/7/2019
12319	Utility Billing - 022.1	0480-25 - Billings & Receipts	11/10/2014	11/20/2014	11/20/2019
12321	Utility Billing - 022.1	0480-25 - Billings & Receipts	12/10/2014	12/19/2014	12/19/2019
12322	Utility Billing - 022.1	0480-25 - Billings & Receipts	11/21/2014	12/1/2014	12/1/2019
12324	Utility Billing - 022.1	0480-25 - Billings & Receipts	12/22/2014	12/29/2014	12/29/2019
12325	Utility Billing - 022.1	0480-25 - Billings & Receipts	9/23/2014	10/1/2014	10/1/2019
12328	Utility Billing - 022.1	0480-25 - Billings & Receipts	10/15/2014	10/23/2014	10/23/2019
12329	Utility Billing - 022.1	0480-25 - Billings & Receipts	12/2/2014	12/9/2014	12/9/2019
12331	Utility Billing - 022.1	0480-25 - Billings & Receipts	10/2/2014	10/14/2014	10/14/2019
12429	Utility Billing - 022.1	0480-25 - Billings & Receipts	2/19/2015	2/26/2015	2/26/2020
12430	Utility Billing - 022.1	0480-25 - Billings & Receipts	1/21/2015	1/28/2015	1/28/2020
12432	Utility Billing - 022.1	0480-25 - Billings & Receipts	1/29/2015	2/5/2015	2/5/2020
12433	Utility Billing - 022.1	0480-25 - Billings & Receipts	12/30/2014	1/7/2015	1/7/2020
12434	Utility Billing - 022.1	0480-25 - Billings & Receipts	2/6/2015	2/18/2015	2/18/2020
12435	Utility Billing - 022.1	0480-25 - Billings & Receipts	1/8/2015	1/20/2015	1/20/2020
12437	Utility Billing - 022.1	0480-25 - Billings & Receipts	2/27/2015	3/6/2015	3/6/2020
1083078	Utility Billing - 022.1	0480-25 - Billings & Receipts	3/19/2015	3/27/2015	3/27/2020
1083079	Utility Billing - 022.1	0480-25 - Billings & Receipts	4/7/2015	4/17/2015	4/17/2020
1083081	Utility Billing - 022.1	0480-25 - Billings & Receipts	5/18/2015	5/26/2015	5/26/2020
1083082	Utility Billing - 022.1	0480-25 - Billings & Receipts	6/3/2015	6/12/2015	6/12/2020
1083083	Utility Billing - 022.1	0480-25 - Billings & Receipts	3/30/2015	4/6/2015	4/6/2020
1083084	Utility Billing - 022.1	0480-25 - Billings & Receipts	3/9/2015	3/18/2015	3/18/2020
1083085	Utility Billing - 022.1	0480-25 - Billings & Receipts	6/15/2015	6/23/2015	6/23/2020
1083086	Utility Billing - 022.1	0480-25 - Billings & Receipts	6/24/2015	7/1/2015	7/1/2020
1083088	Utility Billing - 022.1	0480-25 - Billings & Receipts	5/6/2015	5/15/2015	5/15/2020
1083089	Utility Billing - 022.1	0480-25 - Billings & Receipts	4/20/2015	4/27/2015	4/27/2020
1083090	Utility Billing - 022.1	0480-25 - Billings & Receipts	4/28/2015	5/5/2015	5/5/2020
1083091	Utility Billing - 022.1	0480-25 - Billings & Receipts	5/27/2015	6/2/2015	6/2/2020
1084033	Utility Billing - 022.1	0480-25 - Billings & Receipts	7/4/2011	12/31/2014	12/31/2019
1084056	Utility Billing - 022.1	0480-25 - Billings & Receipts	6/26/2014	12/31/2014	12/31/2019
10574	Utility Billing - 022.1	0480-31 - Credit Card Slips	7/2/2012	9/27/2012	9/27/2019
10874	Utility Billing - 022.1	0480-31 - Credit Card Slips	10/1/2012	12/31/2012	12/31/2019
11247	Utility Billing - 022.1	0480-31 - Credit Card Slips	1/2/2013	3/29/2013	3/29/2020
11560	Utility Billing - 022.1	0480-31 - Credit Card Slips	8/1/2012	4/30/2013	4/30/2020
1084051	Utility Billing - 022.1	0480-31 - Credit Card Slips	1/1/2012	7/31/2012	7/31/2019
1083469	Utility Billing - 022.1	0480-32 - Paid NSF (Non-Sufficient Fund Checks)	1/1/2014	12/31/2014	12/31/2019
1084308	Utility Billing - 022.1	1320-32 - Meter Reads	4/1/2014	6/30/2016	6/30/2020
1085780	Water Treatment Plant - 411.1	0450-20 - Time Cards	1/1/2006	12/31/2013	12/31/2019
1085715	Water Treatment Plant - 411.1	0600-11 - Departmental Contracts and Agreements	1/1/2015	12/31/2016	12/31/2019

## **CITY OF ESCONDIDO AUTHORIZATION TO DESTROY PUBLIC RECORDS**

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A. Records in Category A qualify for destruction by being not less than two years old.

1. Records of telephone and radio communications recorded in the normal course of business on a daily basis (where such recordings are not evidence in any claim file or any pending litigation or potential claim or litigation);
2. Auction Records;
3. Death Reports, where there are natural causes involved and the investigation has been closed;
4. Lost and Found property reports where the items referred to have either not been located or have been otherwise disposed of according to law;
5. Impounded and stored property reports, including abated vehicle reports, where items referred to have been released or otherwise disposed of according to law;
6. Missing persons and runaway juvenile reports where the persons referred to have been returned or been found;
7. Officer reports not associated with a crime report and where other considerations do not warrant retention of documents;
8. Demands for payment;
9. Records of purchases;
10. Parking citations, traffic citation court lists, voided citation logs, and traffic citations not associated with an arrest;
11. Field Interview forms;
12. Dispatch complaints;
13. Outside requests for statistical information and surveys;
14. Police vehicle assignment log, licenses, & registration renewal
15. Command Van equipment and repairs, driver and schedule
16. Police Quarterly Newsletter;
17. Police statistics and surveys, request for departmental information;
18. Police Reserve applications and background information for non-hires.

## **CITY OF ESCONDIDO AUTHORIZATION TO DESTROY PUBLIC RECORDS**

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- B. Records in Category B qualify for destruction by being not less than three years old.
1. Massage, Bingo Secondhand dealer, Pawnbroker, Alternative Healthcare, and Holistic Healthcare licenses that have been inactive for three years;
  2. Canine bite reports;
  3. False alarm appeals;
  4. Bicycle school reports and lists;
  5. Chaplaincy Program applications, meeting minutes, and training;
  6. Citizen patrol reports and organizational information;
  7. Awareness Academy;
  8. Community Work Service Program;
  9. Watch Commander Arrest Logs;
  10. Explorer events, Cadet Records.
- C. Records in Category C qualify for destruction by being not less than four years old.
1. Misdemeanor arrest, crime and investigative reports, in which the time periods set forth by the court for probation or jail terms have expired and the individual involved is not the subject of any pending investigations;
  2. Property logs;
  3. Traffic accident reports and related material which do not involve pending litigation of which the Department has been notified;
  4. Officer Daily Reports;
  5. Civil Disturbances, Riot Reports;
  6. Juvenile Detention logs and correspondence;
  7. Sobering Center reports and correspondence.
- D. Records in Category D qualify for destruction by being not less than five years old.
1. Arrest records of juveniles order sealed by the court;
  2. Towing Services application, appeals correspondence, and contracts;
  3. Police After Action reports & Investigations, DUI checkpoints and grant related activities;
  4. Bicycle Licenses and Registrations;
  5. COPPS referrals and reports regarding projects and programs;
  6. Inactive Background files (Separated, Retired, Terminated, Non-hires).
  7. Eligible grant files for grant awards received from US Department of Justice, US Department of Homeland Security, State of California, and other Foundations and entities that have exceeded retention requirement.



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## **CITY OF ESCONDIDO AUTHORIZATION TO DESTROY PUBLIC RECORDS**

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E. Records in Category E qualify for destruction by being not less than five years old, which contain Internal Affairs investigations of both citizen and internal complaints.

- |             |             |
|-------------|-------------|
| 1. 2013-01  | 22. 2014-01 |
| 2. 2013-02  | 23. 2014-02 |
| 3. 2013-03  | 24. 2014-03 |
| 4. 2013-04  | 25. 2014-04 |
| 5. 2013-05  | 26. 2014-05 |
| 6. 2013-06  | 27. 2014-06 |
| 7. 2013-07  | 28. 2014-07 |
| 8. 2013-08  | 29. 2014-08 |
| 9. 2013-09  | 30. 2014-09 |
| 10. 2013-10 | 31. 2014-10 |
| 11. 2013-11 | 32. 2014-11 |
| 12. 2013-12 | 33. 2014-12 |
| 13. 2013-13 | 34. 2014-13 |
| 14. 2014-14 | 35. 2014-14 |
| 15. 2014-15 | 36. 2014-15 |
| 16. 2014-16 | 37. 2014-16 |
| 17. 2014-17 | 38. 2014-17 |
| 18. 2014-18 | 39. 2014-18 |
| 19. 2013-19 |             |
| 20. 2013-20 |             |
| 21. 2013-21 |             |

F. Records in Category F qualify for destruction by being not less than seven years old.

1. Daily Watch Logs/Resumes;
2. Felony arrests, crime and investigative records where the suspect is no longer in custody, imprisoned, on probation or parole, nor the subject of any active investigation;
3. Inactive personnel files for employees separated from the Department in excess of seven years and where the Department has not received any requests for information from those files in that time period;

4. Traffic accident reports involving a death where the Department has not been notified of any pending litigation;
5. Asset Forfeiture reports of acquisition and disposition of seized property;
6. Drug Enforcement Administration reports and task force information;
7. Emergency Operations Center, Disaster Preparedness Manual;
8. Shooting Board of Review board meeting reports.
  1. Non-select files (retention is 4 years) 2014 files
  2. Non-select before background files (retention is 4 years); 2014 files
  3. Inactive files (retention is 5 years): 2013 files
  4. Non-select files (retention is 4 years): 2015 files
  5. Non-select before background files (retention is 4 years): 2015 files
  6. Inactive files (retention is 5 years): 2014 files

## CITY COUNCIL STAFF REPORT

Consent Item No. 5

September 23, 2020

File No. 0640-30

SUBJECT: City Conflict of Interest Code Update

DEPARTMENT: City Attorney

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2020-128, amending the Conflict of Interest Code for the City of Escondido pursuant to the Political Reform Act to update the list of designated public employees and public officials who are required to file a statement of economic interest and the disclosure categories.

FISCAL ANALYSIS:

None.

CORRELATION TO THE CITY COUNCIL ACTION PLAN:

N/A.

PREVIOUS ACTION:

The City adopted the Conflict of Interest Code pursuant to the requirements of the Political Reform Act in 1980. The City Council last amended the Conflict of Interest Code for the City of Escondido with Resolution No. 2018-176.

BACKGROUND:

The City of Escondido and its agencies are subject to the requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and regulations governing conflicts of interest. Government Code Section 87200 specifically lists officials who are required to file a statement of economic interest including Council Members, the City Manager, the City Attorney, the City Treasurer, Planning Commissioners, and City officials and employees who manage public investments (i.e. the City of Escondido Director of Finance).

In addition to these statutory filing requirements, the Political Reform Act requires the City of Escondido and its agencies to adopt and promulgate a Conflict of Interest Code that includes a list of designated positions and disclosure categories. The City designates positions based on the individuals in those positions making or participating in governmental decisions. Making a decision means voting on a matter, approving the budget, adopting policy, making purchasing decisions and

entering into contracts. Participation means negotiating the terms of a contract, writing the specifications of a bid, or advising or making recommendations to the decision maker or governing body without significant intervening substantive review. Participation does not mean clerical, secretarial or ministerial tasks.

The Political Reform Act requires each local government agency to review its Conflict of Interest Code biennially. As part of a biennial review, the proposed Resolution adopts the latest version of the California Fair Political Practices Commission (“FPPC”) standard conflict of interest code and updates the City’s list of designated positions. The employees, consultants and contractors who fill designated positions will be required to complete FPPC Form 700 (Statement of Economic Interests) each year.

PROPOSED CHANGES

The proposed changes primarily reflect reorganization efforts and should have little substantive impact on the reporting requirements of individual employees and officials. The following table shows the key changes in designated positions:

<u>DESIGNATED POSITIONS</u>	<u>CHANGE</u>	<u>DISCLOSURE CATEGORY</u>
<b>CITY MANAGER’S OFFICE</b>		
Economic Development Manager	Delete	2, 4, 6
Deputy Director of Economic Development	Add	2, 4, 6
<b>COMMUNITY SERVICES</b>		
Communications Manager	Add	6
<b>PUBLIC WORKS</b>		
Assistant Director of Public Works	Delete	2, 3, 4, 6
<b>HUMAN RESOURCES</b>		
Director of Human Resources	Add	6
<b>BOARDS AND COMMISSIONS</b>		
Environmental Advisory Commission	Delete	3, 7
Community Services Commission	Delete	3, 7

Staff recommends updating the City’s Conflict of Interest Code, based upon the state’s model code, attached as Exhibit A to Resolution No. 2020-128. The state’s model of the Conflict of Interest Code changed in two places. Both changes reflect raising the reportable gift limit from \$470 to \$500 in a calendar year.

City Conflict of Interest Code Update  
September 23, 2020  
Page 3

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Michael R. McGuinness*, City Attorney  
9/17/20 9:41 a.m.

ATTACHMENTS:

1. Resolution No. 2020-128
2. Resolution No. 2020-128 – Exhibit “A”

RESOLUTION NO. 2020-128

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA, TO  
AMEND THE CITY OF ESCONDIDO'S  
CONFLICT OF INTEREST CODE PURSUANT  
TO THE POLITICAL REFORM ACT

WHEREAS, the Political Reform Act, (California Government Code Section 81000, et seq.) requires the City of Escondido ("City") and all local government agencies adopt and promulgate a conflict of interest code, adopt disclosure categories, and designate those public officials and employees who must comply with the requirements of the Code; and

WHEREAS, the California Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs. Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code; and

WHEREAS, after public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act; and

WHEREAS, on July 9, 1980, the City originally adopted the Fair Political Practices Commission's standard model Conflict of Interest Code by Resolution No. 80-141, and has continued to maintain such a code in effect, together with disclosure categories and a list of those positions subject to the requirements of the Conflict of Interest Code; and

WHEREAS, the Political Reform Act requires every local government agency to review its conflict of interest code biennially to determine whether the Code must be amended; and

WHEREAS, the City Council revised the City's Conflict of Interest Code with Resolution No. 2018-176, and the City now desires to amend and update its Conflict of Interest Code including the list of designated positions.

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 Exhibit "A" is adopted and incorporated by this reference and shall be known as the City of Escondido Conflict of Interest Code.

City of Escondido Conflict of Interest Code  
&  
California Fair Political Practices Commission Standard Code

2 CCR § 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, *et seq.* The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

**Section 1. Definitions.**

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, *et seq.*), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

**Section 2. Designated Employees.**

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

**Section 3. Disclosure Categories.**

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, *et seq.*

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:



(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.<sup>1</sup>

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those economic interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's disclosure categories are the kinds of economic interests which he or she foreseeably can affect materially through the conduct of his or her office.

#### **Section 4. Statements of Economic Interests: Place of Filing.**

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

#### **Section 5. Statements of Economic Interests: Time of Filing.**

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following his or her return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that he or she is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of his or her military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

**Section 5.1, 5.2, 5.3 and 5.4. Omitted.**

**Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.**

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided he or she did not make or participate in the making of, or use his or her position to influence any decision and did not receive or become entitled to receive any form of payment as a result of his or her appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation he or she did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

**Section 6. Contents of and Period Covered by Statements of Economic Interests.**

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

**Section 7. Manner of Reporting.**

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

1. A statement of the nature of the investment or interest;
2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;
3. The address or other precise location of the real property;
4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;
2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;
3. A description of the consideration, if any, for which the income was received;
4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;
5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;
2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

### **Section 8. Prohibition on Receipt of Honoraria.**

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

### **Section 8.1. Prohibition on Receipt of Gifts in Excess of \$500.**

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$500 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on his or her statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

### **Section 8.2. Loans to Public Officials.**

(A) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of his or her election to office through the date that he or she vacates office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

### **Section 8.3. Loan Terms.**

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of his or her election to office through the date he or she vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

### **Section 8.4. Personal Loans.**

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

a. The date the loan was made.

b. The date the last payment of \$100 or more was made on the loan.

c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

1. A loan made to the campaign committee of an elected officer or a candidate for elective office.

2. A loan that would otherwise not be a gift as defined in this title.

3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.

4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.

5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

### **Section 9. Disqualification.**

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

**Section 9.1 and 9.2. Omitted.**

**Section 9.3. Legally Required Participation.**

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

**Section 9.4. Omitted.**

**Section 9.5. Disqualification of State Officers and Employees.**

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

**Section 10. Disclosure of Disqualifying Interest.**

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

**Section 11. Assistance of the Commission and Counsel.**

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.



## Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

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### Endnotes

<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

<sup>2</sup> See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

<sup>5</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

## APPENDIX

### City of Escondido Designated Positions / Form 700 Filing Required

<u>DESIGNATED POSITIONS</u>	<u>DISCLOSURE CATEGORY</u>
<b>CITY ATTORNEY'S OFFICE</b>	
Assistant City Attorney	2, 4, 6
Senior Deputy City Attorney	2, 4, 6
Deputy City Attorney	2, 4, 6
<b>CITY CLERK</b>	
City Clerk	2, 4, 6
Assistant City Clerk	2, 4, 6
Deputy City Clerk	2, 4, 6
<b>CITY MANAGER'S OFFICE</b>	
Assistant City Manager	2, 4, 6
Deputy City Manager	2, 4, 6
Deputy Director of Economic Development	2, 4, 6
<b>COMMUNITY DEVELOPMENT</b>	
Director of Community Development	3, 4, 6
Assistant Planning Director	3, 4, 6
Senior Planner	3, 4, 6
Associate Planner	3, 4, 6
Principal Planner	3, 4, 6
Building Official	3, 4, 6
Deputy Building Official	3, 4, 6
Code Enforcement Manager	3, 4, 6

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
<b>COMMUNITY SERVICES</b>	
Director of Communications & Community Services	2, 4, 6
Assistant Director of Community Services	2, 4, 6
Communications Manager	6
Community Services Manager	7
Communications Officer	6
City Librarian	6
<b>ENGINEERING SERVICES</b>	
Director of Engineering Services/City Engineer	2, 4, 6
Assistant City Engineer	2, 3, 4, 6
Design and Construction Project Manager	2, 3, 4, 6
Principal Engineer	3, 4, 7
Real Property Manager	2, 3, 4, 6
<b>PUBLIC WORKS</b>	
Director of Public Works	2, 3, 4, 6
Public Works Superintendent	2, 3, 4, 6
Deputy Director of Public Works/Maintenance	2, 3, 4, 6
Building Maintenance Superintendent	3, 6
Fleet Maintenance Superintendent	3, 6
<b>FINANCE*</b>	
Director of Finance	2, 4, 6
Finance Manager	6
Collections Officer	6
Purchasing Supervisor	6
Budget Manager	6

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
<b>HUMAN RESOURCES</b>	
Director of Human Resources	6
Human Resources Manager	6
Insurance Manager	6
Senior Human Resources Analyst	6
<b>FIRE DEPARTMENT</b>	
Fire Chief	2, 3, 4, 6
Fire Division Chief	3, 7
Fire Battalion Chief	3, 7
Fire Marshal	3, 7
Fire Administrative Services Manager	6
Emergency/Disaster Preparedness Manager	6
Emergency Medical Services Program Coordinator	6
<b>INFORMATION SYSTEMS</b>	
Director of Information Systems	6
Applications Development Manager	6
Network Manager	6
Geographic Information Systems Manager	6
Public Safety Systems Manager	6
<b>POLICE DEPARTMENT</b>	
Chief of Police	2, 3, 6
Police Captain	2, 3, 6
Police Business Manager	2, 3, 6
Police Lieutenant	2, 3, 6

<b><u>DESIGNATED POSITIONS</u></b>	<b><u>DISCLOSURE CATEGORY</u></b>
<b>UTILITIES</b>	
Director of Utilities	2, 3, 4, 6
Deputy Director of Utilities/Construction & Engineering	2, 3, 4, 6
Deputy Director of Utilities/Wastewater	2, 3, 4, 6
Deputy Director of Utilities/Water	2, 3, 4, 6
Utilities Construction Project Manager	2, 3, 4, 6
Canal Superintendent	3, 6
Wastewater Treatment Plant Superintendent	3, 6
Water Distribution Superintendent	3, 6
Water Treatment Plant Superintendent	3, 6
Utilities Maintenance Superintendent	3, 6
Lakes and Open Space Superintendent	3, 6
<b>BOARDS AND COMMISSIONS</b>	
Building Advisory and Appeals Board	3, 7
Historic Preservation Commission	3, 7
Library Board of Trustees	3, 7
Public Art Commission	3, 7
Transportation and Community Safety Commission	3, 7
Independent Districting Commission	1
<b>CONSULTANTS</b>	
Consultants	1

Designated Employees are those positions within this city who may exercise independent judgment and make or participate in the making of governmental decisions which may foreseeably have a material effect on any financial interest.

Persons in newly-created positions shall file under the broadest disclosure category in the agency's conflict-of-interest code until the agency amends its code to reflect the position. However, the City Manager or his designee may determine in writing that the broadest disclosure

is not necessary and set interim disclosure that is more tailored to positions with a limited range of duties. In accordance with 2 Cal. Code of Regs. §18734, such written determination shall include a description of the newly-created position's duties and, based upon that description, a statement of the extent of disclosure requirements. Alternatively, the City Manager or his designee may complete Form 804, which satisfies the requirements of §18734. The City Manager or his designee's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Consultant means an individual who, pursuant to a contract with a state or local government agency:

(A) makes a governmental decision whether to

- (1) approve a rate, rule or regulation;
- (2) adopt or enforce a law;
- (3) issue, deny, suspend, or revoke any permit, license, application, certificate, approval, order or similar authorization or entitlement;
- (4) authorize the agency to enter into, modify, or renew a contract provided it is the type of contract which requires agency approval;
- (5) grant agency approval to a contract which requires agency approval and in which the agency is a party or to the specifications for such a contract;
- (6) grant agency approval to a plan, design, report, study, or similar item;
- (7) adopt, or grant agency approval of policies, standards, or guidelines for the agency, or for any subdivision thereof; or

(B) serves in a staff capacity with the agency and in that capacity performs the same or substantially all the same duties for the agency that would otherwise be performed by an individual holding a position specified in the agency's Conflict of Interest Code.

The City Manager or his designee may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. In accordance with 2 Cal. Code of Regs. §18734, such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. Alternatively, the City Manager or his designee may complete Form 805, which satisfies the requirements of §18734. The City Manager or his designee's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

Disclosure Categories

General Provisions – The Political Reform Act, Cal. Govt. Code § 81000, *et seq.*, requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission and disclosure categories are set forth, constitute the conflict of interest code of the City of Escondido.

Pursuant to §4 of the standard code, designated employees shall file statements of economic interests with the City Clerk.

Disclosure Categories –

Category 1: All investments, business positions, and sources of income (including loans, gifts,\*\* and travel payments) from sources located or doing business in the City of Escondido; All interests in real property located in the City of Escondido or within two miles of any land owned or used by the City of Escondido;

Category 2: All interests in real property located in the City of Escondido;

Category 3: All investments, interests in real property and sources of income (including loans, gifts, and travel payments) subject to the regulatory, permit or licensing authority of the City of Escondido;

Category 4: Investments in business entities and sources of income (including loans, gifts,\*\* and travel payments) which engage in land development, construction or the acquisition or sale of real property;

Category 5: All interests in real property located within two miles of any land owned or used by the City of Escondido;

Category 6: Investments in business entities and sources of income (including loans, gifts,\*\* and travel payments) of the type which, within the past two years, have contracted with the City of Escondido to provide services, supplies, materials, machinery, or equipment;

Category 7: Investments in business entities and sources of income (including loans, gifts,\*\* and travel payments) of the type which, within the past two years, have contracted with the designated employee's department or board or commission, to provide services, supplies, materials, machinery or equipment.

## CITY COUNCIL STAFF REPORT

Consent Item No. 6

September 23, 2020

File No. 0170-57

SUBJECT: Approval of CalPERS Industrial Disability for Police Officer Thomas D. Phelps

DEPARTMENT: Human Resources Department

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 2020-144, approving the California Public Employees' Retirement System ("CalPERS") Industrial Disability Retirement ("IDR") for Police Officer Thomas D. Phelps ("Office Phelps").

BACKGROUND:

Officer Phelps filed for Service Pending Industrial Disability Retirement ("Service IDR") on August 3, 2020, as a 53-year-old Police Officer. He has been employed by the City of Escondido for 28 years. The basis for Officer Phelps' Service IDR application is confirmed by medical reports from Dr. Daniel J. Bressler, M.D. Officer Phelps' condition is cardiovascular in nature. Accordingly, Mr. Phelps is incapacitated within the meaning of the Public Employees' Retirement Law for performance of his usual and customary duties as a Police Officer.

Under California State Law, the City Council is required to adopt a Resolution determining that competent medical evidence supports the granting of an IDR. Based on medical evidence, staff recommends the City Council adopt Resolution No. 2020-144, approving the IDR for Thomas D. Phelps to be effective October 4, 2020.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Jessica Perpetua*, Director of Human Resources  
9/16/20 5:09 p.m.

ATTACHMENTS:

1. Resolution No. 2020-144



RESOLUTION NO. 2020-144

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING THE CALPERS INDUSTRIAL  
DISABILITY RETIREMENT FOR POLICE  
OFFICER THOMAS D PHELPS

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

WHEREAS, the California Public Employees’ Retirement Law (Govt. Code § 20000 et seq.) (“California Law”) requires that the City determine whether an employee classified as a local safety member is disabled for purpose of the California law and whether such disability is “industrial” within the meaning of such law; and

WHEREAS, Thomas D. Phelps (“Employee”) filed an application with CalPERS on August 3, 2020, for a service pending industrial disability retirement due to cardiac and orthopedic injuries; and

WHEREAS, the Employee is employed by the City in the position of Police Officer; and

WHEREAS, the City Council of the City of Escondido has reviewed the medical and other evidence relevant to this industrial disability.

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

1. That the above recitations are true.
2. That the City Council of the City of Escondido, California does hereby find and determine that Employee is incapacitated within the meaning of the California Law for performance of his duties in the position of Police Officer.

3. That the City Council certifies, in accordance with Govt. Code § 21156, that this determination was made on the basis of competent medical opinion, and was not used as a substitute for the disciplinary process.

4. That the Employee had filed a Workers' Compensation claim for his disabling conditions. The City accepted the Employee's Workers' Compensation claim.

5. That neither the Employee nor the City of Escondido has applied to the Worker's Compensation Appeals Board for a determination pursuant to Govt. Code § 21166 whether such disability is industrial.

6. That the Employee's retirement date will be effective October 4, 2020, and his last day on paid status will be October 3, 2020.

7. That there is not a possibility of third-party liability.

8. That the City will not be making Advanced Disability Pension Payments.

9. That the primary disabling condition is a cardiac injury, and arose out of and in the course of employment.

10. That there is competent medical opinion certifying the disabling condition to be permanent.

11. That based on information and belief, and on the information provided by City staff, the City Council certifies under penalty of perjury that all statements in this Resolution are true and correct.

## CITY COUNCIL STAFF REPORT

**Consent Item No. 7**

**September 23, 2020**

**File No. 0600-11, A-3345**

SUBJECT: Jesmond Dene MUSCO Ballfield Light LED Retrofit Project

DEPARTMENT: Public Works/Parks

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-136, authorizing the Director of Public Works to enter into an agreement with MUSCO Sports Lighting, LLC. ("MUSCO") for equipment to upgrade the existing 1500-watt ("1500W") metal-halide ballfield lighting at Jesmond Dene Park to light-emitting diode ("LED") technology in an amount not to exceed \$269,050, utilizing Fiscal Year 2019-2020 U.S. Department of Housing and Urban Development ("HUD") Community Development Block Grant ("CDBG") program funds.

FISCAL ANALYSIS:

The City of Escondido ("City") receives annual federal entitlements from HUD for housing, community development and federal allocations to jurisdictions. The City will receive \$1,824,482 in CDBG program funds for Fiscal Year 2019-2020 HUD allocations, which were published on April 16, 2019.

PREVIOUS ACTION:

On June 5, 2019, the City Council adopted Resolution No. 2019-55 approving the HOME, CDBG, and ESG budgets and allocations in which the Jesmond Dene Park Ballfield light LED retrofit project was identified to receive Fiscal Year 2019-2020 CDBG allocations.

BACKGROUND:

Currently, Public Works is working on two (2) lighting projects at Jesmond Dene Park. The first phase of the lighting project at Jesmond Dene Park, which is being considered for approval, involves upgrading the existing 1500W MUSCO metal-halide ballfield lamps with LED fixtures on all three (3) ballfields. The second phase of the lighting project, which will be brought to Council for consideration at a later date, includes installing four (4) LED parking lot lights to illuminate the upper and lower parking lots at Jesmond Dene Park along Broadway Avenue. Both of these Jesmond Dene Park lighting projects will be funded through CDBG program funds.

The existing 1500W MUSCO metal-halide ballfield lights were installed on the upper two (2) baseball fields at Jesmond Dene Park in 1980. In 2014, the third baseball field at the park was previously lit with 1500W MUSCO metal-halide sports field lighting, which expanded the parks ability to host night games for the leagues.

The Jesmond Dene MUSCO ballfield light LED retrofit project will replace all existing metal-halide lamps with LED light fixtures on all three (3) baseball fields and will add additional lighting features to the fields. LED fixtures will reduce light spill, which often impacts surrounding areas by sports fields and provides total light control to increase field lighting with pinpoint precision. Cree LED walkway lights will replace existing low-pressure sodium lighting creating a brighter light for increased walkway security. BallTracker technology will be included in the LED lighting package which illuminates the underside of the ball in play and virtually eliminates glare in the players typical line of sight.

MUSCO metal-halide lamps use a mixture of gases and metal-halide materials (bromine or sodium iodide) to produce an intense white light. These lamps require a warm up period and use a tremendous amount of electricity to operate. The average life span for MUSCO metal-halide lamp ranges from 6,000 to 10,000 operating hours.

On the other hand, MUSCO LED lighting fixtures have an average life span of 100,000 hours, require no warm up period, and are more energy efficient than metal-halide lamps. This equates to a 40% reduction in energy usage and significantly reduces maintenance over the life span of the lighting fixture.

Included in the MUSCO LED retrofit project, MUSCO offers a ten (10) year, all parts and labor, warranty covering all materials and labor eliminating maintenance costs for the initial ten (10) years. MUSCO also guarantees the lighting levels of fifty-foot candles on the infield and thirty-foot candles on the outfield for twenty-five years.

All City recreation facilities that have sports field lighting utilize MUSCO lights, poles, fixtures, and Control-Link controllers. The leagues who utilize these facilities are assigned special access codes to the lighting controller. Leagues are given the authority to program the lights and MUSCO Control-Link provides usage downloads for each facility for proper charging of the usage back to the leagues.

To retain the compatibility and standardization of existing MUSCO equipment, Escondido Municipal Code Chapter 10, Article 6, Division 1, Section 10-103, allows for the formal bidding procedures to be dispensable where an item is required to match or be compatible with equipment presently on hand. With the Jesmond Dene Park ballfield light LED upgrade, we will be utilizing an existing MUSCO Control-Link controller. All lighting fixtures must be compatible with existing MUSCO Control-Link controller and adhere to MUSCO engineering specifications.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Joseph Goulart*, Director of Public Works  
9/16/20 5:04 p.m.

ATTACHMENTS:

1. Resolution No. 2020-13
2. Resolution No. 2020-13 Exhibit "A" – MUSCO JD Ballfield LED Retrofit Quote

RESOLUTION NO. 2020-136

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AUTHORIZING THE DIRECTOR OF PUBLIC  
WORKS, TO EXECUTE, ON BEHALF OF THE  
CITY, AN AGREEMENT WITH MUSCO  
SPORTS LIGHTING, LLC TO UPGRADE THE  
JESMOND DENE PARK BALLFIELD  
LIGHTING TO LED TECHNOLOGY

WHEREAS, the City of Escondido ("City") receives annual federal entitlements from the U.S. Department of Housing and Urban Development ("HUD"); and

WHEREAS, on April 16, 2019, HUD allocations to jurisdictions were published and the City will receive \$1,824,482 in Community Development Block Grant ("CDBG") Fiscal Year 2019-2020 HUD allocations; and

WHEREAS, on June 5, 2019, the City Council adopted Resolution No. 2019-55 approving the CDBG Fiscal Year 2019-2020 HUD allocations; and

WHEREAS, City staff identified Jesmond Dene Park Ballfield Lighting LED Retrofit Project ("Project") as a project to be funded by CDBG Fiscal Year 2019-2020 HUD allocations; and

WHEREAS, the Project will replace the existing metal-halide lighting fixtures with light-emitting diode ("LED") technology; and

WHEREAS, all City owned recreation facilities with sports fields utilize MUSCO Sports Lighting, LLC ("MUSCO") fixtures and MUSCO Control-Link controllers; and

WHEREAS, all LED lighting fixtures must be compatible with existing MUSCO Control-Link controllers and adhere to MUSCO warranty and engineering specifications; and

WHEREAS, with the Project, the existing MUSCO Control-Link controller will be retained and utilized to control the new MUSCO LED lighting fixtures; and

WHEREAS, Escondido Municipal Code Chapter 10, Article 6, Division 1, Section 10-103 allows for the formal bidding procedures to be dispensable where an item is required to match or be compatible with equipment presently on hand; and

WHEREAS, to retain the compatibility and standardization of existing equipment, City staff recommends to sole-source the purchase of MUSCO LED lighting fixtures at the Jesmond Dene Park ballfields; and

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 desires at this time to be in the best public interest to authorize, and does hereby authorize the Director of Public Works to enter into an agreement with MUSCO Sports Lighting, LLC.
3. That the City Council is authorized to approve on behalf of the City, the sole-source purchase agreement with MUSCO Sports Lighting, LLC, in an amount not to exceed \$269,050 as listed in Exhibit "A", which is incorporated by this reference, to upgrade the existing Jesmond Dene Park ballfield lighting utilizing Fiscal Year 2019-2020 CDBG program funds.

4. That the City Council approves Resolution No. 2020-136.

## Quote

Date: August 4th, 2020  
To: City of Escondido

Project: Jesmond Dene Park LL Baseball Field  
Escondido, California  
Ref: 169246

### Quotation Price – Materials Only Delivered to Job Site

<b>Musco Equipment- Baseball Fields 1, 2, &amp; 3 and Walkway Fixtures:</b>	<b>\$249,700.00</b>
<b>Estimated Sales Tax (7.75%):</b>	<b>\$ 19,350.00</b>
<b>Project Total:</b>	<b><u>\$269,050.00</u></b>

*Bonding, labor, and unloading of the equipment are not included.  
Pricing is effective for 90 days and is kindly considered confidential.*

### Light-Structure System Retrofit with Total Light Control – TLC for LED™ Technology

#### **Guaranteed Lighting Performance**

- Guaranteed light levels of 50 footcandles Infields, and 30 footcandles Outfields, and uniformity of 2.0:1 infields, and 2.5:1 Outfields to meet sanctioned Little League standards.
- BallTracker™ technology – targeted light, optimizing visibility of the ball in play with no glare in the players typical line-of-sight

#### **System Description [Light-Structure System Retrofit]**

- (10) Factory wired poletop luminaire assemblies
- (56) Factory aimed and assembled luminaires, including BallTracker™ luminaires
- (6) Cree LED Walkway Fixtures
- Factory wired and tested remote electrical component enclosures
- Pole length, factory assembled wire harnesses
- UL Listed assemblies

#### **Control Systems and Services**

- Control-Link® Control and Monitoring system to provide remote on/off and dimming (high/medium/low) control and performance monitoring with 24/7 customer support

#### **Operation and Warranty Services**

- Reduction of energy and maintenance costs by 40% to 85% over typical 1500W metal halide fixtures
- 25 Year Warranty: Includes materials and onsite labor, eliminating 100% of your maintenance costs
- Support from Musco's Lighting Services Team – over 170 Team members dedicated to operating and maintaining your lighting system – plus a network of 1800+ contractors

### Payment Terms

To be coordinated with Musco's Credit Department.

### Delivery Timing

6 - 8 weeks for delivery of materials to the job site from the time of order, submittal approval, and confirmation of order details including voltage, phase, and pole locations.

Due to the built-in custom light control per luminaire, pole locations need to be confirmed prior to production. Changes to pole locations after the product is sent to production could result in additional charges.





## Quote

### *Notes*

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Quote is based on:

- Shipment of entire project together to one location.
- Based on 2 Services, both 208 Volt, 3 Phase electrical system
- Structural code and wind speed = 2019 CBC, 110 mi/h, Exposure C, Importance Factor 1.0.
- Owner is responsible for getting electrical power to the site, coordination with the utility, and any power company fees.

Thank you for considering Musco for your lighting needs.  
Please contact me with any questions or if you need additional details.

### *Karin Anderson*

Karin Anderson  
Sales Representative  
Musco Sports Lighting, LLC  
Phone: 858-232-1620  
E-mail: [karin.anderson@musco.com](mailto:karin.anderson@musco.com)



# Jesmond Dene LL Baseball LED Retrofit

Escondido, CA

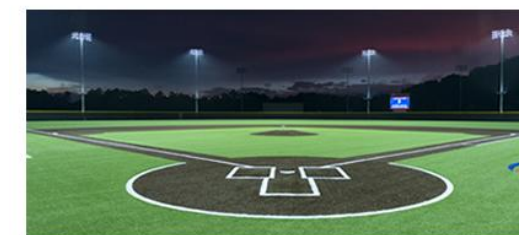
## Lighting System

Pole / Fixture Summary						
Pole ID	Pole Height	Mtg Height	Fixture Qty	Luminaire Type	Load	Circuit
A1	70'	70'	2	TLC-LED-1200	2.34 kW	A
		70'	2	TLC-LED-1200	2.34 kW	B
		70'	1	TLC-LED-900	0.89 kW	A
		70'	1	TLC-LED-900	0.89 kW	B
		16'	1	TLC-BT-575	0.58 kW	B
A2	60'	60'	2	TLC-LED-1200	2.34 kW	A
		60'	1	TLC-LED-900	0.89 kW	A
		16'	1	TLC-BT-575	0.58 kW	A
		30'	1	CREE OSQ	0.13 kW	E
		30'	2	CREE OSQ	0.26 kW	E
A3	60'	60'	2	TLC-LED-1200	2.34 kW	B
		60'	1	TLC-LED-900	0.89 kW	B
		16'	1	TLC-BT-575	0.58 kW	B
		30'	1	CREE OSQ	0.13 kW	E
A4-A5	50'	50'	3	TLC-LED-900	2.67 kW	C
		16'	1	TLC-BT-575	0.58 kW	C
B1	70'	70'	4	TLC-LED-1500	5.72 kW	A
		70'	4	TLC-LED-1500	5.72 kW	B
		70'	1	TLC-LED-900	0.89 kW	A
		70'	1	TLC-LED-900	0.89 kW	B
		16'	1	TLC-BT-575	0.58 kW	B
B2	70'	70'	4	TLC-LED-1500	5.72 kW	A
		70'	1	TLC-LED-900	0.89 kW	A
		16'	1	TLC-BT-575	0.58 kW	A
		30'	1	CREE OSQ	0.13 kW	E
B3	70'	70'	4	TLC-LED-1500	5.72 kW	B
		70'	1	TLC-LED-900	0.89 kW	B
		16'	1	TLC-BT-575	0.58 kW	B
		30'	1	CREE OSQ	0.13 kW	E
B4-B5	60'	60'	3	TLC-LED-1200	3.51 kW	D
		16'	1	TLC-BT-575	0.58 kW	D
<b>10</b>			<b>62</b>		<b>59.40 kW</b>	

Circuit Summary			
Circuit	Description	Load	Fixture Qty
A	Field #1	21.98 kW	20
B	Field #2	21.98 kW	20
C	Field #3 Infield	6.49 kW	8
D	Field #3 Outfield	8.17 kW	8
E	Egress/Security	0.78 kW	6

Fixture Type Summary							
Type	Source	Wattage	Lumens	L90	L80	L70	Quantity
TLC-LED-1500	LED 5700K - 75 CRI	1430W	160,000	>120,000	>120,000	>120,000	16
TLC-LED-1200	LED 5700K - 75 CRI	1170W	136,000	>120,000	>120,000	>120,000	14
TLC-LED-900	LED 5700K - 75 CRI	890W	89,600	>120,000	>120,000	>120,000	14
TLC-BT-575	LED 5700K - 75 CRI	575W	52,000	>120,000	>120,000	>120,000	12
CREE OSQ	LED 5700K - 70 CRI	130W	16,599	--	--	--	6

## From Hometown to Professional



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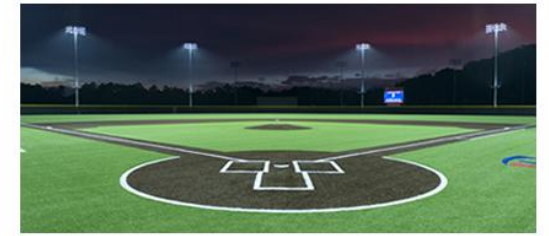
# Jesmond Dene LL Baseball LED Retrofit

Escondido, CA

## Light Level Summary

Calculation Grid Summary								
Grid Name	Calculation Metric	Illumination					Circuits	Fixture Qty
		Ave	Min	Max	Max/Min	Ave/Min		
Field #1 (Infield)	Horizontal Illuminance	53.1	35	67	1.94	1.52	A	20
Field #1 (Outfield)	Horizontal Illuminance	31.4	19	45	2.33	1.65	A	20
Field #2 (Infield)	Horizontal Illuminance	50.3	35	66	1.88	1.44	B	20
Field #2 (Outfield)	Horizontal Illuminance	32.2	19	47	2.44	1.70	B	20
Field #3 (Infield)	Horizontal Illuminance	54.5	34	64	1.88	1.60	C,D	16
Field #3 (Outfield)	Horizontal Illuminance	33.6	22	49	2.20	1.53	C,D	16
Security/Egress	Horizontal	0.60	0	6	2910.09		E	6

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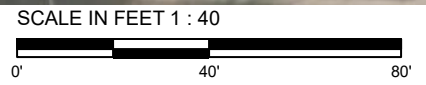


EQUIPMENT LIST FOR AREAS SHOWN									
Pole				Luminaires					
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID	OTHER GRIDS	
1	A1	70'	-	70'	TLC-LED-900	1/1*	1	1	
				15.5'	TLC-BT-575	1/1*	1	1	
				30'	CREE OSQ	1/1*	0	2	
				70'	TLC-LED-1200	2/2*	2	2	
1	A2	60'	-	60'	TLC-LED-900	1	1	0	
				15.5'	TLC-BT-575	1	1	0	
				30'	CREE OSQ	1	0	1	
				60'	TLC-LED-1200	2	2	0	
1	B1	70'	-	70'	TLC-LED-900	1/1*	1	1	
				15.5'	TLC-BT-575	1/1*	1	1	
				70'	TLC-LED-1500	4/4*	4	4	
				70'	TLC-LED-900	1	1	0	
1	B2	70'	-	70'	TLC-LED-900	1	1	0	
				15.5'	TLC-BT-575	1	1	0	
				30'	CREE OSQ	1	0	1	
				70'	TLC-LED-1500	4	4	0	
4	TOTALS						34	20	14

\* This structure utilizes a back-to-back mounting configuration



NOTES: Poles are existing. Pole locations need to be field verified.



Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

GRID SUMMARY	
Name:	Field #1
Size:	Irregular 200' / 199' / 199'
Spacing:	20.0' x 20.0'
Height:	3.0' above grade

ILLUMINATION SUMMARY		
MAINTAINED HORIZONTAL FOOTCANDLES		
	Infield	Outfield
Scan Average:	53.12	31.43
Maximum:	67	45
Minimum:	35	19
Avg / Min:	1.53	1.65
Max / Min:	1.94	2.33
UG (adjacent pts):	1.25	1.59
CU:	0.63	
No. of Points:	25	75

LUMINAIRE INFORMATION			
Color / CRI:	5700K - 75 CRI		
Luminaire Output:	160,000 / 89,600 / 136,000 / 52,000 lumens		
No. of Luminaires:	20		
Total Load:	21.98 kW		
Lumen Maintenance			
Luminaire Type	L90 hrs	L80 hrs	L70 hrs
TLC-LED-1500	>120,000	>120,000	>120,000
TLC-LED-900	>120,000	>120,000	>120,000
TLC-LED-1200	>120,000	>120,000	>120,000
TLC-BT-575	>120,000	>120,000	>120,000

Reported per TM-21-11. See luminaire datasheet for details.

**Guaranteed Performance:** The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

**Field Measurements:** Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

**Electrical System Requirements:** Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

**Installation Requirements:** Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



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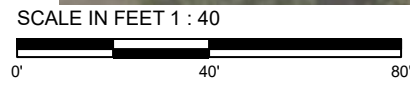


EQUIPMENT LIST FOR AREAS SHOWN									
Pole				Luminaires					
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID	OTHER GRIDS	
1	A1	70'	-	70'	TLC-LED-900	1/1*	1	1	
				15.5'	TLC-BT-575	1/1*	1	1	
				30'	CREE OSQ	1/1*	0	2	
				70'	TLC-LED-1200	2/2*	2	2	
1	A3	60'	-	60'	TLC-LED-900	1	1	0	
				15.5'	TLC-BT-575	1	1	0	
				30'	CREE OSQ	1	0	1	
				60'	TLC-LED-1200	2	2	0	
1	B1	70'	-	70'	TLC-LED-900	1/1*	1	1	
				15.5'	TLC-BT-575	1/1*	1	1	
				70'	TLC-LED-1500	4/4*	4	4	
				70'	TLC-LED-900	1	1	0	
1	B3	70'	-	70'	TLC-LED-900	1	1	0	
				15.5'	TLC-BT-575	1	1	0	
				30'	CREE OSQ	1	0	1	
				70'	TLC-LED-1500	4	4	0	
4	TOTALS						34	20	14

\* This structure utilizes a back-to-back mounting configuration



NOTES: Poles are existing. Pole locations need to be field verified.



Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

GRID SUMMARY	
Name:	Field #2
Size:	Irregular 201' / 199' / 200'
Spacing:	20.0' x 20.0'
Height:	3.0' above grade

ILLUMINATION SUMMARY		
MAINTAINED HORIZONTAL FOOTCANDLES		
	Infield	Outfield
Scan Average:	50.28	32.22
Maximum:	66	47
Minimum:	35	19
Avg / Min:	1.43	1.67
Max / Min:	1.88	2.44
UG (adjacent pts):	1.24	1.52
CU:	0.64	
No. of Points:	25	75

LUMINAIRE INFORMATION			
Color / CRI:	5700K - 75 CRI		
Luminaire Output:	160,000 / 89,600 / 136,000 / 52,000 lumens		
No. of Luminaires:	20		
Total Load:	21.98 kW		
Lumen Maintenance			
Luminaire Type	L90 hrs	L80 hrs	L70 hrs
TLC-LED-1500	>120,000	>120,000	>120,000
TLC-LED-900	>120,000	>120,000	>120,000
TLC-LED-1200	>120,000	>120,000	>120,000
TLC-BT-575	>120,000	>120,000	>120,000

Reported per TM-21-11. See luminaire datasheet for details.

**Guaranteed Performance:** The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

**Field Measurements:** Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

**Electrical System Requirements:** Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

**Installation Requirements:** Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



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ILLUMINATION SUMMARY



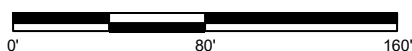
EQUIPMENT LIST FOR AREAS SHOWN							
Pole				Luminaires			
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID
1	A1	70'	-	70'	TLC-LED-900	1/1*	0
				15.5'	TLC-BT-575	1/1*	0
				30'	CREE OSQ	1/1*	2
				70'	TLC-LED-1200	2/2*	0
2	A2-A3	60'	-	60'	TLC-LED-900	1	0
				15.5'	TLC-BT-575	1	0
				30'	CREE OSQ	1	1
				60'	TLC-LED-1200	2	0
2	B2-B3	70'	-	70'	TLC-LED-900	1	0
				15.5'	TLC-BT-575	1	0
				30'	CREE OSQ	1	1
				70'	TLC-LED-1500	4	0
5	TOTALS					34	6

\* This structure utilizes a back-to-back mounting configuration



NOTES: Poles are existing. Pole locations need to be field verified.

SCALE IN FEET 1 : 80



ENGINEERED DESIGN By: Brendon Guler • File #169246B • 20-Jul-20

Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

GRID SUMMARY	
Name:	Security/Egress
Size:	Irregular 201' / 199' / 200'
Spacing:	10.0' x 10.0'
Height:	3.0' above grade

ILLUMINATION SUMMARY			
MAINTAINED HORIZONTAL FOOTCANDLES			
Entire Grid			
Scan Average:	0.60		
Maximum:	6		
Minimum:	0		
Avg / Min:	294.47		
Max / Min:	2910.09		
UG (adjacent pts):	39.48		
CU:	0.87		
No. of Points:	1428		
LUMINAIRE INFORMATION			
Color / CRI:	5700K - 70 CRI		
Luminaire Output:	16,599 lumens		
No. of Luminaires:	6		
Total Load:	0.78 kW		
Lumen Maintenance			
Luminaire Type	L90 hrs	L80 hrs	L70 hrs
CREE OSQ	--	--	--
Reported per TM-21-11. See luminaire datasheet for details.			

**Guaranteed Performance:** The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

**Field Measurements:** Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

**Electrical System Requirements:** Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

**Installation Requirements:** Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



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EQUIPMENT LIST FOR AREAS SHOWN								
Pole			Luminaires					
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
2	A4-A5	50'	-	15.5'	TLC-BT-575	1	1	0
				50'	TLC-LED-900	3	3	0
2	B4-B5	60'	-	15.5'	TLC-BT-575	1	1	0
				60'	TLC-LED-1200	3	3	0
4	TOTALS					16	16	0

GRID SUMMARY	
Name:	Field #3
Size:	150'/150'/150' - basepath 60'
Spacing:	20.0' x 20.0'
Height:	3.0' above grade

ILLUMINATION SUMMARY		
MAINTAINED HORIZONTAL FOOTCANDLES		
	Infield	Outfield
Scan Average:	54.54	33.57
Maximum:	64	49
Minimum:	34	22
Avg / Min:	1.59	1.50
Max / Min:	1.88	2.20
UG (adjacent pts):	1.24	1.50
CU:	0.65	
No. of Points:	25	33

LUMINAIRE INFORMATION	
Color / CRI:	5700K - 75 CRI
Luminaire Output:	136,000 / 89,600 / 52,000 lumens
No. of Luminaires:	16
Total Load:	14.66 kW

Luminaire Type	Lumen Maintenance		
	L90 hrs	L80 hrs	L70 hrs
TLC-LED-1200	>120,000	>120,000	>120,000
TLC-LED-900	>120,000	>120,000	>120,000
TLC-BT-575	>120,000	>120,000	>120,000

Reported per TM-21-11. See luminaire datasheet for details.

**Guaranteed Performance:** The ILLUMINATION described above is guaranteed per your Musco Warranty document and includes a 0.95 dirt depreciation factor.

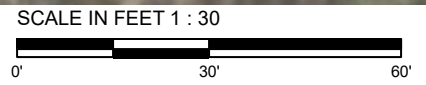
**Field Measurements:** Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

**Electrical System Requirements:** Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

**Installation Requirements:** Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.



NOTES: Poles are existing. Pole locations need to be field verified.



Pole location(s) Ⓢ dimensions are relative to 0,0 reference point(s) ⊗





NOTES: Poles are existing. Pole locations need to be field verified.

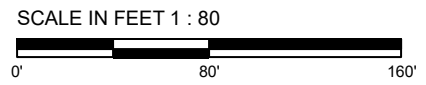


EQUIPMENT LAYOUT	
<b>INCLUDES:</b>	
· Field #1	
· Field #2	
· Field #3	
<b>Electrical System Requirements:</b> Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.	
<b>Installation Requirements:</b> Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.	

EQUIPMENT LIST FOR AREAS SHOWN						
Pole				Luminaires		
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE
1	A1	70'	-	70'	TLC-LED-900	1/1*
				15.5'	TLC-BT-575	1/1*
				30'	CREE OSQ	1/1*
				70'	TLC-LED-1200	2/2*
2	A2-A3	60'	-	60'	TLC-LED-900	1
				15.5'	TLC-BT-575	1
				30'	CREE OSQ	1
				60'	TLC-LED-1200	2
2	A4-A5	50'	-	15.5'	TLC-BT-575	1
				50'	TLC-LED-900	3
1	B1	70'	-	70'	TLC-LED-900	1/1*
				15.5'	TLC-BT-575	1/1*
				70'	TLC-LED-1500	4/4*
2	B2-B3	70'	-	70'	TLC-LED-900	1
				15.5'	TLC-BT-575	1
				30'	CREE OSQ	1
				70'	TLC-LED-1500	4
2	B4-B5	60'	-	15.5'	TLC-BT-575	1
				60'	TLC-LED-1200	3
10	TOTALS					62

\* This structure utilizes a back-to-back mounting configuration

SINGLE LUMINAIRE AMPERAGE DRAW CHART						
Ballast Specifications (.90 min power factor)	Line Amperage Per Luminaire (max draw)					
	208 (60)	220 (60)	240 (60)	277 (60)	347 (60)	480 (60)
Single Phase Voltage	208 (60)	220 (60)	240 (60)	277 (60)	347 (60)	480 (60)
TLC-LED-1500	8.5	8.1	7.4	6.4	5.1	4.7
TLC-LED-1200	7.0	6.6	6.1	5.2	4.2	4.0
TLC-LED-900	5.3	5.0	4.6	4.0	3.2	2.9
TLC-BT-575	3.4	3.2	2.9	2.5	2.0	1.8
Cree OSQ	-	-	-	-	0.4	0.3



Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗





## CITY COUNCIL STAFF REPORT

Consent Item No. 8

September 23, 2020

File No. 0470-35

SUBJECT: Purchase Two (2) TYMCO Model 600 Regenerative Air Street Sweepers from TYMCO Inc. of Waco, Texas.

DEPARTMENT: Public Works/Fleet Services

RECOMMENDATION:

It is requested that City Council adopt Resolution No. 2020-135, authorizing the Fleet Services Division to purchase two (2) TYMCO Model 600 Regenerative Air Street Sweepers in the amount of \$564,405.28 through a Cooperative Purchase Contract with the Houston-Galveston Area Council ("HGAC"). The purchase price includes all taxes, delivery, operator and mechanic training, and all associated fees.

FISCAL ANALYSIS:

These are scheduled vehicle replacements, and sufficient funds are available in the Fleet Services 'Vehicle Replacement Fund', Account No. 5208-653-715.

BACKGROUND:

One existing 2013 Global M4 street sweeper and one existing 2015 Tymco 500X street sweeper will be replaced due to both vehicles exceeding and meeting their life expectancy of five (5) years, respectfully. Both existing sweepers have extensive hours of use, extensive wear and tear, and are regularly out of service due to unscheduled breakdowns. Reliable street sweepers are essential in the effort to meet the MS4 Storm Water Management Program ("SWMP") goals set forth by the Environmental Protection Agency ("EPA").

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Joseph Goulart*, Director of Public Works  
9/16/20 5:04 p.m.

ATTACHMENTS:

1. Resolution No. 2020 - 135
2. Resolution No. 2020 - 135 Exhibit A

RESOLUTION NO. 2020-135

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AUTHORIZING THE FLEET SERVICES  
DIVISION TO PURCHASE TWO (2) 2020  
TYMCO MODEL 600 REGENERATIVE AIR  
STREET SWEEPERS THROUGH A  
COOPERATE PURCHASE CONTRACT

WHEREAS, the Fleet Services Division is replacing two (2) existing Street Sweepers due to exceeding their standard life expectancy of five (5) years, extensive hours of use, their current mechanical condition, and they are due for scheduled replacement; and

WHEREAS, the Street Sweepers due for replacement are: one (1) 2014 Global Model M4 (unit #3271) and one (1) 2015 Tymco Model 500X (unit #3279); and

WHEREAS, staff evaluated sweeping operations and concluded that the Regenerative Air Street Sweeper would continue to help satisfy the daily sweeping operations relating to Stormwater compliance; and

WHEREAS, staff evaluated three Street Sweepers from three (3) manufacturers and the TYMCO Model 600 Street Sweeper was selected as the best suited and most cost-effective option; and

WHEREAS, TYMCO Inc. of Waco, Texas is the manufacturer of the TYMCO Model 600 Regenerative Air Street Sweepers; and

WHEREAS, the Houston-Galveston Area Council (“HGAC”) conducted a competitive bid process for street sweeping equipment and TYMCO Inc. was deemed to be the lowest responsive bidder; and

WHEREAS, the City of Escondido (“City”) is utilizing cooperative purchasing with HGAC (Contract No. SW04-20), and as per the Escondido Municipal Code Chapter 10 Article 5 Section 10-90, the City may utilize a cooperative purchase contract, which has been conducted in a competitive manner by the State, County or any other Public or Municipal Agency; and

WHEREAS, sufficient funds are available in the Fleet Services ‘Vehicle Replacement Fund’, Account No. 5208-653-715; and

WHEREAS, staff recommends purchasing two (2) TYMCO Model 600 Street Sweepers from TYMCO Inc. in the amount of \$564,405.28, which includes sales tax and all other fees; and

WHEREAS, the purchase price includes all published and unpublished options, as shown in Exhibit “A”, Attachment “A”, which is attached to this Resolution and is incorporated by this reference; and

WHEREAS, the Street Sweepers being replaced by this purchase, as pictured and listed on Exhibit “A”, which is incorporated by this reference, are deemed surplus property and are no longer required for public use; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to authorize the purchase from TYMCO Inc.; and

WHEREAS, the City Council desires at this time and deems it to be in the best Public interest to accept the recommendation of the Director of Finance and approve the disposal of the surplus vehicles via auction.

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 is authorized to approve on behalf of the City, the Cooperative Purchase through the Houston-Galveston Area Council (Contract No. SW04-20), as allowed per Escondido Municipal Code Chapter 10 Article 5 Section 10-90.
3. That the City Council approves Resolution No. 2020-135 authorizing Fleet Services Division to purchase two (2) TYMCO Model 600 Regenerative Air Street Sweepers from TYMCO Inc. in the amount of \$564,405.28, which includes sales tax, delivery, operator and mechanic training, and all other fees.
4. That the City Council authorizes the Director of Finance to dispose of the surplus vehicles that are being replaced by this purchase via auction with the City contracted auction company.

## EXHIBIT A

### 2013 Global M4 Street Sweeper

Unit # 3271

Scheduled Replacement: FY 20/21



### 2015 Tymco 500X Street Sweeper

Unit # 3279

Scheduled Replacement: FY 20/21





<b>HGACBuy</b>		<b>CONTRACT PRICING WORKSHEET</b> For MOTOR VEHICLES Only		Contract No.:	SW04-20	Date Prepared:	8/26/2020
<b>This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.</b>							
Buying Agency:	City of Escondido, CA			Contractor:	TYMCO, Inc. <b>(ISSUE P.O. TO TYMCO, Inc.- email below)</b>		
Contact Person:				Prepared By:	Kaye Morgan		
Phone:				Phone:	254-799-5546		
Fax:				Fax:	254-799-2722		
Email:				Email:	kaye.morgan@tymco.com		
Product Code:	B53	Description:	TYMCO Model 600 Regenerative Air Sweeper				
<b>A. Product Item Base Unit Price Per Contractor's H-GAC Contract:</b>							<b>\$ 138,000.00</b>
<b>B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if</b>							
<b>Description</b>		<b>Cost</b>		<b>Description</b>		<b>Cost</b>	
Broom Assist Pick-Up Head 600064		\$ 4,350.00					
Auxiliary Hydraulic System 600053		\$ 1,130.00		Abrasion Protection Package 600036		\$ 1,275.00	
Hopper Load Indicators 600019		\$ 410.00		Cat 290 Water Pump 600044		\$ 1,275.00	
Traffic Directing Light-LED 600823 (WhelenTACF85L		\$ 1,200.00		Gutter Broom Tilt Adjuster - Left & Right 600022		\$ 1,700.00	
Auxiliary Hand Hose 8" Dia. 10' Hose 600035		\$ 1,225.00		Gutter Broom - Drop Down Left & Right 600081		\$ 1,700.00	
Auto Sweep Interrupt 600079		\$ 1,025.00		2020 Freightliner M2-106 Chassis 600706		\$ 85,000.00	
Variable Speed Gutter Brooms 600070		\$ 775.00					
Pick-Up Head Front Curtain Lifter 600087		\$ 1,605.00					
				<b>Subtotal From Additional Sheet(s):</b>			
				<b>Subtotal B:</b>		<b>\$ 102,670.00</b>	
<b>C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.</b>							
<b>Description</b>		<b>Cost</b>		<b>Description</b>		<b>Cost</b>	
Dump Switch in Cab		\$ 200.00		Low Emission Package		\$ 2,000.00	
Stainless Steel Blower Housing		\$ 1,250.00		Hopper Drain - High Capacity		\$ 1,800.00	
Hopper Suction Inlet Wear Flange w/Liner		\$ 1,500.00		LED Lights - Stop/Turn/Tail/Clearance Markers		\$ 500.00	
2021 Freightliner M2-106 Chassis UPGRADE		\$ 1,000.00		Large Debris Basket install by Mar-co		\$ 1,700.00	
Water Level Gauge in Cab		\$ 600.00		LED Floodlights exchange 2 GB/2 Rear		\$ 400.00	
Mar-co installed Dual Camera Rear and PUH		\$ 1,785.00					
				<b>Subtotal From Additional Sheet(s):</b>			
				<b>Subtotal C:</b>		<b>\$ 12,735.00</b>	
<b>Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).</b>				<b>For this transaction the percentage is:</b>		<b>5%</b>	
<b>D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)</b>							<b>\$ 253,405.00</b>
Quantity Ordered:	2	X Subtotal of A + B + C:		\$ 253,405.00	=	<b>Subtotal D: \$ 506,810.00</b>	
<b>F. Trade-Ins / Other Allowances / Special Discounts / Freight / Installation</b>							
<b>Description</b>		<b>Cost</b>		<b>Description</b>		<b>Cost</b>	
Delivery/PDI/Inservice		\$ 17,000.00					
CA Sales Tax (7.750%)		\$ 40,595.28					
						<b>Subtotal F: \$ 57,595.28</b>	
<b>Delivery Date:</b>		<b>90-120 Days</b>		<b>G. Total Purchase Price (D+E+F):</b>		<b>\$ 564,405.28</b>	

## CITY COUNCIL STAFF REPORT

**Consent Item No. 9**

**September 23, 2020**

**File No. 1050-70**

SUBJECT: Authority to Accept Local Roadway Safety Program Grant to Perform Local Roadway Safety Plan and Budget Adjustment

DEPARTMENT: Engineering Services

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-139 to authorize the Director of Engineering Services or her designee to accept grant funds in the amount of \$72,000 for developing a Local Roadway Safety Plan and authorize a budget adjustment allocating grant funds to the project.

FISCAL ANALYSIS:

Highway Safety Improvement Program (“HSIP”) grant funds, in the amount of \$72,000, are provided by Caltrans. The total grant application was for \$90,000. The \$18,000 in City matching funds are budgeted in the Engineering Department budget of the General Fund.

BACKGROUND:

The City was selected to receive grant funds from the Caltrans HSIP to prepare a Local Roadway Safety Plan (“LRSP”). The LRSP is an effort supported and funded by Caltrans, as part of the state-wide Strategic Highway Safety Plan, that uses a consistent approach to examine accident history and apply known countermeasures to address identified deficiencies City-wide.

The process of preparing an LRSP creates a framework to systematically identify and analyze safety problems and recommend safety improvements. The plan will analyze collision-related data to identify priority locations within the City. Roadway safety-related improvements and countermeasures, including enforcement and education, will be developed for each priority location with the goal of improving roadway safety. The process results in a prioritized list of improvements and actions that can demonstrate a defined need and contribute to the statewide plan. Importantly, the effort provides a data-driven traffic safety plan that places a city in a better position to apply for and HSIP funds. Caltrans is requiring all agencies to have a Local Roadway Safety Plan in order to be eligible for Highway Safety Improvement Program funds during the next grant cycle, anticipated in 2022.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Julie Procopio*, Director of Engineering Services  
9/16/20 7:12 p.m.

ATTACHMENTS:

1. Attachment 1 - Budget Adjustment Request
2. Resolution No. 2020-139





RESOLUTION NO. 2020-139

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO AUTHORIZING  
THE RECEIPT OF GRANT FUNDS FOR A  
LOCAL ROADWAY SAFETY PLAN

WHEREAS, as part of a national effort to develop a consistent, data-driven program to improve roadway safety, the California Department of Transportation (“Caltrans”) developed the Local Roadway Safety Program (“LRSP”); and

WHEREAS, the Caltrans Division of Local Assistance (“DLA”) announced a LRSP Call-for-Projects on October 8, 2019, and the City of Escondido (“City”) submitted an application on October 17, 2019; and

WHEREAS, the City was included in the list of awardees when DLA announced the funding awards on December 3, 2019.

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 approves the acceptance of the grant funds award.
3. That the City Council appoints the Director of Engineering Services/City Engineer, or her designee, as agent to conduct all negotiations, execute and submit all documents to the Caltrans Division of Local Assistance including, but not limited to agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project, as well as conduct requisite City financial management.

## CITY COUNCIL STAFF REPORT

**Consent Item No. 10**

**September 23, 2020**

**File No. 0915-55**

SUBJECT: Certification of the Final Environmental Impact Report (“EIR”) Prepared for the Lake Wohlford Dam Replacement Project (ENV 13-0005).

DEPARTMENT: Community Development Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-145 for certification of a Recirculated EIR, adoption of CEQA Findings and a Statement of Overriding Considerations, and adoption of Mitigation Measures and a Mitigation Monitoring and Reporting Program (“MMRP”) for the Lake Wohlford Dam Replacement Project.

PREVIOUS ACTION:

On September 16, 2020, the City Council received a status update on the Lake Wohlford Dam Replacement Project.

FISCAL ANALYSIS:

For the purposes of this Agenda Item, the City Council will only be considering the certification of the Final EIR. The City Council will make separate future decisions regarding any expenditure of funds to support dam replacement construction. The estimated cost of construction of the Lake Wohlford Dam Replacement Project is \$68 million dollars, an amount much greater than the 2012 preliminary cost estimate of \$30 million dollars. The cost of environmental mitigation for the project is now estimated to be about \$3.5 million, an amount significantly lower than past projections.

BACKGROUND:

Lake Wohlford is a man-made reservoir first formed by the construction of the Lake Wohlford Dam in 1895. Lake Wohlford Dam was originally constructed of rockfill at a height of approximately 76 feet, creating an important component of the City’s initial municipal water supply. In 1924, the City enlarged the dam using hydraulic fill, pumping earth from the reservoir bottom through a pipe and placing this material on the upstream side of the existing rockfill dam. The enlargement of the dam increased the dam’s height to 100 feet and expanded Lake Wohlford’s storage capacity to serve the City’s growing population.

The City proposes to construct a new dam downstream (west) of the existing dam and partially deconstruct the existing dam. The replacement dam would feature an outlet tower that is integrated into the dam’s upstream face; the top of the existing outlet tower would be demolished, and the

bottom of the existing outlet tower and the outlet pipe would be filled with sand and abandoned in place. The Project would entail improvement and extension of an existing unpaved access road located west of the Lake Wohlford Marina, extending it to the right (north) abutment of the replacement dam. The road would provide equipment and material access from the project's primary staging yard, located west of the marina, to the dam construction zone. Following completion of the project, the road would provide permanent maintenance and inspection access to the right abutment and the dam crest. To accommodate the replacement dam's configuration, the Project also entails realignment of the portion of Oakvale Road near the dam's left (south) abutment. This portion of the road would be realigned south of its current location, requiring excavation into the adjacent hillside. The replacement dam would be constructed so the resultant storage capacity and maximum reservoir level would be equal to the capacity and elevation prior to the water level restriction, at 6,500 acre-feet and 1,480 feet AMSL, respectively, so the project proposes no changes to Lake Wohlford's historic high water level or storage capacity. After completion of the replacement dam, the hydraulic fill portion of the existing dam would be removed down to 1,450 feet AMSL, with material hauled off site for disposal and reuse.

#### ANALYSIS:

The reservoir and dam site is located approximately seven miles east of Interstate-15 and two (2) miles east of Valley Center Road. Lake Wohlford can be accessed via East Valley Parkway and Lake Wohlford Road. The majority of the land immediately around the reservoir is within unincorporated San Diego County but is owned by the City.

Before the mandatory drawdown in 2007, the average elevation of Lake Wohlford was 1,462.2 feet, with a maximum of 1,479.1 feet in November 2003, and a minimum of 1,453.1 feet in October 2002. Since the drawdown, the reservoir has averaged approximately 1,455.5 feet, or 6.6 feet below the previous average, with a maximum of 1,459.1 feet in March 2009, and a minimum of 1,450.6 feet in October 2008. In addition to its service as a part of the City's municipal water system, Lake Wohlford is a regional recreational amenity offering fishing areas, trails, and opportunities for active and passive recreation. Boat access to the reservoir is based around a marina facility located to the north of the reservoir off Lake Wohlford Road. The complex also includes a public park with picnic facilities and a ranger station, as well as the reservoir's main parking areas.

#### *Replacement Dam:*

The replacement dam would be constructed immediately downstream of the existing dam (approximately 200 feet downstream of the existing dam's crest). The replacement dam's crest would rise approximately 125 feet above the foundation grade, to an elevation of 1,490 feet AMSL, and the crest would span approximately 650 feet from the north abutment to the south abutment. The dam crest would feature a pedestrian and vehicle access path with a pedestrian access bridge constructed over the spillway. This access would be for maintenance purposes only and would not be open to the public.

The dam would be constructed of roller-compacted concrete (“RCC”), utilizing the materials of conventionally placed concrete (cement, coarse aggregate, sand, and water), but minimizes the water content to allow material handling with conventional soil-placing methods. RCC is placed using conveyors, dump trucks, dozers, and roller compactors. Like engineered soil placement, RCC is placed in thin layers starting from the base of the dam (usually 12 inches thick), as opposed to conventionally placed mass concrete, which is poured in large sections. The RCC method reduces water content such that the mix is dry enough to prevent roller equipment from sinking, but wet enough to permit adequate distribution of the material in each layer. Placement of approximately 100,000 cubic yards of RCC concrete is anticipated to form the dam.

*Dam Foundation:*

Material would be excavated from the downstream canyon floor and rocky slopes to create a solid foundation and suitable surfaces to place the abutments. Preliminary location and depth of the foundation have been identified using the results of geotechnical investigation, and the preliminary foundation has been designed such that all soil, decomposed rock, and rock generally excavated using large earthwork equipment would be removed, leaving solid bedrock for placing the dam’s foundation. Consolidation grouting would be provided to ensure a more uniform foundation modulus for support of the dam. A double-row grout curtain would be installed in the foundation to strengthen the foundation and reduce seepage.

Approximately 113,430 cubic yards of earth and rock is anticipated to be excavated for establishment of the dam foundation. Of this excavated material, approximately 53,914 cubic yards is anticipated to be reused on-site.

*Spillway, Stilling Basin, and Outlet Tower:*

A spillway would be constructed in the center of the dam, built of cast-in-place concrete, with an elevation of 1,480 feet AMSL. The dam’s central spillway has been designed to handle the maximum storm events. The spillway is designed to flow into an energy dissipation stilling basin at the downstream foot of the dam, which catches water that overtops the dam before it discharges into the downstream river channel. A new outlet tower would be constructed on the upstream side of the dam, built as a cast-in-place, reinforced concrete structure anchored to the dam’s face and extending to the dam crest at an elevation of 1,490 feet AMSL. The outlet tower would be connected to the proposed dam’s downstream emergency release valve and appurtenances located on the south side of the new stilling basin and spillway. Releases would be projected into the stilling basin for discharge to Escondido Creek. The emergency release valve would enable reservoir water releases in the event of a dam safety event. The proposed outlet works would be capable of draining the entire reservoir contents within 90 days.

*Oakvale Road Improvements:*

Oakvale Road skirts a steep rock face just southwest of the existing left abutment of the existing dam and conflicts with the proposed location for the replacement dam's left abutment. The Project entails realigning approximately 1,200 feet of the road toward the south and straightening the road. To create enough of a surface that would accommodate the realignment, the Project requires excavation into the hillside to the south at a slope of 0.75:1 and removal of approximately 56,000 cubic yards of rock and earth. The maximum height of the proposed finished slope is 110 feet, though much of the slope would be shorter.

The new road would be constructed to County standards and would be 28 feet wide, including two 12-foot lanes in each direction, a 10-foot lane for non-motorized traffic on the road's westbound (northern) shoulder, and a 3-foot bench constructed on the downhill (northern) side. Drainage improvements would include reconstruction of a storm drain beneath the western end of the roadway improvements, and a new 18-inch storm drain beneath the road on the eastern side of the project limits. A brow ditch would be constructed at the top of the slope that would divert storm flows down the slope. The brow ditch on the western side would carry water to an existing ditch situated at the toe of the slope along the road's southern edge and into a storm drain that flows beneath the road. This storm drain is located at the far western end of the roadway improvements and would be reconstructed as part of the Project. The brow ditch on the eastern side would carry water to a proposed storm drain that would be constructed beneath the road and empty into an earthen swale on the northern side of the road.

The City prepared a Mitigated Negative Declaration ("MND") for the Oakvale Road Realignment and Improvement Project, which was circulated for a 30-day CEQA review period in September 2014, and adopted by City Council Resolution No. 2015-37 in March 2015. Because of the relationship between the Oakvale Road realignment Project and the dam replacement Project, the Oakvale Road project was analyzed in the Final EIR as a part of the Project as a whole.

*Right Abutment Access Road:*

The Project would entail construction of a gravel access road from the Lake Wohlford Marina to the north abutment of the replacement dam. The road would provide construction access to the dam construction zone and, following completion of the Project, would provide permanent maintenance and inspection access. A locked gate would be installed to prevent trespassing and unauthorized access to the dam crest.

The dam construction would require multiple approvals from local governments and from federal, state, and local regulatory agencies. Through the City Council's action to certify the Final EIR and approve City Council Resolution No. 2020-145, the City Council would also be directing City staff to seek the approvals of other agencies (or otherwise coordinating additional permits). The contractor

would be responsible for submitting a Notice of Intent to the State Water Resources Control Board for coverage by the general National Pollutant Discharge Elimination System permit for construction. In addition, Project improvements would occur within designated “waters of the U.S.” and would affect a jurisdictional stream, Escondido Creek. This action would require permits under the California Fish and Game Code and the Federal Clean Water Act (“CWA”). County permits and approvals would be required related to the Oakvale Road realignment for work within County right-of-way. There is no discretionary action of the County associated with the Project.

#### ENVIRONMENTAL REVIEW:

A Draft Environmental Impact Report (“EIR”), State Clearinghouse House (“SCH”) No. 2015041091 (City Log No. ENV 13-0005), was issued in accordance with applicable local and State laws to address potential environmental effects associated with the proposed Project. The Draft EIR was previously circulated for public review from October 4, 2016, to November 17, 2016. At the conclusion of the public review period, the City evaluated comments on the environmental issues received from persons who reviewed the Draft EIR. Based on public comments that were received from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, the City revised the Biological Resources Section of the EIR (Section 3.3). The City has revised the Greenhouse Gas Emissions Section (Section 3.6) and the Effects Found Not to be Significant Chapter (Chapter 4.0) of the EIR due to new regulatory requirements since the Draft EIR was circulated for public review. The Executive Summary and the Project Description Chapter (Chapter 2.0) were also updated to reflect the changes to the mitigation measures in the biological resources section and to clarify two changed existing conditions related to the Project. Pursuant to Section 15088.5 of the CEQA Guidelines, the Draft EIR was recirculated for public review from June 18, 2020, to August 3, 2020.

The Final EIR consists of the Response to Comments and includes text revisions to the Draft EIR in response to input received during the June 18, 2020, and August 3, 2020, public review period. As reflected in the Final EIR, Mitigation Measures required under CEQA were developed to reduce the potential for adverse effects with respect to air quality, biological resources, cultural resources, and noise. 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 Sections 21081.5 and 21082.2 and CEQA Guidelines Section 15901(b). A Mitigation Monitoring and Reporting Program (“MMRP”) has been prepared for the proposed Project, which is included as an attachment to draft City Council Resolution No. 2020-145.

The Final EIR concludes all potentially significant impacts would be mitigated to less than significant levels with the exception of specific noise-related impacts, which would remain significant and unavoidable. It is anticipated that night-time dam construction, and construction activities at the concrete batch plant, conveyor belt system, and dam construction area would still result in a substantial temporary increase in ambient noise levels. Erection of temporary noise barriers would not be an effective mitigation measure for this Project’s construction noise impacts. The residences likely to receive noise from this Project’s 24-hour construction activities are all located at higher elevations from the construction site, without intervening topography or other obstructions that would

the block line of sight to the construction work. Building noise walls high enough to block line of sight to the nearby receptors would be unsafe and impractical. It would also be unsafe and impractical to mount noise barriers to the noise-generating equipment at the batch plant. Therefore, it is infeasible to reduce construction-related noise levels on this Project by means of noise barriers. Although mitigation is proposed to reduce this impact, it is considered a significant unavoidable impact.

Pursuant to CEQA, before a project can be approved, which is determined to have significant and unmitigated effects, the public agency must consider and adopt a "Statement of Overriding Considerations" per CEQA Guidelines 15043 and 15093. The substantial evidence supporting the various benefits of the Project proposal can be found as an attachment to City Council Resolution No. 2017-160, and briefly summarized below.

### **1. Restores storage capacity**

- The Project would restore water levels to historic elevations, which would be beneficial to groundwater supply and recharge rates.

### **2. Alleviates public safety and flooding concerns**

- The existing condition is not safe. A seismic analysis of the dam conducted in 2007 concluded that the method used to place the hydraulic fill during the 1924 dam raise has resulted in conditions where the fill could liquefy during a strong earthquake. This could cause flood inundation.
- The Project eliminates the problematic portion of the existing dam and corrects an existing public safety hazard.

### **3. Provides a facility with improvements with a life expectancy of 100 years**

- The Project provides a modern method of placing mass concrete for gravity dams that has been employed elsewhere in San Diego County.

### **4. Enhance safety of the spillway**

- The spillway would be constructed in the center of the dam, built of cast-in-place concrete and designed to handle storm events approved by the Federal Energy Regulation Commission, and has overtop water controls.

### **5. Economic benefits**

- The Project would generate new construction employment opportunities over the construction period, which would provide a stable and significant source of jobs and business development.

Update on the Wohlford Dam Replacement Project  
September 16, 2020  
Page 7

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Mike Strong, Director of Community Development*  
9/16/20 4:47 p.m.

ATTACHMENTS:

1. Resolution No. 2020-145
2. Resolution No. 2020-145 – Exhibits A, B, and C



RESOLUTION NO. 2020-145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, CERTIFYING THE RECIRCULATED ENVIRONMENTAL IMPACT REPORT AND ADOPTING FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE LAKE WOHLFORD DAM REPLACEMENT PROJECT

CASE NO.: ENV 13-0005

WHEREAS, the City of Escondido (“Applicant”) submitted a development application to construct a replacement dam at Lake Wohlford, immediately downstream (west) of the existing dam, partially deconstruct the existing dam by removing the hydraulic fill material that is at a higher elevation than the original rockfill, and realign a portion Oakvale Road that passes the southern dam abutment (“Project”). The reservoir and dam site is located approximately seven (7) miles east of Interstate 15 and two (2) miles east of Valley Center Road. Lake Wohlford can be accessed via East Valley Parkway and Lake Wohlford Road; and

WHEREAS, pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 et. seq., and its implementing regulations (the State “CEQA Guidelines”), 14 California Code of Regulations Section 15000 et. seq., the City of Escondido is the lead agency for the Project, as the public agency with the principal responsibility for certifying the Final EIR (“Environmental Impact Report”). However, there is no discretionary action of the City of Escondido associated with the Project. The dam construction would require multiple approvals from local governments

and from federal, state, and local regulatory agencies. The contractor would be responsible for submitting a Notice of Intent to the State Water Resources Control Board for coverage by the general National Pollutant Discharge Elimination System (“NPDES”) permit for construction. In addition, project improvements would occur within designated “waters of the U.S.” and would affect a jurisdictional stream, Escondido Creek. This action would require permits under the California Fish and Game Code and the federal Clean Water Act (“CWA”). County permits and approvals would be required related to the Oakvale Road realignment for work within County right-of-way; 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, air quality, biological resources, cultural resources/tribal resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology/water quality, land use and planning, noise, public services, recreation, transportation/traffic, utilities and services; 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 April 28, 2015, for a 30-day comment period which ended on May 25, 2015; 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 October 4, 2016, notifying the general public, public agencies, and interested individuals and organizations that a 45-day public review period would begin on October 4, 2016, and end on November 17, 2016. The NOA was also filed with the City Clerk, published in the Daily Transcript, and posted on the City’s website; and

WHEREAS, the Draft EIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning and Research (SCH No. 2015041091) on October 4, 2016; and

WHEREAS, during the public review and 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, based on public comments that were received from the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, the City revised and updated several sections of the Draft EIR to reflect the changes to the mitigation measures in the biological resources section and to clarify two changed existing conditions related to the Project. Pursuant to Section 15088.5 of the CEQA Guidelines, the Draft EIR was recirculated for public review from June 18, 2020, to August 3, 2020. Recirculation of the Draft EIR was noticed pursuant to Section 15087, and consultation pursuant to Section 15086 of the CEQA Guidelines. A Notice of Availability (“NOA”) was filed with the County Clerk of San Diego on June 18, 2020. The NOA was also circulated to State agencies for review through the State Clearinghouse, Office of

Planning and Research, mailed to organizations and parties expressing interest in the Project, notifying the general public, public agencies, and interested individuals and organizations that a 45-day public review period would begin on June 18, 2020, and end on August 3, 2020. The NOA was also filed with the City Clerk, published in the Daily Transcript, and posted on the City's website; 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 prepared a Final EIR, which contains the information required by CEQA Guidelines Section 15132, including the Recirculated 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, which was sent out for a 10-day public notice period on November 20, 2017, and ending on December 1, 2017, pursuant to Public Resources Code Section 21092.5; 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, on September 23, 2020, the City Council held a duly noticed public hearing as prescribed by law, during which it considered all factors relating to the Final

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, CEQA and the CEQA Guidelines provide that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects of the project unless the public agency makes certain written findings for each of the significant effects, accompanied by a statement of facts supporting each finding; and

WHEREAS, CEQA and the CEQA Guidelines require that where an agency approves a project that would allow the occurrence of significant environmental effects which are identified in an Environmental Impact Report, but are not mitigated to a level of insignificance; the agency state in writing the specific reasons supporting its action based on the Final EIR and/ or other information in the record; and

WHEREAS, pursuant to CEQA Guidelines Section 15091, 15093, and 15097, the City of Escondido has prepared CEQA Findings of Fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program, which have been filed with the City of Escondido (Exhibits “B” and “C” of this Resolution, which are incorporated herein by this reference as though fully set forth herein); and

WHEREAS, the City Council has balanced the benefits of the Project against its unavoidable environmental risks in making its recommendation on this Project as necessary to serve the existing and future needs of the City of Escondido, has analyzed the information submitted by staff and considered any written and oral comments received at the public hearing, including all factors relating to the Project (Planning Case No. ENV 13-0005), and has determined that any remaining unavoidable significant impacts are outweighed by specific economic, legal, social, or other benefits of the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Escondido, in its independent judgment, hereby finds that:

1. That the foregoing recitations are true and correct and are incorporated herein by this reference as though set forth in full.

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 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.

5. That the Final EIR, as so amended and evaluated, is adequate and provides good-faith disclosure of available information on the Project and all reasonable and feasible alternatives thereto.

6. 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.

7. 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.

8. That the City Council further finds and determines that the Final EIR should be certified and the Project approved despite the existence of certain unavoidable significant environmental effects identified in the Final EIR, and, pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093, the City Council hereby makes and adopts the Statement of Overriding Considerations appended hereto as Exhibit "B" and made part hereof by this reference, and finds that



such effects are considered acceptable because the benefits of the Project outweigh the unavoidable environmental effects.

12. That pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), the City Council hereby adopts and approves the MMRP, 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.

13. That this action is final on the date this Resolution is adopted by the City Council.

14. The Director of Community Development or designee is hereby directed to file all necessary material to the appropriate federal, state, and local regulatory agencies for agency permitting and/or approval(s) as described in the September 23, 2020, Agenda Report, which is incorporated herein by this reference as though fully set forth herein.

15. 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**

**City Council Resolution No. 2020-145  
(September 23, 2020)**

Due to the number of pages of Exhibit A, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/Data/Sites/1/media/PDFs/Planning/LakeWohlfordDamReplacement/FinalEIR/FinalEIR09112020.pdf>

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.

**FINDINGS OF FACT AND STATEMENT OF  
OVERRIDING CONSIDERATIONS REGARDING  
FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
LAKE WOHLFORD DAM REPLACEMENT PROJECT**

**City Case No. ENV 13-0005  
State Clearinghouse No. 2015041091**

September 2020



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## **1.0 INTRODUCTION**

### **1.1 Findings of Fact and Statement of Overriding Considerations**

The California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (Guidelines) (14 California Code of Regulations Section 15000 et seq.) promulgated thereunder require that the environmental impacts of a proposed project be examined before a project is approved by the lead agency's decision-making body. In addition, once significant impacts have been identified, CEQA and the Guidelines require that certain findings be made by that decision-making body before project approval. It is the exclusive discretion of the decision maker certifying the environmental impact report (EIR) to determine the adequacy of the proposed candidate findings. Specifically, Guidelines Section 15091 states the following regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
  - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

These requirements also exist in Section 21081 of the CEQA statute. The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. The statement provides the lead agency’s views on whether the benefits of a project outweigh its unavoidable adverse environmental effects. Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental



benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”

- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the project identified potentially significant effects. However, the City Council finds that the inclusion of certain specified mitigation measures as part of the project approval will reduce most, but not all, of those effects to less-than-significant levels. The one remaining impact that is not reduced to less-than-significant levels—with respect to nighttime construction noise—is identified and overridden due to specific project benefits. Although mitigation is proposed to reduce this impact, it is considered a significant unavoidable impact.

Having received, reviewed, and considered the Final Environmental Impact Report for the Lake Wohlford Dam Replacement Project, City Case No. ENV 13-0005, State Clearinghouse No. 2015041091 (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) are made, and a Statement of Overriding Considerations (Statement) is adopted by the City of Escondido (City) in its capacity as the CEQA lead agency. These Findings and Statement set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the project.

## **1.2 Record of Proceedings**

For purposes of CEQA and these Findings and Statement, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) of a Draft EIR, dated April 28, 2015, Initial Study Checklist, and all other public notices issued by the City in conjunction with the proposed project;
- All responses to the NOP received by the City;

- The Draft EIR, dated October 2016, and its appendices for the proposed project, circulated for public review between October 4, 2016 and November 17, 2016, and then for an extended review period through December 1, 2016
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments, and included in the FEIR;
- The Recirculated Draft EIR, dated June 2020, and its appendices for the proposed project, recirculated for public review between June 18, 2020 through August 3, 2020.
- The Final EIR and all supplemental documents prepared for the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program (MMRP);
- The reports and technical memoranda included or referenced in any responses to comments in the FEIR;
- All documents, studies, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the FEIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these findings and statement;
- City staff report(s) prepared for this project, for any hearing related to the proposed project, and any exhibits thereto;
- Project permit conditions; and
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The Draft EIR and related technical studies were made for review during the circulation periods on the City's website at <https://www.escondido.org/lake-wohlford-dam-.aspx> and at the following locations:

- Escondido Public Library, 239 S. Kalmia Street, Escondido, California; and
- Escondido City Hall, 201 No. Broadway, Escondido, California.

Public notices concerning the City's review process were also posted on the City's website and advertised in the Daily Transcript.

### **1.3 Custodian and Location of Records**

The documents and other materials that constitute the administrative record for the City's actions related to the project are located at the following:

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

The City Planning Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the Record of Proceedings, are and at all relevant times have been and will be available upon request at the offices of the City Planning Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

## **2.0 PROJECT SUMMARY**

### **2.1 Project Location**

Lake Wohlford is a man-made reservoir first formed by the construction of the Lake Wohlford Dam in 1895 and expanded by raising the dam in 1924. The reservoir and dam site is located approximately 7 miles east of Interstate 15 and 2 miles east of Valley Center Road. Lake Wohlford can be accessed via east Valley Parkway and Lake Wohlford Road. Other main roadways in the vicinity of the reservoir include Oakvale Road and Guejito Road. The area around the reservoir is primarily rural in character. A mobile home residential community, known as Lake Wohlford Resort, is located north of the reservoir off Lake Wohlford Road, and features homes situated on hilly terrain overlooking the reservoir. A restaurant, Smokey's Lake Wohlford Cafe, is located within this community. Another small group of residences is located south of the reservoir off Oakvale Road. The Lake Wohlford Resort airport, a private airstrip, is located on a hill north of the reservoir. The Escondido Fish and Game Association gun club operates a range located east of the reservoir, off Guejito Road.

The majority of the land immediately around the reservoir is within unincorporated San Diego County but is owned by the City (Figure 2-4 of the EIR). To the north, Lake Wohlford is surrounded by a mixture of City-owned, private, and San Pasqual Band of Diegueno Indians properties. To the south, the reservoir is surrounded by a mixture of City-owned, private, and

Bureau of Land Management (BLM) properties. County zoning in the land surrounding the reservoir is A72-General Agriculture.

Lake Wohlford, which is situated on Escondido Creek, stores water for use by the City's municipal system. Escondido Creek drains into the reservoir from a small drainage area of approximately 7 square miles. The reservoir also receives water from the Lake Henshaw reservoir, which is diverted from the San Luis Rey River through the 13-mile Escondido Canal. Water is then routed from Lake Wohlford through the Bear Valley Hydroelectric Generating Facility (Bear Valley HGF) to the Escondido-Vista Water Treatment Plant. Escondido Creek ultimately drains into San Elijo Lagoon, approximately 17 miles downstream and southwest of the reservoir. The reservoir is not connected to the San Diego County Water Authority (Water Authority) regional aqueduct system, so it does not store water purchased from the Water Authority by the City.

In addition to its service as a part of the City's municipal water system, Lake Wohlford is a regional recreational amenity offering fishing areas, trails, and opportunities for active and passive recreation. Boat access to the reservoir is based around a marina facility located to the north of the reservoir off Lake Wohlford Road. Boat rentals are available to the public, but due to the threat of invasive Quagga mussels and a resultant ban on private boats, the facility's launch ramp for private boats is currently inactive. The complex also includes a public park with picnic facilities and a ranger station, as well as the reservoir's main parking areas.

Lake Wohlford supports a variety of vegetative communities and habitats. Emergent wetland, freshwater marsh, lakeshore, open water, southern willow scrub, and southern coast live oak riparian forest are the riparian and wetland vegetation communities around the fringes of Lake Wohlford. Upland vegetation communities around the reservoir include Engelmann oak woodland, coast live oak woodland, Diegan coastal sage scrub, eucalyptus woodland, nonnative grasslands, ornamental woodland, southern mixed chaparral, and valley needlegrass grassland. Engelmann oak is a California Rare Plant Rank List 4.2 species, and a species covered under the Escondido Subarea Plan. No other federally listed, state-listed or other state sensitive or special-status plant species are known to occur in the vicinity of the reservoir.

## **2.2 Project Background**

Lake Wohlford Dam was constructed in 1895 to create Lake Wohlford, a reservoir that is an important part of the City's municipal water supply. In 1924, the dam was enlarged and raised using hydraulic fill to expand the reservoir's capacity to approximately 6,500 acre-feet and a surface area of approximately 225 acres. Most of the water released from Lake Wohlford passes through the Wohlford Penstock to the Bear Valley Hydroelectric Generating Facility (HGF), which is operated by the City. Until May 17, 2017, the HGF was subject to a license granted to the City

by the Federal Energy Regulatory Commission (FERC), but that license was surrendered by FERC and the operation was placed under full City control. Until that time, FERC had regulatory involvement in matters pertaining to Lake Wohlford, including seismic safety. The California Department of Water Resources, Division of Safety of Dams also regulates the safety of the dam under Division 3 of the California Water Code.

A seismic analysis of the dam conducted in 2007 identified a stability concern for the portion of the dam that was raised in 1924. Based on the results of the seismic analysis and report recommendations, FERC, in a September 19, 2007, letter, directed the City to reduce the Lake Wohlford reservoir level to a maximum of 1,460 feet above mean sea level (AMSL), which was 20 feet below its prior spillway crest elevation. Since then, the City has been operating Lake Wohlford with a reduced water storage capacity.

To alleviate seismic safety concerns with the existing dam and regain the Lake Wohlford reservoir's lost water storage capability for the City's municipal water system, the City is planning to replace Lake Wohlford Dam.

### **2.3 Project Description and Purpose**

The project entails constructing a replacement dam immediately downstream (west) of the existing dam and partially deconstructing the existing dam by removing the hydraulic fill material that is at a higher elevation than the original rockfill (Figures 2-6, 2-7, and 2-8 of the FEIR). The replacement dam would feature an outlet tower integrated into the dam's upstream face; the top of the existing outlet tower would be demolished, and the bottom of the existing outlet tower and the outlet pipe would be filled with concrete and abandoned in place. To accommodate the replacement dam's configuration, the project also entails realignment of the portion of Oakvale Road that passes the southern dam abutment. This portion of the road would be realigned south of its current location, requiring excavation into the adjacent hillside (Figure 2-9 of the FEIR). The City prepared a Mitigated Negative Declaration (MND) for the Oakvale Road Realignment and Improvement Project, which was circulated for a 30-day CEQA review period in September 2014 and adopted by City Council resolution in March 2015 (City of Escondido 2015b). The City identified Oakvale Road as a separate project from the dam replacement project for purposes of CEQA analysis in the MND because the road project has independent benefits of improving roadway safety and, while constructing the dam requires the Oakvale Road realignment, constructing the road project does not commit the City to implementing the dam project. Because of the relationship between the Oakvale Road realignment project and the dam replacement project, the Oakvale Road project was analyzed in the FEIR as a part of the project as a whole.

The replacement dam would be constructed so the resultant storage capacity and maximum reservoir level would be equal to the capacity and elevation prior to the water level restriction, at 6,500 acre-feet and 1,480 feet AMSL, respectively, so the project proposes no changes to Lake Wohlford's historic high water level or storage capacity. The following sections present additional detail on the proposed project components and a discussion of anticipated construction methods and construction activity.

### **2.3.1 Replacement Dam**

The replacement Lake Wohlford Dam would be constructed immediately downstream of the existing dam, with the replacement dam's crest approximately 200 feet downstream of the existing dam's crest. The replacement dam's crest would rise approximately 125 feet above the foundation grade, to an elevation of 1,490 feet AMSL, and the crest would span approximately 650 feet from the right (north) abutment to the left (south) abutment. The dam crest would feature a pedestrian and vehicle access path with a pedestrian access bridge constructed over the spillway. This access would be for maintenance purposes only and would not be open to the public. Based on DSOD regulatory requirements (and previously FERC regulatory requirements), the dam is being designed to handle site-specific seismic conditions based on a maximum magnitude 7.64 earthquake occurring on the Elsinore Fault, which is approximately 11 miles east of the project site.<sup>1</sup>

The dam would be constructed of roller-compacted concrete (RCC), which is a modern method of placing mass concrete for gravity dams that has recently been employed by the San Diego County Water Authority for construction of its Olivenhain Dam and San Vicente Dam Raise projects. This method utilizes the materials of conventionally placed concrete (cement, coarse aggregate, sand, and water), but minimizes the water content to allow material handling with conventional soil-placing methods. RCC is placed using conveyors, dump trucks, dozers, and roller compactors. Like engineered soil placement, RCC is placed in thin layers starting from the base of the dam (usually 12 inches thick), as opposed to conventionally placed mass concrete, which is poured in large sections that are typically 5 feet thick (San Diego County Water Authority 2008). The RCC method reduces water content such that the mix is dry enough to prevent roller equipment from sinking, but wet enough to permit adequate distribution of the material in each layer. Placement of approximately 100,000 cubic yards of RCC concrete is anticipated to form the dam.

### **2.3.2 Dam Foundation**

<sup>1</sup> FERC was involved during much of the project planning and design, so FERC regulatory requirements have informed project decisions and design that remain appropriate to the project in spite of the change in FERC regulatory status.

Material would be excavated from the downstream canyon floor and rocky slopes to create a solid foundation and suitable surfaces to place the abutments. Preliminary location and depth of the foundation have been identified using the results of geotechnical investigation, and the preliminary foundation has been designed such that all soil, decomposed rock, and rock generally excavated using large earthwork equipment would be removed, leaving solid bedrock for placing the dam's foundation. Consolidation grouting would be provided to ensure a more uniform foundation modulus for support of the dam. A double-row grout curtain would be installed in the foundation to strengthen the foundation and reduce seepage.

Approximately 113,430 cubic yards of earth and rock is anticipated to be excavated for establishment of the dam foundation. Of this excavated material, approximately 53,914 cubic yards is anticipated to be reused on-site and approximately 59,516 cubic yards is anticipated to be hauled off-site. Due to its high quality, reuse of the off-hauled rock is anticipated and disposal at a landfill is unlikely. For purposes of environmental analysis, this EIR assumes the excess material would be hauled to a nearby quarry for processing and reuse as aggregate.

### **2.3.3 Spillway, Stilling Basin, and Outlet Tower**

A spillway would be constructed in the center of the dam, built of cast-in-place concrete, with an elevation of 1,480 feet AMSL. The dam's central spillway has been designed to handle the maximum storm events approved by FERC, including the General Storm "All Season" Probable Maximum Flood (PMF) and the Local Storm PMF. The spillway is designed to flow into an energy dissipation stilling basin at the downstream foot of the dam, constructed of reinforced concrete, which catches water that overtops the dam before it discharges into the downstream river channel. The spillway would be stepped on the dam's downstream slope to dissipate energy along the entire spillway length and reduce the stilling basin size at the end of the spillway. The stilling basin would be approximately 90 feet wide by 70 feet long. Riprap would be installed at the transition from the stilling basin to the existing channel to prevent erosion and protect the stilling basin.

A new outlet tower would be constructed on the upstream side of the dam, built as a cast-in-place, reinforced concrete structure anchored to the dam's face and extending to the dam crest at an elevation of 1,490 feet AMSL. The outlet tower would be connected to the proposed dam's downstream emergency release valve and appurtenances located on the south side of the new stilling basin and spillway. Releases would be projected into the stilling basin for discharge to Escondido Creek. The emergency release valve would enable reservoir water releases in the event of a dam safety event, in accordance with DSOD requirements that 10% of the reservoir volume could be released within 7 days and the entire contents of the reservoir could be released within 90 days.

### **2.3.4 Oakvale Road Improvements**

Oakvale Road skirts a steep rock face just southwest of the existing left abutment of the existing dam and conflicts with the proposed location for the replacement dam's left abutment. The project entails realigning approximately 1,200 feet of the road toward the south and straightening the road. To create enough of a surface that would accommodate the realignment, the project requires excavation into the hillside to the south at a slope of 0.75:1 (H:V) and removal of approximately 56,000 cubic yards of rock and earth. The maximum height of the proposed finished slope is 110 feet, though much of the slope would be shorter. Figure 2-9 of the FEIR shows the proposed grading plan for the project and other impact areas. A 30-foot-wide work area is assumed around grading areas to enable equipment access.

The excess materials would be hauled off-site for reuse, with the contractor having the option of selling the excess material to a nearby quarry for processing and reuse as aggregate. Due to its quality, reuse of the rock is anticipated and disposal at a landfill is unlikely. Accordingly, for purposes of assessing environmental impacts pursuant to CEQA, this report assumes the material would be sold and hauled to a nearby quarry.

The new road would be constructed to County standards and would be 28 feet wide, including two 12-foot lanes in each direction, a 10-foot lane for nonmotorized traffic on the road's westbound (northern) shoulder, and a 3-foot bench constructed on the downhill (northern) side. Drainage improvements would include reconstruction of a storm drain beneath the western end of the roadway improvements, and a new 18-inch storm drain beneath the road on the eastern side of the project limits. A brow ditch would be constructed at the top of the slope that would divert storm flows down the slope. The brow ditch on the western side would carry water to an existing ditch situated at the toe of the slope along the road's southern edge and into a storm drain that flows beneath the road. This storm drain is located at the far western end of the roadway improvements and would be reconstructed as part of the project. The brow ditch on the eastern side would carry water to a proposed storm drain that would be constructed beneath the road and empty into an earthen swale on the northern side of the road.

### **2.3.5 Right Abutment Access Road**

The project would entail construction of a gravel access road from the Lake Wohlford Marina to the right (north) abutment of the replacement dam (Figure 2-10 of the FEIR). The road would provide construction access to the dam construction zone and, following completion of the project, would provide permanent maintenance and inspection access to the right abutment and the dam crest, as requested by the Division of Safety of Dams. Constructing the access road would require excavation into the hillside to create a level surface for installation of the road. A locked gate



would be installed to prevent trespassing and unauthorized access to the dam crest. The road has been designed to fully avoid cultural resources sites recorded in the area, based on input from the archaeological research and field survey.

## 2.4 Discretionary Actions

The dam construction would require multiple approvals from local governments and from federal, state, and local regulatory agencies. The contractor would be responsible for submitting a Notice of Intent to the State Water Resources Control Board for coverage by the general National Pollutant Discharge Elimination System permit for construction. In addition, project improvements would occur within designated “waters of the U.S.” and would affect a jurisdictional stream, Escondido Creek. This action would require permits under the California Fish and Game Code and the federal Clean Water Act (CWA). County permits and approvals would be required related to the Oakvale Road realignment for work within County right-of-way. There is no discretionary action of the County associated with the project. Table 2-1, included below and in Chapter 2.0 of the Final EIR, identifies the list of permits and approvals that would be required from the lead agency and responsible agencies. The necessary permits and approval are listed in sequential order with notes related to timing and process.

**Table 2-1  
 Matrix of Required Permits and Approvals**

<b>Permit/Action Required</b>	<b>Approving Agency</b>	<b>Lead/ Responsible Agency Designation</b>	<b>Timing and Process Notes</b>
EIR Certification	City of Escondido (City)	Lead Agency	To occur concurrent with City discretionary approval of the project.
Design Approval	DSOD	Responsible Agency	Following City approval and prior to construction
Roadway Design Approval (Oakvale Road)	County of San Diego (County)	N/A (ministerial permit)	Following City approval and prior to construction
Encroachment Permit (Oakvale Road)	County	N/A (ministerial permit)	Following City approval and prior to construction
Section 1601 Streambed Alteration Agreement	CDFW	Responsible Agency	Following City approval and prior to construction.
CWA Section 404 Dredge and Fill Permit <sup>1</sup>	USACE	Responsible Agency	Following City approval and prior to construction.
CWA Section 401 Water Quality Certification	RWQCB, Region 9	Responsible Agency	Following City approval and prior to construction.

Dewatering Permit	RWQCB, Region 9	Responsible Agency	Following City approval and prior to construction.
Construction General Permit	RWQCB, Region 9	Responsible Agency	Following City approval and prior to construction.
NPDES Permit	SWRCB	Responsible Agency	Following City approval and prior to construction.
Grading Permit	City	Lead Agency	Following City approval and prior to construction.
Certificate of Approval (Reservoir Fill Authorization)	DSOD	Responsible Agency	Following completion of construction and prior to restoration of water levels.

<sup>1</sup> Section 7 Consultation between the USACE and USFWS will be completed in accordance with the Endangered Species Act.

## 2.5 Statement of Objectives

Pursuant to Guidelines Section 15124(b) and as described in Section 2.2 of the FEIR, the project has the following objectives:

- 1) Restore the City’s municipal water-storage capacity in Lake Wohlford to its historic capacity of 6,500 acre-feet;
- 2) Alleviate public safety and flooding concerns due to seismic instability of the existing Lake Wohlford Dam;
- 3) Provide a dam facility with a life expectancy of 100 years; and
- 4) Minimize the project’s temporary and long-term impact on the environment.

## 3.0 ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

On April 28, 2015, in accordance with Guidelines Section 15082, the City distributed an NOP of an EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties. Various agencies and other interested parties responded to the NOP. A total of three comment letters were received in response to the NOP, from the California Department of Fish and Wildlife (CDFW), the County, and the San Diego Archaeological Society. These comments are included in Appendix A of this EIR.

The Draft EIR was circulated for 45 days for public review and comment, as required in Guidelines Section 15105. The public review period for the Draft EIR commenced on October 4, 2016, and ended on November 17, 2016, and then for an extended review period through December 1, 2016. During this period, the City solicited comments from the general public, organizations, and agencies regarding environmental issues identified in the Draft EIR and concerning the Draft EIR's accuracy and completeness. The Draft EIR was recirculated from June 18, 2020 through August 3, 2020. The City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, as required in Guidelines Section 15085, indicating that the Draft EIR had been completed and was available for review and comment by the public. A Notice of Availability of the Draft EIR was published concurrently with distribution of the EIR.

The City received two comment letters during the initial Draft EIR public review period, and five comment letters on the recirculated Draft EIR, and has included all comment letters and responses thereto in Chapter 10 of this Final EIR.

With respect to the entitlements over which the City Council has final approval authority and pursuant to CEQA Guidelines Section 15090, the City Council certifies that:

- a) The Final EIR constitutes an adequate, accurate, objective and complete final environmental impact report in full compliance with the requirements of CEQA and the State CEQA Guidelines;
- b) The Final EIR has been presented to the City Council, and the Council has reviewed and considered the information contained in the Final EIR prior to taking action on the project; and
- c) The Final EIR, as certified, reflects the City Council's independent judgment and analysis.

Pursuant to CEQA Guidelines Section 15091(e), the administrative record of these proceedings is located, and may be obtained from, the City of Escondido, Community Development Department, Planning Division, 201 North Broadway, Escondido, CA 92025. The custodian of these documents and other materials is the Community Development Department, Planning Division.

Upon approval of the project, the City shall file a Notice of Determination with the County Clerk of San Diego County and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of CEQA Section 21152.

#### 4.0 SUMMARY OF IMPACTS

Impacts associated with specific issues (e.g., land use, transportation, air quality, etc.) resulting from approval of the proposed project and future implementation are discussed below in Table 1. Impacts are listed in Table 1 relative to the three main components of the project, reflecting the organization of the impact analysis in the FEIR: Oakvale Road Realignment, Replacement Dam and Access Road, and Restoration of Water Levels.

**Table 1  
 Summary of Impacts**

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
<b>No Significant Impacts</b>			
Aesthetics	<u>Oakvale Road Realignment</u> • New sources of light and glare  <u>Restoration of Water Levels</u> • New sources of light and glare	No	
Agricultural Resources	• All	No	
Biological Resources	<u>Oakvale Road Realignment</u> • Wetlands	No	
Cultural Resources	<u>Oakvale Road Realignment</u> • Historical resources  <u>Reestablishment of Reservoir Level</u> • Archaeological resources • Historical resources • Disturb human remains	No	
Energy	Wasteful, inefficient, or unnecessary consumption of energy	No	
Geology/Soils	<u>Oakvale Road Realignment</u> • Expansive soil  <u>Replacement Dam and Access Road</u> • Expansive soil  <u>Restoration of Water Levels</u> • Seismic hazards • Erosion or loss of topsoil • Geologic instability • Expansive soil	No	
Hazards and Public Safety	<u>Oakvale Road Realignment</u> • Exposure of schools • Safety hazard within airport influence area  <u>Replacement Dam and Access Road</u> • Exposure of schools	No	

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
	<ul style="list-style-type: none"> <li>• Safety hazard within airport influence area</li> </ul> <p><u>Restoration of Water Levels</u></p> <ul style="list-style-type: none"> <li>• Risk to public safety</li> <li>• Exposure to hazardous materials</li> <li>• Exposure of schools</li> <li>• Safety hazard within airport influence area</li> <li>• Safety hazard within adopted airport land use compatibility plan</li> <li>• Wildland fires</li> </ul>		
Hydrology and Water Quality Hydrology and Water Quality	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Groundwater supplies</li> <li>• On- and off-site drainage patterns</li> <li>• 100-year flood hazard area</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• 100-year flood hazard area</li> </ul> <p><u>Restoration of Water Levels</u></p> <ul style="list-style-type: none"> <li>• Violate water quality standard</li> <li>• Pollutant discharge to receiving waters during construction or operation</li> <li>• Degrade water quality</li> <li>• 100-year flood hazard area</li> </ul>	No	
Noise	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Ambient noise standards – operation</li> <li>• Vibration</li> <li>• Noise hazard within vicinity of private airstrip</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Ambient noise standards – operation</li> </ul> <p><u>Restoration of Water Levels</u></p> <ul style="list-style-type: none"> <li>• Ambient noise standards</li> <li>• Vibration</li> <li>• Noise hazard within vicinity of private airstrip</li> </ul>	No	
Recreation	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Increase the use of existing neighborhood or regional parks or facilities</li> <li>• Require the construction or expansion of recreational facilities</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Increase the use of existing neighborhood or regional parks or facilities</li> </ul>	No	

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
	<ul style="list-style-type: none"> <li>• Require the construction or expansion of recreational facilities</li> </ul> <p><u>Restoration of Water Levels</u></p> <ul style="list-style-type: none"> <li>• Increase the use of existing neighborhood or regional parks or facilities</li> <li>• Require the construction or expansion of recreational facilities</li> </ul>		
Traffic/Circulation	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Change air traffic patterns</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Change air traffic patterns</li> </ul> <p><u>Restoration of Water Levels</u></p> <ul style="list-style-type: none"> <li>• Conflict with an applicable congestion management program</li> <li>• Change air traffic patterns</li> <li>• Hazards due to a design feature or incompatible uses</li> <li>• Result in inadequate emergency access</li> <li>• Adopted policies, plans, or programs regarding public transit</li> </ul>	No	
Utilities and Service Systems	<ul style="list-style-type: none"> <li>• Require expansion or construction of utilities</li> <li>• Sufficient water supplies</li> <li>• Wastewater Capacity</li> <li>• Excess solid waste</li> </ul>	No	
Wildfire	<ul style="list-style-type: none"> <li>• Impair emergency response plan</li> <li>• Exacerbate wildfire risks</li> <li>• Expose people or structure to significant risks</li> </ul>	No	
<b>Less Than Significant (Direct or Cumulative) Impacts</b>			
Aesthetics	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Scenic vista</li> <li>• Scenic resources</li> <li>• Degrade visual character</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Scenic vista</li> <li>• Scenic resources</li> <li>• Degrade visual character</li> <li>• Light and glare</li> </ul> <p><u>Restoration of Water Levels</u></p> <ul style="list-style-type: none"> <li>• Scenic vista</li> <li>• Scenic resources</li> <li>• Degrade visual character</li> </ul>	No	
Air Quality	<ul style="list-style-type: none"> <li>• Conflict or obstruct implementation of applicable air quality plan</li> <li>• Exposure of sensitive receptors</li> <li>• Create objectionable odors</li> </ul>	No	

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
Biological Resources	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Special-status species – plant species</li> <li>• Wildlife movement</li> <li>• Conflict with local policies or ordinances</li> <li>• Conflict with an adopted habitat conservation plan</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Wildlife movement</li> <li>• Conflict with local policies or ordinances</li> <li>• Conflict with an adopted habitat conservation plan</li> </ul> <p><u>Restoration of Water Levels</u></p> <ul style="list-style-type: none"> <li>• Special-status species – plant species</li> <li>• Special-status species – wildlife species</li> <li>• Sensitive vegetation communities</li> <li>• Wetlands</li> <li>• Wildlife movement</li> <li>• Conflict with local policies or ordinances</li> <li>• Conflict with an adopted habitat conservation plan</li> </ul>	No	
Cultural Resources	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Disturb human remains</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Historical resources</li> <li>• Disturb human remains</li> </ul>	No	
Geology/Soils	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Seismic hazards</li> <li>• Erosion or loss of topsoil</li> <li>• Geologic instability</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Seismic hazards</li> <li>• Erosion or loss of topsoil</li> <li>• Geologic instability</li> </ul>	No	
Greenhouse Gas Emissions and Energy	<ul style="list-style-type: none"> <li>• Greenhouse gas emission generation</li> <li>• Emissions reduction plan consistency</li> </ul>	No	

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
Hazards and Public Safety	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Risk to public safety</li> <li>• Exposure to hazardous materials</li> <li>• Safety hazard within adopted airport land use compatibility plan</li> <li>• Wildland fires</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Risk to public safety</li> <li>• Exposure to hazardous materials</li> <li>• Safety hazard within adopted airport land use compatibility plan</li> <li>• Wildland fires</li> </ul>	No	
Hydrology and Water Quality	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Violate water quality standard</li> <li>• Pollutant discharge to receiving waters during construction or operation</li> <li>• Degrade water quality</li> <li>• Flooding</li> <li>• Susceptibility to inundation by seiche, tsunami, or mudflow</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Violate water quality standard</li> <li>• Groundwater supplies</li> <li>• On- and off-site drainage patterns</li> <li>• Pollutant discharge to receiving waters during construction or operation</li> <li>• Degrade water quality</li> <li>• Flooding</li> <li>• Susceptibility to inundation by seiche, tsunami, or mudflow</li> </ul> <p><u>Restoration of Water Levels</u></p> <ul style="list-style-type: none"> <li>• Groundwater supplies</li> <li>• On- and off-site drainage patterns</li> <li>• Flooding</li> <li>• Susceptibility to inundation by seiche, tsunami, or mudflow</li> </ul>	No	
Noise	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Ambient noise standards – construction</li> </ul> <p><u>Replacement Dam and Access Road</u></p> <ul style="list-style-type: none"> <li>• Vibration</li> <li>• Noise hazard within vicinity of private airstrip</li> </ul>	No	
Recreation	<p><u>Oakvale Road Realignment</u></p> <ul style="list-style-type: none"> <li>• Displacement or disturbance of established recreational facilities</li> </ul>	No	



Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
	<u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> <li>• Displacement or disturbance of established recreational facilities</li> </ul> <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> <li>• Displacement or disturbance of established recreational facilities</li> </ul>		
Traffic/Circulation	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> <li>• Roadway Segments</li> <li>• Intersections</li> <li>• Conflict with an applicable congestion management program</li> <li>• Hazards due to a design feature or incompatible uses</li> <li>• Result in inadequate emergency access</li> <li>• Adopted policies, plans, or programs regarding public transit</li> </ul> <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> <li>• Roadway segments</li> <li>• Intersections</li> <li>• Conflict with an applicable congestion management program</li> <li>• Hazards due to a design feature or incompatible uses</li> <li>• Result in inadequate emergency access</li> <li>• Adopted policies, plans, or programs regarding public transit</li> </ul> <u>Restoration of Water Levels</u> <ul style="list-style-type: none"> <li>• Roadway segments</li> <li>• Intersections</li> </ul>	No	
<b>Potentially Significant Impacts that Will Be Mitigated to Below a Level of Significance</b>			
Air Quality	<ul style="list-style-type: none"> <li>• Violate air quality standards</li> <li>• Emission of PM<sub>10</sub></li> </ul>	Yes	Less than significant with implementation of mitigation measures
Biological Resources	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> <li>• Special-status species – wildlife species</li> <li>• Sensitive vegetation communities</li> </ul> <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> <li>• Special-status species – plant species</li> <li>• Special-status species – wildlife species</li> <li>• Sensitive vegetation communities</li> <li>• Wetlands</li> </ul>	Yes	Less than significant with implementation of mitigation measures
Cultural Resources	<u>Oakvale Road Realignment</u> <ul style="list-style-type: none"> <li>• Archaeological resources</li> </ul> <u>Replacement Dam and Access Road</u> <ul style="list-style-type: none"> <li>• Archaeological resources</li> </ul>	Yes	Less than significant with implementation of mitigation measures

Issue Areas	Issues	Mitigation Measures Required	Level of Significance after Mitigation
<b>Significant and Unmitigated Impacts</b>			
Noise	<u>Replacement dam and access road</u> • Ambient noise standards – construction	Yes	Significant and unavoidable

## 5.0 GENERAL FINDINGS

The City hereby finds as follows:

- Pursuant to CEQA Guidelines Sections 15050 and 15051, the City is the “Lead Agency” for the proposed project evaluated in the Final EIR.
- The Draft EIRs and Final EIR were prepared in compliance with CEQA and the CEQA Guidelines.
- The City has independently reviewed and analyzed the Draft EIRs and Final EIR, and these documents reflect the independent judgment of the City Council and the City as the project for the project.
- 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). The impacts of the proposed project have been analyzed to the extent feasible at the time of certification of the Final EIR.
- The City has analyzed the potential for adverse secondary impacts that could result from implementation of 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.
- Pursuant to Assembly Bill 52, the City provided consultation opportunities with Native American tribes, as relevant.
- The City evaluated comments on the environmental issues received from persons who reviewed the Draft EIRs. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith and reasoned responses to the comments; and the responses, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIRs. The City

reviewed the comments received and the responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on a full evaluation of all comments in the Record of Proceedings, concerning the environmental impacts identified and analyzed in the Final EIR.

- The City evaluated the clarifications, enhancements, and minor revisions made to the EIR after preparation of the Draft EIR, as well as evaluated new regulatory requirements since the Draft EIR was circulated for review. In accordance with CEQA 15088.5, the City recirculated the Draft Revised Biological Resources Section (Section 3.3), Draft Revised Greenhouse Gas Emissions Section (Section 3.6), Draft Revised Effects Found Not to be Significant Chapter (Chapter 4.0), Draft Revised Executive Summary, and Draft Revised Project Description Chapter (Chapter 2.0) for public review from June 18, 2020 through August 3, 2020.
- 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;
- Any finding made by the City shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by this City, whether or not any particular sentence or clause includes a statement to that effect. The City intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.
- These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Draft EIR and the Final EIR, on the one hand, and these Findings, on the other, these Findings shall control, and the Draft EIR, Final EIR, or both, as the case may be, are hereby amended as set forth in these findings.
- No significant irreversible environmental changes would be involved in the proposed project that have not been discussed within the individual sections of the Final EIR.
- Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City, custodian of record for such documents or other materials.

- Having received, reviewed, and considered all information and documents in the record, the City hereby conditions the proposed project and makes the findings stated in herein. To the extent that these Findings conclude that various project design features and mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings therefore constitute a binding set of obligations that will come into effect when the proposed project is ultimately approved. The project design features and adopted mitigation measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of project implementation.

## **6.0 FINDINGS REGARDING SIGNIFICANT IMPACTS**

In making each of the findings below, the City has considered the plans for the Lake Wohlford Dam Replacement Project, the environmental analysis included in the FEIR, as well as the mitigation measures proposed in the FEIR. These mitigation measures are explicitly made conditions of the proposed project's approval.

### **6.1 Findings Regarding Impacts That Will Be Mitigated to Below a Level of Significance (CEQA Section 21081(a)(1) and Guidelines Section 15091(a)(1))**

The CEQA statute at Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects of such projects[...].” The procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures that will avoid or substantially lessen such significant effects. However, “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The principles established in CEQA Section 21002 are implemented, in part, through the requirement that an agency must adopt findings before approving a project for which an EIR has been certified which identified one or more significant environmental effects of a project. For each significant environmental effect identified in the EIR, the approving agency must issue a written finding, accompanied by a brief explanation of the rationale for each finding, reaching one or more of three permissible conclusions stated at CEQA Guidelines Section 15091(a). The City, having independently reviewed and considered the information contained in the FEIR and the Record of Proceedings pursuant to Public Resources Code Section 21081(a)(1) and Guidelines Section

15091(a)(1), adopts the following findings regarding the significant effects of the proposed project, as follows:

*Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment as identified in the FEIR (Project No. 424475/SCH No. 2015121066) as described below:*

## **6.1.1 Air Quality (Emission of PM<sub>10</sub>)**

### **6.1.1.1 Potentially Significant Effect**

Construction-generated particulate matter equal to or less than 10 micrometers in diameter (PM<sub>10</sub>) emissions would exceed the applicable mass emission threshold of 100 pounds (lbs) per day; therefore, construction impacts related to violation of an ambient air quality standard would be significant.

Because the proposed project would exceed the project-level air quality significance thresholds for PM<sub>10</sub> emissions, the proposed project's construction emissions would have a cumulatively considerable contribution to the region's air quality.

### **6.1.1.2 Facts in Support of Finding**

Construction-generated PM<sub>10</sub> emissions are anticipated to exceed the mass emission threshold of 100 lbs per day, and construction emissions could violate an ambient air quality standard or contribute substantially to an existing violation (**Impact AQ-1**). Therefore, construction impacts related to violation of an ambient air quality standard would be significant. Because the proposed project would exceed the project-level air quality significance thresholds for PM<sub>10</sub> emissions, the proposed project's construction emissions would have a cumulatively considerable contribution to the region's air quality. Implementation of Mitigation Measures AQ-1.1 through AQ-1.3 would reduce PM<sub>10</sub> emissions to a less than significant level. This cumulative impact would be less than significant with mitigation. Where impacts are not avoidable or cannot be minimized through project design, mitigation detailed in Section 3.2 of the FEIR shall be required to reduce significant impacts to below a level of significance.

**AQ-1.1** The following measures shall be implemented by the construction contractor to reduce fugitive dust emissions associated with off-road equipment and heavy-duty vehicles:

- Water the grading areas a minimum of twice daily to minimize fugitive dust;

- Stabilize graded areas as quickly as possible to minimize fugitive dust;
- Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry;
- Remove any visible track-out into traveled public streets within 30 minutes of occurrence;
- Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred;
- Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads;
- Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling;
- Suspend all soil disturbance activities if winds exceed 25 miles per hour (mph);
- Cover/water on-site stockpiles of excavated material;
- Enforce a 15-mph speed limit on unpaved surfaces;
- On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of particulate matter caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather; and
- Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the contractor to reduce dust generation.

**AQ-1.2** Minimize idling time by shutting equipment off when not in use or reducing the time of idling to no more than 5 minutes (5-minute limit is required by the state airborne toxics control measure [Title 13, Sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.

**AQ-1.3** Maintain construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic at least once per month and determined to be running in proper condition before it is operated.

Adherence to Mitigation Measures AQ-1.1 through AQ-1.3 would reduce PM<sub>10</sub> emissions to a less than significant level.

### **6.1.1.3 Rationale and Conclusion**

Based on estimates consistent with South Coast Air Quality Management District Rule 403 requirements for site-watering activities, Mitigation Measure AQ-1.1 would reduce fugitive dust emissions by 60 percent. Potential reductions were not estimated for the remaining mitigation measures, since the extent to which they would affect emissions associated with construction of the proposed project is unknown. The maximum mitigated PM<sub>10</sub> emissions would be 85.57 lbs per day. Implementation of Mitigation Measures AQ-1.1 through AQ-1.3, as listed above, would effectively reduce Impact AQ-2 to a less than significant level. No other mitigation is warranted.

With the implementation of Mitigation Measures AQ-1.1 through AQ-1.3, as described above, all impacts related to air quality would be reduced to less than significant.

## **6.1.2 Biological Resources (Special-Status Species)**

### **6.1.2.1 Potentially Significant Effect**

#### Oakvale Road Realignment

##### *Wildlife Species*

Significant direct and indirect impacts on listed bird species and other bird species protected by the federal Migratory Bird Treaty Act (MBTA) may occur if their nests are established in the Oakvale Road realignment impact area prior to initiating construction activities. These species may include the state-listed endangered bald eagle, which is also protected under the federal Bald and Golden Eagle Protection Act. If nests are established in the Oakvale Road impact area prior to construction, this aspect of the project could result in direct construction-related impacts to birds in the form of habitat destruction, and potentially death, injury, or harassment of nesting birds, their eggs, and their young. Indirect impacts would potentially result from construction noise affecting breeding activity in nests established adjacent to the limits of disturbance. Additionally, use of lighting during nighttime construction could disrupt species in adjacent habitat or cause increased predation rates. Indirect impacts from these construction-related activities would be temporary, as these impacts would end with cessation of project construction. Potential direct and indirect impacts to special-status species and birds protected by the MBTA would be considered significant (**Impact BIO-1**) and warrant mitigation.

## Replacement Dam and Access Road

### *Plant Species*

One special-status plant species, Engelmann oak, was identified in the limits of disturbance (LOD) for this phase of the project. Based on the current LOD, approximately 2.36 acres of Engelmann oak woodland are located in the anticipated disturbance area for the staging yard and east portion of the access road, as shown in Figure 3.3-3 of the FEIR. Engelmann oaks exist in the area of the LOD that is anticipated to be cleared for the batch plant and along the portion of existing trail that would be improved for the access road. Removal of Engelmann oaks would be considered a significant impact (**Impact BIO-2**) and warrants mitigation. Mitigation for Engelmann oaks removed for project construction would be provided by the habitat-based mitigation for this vegetation community. Additional mitigation is identified in Section 3.3.4 of the FEIR under Impact BIO-2 to limit the amount of Engelmann oaks cleared for project construction, which may reduce the actual acreage subject to direct impact and acreage-based mitigation.

As shown in Figure 3.3-3 of the FEIR, there are Engelmann oaks just outside the LOD that are not anticipated to be cleared for project construction. These individuals are on the fringes of the populations that would be cleared, and are located both upslope and downslope of the proposed construction area. Accordingly, the project may result in indirect impacts on these special-status plant species during construction. Grading has the potential to create airborne dust, sedimentation, and erosion that would affect these species. Construction-generated fugitive dust can adversely affect plants by reducing the rates of metabolic processes such as photosynthesis and respiration. Runoff, sedimentation, and erosion can adversely impact plant populations by damaging individuals or by altering site conditions so as to favor other species, including exotic nonnatives, that could competitively displace native plants. Construction activity adjacent to sensitive plant communities is a significant impact, as addressed below.

### *Wildlife Species*

An individual rufous-crowned sparrow, a CDFW Watch List species, was observed in the LOD, south of the proposed access road alignment during protocol-level coastal California gnatcatcher surveys. Suitable nesting/breeding habitat for rufous-crowned sparrow is present in the construction LOD. The project would result in a direct impact on habitat for this species by removing Diegan coastal sage scrub in the LOD. Cooper's hawks were observed during project surveys in riparian habitat on the eastern side of the reservoir but not in the LOD. Cooper's hawks are known to nest in oak woodlands, and suitable habitat for Cooper's hawk is located in the LOD, including in the dam construction area and the staging yard site. The project would result in a direct impact on habitat for this species by removing oak woodland. These habitat-based impacts



and habitat-based mitigation for that impact are addressed in Section 3.3.4 of the FEIR. Potential direct and indirect impacts on individuals, nests, and breeding activity on these species is the same impact previously identified as Impact BIO-1 discussed above for the Oakvale Road component of the project, and would require implementation of Mitigation Measure BIO-1.1. With incorporation of these mitigation measures, the project's impact on rufous-crowned sparrow and Cooper's hawk would be reduced to a less than significant level.

Similar to the Oakvale Road realignment, the access road and dam construction phase has the potential to result in direct and indirect construction-related impacts to birds subject to the MBTA. Direct impacts to birds protected by the MBTA for this phase of the project are the same as those identified for the Oakvale Road component (Impact BIO-1), which is addressed above.

Bald eagle, a state-listed endangered species, has been documented at Lake Wohlford. Its known roosting area at the reservoir is on the south side and outside of the construction LOD, and the active nest detected in 2020 is located north of Lake Wohlford Road, approximately 0.75 mile away from the LOD and just outside of the project BSA. The current nest is far enough away from project construction activities that it would not be significantly impacted. However, potential nesting in closer proximity to construction activities has the potential to result in a significant direct or indirect impact. Potential direct and indirect impacts on individuals, nests, and breeding activity for the bald eagle are similar to the nesting bird impact identified as Impact BIO-1 discussed above and would require implementation of Mitigation Measure BIO-1.1. Project-related construction activities may occur when foraging bald eagles are present at the reservoir, but construction would be limited to the west/northwest end of the reservoir, leaving the vast majority of fishing territory around the reservoir available for eagle use. The project's impact on foraging bald eagle would be less than significant.

The pallid bat and the western mastiff bat are considered CDFW Species of Special Concern at roosting sites. These two species of bats were detected flying and foraging within the BSA, but they were not documented roosting within the LOD, and it is anticipated that these species do not roost within the BSA. Therefore, the project's impact on pallid bat and western mastiff bat would be less than significant.

### Restoration of Water Levels

#### *Plant Species*

Engelmann oak woodland is identified along the northern fringes of the maximum inundation. The oaks in the maximum inundation area are part of populations located farther north. After the replacement dam is built, the reservoir would return to its prior state and be subject to seasonal

and temporal fluctuation in water levels. Oak roots, particularly Engelmann oaks, are adversely affected by constantly saturated soil. If the reservoir reaches its maximum level, the roots of some Engelmann oaks would become submerged, but this full extent of inundation would be rare and, based on historic data provided in Figure 2-2 in the Project Description Chapter, would be short term. Furthermore, these oaks in this part of the reservoir were subject to similar conditions prior to the mandatory drawdown. After completion of the project, reservoir levels would continue their seasonal and temporal fluctuation, reverting to pre-drawdown conditions. Therefore, restoration of water levels would have a less than significant impact on special-status plant species.

### *Wildlife Species*

Certain areas of coastal sage scrub in the maximum inundation area were identified as suitable habitat for CAGN and were included in the USFWS protocol survey area for this species, as shown in Figure 8 of Appendix C for the 2013 survey, and in Figure 3 of Appendix C-1 for the 2017 survey. CAGN were not documented during the protocol surveys for this species conducted during the 2013 and 2017 seasons. Therefore, this habitat is not considered occupied, and the project is not expected to result in an impact on occupied CAGN habitat.

Certain areas of the riparian habitat in the maximum inundation area were identified as suitable habitat for LBV and SWFL and were included in the USFWS protocol survey area for these species, as shown in Figure 8 of Appendix C for the 2013 survey, and in Figure 3 of Appendix C-1 for the 2017 survey. In accordance with the current USFWS survey protocol, the project site was surveyed five times for SWFL and eight times for LBV. LBV and SWFL were not documented during the 2013 survey, and SWFL was again not documented during the 2017 update. One LBV pair was detected during three of the early 2017 survey visits but was not detected in the final four survey visits occurring in June and July. This pair was observed shifting locations during the early survey visits, apparently investigating areas to determine an ideal nesting site, but no nests were observed. Once the pair could no longer be detected during the subsequent visits, it was reasonably concluded that they had ultimately moved outside the survey area to nest.

Suitable habitats for CAGN and SWFL within the BSA were concluded to be unoccupied. AECOM concluded in the 45-day report that the suitable LBV habitat in the BSA is generally too open to be ideal for LBV breeding. Therefore, this habitat is not considered occupied, and the project would not result in an impact on occupied LBV or SWFL habitat. Cowbird observations were noted during LBV and SWFL surveys, since presence of this nest parasite can often indicate a negative influence on breeding success by LBV and SWFL.

Cooper's hawks were observed in the riparian and oak woodland habitat in the maximum inundation area and are also potentially breeding on-site. Yellow warblers and yellow-breasted

chats were found in the riparian habitat present in the maximum inundation area and are potentially breeding on-site. After the replacement dam is built, the reservoir would return to its condition prior to the mandatory drawdown and be subject to seasonal and temporal fluctuation in water levels. As such, the project would result in a direct impact on habitat for these species by removing oak woodland and riparian habitat. These habitat-based impacts are addressed below under Criterion 2, and habitat-based mitigation for that impact is addressed in Section 3.3.4. Potential direct and indirect impacts on individuals, nests, and breeding activity for these species are similar to the nesting bird impact identified as Impact BIO-1 discussed above for the Oakvale Road and Replacement Dam and Access Road components of the project, and would require implementation of Mitigation Measure BIO-1.1. With incorporation of Mitigation Measure BIO-1.1, the project's impact on Cooper's hawk, yellow warbler, and yellow-breasted chat would be reduced to a less than significant level.

As noted above, bald eagle nesting was documented north of Lake Wohlford Road, just outside of the BSA. Restoration of water levels is expected to benefit the species with expanded foraging opportunities. No significant impact to bald eagles would result from the restoration of water levels.

#### **6.1.2.2 Facts in Support of Finding**

All impacts to sensitive biological resources shall be avoided to the maximum extent practicable and minimized when avoidance is not possible. The project would potentially result in direct and indirect impacts on special-status bird species or species covered by the MBTA if nests are established in the project area prior to construction. The project would entail direct impacts on Engelmann oaks, a special-status plant species, due to clearing for construction work. Project construction would result in direct impacts on sensitive vegetation communities due to clearing for construction. The project would result in indirect impacts to sensitive vegetation communities adjacent to construction work areas. Where impacts are not avoidable or cannot be minimized through project design, mitigation detailed in Section 3.3 of the FEIR shall be required to reduce significant impacts to below a level of significance.

#### **BIO-1.1**

If vegetation clearing or earthwork is proposed to commence within the bird breeding season (February 15 through September 15), a qualified biologist shall conduct pre-construction nest surveys of the project site and a 500-foot buffer (a 1-mile buffer for bald eagle) to identify any listed species or bird breeding activity in the vicinity. The pre-construction survey shall be performed within 2 weeks of the start of construction activity. If the pre-construction surveys identify active nests or bird-breeding activity within the 500-foot buffer (a 1-mile buffer for bald eagle), a

qualified biologist shall prepare a nest avoidance plan and, if necessary, a noise attenuation plan, to identify site-specific measures that shall be incorporated into the project to reduce construction-related impacts on the applicable bird species.

**BIO-1.2** All construction lighting shall be directed onto the construction work area and away from adjacent habitat. Light shields shall be used to reduce the extent of illumination into adjoining areas.

**BIO-2.1** Engelmann oaks outside the limits of disturbance will be identified as Environmentally Sensitive Areas on project plans. A qualified biologist will attend a pre-construction field meeting with the construction contractor to identify Engelmann oaks and refine the limits of disturbance to avoid unneeded clearing in areas supporting Engelmann oaks. Orange construction fencing will be installed around the locations of Engelmann oaks outside the agreed-upon limits of disturbance. Fencing shall remain in place until construction is complete to avoid inadvertent disturbance of sensitive resources.

Adherence to BIO-1.1, BIO-1.2, and BIO-2.1 would further avoid, minimize, and mitigate direct and indirect impacts to special-status plant and wildlife species.

### **6.1.2.3 Rationale and Conclusion**

Mitigation Measures BIO-1.1, BIO-1.2 and BIO-2.1 would ensure that the proposed project would be able to mitigate impacts to special-status plant and wildlife species. These mitigation measures would reduce potentially significant impacts to biological resources to below a level of significance. Implementation of these mitigation measures would be ensured through incorporation into the Lake Wohlford Dam Replacement Project's MMRP.

### **6.1.3 Biological Resources (Sensitive Vegetation Communities)**

#### **6.1.3.1 Potentially Significant Effect**

##### Oakvale Road Realignment; Replacement Dam and Access Road

Project implementation within the LOD would result in direct, permanent impacts on seven sensitive vegetation communities including 1.25 acres of lakeshore, 0.41 acre of southern willow scrub, 2.36 acres of Engelmann oak woodland, 8.01 acres of coast live oak woodland, 4.31 acres of Diegan coastal sage scrub, 2.60 acres of nonnative grassland, and 8.58 acres of southern mixed

chaparral. As noted in the Oakvale Road Mitigated Negative Declaration, that component of the project would result in impacts on two sensitive vegetation communities: coast live oak woodland (1.71 acres) and chaparral (1.52 acres). The remaining project impacts listed above are related to dam and access road construction. Direct impacts from removal or disturbance of sensitive habitat are a significant impact (**Impact BIO-3**). Mitigation is provided in Section 3.3.4 of the FEIR. An exception to this is open water impacts, which are not considered significant because this habitat type would be fully replaced on-site by open water habitat after completion of construction, and because open water acreage would expand as the existing dam is removed and this area is inundated. Therefore, no mitigation would be provided for open water impacts in the LOD.

Construction work elsewhere in the LOD would be conducted adjacent to sensitive communities and result in similar indirect impacts as described for Engelmann oak woodland, including dust, sedimentation, and erosion. Construction activity adjacent to sensitive plant communities is a significant impact (**Impact BIO-4**). Mitigation is provided in Section 3.3.4 of the FEIR.

Restoration of Water Levels

In addition to these direct habitat impacts due to construction, the project would inundate habitat around the rim of the reservoir as water levels increase following project construction. In the 20 years since the water levels of the lake were lowered, a variety of upland and wetland habitats have developed in the previously inundated area. As the reservoir level increases and the area of inundation expands, similar upland and wetland communities are expected to reform along the edge of the expanded water level, but this habitat type-conversion is a complicated process and the ultimate composition and distribution of vegetation adjacent to the new shoreline cannot be predicted with certainty. As such, permanent direct impacts would occur where habitat would be inundated to restore the water level.

In consultation with the wildlife agencies, upland habitat conversion is expected to occur up to the maximum inundation level of 1,480-foot elevation and impacts to 23.13 acres of upland habitats are anticipated within the restoration of water levels are detailed in Table 3.3-4, included below and in the Final EIR.

**Table 3.3-4  
 Direct Impacts to Sensitive Upland Vegetation Communities within the  
 Maximum Inundation Area**

Vegetation Community	Sensitive Habitat	Impacts within the 1,480-foot Inundation Area (acres)
<b>Uplands</b>		
Engelmann Oak Woodland	Yes	0.70

Coast Live Oak Woodland	Yes	3.55
Diegan Coastal Sage Scrub	Yes	0.82
Southern Mixed Chaparral	Yes	0.09
Nonnative Grassland	Yes	17.97
<b>Total Uplands</b>		<b>23.13</b>

Wetland habitats are also expected to convert with restoration of water levels. However, between 1,464 and 1,480 feet in elevation, riparian habitats such as southern willow scrub would be inundated for 4 months of the year or less and are expected to persist over time, as the shoreline recedes seasonally and wetland habitat communities return. As such, significant direct conversion impacts to 16.07 acres of riparian/wetland habitat communities are anticipated within the restoration of water levels as detailed in Table 3.3-5. While habitat conversion is not anticipated for riparian habitats above the 1,464-foot elevation, some impacts between the seasonal (1,464-foot) and maximum (1,480-foot) inundation limits may result, and any potential impacts to riparian habitats may be considered significant.

Table 3.3-5 provides a summary of potential direct impacts that would occur to vegetation communities, including sensitive and riparian habitats and other cover types within the inundation area.

**Table 3.3-5  
 Direct Impacts to Riparian/Wetland Vegetation Communities and  
 Cover Types within the 1,464-foot Inundation Area**

<b>Vegetation Community</b>	<b>Sensitive Habitat</b>	<b>Maximum Inundation Area (acres)</b>	<b>Impact Anticipated</b>
<b>Riparian and Wetlands (jurisdictional waters)</b>			
Emergent Wetland	Yes	3.97	No conversion impacts to 1,464-foot elevation. All 3.97 acres are above this elevation.
Freshwater Marsh	Yes	13.69	Direct impacts to 1,464-foot elevation (approximately 8.90 acres). No conversion impacts to remaining 4.79 acres.
Lakeshore	Yes	11.47	No impact, lakeshore is unvegetated
Open Water	Yes	126.84	No impact, open water would remain and expand
Southern Willow Scrub	Yes	25.31	Direct impacts to 1,464-foot elevation (approximately 7.17 acres). No conversion impacts to remaining 18.14 acres.
Coast Live Oak Riparian Forest	Yes	0.76	No conversion impacts to 1,464-foot elevation. All 0.76 acre is above this elevation.
<b>Subtotal Riparian and Wetlands</b>			<b>16.07 direct; 23.69 no conversion anticipated</b>

Lakeshore impacts are not considered significant because the areas of lakeshore are primarily bare ground that is located in an active fishing area maintained by the City for public use, and are not located in the reservoir's primary upstream wetland area. Open water impacts are not considered significant because this habitat type would be fully replaced on-site by open water habitat after

completion of construction, and because open water acreage would expand as the existing dam is removed and this area is inundated.

Direct impacts from conversion of sensitive habitats as described above are a significant impact (**Impact BIO-3**), and mitigation is listed in Section 3.3.4. While habitat conversion is not anticipated for riparian habitats above the 1,464-foot elevation, some impacts between the seasonal (1,464-foot) and maximum (1,480-foot) inundation limits may result. Any impacts to these riparian habitats are a potentially significant impact (**Impact BIO-3**) and mitigation is listed in Section 3.3.4 of the Final EIR.

There is currently neither an outflow from the reservoir nor anticipated outflow during construction or future operation of the project. The only exception to this condition would be in the rare instance where reservoir levels overtop the dam spillway or during a dam safety event, in which case the emergency outlet would be utilized to release flow from the reservoir. Therefore, no potential impacts would occur to downstream habitats.

#### **6.1.3.2 Facts in Support of Finding**

All impacts to sensitive biological resources shall be avoided to the maximum extent practicable and minimized when avoidance is not possible. Project construction would result in direct impacts on sensitive vegetation communities due to clearing for construction. The project would result in indirect impacts to sensitive vegetation communities adjacent to construction work areas. Where impacts are not avoidable or cannot be minimized through project design, mitigation detailed in Section 3.3 of the FEIR shall be required to reduce significant impacts to below a level of significance.

**BIO-3.1** The City shall ensure that an on-site habitat restoration plan covering all areas disturbed during construction is prepared in consultation with a qualified restoration ecologist. The restoration plan will delineate all temporary impact areas subject to habitat restoration and establish standards for application of hydroseed and installation of container plants, as appropriate. The restoration plan shall include an appropriate native species planting palette to blend in with the existing and surrounding habitats. No nonnative species shall be incorporated into the restoration plan. Acreage of impacts that can be restored on-site after completion of the project will not be subject to acquisition of off-site mitigation listed in Mitigation Measures BIO-3.3 through BIO-3.6.

**BIO-3.2** A restoration maintenance and monitoring plan shall be prepared for the project by a qualified restoration ecologist outlining yearly success criteria and remedial measures in case the mitigation effort falls short of the success criteria.

**BIO-3.3** The City shall mitigate for permanent impacts to sensitive upland habitats within the LOD and 1,480-foot maximum inundation area per the ratios in Table 3.3-7 through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an approved mitigation bank (e.g., Daley Ranch).

**Table 3.3-7  
 Mitigation for Direct Impacts to  
 Sensitive Upland Vegetation Communities (acres)**

Vegetation Community (MHCP Group)	LOD Impacted Acreage <sup>1</sup>	Inundation Area Impacted Acreage	Total Impacted Acreage	Mitigation Ratio	Mitigation Required
<b>Uplands</b>					
Engelmann Oak Woodland (Group B)	2.36	0.70	3.06	3:1	9.18
Coast Live Oak Woodland (Group B)	8.01	3.55	11.55	3:1	34.65
Diegan Coastal Sage Scrub (Group C)	4.32	0.82	5.14	2:1	10.28
Southern Mixed Chaparral (Group D)	8.58	0.09	8.67	1:1	8.67
Nonnative Grassland (Group E)	2.60	17.97	20.57	0.5:1	10.29
<b>Total Uplands</b>	<b>25.86</b>	<b>23.13</b>	<b>48.99</b>	<b>–</b>	<b>73.07</b>

<sup>1</sup> Impacts within the LOD which are temporary in nature may be restored at 1:1, reducing the total impacts requiring offsite mitigation at the mitigation ratios outlined herein.

**BIO-3.4** The City shall mitigate for permanent impacts to sensitive riparian/wetland habitats within the LOD and 1,464-foot seasonal inundation area per the ratios in Table 3.3-8 through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an agency-approved mitigation bank. Table 3.3-8

**Mitigation for Direct Impacts to  
 Sensitive Wetland/Riparian Vegetation Communities (acres)**

Vegetation Community (MHCP Group)	LOD Impacted Acreage <sup>1</sup>	Inundation Area Impacted Acreage	Total Impacted Acreage (1464 Inundation_	Mitigation Ratio	Mitigation Required
<b>Riparian and Wetlands (jurisdictional waters)</b>					
Freshwater Marsh (Group A)	0.00	8.90	8.90	1:1	8.90
Southern Willow Scrub (Group A)	0.41	7.48	7.89	1:1-3:1 <sup>2</sup>	8.71
<b>Total Riparian/Wetland</b>	<b>0.41</b>	<b>16.38</b>	<b>16.79</b>	<b>–</b>	<b>17.61</b>

<sup>1</sup> Impacts within the LOD which are temporary in nature may be restored at 1:1, reducing the total impacts requiring offsite mitigation at the mitigation ratios outlined herein.

<sup>2</sup> Impacts to Southern Willow Scrub within the LOD shall be mitigated at 3:1, if they cannot be restored onsite. Impacts to Southern Willow Scrub from inundation shall be mitigated at 1:1.



**BIO-3.5** The City shall mitigate for potential permanent impacts to riparian/wetland habitats between the seasonal (1,464-foot) and maximum (1,480-foot) inundation limits through development of a Lake Wohlford Long-Term Habitat Management Plan in consultation with the resource agencies. The plan shall at a minimum provide for the following:

1. Long-term Vegetation Management –The plan shall include methods, schedules, and success criteria for weed control including hand weeding, mechanical weeding, and herbicide application.
2. Cowbird Control – Several non-native wildlife species currently adversely impact native fauna at the reservoir. A brown-headed cowbird trapping program shall be included in the plan.
3. A cost analysis to implement the Long-Term Habitat Management Plan and identify funding sources for the long-term commitments will be required under the Plan.

**BIO-3.6** To avoid incidental loss of sensitive habitat types during construction activities, Environmentally Sensitive Area fencing shall be installed along the limits of disturbance prior to the start of construction. In addition, grading limits shall be flagged or fenced, and grading shall not occur beyond this flagging/fencing. Location of fencing shall be confirmed by a qualified biological monitor. Construction crews shall be made fully aware of this boundary.

**BIO-4.1** Storage of soil or fill material from the project site shall be within the LOD or developed areas. The contractor shall delineate stockpile areas on the grading plans for review by the City.

**BIO-4.2** If additional access routes are determined necessary, these areas shall be surveyed for biological resources prior to their use and, if any sensitive resources are identified, determine appropriate avoidance and minimization measures. The contractor shall clearly mark all access routes (i.e., flagged and/or staked) prior to the onset of construction.

**BIO-4.3** The contractor shall periodically monitor the work area to ensure that construction-related activities do not generate excessive amounts of fugitive dust. Water shall be applied to the construction right-of-way, dirt roads, trenches, spoil piles, and other areas where ground disturbance has taken place to minimize dust emissions and topsoil erosion.

Adherence to Mitigation Measures BIO-3.1 through BIO-3.6 and Mitigation Measures BIO-4.1 through BIO-4.3 would further avoid, minimize, and mitigate direct impacts to sensitive vegetation communities. These mitigation measures would reduce potentially significant impacts to biological resources to below a level of significance.

### **6.1.3.3 Rationale and Conclusion**

Mitigation Measures BIO-3.1 through BIO-4.3, as described above, would ensure that the proposed project would be able to mitigate impacts to sensitive vegetation communities. These mitigation measures would reduce potentially significant impacts to biological resources to below a level of significance. Implementation of these mitigation measures would be ensured through incorporation into the Lake Wohlford Dam Replacement Project's MMRP.

## **6.1.4 Biological Resources (Wetlands)**

### **6.1.4.1 Potentially Significant Effect**

#### Replacement Dam and Access Road

Potential impacts to jurisdictional waters in the LOD as a result of dam construction are listed in Table 3.3-4 of the EIR. The primary impact on wetlands occurs in the downstream construction area, where the project would result in impacts on approximately 6.10 acres of coast live oak woodland, which is jurisdictional exclusively of CDFW. Some of these impacts would be permanent due to the placement of new downstream facilities and would be considered permanent loss of jurisdictional waters of the state (including wetlands). Impacted areas that are cleared for construction staging and access purposes and do not feature permanent structures would be subject to on-site restoration and would be considered temporary. The project's potential to have direct impacts on wetlands is significant (**Impact BIO-5**), and mitigation is provided.

Potential indirect impacts to the jurisdictional waters surrounding the LOD would occur as a result of construction activity, which would occur within and upslope from jurisdictional areas, including Escondido Creek in the downstream construction area and the reservoir in the access road construction area and staging yard. Potential temporary, indirect impacts would occur as a result of grading activities creating airborne dust and potentially off-site erosion and sedimentation. Water quality in jurisdictional areas can be adversely affected by surface water runoff and sedimentation during construction. The use of petroleum products (e.g., fuels, oils, and lubricants) and erosion of cleared land during construction could potentially impact surface water in the reservoir. Temporary retention basins have been incorporated into the project to capture

construction runoff before it can flow into jurisdictional areas, which will limit the project's impact on these jurisdictional features. The project's potential to have an indirect impact on jurisdictional waters is a significant impact (**Impact BIO-6**), and mitigation is provided.

#### Restoration of Water Levels

After the replacement dam is built, the reservoir would return to its prior state and be subject to seasonal and temporal fluctuation in water levels. Some wetlands established at the fringe of the reservoir would become submerged and others would be subject to the occasional inundation and exposure as the water level rises and recedes, similar to conditions before the mandatory drawdown. This would likely lead to a gradual shifting in wetland habitat types, primarily in the reservoir's long eastern arm. There would be no loss of jurisdictional wetland habitat from returning the reservoir to this prior condition, but rather wetlands types would be converted to other wetlands types. As the reservoir level increases and the area of inundation expands, similar wetland communities are expected to reform along the edge of the expanded water level, but this habitat type-conversion is a complicated process and the ultimate composition and distribution of vegetation adjacent to the new shoreline cannot be predicted with certainty. As such, permanent direct impacts would occur where habitat would be inundated to restore the water level. The project's potential to have direct impacts on wetlands is significant (**Impact BIO-5**), and mitigation is provided below in Section 3.3.4.

#### **6.1.4.2 Facts in Support of Finding**

All impacts to sensitive biological resources shall be avoided to the maximum extent practicable and minimized when avoidance is not possible. The project would result in direct impacts on jurisdictional wetlands and waters due to clearing for construction. The vegetation communities that make up the jurisdictional wetlands and waters are included in the habitat-based mitigation listed pursuant to Mitigation Measures BIO-3.3, BIO-3.4, BIO-3.5, and BIO-3.6; this mitigation adequately accounts for the project's direct impacts on wetlands and waters. No additional habitat-based mitigation for jurisdictional wetlands is warranted.

Project construction would occur within and adjacent to delineated wetlands and waters and potentially result in indirect impacts to jurisdictional areas. Mitigation Measures BIO-6.1 and BIO-6.2 are provided to reduce impacts to less than significant.

**BIO-6.1** A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared to comply with RWQCB requirements. The SWPPP shall identify the design features and best management practices (BMPs) that will be used to manage drainage-related issues (e.g., erosion and sedimentation) during construction. Erosion-control measures

shall be regularly checked by the contractor, the project biologist, and/or City staff. Specific BMP plans shall be reviewed by the City and the project biologist, and be modified, if necessary, prior to implementation. Fencing and erosion-control measures of all project areas shall be inspected a minimum of once per week.

**BIO-6.2** Staging areas and project activities, including equipment access and disposal or temporary placement of excess fill, shall be prohibited within off-site drainages.

Adherence to Mitigation Measures BIO-3.3, BIO-3.4, BIO-3.5, BIO-3.6, BIO-6.1, and BIO-6.2 would further avoid, minimize, and mitigate direct impacts and indirect impacts to jurisdictional wetlands. These mitigation measures would reduce potentially significant impacts to biological resources to below a level of significance.

#### **6.1.4.3 Rationale and Conclusion**

Direct and indirect impacts to jurisdictional waters and wetlands are mitigated to a level below significance with implementation of Mitigation Measures BIO-3.3, BIO-3.4, BIO-3.5, BIO-3.6, BIO-6.1, and BIO-6.2. Implementation of these mitigation measures would be ensured through incorporation into the Lake Wohlford Dam Replacement Project's MMRP.

#### **6.1.5 Cultural Resources (Archaeological Resources)**

##### **6.1.5.1 Potentially Significant Effect**

###### Oakvale Road Realignment

The cultural resources survey report identified one archaeological resource in the vicinity of the Oakvale Road project site, which was previously collected and curated (Affinis 2013). No additional resources were identified during the pedestrian surveys. Therefore, this component of the project would not result in any impacts on known archaeological resources.

The past discovery of resources in the vicinity of the Oakvale Road project impact area indicates sensitivity for the potential presence of archaeological resources. Additionally, presence of extensive vegetation led to limited ground visibility observed during project surveys, and archaeological resources could potentially exist on the project site. Resources that may be present in the project area could be affected by project-related earth disturbance. Therefore, impacts to unknown cultural resources from the Oakvale Road realignment would be significant (Impact CR-1). To address this potential significant impact, the project would incorporate Mitigation Measures CR-1.1 through 1.10.

### Replacement Dam and Access Road

Several archaeological resources were identified near the access road alignment and staging yard. These resources were not evaluated for eligibility in the National Register of Historic Places and California Register of Historical Resources, so they are assumed eligible for purposes of this CEQA analysis. To prevent direct impacts on known resources, the access road and staging yard were configured to avoid them, based on geographic information system (GIS) data provided by Affinis. All known cultural resources in the access road and staging yard area have been avoided through project design. However, even with the designed avoidance of all known cultural resources, there is the potential for accidental disturbance or damage to these known resources due to the proximity of their location to active construction areas. Thus, the potential for inadvertent adverse impact to known cultural resources in the vicinity of the access road and staging yard is significant. To address this potentially significant impact, the project would incorporate Mitigation Measure CR-2.1.

As with the Oakvale Road component of the project, dam and access road construction would occur in an area where past discovery of cultural resources indicates sensitivity for the potential presence of archaeological resources. Resources that may be present in the dam construction area and access road construction area could be affected by initial project-related earth disturbance. Thus, impacts to known and unknown cultural resources from the replacement dam and access road would be significant (Impact CR-2).

#### **6.1.5.2 Facts in Support of Finding**

The past discovery of resources in the vicinity of the Oakvale Road project impact area indicates sensitivity for the potential presence of unknown archaeological resources. There is potential for accidental disturbance or damage to known and unknown cultural resources in the dam construction area and access road construction area. Implementation of Mitigation Measures CR-1.1 through 1.10 and CR-2.1 would be required.

**CR-1.1** The City of Escondido Planning Division (“City”) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains,

funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

- CR-1.2** Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.
- CR-1.3** 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.
- CR-1.4** 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.
- CR-1.5** 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.
- CR-1.6** 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.

**CR-1.7**

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.

**CR-1.8**

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.

**CR-1.9** 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.

**CR-1.10** 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.

**CR-2.1** The following actions shall be taken to ensure avoidance of known cultural resources:

- Existing cultural resource sites shall be designated as Environmentally Sensitive Areas on all construction drawings and the limits of disturbance identified in the drawings shall not overlap with these Environmentally Sensitive Areas.
- Prior to the start of construction, under direction of the project archaeological monitor, orange construction fencing shall be placed around the known cultural resource sites. Fencing shall remain in place until construction is complete to avoid inadvertent disturbance of the site.
- Environmental training will be provided for all contractors to educate them on awareness of cultural resources protection requirements.



Mitigation Measures CR-1.1 through 1.10 and CR-2.1 would be implemented to avoid potentially significant impacts to archaeological resources if present on-site. The mitigation measures include actions to be taken prior to permit issuance, prior to start of construction, during construction, upon discovery of human remains, during night and/or weekend work, and post-construction. The actions include Archaeological Monitoring and Native American Monitoring, and protocols for discovery noticing, significance determination, and artifact handling. The Archaeological monitor shall be present full-time during all soil-disturbing and grading/excavation/ trenching activities that could result in impacts to archaeological resources as identified on the Archaeological Monitoring Exhibit. If human remains are discovered, work must stop in that area, and the procedures set forth in the California Public Resources Code (Section 5097.98) and State Health and Safety Code (Section 7050.5) will be followed.

### **6.1.5.3 Rationale and Conclusion**

As discussed in Section 3.4 of the FEIR, the proposed project will be required to incorporate Mitigation Measures CR-1.1 through 1.10 and CR-2.1 that will be adopted in conjunction with the certification of the FEIR. With implementation of Mitigation Measures CR-1.1 through 1.10 and CR-2.1, potentially significant impacts to archeological resources would be minimized and the project would result in less than significant impacts to archeological resources.

### **6.2 Findings Regarding Mitigation Measures Which Are the Responsibility of Another Agency (CEQA Section 21081(a)(2)) and Guidelines Section 15091(a)(2))**

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, finds pursuant to CEQA Section 21081(a)(2) and Guidelines Section 15091(a)(2) that there are no changes or alterations that could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

### **6.3 Findings Regarding Infeasible Mitigation Measures (CEQA Section 21081(a)(3) and Guidelines Section 15091(a)(3))**

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings and pursuant to Public Resources Code Section 21081(a)(3) and Guidelines Section 15091(a)(3), makes the following findings regarding archaeological resources (historic buildings) and transportation/circulation (intersection and roadway segment operations):

*Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers,*

*make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 146803/SCH No. 2008061058) as described below.*

***“Feasible” is defined in Section 15364 of the CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.***

Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. This finding is appropriate because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance.

### **6.3.1 Noise (Ambient Noise Standards – Construction)**

#### **6.3.1.1 Potentially Significant Effect**

##### Replacement Dam and Access Road

On-site daytime construction noise levels at the staging area, concrete batch plant, and access road, and rock drilling for blasting activities for dam excavation would result in a temporary increase in ambient noise levels, but they would not exceed the County’s 75 A-weighted decibels (dBA) daytime construction noise level limit at nearby receptors. During the 5 months of RCC dam construction, construction activities would occur at night and on Saturdays and Sundays, outside of the hours allowed by the County Noise Ordinance. Nighttime work would include activity at the batch plant, conveyor system, and the dam construction area. Nighttime construction noise limits are not specified in the County Noise Ordinance. Nighttime activities, including work at the concrete batch plant and operation of the conveyor belt system, would occur outside of the allowable construction hours of the County Noise Ordinance and would exceed the County’s 45 dBA nighttime noise standard at nearby receptors. Thus, the on-site construction noise generated by the proposed access road and replacement dam would result in the exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies and therefore the impact would be significant (**Impact NOI-1**).

### 6.3.1.2 Facts in Support of Finding

The dam construction phase of the project would generate noise at night that would be received by residences in excess of the County's 45 dBA nighttime noise standard. Mitigation measure **NOI-1** shall be implemented to minimize noise impacts during construction.

**NOI-1.1**     Implement Noise Complaint Reporting – The project (via construction contractor) would establish a telephone hot-line for use by the public to report any significant adverse noise conditions associated with the construction of the project. If the telephone is not staffed 24 hours per day, the contractor shall be required to include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This hot-line telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been considered commissioned and ready for operation.

**NOI-1.2**     Implement Noise Complaint Investigation – Throughout the construction of the project, the contractor shall be required to document, investigate, evaluate, and attempt to resolve all project-related noise complaints. The contractor or its authorized agent shall be required to:

- Use a Noise Complaint Resolution Form to document and respond to each noise complaint;
- Contact the person(s) making the noise complaint within 24 hours;
- Conduct an investigation to attempt to determine the source of noise related to the complaint; and
- Take all reasonable measures to reduce the noise at its source.

**NOI-1.3**     Implement Construction Practices – The following are typical field techniques for reducing noise from construction activities, with the purpose of reducing aggregate construction noise levels at nearby noise-sensitive receivers. The contractor or its authorized agent shall be required to:

- Adjust all audible back-up alarms downward in sound level, reflecting locations that have expected lower background level, while still maintaining adequate signal-to-noise ratio for alarm effectiveness. Consider signal persons and strobe lights, or alternative safety equipment and/or processes as allowed, for reducing reliance on high-amplitude sonic alarms.

- Place stationary noise sources, such as generators and air compressors, away from affected noise-sensitive receivers to the farthest extent practical on the project site. Place non-noise-producing mobile equipment such as trailers in the direct sound pathways between suspected major noise-producing sources and these sensitive receivers. To minimize flanking underneath or through vertical gaps, the construction contractor shall cover the openings with at least 0.5-inch-thick plywood, hay bales, or other sufficiently dense material.

**NOI-1.4**     Equipment Noise Reduction – The following are typical practices for construction equipment selection (or preferences) and expected functions that can help reduce noise and shall be implemented:

- Use concrete crushers or pavement saws rather than impact devices such as jackhammers, pavement breakers, and hoe rams for tasks such as concrete or asphalt demolition and removal.
- Pneumatic impact tools and equipment used at the construction site shall have intake and exhaust mufflers recommended by the manufacturers thereof, to meet relevant noise limitations.
- Provide impact noise-producing equipment (i.e., jackhammers and pavement breaker[s]) with noise attenuating shields, shrouds or portable barriers or enclosures, to reduce operating noise.
- Line or cover hoppers, storage bins, and chutes with sound-deadening material (e.g., apply wood or rubber liners to metal bin impact surfaces).
- Provide upgraded mufflers, acoustical lining, or acoustical paneling for other noisy equipment, including internal combustion engines.
- Use alternative procedures of construction and select a combination of techniques that generate the least overall noise and vibration.
- Use construction equipment manufactured or modified to reduce noise and vibration emissions, such as:
  - Electric instead of diesel-powered equipment.
  - Hydraulic tools instead of pneumatic tools.
  - Electric saws instead of air- or gasoline-driven saws.
- Locate construction staging area as far as feasible from occupied residences.

### 6.3.1.3 Rationale and Conclusion

The implementation of Mitigation Measures NOI-1.3 and NOI-1.4 would reduce noise generated during construction, and Mitigation Measures NOI-1.1 and NOI-1.2 would create a system for public involvement and addressing resolution of noise complaints. However, the noise-reduction measures are limited in their effect and are not anticipated to reduce nighttime noise to below the County's 45 dBA standard. The public-involvement measures would not actually reduce noise themselves, but would help foster positive neighbor relations for the duration of the project. Therefore, even with the implementation of Mitigation Measures NOI-1.1 through NOI-1.4, the nighttime RCC dam construction, and construction activities at the concrete batch plant, conveyor belt system, and dam construction area would still result in a substantial temporary increase in ambient noise levels. Therefore, the project would contribute to a significant and unavoidable impact with respect to nighttime noise.

A common measure for mitigating noise levels generated by construction is erection of temporary barriers around the locations where noise originates, but such a measure would be infeasible and ineffective on this project. Noise barriers are most effective when located adjacent to the noise source or noise receptor, where line of sight between the source and receptor is fully blocked by the barrier. Temporary noise barriers may include, but are not necessarily limited to, using appropriately thick wooden panel walls (at least ½ inch thick), or mobile "blocking vehicles" (e.g., semi-truck trailers, moving vans, etc.) high enough to block the line of sight from the dominant construction noise source(s) to the noise-sensitive receiver. Alternately, field-erected noise curtain assemblies can be installed around specific equipment sites or zones of anticipated mobile or stationary activity. These techniques are most effective and practical when the construction activity noise source is stationary (e.g., auger or drill operation) and the specific source locations of noise emission are near the ground and can be placed as close to the equipment/activity-facing side of the noise barrier as possible. Depending on factors such as barrier height, barrier length, and distance between the barrier and the noise-producing equipment or activity, such barriers can reduce construction noise by 5 to 10 dBA at nearby receptors.

Erection of temporary noise barriers would not be an effective mitigation measure for this project's construction noise impacts. The residences likely to receive noise from this project's 24-hour construction activities are all located at higher elevations from the construction site, without intervening topography or other obstructions that would block line of sight to the construction work. Figure 3.9-2 of the FEIR shows several approximated elevation cross-sections between the concrete batch plant location and a sampling of residential locations north, northeast, and southeast of the primary staging area, as based on GIS topographic data. As shown in Figure 3.9-2 of the FEIR, all of the residential receptors are higher in elevation than the plant, ranging 35 to 140 feet

higher than the plant. Assuming all noise sources at the batch plant are on the ground, it would not be possible to effectively reduce noise with noise walls because of this elevation difference, as the walls would not block the line of sight. Furthermore, the batch plant operations would include noise-generating machinery that would be elevated off the ground, possibly 10 to 30 feet high depending on the design, which would make standard noise walls even more ineffective at reducing the noise received by nearby residences. Building noise walls high enough to block line of sight to the nearby receptors would be unsafe and impractical. It would also be unsafe and impractical to mount noise barriers to the noise-generating equipment at the batch plant. Therefore, it is infeasible to reduce construction-related noise levels on this project by means of noise barriers.

Because the project would result in a significant impact that cannot be reduced by mitigation to the degree that it would be less than significant, the City must adopt a Statement when certifying the EIR and approving the project, as presented below in Section 6.

#### **6.4 Findings Regarding Alternatives (CEQA Section 21081(a)(3) and Guidelines Section 15091(a)(3))**

Because the proposed project will cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the FEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives (listed in Section 2.5 above and Section 2.2 of the FEIR).

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resources Code Section 21081(a)(3) and Guidelines Section 15091(a)(3), makes the following findings with respect to the alternatives identified in the FEIR (City Case No. ENV 13-0005/SCH No. 2015041091):

*Specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the FEIR (City Case No. ENV 13-0005/SCH No. 2015041091) as described below.*

*"Feasible" is defined in Section 15364 of the CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that*

*a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.*

The City also finds that the Final EIR included an analysis of a reasonable range of feasible alternatives to a proposed project capable of avoiding or substantially lessening any significant adverse environmental impact associated with the project pursuant to CEQA Guidelines Section 15126.6. Pursuant to CEQA Guidelines Section 15126.6, the range of reasonable alternatives to the proposed project must include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

### **Background**

In 2008, the City of Escondido contracted GEI Consultants, Inc. (GEI) to develop a series of engineering alternatives that could then be further analyzed during the project planning process. Using the results of the GEI report, ICF Jones & Stokes (ICF) prepared an opinion on the potential environmental impacts of each alternative (ICF 2008). As the City continued the planning process, they evaluated the engineering and environmental issues with these alternatives, and ultimately decided to move forward with the RCC dam downstream of the existing dam, as described in Chapter 2 and analyzed for environmental impacts in Chapter 3 of the FEIR.

Noise impacts were identified as significant and unavoidable with project implementation. As such, two alternatives were considered and evaluated in the EIR. This included the “Existing Dam Improvement Alternative” (Alternative 1) and the No-Project Alternative. Alternative 1 was selected because of its potential to avoid the significant and unavoidable noise impact identified in Section 3.9 of the FEIR, and because of the reduction in impacts on habitat in the downstream construction area. These project alternatives are summarized below, along with the findings relevant to each alternative.

#### **6.4.1 Alternative 1 – Existing Dam Improvement Alternative**

Alternative 1, as analyzed pursuant to CEQA requirements, is Alternative 1 from the GEI and ICF reports. This alternative proposes improvement of the existing dam, rather than constructing a new dam downstream of the existing dam. The existing hydraulic fill on the upstream side of the dam, which is the problematic feature causing the safety concern in the existing dam, would be removed and replaced with engineered rockfill, which would improve the dam’s seismic safety. The new rockfill would need to be placed on competent foundation materials, requiring excavation and removal of any loose soils below the new footprint. The seismic stability of the downstream slope would be increased by placing a rockfill overlay on the existing rockfill section. Seepage through the new rockfill would be controlled by a concrete facing placed on the upstream slope. Hydraulic

fill, lake-bottom deposits, and loose foundation soils located upstream of the existing rockfill section would be removed, processed in a facility on-site, and then placed on the upstream and downstream sides of the existing rockfill.

There are several considerable differences in impact area between Alternative 1 and the RCC method described in Chapter 2 of the FEIR. First, in-place replacement of the dam would obviate the Oakvale Road realignment component of the proposed project, as the replacement dam would keep the same left abutment and access point to the dam crest. Second, the existing spillway would not need to be replaced, limiting the amount of excavation on the slope north of the dam. Third, the downstream construction area would be smaller because the Alternative 1 dam footprint would only be slightly larger than the dam's existing footprint. Fourth, a temporary coffer dam would be constructed approximately 1,000 feet upstream of the dam, which was anticipated in the GEI report to be located on a parcel within the reservoir that is owned by BLM. Finally, Alternative 1 also would require establishment of an off-site borrow area for excavation of rock materials in the dam improvements. This would create additional impacts at an undetermined off-site location. Analysis assumes the primary staging yard from the proposed project would be used for staging, and that the access road would be constructed in a similar alignment to the right abutment for use during construction and in perpetuity for maintenance and inspection access.

In addition to the area of impact, other key differences include construction timing and duration. Because Alternative 1 does not entail RCC construction, there would be no need for 24-hour work. However, project construction would last for a longer period of time. Most importantly, Alternative 1 would require draining Lake Wohlford prior to construction of the cofferdam. Once the cofferdam is erected, the City may be able to fill the reservoir for use during construction, although at a substantially reduced level from its existing conditions. Therefore, Alternative 1 would result in long-term restrictions on the reservoir's functions as a water storage facility and on its usability for recreation.

The FEIR determined this alternative would achieve all of the project objectives (listed in Section 2.5 above and Section 2.2 of the FEIR), but would result in a longer construction phase, increased costs, and reduced reservoir functions during construction.

#### **6.4.1.1 Potentially Significant Effects**

Alternative 1 would have reduced impacts to aesthetics, geology/soils, and traffic/circulation when compared to the proposed project. Alternative 1 would have similar impacts to air quality and cultural resources when compared to the proposed project. Alternative 1 would also have greater impacts on hazards/hazardous materials, hydrology and water quality, recreation, and land use.



Alternative 1 has the potential to result in a hazardous impact that was not identified for the proposed project. During construction, seismic failure of the coffer dam could lead to hazardous flooding that would inundate the work area and endanger workers. To avoid this, the cofferdam would require proper geotechnical engineering.

Alternative 1 could result in additional hydrology and water quality impacts during construction due to construction of the cofferdam. Alternative 1 would be subject to the same construction-period storm water control requirements identified for the proposed project.

Alternative 1 would likely result in a significant and unavoidable recreation impact due to temporary closure of Lake Wohlford for recreational use during project construction.

Alternative 1 would also result in a temporary land use impact not anticipated for the proposed project. Based on the preliminary location shown in the GEI report, the cofferdam is proposed to partially overlap with a parcel in the reservoir owned by BLM. Therefore, additional permitting would be required from that agency under Alternative 1 to obtain the right to construct on this federal land.

In addition, Alternative 1 would result in significant impacts that would differ from the proposed project. Alternative 1 would result in a lesser acreage of permanent impacts due to the reduced project footprint, primarily in the downstream construction area, Oakvale Road excavation, and grading north of the dam. However, Alternative 1 would also result in additional off-site impacts at the borrow area. Alternative 1 would also result in a greater acreage of temporary impacts on jurisdictional wetlands from construction of the cofferdam and long-term operation of the staging area between the cofferdam and the existing dam. Alternative 1 would not avoid any of the significant impacts identified in Section 3.3 of the FEIR, and would require implementation of all mitigation measures identified in that section. Mitigation acreages identified in measures related to Impact BIO-3 would differ, but all habitat types would be included. Alternative 1 also has the potential to affect other habitat types and other species not identified in Section 3.3 of the FEIR, depending on the location of the borrow area.

While Alternative 1 would avoid the significant and unavoidable noise impacts identified for the proposed project, it would also result in different noise impacts that would temper its benefits. Alternative 1 would avoid the significant and unavoidable impact of nighttime construction identified in Section 3.9 of the FEIR because Alternative 1 would not entail 24-hour work. Under Alternative 1, noise from cofferdam construction and demolition would also be received by residences south of the reservoir, increasing noise impacts on these receptors. Additional noise generation would result from excavation at the off-site borrow area, which would expose additional receptors to project-related noise beyond those considered for the proposed project.

#### **6.4.1.2 Finding and Supporting Facts**

Alternative 1 meets all of the project objectives (listed in Section 2.5 above and Section 2.2 of the FEIR) but would take longer to construct, would require further drawdown of the reservoir, and would result in a structure that may not last as long as the RCC option. The proposed project was selected over Alternative 1 because of the potential to keep the reservoir at current levels during downstream construction, the reduced duration of project construction, and the reliability and longevity of RCC construction. Alternative 1 reduces and avoids some impacts, but increases other impacts or extends impacts due to the longer construction duration, so there is no clear benefit from an environmental analysis perspective. Therefore, this alternative is considered infeasible.

#### **6.4.2 No-Project Alternative**

The No-Project Alternative would result in the continued operation of the existing dam and would not allow for the restoration of water levels. Although short-term environmental impacts would be avoided, a long-term adverse impact to the City's flood control and water supply system would occur. The No-Project Alternative would not achieve any of the project objectives identified in Section 2.5 above and Section 2.2 of the FEIR.

##### **6.4.2.1 Potentially Significant Effects**

When compared to the project, the No-Project Alternative would have no impact on aesthetics, air quality, biological resources, noise, and traffic/circulation. However, new or additional impacts would result related to cultural resources, geology/soils, hazards, hydrology and water quality, and recreation.

The No-Project Alternative would have no direct impact on cultural resources because no construction would occur. However, because the No-Project Alternative would not allow increase in reservoir water levels, several resources that are exposed along the fringes of the current water level would not become resubmerged and could be affected by encroachment of reservoir users. Therefore, the No-Project Alternative could result in an impact on existing cultural resources that would not occur under the proposed project.

As the No-Project alternative would not involve earth disturbance, there would be no potential for geology and soils impacts from those activities. However, the No-Project Alternative would also not correct the existing seismic conditions in the existing dam, which could result in geologic hazards upstream and downstream of the dam in the event of an earthquake. Liquefaction of the

existing dam could lead to earth and riprap falling down the downstream face of the dam, and could result in earth sliding down the upstream face, displacing water in the reservoir.

The No-Project Alternative would not correct the existing seismic conditions in the existing dam, which could result in an impact on public safety in the event of an earthquake. The No-Project Alternative would not result in any other hazards and hazardous materials impacts because no construction would occur.

The No-Project Alternative would maintain existing hydrology/water quality conditions at Lake Wohlford. In the event of an earthquake, earth from the upstream face of the dam could slide into the reservoir, which would affect water quality by increasing turbidity.

The No-Project Alternative would not result in the temporary impacts on recreational uses identified in Section 3.10 of the FEIR for the proposed project during construction. All trails and areas of the marina would remain available for public use. Maintenance of the reservoir at the existing level would continue to limit the reservoir area available for fishing and boating, which is likely to be perceived as a recreation impact to frequent reservoir users.

#### **6.4.2.2 Finding and Supporting Facts**

Although it would avoid significant impacts related to construction work, including impacts on air quality, biological resources, cultural resources, and noise, the No-Project Alternative is not an option because it would perpetuate unsafe conditions at the existing dam and prevent the City from using the full water storage potential in their reservoir. The No-Project Alternative would not meet any of the project objectives (listed in Section 2.5 above and Section 2.2 of the FEIR), and the City has been in the planning stages for implementing this project for several years.

### **7.0 MITIGATION MONITORING AND REPORTING PROGRAM**

An MMRP has been prepared for the proposed project, which the City has adopted or made a condition of approval of the proposed project. That MMRP is incorporated herein by reference as though fully set forth and is considered part of the Record for the proposed project. This MMRP is designed to ensure that, during project implementation, the City and other responsible parties will comply with the mitigation measures adopted in these Findings. The MMRP designates responsibility and anticipated timing for the implementation of mitigation measures. The City will serve as the MMRP Coordinator. To the extent that these Findings conclude that various project design features and mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement these measures. These Findings therefore constitute a binding set of obligations that will come into effect when the

City formally approves the proposed project. The project design features and adopted mitigation measures are included in the MMRP adopted concurrently with these Findings and will be effectuated through the process of implementation of the project.

The City hereby finds that the MMRP, which is incorporated herein by reference, meets the requirements of CEQA, including Public Resources Code Section 21081.6, by providing for the implementation and monitoring of project conditions intended to mitigate potential environmental effects of the project.

## **8.0 STATEMENT OF OVERRIDING CONSIDERATIONS**

### **8.1 Lake Wohlford Dam Replacement Project – EIR Statement of Overriding Considerations**

Consistent with California Public Resources Code Section 21081(b) and Guidelines Section 15093, the City declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the proposed Lake Wohlford Dam Replacement Project's environmental impacts. The City also declares that any mitigation measures recommended in the FEIR, but not incorporated into the proposed project, are infeasible and cannot be implemented by the proposed project.

The City also finds that the proposed project alternatives discussed in the FEIR should not be adopted because none of them succeed in reducing environmental impacts while adequately meeting the proposed project's objectives; specifically, that economic, legal, social, technological, or other considerations make the alternatives infeasible.

The City finds that the proposed Lake Wohlford Dam Replacement Project, identified here as the Preferred Project, most fully implements the City's desire and need to restore the reservoir's municipal water storage capacity to 6,500 acre-feet, to alleviate the public safety and flooding concerns associated with the seismic instability of the current dam, and to provide a dam with a life span sufficient to satisfy the above needs for a century.

The City Council declares that it has adopted all feasible mitigation measures to reduce the proposed Lake Wohlford Dam Replacement Project's environmental impacts to an insignificant level; considered the entire administrative record, including the FEIR; and weighed the proposed Lake Wohlford Dam Replacement Project's benefits against its environmental impacts. After doing so, the City Council has determined that the proposed Lake Wohlford Dam Replacement Project's benefits outweigh its environmental impacts, and deem them acceptable.

The City Council identified the following public benefits in making this determination. Each of these public benefits serves as an independent basis for overriding all unavoidable adverse environmental impacts identified in these Findings and the FEIR. Any one of the reasons set forth below is sufficient to justify approval of the project. The City finds that each one of the following overriding considerations independently, grouped by overarching theme, or collectively, is/are sufficient to outweigh the significant and unavoidable impacts of the project. The City Council considers these impacts to be acceptable, consistent with Guidelines Section 15093.

**1. The Preferred Project fulfills the objective of restoring the City's municipal water-storage capacity in Lake Wohlford to its historic capacity of 6,500 acre-feet.**

Lake Wohlford Dam was constructed in 1895 to create Lake Wohlford, a reservoir that is an important part of the City's municipal water supply. In 1924, the dam was enlarged and raised using hydraulic fill to expand the reservoir's capacity to approximately 6,500 acre-feet and a surface area of approximately 225 acres. A seismic analysis of the dam conducted in 2007 identified a stability concern for the portion of the dam that was raised in 1924. Based on the results of the seismic analysis and report recommendations, FERC, in a September 19, 2007, letter, directed the City to reduce the Lake Wohlford reservoir level to a maximum of 1,460 feet AMSL, which was 20 feet below its prior spillway crest elevation. Since then, the City has been operating Lake Wohlford with a reduced water storage capacity.

With implementation of the proposed project, water levels would be restored to historic elevations, which would be higher than current levels. An increased water level would be a beneficial impact to groundwater supply and recharge rates. The replacement dam would be constructed so the resultant storage capacity and maximum reservoir level would be equal to the capacity and elevation prior to the water level restriction, at 6,500 acre-feet and 1,480 feet AMSL, respectively.

**2. The Preferred Project fulfills the objective of alleviating public safety and flooding concerns due to seismic instability of the existing Lake Wohlford Dam.**

A seismic analysis of the dam conducted in 2007, prepared in compliance with a directive from FERC, identified a stability concern for the portion of the dam that was raised in 1924. The 2007 report concluded that the method used to place the hydraulic fill during the dam raise, in addition to its placement overtop of new lake-bottom sediment that had accumulated at the base of the rockfill dam, resulted in inconsistency of the fill material's coarseness and created conditions where the fill could liquefy during a strong earthquake on the Elsinore Fault. Liquefaction of the fill material could result in a structural failure of the dam's upstream slope, including the material that was raised above the elevation of the original rockfill dam (GEI Consultants, Inc. 2007). This failure could, in turn, cause flood inundation downstream in Escondido Creek and lead to public

safety concerns. Because of these conditions, USACE designated Lake Wohlford Dam as a “high risk” facility on the National Inventory of Dams, reflecting a potential for significant human and economic consequences in the event of a dam failure (GEI Consultants, Inc. 2007).

Based on the results of the seismic analysis and report recommendations, FERC, in a September 19, 2007, letter, directed the City to reduce the Lake Wohlford reservoir level to 1,460 feet AMSL, which is 20 feet below its prior spillway crest elevation, corresponding to the top of the stable downstream rockfill section of the dam. The City has continued to maintain that lowered level since the FERC directive. Figure 2-2 of the FEIR is a line graph plotting monthly reservoir elevation data from 2001 to present (City of Escondido 2015a). As the graph shows, prior to 2007, the reservoir was subject to semiregular fluctuations in water level. Before the mandatory drawdown, the average elevation was 1,462.2 feet, with a maximum of 1,479.1 feet in November 2003, and a minimum of 1,453.1 feet in October 2002. Since the drawdown, the reservoir has averaged approximately 1,455.5 feet, or 6.6 feet below the previous average, with a maximum of 1,459.1 feet in March 2009, and a minimum of 1,450.6 feet in October 2008. However, the levels since the mandatory drawdown are not far outside the range of the typical low range experienced under normal conditions before the drawdown.

The project would alleviate seismic safety concerns with the existing dam and regain the Lake Wohlford reservoir’s lost water storage capability for the City’s municipal water system, and eliminate the problematic portion of the existing dam. The project is intended to correct an existing public safety hazard by constructing a replacement dam that will prevent uncontrolled reservoir release in the event of an earthquake. Therefore, the project would have a beneficial impact on public safety.

**3. The Preferred Project fulfills the objective of providing a replacement dam facility with a life expectancy of 100 years.**

Dam construction/replacement would alleviate public safety and flooding concerns due to seismic instability of the existing dam. The replacement dam would be designed to withhold historic water levels and would be expected to last for 100 years. The dam would be constructed of RCC, which is a modern method of placing mass concrete for gravity dams that has recently been employed by the San Diego County Water Authority for construction of its Olivenhain Dam and San Vicente Dam Raise projects. This method utilizes the materials of conventionally placed concrete (cement, coarse aggregate, sand, and water), but minimizes the water content to allow material handling with conventional soil-placing methods. Like engineered soil placement, RCC is placed in thin layers starting from the base of the dam (usually 12 inches thick), as opposed to conventionally placed mass concrete, which is poured in large sections that are typically 5 feet thick (San Diego County Water Authority 2008). The RCC method reduces water content such that the mix is dry

enough to prevent roller equipment from sinking, but wet enough to permit adequate distribution of the material in each layer.

#### **4. The Preferred Project would enhance the safety of the dam's spillway.**

A spillway would be constructed in the center of the dam, built of cast-in-place concrete, with an elevation of 1,480 feet AMSL. The dam's central spillway has been designed to handle the maximum storm events approved by FERC, including the General Storm "All Season" PMF and the Local Storm PMF, and flow into an energy dissipation stilling basin at the downstream foot of the dam, constructed of reinforced concrete, which catches water that overtops the dam before it discharges into the downstream river channel. The spillway would be stepped on the dam's downstream slope to dissipate energy along the entire spillway length and reduce the stilling basin size at the end of the spillway. The stilling basin would be approximately 90 feet wide by 70 feet long. Riprap would be installed at the transition from the stilling basin to the existing channel to prevent erosion and protect the stilling basin. The redesigned spillway would reduce the occurrence of spillover events relative to existing conditions and correspondingly reduce the reservoir-related discharges to Escondido Creek.

#### **5. The Preferred Project would economic benefits to the City.**

Implementation of the Preferred Project would generate new construction employment opportunities over the construction period. This would boost the local economy by supporting construction-related jobs, property management jobs, and maintenance-related jobs. Labor income output from the project would result in direct, indirect, and induced spending, injecting job wages into the local economy.

### **9.0 CONCLUSION**

For the foregoing reasons, the City finds that the project would incorporate mitigation measures that would avoid or reduce most of the significant impacts identified as part of the CEQA environmental review process. The project is anticipated to result in significant temporary noise impacts that cannot be effectively avoided or reduced by mitigation identified in the FEIR. The project's adverse, unavoidable environmental impacts are outweighed by the project's substantial benefits, which are related to maintenance of a critical component of the City's public water infrastructure and making improvements to public safety, any one of which individually would be sufficient to outweigh the adverse environmental effects of the project. Therefore, the City Council adopts these Findings and Statement in conjunction with certifying the FEIR and approving the project.

## **10 REFERENCES**

Affinis. 2013. Cultural Resources Inventory for the Lake Wohlford Dam Replacement Project.

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City of Escondido. 2015a. Lake Wohlford Monthly Water Elevations, 2001-2015.

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San Diego County Water Authority. 2008. Final Environmental Impact Report/ Environmental Impact Statement for the Carryover Storage and San Vicente Dam Raise Project, Volume I. April.



**MITIGATION MONITORING AND REPORTING PROGRAM  
FOR THE  
LAKE WOHLFORD DAM REPLACEMENT PROJECT  
(SCH No. 2015041091)  
ESCONDIDO, CALIFORNIA**

***Prepared for:***

City of Escondido  
Utilities Department  
201 North Broadway  
Escondido, California 92025

***Prepared by:***

AECOM  
401 West A Street, Suite 1200  
San Diego, California 92101  
(619) 610-7600  
Contact: Michelle Fehrensén

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The California Environmental Quality Act (CEQA) requires that public agencies certifying an Environmental Impact Report (EIR) take affirmative steps to determine that approved mitigation measures are implemented subsequent to project approval. The lead or responsible agency must adopt a monitoring and reporting program for the mitigation measures incorporated into a project or included as conditions of approval. The program must be designed to ensure compliance with the EIR during project implementation (Public Resources Code, Section 20183; CEQA Guidelines, Section 15097).

This Mitigation Monitoring and Reporting Program (MMRP) will be used by the City of Escondido (City) to ensure compliance with adopted mitigation measures associated with the implementation of the proposed Lake Wohlford Dam Replacement Project (project). The City, as Lead Agency pursuant to CEQA, will ensure that all mitigation measures identified for the project are carried out in accordance with the adopted MMRP.

This MMRP consists of a checklist (Table 1) that identifies the mitigation measures organized by environmental impact category discussed in the EIR. The table identifies the mitigation monitoring and reporting requirements, including the timing of verification (prior to, during, or after construction) and the party responsible for implementing the measure. Space is provided for sign-off following completion/implementation of the mitigation measure. The responsible parties listed in Table 1 include the City, the Contractor who will be hired by the City to construct the project, and the Environmental Monitor assigned by the City to monitor compliance before and during project construction, as applicable. These references in the table indicate the party responsible for implementing the respective measures, but the City will ultimately be responsible for verifying compliance with each measure listed in the table.

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**Table 1. Mitigation Monitoring and Reporting Program  
 Lake Wohlford Dam Replacement Project**

Mitigation Measure No.	Mitigation Measure	Timing of Verification			Responsible Party	Completed		Spec Section or Dwg No.	Resp. Team Member	Verified in Contract by	Comments
		Pre Const	During Const	Post Const		Initials	Date				
<b>AIR QUALITY</b>											
Mitigation Measure AQ-1.1	<p>The following measures shall be implemented by the construction contractor to reduce fugitive dust emissions associated with off-road equipment and heavy-duty vehicles:</p> <ul style="list-style-type: none"> <li>• Water the grading areas a minimum of twice daily to minimize fugitive dust;</li> <li>• Stabilize graded areas as quickly as possible to minimize fugitive dust;</li> <li>• Apply chemical stabilizer or pave the last 100 feet of internal travel path within the construction site prior to public road entry;</li> <li>• Remove any visible track-out into traveled public streets within 30 minutes of occurrence;</li> <li>• Wet wash the construction access point at the end of each workday if any vehicle travel on unpaved surfaces has occurred;</li> <li>• Provide sufficient perimeter erosion control to prevent washout of silty material onto public roads;</li> <li>• Cover haul trucks or maintain at least 12 inches of freeboard to reduce blow-off during hauling;</li> <li>• Suspend all soil disturbance activities if winds exceed 25 mph;</li> <li>• Cover/water on-site stockpiles of excavated material;</li> <li>• Enforce a 15-mph speed limit on unpaved surfaces;</li> <li>• On dry days, dirt and debris spilled onto paved surfaces shall be swept up immediately to reduce resuspension of PM caused by vehicle movement. Approach routes to construction sites shall be cleaned daily of construction-related dirt in dry weather; and</li> <li>• Disturbed areas shall be hydroseeded, landscaped, or developed as quickly as possible and as directed by the contractor to reduce dust generation.</li> </ul>	X			Contractor						

Mitigation Measure No.	Mitigation Measure	Timing of Verification			Responsible Party	Completed		Resp. Team Member	Spec Section or Dwg No.	Verified in Contract by	Comments
		Pre Const	During Const	Post Const		Initials	Date				
Mitigation Measure AQ-1.2	Minimize idling time by shutting equipment off when not in use or reducing the time of idling to no more than 5 minutes (5-minute limit is required by the state airborne toxics control measure [Title 13, sections 2449(d)(3) and 2485 of the California Code of Regulations]). Provide clear signage that posts this requirement for workers at the entrances to the site.		X		Contractor						
Mitigation Measure AQ-1.3	Maintain construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic at least once per month and determined to be running in proper condition before it is operated.		X		Contractor						
<b>BIOLOGICAL RESOURCES</b>											
Mitigation Measure BIO-1.1	If vegetation clearing or earthwork is proposed to commence within the bird breeding season (February 15 through September 15), a qualified biologist shall conduct pre-construction nest surveys of the project site and a 500-foot buffer (a 1-mile buffer for bald eagle) to identify any listed species or bird breeding activity in the vicinity. The pre-construction survey shall be performed within 2 weeks of the start of construction activity. If the pre-construction surveys identify active nests or bird-breeding activity within the 500-foot buffer (a 1-mile buffer for bald eagle), a qualified biologist shall prepare a nest avoidance plan and, if necessary, a noise attenuation plan, to identify site-specific measures that shall be incorporated into the project to reduce construction-related impacts on the applicable bird species.	X			Environmental Monitor City Planning Division						
Mitigation Measure BIO-1.2	All construction lighting shall be directed onto the construction work area and away from adjacent habitat. Light shields shall be used to reduce the extent of illumination into adjoining areas.		X		Contractor						
Mitigation Measure BIO-2.1	Engelmann oaks outside the limits of disturbance will be identified as Environmentally Sensitive Areas on project plans. A qualified biologist will attend a pre-construction field meeting with the construction contractor to identify Engelmann oaks and refine the limits of disturbance to avoid unneeded clearing in areas supporting Engelmann oaks. Orange construction fencing will be installed around the locations of Engelmann oaks outside the agreed-upon limits of disturbance. Fencing shall remain in place until construction is complete to avoid inadvertent disturbance of sensitive resources.	X			Environmental Monitor Contractor						
Mitigation Measure BIO-3.1	The City shall ensure that an on-site habitat restoration plan covering all areas disturbed during construction is prepared in consultation with a qualified restoration ecologist. The restoration plan will delineate all temporary impact areas subject to habitat restoration and establish standards for application of hydrosed and installation of container plants, as appropriate. The restoration plan shall include an appropriate native species planting palette to blend in with the existing and surrounding habitats. No nonnative species shall be incorporated into the restoration plan. Acreage of impacts that can be restored on-site after completion of the project will not be subject to acquisition of off-site mitigation listed in Mitigation Measures BIO-3.3 through BIO-3.6.	X			City Planning Division						

Mitigation Measure No.	Mitigation Measure	Timing of Verification			Responsible Party	Completed		Res. Team Member	Spec Section or Dwg No.	Verified in Contract by	Comments
		Pre Const	During Const	Post Const		Initials	Date				
Mitigation Measure BIO-3.2	A restoration maintenance and monitoring plan shall be prepared for the project by a qualified restoration ecologist outlining yearly success criteria and remedial measures in case the mitigation effort falls short of the success criteria.	X			City Planning Division						
Mitigation Measure BIO-3.3	The City shall mitigate for permanent impacts to sensitive upland habitats within the LOD and 1,480-foot maximum inundation area per the ratios in Table 3.3-7 through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an approved mitigation bank (e.g., Daley Ranch).			X	City Planning Division						
Mitigation Measure BIO-3.4	The City shall mitigate for permanent impacts to sensitive riparian/wetland habitats within the LOD and 1,464-foot seasonal inundation area per the ratios in Table 3.3-8 through creation and enhancement of suitable habitat or acquisition of suitable habitat credits at an agency-approved mitigation bank.			X	City Planning Division						
Mitigation Measure BIO-3.5	The City shall mitigate for potential permanent impacts to riparian/wetland habitats between the seasonal (1,464-foot) and maximum (1,480-foot) inundation limits through development of a Lake Wohlford Long-Term Habitat Management Plan in consultation with the resource agencies. The plan shall at a minimum provide for the following: 1. Long-term Vegetation Management –The plan shall include methods, schedules, and success criteria for weed control including hand weeding, mechanical weeding, and herbicide application. 2. Cowbird Control – Several non-native wildlife species currently adversely impact native fauna at the reservoir. A brown-headed cowbird trapping program shall be included in the plan. 3. A cost analysis to implement the Long-Term Habitat Management Plan and identify funding sources for the long-term commitments will be required under the Plan.			X	City Planning Division						
Mitigation Measure BIO-3.6	To avoid incidental loss of sensitive habitat types during construction activities, Environmentally Sensitive Area fencing shall be installed along the limits of disturbance prior to the start of construction. In addition, grading limits shall be flagged or fenced, and grading shall not occur beyond this flagging/fencing. Location of fencing shall be confirmed by a qualified biological monitor. Construction crews shall be made fully aware of this boundary.			X	City Planning Division						
Mitigation Measure BIO-4.1	Storage of soil or fill material from the project site shall be within the LOD or developed areas. The contractor shall delineate stockpile areas on the grading plans for review by the City.	X			Contractor						
Mitigation Measure BIO-4.2	If additional access routes are determined necessary, these areas shall be surveyed for biological resources prior to their use and, if any sensitive resources are identified, determine appropriate avoidance and minimization measures. The contractor shall clearly mark all access routes (i.e., flagged and/or staked) prior to the onset of construction.	X			Contractor Environmental Monitor						

Mitigation Measure No.	Mitigation Measure	Timing of Verification			Responsible Party	Completed		Resp. Team Member	Spec Section or Dwg No.	Verified in Contract by	Comments
		Pre Const	During Const	Post Const		Initials	Date				
Mitigation Measure BIO-4.3	The contractor shall periodically monitor the work area to ensure that construction-related activities do not generate excessive amounts of fugitive dust. Water shall be applied to the construction right-of-way, dirt roads, trenches, spoil piles, and other areas where ground disturbance has taken place to minimize dust emissions and topsoil erosion.		X		Contractor						
Mitigation Measure BIO-6.1	A Storm Water Pollution Prevention Plan (SWPPP) shall be prepared to comply with RWQCB requirements. The SWPPP shall identify the design features and best management practices (BMPs) that will be used to manage drainage-related issues (e.g., erosion and sedimentation) during construction. Erosion-control measures shall be regularly checked by the contractor, the project biologist, and/or City staff. Specific BMP plans shall be reviewed by the City and the project biologist, and be modified, if necessary, prior to implementation. Fencing and erosion-control measures of all project areas shall be inspected a minimum of once per week.	X	X		Contractor Environmental Monitor City Planning Division						
Mitigation Measure BIO-6.2	Staging areas and project activities, including equipment access and disposal or temporary placement of excess fill, shall be prohibited within off-site drainages.		X		Contractor						
<b>CULTURAL RESOURCES</b>											
Mitigation Measure CR-1.1	The City recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the project location (TCA Tribe) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between the Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.	X			City Planning Division						
Mitigation Measure CR-1.2	Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.	X			City Planning Division						



Mitigation Measure No.	Mitigation Measure	Timing of Verification			Responsible Party	Completed		Res. Team Member	Spec Section or Dwg No.	Verified in Contract by	Comments
		Pre Const	During Const	Post Const		Initials	Date				
Mitigation Measure CR-1.3	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.	X			Contractor Environmental Monitor						
Mitigation Measure CR-1.4	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.		X		Environmental Monitor						
Mitigation Measure CR-1.5	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.		X		Environmental Monitor						
Mitigation Measure CR-1.6	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.		X		Environmental Monitor City Planning Division						
Mitigation Measure CR-1.7	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.		X		Environmental Monitor City Planning Division						

Mitigation Measure No.	Mitigation Measure	Timing of Verification			Responsible Party	Completed		Resp. Team Member	Spec Section or Dwg No.	Verified in Contract by	Comments
		Pre Const	During Const	Post Const		Initials	Date				
Mitigation Measure CR-1.8	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.		X		Environmental Monitor City Planning Division						
Mitigation Measure CR-1.9	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.		X		Environmental Monitor City Planning Division						
Mitigation Measure CR-1.10	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.			X	Environmental Monitor City Planning Division						

Mitigation Measure No.	Mitigation Measure	Timing of Verification			Responsible Party	Completed		Resp. Team Member	Spec Section or Dwg No.	Verified in Contract by	Comments
		Pre Const	During Const	Post Const		Initials	Date				
Mitigation Measure CR-2.1	<p>The following actions shall be taken to ensure avoidance of known cultural resources:</p> <ul style="list-style-type: none"> <li>Existing cultural resource sites shall be designated as Environmentally Sensitive Areas on all construction drawings and the limits of disturbance identified in the drawings shall not overlap with these Environmentally Sensitive Areas.</li> <li>Prior to the start of construction, under direction of the project archaeological monitor, orange construction fencing shall be placed around the known cultural resource sites. Fencing shall remain in place until construction is complete to avoid inadvertent disturbance of the site.</li> <li>The project archaeological monitor shall provide environmental training to all contractors to educate them on awareness of cultural resources protection requirements.</li> </ul>	X			Environmental Monitor City Planning Division						
<b>NOISE</b>											
Mitigation Measure NOI-1.1	<p>The construction contractor shall establish a telephone hot-line for use by the public to report any significant adverse noise conditions associated with the construction of the project. If the telephone is not staffed 24 hours per day, the contractor shall be required to include an automatic answering feature, with date and time stamp recording, to answer calls when the phone is unattended. This hot-line telephone number shall be posted at the project site during construction in a manner visible to passersby. This telephone number shall be maintained until the project has been considered commissioned and ready for operation.</p>	X	X		Contractor						
Mitigation Measure NOI-1.2	<p>Throughout the construction of the project, the contractor shall be required to document, investigate, evaluate, and attempt to resolve all project-related noise complaints. The contractor or its authorized agent shall be required to:</p> <ul style="list-style-type: none"> <li>Use a Noise Complaint Resolution Form to document and respond to each noise complaint;</li> <li>Contact the person(s) making the noise complaint within 24 hours;</li> <li>Conduct an investigation to attempt to determine the source of noise related to the complaint; and</li> <li>Take all reasonable measures to reduce the noise at its source.</li> </ul>		X		Contractor						

Mitigation Measure No.	Mitigation Measure	Timing of Verification			Responsible Party	Completed		Spec Section or Dwg No.	Verified in Contract by	Comments
		Pre Const	During Const	Post Const		Initials	Date			
Mitigation Measure NOI-1.3	<p>The contractor or its authorized agent shall be required to:</p> <ul style="list-style-type: none"> <li>Adjust all audible back-up alarms downward in sound level, reflecting locations that have expected lower background level, while still maintaining adequate signal-to-noise ratio for alarm effectiveness. Consider signal persons and strobe lights, or alternative safety equipment and/or processes as allowed, for reducing reliance on high-amplitude sonic alarms.</li> <li>Place stationary noise sources, such as generators and air compressors, away from affected noise-sensitive receivers to the farthest extent practical on the project site. Place non-noise-producing mobile equipment such as trailers in the direct sound pathways between suspected major noise-producing sources and these sensitive receivers. To minimize flanking underneath or through vertical gaps, the construction contractor shall cover the openings with at least 0.5-inch-thick plywood, hay bales, or other sufficiently dense material.</li> </ul>	X			Contractor					
Mitigation Measure NOI-1.4	<p>The contractor shall implement the following, as appropriate to the type of work being performed:</p> <ul style="list-style-type: none"> <li>Use concrete crushers or pavement saws rather than impact devices such as jackhammers, pavement breakers, and hoe rams for tasks such as concrete or asphalt demolition and removal.</li> <li>Pneumatic impact tools and equipment used at the construction site shall have intake and exhaust mufflers recommended by the manufacturers thereof, to meet relevant noise limitations.</li> <li>Provide impact noise-producing equipment (i.e., jackhammers and pavement breaker[s]) with noise attenuating shields, shrouds or portable barriers or enclosures, to reduce operating noise.</li> <li>Line or cover hoppers, storage bins, and chutes with sound-deadening material (e.g., apply wood or rubber liners to metal bin impact surfaces).</li> <li>Provide upgraded mufflers, acoustical lining, or acoustical paneling for other noisy equipment, including internal combustion engines.</li> <li>Use alternative procedures of construction and select a combination of techniques that generate the least overall noise and vibration.</li> <li>Use construction equipment manufactured or modified to reduce noise and vibration emissions, such as:                             <ul style="list-style-type: none"> <li>Electric instead of diesel-powered equipment.</li> </ul> </li> </ul>	X			Contractor					



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## CITY COUNCIL STAFF REPORT

**Public Hearing Item No. 11**

**September 23, 2020**

**File No. 0860-20**

**SUBJECT:** Zone Change, Master and Precise Development Plan, Conditional Use Permit, and Specific Alignment Plan for Carvana Auto Dealership - PL 20-0447

**DEPARTMENT:** Community Development Department, Planning Division

**RECOMMENDATION:**

It is requested that the City Council conduct a public hearing on the Carvana Auto Dealership proposal and take action on the recommendations of City staff and the Planning Commission, which recommends that the City Council:

- 1) Introduce Ordinance No. 2020-25 to approve a Zone Change from General Industrial (“M-2”) to Planned Development-Industrial (“PD-I”), Master and Precise Development Plan for an auto dealership, and a Class 32 In-Fill Exemption in accordance with the California Environmental Quality Act (“CEQA”); and
- 2) Adopt Resolution No. 2020-129 approving a Conditional Use Permit (“CUP”) for a car dealership within an industrial zone and a Specific Alignment Plan (“SAP”) for Hale Avenue.

**PROJECT DESCRIPTION:**

The land use development application consists of a new car dealership within an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height (“Project”). A Zone Change from M-2 zoning to PD-I zoning is requested to implement the Master and Precise Development Plan and CUP request. A proposed SAP to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street includes dual southbound left-turn lanes. The Project’s improvements would add turn lane capacity to the southbound leg of the intersection without removing existing southbound through lanes, therefore providing additional storage space for southbound left-turning vehicles. The proposed class II bike lane would be modified/eliminated across the Project frontage. The project also includes a request to adopt a determination that the Project is exempt pursuant to Section 15332 of the CEQA Guidelines as an in-Fill development project.

**LOCATION:**

The approximately 1.85-acre site generally is located on the northern side of Hale Avenue, east of Interstate 15, west of Washington Avenue and the NCTD Sprinter Line, addressed as 559 N. Hale Avenue (APN 232-061-25-00) and is depicted in Attachment “1” to the Planning Commission staff report, which itself is attached hereto as Attachment “1”.

FISCAL ANALYSIS:

The proposed Project is a private development project that will require the payment of fees in effect at the time permits are requested. Carvana anticipates first year sales of approximately \$25+ million.

PLANNING COMMISSION RECOMMENDATION:

On September 8, 2020, the Planning Commission voted 4-2 (Commissioner Paul and Commissioner Doan voting no) to recommend that the City Council approve the Project. The Commission discussed the potential sales tax that would be generated by the Project and how it is distributed to the City. The two (2) Commissioners who voted “no” did not support the significantly prominent building design and lighting, and felt the proposed use would not be a high employment generator. The Planning Commission staff report and Planning Commission meeting minutes are provided as Attachments “1” and “2”, respectively.

BACKGROUND:

The proposed 1.85-acre Project site, located at 559 N. Hale Avenue, previously was occupied by the Talone Meats/North County Packing Company. A fire destroyed the building in 2016 and the remaining portions were subsequently demolished, but the foundation remains. The property generally is flat with no significant topographical features. The site is triangular in shape and located adjacent to Interstate-15 and a bridge on the west. The freeway lanes are located approximately 20+ feet higher than the project site. The North County Transit District (“NCTD”) Sprinter Line and inland bike path are located along the eastern boundary of the site. The property fronts onto Hale Avenue on the south. Surrounding land uses include equipment rental and light/heavy industrial to the north and east, and light industrial/commercial to the south.

*Project Design and Operation*

The Project consists of an approximately 5,800 SF, eight-(8) tier contemporary designed glass and steel tower/vending machine and exhibition type structure up to 75 feet in height for the sale of vehicles to the public. The tower structure would utilize a highly transparent type of low-e “solar control” glass in order to enhance the visibility of the vehicles stored in the tower. The glass also maintains a low visible light reflectance to address potential glare issues along Interstate-15. The vehicle lifts would contain accent lighting and colored LED lighting also would be provided to light up the interior of the tower. The top of tower would include a blue color band and framed with two rows of LED accent lighting. The main body of the first floor includes a combination of storefront glass, white exterior walls and a blue accent panel, as shown on the architectural color scheme included with Exhibit “D” to the Planning Commission staff report provided in Attachment “1”.

Purchasing a vehicle from Carvana is completed on-line through Carvana’s national inventory of 20,000+ vehicles. The structure utilizes an automated storage and retrieval system to move vehicles in and out of the tower. The tower allows vehicles to be stacked temporarily (four vehicles per tier) in a vertical configuration until they are retrieved for the customer. Only cars that were sold online are



loaded into the Vending Machine tower. The Carvana Vending Machine operation differs significantly from traditional car dealership models that typically require larger surface parking areas to store and display new and used vehicles inventory. Vehicles are picked up from Carvana by appointment only, or can be delivered directly to the customer. The facility does not provide parts or services on site, fuel pumps or sales representatives.

ANALYSIS:

**1. General Plan / Zoning**

The City's General Plan land use designation for the project site is General Industrial ("GI") with an underlying zoning designation of M-2. Car dealerships ("new and/or used auto sales") are allowed within the M-2 zoning district subject to the issuance of a CUP. The General Plan's General Industrial land-use designation limits building heights to two stories, but does not define the ultimate height of buildings or stories. The underlying M-2 Zone does not restrict building height, and overall height is subject to conformance with the California Building Code. The tower structures with mechanical lifts are not considered stories/floors. Therefore, the proposed eight-tiered structure would be in conformance with all of the aforementioned height requirements. The change of zone from M-2 to PD-I would be in conformance with the General Industrial land-use designation, and the Planned Development Ordinance (Article 19 of the Escondido Zoning Code), which allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido General Plan and development policies may be accomplished for specific parcels. The property also is located within the Downtown Transit Station Target Area (characterized as Target Area "a" in the "Land Use and Community Form" section of the General Plan). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the City's median income and improving the jobs/housing balance.

**2. General Provisions and Standards for Planned Development**

The Planned Development Ordinance (Article 19) provides more flexibility in development standards that are adopted as part of the Planned Development Zone for desirable quality projects. The project site is located with the M-2 Zone that limits wall signage to a maximum of one SF of signage per every 100 SF of gross floor area. This would allow up to 103 SF of wall signage. For comparison, the General Commercial ("CG") Zone allows up to one SF of signage per 50 SF of gross floor area that would allow up to 106 SF of wall signage. The applicant is proposing up to 325 SF of wall signage in conformance with their standard corporate branding and typical building design. Therefore, the applicant is requesting a Master and Precise Development Plan along with a Zone Change from M-2 zoning to PD-I to allow for the increase in allowable signage. Establishment of the Planned Development Zone and Master Development Plan provides for more flexibility in regulatory standards and allows the Master Plan to establish site-specific development standards such as site design and signage to encourage a more desirable project and environment. Staff feels the proposed signage would be appropriate for this specific development given the increased signage allowed for the Escondido Auto Park related uses west of Interstate-15, the off-site Auto Park freeway oriented

digital sign, and other signage allowance for the auto dealerships along Interstate-15 south of Ninth Avenue.

### **3. Specific Alignment Plan**

Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). The Super Major roadway classification was a placeholder designation until the specific needs for this section of roadway was analyzed to determine the actual design improvements to accommodate current and future traffic. Hale Avenue immediately west of the project site is under the jurisdiction of Caltrans and contains the Interstate 15 Bridge and High Occupancy Vehicle ("HOV") signalized entrance/exits. Therefore, the applicant submitted a SAP for Hale Avenue to include the widening of N. Hale Avenue in order to accommodate two southbound left-turn pocket lanes onto Tulip Street. Improvements include re-striping the roadway for approximately 400 feet, reconstruction of the existing median along N. Hale Avenue, construction of two access driveways to the proposed Carvana Project site (right-in and right-out only at eastern driveway), and new sidewalk along the property frontage. These improvements will require traffic signal modifications at the intersection of Hale Avenue and Tulip Street. An additional nine (9) feet of dedication is required to accommodate the proposed improvements. A striped Class II bicycle lane is identified along Hale Avenue in the City's Bicycle Master Plan. The current and proposed roadway design would not be able to accommodate a Class II lane across the project frontage. Existing improvements east of the project site within the Caltrans section of the roadway and west of the site within the NCTD rail crossing also cannot accommodate a Class II bike lane. These facilities have been fully improved and do not provide on-street bicycle provisions. Therefore, staff is recommending the Class II lane be eliminated along this segment of roadway from the SAP. The existing Class I bike path along Escondido Creek located to the south of Hale Avenue is a preferred east/west route that also connects to the inland bike trail along the southern side of Hale Avenue that provides a suitable alternative.

#### PUBLIC INPUT:

As of this writing, no written or oral comments have been received from the public regarding the proposed Project.

#### ENVIRONMENTAL REVIEW:

The CEQA Guidelines lists classes of projects that have been determined to not have a significant effect on the environment and as a result are exempt from review under CEQA. The Project site is located within a developed urban area of the City, is currently vacant, previously disturbed by past development, and all of the buildings have been removed, except for the foundations. The proposed project qualifies for a categorical exemption from CEQA pursuant to CEQA Guidelines section 15332, as an in-fill development project. The CEQA Notice of Exemption prepared for the Project is provided as Attachment "3", and demonstrates the Project qualifies for the exemption and does not have a significant effect on the environment.

CONCLUSION:

The proposed project is consistent with the General Plan and Downtown Transit Station Target Area (characterized as Target Area “a” in Section II “Land Use and Community Form” of the General Plan) as the project would revitalize the site and expand the commercial base, increase sales tax revenues and create additional jobs. The Planning Commission acts as an advisory body to the City Council on applications for Planned Developments. Staff believes the proposed Planned Development (Master and Precise Development Plan) and Conditional Use Permit provides for a well-designed project that will be beneficial to the Transit Station Target Area and an economic asset to the larger Interstate-15 corridor. The SAP would provide appropriate design features to accommodate the project and anticipated traffic along the project area segment of Hale Avenue.

Both the Planning Commission and staff recommend the City Council approve the proposed Tentative Subdivision Map, Master and Precise Development Plan, Zone Change, and Specific Alignment Plan for the Carvana auto dealership.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Mike Strong*, Director of Community Development  
9/16/20 4:05 p.m.

ATTACHMENTS:

1. Attachment 1 – Planning Commission staff report (September 8, 2020)
2. Attachment 2 – Planning Commission Minutes - Draft (September 8, 2020)
3. Attachment 3 – Notice of Exemption
4. Ordinance No. 2020-25
5. Ordinance No. 2020-25 – Exhibits A and B
6. Resolution No. 2020-129
7. Resolution No. 2020-129 – Exhibits A, B and C



# PLANNING COMMISSION

Agenda Item No.: G.1  
Date: September 8, 2020

**PROJECT NUMBER / NAME:** PL 20-0447 / Carvana

**REQUEST:** Master and Precise Development Plan and Conditional Use Permit for the development of a proposed Carvana Fulfillment Center / Vending Machine auto dealership. The project consists of an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. A Zone Change from Light Industrial (M-2) zoning to Planned Development-Industrial (PD-I) zoning is requested to implement the Planned Development. A proposed Specific Alignment Plan to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street to include dual southbound left-turn lanes. The improvements would add turn lane capacity to the southbound leg of the intersection without removing existing southbound through lanes, therefore providing additional storage space for southbound left-turning vehicles. The proposed class II bike lane would be modified/eliminated across the project frontage. The proposal also includes the adoption of the environmental determination prepared for the project.

**LOCATION:** 559 N. Hale Avenue

**APPLICANT:** Carvana

**APN / APNS:** 232-061-25-00

**PRIMARY REPRESENTATIVE:** Jo Ryan - Carvana

**GENERAL PLAN / ZONING:** General Industrial (GI) / M-2 General Industrial zone

**DISCRETIONARY ACTIONS REQUESTED:** Master and Precise Development Plan, Conditional Use Permit, Zone Change and Specific Alignment Plan

**PREVIOUS ACTIONS:** None

**PROJECT PLANNER:** Jay Paul, Senior Planner, [jpaul@escondido.org](mailto:jpaul@escondido.org)

**CEQA RECOMMENDATION:** Exemption - Class 32 CEQA Guidelines Section 15332 "Infill Development Projects"

**STAFF RECOMMENDATION:** Recommend City Council approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2020-09

**CITY COUNCIL HEARING REQUIRED:**  YES  NO

**REPORT APPROVALS:**  Mike Strong, Community Development Director

**A. BACKGROUND:**

The proposed 1.85-acre project site, located at 559 N. Hale Avenue, previously was occupied by the Talone Meats/North County Packing Company. The building was destroyed by a fire in 2016 and the remaining portions subsequently demolished, but the foundation still remains. The property generally is flat with no significant topographical features. The site is triangle in shape and located adjacent to Interstate 15 and bridge on the west. The freeway lanes are located approximately 20<sup>+</sup> feet higher than the project site. The North County Transit District "NCTD" Sprinter Line and inland bike path are located along the eastern boundary of the site. The property fronts onto Hale Avenue on the south. Surrounding land uses include equipment rental and light/heavy industrial to the north and east, and light industrial/commercial to the south.

The proposed project includes the construction of a 5,800 SF, eight-tier, 75-foot tall glass tower vending machine type structure for the sale of vehicles to the public. Purchasing a vehicle from Carvana is done on-line through their national inventory of 20,000+ vehicles. The Vending Machine tower is a vertical glass and steel parking and exhibition structure that utilizes an automated storage and retrieval system to move vehicles in and out of the tower. The tower allows vehicles to be stacked temporarily (4 vehicles per tier) in a vertical configuration until they are retrieved for the customer. Only cars that were sold online are loaded into the Vending Machine tower. The Carvana Vending Machine operation differs significantly from traditional car dealership models, that typically require larger surface parking areas to store and display new and used vehicles inventory. Vehicles are picked up from Carvana by appointment only, or can be delivered directly to the customer. The facility does not provide parts or services on site, fuel pumps or sales representatives.

Carvana currently operates 24 Vending Machines in 14 states, with two located in California. This would be the first of this type of this facility within the San Diego region. The business generally employs approximately 10 to 12 Customer Advocates with duties ranging from scheduling pick-up appointments, assisting in the off-loading of vehicles from the delivery trucks, loading vehicles into the vending machine, and finalizing paperwork with customers. The facility also provides a wash bay area and vehicle prep. Carvana anticipates two to three truck deliveries each day via a nine-car hauler truck. Carvana owns and operates their own fleet of delivery vehicles. The off loaded vehicles are staged in the parking lot until finally loaded into the tower. Typical hours of operation are daily from 9:00 a.m. to 7:00 p.m., by appointment only.

The proposed Planned Development includes Specific Alignment Plan (SPA) for a modification to the design requirements for Hale Avenue that includes a nine-(9) foot dedication of right-of-way to accommodate the necessary roadway and intersection improvements at Hale Avenue/Tulip Street to support the project and traffic along this section of Hale Avenue. Project plans are attached to draft Planning Commission Resolution No. 2020-09 as Exhibit "D."

## **A. PROJECT ANALYSIS:**

### **1. General Plan / Zoning**

The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Car dealerships ("auto sales") are allowed within the M-2 zoning district subject to the issuance of a Conditional Use Permit. The General Plan's General Industrial land-use designation limits building heights to two stories, but does not define the ultimate height of buildings or stories. The underlying M-2 Zone does not restrict building height, and overall height is subject to conformance with the California Building Code. The City does not interpret the tower structures with its tiers of open vehicles lifts as traditional stories/floors. Therefore, the proposed eight-tiered structure would be in conformance with all of the aforementioned height requirements. The change of zone from M-2 to Planned Development-Industrial (PD-I) would be in conformance with the General Industrial land-use designation, and the Planned Development Zoning (Article 19 of the Escondido Zoning Code) allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels. The property also is located within the Downtown Transit Station Target Area (characterized as Target Area "a" in the "Land Use and Community Form" section of the General Plan). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. Cavana anticipates first year sales of approximately 25<sup>+</sup> million.

### **2. Design**

The project consists of an approximately 5,800 SF, eight-(8) tier contemporary designed glass and steel tower structure up to 75 feet in height. The tower structure would utilize a highly transparent type of low-e "solar control" glass in order enhance the visibility of the vehicles stored in the tower. The glass also maintains a low visible light reflectance to address potential glare issues along Interstate 15, which was a concern raised by Caltrans (provided as Attachment 2). The vehicle lifts would contain accent lighting and colored LED lighting also would be provided to light up the interior of the tower. A condition has been added to include a dimmer device with the interior tower lighting in order to control the intensity of the tower lighting. The top of tower would include a blue color band and framed with two rows of LED accent lighting. The main body of the first floor includes a combination of storefront glass, white exterior walls and a blue accent panel, as shown on the architectural color scheme include with Exhibit "D" to the draft Planning Commission Resolution 2020-09. Mechanical equipment located on the roof would be screened from view by the roof parapet.

### **3. General Provisions and Standards for Planned Development**

The Planned Development Ordinance (Article 19) provides more flexibility in development standards that are adopted as part of the Planned Development Zone for an overall high quality planned development. The project site is located with the Light Industrial (M-2) zone that limits

wall signage to a maximum of 1 SF of signage per every 100 SF of gross floor area. This would allow up to 103 SF of wall signage. For comparison, the General Commercial zone (CG) allows up to 1 SF of signage per 50 SF of gross floor area, that would allow up to 106 SF of wall signage. The applicant is proposing up to 325 SF of wall signage in conformance with their standard corporate branding and typical building design. Therefore, the applicant is requesting a Master and Precise Development Plan along with a Zone Change from General Industrial (M-2) zoning to Planned Development-Industrial (PD-I) to allow for the increase in allowable signage. The applicant also indicated that exterior signage and interior tower lighting would be on from dusk to dawn. Therefore, a condition has been included to incorporate a dimmer type device into the final lighting and signage plans to control intensity during evening hours to avoid potential impacts along Interstate 15 and from distance views from residential areas. Establishment of the Planned Development Zone and Master Development Plan provides for more flexibility in regulatory standards and allows for the Master Plan to establish site specific development standards such as site design and signage to encourage a more desirable project and environment. Staff feels the proposed signage would be appropriate for this specific development given the increased signage allowed for the Escondido Auto Park related uses west of Interstate-15, the off-site Auto Park freeway oriented digital sign, and other signage allowance for the auto dealerships along Interstate-15 south of Ninth Avenue.

#### **4. Specific Alignment Plan**

Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). The Super Major roadway classification was a placeholder designation until the specific needs for this section of roadway was analyzed to determine the actual design improvements to accommodate current and future traffic. Hale Avenue immediately west of the project site is under the jurisdiction of Caltrans and contains the Interstate 15 bridge and High Occupancy Vehicle "HOV" signalized entrance/exits. Therefore, the applicant submitted a Specific Alignment Plan "SAP" for Hale Avenue to include the widening of N. Hale Avenue in order to accommodate two southbound left-turn pocket lanes onto Tulip Street. Improvements include re-striping the roadway for approximately 400 feet, reconstruction of the existing median along N. Hale Avenue, construction of two access driveways to the proposed Carvana project site (right-in and right-out only at eastern driveway), and new sidewalk along the property frontage. These improvements will require traffic signal modifications at the intersection of Hale Avenue and Tulip Street. An additional nine (9) feet of dedication is required to accommodate the proposed improvements. A striped Class II bicycle lane is identified along Hale Avenue in the City's Bicycle Master Plan. The current and proposed roadway design would not be able to accommodate a Class II lane across the project frontage. Existing improvements east of the project site within the Caltrans section of the roadway and west of the site within the NCTD rail crossing also cannot accommodate a Class II bike lane. These facilities have been fully improved and do not provide on-street bicycle provisions. Therefore, staff is recommending the Class II lane be eliminated along this segment of roadway from the SAP. The existing Class I bike path along Escondido Creek located to the south of Hale Avenue is a preferred east/west route that also connects to the inland bike trail along the southern side of Hale Avenue, that provides a suitable alternative.

**B. SUPPLEMENTAL DETAILS OF REQUEST**

- 1. Property Size: 1.85 acres (1 parcel)
- 2. Building Size: 5,829 SF ground floor area
- 3. Building Height: 75 feet (eight display tiers includes ground floors to accommodate four cars/lifts per tier)
- 4. Materials: Stucco (white) and storefront type glass for first floor with blue trim element. Clear glass tower structure with blue accent trim and signage around roofline.

5. Parking:	<u>Required</u> 21 spaces (1 per 300 SF office space 3,697 SF / 300 = 12.3 spaces) (1 per 800 SF storage area ground level storage 2,132 SF upper level storage 680 SF each level x 7 levels = 4,760 SF 6,892 SF storage/800 = 8.6 spaces	<u>Proposed</u> 54(includes 3 accessible spaces and 4 EV spaces) Temporary vehicle storage in parking spaces before tower loading
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5. <u>Setbacks</u>	<u>Required (M-1 zone)</u>	<u>Proposed</u>
Front:	10 feet	77 feet
Side:	0 feet	59 feet and 67 feet
Rear:	0 feet	250+ feet

6. Signage:	<u>M-2 zone Allowed</u>	<u>Proposed (Planned Development)</u>
Wall:	103 SF max. (1 SF/100 SF floor area) Based on 5,827 sf ground floor area and area of ind. lifts 8.5' x 20' x 28 lifts (4,480 sf)	325 SF (includes 4 channel letter signs, white 54.8 sf each; 4 logo cabinet 24.2 sf each; and 1 logo cabinet 9.0 sf
Freestanding:	1 per frontage, max. 50 sf and 6' height	None proposed

All signage subject to conformance with Article 66 (Sign Ordinance) and as approved as part of the Planned Development. A separate wall or freestanding commemorative plaque would not be counted towards signage allowance. A separate sign plan/permit will need to be submitted and approved.



7. Landscaping: New ornamental landscaping, irrigation, and street trees to be provided along Hale Avenue, perimeter and parking areas. Biofiltration features are designed within the landscaped area. Preservation of three eucalyptus trees proposed. New decorative tube steel fencing along NCTD frontage (eastern side). No security fencing/gates along frontage proposed.
8. Loading: Loading for deliveries will be provided within the drive aisle adjacent to the building within the interior of the project. Temporary vehicle staging in identified parking spots until loaded into the tower.
9. Trash: Trash and recycling bins will be available within a new trash enclosure. Collection service would be provided by Escondido Disposal (EDI).
10. Lighting: Light fixtures will be installed to illuminate building exterior, walkways and parking areas. Two rows of decorative lighting (approximately 320 lf) also would be provided along the upper roofline/signage color band.
11. Heating & Ventilation: Mechanical equipment (HVAC) units would be installed on the roof (1st floor). All HVAC equipment would be installed on mechanical pads and would be screened by the 1st floor parapet.

**C. AVAILABILITY OF PUBLIC SERVICES**

1. Effect on Police Service – The Police Department has expressed no concern regarding their ability to provide service to the site.
2. Effect on Fire Service – The site is served by Fire Station No. 1 (310 North Quince Street). Development of the site would contribute incremental increases in demand for fire services. Comments received from the Escondido Fire Department indicate that additional fire hydrants will be constructed for the project and adequate turning radius for fire apparatus will be constructed for the project. The Fire Department has indicated that adequate services can be provided to the site and the proposed project would not impact levels of service.
3. Traffic – According to the Engineering Division, the project does not materially degrade the levels of service on the adjacent streets. Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). A typical auto dealership operation is anticipated to generate approximately 290 average daily trips (23 peak hour trips). However, based on the Carvana operational characteristics, anticipated daily trips would be significantly less than a typical auto dealership (approximately 142 ADT). As part of the project, an additional nine (9) feet of right-of-way would be dedicated along the project frontage and

Hale Avenue widened to accommodate dual southbound left-turn lanes at the intersection of Hale Avenue/Tulip Street.

4. Utilities – City sewer and water mains with sufficient capacity to serve the project are available within the adjacent roadways. The project would not materially degrade the levels of service of the public sewer and water system.
5. Drainage – The project site is not located within a 100-year Flood Zone as indicated on current FEMA maps. There are no significant drainage courses within or adjoining the property. The project has provided a drainage study and designed drainage facilities to control runoff. Runoff from the project will be directed into a series of BMP treatment features to separate targeted pollutants from the runoff before it leaves the site. The project does not materially degrade the levels of service of the existing drainage facilities. The Engineering Divisions indicated the drainage issues raised by Caltrans will be adequately addressed with the final improvement/civil plans.

#### **D. ENVIRONMENTAL STATUS:**

The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) under section 15332, Class 32 In-fill Development Project. CEQA Guidelines lists classes of projects that have been determined to not have a significant effect on the environment and as a result are exempt from review under CEQA. The site is currently vacant, disturbed, and cleared of all structures, except for foundations, paving and other on-site infrastructure related to the previous industrial use of the site.

A Class 32 CEQA Exemption for the Carvana demonstrates the project or its circumstances would not result in any exceptions identified in CEQA Guidelines, section 15300.2. Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines, section 15332, defines in-fill development (Class 32 exemptions) as being applicable to projects meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Based on the environmental analysis provided in the Class 32 CEQA Exemption, no circumstances previously evaluated in the previously certified Final EIR for the General Plan and Downtown Specific Plan (May 23, 2012) and the Addendum to the certified Final EIR (March 21, 2019) have changed with respect to the proposed development. In addition, the proposed project would not create substantial changes or bring to light new information of the substantial importance that was not previously examined in these Final EIR and Addendum. As a result, a

Class 32 CEQA Exemption was prepared pursuant to the CEQA's requirements for an "in-fill development" within an urbanized area. The analysis presented in the Class 32 CEQA exemption demonstrates that the project qualifies for the exemption and does not have significant effects on the environment (Attachment 3).

**E. CONCLUSIONS:**

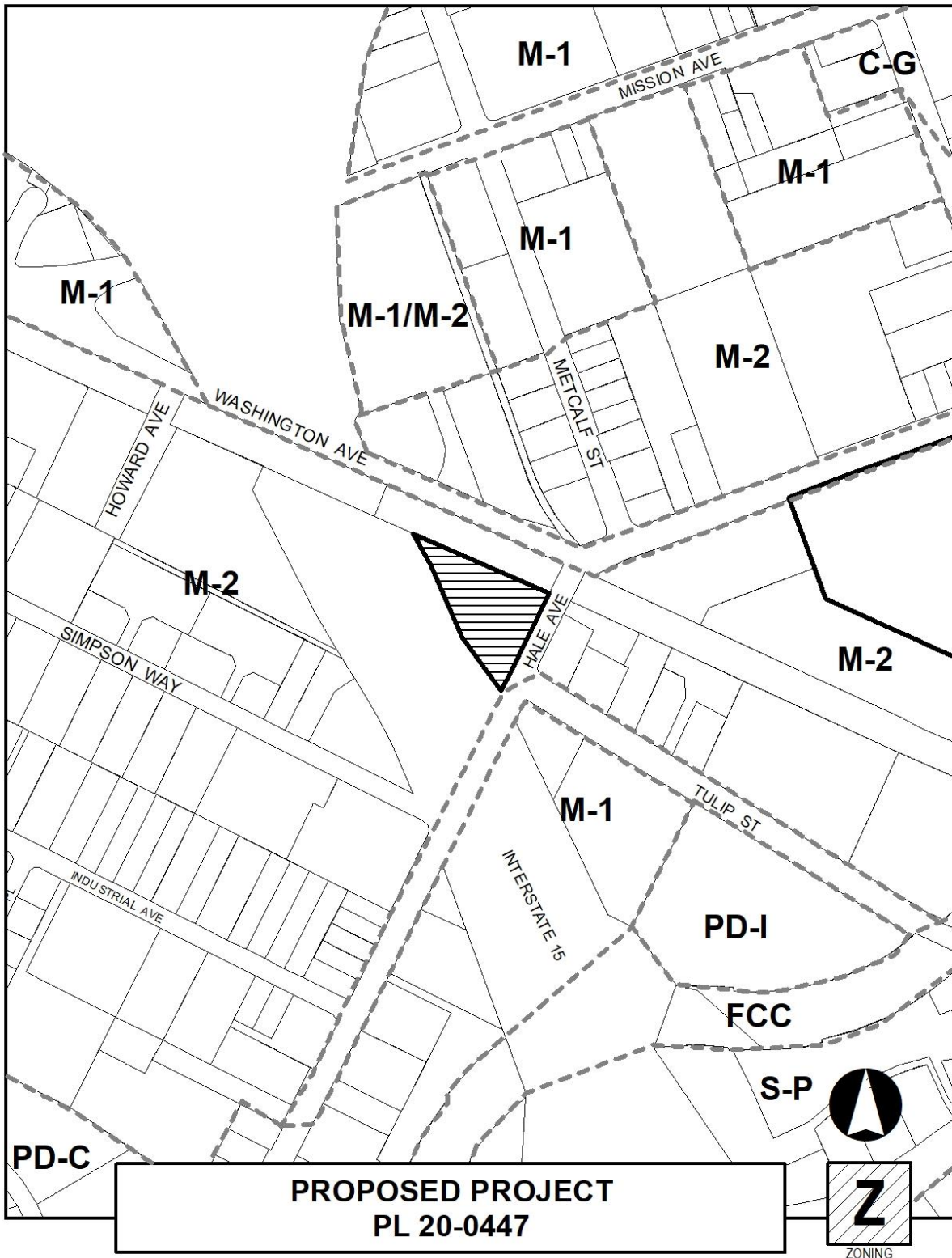
The proposed project is consistent with the General Plan and Downtown Transit Station Target Area (characterized as Target Area "a" in Section II "Land Use and Community Form" of the General Plan) as the project would revitalize the site and expand the commercial base, increase sales tax revenues and create additional jobs. The Planning Commission acts as an advisory body to the City Council on applications for Planned Developments. Staff believes the proposed Planned Development (Master and Precise Development Plan) and Conditional Use Permit provides for a well-designed project that will be beneficial to the Transit Station Target Area and an economic asset to the larger Interstate-15 corridor. The SAP would provide appropriate design features to accommodate the project and anticipated traffic along the project area segment of Hale Avenue.

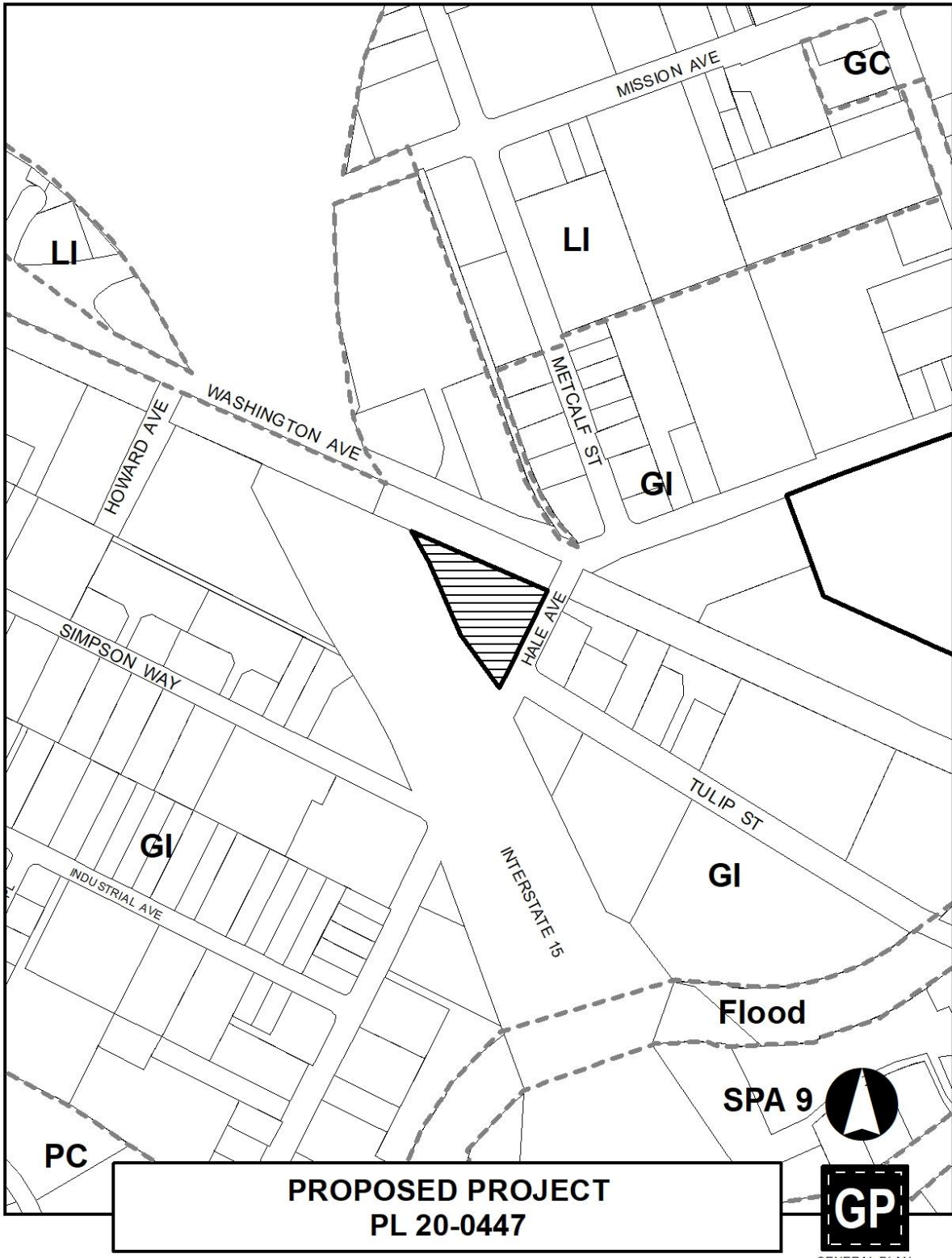
Staff recommends the Planning Commission adopt Resolution 2020-09, recommending approval of the proposed Planned Development (Master and Precise Development Plan), Conditional Use Permit, Zone Change and Specific Alignment Plan described in this staff report, and as detailed in Exhibits "A" through "D" to the draft Resolution.

**ATTACHMENTS:**

1. Location and General Plan Map
2. Comment letter(s)
3. CEQA Exemption
4. Resolution 2020-09

ATTACHMENT 1





## ATTACHMENT 2

### DEPARTMENT OF TRANSPORTATION

DISTRICT 11  
4050 TAYLOR STREET, MS-240  
SAN DIEGO, CA 92110  
PHONE (619) 688-3137  
FAX (619) 688-4299  
TTY 711  
[www.dot.ca.gov](http://www.dot.ca.gov)



Making Conservation  
a California Way of Life.

August 24, 2020

11-SD-15

PM 31.053

Carvana Auto Vending Machine  
Site Development Plan

Mr. Jay Paul  
Senior Planner  
Community Development Department  
City of Escondido  
201 North Broadway  
Escondido, CA 92025

Dear Mr. Paul:

Thank you for including the California Department of Transportation (Caltrans) in the review for the Carvana Auto Vending Machine project adjacent to Interstate 15 (I-15). The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. The Local Development-Intergovernmental Review (LD-IGR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities.

Caltrans has the following comments:

#### **Hydrology and Drainage Studies**

1. This development is proposing to divert flows from an existing Caltrans drainage facility to a City owned drainage facility. In order for the diversion of flow to be considered the following items are required:
  - a. Justification from the local agency approving the diversion of flow.
  - b. A letter from the local agency approving the diversion of flow.
  - c. Encroachment policy exception approval through Caltrans HQ for the diversion of flow.
2. The portion of private pipe within Caltrans' R/W must be properly abandoned or removed.
3. Provide a copy of City/County Record Drawings for the City/County owned drainage facilities.



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August 24, 2020  
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4. Provide a copy of Caltrans as-builts for drainage features being affected due to private pipe abandonment/removal.
5. Provide a letter from the City of Escondido accepting the diversion of flow.
6. Coordinate with Caltrans' Survey Branch to obtain Caltrans Right of Way (R/W) and I-15 Caltrans' stationing and centerline to be shown on plans and maps containing I-15.
7. Show and label on existing watershed basin map
  - a. Existing drainage facilities
  - b. Existing contours
  - c. Caltrans R/W
  - d. Caltrans centerline and stationing with alignment name
8. Proposed watershed basin map
  - e. Proposed drainage facilities
  - f. Proposed contours
  - g. Caltrans R/W
  - h. Caltrans centerline and stationing with alignment name

### **Complete Streets and Mobility Network**

Caltrans views all transportation improvements as opportunities to improve safety, access and mobility for all travelers in California and recognizes bicycle, pedestrian and transit modes as integral elements of the transportation system. Caltrans supports improved transit accommodation through the provision of Park and Ride facilities, improved bicycle and pedestrian access and safety improvements, signal prioritization for transit, bus on shoulders, ramp improvements, or other enhancements that promotes a complete and integrated transportation system. Early coordination with Caltrans, in locations that may affect both Caltrans and the City of Escondido, is encouraged.

To reduce greenhouse gas emissions and achieve California's Climate Change target, Caltrans is implementing Complete Streets and Climate Change policies into State Highway Operations and Protection Program (SHOPP) projects to meet multi-modal mobility needs.

The City of Escondido Bicycle Master Plan (October 2012) lists North Hale Avenue in the project area as "Proposed Class II Lanes." The Carvana project specific plan for the new proposed alignment of North Hale Avenue does not include bicycle lanes and is therefore inconsistent with the City of Escondido

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

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Bicycle Master Plan. Based on the North Hale Avenue Specific Alignment Plan, the #2 lane widths in each direction can accommodate shared-lane markings (sharrows). If the City would like to designate this area as a Class III marked bicycle route, it is suggested that the City and Caltrans address how the City would like to address bicycle access on North Hale Avenue.

### **Noise**

The applicant must be informed that in accordance with 23 Code of Federal Regulations (CFR) 772, the Department of Transportation (Caltrans) is not responsible for existing or future traffic noise impacts associated with the existing configuration of I-15.

### **Glare**

The proximity of the project site to I-15 raises some concerns regarding potential glare that could pose a potential risk to motorists traveling on I-15. General information was provided to Caltrans describing the reflective characteristics of these types of facilities. The project's potential glare characteristics should be considered as part of the City's Permit approval. Caltrans would want to ensure that all lighting, including reflected sunlight and reflected night lighting, within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on I-15.

### **Environmental**

Caltrans welcomes the opportunity to be a Responsible Agency under the California Environmental Quality Act (CEQA), as we have some discretionary authority of a portion of the project that is in Caltrans' R/W through the form of an encroachment permit process.

An encroachment permit will be required for any work within the Caltrans' R/W prior to construction. As part of the encroachment permit process, the applicant must provide approved final environmental documents for this project, corresponding technical studies, and necessary regulatory and resource agency permits. Specifically, CEQA determination or exemption. The supporting



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August 24, 2020  
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documents must address all environmental impacts within the Caltrans' R/W and address any impacts from avoidance and/or mitigation measures.

We recommend that this project specifically identifies and assesses potential impacts caused by the project or impacts from mitigation efforts that occur within Caltrans R/W that includes impacts to the natural environment, infrastructure (highways/roadways/on- and off-ramps) and appurtenant features (lighting/signs/guardrail/slopes).

**Right-of-Way**

- Per Business and Profession Code 8771, perpetuation of survey monuments by a licensed land surveyor is required, if they are being destroyed by any construction.
- Any work performed within Caltrans R/W will require discretionary review and approval by Caltrans and an encroachment permit will be required for any work within the Caltrans R/W prior to construction.

Additional information regarding encroachment permits may be obtained by contacting the Caltrans Permits Office at (619) 688-6158 or by visiting the website at <http://www.dot.ca.gov/trafficops/ep/index.html>. Early coordination with Caltrans is strongly advised for all encroachment permits.

If you have any questions, please contact Kimberly Dodson, of the Caltrans Development Review Branch, at (619) 688-2510 or by e-mail sent to [Kimberly.Dodson@dot.ca.gov](mailto:Kimberly.Dodson@dot.ca.gov).

Sincerely,

**electronically signed by**

**MAURICE EATON, Branch Chief  
Local Development and Intergovernmental Review**

PL20-0447  
September 8, 2020  
Planning Commission

Moffat, Ewan <Ewan.Moffat@sdcountry.ca.gov> Jay Paul; Rosecrans, Scott; Caes, Craig; Hines, Colleen -

FW: [EXT] PL 20-0447. Draft of email + attachments to be sent.

Retention Policy COE 90 Days Delete - Inbox (3 months) Expires 11/12/2020

You replied to this message on 8/13/2020 1:46 PM.

GW H03740.pdf 29 KB  
ESLs Benzene GW.pdf 198 KB  
GW Rev H03740.pdf 31 KB  
Soil H03740.pdf 769 KB  
Soil Vapor H03740.pdf 32 KB  
ESLs Benzene Soil Gas.pdf 83 KB

Jay

Hello there.

I have reviewed the email, building plans and the former release (H03740-001) for the Caravana Escondido Site. Based on my review, further evaluation is needed to determine potential health risks from dust and vapors that will be generated during grading and construction of the new complex, and potential benzene vapor intrusion into the new structure. The following comments below detail my review of the Site history, and the current petroleum impacts remaining at the Site that could pose health risks.

Summary of Former Local Oversight Program (LOP) case H03740-001

Following the removal of two underground storage tanks (USTs) in 1987, soil contamination was noted, and a Local Oversight Program (LOP) case was opened. Monitoring wells (MWs) were installed which revealed Liquid Phase Hydrocarbons (LPH) and high levels of dissolved volatile organic compounds (VOCs) associated with gasoline, primarily benzene which is a known carcinogen. The Site was remediated by several soil excavation events in 1988, 1990, and 1997. In addition, LPH removal was performed from 1988 to 1996, whereby approximately 3,000 gallons of LPH was removed. On January 2008, a Corrective Action Plan (CAP) was submitted which described the contamination at the Site, and estimated that benzene in groundwater would degrade to the Maximum Contaminant Level (MCL) of 1 ug/l within 177 years (2185). The CAP was approved for natural attenuation, following several groundwater monitoring events. On July 2013, the case was transferred to the San Diego RWQCB. Following the transfer, case closure was requested via the State Water Resources Control Board (SWRCB) Resolution No.2012-0016 Low-Threat Underground Storage Tank Case Closure Policy (LTCP). Based on the LTCP groundwater criteria of benzene concentrations being below 3,000 ug/l, the plume length being less than 250 feet, no remaining LPH, and the nearest supply well being over 1,000 feet away, closure was granted via the LTCP.

Discussion of groundwater contamination

The first attachment, *GW H03740*, shows the extent of dissolved benzene in groundwater during the last sampling event in January 2013. The outermost iso-concentration contour (1 ug/l) would define the estimated limits of the benzene plume, primarily because 1 ug/l is the MCL for benzene in groundwater. Moreover, the somewhat similar value of 1.8 ug/l benzene is the 2019 *San Francisco Environmental Screening Level* (ESL) for benzene in groundwater with the potential to volatilize with an excess cancer risk, based on commercial land use (see attached *ESL Benzene GW*). This ESL would bear more relevance to the construction project.

Further analysis of the benzene plume presented *GW H03740*, suggests that its size had been underestimated. Put another way, it infers that the southern, eastern, and western portions of the dissolved benzene plume (1 ug/l) immediately decrease moving downgradient from MW-1, MW-2 and MW-7, respectively. By interpolating the iso-concentration contours based on concentrations between MW-1, MW-2 and MW-7, and their respective downgradient MWs, the iso-concentration contours should have been spread out further. The second attachment, *GW Rev H03740*, presents this more conservative estimate of the 1 ug/l (or 1.8 ug/l) iso-concentration contour. This area would be considered to have the potential of benzene vapor migration into any future structure. Considering that the 2008 CAP estimated that benzene in groundwater would not degrade until the year 2185, it can be implied that somewhat similar benzene groundwater concentrations currently remain in groundwater beneath the Site today. Essentially, the entire area within blue dashed circle of *GW Rev H03740* has the potential for health risks and requires further evaluation as it appears that the new building will be constructed over it.

Remaining Soil Contamination

The attached *Soil H03740* shows the location of residual soil contamination, generally defined by the 100 mg/kg Total Petroleum Hydrocarbon (TPH) iso-concentration contour. The cross sections show the depth of the soil impacts. The diagrams show the impacts would primarily be in the former UST areas extending into the groundwater. As noted on the first page of the diagram, there are some residual benzene levels in soil (samples highlighted). Most of the benzene in soil is at 10 to 13 feet below grade surface (bgs). The benzene remaining in soil has the potential to volatilize into any structure that is built over it. Moreover, if excavation were to occur in these areas, monitoring is necessary to ensure that the health of construction workers and the surrounding community is protected.

Soil Vapor

The attached *Soil Vapor H03740* shows the location and sampling results for the soil vapor survey performed at the Site on July 2007. The benzene soil gas results were as high as 0.2 ug/l at 5-feet bgs. The Johnson and Ettinger (J&E) model was used by inputting both the highest soil vapor concentration (0.2 ug/l), and the depth of collection (5-feet bgs) into the model. The model then calculated an excess benzene cancer risk value of  $3.78 \times 10^{-6}$  which was less than the acceptable  $1.0 \times 10^{-6}$ , meaning that the level was acceptable. At 5-feet bgs, a benzene soil gas concentration of up to 5.4 ug/l would pass using the J&E model.

Even though a soil vapor survey was conducted and passed in 2007, it was done for the footprint of the former buildings, and most likely have would not have evaluated the new building footprint, or portions thereof. Moreover, the criteria for soil vapor has since become stricter, inasmuch that the 2007 results would not pass today. At this time, the J&E model is no longer used. Instead, the soil vapor concentration is now compared to the soil vapor ESL for benzene subsurface vapors with an excess cancer risk for commercial uses (see attached *ESL Benzene Soil Gas*). This ESL is  $14 \text{ ug/m}^3$  (0.014 ug/l). Because the 2007 soil vapor result of 0.2 ug/l is greater than 0.014 ug/l ESL, the 2007 soil gas data would now be considered in exceedance, and therefore requires further evaluation.

Summation of Items that Need Further Evaluation

1. Even though the actual land use designation of *commercial* will not change, the placement of new structures over the existing soil and groundwater contamination requires evaluation of potential soil vapor intrusion for the proposed structure. In addition, engineering controls may be necessary if levels of vapors are found that exceed health risk standards.
2. Excavation, management and disposal of impacted soil needs to be managed through an approved Soil Management Plan (SMP). This is for any impacted soil left in place from the former LOP case and any unanticipated contamination that may be found during the course of the excavation / grading. In addition, a Community Health and Safety Plan (CHSP) is needed to ensure that potential odors and dust from the excavated soils do not impact the community.

Closing Statement


Since further evaluation for soil vapor intrusion and soil management during excavation are necessary, DEH recommends that the applicant enter the Voluntary Assistance Program for regulatory oversight.

Please feel free to contact me if you have any questions.

Regards,

Ewan

Ewan Moffat, PG 7207, CHg. 972  
Site Assessment and Mitigation Program  
Department of Environmental Health  
(858) 505-6856



**ATTACHMENT 3**



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

**Notice of Exemption**

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

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

**Project Title/Case No.:** MASTER AND PRECISE DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, ZONE CHANGE AND SPECIFIC ALIGNMENT PLAN / PL 20-0447 "CARVANA"

**Project Location - Specific:** The approximately 1.85-acre generally is located on the northern side of N. Hale Avenue, east of Interstate 15, west of Washington Avenue, addressed at 559 N. Hale Avenue (APN 232-061-25-00)

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

**Description of Project:** Master and Precise Development Plan and Conditional Use Permit for the development of a proposed Carvana Fulfillment Center / Vending Machine auto dealership. The project consists of an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. A Zone Change from Light Industrial (M-2) zoning to Planned Development-Industrial (PD-I) zoning is requested to implement the Planned Development. A proposed Specific Alignment Plan to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street to include dual southbound left-turn lanes. The improvements would add turn lane capacity to the southbound leg of the intersection without removing existing southbound through lanes, therefore providing additional storage space for southbound left-turning vehicles. The proposed class II bike lane would be modified/eliminated across the project frontage.

**Name of Public Agency Approving Project:** City of Escondido

**Name of Person or Agency Carrying Out Project:**

Name: Carvana (Representative Jo Ryan) Telephone: (503) 515-7861

Address: 1930 W. Rio Salado Parkway, Tempe, AZ 85281

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

**Exempt Status:** Categorical Exemption. CEQA Sections 15332 "In-fill Development Projects."

**Reasons why project is exempt:**

The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32 In-fill Development Project. CEQA Guidelines lists classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from review under CEQA.

The proposed project or its circumstances would not result in any exceptions identified in CEQA Guidelines, Section 15300.2. Among the classes of projects that are exempt from CEQA review are those projects that

are specifically identified as urban in-fill development. CEQA Guidelines, Section 15332, defines in-fill development (Class 32 exemptions) as being applicable to projects meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

No circumstances previously evaluated in the previously certified Final EIR for the General Plan and Downtown Specific Plan (May 23, 2012) and the Addendum to the certified Final EIR (March 21, 2019) have changed with respect to the proposed development. In addition, the proposed project would not create substantial changes or bring to light new information of the substantial importance that was not previously examined in these Final EIR and Addendum. As a result, the project qualifies for a Categorical Exemption pursuant to the CEQA's requirements for an "in-fill development" within an urbanized area as detailed below:

### **General Plan and Zoning Consistency**

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Car dealerships ("auto sales") are allowed within the M-2 zoning district subject to the issuance of a Conditional Use Permit. The change of zone from M-2 to Planned Development-Industrial (PD-I) would be in conformance with the General Industrial land-use designation, and the Planned Development Zoning (Article 19 of the Escondido Zoning Code) allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels. The property also is located within the Downtown Transit Station Target Area (characterized as Target Area "a" in the "Land Use and Community Form" section of the General Plan). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. The proposed Planned Development (Master and Precise Development Plan) and Conditional Use Permit provides for a well-designed project that will be beneficial to the Transit Station Target Area and an economic asset to the larger Interstate-15 corridor. The SAP would provide appropriate design features to accommodate the project and anticipated traffic along the project area segment of Hale Avenue.

### **Project Location, Size and Context**

CEQA, Section 21072, defines a qualified urban use as "any residential, commercial, public institutional, transit, or transportation passenger facility, or retail use, or any combination of those uses." The project is on a site within City limits that is no more than five (5) acres and substantially surrounded by urban uses.

The 1.85-acre project site previously was occupied by the Talone Meats/North County Packing Company. The building was destroyed by a fire in 2016 and the remaining portions subsequently demolished, but the foundation still remains. The property generally is flat with no significant topographical features. The site is triangle in shape and located adjacent to Interstate 15 and bridge on the west. The freeway lanes are located approximately 20+ feet higher than the project site. The North County Transit District "NCTD" Sprinter Line and inland bike path are located along the eastern boundary of the site. The property fronts onto Hale Avenue on the south. Surrounding land uses include equipment rental and light/heavy industrial to the north and east, and light industrial/commercial to the south.

### **Endangered, Rare or Threatened Species**

The project site is located within the highly developed and urban area of the City. The project site currently is vacant, disturbed and has been clear of all structures, except for the previous concrete foundations/pads and asphalt paving. Vegetation primarily consists of ornamental landscaping, mature palm trees, various weeds and grasses from the previous development/activities. The project site does not contain habitat suitable for candidate, sensitive or special status species. In addition, no riparian habitat or other sensitive natural community, or potential jurisdictional features were observed within the project site or within a 100-foot boundary from the project site. The project site has no value as a habitat or special-status species and, therefore, adheres to the criteria of CEQA Guidelines, Section 15332(c).

### **Traffic**

The Engineering Division concluded the project would not result in any significant traffic or transportation-related impacts, and no mitigation measures are required. A preliminary Traffic Statement was prepared for the project by Kimley Horn (dated July 20, 2020). Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). A typical auto dealership operation is anticipated to generate approximately 290 average daily trips (23 peak hour trips). However, based on the Carvana operational characteristics, anticipated daily trips would be significantly less than a typical auto dealership (approximately 142 ADT). As part of the project, an additional nine (9) feet of right-of-way would be dedicated along the project frontage and Hale Avenue widened to accommodate dual southbound left-turn lanes at the intersection of Hale Avenue/Tulip Street.

The traffic assessment indicated the project does not meet any of the trigger categories to conduct a Traffic Impact Analysis (TIA) as the number of daily trips on the surrounding street segments would be below the threshold guidelines. The project also does not trigger TIA thresholds for project traffic added to a leg of an intersection during AM or PM peak hour. Based on the City's roadway and intersection project contributions threshold guidelines, the project would not add a significant amount of traffic to the surrounding street network. The project would not require alterations to the roadways or intersections such that the project would conflict with SANDAG's Congestion Management Program.

Specific Alignment Plan "SAP" - Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). The Super Major roadway classification was a placeholder designation until the specific needs for this section of roadway was analyzed to determine the actual design improvements to accommodate current and future traffic. Hale Avenue immediately west of the project site is under the jurisdiction of Caltrans and contains the Interstate 15 bridge and High Occupancy Vehicle "HOV" signalized entrance/exits. The SAP includes the widening of N. Hale Avenue in order to accommodate two southbound left-turn pocket lanes onto Tulip Street. Improvements include re-striping the roadway for approximately 400 feet, reconstruction of the existing median along N. Hale Avenue, construction of two access driveways to the proposed Carvana project site (right-in and right-out only at eastern driveway), and new sidewalk along the property frontage. These improvements will require traffic signal modifications at the intersection of Hale Avenue and Tulip Street. An additional nine (9) feet of dedication is required to accommodate the proposed improvements. A striped Class II bicycle lane is identified along Hale Avenue in the City's Bicycle Master Plan. The current and proposed roadway design would not be able to accommodate a Class II lane across the project frontage. Existing improvements east of the project site within the Caltrans section of the roadway and west of the site within the NCTD rail crossing also cannot accommodate a Class II bike lane. These facilities have been fully improved and do not provide on-street bicycle provisions. Therefore, the Class II lane would be eliminated along this segment of roadway from the SAP. The existing Class I bike path along Escondido Creek located to the south of Hale Avenue is a preferred east/west route that also connects to the inland bike trail along the southern side of Hale Avenue that provides a suitable alternative.

## **Noise**

The project site is commercial in nature and located within an urban (commercial/industrial) area of the City. Primary noise sources in the area are traffic noise along Interstate 15, Hale Avenue, Tulip Street and Washington Avenue. Surrounding noise sources also include the variety of industrial and commercial uses. The auto dealership would be compatible with the adjacent uses and as such, the project is not anticipated to generate any significant increases to the existing ambient noise level. Any stationary operational noise sources are regulated by the limits outlined in the Escondido Municipal Code. The City's Noise Ordinance also states that if the ambient noise level exceeds that permissible standard, the allowable noise exposure standard shall be the ambient noise level.

Construction would result in a temporary noise increase on and around the project site. Construction-related impacts are short term and would cease once the project is completed. No special construction techniques (i.e. pile driving or blasting) are anticipated to be necessary for construction of the project. The City also has a maximum 1-hour average construction noise limit of 75 dB at noise-sensitive land uses. Contractors are required to comply with the Noise Ordinance for noise levels from project-related grading and construction activities set forth in the Escondido Municipal Code. The Escondido Municipal Code also restricts the times of day when construction may occur (7:00 a.m. to 6:00 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m. on Saturday; and not at all on Sunday or public holidays). Construction of the project would take place within the hours specified in Section 17,234 of the Escondido Municipal Code. There are no noise sensitive uses adjacent or within close proximity to the project site.

## **Air Quality**

Due to the nature of the project and low traffic generation, the project is not anticipated to exceed screening-level criteria thresholds for construction or operational level impacts, nor create any operational related dust or odor-related impacts. The size of the project is smaller than the air-quality study trigger criteria presented in Table 4.3-12 of the City's General Plan EIR that would trigger the need for an air-quality impact assessment.

Construction activities would include grading, building construction, and architectural coatings. The greatest potential for toxic air contaminants emissions would be related to diesel particulate matter (DPM) emissions that are associated with heavy equipment operations during the project construction. Due to construction activity being short-term and the limited number of heavy-duty construction equipment the project would not result in long-term substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Additionally, the California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449 regulates emissions from off-road diesel equipment in California. Therefore, no significant short-term toxic air contaminants impacts would occur during the construction of the proposed project. Construction phase impacts would be less than significant and no mitigation is required.

## **Water Quality**

The project would not result in any significant effects related to water quality. A preliminary drainage study and Storm Water Quality Management Plan (SWQMP) was prepared for the project. Storm water quality impacts during construction would be prevented through implementation of a grading and erosion control plan that is required by the City's Grading and Erosion Control Ordinance (Article 55 of the Municipal Code) and the State General Permit to Discharge Stormwater Associated with Construction Activities (NPDES No. CA2000002), which requires preparation of a SWPPP by a Qualified SWPPP Developer. Adherence to applicable requirements and implementation of the appropriate BMPs would ensure that potential water quality degradation associated with construction related activities would be minimized and impacts less than significant.

The Project would mimic the existing drainage pattern, and runoff from the roof and outdoor areas would be discharged towards on-site storm water facilities located along Hale Avenue to treat pollutants and meet flow control requirements for the project. With the implementation of the operational treatment control biofiltration basin and BMPs that would be required by the City pursuant to the SUSMP, potential pollutants

would be reduced to the maximum extent possible. Therefore, development would not violate any water quality standards or water discharge requirements.

**Utilities and Public Services:**

The Fire Department indicated that appropriate fire protection can be provided with the implementation of the required building/site design features. Appropriate fire flow will be provided to the project site with the installation of the required fire hydrants.

The Engineering Division indicated that appropriate utilities will be provided to the project with existing facilities located within adjacent Hale Avenue.

**Section 15300.2 (Exceptions)**

**Location:** Not applicable to Class 32 exemption

**Cumulative Impact:** All resource topics associated with the project have been analyzed and were found to pose no significant impact. Therefore, the project would not make a cumulatively considerable contribution to a significant cumulative impact.

**Significant Effect:** There are no known unusual circumstances applicable to the project or project site that could result in a significant effect on the environment.

**Scenic Highway:** The project is not located in the vicinity of any designated or eligible state scenic highway.

**Hazardous Waste Site:** They are no on site hazardous waste sites listed under Section 65962.5 of the Government code. However, the site did contain a previous leaking underground tank (UST) that was remediated and the case closed by the County Department of Environmental Health “DEH” in 2013, and the case was transferred to the San Diego RWQCB. Following the transfer, case closure was requested via the State Water Resources Control Board (SWRCB) Resolution No.2012-0016 Low-Threat Underground Storage Tank Case Closure Policy (LTCP). Based on the LTCP groundwater criteria of benzene concentrations being below 3,000 ug/l, the plume length being less than 250 feet, no remaining LPH, and the nearest supply well being over 1,000 feet away, closure was granted via the LTCP. However, the DEH requested certain measures be implement to assure that all excavated soils is managed correctly and all potential health risks associated with dust and soil vapor intrusion have been adequately addressed. Therefore, the following design features/conditions have been included in the project conditions of approval:

**DF-Haz 1:**

In accordance with the San Diego County Department of Environmental Health (DEH) recommendations, prior to the issuance of grading and building permits for the project, the applicant/owner shall enter the Voluntary Assistance Program (VAP) for regulatory oversight to assure that all excavated soil is managed correctly and all potential health risks have been properly addressed. In addition, the following shall be required:

- a. Evacuation, management and disposal of impacted soils shall be managed through an approved DEH Soils Management Plan (SMP) and Community Health and Safety Plan (CHSP).
- b. Appropriate engineering controls shall be incorporated into the improvements plans, as may be required by the DEH, to address any soil vapor intrusion.

**Historic Resource:** The 1.85-acre project site previously was occupied by the Talone Meats/North County Packing Company that was destroyed by a fire in 2016. The remaining structure(s) subsequently were demolished and removed from the site. These “Vernacular” style industrial/commercial structures were listed on the City’s Historic Sites Survey as they were constructed in the 1930s. The structures were not listed on the City’s Local Register. Because the historic resources no longer exist on the site, no impacts

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to historic resources would occur and no mitigation is required. However, the project has been conditioned to include a plaque noting the previous use of the project site.

**Lead Agency Contact Person:** Jay Paul, Planning Division Area Code/Telephone/Extension (760)  
839-4537

Signature: Jay Paul

Jay Paul, Senior Planner

September 2, 2020

Date

Signed by Lead Agency

Date received for filing at OPR: N/A

Signed by Applicant



## ATTACHMENT 4

Planning Commission  
Hearing Date: September 8, 2020  
Effective Date: September 9, 2020

### PLANNING COMMISSION RESOLUTION NO. 2020-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ESCONDIDO, CALIFORNIA, RECOMMENDING APPROVAL OF A MASTER AND PRECISE DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, ZONE CHANGE AND SPECIFIC ALIGNMENT PLAN FOR THE DEVELOPMENT OF A CARVANA AUTO DEALERSHIP

APPLICANT: Carvana

CASE NO: PL 20-0447

WHEREAS, Carvana (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PL 20-0447) constituting a request for a Master and Precise Development Plan, and Conditional Use Permit for the development of a proposed Carvana Fulfillment Center / Vending Machine auto dealership. The project consists of an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. A Zone Change from Light Industrial (M-2) zoning to Planned Development-Industrial (PD-I) zoning is requested to implement the Planned Development. The project also includes a Specific Alignment Plan for Hale Avenue to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street. The approximately 1.85-acre project site is located on the northern side of N. Hale Avenue, addressed as 559 N. Hale Avenue; and

WHEREAS, the subject property is all that real property described and depicted 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 the California Environmental Quality Act (Public Resources Code section 21000 et seq.) (“CEQA”); and

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

WHEREAS, the Planning Division did study said request, performed necessary investigations, prepared a written report, and does recommend approval of the Project as depicted on the plan set shown in Exhibit "D," which is attached hereto and made a part hereof by this reference as though fully set forth herein; and

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

WHEREAS, the Planning Commission of the City of Escondido did, on September 8, 2020, 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 September 8, 2020, 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.

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

1. That the above recitations are true and correct.
2. Public resources Code section 21084 requires the CEQA Guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and that shall be categorically exempt from the provisions of CEQA. The Planning Commission, in its independent judgment, has determined the Project to qualify for the "In-Fill Development Projects" exemption under CEQA Guidelines section 15332.
3. After consideration of all evidence presented, and studies and investigations made by the Planning Commission and in its behalf, the Planning Commission makes the following substantive findings and determinations, attached hereto as Exhibit "B," relating to the information that has been considered. In accordance with the Findings of Fact/Factors to be Considered and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. The Planning Commission hereby recommends that the City Council approve the application to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth in Exhibit "C." This Planning Commission expressly declares that it would not have approved this land use development application except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the Applicant, the owner, and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

5. That, considering the Findings of Fact/Factors to be Considered and applicable law, the Planning Commission hereby makes a motion to recommend approval of the Master and Precise Development Plan, Zone Change, Conditional Use Permit and Specific Alignment Plan, subject to the conditions of approval attached as Exhibit "C."

6. The Planning Commission, therefore, recommends that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

7. Said plan is on file in the Planning Division of the Community Development Department and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein. This Project is conditionally approved as set forth on the application and Project drawings, all designated as approved by the Planning Commission, and shall not be altered without the express authorization by the Planning Division. Any deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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](http://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 8<sup>th</sup> day of September, 2020, by the following vote, to wit:

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

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Stan Weiler, Chairman  
Escondido Planning Commission

ATTEST:

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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.

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KIRSTEN PERAINO, Minutes Clerk  
Escondido Planning Commission

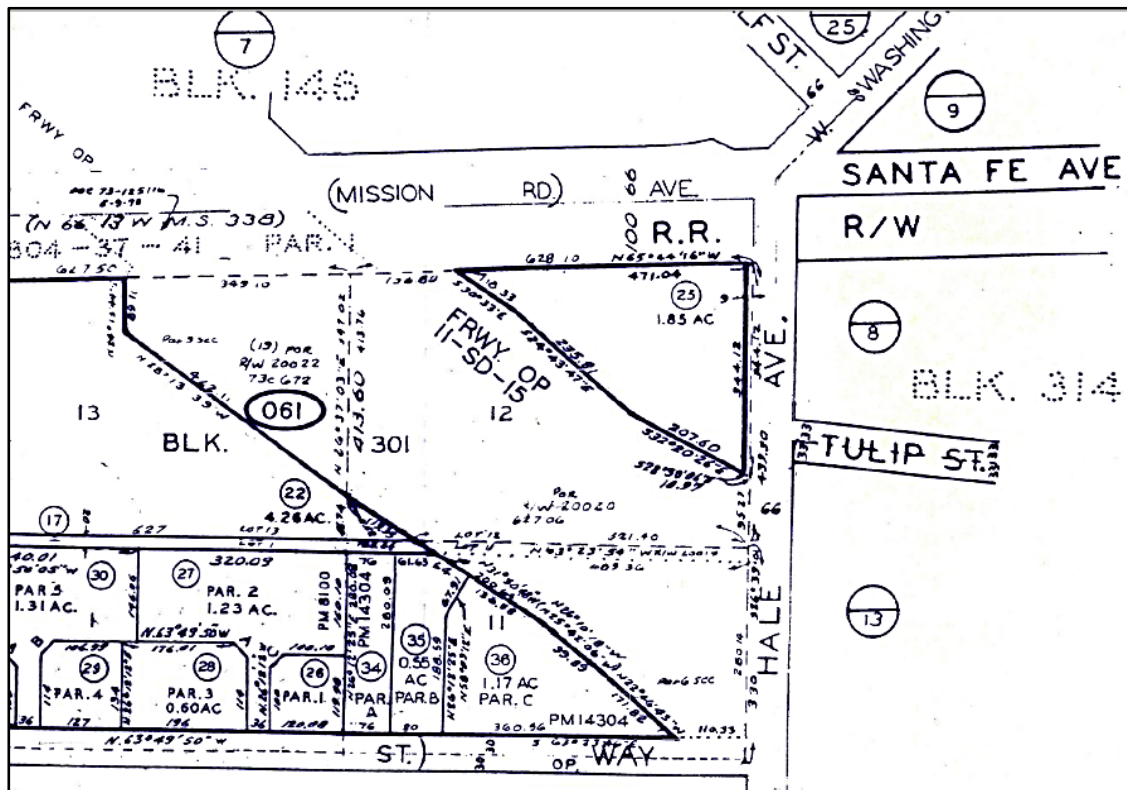
**EXHIBIT "A"**  
**LEGAL DESCRPTION**  
**Planning Case No. PL 20-0447**

That portion of Lot 12 in Block 301 of Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 724, filed in the office of the County Recorder of San Diego County, August 13, 1982, described as follows:

Beginning at the most easterly corner of said Lot 12; thence along the northeasterly line of said Lot 12, north 65 degrees 44' 16" west 471.04 feet; thence south 30 degrees 33' 00" east 118.33 feet; thence south 24 degrees 43' 47" east 235.81 feet; thence south 32 degrees 20' 26" east 207.60 feet; thence south 28 degrees 30' 06" east 10.97 feet to the southeasterly line of said Lot 12; thence along said southeasterly line, north 26 degrees 39' 01" east 344.12 feet to the point of beginning.

Excepting therefrom the southeasterly 9.00 feet as conveyed to the City of Escondido, in deed recorded June 13, 1975 as File No. 75-149673 of official records.

APN 232-061-25-00



**EXHIBIT “B”**  
**FINDINGS OF FACT/FACTORS TO BE CONSIDERED**  
**PL 20-0447**

**Environmental Determination(s):**

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations Section 15000 et. seq., the City of Escondido is the Lead Agency for the project (“Project”), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption in CEQA Guidelines section 15332, “In-fill Development Projects.” Project design measures were incorporated into the Conditions of Approval to address potential issues related to hazardous site impacts.

**Conditional Use Permit (CUP):**

1. Granting the Conditional Use Permit for auto sales 559 N. Hale Avenue would be based on sound principles of land use because and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located because the proposed use would not create any adverse traffic or noise impacts to surrounding properties, as indicated in the staff report and environmental document prepared for the project. Outdoor lighting would be designed in accordance with the City’s outdoor lighting requirements, which would minimize potential glare and spillover to adjacent properties, and Interstate 15. Appropriate setbacks and perimeter landscaping would be provided. Appropriate access, street improvements and on-site circulation and parking would be provided. The proposed project would not diminish the Quality of Life Standards of the General Plan as the project does not materially degrade public facilities.
2. The Conditional Use Permit has been considered in relationship to its effect on the community and area plan. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses. The property also is located within the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city’s median income and improving the jobs/housing balance. The Carvana auto dealership would assist in achieving the goals and policies in the General Plan and Target Area because it would establish a new commercial use that would rehabilitate the deteriorated project site and enhance commercial service opportunities, tax base and jobs within this target area.
3. The proposed CUP to allow auto sales would provide a necessary and desirable service to the Escondido community without adversely affecting the surrounding area or the city as a



whole, as noted in Findings 1 and 2 above, and further detailed in the Planning Commission staff report dated September 8, 2020.

4. The CUP would become effective on the effective date of the proposed Zone Change and Master and Precise Development Plan.

**Master and Precise Development Plan:**

1. The proposed Planned Development is consistent with the adopted general plan and applicable to specific plans for the subject area. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Auto sales are allowed within the General Industrial land-use designation subject to the issuance of a Conditional Use Permit. The proposed Planned Development would be in conformance with the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. The Carvana auto dealership would assist in achieving the goals and policies in the General Plan and Target Area because it would establish a new commercial use that would rehabilitate the deteriorated project site and enhance commercial service opportunities, tax base and jobs within this target area.
2. The proposed location allows the planned development to be well integrated with its surrounding surroundings. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses.
3. All vehicular traffic generated by the planned development will be accommodated safely and without causing undue congestion upon adjoining streets. The Specific Alignment Plan (SAP) establishes the appropriate level of roadway and intersection improvements to accommodate project related and anticipated future traffic along Hale Avenue project frontage.
4. The proposed location and design allows residents and business establishments proposed 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.
5. The overall design of the proposed planned development produces an attractive, efficient and stable environment.
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.
7. The uses proposed have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements (allowable signage) are warranted by the

design and the amenities incorporated in the planned development in accord with adopted city policy.

### **Zone Change**

1. The public health, safety and welfare will not be adversely affected by the proposed zone change from General Industrial (M-2) to Planned Development-Industrial (PD-I) as the subject site still will remain industrial zoning with similar permitted and conditionally permitted uses.
2. The property involved is suitable for the uses permitted by the proposed zone and would not be detrimental to surrounding properties because auto sales is a conditionally permitted use within underlying General Industrial (M-2) and proposed Planned Development-Industrial (PD-I) zone. The proposed PD-I zone would not introduce any additional uses not already allowed or conditionally allowed within the underlying industrial zone. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses.
3. The proposed change is consistent with the adopted general plan and the relationship of the proposed change is applicable to specific plans for the subject area. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Auto sales are allowed within the General Industrial land-use designation subject to the issuance of a Conditional Use Permit. The change of zone from M-2 to Planned Development-Industrial (PD-I) would be in conformance with the General Industrial land-use designation, and the Planned Development zoning allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels (Zoning Code Article 19). The proposed zone change also would be in conformance with the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance.

**EXHIBIT “C”**  
**CONDITIONS OF APPROVAL**  
**Planning Case No. PL20-0447**  
**Carvana**

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.

**A. GENERAL:**

1. **Acceptance of Permit.** Should the applicant fail to file a timely and valid appeal of this Permit with the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
2. **Permit Expiration.** The Permit shall automatically expire after two (2) years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code or Zoning Code. The Permit shall be deemed expired if a building permit has not been obtained or work has been discontinued in the reliance of that building permit. If no building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.
3. **Certification.** The Director of Community Development, or his/her designee, is authorized and directed to make, or require the applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with final action on the Project. This includes amending the Project drawing as necessary to incorporate revisions made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Said Plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the project.

**4. Conformance to Approved Plans.**

- a. The operation and/or use of the subject property shall be consistent with the Details of Request, designated with the Approval Plan set.
- b. Nothing in this Permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

**5. Limitations of Use.** Prior to any use of the Project site pursuant to this Permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Community Development Director.

**6. Certificate of Occupancy.**

- a. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.
- b. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Community Development.

**7. Availability of Permit Conditions.**

- a. Prior to building permit issuance, the applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Community Development.
- b. The applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that is submitted to the Building Division for the plan check processing.

**8. Right of Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or opening hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The applicant shall provide such business records,

licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.

9. **Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. During Project construction and after Project completion, the applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.

10. **Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development. Through plan check processing, the applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Community Development Department.
11. **Public Partnership Program.** All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for participating in the City Public Art Program.

12. **Clerk Recording.**

- a. **Exemption;** The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project, a check payable to the "County Clerk" for \$50.00. The filing of a Notice of Exemption and the posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

13. **Legal Description Adequacy.** 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.
14. **Application Accuracy.** The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The applicant may be liable for any costs associated with rescission of such permits.
15. **Revocation, Suspension, Modification.** At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Community Development for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

This Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing, and after the following findings are fully investigated:

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates or constitutes a nuisance.
16. **Indemnification.** The applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damage, cost and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this Permit and from and against any and all claims, losses, proceedings, damages, cause of action, liabilities, cost and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of applicant, or their respective contractors, licensees, invitees, agents, sub lessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death, or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the applicant or owner's business or from any activity, work or thing done, permitted or suffered by the applicant or owner or its sub lessees, contractors, employees, or invitees, in or about

the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of applicant's or ones part to performed under the terms of this Agreement, or arising from any negligence of applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees , ag4ents and representatives, by reason of any such claim, applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney fees.

**B. Construction, Maintenance, and Operation Obligations;**

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulation or to obtain permits from other agencies

At all times during the effective period of this permit, the applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.

3. **Utilities.** All new utilities and utility runs shall be undergrounded.
4. **Signage.** All proposed signage associated with the Project must comply with the City of Escondido Sign Ordinance (Ord. 92-47, Zoning Code Article 66) for the underling zone, and as may be approved pursuant to the Master Development Plan along with any exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits (Planning Division Sign Permit) will be required for Project signage prior to the issuance of building permits for the signage.
  - a. All illuminated signs shall be equipped with automatic timing devices so that the lighting is turned off between the hours of 11:00 p.m. and sunrise, unless exempt pursuant to Article 25, Outdoor Lighting. All illuminated signs shall be equipped with

- a dimmer type device in order to control the intensity of illumination between the hours of 11:00 p.m. and sunrise, unless exempt pursuant to Article 25.
- b. The sign package shall include a plaque (mounted on the wall and small monument) noting the previous history of the Talone operation/building on the site.
- 5. Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
- 6. Lighting.** All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
- a. The interior tower lighting shall be equipped with a dimmer type device in order to control the intensity of illumination between the hours of 11:00 p.m. and sunrise.
- 7. General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
- 8. Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
- 9. Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
- 10. Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code. Any roof equipment visibly from Interstate 15 shall be painted to blend in with the roof color.
- 11. Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.



**12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.

**13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.

**14. Parking and Loading/Unloading.**

a. A minimum of twenty-one (21) parking spaces shall be provided on site as discussed in the staff report to the satisfaction of the City Engineer and Director of Community Development. 54 parking spaces are proposed by the applicant, as shown on the site plan. Parking for disabled persons shall be provided in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All required parking spaces shall remain available for operable vehicles and shall not be used for inoperable vehicles or general storage.

**15. Landscaping Maintenance.** The property owner or management company assumes all responsibility for maintaining all on-site landscaping and irrigation; any landscaping in the public right-of-way adjacent to the property, and any retaining and freestanding walls/fencing in a manner that satisfies the conditions contained herein.

a. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in an operational condition.

b. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.

c. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.

**16. Landscaping Plans.** Applicant shall install all required improvements including any fencing, walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.

a. A final landscape and irrigation plan shall be submitted to the Engineering Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five (5) copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project any fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits

may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. 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, except where stricter requirements are imposed by the State of California.

- b. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- c. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Community Development shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.
- d. The mature eucalyptus trees located within the southeastern corner of the site shall be retained (if feasible) and incorporate into the landscape design. The root zones shall be protected during grading operations and this shall be noted on the grading plans. The trees shall be trimmed property prior to final certificate of occupancy.

**C. Project Specific Conditions:**

1. In accordance with the San Diego County Department of Environmental Health (DEH) recommendations, prior to the issuance of grading and building permits for the project, the applicant/owner shall enter the Voluntary Assistance Program (VAP) for regulatory oversight to assure that all excavated soil is managed correctly and all potential health risks have been properly addressed. In addition, the following shall be required:
  - a. Evacuation, management and disposal of impacted soils shall be managed through an approved DEH Soils Management Plan (SMP) and Community Health and Safety Plan (CHSP).
  - b. Appropriate engineering controls shall be incorporated into the improvements plans, as may be required by the DEH, to address any soil vapor intrusion.

- c. Prior to Certificate of Occupancy, the applicant shall submit either a “No Further Action” letter or “Concurrence” letter from DEH, or other appropriate certification from DEH.
2. This PD-I zoning designation shall be subject to the same permitted and conditionally permitted uses pursuant to Article 26 (Industrial Zones) for the M-2 zone, unless specifically modified/permitted or conditionally permitted by the Master and Precise Development Plan.

### **BUILDING**

1. Approval and subsequent development is subject to all conditions and requirements of the California Building Code and Building Division.

### **ENGINEERING**

#### **GENERAL**

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer’s engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.
3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by a Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer’s Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warrantee (10% of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. 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 any building permit.

6. 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.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Department 3 copies of the Site/Plot Plan as approved the Planning Commission together with any changes contained in the adopted final conditions of approval. The Master and Precise Development Plan will be certified by the Planning Department verifying that they are an accurate reproduction of the approved Site/Plot Plan and one of these copies must be included with the first Final Engineering submittal for plan check to the Engineering Department.

### **STREET IMPROVEMENTS AND TRAFFIC**

1. Public street improvements shall be constructed to City Standards in effect at the time of Final Engineering approval and shall be submitted on public improvement plans prepared by a Civil Engineer to the satisfaction of the City Engineer. Specific details, including final concrete driveway apron design for the project entrances, concrete curb & gutter and sidewalk replacement, drainage, street lighting, etc. shall be to the satisfaction of the City Engineer.
2. The Developer shall remove the existing Hale Avenue street improvements and widen Hale Avenue and construct new frontage street improvements including modification to the raised median in accordance with the approved Hale Avenue Specific Alignment Plan. The intent of this Hale Avenue Specific Alignment plan is to accommodate the construction of and striping for dual left turn lanes from west-bound Hale Avenue to south-bound Tulip Street.
3. To the extent the existing traffic signal poles and equipment are impacted by the required widening of Hale Avenue and to make the Project's westerly entrance the fourth leg of this signalized intersection, the Developer will be required to modify the existing traffic signal and associated equipment at the intersection of Hale Avenue and Tulip Street to the satisfaction of the City Engineer.

The Developer shall submit separate traffic signal and signing and striping modification improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. These traffic signal modifications shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, LED street lighting, and shall include a new controller and cabinet if the controller must be relocated. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal modification work with the Developer's Contractor(s) and Equipment Suppliers, City staff, and Caltrans due to the close proximity of the Caltrans Direct Access ramp traffic signal system.

4. The project's access driveways shall be constructed as alley-type driveway aprons with minimum throat widths of 24-feet for the easterly driveway and 28 feet minimum for the westerly signalized driveway.

5. The Project's easterly driveway shall be restricted to right turns in and out and must be signed accordingly to the satisfaction of the City Engineer.
6. All on-site driveways and parking areas will be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director.
7. The existing LS1 street light mounted on a power pole along the project frontage shall be removed and returned to SDG&E.
8. The Developer shall relocate the existing City owned street light to a location on the west side of the project's proposed easterly driveway entrance and retrofit it with an LED light fixture in accordance with Escondido Standard Drawing No. E-1-E.
9. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
10. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
11. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved and modified roadways. The Developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
12. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
13. An Encroachment Permit shall be obtained from CALTRANS for any work within the CALTRANS right-of-way.
14. The Developer will be responsible for an overlay of Hale Avenue to centerline along the project frontage 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.
15. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
16. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
17. All gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal.
18. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.

### **GRADING and SITE IMPROVEMENTS**

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. 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. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 7" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
3. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Dept. plan review and permit process.
4. The Developer will be required to obtain permission from adjoining property owners for any off-site grading or work necessary to construct the project and/or the required improvements.
5. 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.
6. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
7. A 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.
8. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
9. All existing foundations, structures, trees not otherwise noted to remain or be relocated shall be removed or demolished from the site.
10. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

## **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 Developer shall remove the existing curb inlet along the project's Hale Ave frontage and construct a new curb inlet and modular wetland unit with the required Hale Avenue street widening.
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 Property Owner.
4. The project shall limit 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.
5. 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 treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and also any "Green Street" facilities located in the public right-of-way. The SWQMP shall demonstrate how proposed proprietary best management practices meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
6. All site drainage with emphasis on the parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
7. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
8. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters, any permeable paver areas shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.

## **WATER SUPPLY**

1. Based on a 1500 gpm fire flow determined for this project by the Fire Department, the existing 8" water main in Hale Avenue will not be required to be upsized. If the fire flow requirements increase, the existing 8" water main in Hale Avenue may need to be upsized to provide adequate water service and/or fire protection to the proposed project. The Developer will be required to design and construct an onsite public 8" looped water main that shall serve the 2

- required onsite fire hydrants, the detector check assembly for the fire sprinkler system, and the potable water meter.
2. The locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.
  3. Improvement plans for all proposed water mains shall be prepared by a Civil Engineer and submitted to the City of Escondido for review and approval.
  4. All water improvements shall be designed and constructed per the City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
  5. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
  6. The Developer shall install Fire hydrants together with an adequate water supply at locations approved by the Fire Marshal.
  7. All proposed/required fire hydrants shall be public and meet the current City of Escondido Standards, and shall connect to a minimum 8" diameter public water main.
  8. Water services, meters and backflow prevention devices shall be a minimum of 1-inch in size. Water meters and backflow prevention devices shall not be installed within driveway aprons or drive areas.
  9. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.
  10. All water services to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution Department.
  11. All fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant per the satisfaction of the Utilities Engineer and Water Distribution.
  12. No trees or deep-rooted plants shall be planted within 10 feet of any public water main.
  13. All water mains within easements shall be installed under a min. 20-foot wide all-weather road surface designed to the satisfaction of the Utilities Engineer.
  14. There shall be no permanent structures or private facilities allowed within a public utility easement. Where private storm drains are necessary, they shall be the outer-most utility.
  15. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.
  16. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department.



## **SEWER**

1. A private 6" minimum PVC sewer lateral with a standard clean-out within 18" of the public utility easement/sewer easement/right-of-way shall be constructed for the proposed project. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and Uniform Plumbing Code. The developer may use an existing sewer lateral provided it is 6" in diameter and has been inspected via CCTV and found to be in good condition.
2. All sewer laterals are considered private and the Property Owner is responsible for all maintenance of their sewer lateral to the public sewer main.
3. No trees or deep-rooted bushes shall be planted within 10 feet of any sewer lateral, or within 15 feet of any sewer mains.
4. All abandoned sewer laterals shall be removed or capped at the property line and so noted on the improvement plans to the satisfaction of the Utilities Engineer.
5. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter 22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.

## **LANDSCAPE**

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan for review and approval by Engineering and Planning Departments. The initial submittal of the landscape plans shall include the required plan check fees.

## **EASEMENTS AND DEDICATIONS**

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement Plans.
2. The developer shall dedicate 9 feet of right-of-way along Hale Avenue to the City of Escondido per the approved Hale Avenue Specific Alignment Plan.
3. Public easements for sewer, water, traffic signal equipment, etc. which are deemed necessary by the City Engineer and/or Utility Engineer shall be granted to the City.
4. A public utility easement or water easement shall be granted to the City of Escondido for any proposed public waterlines within the project. The easement shall include all fire hydrants, water meters and other public water appurtenances. The minimum easement width for public mains shall be 20-feet.
5. The Developer is responsible for making the arrangements to quitclaim any easements of record which conflict with the proposed development prior to approval of the Grading plans

and Building Permits. 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 plans. Building Permits will not be issued for construction which will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

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

### **REPAYMENTS AND FEES**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer.
2. The Developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

### **UTILITY UNDERGROUNDING AND RELOCATION**

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

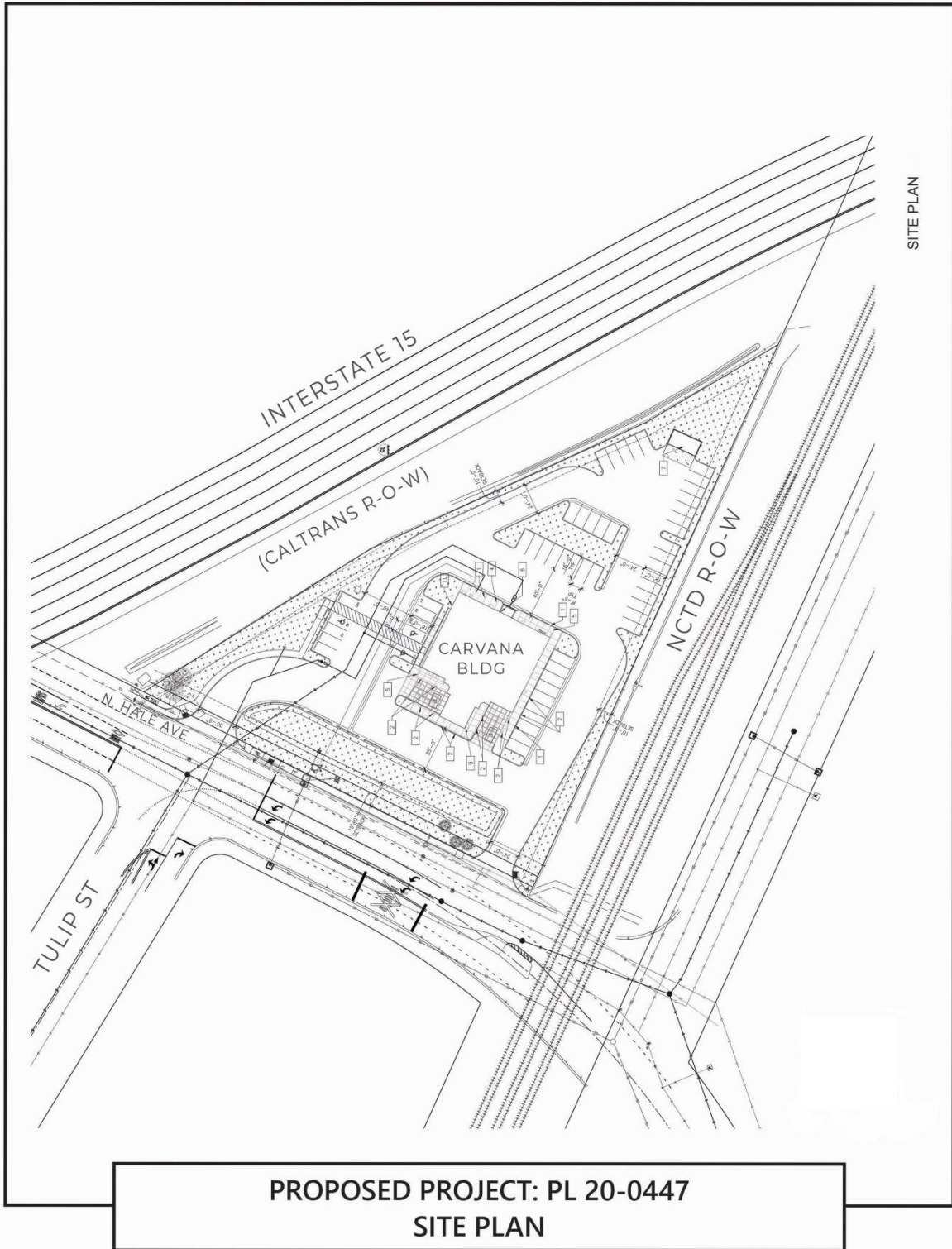
### **SURVEYING AND MONUMENTATION**

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey (or Corner Record if appropriate) shall be recorded.

**FIRE**

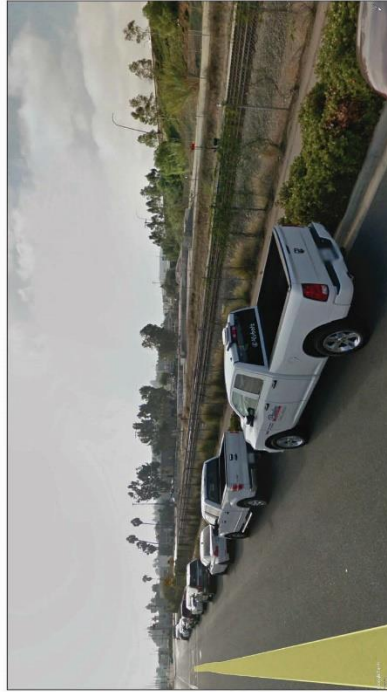
1. Emergency back up power shall be provided to maintain emergency evacuation procedures (moving vehicles to ground floor in the event of a fire).
2. All underground fire lines, fire sprinklers, and fire alarm plans shall be deferred submittals to the Escondido Fire Department.
3. Minimum fire flow is 1500 GPM and hydrant spacing at 350ft. Hydrant shall be within 40ft of the FDC location (in an approved location).

## EXHIBIT "D" PROJECT PLANS





HALE STREET VIEW



WEST WASHINGTON VIEW



AERIAL VIEW



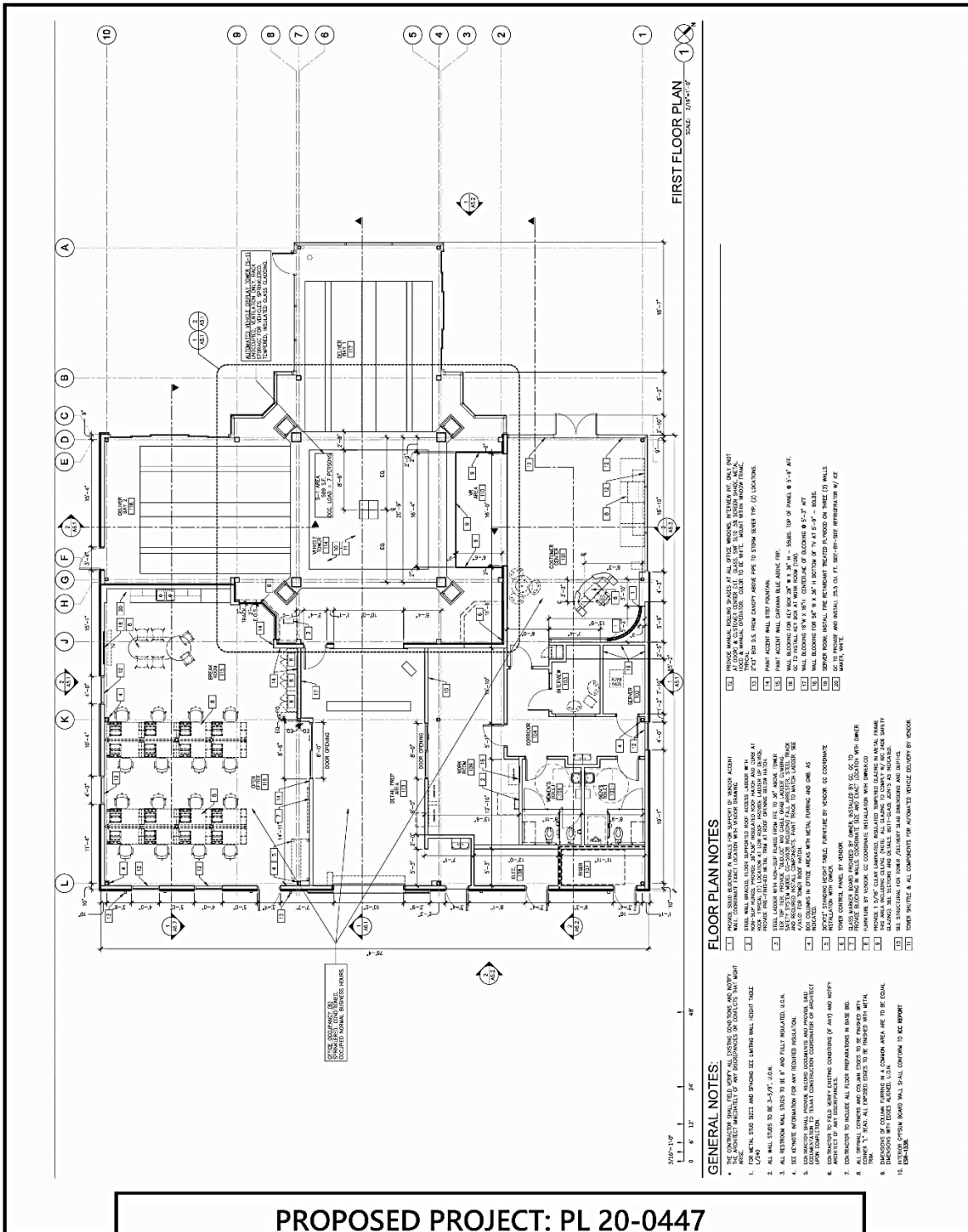
HALE STREET VIEW

**PROPOSED PROJECT: PL 20-0447  
SITE PHOTOGRAPHS**









**FLOOR PLAN NOTES**

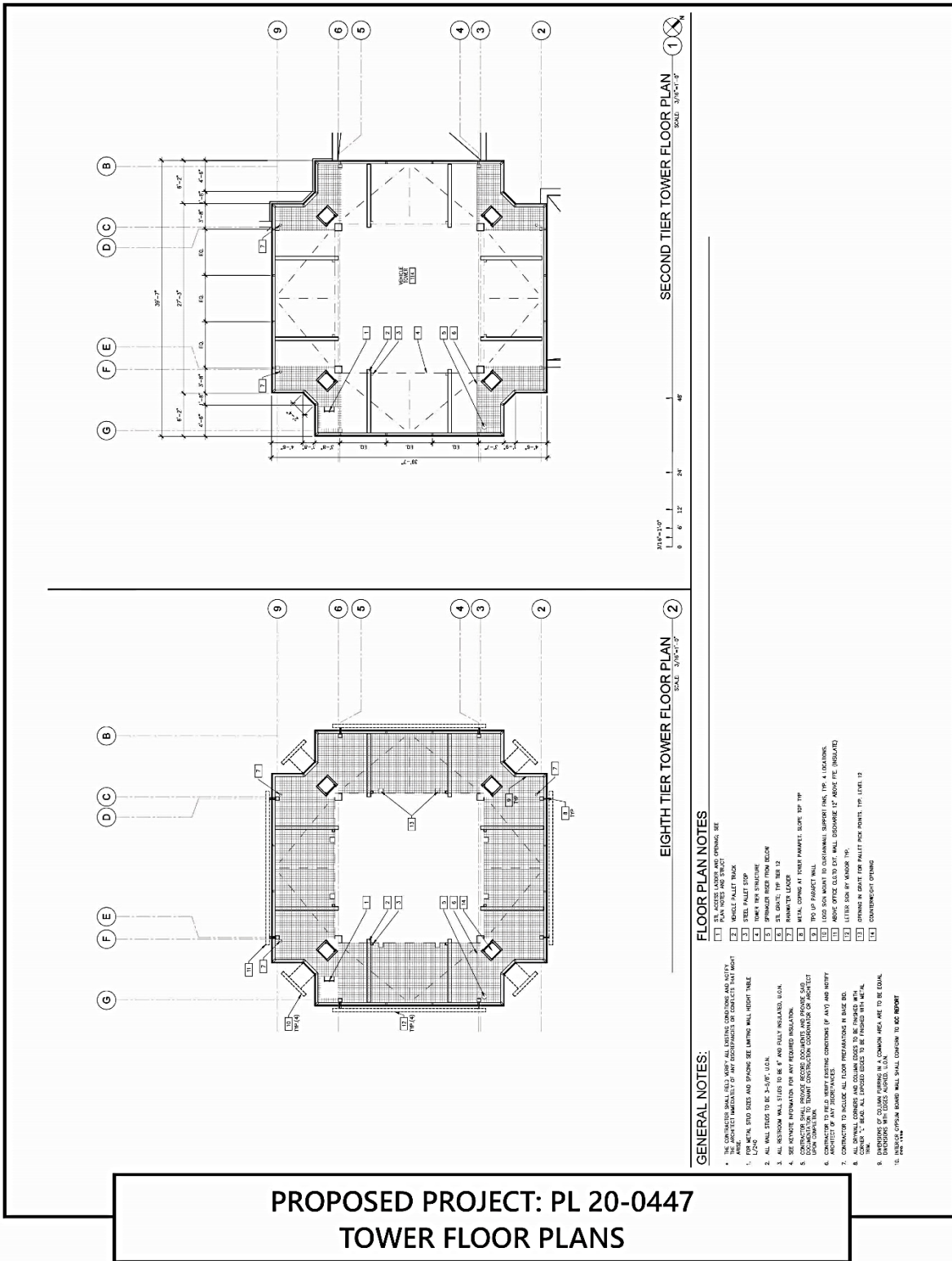
1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND NOTES. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND VERIFY THE EXISTING DIMENSIONS OF ALL COMPONENTS OR CONTACT THE OWNER.
2. FOR METAL STUD BEAMS AND SPACING SEE DRAWING WALL LIGHT TABLE.
3. ALL WALLS TO BE 5/8" G.I. CMU.
4. SEE GENERAL NOTES FOR ANY REQUIRED NOTATION.
5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND NOTES AND VERIFY ALL DIMENSIONS AND NOTES.
6. CONTRACTOR TO VERIFY ALL DIMENSIONS AND NOTES AND VERIFY ALL DIMENSIONS AND NOTES.
7. CONTRACTOR TO VERIFY ALL DIMENSIONS AND NOTES AND VERIFY ALL DIMENSIONS AND NOTES.
8. ALL INTERNAL CORNERS AND COLUMN EDGES TO BE FINISHED WITH STAINLESS STEEL. ALL EXPOSED EDGES TO BE FINISHED WITH STAINLESS STEEL.
9. DIMENSIONS OF COLUMN CORNERS IN A COMMON AREA ARE TO BE EQUAL TO THE DIMENSIONS OF THE COLUMN.
10. EXTERIOR CORNER ROUNDS SHALL CORFORM TO SEE REPORT.

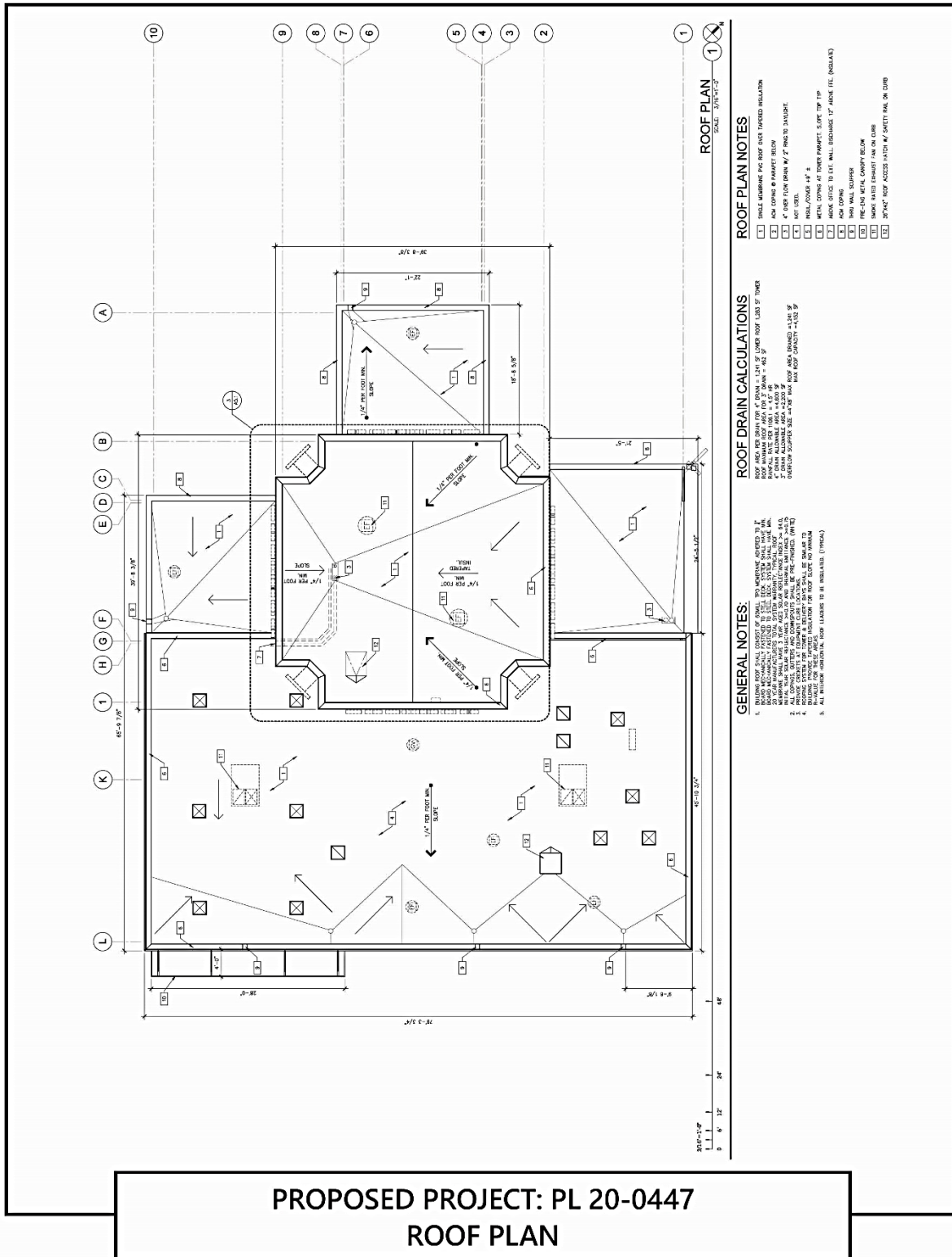
**GENERAL NOTES:**

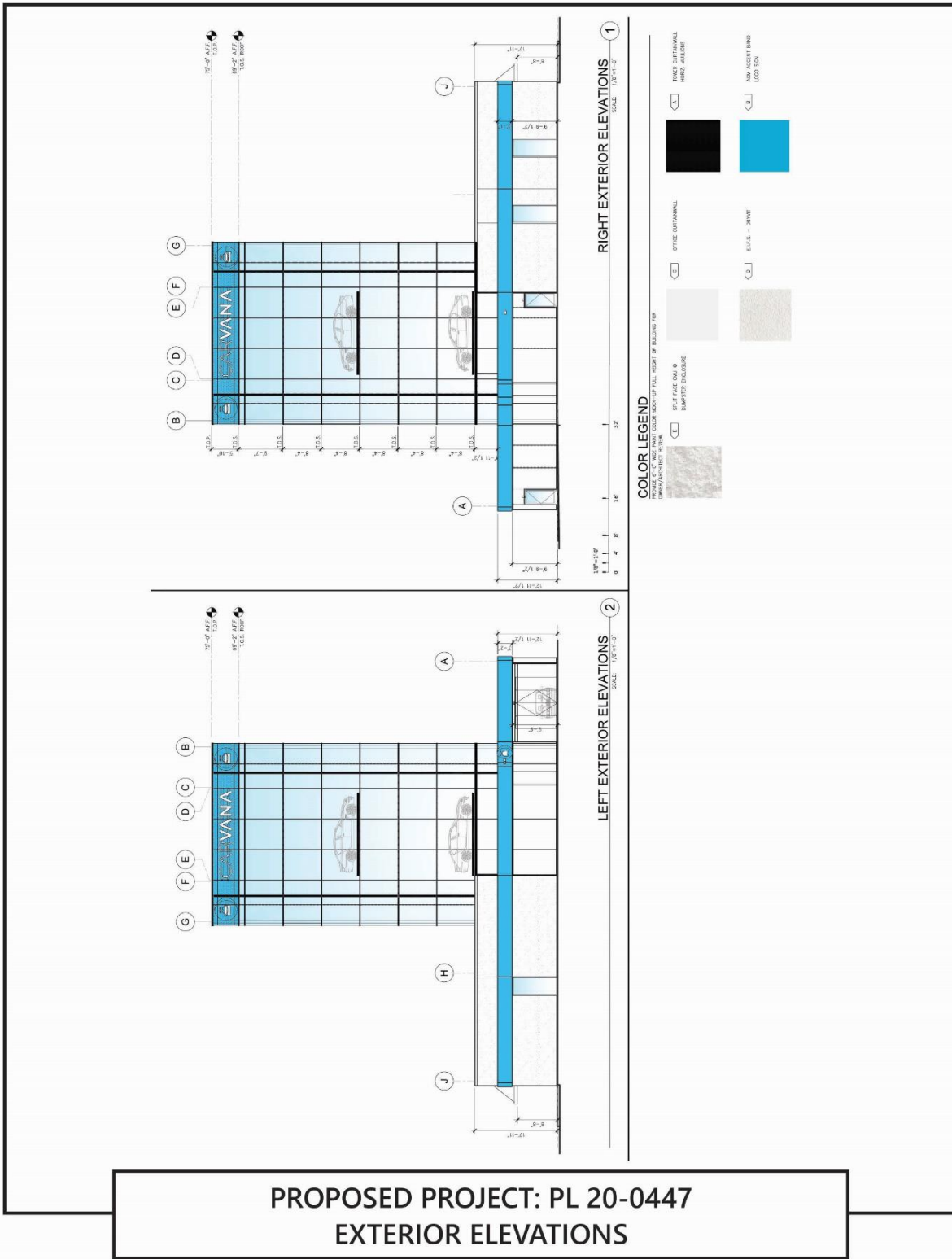
1. FINISH WALLS SHALL BE 5/8" G.I. CMU WITH 1/2" G.I. MESH REINFORCEMENT. FINISH WALLS SHALL BE 5/8" G.I. CMU WITH 1/2" G.I. MESH REINFORCEMENT.
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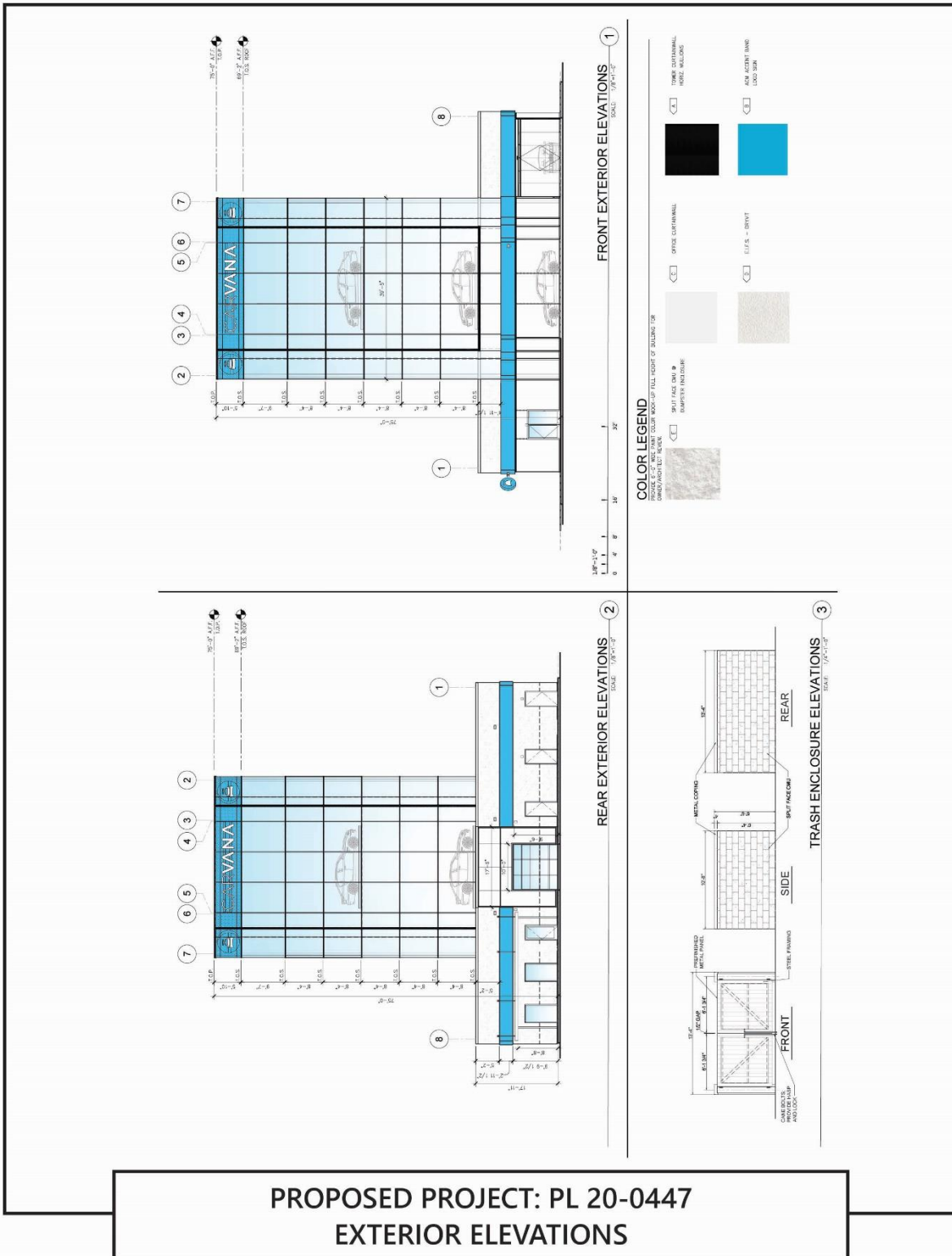
**PROPOSED PROJECT: PL 20-0447  
 FIRST FLOOR PLAN**

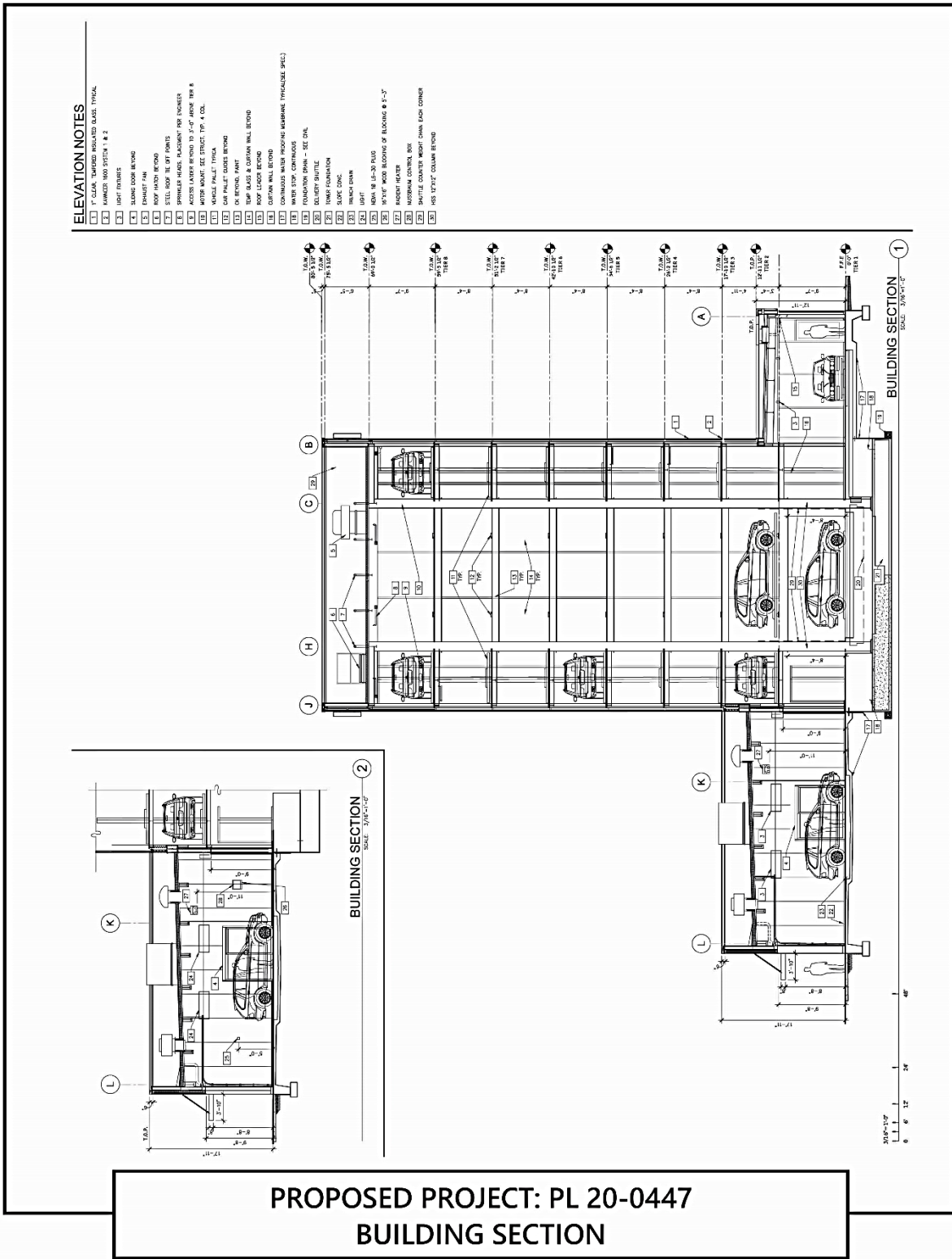


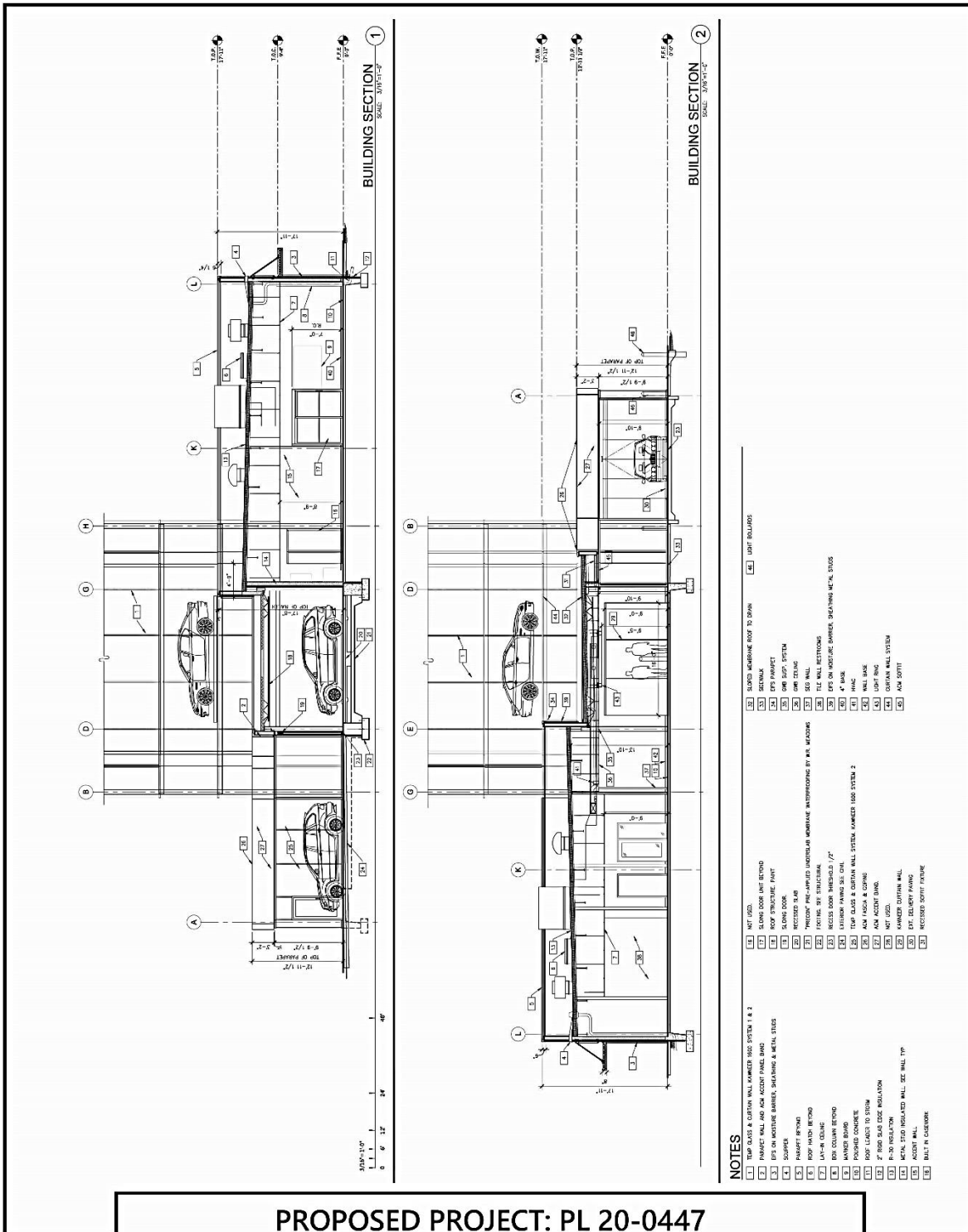










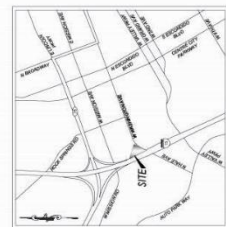


**PROPOSED PROJECT: PL 20-0447  
 BUILDING SECTION**





**SPECIFIC PLAN FOR THE ALIGNMENT OF:  
 N HALE AVE**

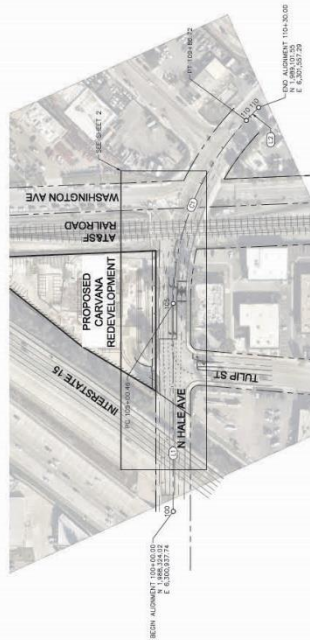
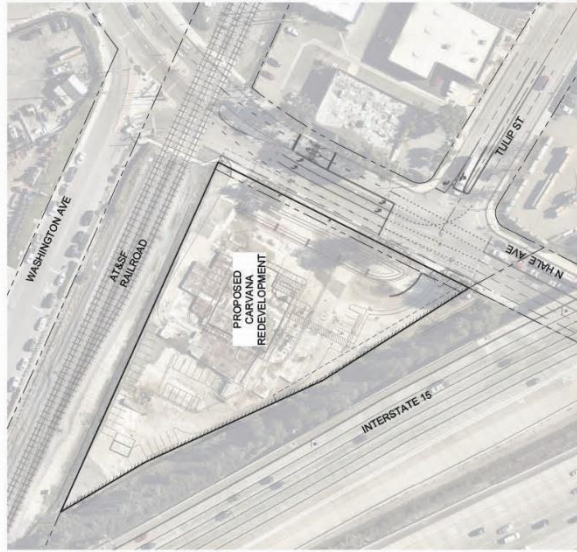


**Scope of Work:**  
 The Specific Plan Alignment of N. Hale Ave. includes the widening of N. Hale Ave to accommodate two left turn pocket lanes onto Tulp St. Improvements include re-stripping of roadway for approximately 400 feet, reconstruction of the existing median along N Hale Ave, construction of two access driveways to the proposed Carvana redevelopment and sidewalk along the property frontage. These improvements will require traffic signal modifications at the intersection of N Hale Ave and Tulp St.

**SHEET INDEX**  
 SHEET 2  
 SPECIFIC ROAD PLAN FOR N. HALE AVENUE

**ABBREVIATIONS**  
 ALTERNATIVE ROAD  
 CANTONMENT  
 EQUIP  
 EXISTING  
 FUTURE  
 PROPOSED  
 RIGHT OF WAY  
 SIGNAL  
 TRAIL CROSSING  
 TRAIL

**CONVENTIONS**  
 1. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET.  
 2. ALL DIMENSIONS ON UNIFORM TRAFFIC CONTROL DEVICES SHALL BE IN INCHES.  
 3. ALL DIMENSIONS ON UNIFORM TRAFFIC CONTROL DEVICES SHALL BE IN INCHES.  
 4. ALL DIMENSIONS ON UNIFORM TRAFFIC CONTROL DEVICES SHALL BE IN INCHES.



**KEY MAP**  
 N.H.A.

N HALE AVENUE CENTERLINE DATA				
LENGTH	LINE/CHORD DIRECTION	R	T	
L1	500.46'	N38°20'00"E	640.00'	295.54'
C1	488.26'	N49°25'00"E	640.00'	295.54'
L2	413.28'	S70°27'30"E	640.00'	295.54'



**PROPOSED PROJECT: PL 20-0447  
 SPECIFIC PLAN ALIGNMENT**



**NHALEAVE**  
 PROPOSED 40 MPH  
 DESIGN SPEED, 5' = 40 MPH

**LEGEND**

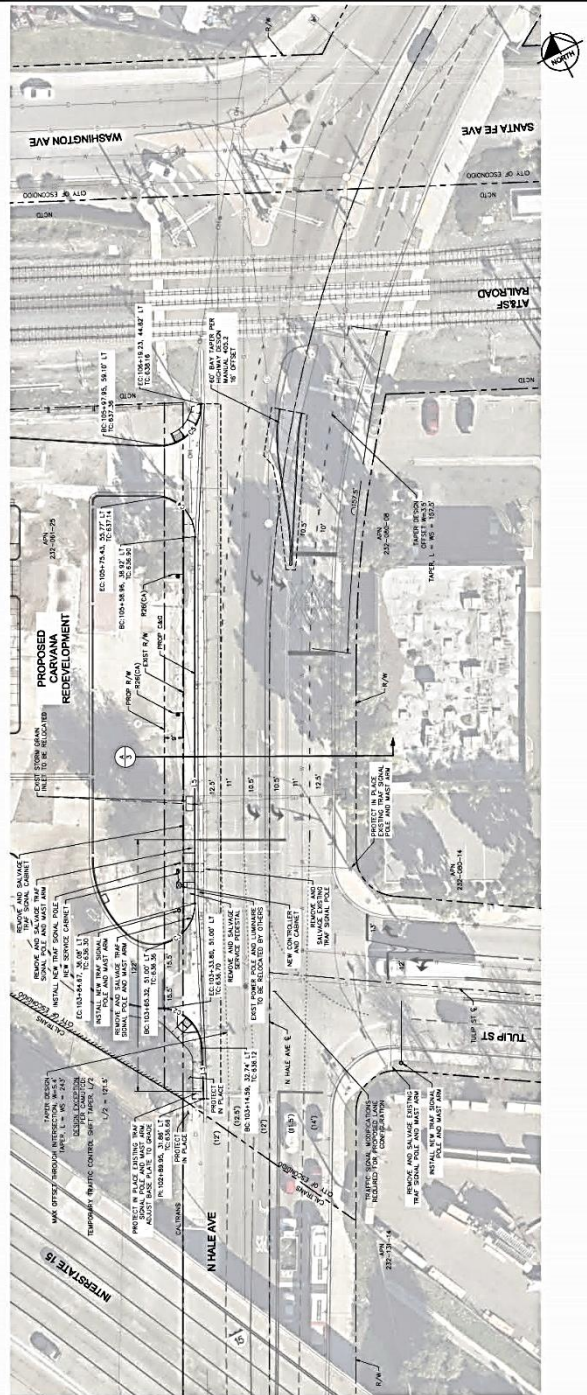
EXISTING LAKE WIDTH  
 NEW LAKE WIDTH  
 TYPE IN ARROW FOR CULTIVARS STANDARD PLAN AREA  
 TYPE IN ARROW FOR CULTIVARS STANDARD PLAN AREA

PROPOSED  
 EXISTING  
 PROPOSED  
 EXISTING

**N HAILE AVENUE TC GEOMETRIC DATA**

NO.	STATION	UNK/CHORD DIRECTION	RADIUS
C2	28+84.7	N41°54'47.14"W	20+00'
C3	28+84.7	S64°14'13.50"W	20+00'
C4	28+84.7	S11°02'07.87"E	20+00'
C5	28+84.7	N68°05'08.86"E	20+00'
C6	28+84.7	N11°57'51.13"W	20+00'
C7	28+84.7	S28°30'42.85"W	20+00'

SEE SHEET 1 FOR NHAILE REVISIONS REFERENCE TO CENTERLINE FROM STATION 104+00 TO 107+00.



**PROPOSED PROJECT: PL 20-0447  
 SPECIFIC PLAN ALIGNMENT**







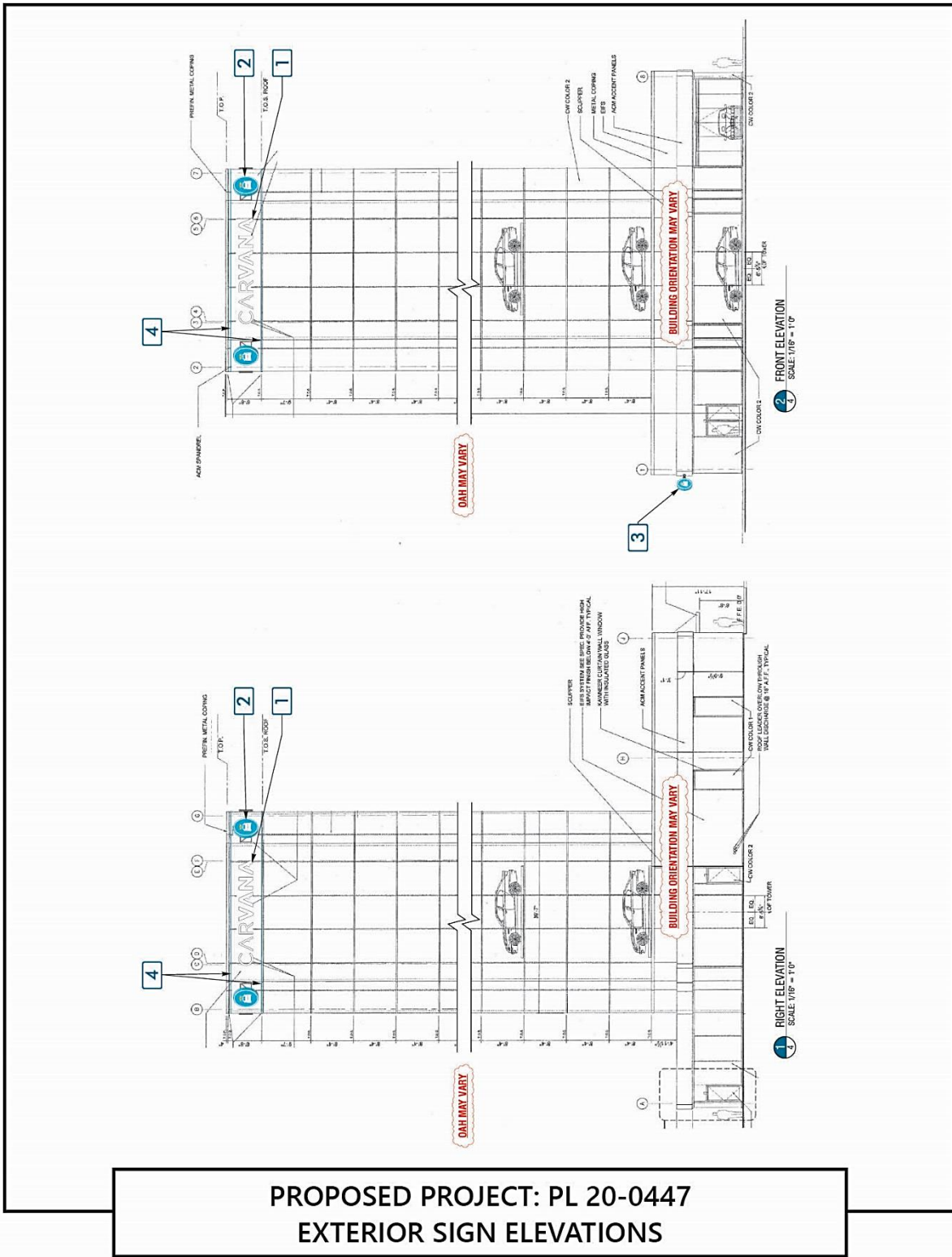
DAY



DUSK

**PROPOSED PROJECT: PL 20-0447  
3D RENDERINGS**







**CITY OF ESCONDIDO**

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

**September 8, 2020**

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

**Commissioners present:** Stan Weiler, Chair; Joe Garcia, Vice-Chair; Katharine Barba', Commissioner; Dao Doan, Commissioner; Rick Paul, Commissioner; and Ingrid Rainey, Commissioner. One Vacancy

**Commissioners absent:** None.

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

**MINUTES:**

Moved by Commissioner Barba' and seconded by Commissioner Rainey to approve the Action Minutes of the August 25, 2020 Planning Commission meeting with the correction to the meeting date. Motion carried unanimously. (6-0-0; one vacancy).

**WRITTEN COMMUNICATIONS:** Received.

**FUTURYE NEIGHBORHOOD MEETINGS:** None.

**ORAL COMMUNICATIONS:** None.

## **PUBLIC HEARINGS:**

### **1. MASTER AND PRECISE DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, ZONE CHANGE AND SPECIFIC ALIGNMENT PLAN – PL 20-0447:**

REQUEST: The project involves a Master and Precise Development Plan and Conditional Use Permit for the development of a proposed Carvana Fulfillment Center / Vending Machine auto dealership, which was previously occupied by the Talone Meats/North County Packing Company. The project consists of an approximately 5,800 SF, 8-tier glass and steel tower structure up to 75 feet in height. All existing remaining components of the previous building and site improvements would be removed. The Master Plan also includes a request to allow an increase in allowable wall signage for the project. The existing General Industrial (M-2) zoning designation would be changed to Planned Development-Industrial (PD-I). The project includes a Specific Alignment Plan (SPA) for Hale Avenue to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street to include dual southbound left-turn lanes. The improvements would add turn lane capacity to the southbound leg of the intersection without removing existing southbound through lanes, therefore providing additional storage space for southbound left-turning vehicles. The site would be accessed via two project driveways. The northern driveway will allow only right-in right-out movements, and the southern driveway would form the west leg of the N Hale Avenue/Tulip Street intersection, allowing all movements. The proposed class II bike lane would be eliminated across the project frontage. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: The approximately 1.85-acre site is located along the northern side of Hale Avenue, east of Interstate 15, west of W. Washington Street and NCTD/Sprinter line, addressed as 559 N. Hale Avenue (APN 232-061-2500).

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

STAFF RECOMMENDATION: Approval to City Council



**PUBLIC SPEAKERS:**

**Jo M. Ryan, Applicant** spoke in favor of the project.

**COMMISSIONER DISCUSSION:**

The Commissioners discussed various aspects of the project.

**ACTION:**

Motion by Vice-Chair Garcia, seconded by Commissioner Rainey to recommend approval to City Council with the added modifications to Engineering Drainage Conditions #2 and #5 and Planning General Conditions "A" No. 2 Permit Expiration. Motion carried 4-2-0 (Doan and Paul voted No and one vacancy).

**2. ZONING CODE AMENDMENT (UNCODIFIED CODE AMENDMENT) – PL 20-0528:**

REQUEST: The City Council adopted Urgency Ordinance No. 2020-12 on May 20, 2020 to reduce outdoor retail regulations, parking regulations, and signage restrictions in response to COVID-19. The series of business relief measures was referred to, in part, as the Escondido Business Recovery Strategy. The business relief measures were effective for 90 days. Urgency Ordinance No. 2020-12 was extended by the City Council on August 19, 2020 through Urgency Ordinance No. 2020-21. If City Council does not extend Urgency Ordinance No. 2020-21, it will expire and lapse on the 90<sup>th</sup> day after its adoption. Rather than extending business relief measures by urgency ordinance every 90 days, this proposal includes a term that is tied to the duration of the state of local emergency pertaining to COVID-19. This proposal includes temporary, uncodified amendments to the Escondido Zoning Code. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under Public Resources Code section 21080(b)(4) and CEQA Guidelines section 15269(c), as a project undertaken to prevent or mitigate an emergency; categorical exemption under CEQA Guidelines section 15304(e) for minor alterations to land for temporary uses that have negligible or no permanent effects on the environment; and categorical exemption

under CEQA Guidelines section 15311(c) for the construction of or replacement of minor structures and temporary use items accessory to existing commercial, industrial, or institutional facilities.

STAFF RECCOMENDATION: Approval to City Council

PUBLIC SPEAKERS (SUBMITTED WRITTEN COMMENTS):  
None.

COMMISSIONER DISCUSSION:

The Commissioners discussed various aspects of the project.

**ACTION:**

Motion by Commissioner Rainey, seconded by Commissioner Paul recommend approval to City Council. Motion carried unanimously (6-0-0; one vacancy).

**CURRENT BUSINESS:**

**1. Climate Action Plan Update – PHG 18-0009:**

Provide an update for the on-going Climate Action Plan.

- **Presentation by Escondido Community Advisory Committee**

Information was provided and the Commissioners discussed various aspects of the project.

PUBLIC SPEAKERS (SUBMITTED PUBLIC WRITTEN COMMENTS)

**Molly Kirkland**, provided comments regarding including the existing building retrofit program.

**ACTION:**

None taken, information provided.

**ORAL COMMUNICATIONS:** None.

**PLANNING COMMISSIONERS:** Commissioner Paul referenced a handout he wanted to share with the Commissioners.

**ADJOURNMENT:** Chair Weiler adjourned the meeting at 9:28 p.m. The meeting was delayed approximately twenty minutes after the start of the meeting due to technical difficulties. The next regularly scheduled Planning Commission meeting will be held at 7:00 p.m. on Tuesday, September 22, 2020, in the City Council Chambers via video conference, 201 North Broadway Escondido, California.

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Mike Strong, Secretary to the  
Escondido Planning Commission

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Kirsten Peraino, Minutes Clerk



ATTACHMENT 3

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

Notice of Exemption

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

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

Project Title/Case No.: MASTER AND PRECISE DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, ZONE CHANGE AND SPECIFIC ALIGNMENT PLAN / PL 20-0447 "CARVANA"

Project Location - Specific: The approximately 1.85-acre generally is located on the northern side of N. Hale Avenue, east of Interstate 15, west of Washington Avenue, addressed at 559 N. Hale Avenue (APN 232-061-25-00)

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

Description of Project: Master and Precise Development Plan and Conditional Use Permit for the development of a proposed Carvana Fulfillment Center / Vending Machine auto dealership. The project consists of an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. A Zone Change from Light Industrial (M-2) zoning to Planned Development-Industrial (PD-I) zoning is requested to implement the Planned Development. A proposed Specific Alignment Plan to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street to include dual southbound left-turn lanes. The improvements would add turn lane capacity to the southbound leg of the intersection without removing existing southbound through lanes, therefore providing additional storage space for southbound left-turning vehicles. The proposed class II bike lane would be modified/eliminated across the project frontage.

Name of Public Agency Approving Project: City of Escondido

Name of Person or Agency Carrying Out Project:

Name: Carvana (Representative Jo Ryan) Telephone: (503) 515-7861

Address: 1930 W. Rio Salado Parkway, Tempe, AZ 85281

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

Exempt Status: Categorical Exemption. CEQA Sections 15332 "In-fill Development Projects."

Reasons why project is exempt:

The proposed project qualifies for an exemption from the California Environmental Quality Act (CEQA) under Section 15332, Class 32 In-fill Development Project. CEQA Guidelines lists classes of projects that have been determined not to have a significant effect on the environment and as a result are exempt from review under CEQA.

The proposed project or its circumstances would not result in any exceptions identified in CEQA Guidelines, Section 15300.2. Among the classes of projects that are exempt from CEQA review are those projects that are specifically identified as urban in-fill development. CEQA Guidelines, Section 15332, defines in-fill development (Class 32 exemptions) as being applicable to projects meeting the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- The proposed development occurs within city limits on a project site of no more than five (5) acres substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

No circumstances previously evaluated in the previously certified Final EIR for the General Plan and Downtown Specific Plan (May 23, 2012) and the Addendum to the certified Final EIR (March 21, 2019) have changed with respect to the proposed development. In addition, the proposed project would not create substantial changes or bring to light new information of the substantial importance that was not previously examined in these Final EIR and Addendum. As a result, the project qualifies for a Categorical Exemption pursuant to the CEQA's requirements for an "in-fill development" within an urbanized area as detailed below:

### **General Plan and Zoning Consistency**

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Car dealerships ("auto sales") are allowed within the M-2 zoning district subject to the issuance of a Conditional Use Permit. The change of zone from M-2 to Planned Development-Industrial (PD-I) would be in conformance with the General Industrial land-use designation, and the Planned Development Zoning (Article 19 of the Escondido Zoning Code) allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels. The property also is located within the Downtown Transit Station Target Area (characterized as Target Area "a" in the "Land Use and Community Form" section of the General Plan). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. The proposed Planned Development (Master and Precise Development Plan) and Conditional Use Permit provides for a well-designed project that will be beneficial to the Transit Station Target Area and an economic asset to the larger Interstate-15 corridor. The SAP would provide appropriate design features to accommodate the project and anticipated traffic along the project area segment of Hale Avenue.

### **Project Location, Size and Context**

CEQA, Section 21072, defines a qualified urban use as "any residential, commercial, public institutional, transit, or transportation passenger facility, or retail use, or any combination of those uses." The project is on a site within City limits that is no more than five (5) acres and substantially surrounded by urban uses.

The 1.85-acre project site previously was occupied by the Talone Meats/North County Packing Company. The building was destroyed by a fire in 2016 and the remaining portions subsequently demolished, but the foundation still remains. The property generally is flat with no significant topographical features. The site is triangle in shape and located adjacent to Interstate 15 and bridge on the west. The freeway lanes are located approximately 20+ feet higher than the project site. The North County Transit District "NCTD" Sprinter Line and inland bike path are located along the eastern boundary of the site. The property fronts onto Hale Avenue on the south. Surrounding land uses include equipment rental and light/heavy industrial to the north and east, and light industrial/commercial to the south.

### **Endangered, Rare or Threatened Species**

The project site is located within the highly developed and urban area of the City. The project site currently is vacant, disturbed and has been clear of all structures, except for the previous concrete foundations/pads and asphalt paving. Vegetation primarily consists of ornamental landscaping, mature palm trees, various weeds and grasses from the previous development/activities. The project site does not contain habitat suitable for candidate, sensitive or special status species. In addition, no riparian habitat or other sensitive natural community, or potential jurisdictional features were observed within the project site or within a 100-foot boundary from the project site. The project site has no value as a habitat or special-status species and, therefore, adheres to the criteria of CEQA Guidelines, Section 15332(c).

## **Traffic**

The Engineering Division concluded the project would not result in any significant traffic or transportation-related impacts, and no mitigation measures are required. A preliminary Traffic Statement was prepared for the project by Kimley Horn (dated July 20, 2020). Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). A typical auto dealership operation is anticipated to generate approximately 290 average daily trips (23 peak hour trips). However, based on the Carvana operational characteristics, anticipated daily trips would be significantly less than a typical auto dealership (approximately 142 ADT). As part of the project, an additional nine (9) feet of right-of-way would be dedicated along the project frontage and Hale Avenue widened to accommodate dual southbound left-turn lanes at the intersection of Hale Avenue/Tulip Street.

The traffic assessment indicated the project does not meet any of the trigger categories to conduct a Traffic Impact Analysis (TIA) as the number of daily trips on the surrounding street segments would be below the threshold guidelines. The project also does not trigger TIA thresholds for project traffic added to a leg of an intersection during AM or PM peak hour. Based on the City's roadway and intersection project contributions threshold guidelines, the project would not add a significant amount of traffic to the surrounding street network. The project would not require alterations to the roadways or intersections such that the project would conflict with SANDAG's Congestion Management Program.

Specific Alignment Plan "SAP" - Hale Avenue across the project frontage is classified as a Super Major Road (110' ultimate right-of-way) on the City's Circulation Element Map. Hale Avenue east and west of the project site is classified as a Collector Road (84' ultimate right-of-way). The Super Major roadway classification was a placeholder designation until the specific needs for this section of roadway was analyzed to determine the actual design improvements to accommodate current and future traffic. Hale Avenue immediately west of the project site is under the jurisdiction of Caltrans and contains the Interstate 15 bridge and High Occupancy Vehicle "HOV" signalized entrance/exits. The SAP includes the widening of N. Hale Avenue in order to accommodate two southbound left-turn pocket lanes onto Tulip Street. Improvements include re-striping the roadway for approximately 400 feet, reconstruction of the existing median along N. Hale Avenue, construction of two access driveways to the proposed Carvana project site (right-in and right-out only at eastern driveway), and new sidewalk along the property frontage. These improvements will require traffic signal modifications at the intersection of Hale Avenue and Tulip Street. An additional nine (9) feet of dedication is required to accommodate the proposed improvements. A striped Class II bicycle lane is identified along Hale Avenue in the City's Bicycle Master Plan. The current and proposed roadway design would not be able to accommodate a Class II lane across the project frontage. Existing improvements east of the project site within the Caltrans section of the roadway and west of the site within the NCTD rail crossing also cannot accommodate a Class II bike lane. These facilities have been fully improved and do not provide on-street bicycle provisions. Therefore, the Class II lane would be eliminated along this segment of roadway from the SAP. The existing Class I bike path along Escondido Creek located to the south of Hale Avenue is a preferred east/west route that also connects to the inland bike trail along the southern side of Hale Avenue that provides a suitable alternative.

## **Noise**

The project site is commercial in nature and located within a urban (commercial/industrial) area of the City. Primary noise sources in the area are traffic noise along Interstate 15, Hale Avenue, Tulip Street and Washington Avenue. Surrounding noise sources also include the variety of industrial and commercial uses. The auto dealership would be compatible with the adjacent uses and as such, the project is not anticipated to generate any significant increases to the existing ambient noise level. Any stationary operational noise sources are regulated by the limits outlined in the Escondido Municipal Code. The City's Noise Ordinance also states that if the ambient noise level exceeds that permissible standard, the allowable noise exposure standard shall be the ambient noise level.

Construction would result in a temporary noise increase on and around the project site. Construction-related impacts are short term and would cease once the project is completed. No special construction techniques (i.e. pile driving or blasting) are anticipated to be necessary for construction of the project. The City also has a maximum 1-hour average construction noise limit of 75 dB at noise-sensitive land uses. Contractors are required to comply with the Noise Ordinance for noise levels from project-related grading and construction activities set forth in the Escondido Municipal Code. The Escondido Municipal Code also restricts the times of day when construction may occur (7:00 a.m. to 6:00 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m. on Saturday; and not at all on Sunday

or public holidays). Construction of the project would take place within the hours specified in Section 17,234 of the Escondido Municipal Code. There are no noise sensitive uses adjacent or within close proximity to the project site.

### **Air Quality**

Due to the nature of the project and low traffic generation, the project is not anticipated to exceed screening-level criteria thresholds for construction or operational level impacts, nor create any operational related dust or odor-related impacts. The size of the project is smaller than the air-quality study trigger criteria presented in Table 4.3-12 of the City's General Plan EIR that would trigger the need for an air-quality impact assessment.

Construction activities would include grading, building construction, and architectural coatings. The greatest potential for toxic air contaminants emissions would be related to diesel particulate matter (DPM) emissions that are associated with heavy equipment operations during the project construction. Due to construction activity being short-term and the limited number of heavy-duty construction equipment the project would not result in long-term substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Additionally, the California Code of Regulations Title 13, Article 4.8, Chapter 9, Section 2449 regulates emissions from off-road diesel equipment in California. Therefore, no significant short-term toxic air contaminants impacts would occur during the construction of the proposed project. Construction phase impacts would be less than significant and no mitigation is required.

### **Water Quality**

The project would not result in any significant effects related to water quality. A preliminary drainage study and Storm Water Quality Management Plan (SWQMP) was prepared for the project. Storm water quality impacts during construction would be prevented through implementation of a grading and erosion control plan that is required by the City's Grading and Erosion Control Ordinance (Article 55 of the Municipal Code) and the State General Permit to Discharge Stormwater Associated with Construction Activities (NPDES No. CA2000002), which requires preparation of a SWPPP by a Qualified SWPPP Developer. Adherence to applicable requirements and implementation of the appropriate BMPs would ensure that potential water quality degradation associated with construction related activities would be minimized and impacts less than significant.

The Project would mimic the existing drainage pattern, and runoff from the roof and outdoor areas would be discharged towards on-site storm water facilities located along Hale Avenue to treat pollutants and meet flow control requirements for the project. With the implementation of the operational treatment control biofiltration basin and BMPs that would be required by the City pursuant to the SUSMP, potential pollutants would be reduced to the maximum extent possible. Therefore, development would not violate any water quality standards or water discharge requirements.

### **Utilities and Public Services:**

The Fire Department indicated that appropriate fire protection can be provided with the implementation of the required building/site design features. Appropriate fire flow will be provided to the project site with the installation of the required fire hydrants.

The Engineering Division indicated that appropriate utilities will be provided to the project with existing facilities located within adjacent Hale Avenue.

### **Section 15300.2 (Exceptions)**

**Location:** Not applicable to Class 32 exemption

**Cumulative Impact:** All resource topics associated with the project have been analyzed and were found to pose no significant impact. Therefore, the project would not make a cumulatively considerable contribution to a significant cumulative impact.

**Significant Effect:** There are no known unusual circumstances applicable to the project or project site that could result in a significant effect on the environment.

**Scenic Highway:** The project is not located in the vicinity of any designated or eligible state scenic highway.

**Hazardous Waste Site:** They are no on site hazardous waste sites listed under Section 65962.5 of the Government code. However, the site did contain a previous leaking underground tank (UST) that was remediated and the case closed by the County Department of Environmental Health "DEH" in 2013, and the case was transferred to the San Diego RWQCB. Following the transfer, case closure was requested via the State Water Resources Control Board (SWRCB) Resolution No.2012-0016 Low-Threat Underground Storage Tank Case Closure Policy (LTCP). Based on the LTCP groundwater criteria of benzene concentrations being below 3,000 ug/l, the plume length being less than 250 feet, no remaining LPH, and the nearest supply well being over 1,000 feet away, closure was granted via the LTCP. However, the DEH requested certain measures be implement to assure that all excavated soils is managed correctly and all potential health risks associated with dust and soil vapor intrusion have been adequately addressed. Therefore, the following design features/conditions have been included in the project conditions of approval:

**DF-Haz 1:**

In accordance with the San Diego County Department of Environmental Health (DEH) recommendations, prior to the issuance of grading and building permits for the project, the applicant/owner shall enter the Voluntary Assistance Program (VAP) for regulatory oversight to assure that all excavated soil is managed correctly and all potential health risks have been properly addressed. In addition, the following shall be required:

- a. Evacuation, management and disposal of impacted soils shall be managed through an approved DEH Soils Management Plan (SMP) and Community Health and Safety Plan (CHSP).
- b. Appropriate engineering controls shall be incorporated into the improvements plans, as may be required by the DEH, to address any soil vapor intrusion.

**Historic Resource:** The 1.85-acre project site previously was occupied by the Talone Meats/North County Packing Company that was destroyed by a fire in 2016. The remaining structure(s) subsequently were demolished and removed from the site. These "Vernacular" style industrial/commercial structures were listed on the City's Historic Sites Survey as they were constructed in the 1930s. The structures were not listed on the City's Local Register. Because the historic resources no longer exist on the site, no impacts to historic resources would occur and no mitigation is required. However, the project has been conditioned to include a plaque noting the previous use of the project site.

**Lead Agency Contact Person:** Jay Paul, Planning Division Area Code/Telephone/Extension (760) 839-4537

Signature: *J Paul* September 2, 2020  
Jay Paul, Senior Planner Date

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



ORDINANCE NO. 2020-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITYWIDE ZONING MAP TO CHANGE THE DESIGNATION OF THE 1.85-ACRE PROJECT SITE FROM M-2 to PD-I, AND A MASTER AND PRECISE DEVELOPMENT PLAN, TO SUPPORT THE CARVANA PROJECT PROPOSAL

APPLICANT: Carvana Co.

CASE NO.: PL 20-0447

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

SECTION 1. The City Council makes the following findings:

a) Carvana ("Applicant") submitted a verified land use development application ("Application") on property located at 559 N. Hale Avenue (Assessor's Parcel No. 232-061-25-00) more particularly described in Exhibit "A" to City Council Resolution No. 2020-129, which is incorporated herein by this reference as though fully set forth herein ("Property"). The Application was submitted to, and processed by, the Planning Division of the Community Development Department as Planning Case No. PL 20-0447 and seeks approval of a Conditional Use Permit, Master and Precise Development Plan, Zone Change, and Specific Alignment Plan relating to the subject site.

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 September 8, 2020. Following the public hearing on September 8, 2020, the Planning Commission adopted Resolution No. 2020-09, which

recommended that the City Council, among other things, approve the Project's proposed Zone Change and Master and Precise Development Plan.

SECTION 2. An original copy of the proposed Zone Change 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, California, 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. On September 23, 2020, the City Council held 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 September 23, 2020, 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, Public Resources Code section 21000 et seq. ("CEQA") the project is categorically exempt

from environmental review in conformance with CEQA Guidelines section 15332 as an in-fill development project. The City Council adopts such categorical exemption, along with adopting the CEQA Findings of Fact per City Council Resolution No. 2020-129. The Notice of Exemption (“NOE”) should be filed with the San Diego County Clerk in conformance with CEQA Guidelines section 15062 (“Notice of Exemption”).

SECTION 5. That, upon consideration of the Findings of Fact/Factors to be Considered, attached as Exhibit “B”, 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 September 23, 2020, 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 M-2 (General Industrial) to Planned Development-Industrial (PD-I), as set forth in Exhibit “A” and incorporated herein by reference as though fully set forth herein.

SECTION 7. All references within this Ordinance to "Applicant" shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors-in-interest or assigns own, control, or otherwise have development authority for all, a portion, or portions of the Property.

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 September 23, 2020 City Council staff report. No single component of the series of actions made in connection with the Project shall be effective unless and until it is approved by an Ordinance or Resolution and is procedurally effective within its corporate limits as a statute in the manner provided by state law. Therefore, this Ordinance shall become effective after final passage and publication as required by law, and operative only if City Council Resolution No. 2020-129 is approved.

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

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

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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**Planning Case No. PL 20-0447**

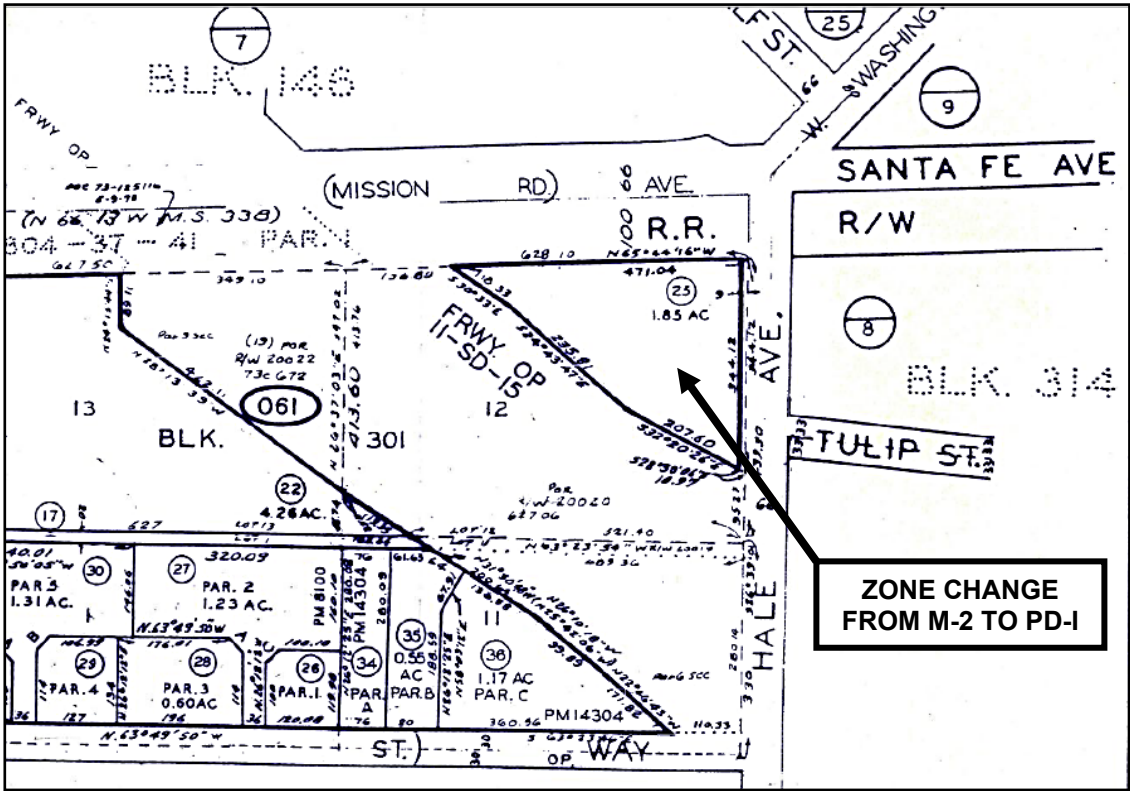
That portion of Lot 12 in Block 301 of Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 724, filed in the office of the County Recorder of San Diego County, August 13, 1982, described as follows:

Beginning at the most easterly corner of said Lot 12; thence along the northeasterly line of said Lot 12, north 65 degrees 44' 16" west 471.04 feet; thence south 30 degrees 33' 00" east 118.33 feet; thence south 24 degrees 43' 47" east 235.81 feet; thence south 32 degrees 20' 26" east 207.60 feet; thence south 28 degrees 30' 06" east 10.97 feet to the southeasterly line of said Lot 12; thence along said southeasterly line, north 26 degrees 39' 01" east 344.12 feet to the point of beginning.

Excepting therefrom the southeasterly 9.00 feet as conveyed to the City of Escondido, in deed recorded June 13, 1975 as File No. 75-149673 of official records.

APN 232-061-25-00

**Zone Change from M-2 to PD-I**



**EXHIBIT "B"**  
**FINDINGS OF FACT/FACTORS TO BE CONSIDERED**  
**PL 20-0447**

**Environmental Determination(s):**

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations Section 15000 et. seq., the City of Escondido is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption in CEQA Guidelines section 15332, "In-fill Development Projects." Project design measures were incorporated into the Conditions of Approval to address potential issues related to hazardous site impacts.

**Master and Precise Development Plan:**

1. The proposed Planned Development is consistent with the adopted general plan and applicable to specific plans for the subject area. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Auto sales are allowed within the General Industrial land-use designation subject to the issuance of a Conditional Use Permit. The proposed Planned Development would be in conformance with the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. The Carvana auto dealership would assist in achieving the goals and policies in the General Plan and Target Area because it would establish a new commercial use that would rehabilitate the deteriorated project site and enhance commercial service opportunities, tax base and jobs within this target area.
2. The proposed location allows the planned development to be well integrated with its surrounding surroundings. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses.
3. All vehicular traffic generated by the planned development will be accommodated safely and without causing undue congestion upon adjoining streets. The Specific Alignment Plan (SAP) establishes the appropriate level of roadway and intersection improvements to accommodate project related and anticipated future traffic along Hale Avenue project frontage.

4. The proposed location and design allows residents and business establishments proposed 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.
5. The overall design of the proposed planned development produces an attractive, efficient and stable environment.
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.
7. The uses proposed have a beneficial effect not obtainable under existing zoning regulations. Any departure from existing ordinance requirements (allowable signage) are warranted by the design and the amenities incorporated in the planned development in accord with adopted city policy.

### **Zone Change**

1. The public health, safety and welfare will not be adversely affected by the proposed zone change from General Industrial (M-2) to Planned Development-Industrial (PD-I) as the subject site still will remain industrial zoning with similar permitted and conditionally permitted uses.
2. The property involved is suitable for the uses permitted by the proposed zone and would not be detrimental to surrounding properties because auto sales is a conditionally permitted use within underlying General Industrial (M-2) and proposed Planned Development-Industrial (PD-I) zone. The proposed PD-I zone would not introduce any additional uses not already allowed or conditionally allowed within the underlying industrial zone. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses.
3. The proposed change is consistent with the adopted general plan and the relationship of the proposed change is applicable to specific plans for the subject area. The City's General Plan land-use designation for the project site is General Industrial (GI) with an underlying zoning designation of General Industrial (M-2). Auto sales are allowed within the General Industrial land-use designation subject to the issuance of a Conditional Use Permit. The change of zone from M-2 to Planned Development-Industrial (PD-I) would be in conformance with the General Industrial land-use designation, and the Planned Development zoning allows for a more flexible regulatory procedure by which the basic public purposes of the Escondido general plan and development policies may be accomplished for specific parcels (Zoning Code Article 19). The proposed zone change also would be in conformance with the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance.

RESOLUTION NO. 2020-129

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT  
FOR A CARVANA AUTO DEALERSHIP AND  
SPECIFIC ALIGNMENT PLAN FOR 559 N.  
HALE AVENUE

Case No. PL 20-0447

WHEREAS, Carvana Co. (“Applicant”) filed a land use development application (Planning Case No. PL 20-0447) (“Application”) for the development of a proposed Carvana Fulfillment Center/Vending Machine auto dealership on an approximately 1.85-acre project site (“Project”) generally located on the northern side of N. Hale Avenue, east of Interstate 15, addressed as 559 N. Hale Avenue (APN 232-061-25), and more particularly described in Exhibit “A” and incorporated by this reference as though fully set forth herein (“Property”); and

WHEREAS, the 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 the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”); 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 on September 8, 2020, at which interested persons were given the opportunity to appear and present their views with respect to the Application. Following the public hearing, the Planning Commission adopted Resolution No. 2020-



09, which recommended that the City Council, among other items, approve the Conditional Use Permit and Specific Alignment Plan; and

WHEREAS, the City Council has reviewed the request for the Conditional Use Permit and Specific Alignment Plan, and has reviewed and considered the Categorical Exemption prepared for the Project, and has determined the Project would not have any significant impacts to the environment; and

WHEREAS, an original copy of the proposed Conditional Use Permit 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, California, 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, 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, on September 23, 2020, the City Council held a duly notice public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including without limitation:

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

c) The City Council staff report, dated September 23, 2020, 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, on September 23, 2020, the City Council introduced Ordinance No. 2020-25 and intends to approve a Master and Precise Development Plan and Zone Change to provide consistency between the General Plan, Municipal Code, and Zoning Code; and to enable potential adoption of the proposed Conditional Use Permit and Specific Alignment Plan on the subject site; and

WHEREAS, this City Council hereby approves said Conditional Use Permit and Specific Alignment Plan as reflected in the staff report(s), and on plans and documents on file in the offices of the City Clerk and Planning Division.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Escondido, California, that in its independent judgment and after fully considering the totality of the record and evidence described and referenced in this Resolution, the City Council hereby declares:

1. That the foregoing recitations are true and correct and are incorporated herein by this reference as though set forth in full.

2. That the Findings of Fact, attached as Exhibit "B" 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 "B" shall be the final and determinative Findings of Fact on this matter.

3. That upon consideration of the Findings, all material in the September 23, 2020 staff report (a copy of which is on file in the Office of the City Clerk), public testimony presented at the hearing, and all other oral and written evidence on this project, the City Council approves the Conditional Use Permit and Specific Alignment Plan as reflected on plans and documents on file in the offices of the City Clerk and Planning Division, and subject to Conditions of Approval set forth as Exhibit "C" and incorporated by this reference to City Council Resolution No. 2020-129.

4. That this Conditional Use Permit shall be null and void unless the Permit is utilized within 36 months of the effective date of the companion Ordinance 2020-25 approval, or unless an Extension of Time is granted pursuant to Article 61 of the Escondido Zoning 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 September 23, 2020, 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 in the manner provided by state law. Therefore, this Resolution shall become effective and operative on the day immediately subsequent to the date that Ordinance 2020-25 is 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.

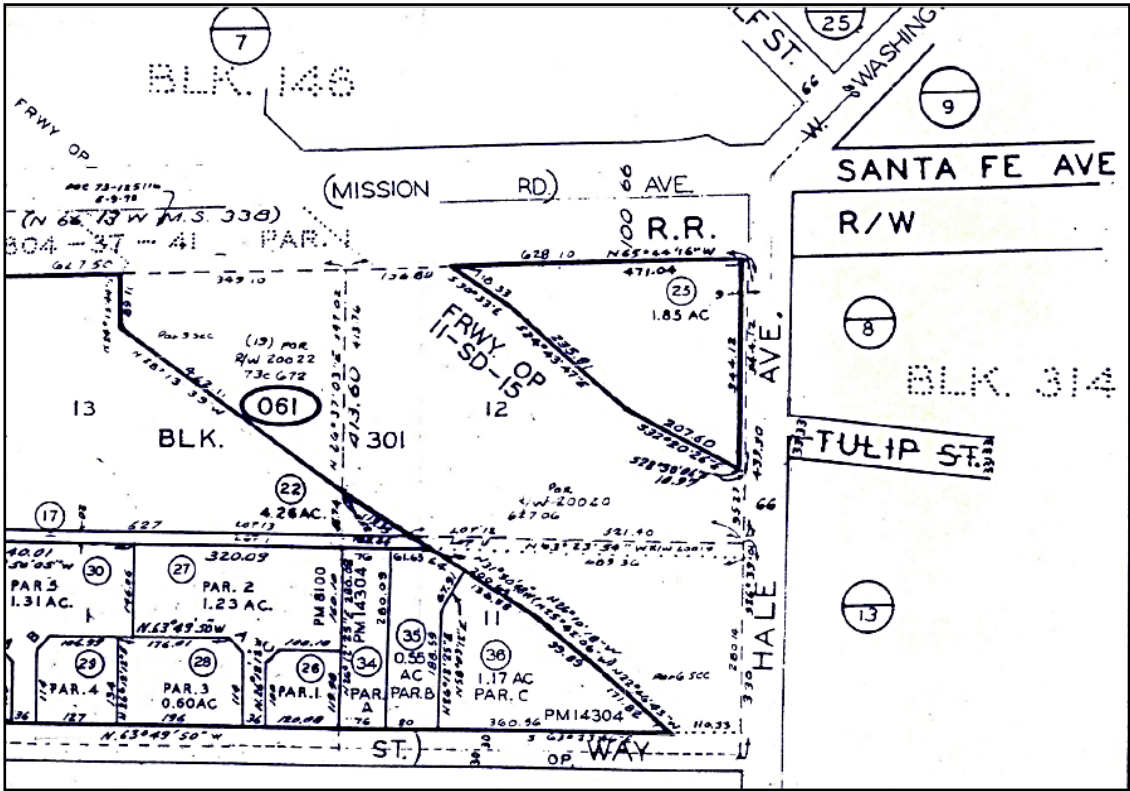
**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**Planning Case No. PL 20-0447**

That portion of Lot 12 in Block 301 of Rancho Rincon Del Diablo, in the City of Escondido, County of San Diego, State of California, according to Map thereof No. 724, filed in the office of the County Recorder of San Diego County, August 13, 1982, described as follows:

Beginning at the most easterly corner of said Lot 12; thence along the northeasterly line of said Lot 12, north 65 degrees 44' 16" west 471.04 feet; thence south 30 degrees 33' 00" east 118.33 feet; thence south 24 degrees 43' 47" east 235.81 feet; thence south 32 degrees 20' 26" east 207.60 feet; thence south 28 degrees 30' 06" east 10.97 feet to the southeasterly line of said Lot 12; thence along said southeasterly line, north 26 degrees 39' 01" east 344.12 feet to the point of beginning.

Excepting therefrom the southeasterly 9.00 feet as conveyed to the City of Escondido, in deed recorded June 13, 1975 as File No. 75-149673 of official records.

APN 232-061-25-00



**EXHIBIT "B"**  
**FINDINGS OF FACT/FACTORS TO BE CONSIDERED**  
**PL 20-0447**

**Environmental Determination(s):**

1. Pursuant to the California Environmental Quality Act, (CEQA, Public Resources Code Section 21000 et. seq.), and its implementing regulations (the State CEQA Guidelines), Article 14 of the California Code of Regulations Section 15000 et. seq., the City of Escondido is the Lead Agency for the project ("Project"), as the public agency with the principal responsibility for approving the Project.
2. All of the requirements of the California Environmental Quality Act have been met because it was found that the project will not have a significant effect on the environment as demonstrated in the Categorical Exemption in CEQA Guidelines section 15332, "In-fill Development Projects." Project design measures were incorporated into the Conditions of Approval to address potential issues related to hazardous site impacts.

**Conditional Use Permit (CUP):**

1. Granting the Conditional Use Permit for auto sales 559 N. Hale Avenue would be based on sound principles of land use because and would not create a nuisance, cause deterioration of bordering land uses or create special problems for the area in which it is located because the proposed use would not create any adverse traffic or noise impacts to surrounding properties, as indicated in the staff report and environmental document prepared for the project. Outdoor lighting would be designed in accordance with the City's outdoor lighting requirements, which would minimize potential glare and spillover to adjacent properties, and Interstate 15. Appropriate setbacks and perimeter landscaping would be provided. Appropriate access, street improvements and on-site circulation and parking would be provided. The proposed project would not diminish the Quality of Life Standards of the General Plan, as the project does not materially degrade public facilities.
2. The Conditional Use Permit has been considered in relationship to its effect on the community and area plan. The surrounding area is predominantly characterized by industrial and commercial uses, and auto sales would be compatible with these land uses. The property also is located within the Downtown Transit Station Target Area (a). The Target Area Guiding Principles is to consider opportunities and incentives for increasing employment densities and attracting businesses with salaries that raise the city's median income and improving the jobs/housing balance. The Carvana auto dealership would assist in achieving the goals and policies in the General Plan and Target Area because it would establish a new commercial

use that would rehabilitate the deteriorated project site and enhance commercial service opportunities, tax base and jobs within this target area.

3. The proposed CUP to allow auto sales would provide a necessary and desirable service to the Escondido community without adversely affecting the surrounding area or the city as a whole, as noted in Findings 1 and 2 above, and further detailed in the Planning Commission staff report dated September 8, 2020.
4. The CUP would become effective on the effective date of the proposed Zone Change and Master and Precise Development Plan.

### **Specific Alignment Plan Determinations:**

1. Hale Avenue across the project frontage is classified on the City of Escondido's Circulation Element Map as a Super Major Road. Hale Avenue east and west of the site is classified as a Collector Road. Hale Avenue immediately west of the project site is under the jurisdiction of Caltrans and contains the Interstate 15 Bridge and High Occupancy Vehicle "HOV" signalized entrance/exits. In response to site conditions and constraints, the Project is proposing modifications to Hale Avenue standards across the project frontage.
2. The roadway improvements to Hale Avenue and to the intersection of Hale Avenue and Tulip Street, as proposed in the Project's Specific Alignment Plan (SAP), include dual southbound left-turn lanes. The improvements would add turn lane capacity to the southbound leg of the intersection without removing existing southbound through lanes, therefore providing additional storage space for southbound left-turning vehicles. Improvements include re-striping the roadway for approximately 400 feet, reconstruction of the existing median along N. Hale Avenue, construction of two access driveways to the proposed Carvana project site (right-in and right-out only at eastern driveway), and new sidewalk along the property frontage. These improvements will require traffic signal modifications at the intersection of Hale Avenue and Tulip Street. An additional nine (9) feet of dedication is required to accommodate the proposed improvements. A striped Class II bicycle lane is identified along Hale Avenue in the City's Bicycle Master Plan. The current and proposed roadway design would not be able to accommodate a Class II lane across the project frontage. Existing improvements east of the project site within the Caltrans section of the roadway and west of the site within the NCTD rail crossing also cannot accommodate a Class II bike lane. These facilities have been fully improved and do not provide on-street bicycle provisions. The proposed class II bike lane would be modified/eliminated across the project frontage. The proposed Specific Alignment Plan provides a modified roadway that achieves City standards for acceptable levels of service.

**EXHIBIT "C"**  
**CONDITIONS OF APPROVAL**  
**Planning Case No. PL 20-0447**  
**Carvana**

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.

**A. GENERAL:**

- 1. Acceptance of Permit.** Should the applicant fail to file a timely and valid appeal of this Permit with the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a.** Acceptance of the Permit by the applicant; and
  - b.** Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Project Permit or other approval and the provisions of the Escondido Municipal Code or Zoning Code applicable to such Permit.
- 2. Permit Expiration.** The Permit shall automatically expire after two (2) years from the date of this approval, or the expiration date of any extension granted in accordance with the Escondido Municipal Code or Zoning Code. The Permit shall be deemed expired if a grading or building permit has not been obtained or work has been discontinued in the reliance of that grading and/or building permit. If no grading or building permits are required, the City may require a noticed hearing to be scheduled before the authorized agency to determine if there has been demonstrated a good faith intent to proceed, pursuant to and in accordance with the provision of this Permit.
- 3. Certification.** The Director of Community Development, or his/her designee, is authorized and directed to make, or require the applicant to make, all corrections and modifications to the Project drawings and any other relevant document comprising the Project in its entirety, as necessary to make them internally consistent and in conformity with final action on the Project. This includes amending the Project drawing as necessary to incorporate revisions



made by the decision-making body and/or reflecting any modifications identified in these conditions of approval. Said Plans must be certified by the Planning Division prior to submittal of any post-entitlement permit, including grading, public improvement, landscape, or building plans for the project.

**4. Conformance to Approved Plans.**

- a. The operation and/or use of the subject property shall be consistent with the Details of Request, designated with the Approval Plan set.
- b. Nothing in this Permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this Permit.
- c. Once a permit has been issued, the applicant may request Permit modifications. "Minor" modifications may be granted if found by the Director of Community Development to be in substantial conformity with the Approved Plan set, including all exhibits and Permit conditions attached hereto. Modifications beyond the scope described in the Approved Plan set may require submittal of an amendment to the Permit and approval by the authorized agency.

**5. Limitations of Use.** Prior to any use of the Project site pursuant to this Permit, all conditions of approval contained herein shall be completed or secured to the satisfaction of the Community Development Director.

**6. Certificate of Occupancy.**

- a. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required, and any such change in occupancy must comply with all other applicable local and state laws.
- b. Prior to final occupancy, a Planning Final Inspection shall be completed to ensure that the property is in full compliance with the Permit terms and conditions. The findings of the inspection shall be documented on a form and content satisfactory to the Director of Community Development.

**7. Availability of Permit Conditions.**

- a. Prior to building permit issuance, the applicant shall cause a covenant regarding real property to be recorded that sets forth the terms and conditions of this Permit approval and shall be of a form and content satisfactory to the Director of Community Development.
- b. The applicant shall make a copy of the terms conditions of this Permit readily available to any member of the public or City staff upon request. Said terms and conditions shall be printed on any construction plans that is submitted to the Building Division for the plan check processing.

- 8. Right of Entry.** The holder of this Permit shall make the premises available for inspection by City staff during construction or opening hours and allow the investigations of property necessary to ensure that minimum codes, regulations, local ordinances and safety requirements are properly followed. The applicant shall provide such business records, licenses, and other materials necessary upon request to provide evidence of compliance with the conditions of approval, as well as federal, state, or laws.
- 9. Compliance with Federal, State, and Local Laws.** Nothing in this Permit shall relieve the applicant from complying with conditions, performance standards, and regulations generally imposed upon activities similar in nature to the activity authorized by this permit. (Permits from other agencies may be required as specified in the Permit's Details of Request.) This Permit does not relieve the applicant of the obligation to comply with all applicable statutes, regulations, and procedures in effect at the time that any engineering permits or building permits are issued unless specifically waived herein.

No part of this Permit's approval shall be construed to permit a violation of any part of the Escondido Municipal or Zoning Code. During Project construction and after Project completion, the applicant shall ensure the subject land use activities covered by this Permit is conducted in full compliance with all local and state laws.

- 10. Fees.** The appropriate development fees and Citywide Facility fees shall be paid in accordance with the prevailing fee schedule in effect at the time of building permit issuance, to the satisfaction of the Director of Community Development. Through plan check processing, the applicant shall pay development fees at the established rate. Such fees may include, but not be limited to: Permit and Plan Checking Fees, Water and Sewer Service Fees, School Fees, Traffic Mitigation Fees, Flood Control Mitigation Fees, Park Mitigation Fees, Fire Mitigation/Cost Recovery Fees, and other fees listed in the Fee Schedule, which may be amended. Arrangements to pay these fees shall be made prior to building permit issuance to the satisfaction of the Community Development Department.
- 11. Public Partnership Program.** All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to any building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for participating in the City Public Art Program.

**12. Clerk Recording.**

- a. Exemption;** The City of Escondido hereby notifies the applicant that the County Clerk's office requires a documentary handling fee of \$50.00 in order to file a Notice of Exemption for the project (environmental determination for the project). In order to file the Notice of Exemption with the County Clerk, in conformance with the California Environmental Quality Act (CEQA) Section 15062, the applicant should remit to the City of Escondido Planning Division, within two working days of the final approval of the project, a check payable to the "County Clerk" for \$50.00. The filing of a Notice of Exemption and the

posting with the County Clerk starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from CEQA. Failure to submit the required fee within the specific time noted above will result in the Notice of Exemption not being filed with the County Clerk, and a 180-day statute of limitations will apply.

**13. Legal Description Adequacy.** 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.

**14. Application Accuracy.** The information contained in the application and all attached materials are assumed to be correct, true, and complete. The City of Escondido is relying on the accuracy of this information and Project-related representations in order to process this application. Any permits issued by the City may be rescinded if it is determined that the information and materials submitted are not true and correct. The applicant may be liable for any costs associated with rescission of such permits.

**15. Revocation, Suspension, Modification.** At any time after Project implementation, the City may require a noticed public hearing to be scheduled before the Planning Commission to determine if there has been demonstrated a good faith intent to proceed in reliance on this approval. This item may be referred to the appropriate decision-making body upon recommendation of the Director of Community Development for review and possible revocation or modification of the Permit regarding non-compliance with the Conditions of Approval.

This Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing, and after the following findings are fully investigated:

- a. A violation of any term or condition not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance, state law, or federal law not abated, corrected or rectified within the time specified on the notice of violation; or
- c. The use as presently conducted creates or constitutes a nuisance.

**16. Indemnification.** The applicant shall hold harmless the City, its Council Members, its Commission and Boards, officers, agents, employees, and representatives from liability for any award, damage, cost and fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this Permit and from and against any and all claims, losses, proceedings, damages, cause of action, liabilities, cost and expenses, including reasonable

attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of applicant, or their respective contractors, licensees, invitees, agents, sub lessees, servants or employees, wherever on or adjacent to the property the same may occur; (ii) any use of the property, or any accident, injury, death, or damage to any person or property occurring in, or on or about the property, or any part thereof, or from the conduct of the applicant or owner's business or from any activity, work or thing done, permitted or suffered by the applicant or owner or its sub lessees, contractors, employees, or invitees, in or about the property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of applicant's or ones part to performed under the terms of this Agreement, or arising from any negligence of applicant or owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees , ag4ents and representatives, by reason of any such claim, applicant or owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City. Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney fees.

**B. Construction, Maintenance, and Operation Obligations;**

1. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Director of Building, and the Fire Chief. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City regulations in effect at the time of Building Permit issuance unless specifically waived herein.
2. **Agency License and Permitting.** In order to make certain on- or off-site improvements associated with the Approved Plan set, the Permit request may require review and clearance from other agencies. Nothing in these Conditions of Approval shall be construed as to waive compliance with other government agency regulation or to obtain permits from other agencies

At all times during the effective period of this permit, the applicant and any affiliated responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the construction, maintenance, and operation of the authorized activity.

3. **Utilities.** All new utilities and utility runs shall be undergrounded.

4. **Signage.** All proposed signage associated with the Project must comply with the City of Escondido Sign Ordinance (Ord. 92-47, Zoning Code Article 66) for the underlying zone, and as may be approved pursuant to the Master Development Plan along with any exhibits included in the staff report(s), to the satisfaction of the Planning Division. Separate sign permits (Planning Division Sign Permit) will be required for Project signage prior to the issuance of building permits for the signage.
  - a. All illuminated signs shall be equipped with automatic timing devices so that the lighting is turned off between the hours of 11:00 p.m. and sunrise, unless exempt pursuant to Article 25, Outdoor Lighting. All illuminated signs shall be equipped with a dimmer type device in order to control the intensity of illumination between the hours of 11:00 p.m. and sunrise, unless exempt pursuant to Article 25.
  - b. The sign package shall include a plaque (mounted on the wall and small monument) noting the previous history of the Talone operation/building on the site.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. **Lighting.** All exterior lighting shall conform to the requirements of Article 1072, Outdoor Lighting (Ordinance No. 86-75).
  - a. The interior tower lighting shall be equipped with a dimmer type device in order to control the intensity of illumination between the hours of 11:00 p.m. and sunrise.
7. **General Property Maintenance.** The property owner or management company shall maintain the property in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping. The applicant shall paint and re-paint all building exteriors, accessory equipment, and utility boxes servicing the Project, as necessary to maintain clean, safe, and efficient appearances.
8. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement, including all areas of the job site for when the Project is under construction.
9. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, and garbage.
10. **Roof, Wall, and Ground Level Equipment.** All mechanical equipment shall be screened and concealed from view in accordance with Section 33-1085 of the Escondido Zoning Code. Any roof equipment visibly from Interstate 15 shall be painted to blend in with the roof color.

- 11. Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning and Engineering Division. The property owner or management company shall be responsible for ensuring that enclosures are easily assessable for garbage and recyclables collection; and that the area is managed in a clean, safe, and efficient manner. Trash enclosure covers shall be closed when not in use. Trash enclosures shall be regularly emptied. There shall be the prompt removal of visible signs of overflow of garbage, smells emanating from enclosure, graffiti, pests, and vermin.
- 12. Staging Construction Areas.** All staging areas shall be conducted on the subject property, subject to approval of the Engineering Department. Off-site staging areas, if any, shall be approved through the issuance of an off-site staging area permit/agreement.
- 13. Disturbance Coordinator.** The Applicant shall designate and provide a point-of-contact whose responsibilities shall include overseeing the implementation of Project, compliance with Permit terms and conditions, and responding to neighborhood concerns.
- 14. Parking and Loading/Unloading.**
- a. A minimum of twenty-one (21) parking spaces shall be provided on site as discussed in the staff report to the satisfaction of the City Engineer and Director of Community Development. 54 parking spaces are proposed by the applicant, as shown on the site plan. Parking for disabled persons shall be provided in full compliance with Chapter 2-71, Part 2 of Title 24 of the State Building Code, including signage. All required parking spaces shall remain available for operable vehicles and shall not be used for inoperable vehicles or general storage.
- 15. Landscaping Maintenance.** The property owner or management company assumes all responsibility for maintaining all on-site landscaping and irrigation; any landscaping in the public right-of-way adjacent to the property, and any retaining and freestanding walls/fencing in a manner that satisfies the conditions contained herein.
- a. Landscaped areas shall be maintained in a flourishing manner. Appropriate irrigation shall be provided for all landscape areas and be maintained in an operational condition.
  - b. The landscaped areas shall be free of all foreign matter, weeds and plant material not approved as part of the landscape plan.
  - c. Failure to maintain landscaping and the site in general may result in the setting of a public hearing to revoke or modify the Permit approval.

**16. Landscaping Plans.** Applicant shall install all required improvements including any fencing, walls, storm improvements, and landscaping in substantial conformance to the planting and irrigation schedule as shown on the final Approved Plan set.

- a. A final landscape and irrigation plan shall be submitted to the Engineering Division for review and approval, if meeting any of the criteria listed under Section 33-1323 of the Zoning Code. Five (5) copies of detailed landscape and irrigation plans shall be submitted to the Engineering Services Department with the second submittal of the grading plan. The initial submittal of the landscape plans shall include the required plan check fees, paid in accordance with the prevailing fee schedule in effect at the time of submittal. Details of Project any fencing and walls, including materials and colors, shall be provided on the landscape plans. (Building permits may also be required.) The landscape and irrigation plans shall be reviewed and approved by the Planning Division and Engineering Services Department prior to issuance of grading permits, and shall be equivalent or superior to the conceptual landscape plans included as part of the Approved Plan set, to the satisfaction of the Planning Division. 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, except where stricter requirements are imposed by the State of California.
- b. The installation of the landscaping and irrigation shall be inspected by the Project landscape architect upon completion. He/she shall complete a Certificate of Landscape Compliance certifying that the installation is in substantial compliance with the approved landscape and irrigation plans and City standards. The Applicant shall submit the Certificate of Compliance to the Planning Division and request a final inspection.
- c. New or retrofitted trash enclosures shall accommodate vertical climbing plants, vines with support trellis panels, clinging non-deciduous or fast growing shrubbery that will screen the enclosures wall surface. The Director of Community Development shall find that the proposed landscaping design, material, or method provides approximate equivalence to the specific requirements of this condition or is otherwise satisfactory and complies with the intent of these provisions.
- d. The mature eucalyptus trees located within the southeastern corner of the site shall be retained (if feasible) and incorporate into the landscape design. The root zones shall be protected during grading operations and this shall be noted on the grading plans. The trees shall be trimmed property prior to final certificate of occupancy.

**C. Project Specific Conditions:**

1. In accordance with the San Diego County Department of Environmental Health (DEH) recommendations, prior to the issuance of grading and building permits for the project, the applicant/owner shall enter the Voluntary Assistance Program (VAP) for regulatory oversight to assure that all excavated soil is managed correctly and all potential health risks have been properly addressed. In addition, the following shall be required:
  - a. Evacuation, management and disposal of impacted soils shall be managed through an approved DEH Soils Management Plan (SMP) and Community Health and Safety Plan (CHSP).
  - b. Appropriate engineering controls shall be incorporated into the improvements plans, as may be required by the DEH, to address any soil vapor intrusion.
  - c. Prior to Certificate of Occupancy, the applicant shall submit either a "No Further Action" letter or "Concurrence" letter from DEH, or other appropriate certification from DEH.
2. This PD-I zoning designation shall be subject to the same permitted and conditionally permitted uses pursuant to Article 26 (Industrial Zones) for the M-2 zone, unless specifically modified/permitted or conditionally permitted by the Master and Precise Development Plan.

**BUILDING**

1. Approval and subsequent development is subject to all conditions and requirements of the California Building Code and Building Division.

**ENGINEERING**

**GENERAL**

1. The Developer shall provide the City Engineer with a Preliminary Title Report covering subject property.
2. The location of all existing on-site and adjacent utilities and storm drain facilities shall be determined by the Developer's engineer. If a conflict occurs with the proposed project or improvements, arrangements for relocation of the conflicting utilities/facilities shall be made with the owner of the utility/facility prior to approval of the Grading plans. This utility/facility relocation work shall be completed prior to issuance of Building Permits.



3. Improvement plans prepared by a Civil Engineer are required for all public street and utility improvements and a Grading/Private Improvement plan prepared by a Civil Engineer is required for all grading, drainage and private onsite improvement design. Landscaping Plans shall be prepared by a Landscape Architect.
4. The Developer shall post securities in accordance with the City prepared Bond and Fee Letter based on a final Engineer's Estimate of Grading and Improvements Cost prepared by the project engineer. The Developer is required to provide a Cash Clean Up deposit for all grading, landscaping, private Improvements and onsite drainage improvements prior to approval of Grading Plans and issuance of Grading Permit. This Cash Clean Up Deposit amount shall be 10% of the total cost of the project private improvements, drainage and landscaping. The Developer is required to provide Performance (100% of total public improvement cost estimate), Labor and Material (50% of total public improvement cost estimate) and Guarantee and Warranty (10% of total public improvement cost estimate) bonds for all public improvements prior to approval of the Improvement Plans and issuance of Building Permits. All improvements shall be completed prior to issuance of a Certificate of Occupancy.
5. 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 any building permit.
6. 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.
7. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.
8. The Developer's engineer shall submit to the Planning Department 3 copies of the Site/Plot Plan as approved the Planning Commission together with any changes contained in the adopted final conditions of approval. The Master and Precise Development Plan will be certified by the Planning Department verifying that they are an accurate reproduction of the approved Site/Plot Plan and one of these copies must be included with the first Final Engineering submittal for plan check to the Engineering Department.

### **STREET IMPROVEMENTS AND TRAFFIC**

1. Public street improvements shall be constructed to City Standards in effect at the time of Final Engineering approval and shall be submitted on public improvement plans prepared by a Civil Engineer to the satisfaction of the City Engineer. Specific details, including final concrete driveway apron design for the project entrances, concrete curb & gutter and

sidewalk replacement, drainage, street lighting, etc. shall be to the satisfaction of the City Engineer.

2. The Developer shall remove the existing Hale Avenue street improvements and widen Hale Avenue and construct new frontage street improvements including modification to the raised median in accordance with the approved Hale Avenue Specific Alignment Plan. The intent of this Hale Avenue Specific Alignment plan is to accommodate the construction of and striping for dual left turn lanes from west-bound Hale Avenue to south-bound Tulip Street.
3. To the extent the existing traffic signal poles and equipment are impacted by the required widening of Hale Avenue and to make the Project's westerly entrance the fourth leg of this signalized intersection, the Developer will be required to modify the existing traffic signal and associated equipment at the intersection of Hale Avenue and Tulip Street to the satisfaction of the City Engineer.

The Developer shall submit separate traffic signal and signing and striping modification improvement plans prepared by a Traffic Engineer for review and approval by the City Engineer. These traffic signal modifications shall be per current City, Caltrans, and MUTCD Standards and shall include video detection, APS, LED street lighting, and shall include a new controller and cabinet if the controller must be relocated. The Developer's Traffic Engineer will also be responsible for all new timing plans and coordinating traffic signal modification work with the Developer's Contractor(s) and Equipment Suppliers, City staff, and Caltrans due to the close proximity of the Caltrans Direct Access ramp traffic signal system.

4. The project's access driveways shall be constructed as alley-type driveway aprons with minimum throat widths of 24-feet for the easterly driveway and 28 feet minimum for the westerly signalized driveway.
5. The Project's easterly driveway shall be restricted to right turns in and out and must be signed accordingly to the satisfaction of the City Engineer.
6. All on-site driveways and parking areas will be private. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director.
7. The existing LS1 street light mounted on a power pole along the project frontage shall be removed and returned to SDG&E.
8. The Developer shall relocate the existing City owned street light to a location on the west side of the project's proposed easterly driveway entrance and retrofit it with an LED light fixture in accordance with Escondido Standard Drawing No. E-1-E.
9. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
10. The Developer shall remove and replace all damaged sidewalk, curb and gutter, along all project frontages to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.

11. The Developer's engineer shall prepare and submit for approval by the City Engineer a complete final Signing and Striping plan for all improved and modified roadways. The Developer will be responsible for removal of all existing and the construction of all new signing and striping in compliance with the current CA MUTCD standards and to the satisfaction of the City Engineer.
12. The Developer shall repaint all pavement striping and markings adjacent to the project that have been damaged and prematurely faded due to project construction traffic to the satisfaction of the City Engineer.
13. An Encroachment Permit shall be obtained from CALTRANS for any work within the CALTRANS right-of-way.
14. The Developer will be responsible for an overlay of Hale Avenue to centerline along the project frontage 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.
15. Adequate horizontal sight distance shall be provided at all driveways. Increased parkway widths, open space easements, and restrictions on landscaping may be required at the discretion of the City Engineer
16. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
17. All gated entrances shall be approved by the City Engineer, Building Official, and the Fire Marshal.
18. The Developer will be required to provide a detailed detour and traffic control plan, for all construction and staging activities, and any requested materials placement within existing rights-of-way to the satisfaction of the City Engineer. This plan shall include any proposed sidewalk closures and provide for alternate pedestrian access around the project site. This plan shall be approved prior to the issuance of an Encroachment Permit for construction or other project activities within the public right-of-way.

### **GRADING and SITE IMPROVEMENTS**

1. A site grading and erosion control plan prepared by a registered Civil Engineer shall be approved by the Engineering Department prior to issuance of building permits. 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. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 7" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.

3. Any proposed retaining walls not a part of the building foundations or stem walls shall be shown on and permitted as part of the site grading plan. Profiles and structural details shall be shown on the site grading plan and the Soils Engineer shall state on the plans that the proposed retaining wall design is in conformance with the recommendations and specifications as outlined in the Geotechnical report. Structural calculations shall be submitted for review by a Consulting Engineer for all walls not covered by Regional or City Standard Drawings. Stem walls, foundation structures, or deepened footings that are to be constructed as part of a building structure will be permitted as part of the Building Dept. plan review and permit process.
4. The Developer will be required to obtain permission from adjoining property owners for any off-site grading or work necessary to construct the project and/or the required improvements.
5. 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.
6. The Developer shall be responsible for the recycling of all excavated materials designated as Industrial Recyclables (soil, asphalt, sand, concrete, land clearing brush and rock) at a recycling center or other location(s) approved by the City Engineer.
7. A 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.
8. All blasting operations performed in connection with the improvement of the project shall conform to the City of Escondido Blasting Operations Ordinance.
9. All existing foundations, structures, trees not otherwise noted to remain or be relocated shall be removed or demolished from the site.
10. All driveway grades shall conform to current Escondido Design Standards and Escondido Standard Drawings.

### **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 Developer shall remove the existing curb inlet along the project's Hale Ave frontage and construct a new curb inlet with the required Hale Avenue street widening.
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 Property Owner.

4. The project shall limit 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.
5. 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 treatment calculations, post-construction storm water treatment measures, and maintenance requirements and responsibilities both for onsite treatment and the facilities required to treat the street widening areas. If Proprietary Best Management Practices facilities are proposed, the SWQMP shall include a section demonstrating how they meet bio-filtration treatment requirements in accordance with the City's Storm Water Design Manual.
6. All site drainage with emphasis on the parking and driveway areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention areas as the primary method of storm water retention and treatment. The landscape plans will need to reflect these areas of storm water treatment.
7. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
8. All storm water treatment and retention facilities and their drains including the bio-retention basins and planters, any permeable paver areas shall be considered private. The responsibility for maintenance of these post construction storm water treatment facilities shall be that of the Property Owner.

## **WATER SUPPLY**

1. Based on a 1500 gpm fire flow determined for this project by the Fire Department, the existing 8" water main in Hale Avenue will not be required to be upsized. If the fire flow requirements increase, the existing 8" water main in Hale Avenue may need to be upsized to provide adequate water service and/or fire protection to the proposed project. The Developer will be required to design and construct an onsite public 8" looped water main that shall serve the 2 required onsite fire hydrants, the detector check assembly for the fire sprinkler system, and the potable water meter.
2. The locations and sizing of all required water mains, water services, fire hydrants, detector check assemblies, and other water appurtenances shall be designed and installed to the satisfaction of the Director of Utilities and the Utilities Engineer.
3. Improvement plans for all proposed water mains shall be prepared by a Civil Engineer and submitted to the City of Escondido for review and approval.

4. All water improvements shall be designed and constructed per the City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Utilities Engineer.
5. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
6. The Developer shall install Fire hydrants together with an adequate water supply at locations approved by the Fire Marshal.
7. All proposed/required fire hydrants shall be public and meet the current City of Escondido Standards, and shall connect to a minimum 8" diameter public water main.
8. Water services, meters and backflow prevention devices shall be a minimum of 1-inch in size. Water meters and backflow prevention devices shall not be installed within driveway aprons or drive areas.
9. Backflow prevention assemblies are private and should be located on private property. Backflows shall be located directly behind the public meter.
10. All water services to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the public water meter to the satisfaction of the Utilities Engineer and Water Distribution Department.
11. All fire hydrants to be replaced, reconnected or relocated as a part of this project shall be replaced in entirety from the public water main to the fire hydrant per the satisfaction of the Utilities Engineer and Water Distribution.
12. No trees or deep-rooted plants shall be planted within 10 feet of any public water main.
13. All water mains within easements shall be installed under a min. 20-foot wide all-weather road surface designed to the satisfaction of the Utilities Engineer.
14. There shall be no permanent structures or private facilities allowed within a public utility easement. Where private storm drains are necessary, they shall be the outer-most utility.
15. The Developer shall disconnect at the public main, all water services and fire hydrants laterals to be abandoned, to the satisfaction of the Utilities Engineer and Water Distribution Department.
16. Fire suppression and sprinkler systems beyond the Detector Check Valves are private and shall be designed and constructed per current Building, Plumbing, and Fire Code Standards, and per the requirements of the City Fire Marshal and City Building Official and shall be approved by a separate submittal to the Building Department.

## **SEWER**

1. A private 6" minimum PVC sewer lateral with a standard clean-out within 18" of the public utility easement/sewer easement/right-of-way shall be constructed for the proposed project.

All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and Uniform Plumbing Code. The developer may use an existing sewer lateral provided it is 6" in diameter and has been inspected via CCTV and found to be in good condition.

2. All sewer laterals are considered private and the Property Owner is responsible for all maintenance of their sewer lateral to the public sewer main.
3. No trees or deep-rooted bushes shall be planted within 10 feet of any sewer lateral, or within 15 feet of any sewer mains.
4. All abandoned sewer laterals shall be removed or capped at the property line and so noted on the improvement plans to the satisfaction of the Utilities Engineer.
5. Any new development whose wastewater discharge may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater shall require a wastewater discharge permit according to the Escondido Municipal Code, Chapter 22, Article 8. New users shall apply at least ninety (90) days prior to connecting to or contributing to the City's wastewater system and a permit must be obtained prior to commencement of any discharge to the system.

### **LANDSCAPE**

1. A site landscaping and irrigation plan shall be submitted to the Engineering Department with the second submittal of the grading plan for review and approval by Engineering and Planning Departments. The initial submittal of the landscape plans shall include the required plan check fees.

### **EASEMENTS AND DEDICATIONS**

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Grading and Improvement Plans.
2. The developer shall dedicate 9 feet of right-of-way along Hale Avenue to the City of Escondido per the approved Hale Avenue Specific Alignment Plan.
3. Public easements for sewer, water, traffic signal equipment, etc. which are deemed necessary by the City Engineer and/or Utility Engineer shall be granted to the City.
4. A public utility easement or water easement shall be granted to the City of Escondido for any proposed public waterlines within the project. The easement shall include all fire hydrants, water meters and other public water appurtenances. The minimum easement width for public mains shall be 20-feet.
5. The Developer is responsible for making the arrangements to quitclaim any easements of record which conflict with the proposed development prior to approval of the Grading plans

and Building Permits. 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 plans. Building Permits will not be issued for construction which will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

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

### **REPAYMENTS AND FEES**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$30,000, unless a higher amount is deemed necessary by the City Engineer.
2. The Developer shall be required to pay all development fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.

### **UTILITY UNDERGROUNDING AND RELOCATION**

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

### **SURVEYING AND MONUMENTATION**

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey (or Corner Record if appropriate) shall be recorded.



**FIRE**

1. Emergency backup power shall be provided to maintain emergency evacuation procedures (moving vehicles to ground floor in the event of a fire).
2. All underground fire lines, fire sprinklers, and fire alarm plans shall be deferred submittals to the Escondido Fire Department.
3. Minimum fire flow is 1500 GPM and hydrant spacing at 350ft. Hydrant shall be within 40ft of the FDC location (in an approved location).

## CITY COUNCIL STAFF REPORT

**Current Business Item No. 12**

**September 23, 2020**

**File No. 0430-30, 0430-80**

SUBJECT: Financial Status Report and Budget Adjustment Request for Fiscal Year 2019/20

DEPARTMENT: Finance

RECOMMENDATION:

It is requested that the City Council receive and file the annual financial status report for Fiscal Year 2019/20 (Attachment 1); and adopt a Budget Adjustment (Attachment 2) to direct the General Fund year-end financial results of \$3,050,770 to fund specific operating needs of \$301,230 and to transfer the remaining balance of \$2,749,540 to the Section 115 Irrevocable Pension Trust.

FISCAL ANALYSIS:

See below.

PREVIOUS ACTION:

In June 2019 Council adopted the FY 2019/2020 budget. On May 6, 2020, the City Council received the Fiscal Year 2019/20 Third Quarter Financial Report and also approved amendments to the General Fund operating budget that reduced General Fund costs, revenue, and used one-time funds needed as a result of the COVID-19 pandemic.

BACKGROUND:

This year-end financial status report presents a financial update to the City Council concerning certain funds of the City and their year-end financial outcome. It continues to reflect outstanding efforts to maintain services while exercising fiscal prudence. This report includes budgetary information for selected funds, along with actual revenues and expenditures for the year. In addition, it provides Council a summary of each of these funds' financial plan and whether the plan was achieved during the year. The City Council will be receiving the Escondido Comprehensive Annual Financial Report ("CAFR") in December, which is prepared in accordance with generally accepted accounting principles.

The report provides an analysis of unaudited revenues and expenditures for Fiscal Year 2019/20 in comparison to Fiscal Year 2018/19 for the General Fund, the Reidy Creek Municipal Golf Course Fund, and the Water and Wastewater Funds.

The General Fund Fiscal Year 2019/20 operating budget was adopted in June 2019 as a balanced budget without the use of reserves. However, the budget relied on one-time revenues of \$1.2 million

from unclaimed deposits as transitional funding to cover the structural budget gap until an additional recurring revenue source has been approved. The COVID 19 pandemic hit during the third quarter of the fiscal year and in May 2020, the City Council updated the budget to reduce total operating revenue by \$2.3 million due to the financial impacts of the pandemic.

The largest driver of revenue for the City of Escondido is sales tax from a diverse set of businesses. Health orders issued to address the impact of COVID-19 impacted businesses very differently, depending on the goods or services provided. The City's May 2020 sales tax forecast model projected an overall decrease, primarily the result of lower auto sales, lower gas station sales due to lower demand and lower fuel prices, lower retail sales due to mall and store closures, and lower restaurant business due to their ability to operate only on a delivery and carryout basis.

When the May 2020 forecast was made, the estimated sales tax loss to the City through the end of June was anticipated to be \$2.9 million, offset only by an anticipated increase from the County Pool of \$900,000. A key element of this forecast included an assumption that the stay at home orders would be lifted by July 31 and the economy would begin to recover at a steady pace.

The General Fund budget was reduced accordingly by \$2 million, amending the budgeted Sales Tax revenue to \$36,936,200.

The FY2020/21 operating budget adopted in June 2020 also relied on the forecast prepared by the consultants in May 2020 which projected Sales Tax revenue to be \$35,991,300. That forecast assumed a V shaped recovery in the economy; the recession that began in March was projected to be deep but short given the unusual circumstances of the pandemic. In reality, the reopening of certain business sectors would lead to a gradual economic pickup in June; however, the reopening came with many limitations producing only a temporary boost in demand. People still find their movements and options to spend restricted. Consequently, retail sales and spending will continue to be affected as new County Health orders and restrictions are issued.

In the FY2020/21 Operating Budget staff report provided to City Council in June 2020, staff communicated continued confidence in the General Fund revenue projections provided to the City Council in May 2020. However, everyone was reminded that projections are not guarantees and if the economic downturn was more significant than projected, more difficult decisions will be made that will significantly impact City services. Staff continues to believe it is far better to proceed using this approach rather than unnecessarily make additional cuts to services simply in anticipation of worse results which may not materialize.

In July, after the budget amendment to the FY2019/20 revenue and adoption of the FY2020/21 operating budget, actual receipts for the first quarter of 2020 were received and showed an actual drop of approximately 13% as compared to the first quarter of 2019. A portion of the decrease was reduced economic activity but a portion was also due to delayed sales tax payments allowed by various state programs.

The State issued two different sales tax programs for business. The Extension Program allows businesses with under \$1M tax liability to delay their first quarter sales tax filing for 90 days. This action means that first quarter filings for these businesses, normally required by the end of April, could be delayed until the end of July. Another state program allows small businesses (\$5M or less in taxable sales) to defer up to \$50,000 of their sales and use tax liabilities until next fiscal year. For those who request the deferral, the owed amount would be payable in twelve equal installments over the following year and would not be subject to interest or penalties as long as these payments are made. The payments will start in August 2020 and they will not extend beyond July 31, 2021.

Thus, as a result of the ongoing COVID-related uncertainty, plus the deferral programs, forecasters assumed the downward trend in actual sales tax receipts would continue for the months of May and June 2020 and the forecast was adjusted downward even further by 8.6% or \$3 million. Combined with the earlier decrease projected of \$3.2 million, the total decrease in sales tax projected for the entire FY2019/20 was \$5.2 million or 13.2% from the beginning of the fiscal year.

Now, of course, we have actual numbers through June 30, 2020. Those numbers reflect that the dire projections of revenue loss from sales tax did not materialize. In fact, the City's total sales tax number differed much less than earlier benchmarks:

- 1) Total sales tax projected when the 2019/2020 budget was first adopted: **\$38,947,000**
- 2) Total sales tax projected when the 2019/2020 retrenchment budget was adopted in light of COVID 19: **\$36,936,200**
- 3) Total sales tax actually received for 2019/2020: **\$36,651,485**

That said, the economy remains unstable and sudden lockdowns of economic activity make predicting the sales tax revenue for FY2020/21 difficult. However, forecasters have stated that the City's actual sales tax receipts received in April, May, and June are a good indicator the current FY2020/21 sales tax budget amount of \$36.0 million is a reasonable projection. Given the unpredictability of the economy, it remains our recommendation to monitor City revenue closely and return to Council with updates during the fiscal year.

As a result of the COVID-19 restrictions, Charges for Services revenue also decreased from the prior year and budgeted amounts. Due to the public health orders, all City recreation facilities and services have been closed. The inability to hold recreation programs has resulted in refunds of fees collected for classes and programs already scheduled as well as the loss of recreation program revenue for as long as the public health orders are in place. This resulted in a net loss of \$692,000 to the FY2019/20 budgeted revenue and a decrease of \$605,000 from the prior fiscal year.

These operating revenue losses were offset by increases in Property Tax revenue, 4.8% compared to the prior year and Other Taxes, 5.4% compared to the prior year, resulting in FY2019/20 operating revenue of \$101,532,835; which is \$307,810 under the amended FY2019/20 budget.

Actual General Fund expenditures are under budget by \$2.4 million. This is entirely attributable to countless conscientious and efficient operational decisions, and an overall climate of fiscal prudence on the part of the entire City workforce. In addition, in May 2020 City Council approved General Fund cost reductions resulting from the COVID-19 pandemic including a decrease to the Recreation/ASES Department of \$181,000 due to the layoff of employees working at recreation facilities and a decrease to the Library Department operating budget of \$165,000 to account for service level reductions at the Library.

While these cost savings are commendable, the General Fund still ended the 2019/2020 fiscal year with a net operating loss of \$3.8 million excluding the use of budgeted one-time revenue of \$1.2 million from unclaimed deposits.

With no additional sources of revenue, the options for addressing the net operating deficit would have been to use a portion of the General Fund Reserves, reducing the available balance to \$13.5 million, or to utilize funds from the Section 115 Pension Trust Fund. However, in addition to the \$1.2 million in budgeted one-time revenue, unanticipated funds totaling \$5.5 million dollars were received in FY2019/20. The total one-time revenue of **\$6.9 million** is from the following sources:

- Unclaimed deposits of \$1.5 million became the property of the General Fund in July 2019 after a public notification was performed.
- In August 2019, City Council approved the sale of Windsor Gardens Apartments located at 1600 W. Ninth Avenue to Windsor Gardens Housing Associates. As a result of the sale of property, the General Fund received \$4.1 million in February 2020.
- Through the Coronavirus Relief Fund, the CARES Act provided for payments to State, Local, and Tribal governments navigating the impact of the COVID-19 outbreak. Between March and June 2020, the General Fund incurred \$953,330 of expenses that were eligible for reimbursement under the CARES Act. These expenses include the purchase of Personal Protective Equipment and related supplies of \$100,210. The remaining reimbursement of \$853,120 are costs of personnel and services that have been diverted to a substantially different use, such as Community Services staff delivering Senior Meals, as well as the costs incurred for public safety and public health employees who have been substantially dedicated to mitigating or responding to COVID-19 public health emergency.
- The California Office of Emergency Services reimburses the City for the time and resources of the Fire Department staff deployed to State incidents. In FY2019/20, revenue of \$405,375 was received.

Solely as a result of the one-time revenue, the General Fund is able to report a net ending positive amount of \$3.0 million. Carryover requests were \$261,230 and additional funds of \$40,000 are needed to cover the Reidy Creek Golf Course operating loss. The golf course operating results are detailed in the attached financial status report and later in this staff report.

The City's General Fund revenue continues to fail to keep pace when matched with the growing costs of municipal services and maintaining facilities. In order to respond to these challenges, cost saving measures have been implemented that include reducing staff, deferring infrastructure maintenance, investing in technology to reduce ongoing costs and outsourcing services. In order to submit a balanced FY2020/21 operating budget, additional cuts to staff and services were made including reducing the maintenance of City parks and eliminating community outreach programs involving crime prevention and youth engagement.

RECOMMENDATION:

Even after the reduced operating expenditures, the General Fund's Multi-Year Financial Plan forecasts a budget deficit of \$8 million in Fiscal Year 2021/22. This leaves the City with the structural budget gap consistently present in Escondido's finances and the inevitable lingering impacts of the COVID-19 pandemic. On July 15, against staff's recommendation, the City Council declined to place a revenue measure on the November 2020 election ballot and as of this point in time, no new revenue sources are on the horizon. Therefore, we recommend that the remaining one-time funds of \$2.7 million be placed in the Section 115 Pension Trust Fund, to be used to offset the impact of future cost cutting and service reduction measures.

Staff recommend funds be placed in the Trust rather than the General Fund reserve because the investment arrangements through the Trust enable the City to generate a higher rate of return on the funds while they are being held. Although the Trust Fund reported a loss in March the investment portfolio has since recovered with a return on investments of 4.99% as of June 30, 2020. This compares with a return on investments for the General Fund of 1.885%. The Trust Fund has a balance of \$10,822,500 which includes City contributions of \$10,106,045 plus investment earnings, net of expenses, of \$716,442. Funds in the trust can be used to provide economic relief during recessionary cycles and/or rate increases that are significantly above anticipated projected employee rate increases. More importantly, funds placed in this Trust can also be used to offset the City's "normal" CalPERS costs, such that if funds are necessary for other purposes, a certain amount of flexibility is present.

Financial highlights for the other funds are listed below:

Despite Reidy Creek Golf Course being closed to golfers from March 22 to May 1 due to COVID-19, overall revenues were up 10% compared to the prior year. While there has been a steady increase in revenue at the course, the closure resulted in an overall loss of \$38,025 more than the \$95,890 that was budgeted for FY2019/20. Therefore, there is a budget adjustment request to transfer \$38,025 for the Reidy Creek Operating Fund to cover the loss from operations and \$1,975 is requested for the Reidy Creek Debt Service Fund.

The Water Fund ended Fiscal Year 2019/20 with net revenue of \$9.7 million, an increase of \$1.8 million from the prior year. The increase was primarily due to increases in water consumption as well as an increase in water service charges effective March 1.

The Wastewater Fund ended Fiscal Year 2019/20 with net revenue of \$12.8 million, a decrease of \$1.2 million from the prior year due to increases in employee services and professional service charges.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Christina Holmes*, Director of Finance

9/16/20 3:55 p.m.

ATTACHMENTS:

1. Attachment 1: Financial Status Report for Fiscal Year 2019/20
2. Attachment 2: Budget Adjustment Request



## Fiscal Year 2019/20 Financial Report

### Attachment 1

## OVERVIEW

This report summarizes the City's overall financial position for the fiscal year ending June 30, 2020 for the General Fund, Water and Wastewater Funds, and the Reidy Creek Municipal Golf Course. The purpose of the report is to provide City Council, City Management, and the Escondido community an update on the City's fiscal status based on the most recent financial information available.

The revenue projections and budget information include adjustments for encumbrances, carryovers, and any other supplemental appropriations approved by the City Council as of June 30, 2020.

This report is for internal use only. The figures presented here are unaudited and have not been prepared in accordance with Generally Accepted Accounting principles (GAAP).

## GENERAL FUND

The General Fund Fiscal Year 2019/20 operating budget was adopted as a balanced budget without the use of reserves but relied on one-time revenues of \$1.2 million from unclaimed deposits as transitional funding to cover the structural budget gap until an additional recurring revenue source has been approved.

The General Fund ended the fiscal year with a net operating loss of \$2.4 million which includes the use of budgeted one-time revenue of \$1.2 million. Without the available unclaimed deposit revenue, the General Fund operating loss is \$3.8 million.

	<b>FY2019/20 ADOPTED BUDGET</b>	<b>FY2019/20 AMENDED BUDGET</b>	<b>ACTUAL RESULTS JUNE 2020</b>
Total Operating Revenue	\$104,144,900	\$101,840,645	\$101,532,835
One-Time Revenue (Budgeted)	1,243,985	1,243,985	1,453,780
Total Operating Expenditures	(106,803,545)	(108,360,660)	(105,959,745)
Other Sources (Uses)	1,414,660	565,195	565,195
<b>Total (Uses) over Sources</b>	-	<b>(\$4,710,835)</b>	<b>(\$2,407,935)</b>

Total operating expenditures were under the amended FY2019/20 budgeted amount by \$2.4 million. However, as a result of the impacts of the Coronavirus pandemic health and stay at home orders, in the third quarter financial update total operating revenue was reduced by \$2.3 million from the adopted FY2019/20 budget. Actual operating revenue of \$100.8 million was under the amended budgeted amount by \$308,000.

Other Sources (Uses) include budgeted operating transfers, the activity from the Advance Payback from the Successor Agency, and advance repayments. In addition, City Council approved the use of General Fund surplus from the fiscal year ending June 30, 2019, during the year-end report to Council on October 23, 2019.

The details of the fiscal year ending June 30, 2020 financial results of the General Fund are described in this report.



**GENERAL FUND REVENUE**

General Fund operating revenue was under the amended budgeted revenue by \$308,000 and under the prior year operating revenue by \$75,000.

	<b>FISCAL YEAR 2019/20 AMENDED BUDGET</b>	<b>FISCAL YEAR 2019/20 ACTUAL REVENUE</b>	<b>FISCAL YEAR 2018/19 ACTUAL REVENUE</b>	<b>PRIOR YEAR VS CURRENT YEAR VARIANCE OVER/(UNDER)</b>
<b>Sales Tax</b>	\$36,936,200	\$36,651,485	\$38,678,930	(\$2,027,446)
<b>Property Tax</b>	29,576,000	29,699,475	28,344,850	1,354,625
<b>Other Taxes</b>	12,402,285	12,669,635	11,974,560	695,075
<b>Charges For Services</b>	11,942,400	11,784,845	11,947,490	(162,645)
<b>Intergovernmental</b>	4,220,000	3,763,500	3,653,320	110,180
<b>Fines and Forfeitures</b>	1,226,000	1,122,480	1,262,090	(139,610)
<b>Permits and Licenses</b>	944,500	923,125	888,020	35,105
<b>Investment and Rental Income</b>	4,198,710	4,422,510	4,358,655	63,855
<b>Other Revenue</b>	394,550	544,115	499,530	44,585
<b>TOTAL OPERATING REVENUE</b>	<b>\$101,840,645</b>	<b>\$101,532,835</b>	<b>\$101,607,445</b>	<b>(\$26,275)</b>

**Sales Tax**

The City's sales tax is generated from a diverse set of businesses and the impact COVID-19 restrictions are having on businesses varies widely depending on the good and services the business provides and the length and type of business closure requirements in place. In May 2020, it was projected that for each month that local businesses remain closed, the City was estimated to lose about \$970,000 in sales tax collections. If businesses remain closed or at reduced operations through the end of June, the estimated sales tax loss to the City was estimated to be \$2.9 million offset by an anticipated increase from the County Pool of \$900,000. The FY2019/20 adopted sales tax revenue budget of \$38.9 million was reduced to \$36.9 million.

Actual sales tax receipts through June 2020 are \$36.7 million, about \$224,000 under the amended budgeted amount. This is a \$2.0 million or 5% decrease from the prior fiscal year.

The reopening of certain business sectors led to a gradual economic pickup in June; however, the reopening came with many limitations producing only a temporary boost in demand. People still find their movements and options to spend restricted. Consequently, retail sales and spending will continue to be affected as new County Health orders and restrictions are issued. Sudden lockdowns of economic activity make predicting the sales tax revenue for FY2020/21 difficult. However, forecasters have stated that the City's actual sales tax receipts received in April, May, and June are a good indicator the current FY2020/21 sales tax budget amount of \$36.0 million is a reasonable projection.

**Property Tax**

Property Tax revenue of \$29.7 million is an increase of \$1.3 million or 4.8% compared to the prior fiscal year. This was the seventh year in a row that assessed values increased from year to year and is in line with assessed value increases with other cities in San Diego County. The increase in revenue is due to strength in the housing market and new construction in the City.

**Other Taxes**

Other Taxes includes franchise fee revenues, transient occupancy tax, and business license revenue, in addition to other miscellaneous taxes. In total, Other Taxes have increased by \$646,000 compared to the prior year.

Redevelopment Property Tax Trust Funds (RPTTF) increased by \$525,000 over the prior year. Each year the City, on behalf of the Successor Agency, submits a Recognized Obligation Payment Schedule (ROPS) to the County Oversight Board to request property tax funds to pay outstanding enforceable obligations of the former Community Development Commission. If funds remain in the RPTTF after payments are made for the Successor Agency's ROPS, they are considered to be residual RPTTF funds, and are distributed proportionally to the taxing entities that would otherwise have received property tax revenues from the former project areas. As obligations are gradually fulfilled and paid off, the amount of residual RPTTF that will be proportionally distributed to the City will increase.

The City collects franchise fee revenues from San Diego Gas and Electric (SDG&E), cable companies conducting business within City limits, and Escondido Disposal Incorporated (EDI). Revenues received from franchise agreements increased by \$300,000 from the prior fiscal year primarily due to the amended franchise agreement with EDI that went into effect July 1, 2019.

Transient Occupancy Tax, also known as hotel tax, accounts for 2% of General Fund operating revenues, or about \$1.9 million. Acting on the assumption that hotels would experience a significant reduction in occupancy in April, May and June, staff estimated a reduction in TOT revenue of about \$525,000. Actual transient occupancy tax revenues for the fiscal year are \$1.6 million, \$100,000 less than the prior year but \$260,000 more than the amended budget amount.

**Charges for Services**

Due to the public health orders, all City recreation facilities and services have been closed. The inability to hold recreation programs has resulted in refunds of fees collected for classes and programs already scheduled as well as the loss of recreation program revenue for as long as the public health orders are in place. This resulted in a net loss of \$692,000 to the FY2019/20 budgeted revenue and a decrease of \$605,000 from the prior fiscal year.

The decrease in recreation program revenues were offset by increases in development related revenues, which include engineering fees, planning fees, building department fees, and engineering fees.

**Intergovernmental**

Intergovernmental revenue includes the Rincon fire services agreement, state mandated cost claims, and various grants, and increased \$100,000 compared to the prior year due to the timing of various grant reimbursements.

**Investment, Rental Income, and Other Revenues**

Rental revenue is received from City owned properties including the Westfield North County Mall. Under the lease agreement for the North County Mall, the City receives a portion of the rental income that Westfield collects from subtenants located at the mall during each calendar year. The revenue received for calendar year 2019 decreased by \$190,000 compared to the prior calendar year due to subtenant vacancies.

**GENERAL FUND EXPENDITURES**

General Fund total expenditures are up 3.6% compared to the prior Fiscal Year or about \$3.6 million. The FY2019/20 General Fund Operating Budget increased by approximately \$4 million or 4% compared to the FY2018/19 revised Operating Budget. The Police Department budgeted expenditures increased from the prior year due to negotiated step increases, increases to medical, workers' compensation and pension costs, and an increase in overtime hours.

Actual General Fund expenditures are under budget by \$2.4 million. Efficient operations and fiscal prudence contributed to these savings. In addition, in May 2020 City Council approved General Fund cost reductions resulting from the COVID-19 pandemic including a decrease to the Recreation/ASES Department of \$181,000 due to the layoff of employees working at recreation facilities and a decrease to the Library Department operating budget of \$165,000 to account for service level reductions at the Library.

	FISCAL YEAR 2019/20 AMENDED BUDGET	FISCAL YEAR 2019/20 ACTUAL EXPENDITURES	FISCAL YEAR 2018/19 ACTUAL EXPENDITURES	PRIOR YEAR VS CURRENT YEAR VARIANCE OVER/(UNDER)
<b>General Governmental</b>	\$2,583,760	\$2,574,400	\$2,376,850	\$197,550
<b>Administrative Services</b>	3,963,670	3,277,630	3,115,320	162,310
<b>Community Services</b>	7,979,060	7,628,770	7,566,075	62,695
<b>Community Development</b>	7,740,265	6,765,800	6,594,450	171,350
<b>Public Works</b>	10,321,850	10,430,610	10,132,220	298,390
<b>Police</b>	46,204,650	46,084,210	42,998,125	3,086,085
<b>Fire</b>	26,045,785	26,008,655	25,667,180	341,475
<b>Other Expenditures</b>	3,521,620	3,189,670	2,928,200	261,470
<b>TOTAL OPERATING EXPENDITURES</b>	<b>\$108,360,660</b>	<b>\$105,959,745</b>	<b>\$101,378,420</b>	<b>\$4,581,325</b>

**GENERAL FUND ONE-TIME REVENUE**

The General Fund ended the fiscal year with a net operating loss of \$3.8 million excluding the use of budgeted one-time revenue of \$1.2 million from unclaimed deposits. In addition to the \$1.2 million in budgeted one-time revenue, unanticipated funds totaling \$5.5 million dollars were received in FY2019/20.

**Unclaimed Deposit Revenue - Budgeted**

The FY2019/20 operating budget included the use of one-time resources of unclaimed deposits as transitional funding to cover the structural budget gap until an additional recurring revenue source has been approved. Unclaimed deposits of \$1.5 million became the property of the General Fund in July 2019 after a public notification was performed.

**Sales of Windsor Gardens**

In August 2019, City Council approved the sale of Windsor Gardens Apartments located at 1600 W. Ninth Avenue to Windsor Gardens Housing Associates. As a result of the sale of property, the General Fund received \$4.1 million in February 2020.

**Fire Mutual Aid Reimbursements**

The City's Fire Department staff can be deployed to assist other State agencies with responses to fires and other incidents. The California Office of Emergency Services reimburses the City for the time and resources of the staff deployed. In FY2019/20, revenue of \$405,375 was received.

**CARES Act Funding**

Through the Coronavirus Relief Fund, the CARES Act provided for payments to State, Local, and Tribal governments navigating the impact of the COVID-19 outbreak. The City of Escondido was allocated \$2,713,486 from the County of San Diego and \$1,889,210 the State; a total of \$4,602,696.

The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19). The funds cannot be used to backfill lost revenues to the City.

Between March and June 2020, the General Fund incurred \$953,330 of expenses that were eligible for reimbursement under the CARES Act. These expenses include the purchase of Personal Protective Equipment and related supplies of \$100,210. The remaining reimbursement of \$853,120 is payroll costs due to personnel and services diverted to a substantially different use, such as Community Services staff delivering Senior Meals, as well as the costs incurred for public safety and public health employees who have been substantially dedicated to mitigating or responding to COVID-19 public health emergency.

**GENERAL FUND ENDING FINANCIAL POSITION**

With these unanticipated funds, the General Fund has a net surplus of \$3.0 million for fiscal year ending June 30, 2020.

The General Fund's Multi-Year Financial Plan forecasts a budget deficit of \$8 million in Fiscal Year 2021/22. With the structural budget gap consistently present in Escondido's finances, plus the inevitable lingering impacts of the COVID-19 pandemic, City staff are recommending the net surplus be placed in the Section 115 Irrevocable Pension Trust. It is recommended that the funds be placed in the Trust rather than the General Fund reserve because the investment arrangements through the Trust enable the City to generate a higher rate of return on the funds while they are being held.

The Section 115 Pension Trust Fund has a balance of \$10,822,500 which includes City contributions of \$10,106,045 plus investment earnings net of expenses of \$716,442.

The General Fund Reserve balance is \$17,392,319.

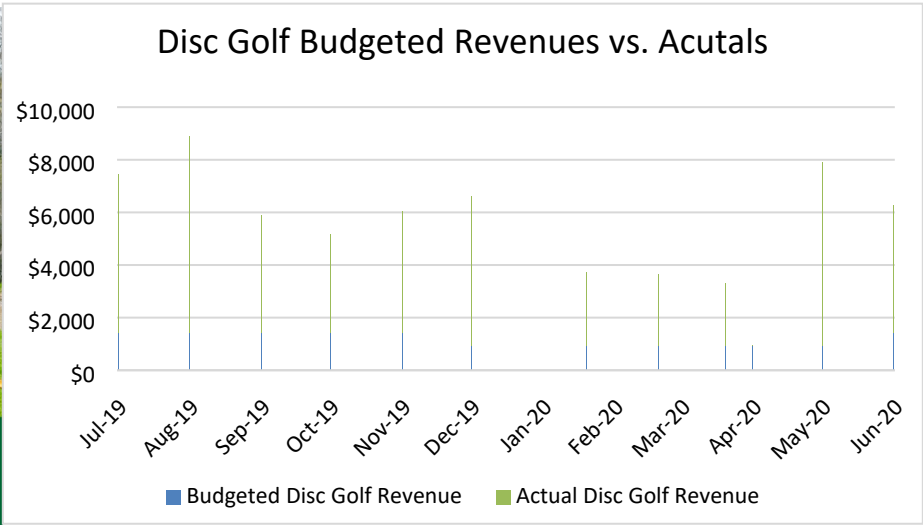
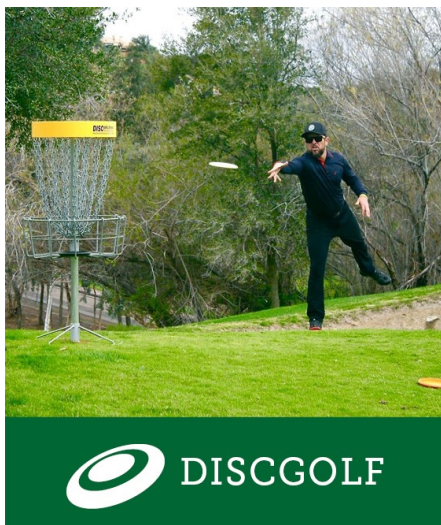
<b>GENERAL FUND FINANCIAL POSITION JUNE 30, 2020</b>	
Total Operating Revenue	\$101,532,835
Total Operating Expenditures	(105,959,745)
Other Sources (Uses)	565,195
<b>Net Operating Deficit</b>	<b>(\$3,861,715)</b>
Unclaimed Deposit Revenue (Budgeted)	\$1,453,780
Sale of Windsor Gardens	4,100,000
Fire Mutual Reimbursements	405,375
CARES Act Funds	953,330
<b>One-Time Revenue</b>	<b>\$6,912,485</b>
<b>Total Sources over Uses, Net Surplus</b>	<b>\$3,050,770</b>

**REIDY CREEK GOLF COURSE FUND**

Despite Reidy Creek Golf Course being closed to golfers from March 22<sup>nd</sup> to May 1<sup>st</sup> due to COVID-19, overall revenues were up 10% compared to the prior year. Disc Golf revenues far exceeded expectations, coming in at almost triple what was projected. Operating expenditures were up 1.6% from the prior year due to increased maintenance costs largely due to golf cart repairs needed on aging carts earlier in the year.

Clubhouse improvements for the “Creekside Tavern” were completed this year, giving a fresh look to the interior and the ability for the spaced to be used more as a rental for special events in the future. Funds for these improvements were previously budgeted in a capital project for Reidy Creek Clubhouse Improvements.

While there has been a steady increase in revenue at the course, the closure for the course resulted in an overall loss of \$38,025 more than the \$95,890 that was budgeted for FY2019/20. Therefore, there is a budget adjustment request to transfer \$40,000 in regards to Reidy Creek. The \$38,025 is requested for the Reidy Creek Operating Fund to cover the loss from operations and the remaining \$1,975 is requested for the Reidy Creek Debt Service Fund. An error was made in the calculation of the available fund balance in the debt service fund and this amount is needed to cover the negative ending fund balance.



	FISCAL YEAR 2019/20 BUDGET	FISCAL YEAR 2019/20 ACTUAL	FISCAL YEAR 2018/19 ACTUAL
Total Revenues	\$564,885	\$541,007	\$490,570
Total Expenditures	(660,775)	(674,922)	(664,220)
<b>Net Operating Deficit</b>	<b>(95,890)</b>	<b>(133,915)</b>	<b>(173,650)</b>
Other Sources (Uses) – Note 1	225,890	225,890	80,590
<b>Total Sources over (Uses)</b>	<b>\$130,000</b>	<b>\$91,975</b>	<b>(\$93,060)</b>

Note 1: Other Sources (Uses) of \$225,890 include a transfer from the General Fund of \$95,890 to balance the budget for FY2019/20 and a transfer to cover the prior year loss of \$130,000 (FY2018/19 loss of \$173,650 less \$43,650 budgeted funds).

**WATER FUND**

The Water Fund ended the year with net revenue of \$9.7 million, an increase of \$1.8 million from the prior year primarily due to an increase in water consumption as well as an increase in water service charges effective March 1.

The City has agreed to set charges for water services each year at rates sufficient to produce net revenues (after paying operating and maintenance expenses, excluding depreciation, GASB 68 pension accounting entries and interest) of at least 1.2 times debt services on the bonds. As shown on the chart, the City has met this debt coverage in both fiscal years. Any excess net revenues are set aside for future capital projects.

	FISCAL YEAR 2019/20	FISCAL YEAR 2018/19
Total Revenues	\$62,567,200	\$60,221,280
Total Operating Costs	(52,852,500)	(52,344,140)
<b>Net Revenue</b>	<b>9,714,700</b>	<b>7,877,140</b>
<i>Amount Required:</i>		
Debt Service Payments	(3,429,625)	(4,010,315)
Coverage Required	1.2	1.2
<b>Amount Required</b>	<b>(4,115,550)</b>	<b>(4,812,378)</b>
<b>Excess of Net Revenues</b>	<b>\$5,599,150</b>	<b>\$3,064,762</b>

**WASTEWATER FUND**

The Wastewater Fund ended the year with net revenue of \$12.8 million, a decrease of \$1.2 million from the prior year due to increases in employee services and professional service charges.

The City has agreed to set charges for wastewater services each year at rates sufficient to produce net revenues (after paying operating and maintenance expenses, excluding depreciation, GASB 68 pension accounting entries and interest) of at least 1.15 times debt services on the bonds. As shown on the chart, the City has met this debt service coverage in both fiscal years. Any excess net revenues are set aside for future capital projects.

	FISCAL YEAR 2019/20	FISCAL YEAR 2018/19
Total Revenues	\$38,142,870	\$38,533,130
Total Operating Costs	(25,278,520)	(24,456,380)
<b>Net Revenue</b>	<b>12,864,350</b>	<b>14,076,750</b>
<i>Amount Required:</i>		
Debt Service Payments	(5,773,860)	(5,750,010)
Coverage Required	1.15	1.15
<b>Amount Required</b>	<b>(6,639,940)</b>	<b>(6,612,515)</b>
<b>Excess of Net Revenues</b>	<b>\$6,224,410</b>	<b>\$7,464,238</b>

**FOR MORE INFORMATION**

This summary report is based on detailed information generated by the City's finance department. If you have any questions or would like additional information on this report, please contact the Finance department at (760) 839-4676 or visit [www.escondido.org](http://www.escondido.org).





CITY OF ESCONDIDO  
BUDGET ADJUSTMENT REQUEST

Date of Request: 09/23/2020  
 Department: Finance  
 Division: \_\_\_\_\_  
 Project/Budget Manager: Christina Holmes 4620  
 Name Extension  
 Council Date (if applicable): 09/23/2020  
 (attach copy of staff report)

For Finance Use Only	
Log #	_____
Fiscal Year	<u>2020</u>
_____	Budget Balances
_____	General Fund Accts
_____	Revenue
_____	Interfund Transfers
_____	Fund Balance

Project/Account Description	Account Number	Amount of Increase	Amount of Decrease
Transfer In - Reidy Creek Golf Course Operations	4999-553	38,025	
Transfer In - Reidy Creek Golf Course Debt Service Fund	4999-376	1,975	
Transfer Out - General Fund	5999-001	40,000	
Transfer In - Section 115 Irrevocable Trust	4999-795	2,749,540	
Transfer Out - General Fund	5999-001	2,749,540	
Carryover Requests	3050-001		261,230

Explanation of Request:

Use of FY 2019-20 General Fund year-end surplus to be allocated as follows: Reidy Creek Golf Course operating loss, Reidy Creek debt service correction, carryover requests and Section 115 Irrevocable Pension Trust.

**APPROVALS**

<u>Christina Holmes</u>	<u>9/15/20</u>	_____	_____
Department Head	Date	City Manager	Date
<u>Jodi Cox</u>	<u>9/15/20</u>	_____	_____
Finance	Date	City Clerk	Date

## CITY COUNCIL STAFF REPORT

**Current Business Item No. 13**

**September 23, 2020**

**File No. 0480-45**

**SUBJECT:** Development Impact Fees Associated with Public Facilities, Park Development, Traffic Impact, Drainage Facilities, and Funding of Ongoing Municipal Services

**DEPARTMENT:** City Manager's Office

**RECOMMENDATION:**

It is requested that the City Council adopt Resolution No. 2020-125 updating Public Facilities, Park Development, Traffic Impact, and Drainage Facilities Development Impact Fees to offset costs anticipated to serve new development, and introduce Ordinance No 2020-24 amending Escondido Municipal Code Chapter 6, Article 17 and Chapter 6, Article 18B to memorialize City Council policy requiring development projects to provide funding mechanisms for ongoing municipal services.

**FISCAL ANALYSIS:**

On June 12, 2019, the City Council was provided information regarding the City's projected general fund budget gap totaling \$176-Million over the next 18-years. The City Council directed staff to investigate all options to address this structural deficit. One-time and ongoing municipal costs that are not fully offset by the revenue collected for new development are primarily borne by the General Fund, further exacerbating the city's structural budget gap. New development that more fully funds its impact on facilities and services will minimize further widening of the projected budget gap over time.

Development Impact Fees collected from future dwelling units, commercial (retail and office), and industrial development anticipated to be constructed by the General Plan horizon year of 2035 only partially offset the cost of citywide public capital facilities that are necessary to serve the new growth. Public facilities include those for Parks, Fire and medical emergencies, Police, Administration and Technology, a Public Library, a Senior Citizen center, Public Works, Drainage, and Traffic Improvements.

The total cost of providing the public facilities and infrastructure to serve new growth is estimated at \$247.2 million after adjusting for inflation and approximately \$16.9 million of Development Impact Fees collected to date (Attachment A). Anticipated Development Impact Fees currently cumulatively fund only 74 percent of the cost of constructing facilities to serve new growth. There is no guaranteed source to fund the shortfall, which totals approximately \$64.7 million and impacts the budget gap (Table 1).

Community Facilities District ("CFD") property tax assessments were recently approved by the City for new residential development as an alternate method to address the ongoing costs of maintaining public facilities. Analysis performed for the CFD identified *annual* unfunded maintenance costs totaling \$7,387,000 for Citywide parks, streets, building, and fleet maintenance/replacement, which are paid by the General Fund and directly impact the structural budget gap. New residential developments participating in the Citywide CFD provide funding to fully offset ongoing costs of maintaining municipal facilities and prevent further widening of the projected budget gap over time.



### PREVIOUS ACTION

On December 20, 2017, the City Council adopted Resolution No. 2017-154RR adjusting Public Facilities, Park Development, Traffic Impact, and Drainage Facilities Development Impact Fees necessary to serve new development. Fee adjustments for the Downtown Specific Planning Area were implemented over a three year period, and fee adjustments were delayed for four months for certain “pipeline projects.” The City Council approved an annual review of fees and inflationary adjustments using the method adopted by SANDAG. The fees became effective on February 19, 2018.

On December 5, 2018, the City Council adopted Resolution No. 2018-164 approving a 3.3 percent annual inflationary adjustment to the City’s Development Impact Fees that became effective on February 19, 2019.

On June 12, 2019, the City Council directed staff to investigate all options to address the City’s general fund budget deficit.

On November 20, 2019, the City Council adopted Resolution No. 2019-152 approving a two percent annual inflationary adjustment to the City’s Development Impact Fees that became effective on February 19, 2020.

On January 15, 2020, the City Council adopted Resolution No. 2020-02 directing staff to prepare documents necessary for the formation of a citywide Community Facilities District to offset ongoing municipal costs of serving new residential development (the Services CFD).

On April 8, 2020, the City Council adopted Resolution No. 2020-24 declaring its intent to establish Community Facilities District (“CFD”) No. 2020-1, a Citywide CFD to fund municipal services required for new development.

On May 13, 2020, the City Council adopted Resolution No. 2020-44 establishing a Citywide Community Facilities District CFD 2020-1.

### GENERAL PLAN CONFORMANCE:

Several General Plan policies address public facility financing and ongoing maintenance:

#### *Public Facility Financing Policy 3.1*

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.

#### *Public Facilities Financing Policy 3.3*

Encourage the use of development agreements and other appropriate financing mechanisms to ensure the timely provision of community facilities at adequate levels to support the demands from new and existing development.

Complete Streets Policy 2.9

Regularly review, update and collect adequate traffic impact fees and ensure the efficient allocation of state and regional funding sources for the funding and maintenance of local transit and transportation improvements and operations.

Fire Protection Policy 2.6

Require new development to contribute fees to maintain fire protection service levels without adversely affecting service levels for existing development.

Police Services Policy 2.6

Require new development to contribute fees to maintain police facilities and equipment that meet the needs of the community.

Parks and Recreation Policy 2.15

Periodically review and modify funding sources to assure their adequacy to cover the maintenance of parks.

BACKGROUND

*Development Impact Fees:*

Escondido's General Plan Quality of Life ("QOL") Standards establish minimum thresholds of service for various facilities and infrastructure to serve the community through the 2035 planning horizon year. Implementing the QOL Standards is accomplished through Master Plans and other documents guiding Escondido's buildout. The formula for setting Development Impact Fees is relatively straightforward. The amount of new residential and non-residential development is forecasted by the General Plan horizon year (Attachment A). The amount and cost of all Quality of Life Public Facilities, Parks, Traffic, and Drainage infrastructure to serve existing *and* new development total approximately \$391 million after adjusting for inflation.

The portion of infrastructure improvements necessary to serve only new growth is estimated to be \$247.2 million (Attachment A). Development Impact Fees are collected to fund those improvements. Based on construction activity projected by the 2035 planning horizon year, it is estimated that the adopted Development Impact Fees will cumulatively generate approximately \$182.5 million towards the construction of these facilities, leaving an approximate \$64.7 million shortfall (Table 1).

The adopted Development Impact Fees do not adequately fund the required infrastructure needed to serve new development. Without an adjustment to Development Impact Fees being collected, the City will need to: a) rely more heavily on General Fund or other one-time revenue to finance these facilities; b) significantly delay construction of community facilities in order to pursue alternative funding opportunities, such as grants and bonds; and/or c) significantly reduce the number and/or quality of facilities and infrastructure currently planned for the City's buildout.

When establishing the updated Development Impact Fee in 2017, the City Council adjusted fees to cumulatively fund approximately 82 percent of the infrastructure cost. The rationale for this decision was based on utilizing grant funding or other “one-time” dollars to bridge the gap, as well as maintaining fees in concert with surrounding jurisdictions to remain competitive. The City Council also directed staff to phase the implementation of fee adjustments in the Downtown Specific Plan Area over a three-year period and delay fee adjustments for four months for ‘pipeline’ projects that were under construction or had complete building or grading plan submittals. While the Council’s action to collect reduced fees mitigated the effect of “rate shock” for developers, it significantly exacerbated the City’s long-term shortfall of cumulative fee collections, which impacted the General Fund.

The City Council also directed staff to annually update Development Impact Fees to account for inflationary increases. Since Escondido’s updated fees became effective in 2018, Development Impact Fees have been annually adjusted for inflation 3.3 percent in 2019, and 2 percent in 2020.

TABLE 1: General Plan Buildout and Anticipated Development Impact Fee Collections						
General Plan Designation	2035 Anticipated Construction	Development Impact Fee Collection		Cumulative Impact Fee Collections	Estimated Buildout Costs Related to Growth*	Revenue Collection (Shortfall)
Single Family Residential	1,432 units	Facilities:	\$6,977,477	Facilities: \$43,275,645	Facilities: \$55,951,285	Facilities: (\$12,675,640) 77% funded
		Parks:	\$9,808,198			
		Traffic:	\$9,584,949			
		Drainage:	\$1,595,019			
Multi-family residential	4,062 units	Facilities:	\$19,792,257	Parks: \$36,345,650	Parks: \$50,412,547	Parks: (\$14,066,897) 72% funded
		Parks:	\$26,537,452			
		Traffic:	\$18,837,241			
		Drainage:	\$1,868,601			
Commercial	3,896,420 sq. ft.	Facilities:	\$8,611,088	Traffic: \$93,848,851 (includes \$2,583 per du RTCIP fee)	Traffic: \$126,835,414	Traffic: (\$32,986,563) 74% funded
		Traffic:	\$54,160,238			
		Drainage:	\$2,805,422			
Office	2,637,840 sq. ft.	Facilities:	\$5,829,626	Drainage: \$9,058,671	Drainage: \$13,998,960	Drainage: (\$4,940,289) 64% funded
		Traffic:	\$8,335,574			
		Drainage:	\$1,899,245			
Industrial	1,236,645 sq. ft.	Facilities:	\$2,065,197	<b>Total:</b> <b>\$182,528,817</b>	<b>Total:</b> <b>\$247,198,206</b>	<b>Total:</b> <b>(\$64,669,389)</b> <b>74% funded</b>
		Traffic:	\$2,930,849			
		Drainage:	\$890,384			

\* Buildout costs adjusted to include unspent Development Impact Fees collected to date (see Attachment A)

*Community Facilities District:*

The Citywide Community Facilities District (“CFD”) approved by the City Council this year established a special property tax assessment on most new residential development. The CFD provides funding for ongoing costs to maintain public facilities to serve the new development through the imposition of a services special tax. The City Council followed a prescribed process for establishing the CFD that began with the adoption of a Resolution of Intention to form the CFD in April 2020.

A public hearing was held in May 2020 to adopt the CFD Resolution of Formation and associated Ordinances. The CFD requires that a Notice of Special Tax is recorded against all property annexed into the district whereby property owners vote affirmatively to create or annex to the CFD. This special tax is not assessed until after the City Council conditions a development project to annex to the CFD (upon development) and the property owner votes affirmatively to annex.

DISCUSSION / ANALYSIS:

Escondido is at a financial crossroad. Over the past decade, City revenues have not kept pace with the growing costs associated with providing municipal services and facilities. This has resulted in a \$176 million structural budget gap over the next 18+ years that includes annual deficits exceeding \$14 million. Going forward, maintaining all City services at their current levels will not be feasible. Adjusting fees collected from new development’s impact on municipal services and facilities will help ensure that the needs of existing residents are prioritized. Factors affecting fees include:

1) Grants and One-Time Funding

Fully relying on grants and one-time funding to resolve the Development Impact Fee shortfall is not advisable for several reasons. First, the City’s forecasted annual budget gaps are significantly larger than grant funding that staff has historically been able to secure. Second, it is not likely that the timing of grant and one-time funding opportunities would align with the needed facilities or services. Third, grant funding for capital projects typically requires a long-term agreement from the receiving agency to ensure the funded projects are appropriately maintained. The projected annual shortfalls would likely compromise the City’s ability to commit to this condition.

2) Inflationary Pressures

Municipal fees need to retain their purchasing power to fund improvements to serve future growth, as well as ongoing City services. To that end, the City Council prudently included provisions in the collection of Development Impact Fees and CFD Fees to account for annual price adjustments. Annually adjusting fees ensures that the City maintains its purchasing power by protecting against erosion from inflation. Adjusting the fees in this manner does not increase revenues beyond the amount necessary to provide facilities and services, but keeps the current level of fee revenue at pace with inflation.

Development Impact Fee inflationary adjustments are calculated utilizing the Engineering News Record Construction Cost Index (“ENR CCI”) with a minimum adjustment of two percent. SANDAG uses this index for annually adjusting the regional traffic development impact fee (“RTCIP”) as do other area jurisdictions as a mechanism for keeping pace with the rising costs of construction. The ENR CCI is based on monthly price changes in lumber, cement, structural steel, and labor. Los Angeles reflects construction cost trends similar to San Diego. Between December 2018 and December 2019 (latest available data), the ENR Los Angeles CCI increased by only 0.2%, much less than the ENR National CCI, which grew by 1.7%, and the Caltrans CCI, which increased 6.7%.

The Citywide CFD includes an inflationary provision based on the Consumer Price Index as published by the United States Department of Labor, titled “CPI for All Urban Consumers”. This is further defined with the Series Title, “All items in San Diego – Carlsbad, CA, all urban consumers, not seasonally adjusted”. Each July 1<sup>st</sup>, commencing July 1, 2021, the Maximum Special Taxes increase annually by the greater of the annual percentage change in the Index or two percent (2%) from the amount established in the prior Fiscal Year.

3) Fee Comparisons with Area Jurisdictions

Comparing Development Impact Fees of area jurisdictions gauges the City’s competitiveness for encouraging investment. The Building Industry Association (“BIA”) advocates maintaining fees at levels that ensure affordability, as well as expedited processing and timely approvals as important factors in lowering overall construction costs. The City of Escondido has enacted measures to streamline the permitting process, including transitioning to online submittals and processing. The BIA completed its 2020 survey of Development Impact Fees adopted by jurisdictions in the region. Staff compiled fee information pertaining to other Highway 78 cities in Tables 1-5 for single family, multi-family, industrial, retail, and office prototypes. Comparing Highway 78 cities’ Development Impact Fees reveals that Escondido maintains among the *least expensive* fees of all five jurisdictions (Tables 2-6):

TABLE 2: Jurisdiction Fee Comparison: Single Family Dwelling Unit						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Jurisdiction	Park Develop Fee	Traffic Impact Fee	Drainage Impact Fee	Public Facility Fee	Combined Park, Traffic, Facilities and Drainage Fees	Cumulative - includes Column 6 <i>plus</i> water/sewer permit fees, & other local fees, <i>excludes</i> city application and inspection fees, SANDAG, SDCWA, school & other pass-through fees
<b>Escondido</b>	<b>\$6,849</b>	<b>\$4,109</b>	<b>\$1,114</b>	<b>\$4,872</b>	<b>\$16,944</b>	<b>\$32,374</b>
Carlsbad	\$7,649	Estimate: \$7,500	Estimate: \$2,347	\$15,423	\$32,919	Estimate: \$49,243
Oceanside	\$4,431	\$1,032	\$2,054	\$2,621	\$10,138	Estimate: \$56,468
San Marcos	\$6,251	\$7,547	\$1,519	\$0	\$15,317	Estimate: \$46,621
Vista	\$7,801	\$2,794	\$427	\$1,218	\$12,240	Estimate: \$24,480

TABLE 3: Jurisdiction Fee Comparison: Multi Family (100-unit townhome – 18 du/acre)						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Jurisdiction	Park Develop Fee	Traffic Impact Fee	Drainage Impact Fee	Public Facility Fee	Combined Park, Traffic, Facilities and Drainage Fees	Cumulative - includes Column 6 <i>plus</i> water/sewer permit fees, & other local fees, <i>excludes</i> city application and inspection fees, SANDAG, SDCWA, school & other pass-through fees
<b>Escondido</b>	<b>\$653,310</b>	<b>\$205,428</b>	<b>\$46,002</b>	<b>\$487,254</b>	<b>\$1,391,994</b>	<b>\$2,306,772</b>
Carlsbad	\$619,000	Estimate: \$600,000	Estimate: \$35,893	\$903,900	\$2,158,793	Estimate: \$3,398,636
Oceanside	\$443,100	\$58,200	\$97,600	\$262,100	\$861,000	Estimate: \$1,732,793
San Marcos	\$625,100	\$356,686	\$249,320	\$0	\$1,231,106	Estimate: \$3,679,006
Vista	\$712,900	\$178,888	\$14,850	\$121,800	\$1,028,438	Estimate: \$2,595,738

TABLE 4: Jurisdiction Fee Comparison: 1-Story, 50,000 SF Multi-Tenant Industrial (3.6 acres)						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Jurisdiction	Park Develop Fee	Traffic Impact Fee	Drainage Impact Fee	Public Facility Fee	Combined Park, Traffic, Facilities and Drainage Fees	Cumulative - includes Column 6 <i>plus</i> water/sewer permit fees, & other local fees, <i>excludes</i> city application and inspection fees, SANDAG, SDCWA, and other pass-through fees
<b>Escondido</b>	<b>\$0</b>	<b>\$112,500</b>	<b>\$35,500</b>	<b>\$108,500</b>	<b>\$256,500</b>	<b>\$318,375</b>
Carlsbad	\$0	\$32,250	Estimate: \$53,368	\$120,803	\$206,421	Estimate: \$321,361
Oceanside	\$0	\$72,000	\$35,200	\$45,100	\$152,300	Estimate: \$237,356
San Marcos	\$0	\$285,786	\$25,772	\$0	\$311,558	Estimate: \$506,018
Vista	\$0	\$254,500	\$6,135	\$27,980	\$288,615	Estimate: \$394,787

TABLE 5: Jurisdiction Fee Comparison for 1-Story, 100,000 SF Multi-Tenant Retail (9.2 acres)						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Jurisdiction	Park Develop Fee	Traffic Impact Fee	Drainage Impact Fee	Public Facility Fee	Combined Park, Traffic, Facilities and Drainage Fees	Cumulative - includes Column 6 <i>plus</i> water/sewer permit fees, & other local fees, <i>excludes</i> city application and inspection fees, SANDAG, SDCWA, and other pass-through fees
<b>Escondido</b>	<b>\$0</b>	<b>\$900,000</b>	<b>\$71,000</b>	<b>\$217,000</b>	<b>\$1,188,000</b>	<b>\$1,361,375</b>
Carlsbad	\$0	\$516,000	Estimate \$136,289	\$317,135	\$969,424	Estimate: \$1,142,257
Oceanside	\$0	\$723,000	\$84,800	\$90,200	\$898,000	Estimate: \$983,056
San Marcos	\$0	\$1,703,546	\$66,046	\$0	\$1,769,592	Estimate: \$2,603,163
Vista	\$0	\$1,544,000	\$15,723	\$71,539	\$1,631,262	Estimate: \$1,863,232

TABLE 6: Jurisdiction Fee Comparison for 2-Story, 50,000 SF Flex Office (3.1 acres)						
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Jurisdiction	Park Develop Fee	Traffic Impact Fee	Drainage Impact Fee	Public Facility Fee	Combined Park, Traffic, Facilities and Drainage Fees	Cumulative - includes Column 6 <i>plus</i> water/sewer permit fees, & other local fees, <i>excludes</i> city application and inspection fees, SANDAG, SDCWA, and other pass-through fees
<b>Escondido</b>	<b>\$0</b>	<b>\$150,000</b>	<b>\$35,500</b>	<b>\$108,500</b>	<b>\$294,000</b>	<b>\$388,375</b>
Carlsbad	\$0	\$129,000	Estimate: \$ 46,125	\$225,978	\$401,103	Estimate: \$516,043
Oceanside	\$0	\$90,000	\$35,200	\$45,100	\$170,300	Estimate: \$225,356
San Marcos	\$0	\$429,936	\$22,255	\$0	\$452,191	Estimate: \$738,611
Vista	\$0	\$622,500	\$5,298	\$24,106	\$651,904	Estimate: \$747,471

Development Impact Fee pricing levels include several factors:

1) Number of Anticipated Future Dwelling Units

The total number of future dwelling units is based on General Plan residential densities for undeveloped and underdeveloped land anticipated by the 2035 General Plan horizon year. Undeveloped land is identified as vacant or uninhabited land that is not developed or approved for development. Underdeveloped lands involve properties constructed with a lower density than allowed by the General Plan where future intensification of these areas are anticipated.

2) 'Permitted' Versus 'Constructed' Residential Density

The General Plan identifies residential density as the maximum number of dwelling units permitted per acre. Developments are typically constructed at lower densities when considering environmental constraints (steep slopes, habitat areas, etc.), as well as marketing trends and development styles (carriage units, town homes, flats, etc.). Staff evaluated residential development in the City to compare *actual* project densities with the underlying General Plan *permitted* densities. Based on this analysis, construction densities are averaging approximately 70 percent of the maximum permitted densities. This influences the amount of revenue collected from Development Impact Fees to fund future infrastructure because the fees are only collected from *constructed* units.

3) 'Permitted' versus 'Constructed' Non-Residential Square Footage

A similar analysis involving projected residential units was made with commercial, office and industrial development. Non-residential development construction averages approximately 50 percent of permitted General Plan Industrial and Office land use intensities, and 80 percent of the General Plan Commercial land use intensities projected by 2035. Development Impact Fees to fund future capital facilities are only collected from constructed square footage.

4) Public Facilities Needs / Anticipated Revenues for 2035 Planning Horizon Year

Staff considered existing facilities, community needs and trends, Quality of Life Standards, acquisition and construction costs, and percentage of facilities related to new growth to determine public facility needs listed in the “Citywide Public Facilities” ([Attachment A](#)). Infrastructure related to growth eligible for funding with the collection of Development Impact Fees total approximately \$247.2 million.

Community Facilities District Municipal Code Amendment:

The proposed Municipal Code Amendment does not alter provisions established by the Community Facilities District (“CFD”) approved by the City Council earlier this year. Instead, through the proposed Municipal Code Amendment, staff proposes to include language in the Municipal Code that memorializes the City’s authority to impose fees and exactions, which already exists under state and/or other law and is in accord with the City’s current policies. Article 18B of the Municipal Code would be amended to include a new Section 6-457 as follows:

**Sec. 6-457. Other Fees and Exactions for Public Services.**

*(a) In addition to the fees set forth in this article, the City may condition the issuance of a grading permit, construction permit, building permit, or other development entitlement for a development project on the establishment of a funding mechanism to offset the impacts to additional ongoing public services required for such project. The funding mechanism may consist of:*

- (1) the imposition of an exaction or fee otherwise authorized by the Escondido Municipal Code, the Mitigation Fee Act, or other applicable local, state, or federal law; or*
- (2) the participation of the subject real property in a community facilities, assessment, or service district (“district”) organized and adopted by the City in accordance with local, state, or federal law; or*
- (3) the execution of an irrevocable offer to annex into a district upon formation of the same if a district has not yet been organized and adopted but the need for which has been identified.*

*(b) A district referred to in this section may include, but shall not be limited to, those organized pursuant to the Mello-Roos Community Facilities District Act, the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, the Landscaping and Lighting Act of 1972, the Benefit Assessment Act of 1982, the Parking and Business Improvement Area Law of 1989, or any other district formed pursuant to the City's authority or otherwise provided for by applicable law.*

Additionally, Section 6-434 (Exemptions) of Article 17 of Chapter 6 of the Escondido Municipal Code is proposed for amending to read as follows (edited text shown in underline):

**Sec. 6-434. Exemptions.**

*The provisions of this chapter do not apply to:*

- (a) Taxes or special assessments levied by the city;*
- (b) Fees for processing development applications or approvals;*
- (c) Fees for enforcement of or inspections pursuant to regulatory ordinances;*



- (d) Fees collected under development agreements adopted pursuant to California Government Code section 65864 et seq.;
- (e) Fees collected pursuant to California Government Code section 66477 as money in lieu of park land dedication;
- (f) Fees imposed pursuant to a reimbursement agreement by and between the city and a property owner or developer for that portion of the cost of a capital improvement paid by the property owner or developer which exceeds the need for the capital improvement created by the development; or
- (g) Fees and exactions for public services referenced in Escondido Municipal Code section 6-457.

**RECOMMENDATION:**

**Community Facilities District Municipal Code Amendment:**

Staff recommends the approval of the proposed Municipal Code Amendment which memorializes existing City Council policy and state law. The amendment codifies the provision requiring new residential development fund its cost for the services provided by the City.

**Development Impact Fee Adjustments:**

Staff recommends adjusting fees to align with the anticipated cost for constructing facilities and infrastructure. Staff does not recommend relying on grants to fund a significant share of the City's infrastructure buildout needs because: a) not all projects will be appropriate or eligible for matching grants; b) the timing to apply for certain grant funds may not align with implementation schedules; c) matching grants are highly competitive; the success rate for being awarded is not guaranteed; and d) staff cannot forecast the continued availability of matching grants, or their amounts, given constrained state and federal budgets. Therefore, staff recommends adjusting fees as follows:

**Public Facilities Fee:**

<i>Development Type</i>	<i>Existing Fee</i>	<i>Fee to fully offset costs</i>	<i>Proposed Fee</i>
Single Family	\$4,872.54 / unit	\$6,300 / unit	<b>\$6,300 / unit</b>
Multi-Family	\$4,872.54 / unit	\$6,300 / unit	<b>\$6,300 / unit</b>
Retail Commercial	\$2.21 / sq. ft.	\$2.86 / sq. ft.	<b>\$2.86 / sq. ft.</b>
Industrial	\$1.67 / sq. ft.	\$2.16 / sq. ft.	<b>\$2.16 / sq. ft.</b>
Office	\$2.21 / sq. ft.	\$2.86 / sq. ft.	<b>\$2.86 / sq. ft.</b>
Parking Structure (primary use)	\$0.60 / sq. ft.	\$0.72 / sq. ft.	<b>\$0.72 / sq. ft.</b>

**Park Development Fee:**

<i>Development Type</i>	<i>Existing Fee</i>	<i>Fee to fully offset costs</i>	<i>Proposed Fee</i>
Single Family	\$6,849.30 / unit	\$9,167 / unit	<b>\$9,167 / unit</b>
Multi-Family	\$6,533.10 / unit	\$9,167 / unit	<b>\$9,167 / unit</b>

**Traffic Impact Fee:**

<i>Development Type</i>	<i>Existing Fee</i>	<i>Fee to fully offset costs</i>	<i>Proposed Fee</i>
Single Family	\$4,109.58 / unit	\$9,043 / unit	<b>\$9,043 / unit</b>
Multi-Family	\$2,054.28 / unit	\$6,270 / unit	<b>\$6,270 / unit</b>
Commercial	\$9.49 - \$47.42 / sq. ft.	\$12.81 - \$64.02 / sq. ft.	<b>\$12.81 - \$64.02 / sq. ft.</b>
Industrial	\$2.37 / sq. ft.	\$3.20 / sq. ft.	<b>\$3.20 / sq. ft.</b>
Office	\$3.16 – 5.53 / sq. ft.	\$4.26 – 7.47 / sq. ft.	<b>\$4.26 – 7.47 / sq. ft.</b>

**Drainage Facilities Fee:**

<i>Development Type</i>	<i>Existing Fee</i>	<i>Fee to fully offset costs</i>	<i>Proposed Fee</i>
Single Family	\$1,113.84 / unit	\$1,722 / unit	<b>\$1,722 / unit</b>
Multi-Family	\$460.02 / unit	\$711 / unit	<b>\$711 / unit</b>
Retail Commercial	\$0.72 / sq. ft.	\$1.11 / sq. ft.	<b>\$1.11 / sq. ft.</b>
Industrial	\$0.72 / sq. ft.	\$1.11 / sq. ft.	<b>\$1.11 / sq. ft.</b>
Office	\$0.72 / sq. ft.	\$1.11 / sq. ft.	<b>\$1.11 / sq. ft.</b>

While the Development Impact Fee adjustments appear significant, focus needs to be placed on Escondido’s competitiveness when comparing the updated cumulative fees with area jurisdictions (Table 7). Currently, Escondido’s cumulative fee structure ranks near the low end of fees charged by other Highway 78 cities. The proposed pricing structure maintains Escondido’s fees in the mid-range when comparing prototype projects with other highway 78 cities. This demonstrates that Escondido’s current fees are not excessive and, more importantly, that the proposed fees remain competitive while reflecting the true cost of providing infrastructure to serve new development thus minimizing negative impacts to the General Fund.

**NEXT STEPS:**

If approved, the proposed Municipal Code Amendment Ordinance No. 2020-24 would become effective 30 days after its second reading, tentatively scheduled for October 24, 2020.

The Municipal Code stipulates an effective date of 60 days after City Council adoption of Development Impact Fees. If approved, the proposed Resolution No. 2020-125 would be effective on November 23, 2020.

Table 7: Development Impact Fee Rankings – Highway 78 Jurisdictions					
Jurisdiction	Development Type	Existing Permit Fees*	Fee Rank 1 (highest) 5 (lowest)	Proposed Permit Fee*	Fee Rank 1 (highest) 5 (lowest)
Escondido	Single Family	\$32,374	4	\$41,662	4
	Multi-Family-100 unit	\$2,306,772	4	\$3,339,078	3
	Indus. (50K SF multi-tenant)	\$318,375	4	\$401,875	2
	Retail (100K SF multi-tenant)	\$1,361,375	3	\$1,851,375	3
	Office (50K SF multi-tenant)	\$388,375	4	\$505,875	4
Carlsbad	Single Family	\$49,243	2		
	Multi-Family-100 unit	\$3,398,636	2		
	Indus. (50K SF multi-tenant)	\$321,361	3		
	Retail (100K SF multi-tenant)	\$1,142,257	4		
	Office (50K SF multi-tenant)	\$516,043	3		
Oceanside	Single Family	\$56,468	1		
	Multi-Family-100 unit	\$1,732,793	5		
	Indus. (50K SF multi-tenant)	\$237,356	5		
	Retail (100K SF multi-tenant)	\$983,056	5		
	Office (50K SF multi-tenant)	\$225,356	5		
San Marcos	Single Family	\$46,621	3		
	Multi-Family-100 unit	\$3,679,006	1		
	Indus. (50K SF multi-tenant)	\$506,018	1		
	Retail (100K SF multi-tenant)	\$2,603,163	1		
	Office (50K SF multi-tenant)	\$738,611	2		
Vista	Single Family	\$24,480	5		
	Multi-Family-100 unit	\$2,595,739	3		
	Indus. (50K SF multi-tenant)	\$394,787	2		
	Retail (100K SF multi-tenant)	\$1,863,232	2		
	Office (50K SF multi-tenant)	\$747,471	1		

\* Cumulative Development Impact Fees, including water/sewer permit fees and other local fees, *excludes* City application, processing and inspection fees, SANDAG, SDCWA, school, and other pass-through fees

**ALTERNATIVES FOR CONSIDERATION:**

The City Council has discretion in adopting Development Impact Fees and could consider delaying or phasing their implementation date. As previously discussed, in 2017 the City Council directed staff to phase the implementation of Development Impact Fee adjustments in the Downtown Specific Plan Area over a three-year period, in addition to allowing several 'pipeline' projects to pay preexisting fees. As previously stated, while this action to allow reduced fee collections mitigated "rate shock" for developments, it significantly exacerbated the City's long-term shortfall of cumulative fee collections.

**Option #1:**

The City Council could delay the effective date for implementing the adjusted fees until Monday, February 22, 2021. This date aligns with the anniversary of annual inflationary increases that the City Council has approved in the past.

**Option #2:**

The City Council could phase implementation of the adjusted fees over a two-year period, with the first half of the proposed increase implemented 60-days after adoption (or another date preferred by the City Council), and the second half of the increase implemented one calendar year later.

Either option would allow applicants to secure building permits in a timely manner for projects currently being processed. However, it should be noted that the fees are based on the finite number of dwelling units and nonresidential square footage permitted by the 2035 General Plan planning horizon year (Table #1). Delaying the implementation of adjusted fees will exacerbate the current funding shortfall of building out the City's infrastructure and will require General Fund, grants, or other one-time revenues to bridge the gap.

**APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:**

*Jay Petrek*, Assistant City Manager  
9/16/20 4:21 p.m.

**ATTACHMENTS:**

1. Attachment A – Citywide Public Facilities
2. Resolution No. 2020-125
3. Ordinance No. 2020-24

# ATTACHMENT "A"

## Citywide Public Facilities (Cumulative)

Project Description (Cumulative list - Refer to following pages for additional detail)	Projected Project to Build-Out	Percentage Related to Growth	Total Cost Related to Growth
Park Development	\$ 68,831,550	74%	\$ 50,702,285
Fire Department*	15,352,990	78%	11,943,438
Police Department*	10,702,000	90%	9,585,500
Admin / Technology*	3,350,105	26%	924,524
Library*	52,000,000	26%	13,500,000
Senior Citizens*	4,039,500	100%	4,039,500
Public Works*	73,318,792	25%	18,678,972
City-Wide Drainage Improvements	13,700,000	100%	13,700,000
City-Wide Traffic Improvements	123,124,000	100%	123,124,000
	<u>\$ 364,418,937</u>		<u>\$ 246,198,219</u>
2017-2020 Cumulative Inflationary adjustment 7.3%	\$391,021,519		\$264,170,689
June 30, 2020 DIF account balances:			
1) Parks			3,991,005
2) Public facilities (including radio interloan)			\$7,003,700
3) Traffic			\$5,276,638
4) Drainage			\$701,140
<b>Adjusted total cost related to growth</b>			<b>\$247,198,206</b>
*Categories Funded by Public Facilities Fees			\$58,671,934
Public Facility Fee Inflationary Adjustment (7.3%)			\$62,954,985
Public Facility Fees Collected to Date			\$7,003,700
Public Facility Fee Outstanding Balance			\$55,951,285

## Public Facilities - Park Development

Project Description	Projected Project to Build-Out	Percentage Related to Growth	Total Cost Related to Growth
Baseball Youth Field (3 fields with dual purpose=6 fields) 60' - 80' bases, 3 acres each @ \$29/sq. ft. Kit Carson: 1 Mountain View: 1 Jesmond Dene: 1	\$ 11,370,000	100%	\$ 11,370,000
Softball Youth Field (1) 65' bases, 2.5 acres @ \$12/sq. ft. Kit Carson: 1	1,306,800	100%	1,306,800
BMX Track (1) 2.5 acres at \$5/sq. ft. Location : TDB	544,500	23%	125,235
Multi-purpose Arena (1) Kit Carson: 1	2,000,000	100%	2,000,000
Multi-Purpose Football/Soccer Fields (3) Average 1.25 acre each @ \$15/sq. ft. 11th Avenue: 1 (Multi-purpose) Ryan: 2 (Football/Soccer combination)	2,450,250	100%	2,450,250
Basketball Courts (6) \$60,000 each Washington: 4 Ryan: 1 Jesmond Dene: 1	360,000	100%	360,000
Tennis Courts (5) \$60,000 each Mountain View: 2 Unidentified sites: 3	300,000	100%	300,000
Miscellaneous Improvements 10 acres city-wide @ \$450K/acre - Parking, Sidewalks Lights, Landscape, Restrooms, Concessions, Signs	4,500,000	100%	4,500,000
Skatepark (2) Washington: 1 Kit Carson: 1	2,000,000	100%	2,000,000
New Pool	8,000,000	23%	1,840,000
New Trails (Mountain Bike & hiking) Mountain Bike (\$1,000,000) Citywide trails (\$1,000,000)	2,000,000	100%	2,000,000
Community Center	15,000,000	23%	3,450,000
Kit Carson Park Upgrades	2,000,000	100%	2,000,000
Grape Day Park Expansion @\$4.5M/acre	13,000,000	100%	13,000,000
Playground Equipment; 8 parks @ \$500K each	4,000,000	100%	4,000,000
	<u>\$ 68,831,550</u>		<u>\$ 50,702,285</u>
2017-2020 Inflationary adjustment 7.3%	\$73,856,253		\$54,403,552
Park Fees Collected to Date			\$ 3,991,005
Park Fee Outstanding Balance			\$50,412,547

## Public Facilities - Fire Department

Project Description	Projected Project to Build- Out	Percentage Related to Growth	Total Cost Related to Growth
Type VI Squad (Station 1)	\$ 600,000	100%	\$ 600,000
Type VI Squad equip/radios (Station 1)	250,000	100%	250,000
Type VI Squad (Station 2)	325,000	100%	325,000
Type VI Squad equip/radios (Station 2)	175,000	100%	175,000
ALS Transport Unit (Station 2)	200,000	100%	200,000
Transport Unit equip/radios (Station 2)	150,000	100%	150,000
2nd Truck Company (Station 2)	1,500,000	100%	1,500,000
Truck Equipment/Radios (Station 2)	400,000	100%	400,000
ALS Transport Unit (Station 7)	200,000	100%	200,000
Transport Unit equip/radios (Station 7)	150,000	100%	150,000
Property Acquisition (Station 8)	1,000,000	100%	1,000,000
Construction Costs (Station 8)	5,000,000	100%	5,000,000
Paramedic Assessment Engine (Station 8)	600,000	100%	600,000
Engine Equipment/Radios (Station 8)	250,000	100%	250,000
2nd Battalion Chief Vehicle	75,000	100%	75,000
Battalion Chief Vehicle Equipment/Radios	50,000	100%	50,000
RCS NextGen System (Citywide)	3,800,000	23%	874,000
Next Gen Mobile & Portable Radios	627,990	23%	144,438
	<u>\$ 15,352,990</u>		<u>\$ 11,943,438</u>
 2017-2020 Inflationary adjustment 7.3%	 \$16,473,785		 \$12,815,309

## Public Facilities - Police Department

Project Description	Projected Project to Build- Out	Percentage Related to Growth	Total Cost Related to Growth
58 new laptops @ \$6K each	\$ 348,000	100%	\$ 348,000
58 Portable Radios @ \$6K each	348,000	100%	348,000
58 Mobile Radios @ \$6K each	348,000	100%	348,000
58 Marked Units @ \$55K each	3,190,000	100%	3,190,000
10 Unmarked units w/Code 3 @ \$50K each	500,000	100%	500,000
3 Motorcycles @ \$40K each	120,000	100%	120,000
10 Unmarked Units @45K each	450,000	100%	450,000
5 CSO @ \$40K each	200,000	100%	200,000
58 police Equipment @ \$6K each	348,000	100%	348,000
Complete Police Firing Range	3,400,000	100%	3,400,000
Next Gen Mobile & Portable Radios	1,450,000	23%	333,500
	<u>\$ 10,702,000</u>		<u>\$ 9,585,500</u>
 2017-2020 Inflationary adjustment 7.3%	 \$11,483,246		 \$10,285,241



## Public Facilities - Admin/Technology

Project Description	Projected Project to Build- Out	Percentage Related to Growth	Total Cost Related to Growth
GIS / Hi-Resolution Imagery & Equipment	\$ 1,000,000	23%	\$ 230,000
Computers - Employee Growth	100,000	100%	100,000
Phone Equipment Central / Desktop	100,000	100%	100,000
Security System Network Backbone	400,000	23%	92,000
Fiber Network, Equipment and Upgrades	1,700,000	23%	391,000
NextGen Mobile/Portable Radios (Code Enf.)	50,105	23%	11,524
	<u>\$ 3,350,105</u>		<u>\$ 924,524</u>
 2017-2020 Inflationary adjustment 7.3%	 \$3,594,663		 \$992,014

## Public Facilities - Library

Project Description	Projected Project to Build- Out	Percentage Related to Growth	Total Cost Related to Growth
Library books and materials - growth	\$ 2,000,000	100%	\$ 2,000,000
Buildout of Library	50,000,000	23%	11,500,000
	<u>\$ 52,000,000</u>		<u>\$ 13,500,000</u>
 2017-2020 Inflationary adjustment 7.3%	 \$55,796,000		 \$14,485,500

## Public Facilities - Senior Citizens

Project Description	Projected Project to Build- Out	Percentage Related to Growth	Total Cost Related to Growth
8,310 sq.ft. building @\$450/sq.ft.	\$ 3,739,500	100%	\$ 3,739,500
Property Acquisition	300,000	100%	300,000
	<u>\$ 4,039,500</u>		<u>\$ 4,039,500</u>
 2017-2020 Inflationary adjustment 7.3%	 \$4,334,384		 \$4,334,384

## Public Facilities - Public Works

Project Description	Projected Project to Build- Out	Percentage Related to Growth	Total Cost Related to Growth
Public Works Expansion/Relocation Yard	\$ 57,000,000	23%	\$ 13,110,000
Radio Upgrades to P25	350,000	23%	80,500
Security for High Value Assets	500,000	23%	115,000
Laptops/Computers/Phones	100,000	23%	23,000
Traffic Signal Network	9,920,000	23%	2,281,600
Streets Equipment (Boom, RPM, Thermo)	745,000	100%	745,000
NextGen Mobile/Portable Radios (Streets/Parks)	103,792	23%	23,872
City-wide Traffic Improvements**	123,124,000	100%	123,124,000
City-wide Drainage Improvements*	13,700,000	100%	13,700,000
200-space DT parking garage (on city-owned land)	4,600,000	50%	2,300,000
	<u>\$ 210,142,792</u>		<u>\$ 155,502,972</u>
2017-2020 Cumulative Inflationary Adjustment 7.3%	\$225,483,216		\$166,854,689
*Drainage Improvement Inflationary Adjustment (7.3%)			\$14,700,100
Drainage Fees Collected to Date			\$701,140
<b>Drainage Fee Outstanding Balance</b>			<b>\$13,998,960</b>
**Traffic Improvement Inflationary Adjustment (7.3%)			\$132,112,052
Traffic Fees Collected to Date			\$5,276,638
<b>Traffic Fee Outstanding Balance</b>			<b>\$126,835,414</b>

RESOLUTION NO. 2020-125

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 FEES

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 review of DIF amounts for necessary adjustments in order to maintain their purchasing power for completing necessary public improvements to serve new development; and

WHEREAS, DIF amounts that do not reflect the true cost for implementing public facilities and infrastructure needed to serve new development must be supplemented with other resources, including the General Fund; and

WHEREAS, the City of Escondido has a projected General Fund structural budget gap totaling over \$176 million over the next 18 years; and

WHEREAS, the anticipated DIF collections based on existing fee levels currently fund only 74 percent of the cost of constructing facilities and infrastructure to serve new growth resulting in an approximate \$64.7 million shortfall; and

WHEREAS, without adjusting DIF amounts the City will need to rely more heavily on General Fund or other one-time revenue to finance these facilities, significantly delay construction of community facilities to pursue alternative funding, and/or significantly reduce the number and/or quality of public facilities and infrastructure currently planned in the City's buildout; and

WHEREAS, on September 23, 2020, 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 to account for the construction costs associated with building the needed infrastructure to serve new growth, as follows:

*SEE NEXT PAGE*

	Current Fee (2020)	Adjustment
<b>Public Facilities</b>		
Residential <sup>2</sup>	\$4,872.54 / DU	\$6,300 / DU
Commercial / Office	\$2.21 / sq. ft.	\$2.86 / sq. ft.
Industrial	\$1.67 / sq. ft.	\$2.16 / sq. ft.
Parking Structure-Primary Use	\$0.60 / sq. ft.	\$0.72 / sq. ft.
<b>Park Development</b>		
Single Family Residential	\$6,849.30 / DU	\$9,167 / DU
Multi-Family Residential	\$6,533.10 / DU	\$9,167 / DU
<b>Drainage Facilities</b>		
Single Family Residential	\$1,113.84 / DU	\$1,722 / DU
Multi-Family Residential	\$460.02 / DU	\$711 / DU
All other uses	\$0.72 / sq. ft.	\$1.11 / sq. ft.
<b>Local Traffic Impact<sup>1</sup></b>		
<b>Category</b>		
Single Family	\$4,109.58 / DU	\$9,043 / DU
Multi Family <sup>2</sup>	\$2,054.28 / DU	\$6,270 / DU
<b>Commercial/Retail/Service<sup>3</sup></b>	\$9.49 / sq. ft.	\$12.81 / sq. ft.
Bank	\$15.81 / sq. ft.	\$21.34 / sq. ft.
Sit Down (Quality) Restaurant	\$14.23 / sq. ft.	\$19.21 / sq. ft.
High Turnover or Deli	\$15.81 / sq. ft.	\$21.34 / sq. ft.
Fast food with or without drive-thru	\$47.42 / sq. ft.	\$64.02 / sq. ft.
Convenience Market	\$31.62 / sq. ft.	\$42.69 / sq. ft.
Convenience Market with Fueling	\$14,224.92 / fuel space	\$19,203.64 / fuel space
Car Wash	\$71,122.56 / each	\$96,015.45 / each
<b>Office<sup>4</sup></b>	\$3.16 / sq. ft.	\$4.26 / sq. ft.
Medical / Dental Office	\$5.53 / sq. ft.	\$7.46 / sq. ft.
Hospital / Care Facility	\$3.95 / sq. ft.	\$5.33 / sq. ft.
<b>Industrial<sup>5</sup></b>	\$2.37 / sq. ft.	\$3.33 / sq. ft.
Church	\$1.42 / sq. ft.	\$1.92 / 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

3. 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.

4. 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.

5. The DIF amounts adopted herein shall be effective on November 23, 2020.



ORDINANCE NO. 2020-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING ARTICLE 17 (DEVELOPMENT FEE PROCEDURES) AND ARTICLE 18B (PUBLIC FACILITY DEVELOPMENT FEE) OF CHAPTER 6 OF THE ESCONDIDO MUNICIPAL CODE TO ACKNOWLEDGE CITY'S AUTHORITY REGARDING FUNDING MECHANISMS FOR PUBLIC SERVICES REQUIRED FOR DEVELOPMENT PROJECTS

WHEREAS, the City of Escondido's ("City") authority to require fees or other exactions to offset impacts to ongoing municipal services required for development projects is generally derived from the City's powers pursuant to Article XI, Section 7 of the California Constitution; and

WHEREAS, California statutes also provide authority for the City to require such fees or other exactions in relation to development projects, including but not limited to Government Code Section 37112 (acts necessary or proper to carry out governmental duties) and Government Code Section 66000 et seq. (the Mitigation Fee Act); and

WHEREAS, the City has the authority to create community facilities, assessment, or service districts to offset impacts to ongoing municipal services pursuant to other California statutes, including but not limited to the Mello-Roos Community Facilities District Act, the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, the Landscaping and Lighting Act of 1972, the Benefit Assessment Act of 1982, and the Parking and Business Improvement Area Law of 1989; and

WHEREAS, the City's General Plan, including its Policies related to Public Facility Financing, Public Facility Deficiencies, Complete Streets, Fire Protection, Police Services, and Parks and Recreation, requires new development to contribute fees or establish other funding mechanisms so that the City can adequately operate and maintain municipal facilities and equipment and ensure ongoing levels of municipal services; and

WHEREAS, Article 17 of Chapter 6 of the Escondido Municipal Code concerns "development fees," which are defined as "any monetary exaction imposed as a condition of or in connection with approval of a development project for the purpose of defraying all or a portion of the cost of capital improvements related to the development project"; and

WHEREAS, Article 18B of Chapter 6 of the Escondido Municipal Code concerns "public facility fees," which are defined as "a monetary exaction imposed as a condition of development approval in connection with a residential or nonresidential development project in order to fund and to assure the provision of public facility improvements needed to serve such development at established city service level standards within a reasonable period of time"; and

WHEREAS, Article 18B of Chapter 6 of the Escondido Municipal Code defines "public facilities" as "the construction and equipping of public facilities including, but not limited to, police stations, fire stations, public libraries, senior centers, maintenance yard site, administrative space, and other public facility improvement needs related to projected residential and nonresidential development"; and

WHEREAS, Article 17 and Article 18B do not expressly address fees or other exactions for municipal services (apart from public facilities or capital improvements) required for development projects in the City; and

WHEREAS, on June 12, 2019, the City Council directed staff to investigate all options to address the City's general fund budget deficit; and

WHEREAS, on January 15, 2020, the City Council was provided with the results of the Keyser Marston Fiscal Impact Analysis, which concluded that the cost to provide municipal services to new residential developments exceeded revenues by \$536 to \$783 for each new residential unit per year; and

WHEREAS, on January 15, 2020, the City Council adopted Resolution No. 2020-2, directing staff to prepare documents necessary to consider the formation of a Community Facilities District ("CFD") to offset ongoing costs of municipal services resulting from new development; and

WHEREAS, on April 8, 2020, the City Council adopted Resolution No. 2020-24, which included a Resolution of Intention to Establish Community Facilities District No. 2020-1 of the City of Escondido to fund municipal services required for new development ("Services CFD"), and the setting of a public hearing date of May 13, 2020, for the City Council to consider approving the Services CFD; and

WHEREAS, on May 13, 2020, after the City Council held a properly noticed public hearing, the City Council adopted Resolution No. 2020-44 to approve and establish the Services CFD, which created a CFD funding mechanism by which development projects can offset impacts to municipal services required for the projects; and

WHEREAS, should a development project not be subject to the Services CFD, the City desires to continue its policy of ensuring that the development project otherwise offsets its impacts to municipal services required for the project through the payment of other lawful fees or exactions; and

WHEREAS, pursuant to its continued efforts to address the City's general fund budget deficit and to act in the best interests of the City's residents and taxpayers, the City desires to reaffirm its policy for development projects to offset the impacts to municipal services required for such projects; and

WHEREAS, the aforementioned fiscal policies for development projects are necessary and proper in relation to the City providing ongoing municipal services; and

WHEREAS, the City Council desires to amend the Escondido Municipal Code to reaffirm the City's aforementioned fiscal policies for development projects.

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

SECTION 1. That the foregoing recitals are true and correct.

SECTION 2. That a properly noticed public hearing on this matter has been held before the City Council.

SECTION 3. That the City Council has duly reviewed and considered all evidence submitted in association with the public hearing for this Ordinance, including, without limitation, written information; oral testimony from City staff, interested parties, and the public; the concurrently provided Staff Report, which along with its attachments

is incorporated herein by this reference as though fully set forth herein; and additional information submitted during the public hearing.

SECTION 4. That Article 18B of Chapter of the Escondido Municipal Code be amended to insert a new Section 6-457, which shall read as follows:

**Sec. 6-457. Other Fees and Exactions for Public Services.**

(a) In addition to the fees set forth in this article, the City may condition the issuance of a grading permit, construction permit, building permit, or other development entitlement for a development project on the establishment of a funding mechanism to offset the impacts to additional ongoing public services required for such project. The funding mechanism may consist of:

- (1) the imposition of an exaction or fee otherwise authorized by the Escondido Municipal Code, the Mitigation Fee Act, or other applicable local, state, or federal law; or
- (2) the participation of the subject real property in a community facilities, assessment, or service district ("district") organized and adopted by the City in accordance with local, state, or federal law; or
- (3) the execution of an irrevocable offer to annex into a district upon formation of the same if a district has not yet been organized and adopted but the need for which has been identified.

(b) A district referred to in this section may include, but shall not be limited to, those organized pursuant to the Mello-Roos Community Facilities District Act, the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, the Landscaping and Lighting Act of 1972, the Benefit Assessment Act of 1982, the Parking and Business Improvement Area Law of 1989, or any other district formed pursuant to the City's authority or otherwise provided for by applicable law.

SECTION 5. That Section 6-434 (Exemptions) of Article 17 of Chapter 6 of the Escondido Municipal Code be amended to read as follows:

**Sec. 6-434. Exemptions.**

The provisions of this chapter do not apply to:

- (a) Taxes or special assessments levied by the city;
- (b) Fees for processing development applications or approvals;
- (c) Fees for enforcement of or inspections pursuant to regulatory ordinances;
- (d) Fees collected under development agreements adopted pursuant to California Government Code section 65864 et seq.;

(e) Fees collected pursuant to California Government Code section 66477 as money in lieu of park land dedication;

(f) Fees imposed pursuant to a reimbursement agreement by and between the city and a property owner or developer for that portion of the cost of a capital improvement paid by the property owner or developer which exceeds the need for the capital improvement created by the development; or

(g) Fees and exactions for public services referenced in Escondido Municipal Code section 6-457.

SECTION 6. 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 7. That as of the effective date of this Ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. That the City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

# CITY COUNCIL STAFF REPORT

**Current Business Item No. 14**

**September 23, 2020**

**File No. 0850-20**

**SUBJECT:** Citywide Services Community Facilities District (“CFD”) 2020-1  
Annexation of Projects Under Entitlement Review

**DEPARTMENT:** Engineering Services Department

**RECOMMENDATION:**

It is recommended that the City Council direct staff to continue requiring projects that were not entitled prior to May 13, 2020, to offset the ongoing costs of providing public services to the project by annexing into the Citywide Services CFD or through another approved funding mechanism.

**FISCAL ANALYSIS:**

The projected general fund budget deficit totals \$176 Million over the next 18 years, not including effects of the ongoing COVID-19 pandemic.

On January 15, 2020, the City Council was provided the results of the Keyser Marston Fiscal Impact Analysis (“KMA”) concluding that the cost to provide municipal services to new residential developments exceeds revenues by \$536 to \$783 for each new residential unit per year.

**PREVIOUS COUNCIL ACTION:**

On June 12, 2019, the City Council directed staff to investigate all options to address the structural budget deficit, including evaluating the feasibility of a Citywide Services CFD to ensure the General Fund budget deficit does not grow as the City develops.

On January 15, 2020, the City Council adopted Resolution No. 2020-02, directing staff to prepare documents necessary to consider the formation of a CFD to offset ongoing municipal costs of services resulting from new development (Services CFD).

On April 8, 2020, the City Council adopted Resolution No. 2020-24 declaring its intent to establish Community Facilities District (“CFD”) No. 2020-1, a Citywide Services CFD to fund municipal services required for new development and setting a public hearing date of May 13, 2020.

On May 13, 2020, the City Council held a duly noticed public hearing and adopted Resolution No. 2020-44 establishing CFD 2020-1, the Citywide Services CFD.

**BACKGROUND:**

The Citywide Services CFD was formed as a means to ensure that new residential development is revenue neutral. In accordance with City Council direction, residential projects entitled or applying for a building permit after the resolution of formation date of May 13, 2020 should offset their impacts to

the City's operating budget (General Fund) by annexing into the Citywide Services CFD or through an alternate funding mechanism. Some projects under review at the time of formation of the Services CFD have requested special consideration. This item discusses the status of annexations and how annexations to the services CFD may occur for "pipeline projects."

Public Facility Financing Policies 3.2, 5.1 and 5.4 of the General Plan, adopted on May 23, 2012, require that development projects provide for the ongoing public services required to serve them as follows:

- Public Facility Financing Policy 3.2: At the discretion of the city, require larger developments to prepare a fiscal impact analysis and a public facilities financing plan that articulates infrastructure and public facilities requirements, as well as costs and funding mechanisms which document the effects upon the city's operating budget over time.
- Public Facility Deficiencies Policy 5.1: Allow facility service deficiencies that are below acceptable thresholds on a case by case basis determined through environmental review, periodic monitoring and reporting of quality of life standards, and/or the service delivery process that relates development approvals with remaining facility capacities.
- Public Facility Deficiencies Policy 5.4: Withhold discretionary approvals and subsequent building permits from projects demonstrated to be out of compliance with applicable service standards and deficiency thresholds as established in Public Facility Deficiencies Policy 5.1.

For several years, services CFDs have been used by cities in the region to fund the ongoing cost to serve development, including notably the City of San Marcos' CFD established in 1998. As outlined in the General Plan policies above, each project is required to fund the ongoing cost of municipal services. A Services CFD provides a convenient way for projects to do so. While annexation to the Services CFD is voluntary; the requirement to fund the costs of municipal services is not. Applicants may elect to work with the City to develop an alternative means to fund ongoing municipal services, which could include a cash deposit, endowment, assessment district or separate CFD.

#### FISCAL IMPACT ANALYSIS AND SERVICES CFD FORMATION:

On June 12, 2019, the City Council discussed the structural budget deficit and staff committed at that time to studying the feasibility of a Services CFD. The results of the Fiscal Impact Analysis ("FIA"), prepared by Keyser Marston and Associates, was presented to the City Council on January 15, 2020. This analysis showed that the costs to serve new residential development exceeds the revenue generated by \$536 to \$783 per unit per year. The FIA studied four residential uses, ranging from single family to high density multi-family uses, and accounted for all revenue sources generated from new development, including sales tax, property tax and other taxes. The analysis also included funding for annual deferred maintenance, fire staff ratios at their current level and police staffing levels at the regional average level. During the January 15, 2020 City Council meeting, the need to establish a Citywide Services CFD to make new development revenue neutral such that existing residents and the General Fund do not subsidize development was discussed. The meeting can be viewed at the following location: <https://escondido.12milesout.com/Video/Meeting/cbf694fd-5aad->



[48da-be70-625d798be7ed](#) The City Council directed staff to prepare documents necessary to form the Citywide Services CFD.

On April 8, 2020, the City Council received a presentation, adopted a Resolution of Intention to form the Citywide Services CFD and set a public hearing date of May 13, 2020; see <https://escondido.12milesout.com/Video/Meeting/46d8fd6b-5e7c-4802-acfd-78643c925d33>. The staff report and presentation outlined the policies proposed, including the recommendation that projects entitled after the CFD formation date be annexed to the CFD. On May 13, 2020, a duly noticed public hearing was held and the City Council formed CFD 2020-1, the Citywide Services CFD. The recommended policies for annexation of projects were included in the staff report; see: <https://www.escondido.org/Data/Sites/1/media/agendas/Council/2020/05-13-20CCMeetingAgendaPacket.pdf>.

#### STATUS OF ANNEXATIONS TO SERVICES CFD:

A total of ten projects totaling 662 units have annexed or expressed their intent to annex into the Citywide Services CFD to date:

1. The first zone of the Services CFD consists of one project, The Villages Project, totaling 380 units.
2. The second zone of the Services CFD was established on September 16, 2020, and consists of five projects totaling 66-units.
3. Four projects totaling 216 units have expressed their intent to annex into the Services CFD. These annexations will occur either through the quarterly annexation process or when entitlement occurs.

There are 24 projects totaling 2,364 units that are currently under review or have previously been annexed to the Services CFD. These projects represent the addition of over 6,600 residents resulting in an impact to the General Fund of \$1.96-million per year (see Attachment A). The Services CFD is intended to offset these added costs of public services so that the General Fund and existing taxpayers do not have to subsidize this new development.

#### DEVELOPMENT COMMUNITY FEEDBACK:

While feedback from the Building Industry Association was requested in advance of establishing the Services CFD and no one spoke in opposition to the Services CFD, three developers have requested special consideration for their projects that are currently under entitlement review. The following three projects have expressed that they do not wish to annex to the Citywide Services CFD and do not wish to otherwise fund the ongoing costs to serve the project:

1. Palomar Heights – This 510-unit project proposed at the old Palomar Hospital site was initially submitted by Integral Properties on December 24, 2018. The project application was complete on February 28, 2020. The project contains 162-townhomes, 258 apartments and 90-senior apartments. The project proposes to eliminate ground floor retail that generally

provides a fiscal benefit and proposes densities lower than designated in the General Plan. On July 16, 2020, the applicant provided a letter stating that the cost of ongoing public services associated with their project was \$94,380. An independent third-party review of the information provided as well as a fiscal impact assessment for the Senior Apartments is currently being developed and is expected to be completed prior to the City Council's consideration of the project's entitlement in October 2020. The applicant contacted staff in April 2020 regarding the Services CFD and was informed that the item was scheduled to be considered on May 13, 2020. The applicant has also claimed a violation of the Housing Accountability Act; however, there is no legal basis for this claim as the provisions of the Act were not triggered. The fiscal impact of the project is under evaluation but is estimated to be \$300,000 per year.

2. Casa Mercado – This 120-unit apartment project located at 2nd Avenue/Pine Street was submitted on January 21, 2020, by Renovation Realty and deemed complete on July 30, 2020. The developer purchased four parcels and has an agreement to purchase two additional parcels. The final five parcels are owned by the City of Escondido. The value of the property is being re-appraised to consider the impact of the CFD. In addition, a fiscal impact analysis is being prepared to determine the ongoing costs of public services required to serve this project. The applicant has stated that the CFD disproportionately affects the lowest income residents; however, as an apartment investor, acknowledges that rents are set by the market. The estimated fiscal impact of the project is \$80,000 per year
3. Villa Portafino – This 15-unit apartment project location at 2690 S. Escondido Boulevard was submitted on November 28, 2020, by Frank Giordano. The application is incomplete. The estimated fiscal impact of the project is \$17,745 per year

#### ANALYSIS OF DEVELOPMENT COMMUNITY FEEDBACK:

It is notable that all three projects that have expressed concerns with the CFD are apartment projects. Since these projects are investor driven, the CFD represents an increase in operating costs which results in a reduction in profit margins for investors. Each of these owners reference a long-term commitment to their projects. Rents on apartment projects have increased by over 18% in the last three years, or 6% per year, and has far surpassed operating cost increases. This is more evidence that rental rates are market driven. While the cost of the CFD may affect the viability of a project, it is unlikely that the CFD cost will affect rents.

If the average rent on a new apartment is \$2,000 per month, new apartment rents have increased by \$120 per month each year for the past three years (6% per year). By comparison, the Citywide CFD adds \$64 per month in operating costs to apartment investors. While rent increases experienced during the last three years may not have been typical, if you consider an average rent increase of 3% per year and operating costs increases of 2.5% per year, it is expected that by the third-year the profit per unit will increase by \$86 per month when compared to the first year. This means that rent increases over three years are expected to be 25% more than the \$64 per month cost of the CFD.

#### OPTIONS FOR ANNEXING PROJECTS:

Staff recommends that all projects entitled after May 13, 2020, be required to offset their impacts to public services through annexation to the Citywide Services CFD or through another approved funding mechanism. By following this recommendation, the City Council avoids adding an estimated \$1.96-million per year to the current \$176-million structural budget deficit as each project will fund the ongoing costs to provide public services. However, three additional options have been presented for consideration by the City Council.

**Option 1: Projects entitled after May 13, 2020, offset the costs of providing public services**

**Option 2: Case-by-case for apartments with complete applications prior to May 13, 2020**

It is notable that Fiscal Impact Studies are under development for two of the three projects whose applicants are objecting to funding their ongoing costs. Project applications have been deemed complete for Palomar Heights and Casa Mercado, and both are scheduled to be considered by the City Council. The consequences of exempting these two projects or phasing in the CFD costs could then be considered with all of the relevant information.

**Option 3: Phase in CFD for apartment projects submitted prior to May 13, 2020**

For 2020/21, the CFD levy would be set at \$0 for apartment projects. For 2021/22, the rate would be set at 33% of the normal rate. For 2022/23, the rate would be set at 66% of the normal rate. For 2023/24 and thereafter, the rate would be set at the normal rate. This phasing in approach would reduce the impact to investors by lowering the operating costs in the early years. Standard 3% rent increases would offset the cost of the CFD over the phasing in period. Tax payers and the general fund would be impacted by an estimated \$420,000 to serve the three projects above and two other apartment projects during the first three years; however, long-term costs to serve each project would be paid by the property owner.

**Option 4: Exempt all projects under review**

If the City Council decides to exempt all “pipeline” projects from funding their ongoing service costs, the General Fund and existing tax payers would be required to pay an estimated \$1.96-million each year to serve new development. The current \$176-million structural budget shortfall would increase to over \$211-million over the next 18-years. Pipeline projects include those shown on Attachment “A”, including notably The Villages, Palomar Heights, Harvest Hills (Safari Ranch) and Daley Ranch Resort (Sager Ranch), with applications submitted as of May 13, 2020.

**APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:**

Julie Procopio, Director of Engineering Services  
9/17/20 11:12 a.m.

**ATTACHMENTS:**

1. Attachment “A”

## Citywide Services CFD Annexation Status

	Project	Address and APN	City Contact	Application Submittal	Application Status	# of New Units	Cost of Services	Estimated GF Impact	CFD Status
1	The Villages	Country Club Lane	Owen Tunnell		Project Approved	380	\$743.00	\$282,340.00	Annexed
2	1328 Seven Oaks	1328 Seven Oaks APN 228-050-6300	Elizabeth Lopez	7/1/2020	Building Permit Submitted	1	\$536.00	\$536.00	Annexed
3	422 S. Spruce St	422 S. Spruce St APN 233-111-1600	Ed Vasquez	6/11/2020	Building Permit Submitted	1	\$536.00	\$536.00	Annexed
4	1118 S. Orange-Three New Multifamily Units (Plus One Existing = 4 Units Total)	118 S. Orange APN: 236- 112-0300	Ann Dolmage	1/16/2020	Incomplete	4	\$725.00	\$2,900.00	Annexed
5	El Norte Habitat for Hun	245 E. El Norte APN: 229- 040-1400	Ann Dolmage	2/3/2020	Incomplete	10	\$743.00	\$7,430.00	Annexed
6	SD Community Housing Group	337 E. Valley (APNs 229- 432-3100, 229-432- 3200, 229-432-3300, 229-432-3400, and 229-	Darren Parker	3/30/2020	Incomplete	50	\$783.00	\$39,150.00	Annexed Owner will Apply for Welfare Exemption
					<b>Units Annexed</b>	<b>446</b>	<b>General Fund Impact</b>	<b>\$332,892.00</b>	Impact offset through Services CFD
7	Hacienda de Vega	2608 S. Escondido Blvd APN: 238-152-0700 SUN 19-0010	Jay Paul	10/8/2019	Complete on 9/2/20 9/22/2020 Planning Commission	42	\$725.00	\$30,450.00	Signed Consent
8	Fig street Apts	664 N. Fig Street APN: 230-041-5300	Darren Parker	6/26/2020	Incomplete	15	\$725.00	\$10,875.00	Signed Consent
9	Warmington Residential	2224 S. Escondido Blvd APN: 236-390-5400 SUB 20-0006	Jay Paul	5/18/2020	Incomplete	62	\$743.00	\$46,066.00	Request Annexation as Condition due to Complex Ownership
10	Nutmeg Homes (South Portion)	APN 224-260-2300	Ann Dolmage	6/9/2020	Incomplete	97	\$725.00	\$70,325.00	Request Annexation as Condition
					<b>Units Consenting to Annex</b>	<b>216</b>	<b>General Fund Impact</b>	<b>\$157,716.00</b>	Impact fully offset through Services CFD

11	Palomar Heights	555 E. Valley Pkwy APNs: 230-163-0400, 229-450-0600, 229-450- 0500, 230-163-0500,	Adam Finestone	12/24/2018	Complete on 2/28/20 - 9/22/2020 Planning Commission	510	\$588.24	\$300,000.00	Estimated GF Impact Fiscal Impact Study In Progress
12	2nd/Pine Condos Casa Mercado	235 Pine Street - APNs, 233-032-07, -08, -10, - 11, -12, -13, -14, -17, - 18, -19 and -21 SUB 20-	Jay Paul	1/21/2020	Complete on 7/30/30	120	\$666.67	\$80,000.00	Estimated GF Impact Fiscal Impact Study and Re-Appraisal In Progress
13	Portofino	2690 S. Escondido Blvd APN: 238-152-1600	Darren Parker	11/28/2020	Incomplete	15	\$783.00	\$11,745.00	
					<b>Units in Opposition</b>	<b>645</b>	<b>General Fund Impact</b>	<b>\$391,745.00</b>	
14	Harvest Hills	Safari Ranch	Mike Strong	7/13/2015	Incomplete	550	\$ 1,545.45	\$ 850,000.00	Fiscal Impact Study in Progress
15	Daley Ranch Resort	Sager Ranch	Mike Strong	3/2/2018	Incomplete	203	TBD	TBD	Fiscal Impact Study in Progress
16	San Pasqual Valley Rd	701 San Pasqual Valley APN: 230-410-5000 SUB 15-0025	Jay Paul	9/16/2015	Incomplete	18	\$536.00	\$9,648.00	Limited progress
17	Birch	Birch Ave APN 230-510- 4400	Darren Parker	11/28/2018	Incomplete	3	\$536.00	\$1,608.00	Limited progress
18	Vermont Apartments	1860, 1866, 1870, and 1896 S. Escondido APNs: 236-260-3700, 236-260- 3600, 236-260-3500, 322-332 S. Escondido;	Ann Dolmage	5/13/2019	Incomplete	44	\$783.00	\$34,452.00	
19	322 S. Escondido	202, 210, 220, & 228 West 4th; 327 S. Maple	Ann Dolmage	4/27/2020	Incomplete	172	\$783.00	\$134,676.00	
20	2525 Reed Rd (Residential Care)	2525 Reed Rd (45 units) APN 231-230-4200 PHG20-0033	Paul Bingham	5/6/2020	Incomplete	TBD	TBD	TBD	Fiscal Impact Study Needed
21	251 W. Lincoln	251 W. Lincoln APN 229- 121-03-00 ADM20-0113	Paul Bingham	6/2/2020	Incomplete	6	\$743.00	\$4,458.00	
22	Solaris Business Park	Possible Residential Care	Adam Finestone	6/29/2020	Incomplete	TBD	TBD	TBD	Fiscal Impact Study Needed
23	2195 Drew Road	2195 Drew Road APN 225-030-4600	Elizabeth Lopez	11/3/2014	Grading Permit Submitted	1	\$536.00	\$536.00	
24	829 S. Escondido Blvd	PHG20-0036	Darren Parker	6/30/2020	Preapplication	60	\$783.00	\$46,980.00	Not formally submitted
					<b>Future Units to Annex</b>	<b>1057</b>	<b>Est. General Fund Impact</b>	<b>\$ 1,082,358.00</b>	
					<b>Total Pipeline Units</b>	<b>2364</b>	<b>Est. General Fund Impact</b>	<b>\$ 1,964,711.00</b>	



## FUTURE CITY COUNCIL AGENDA ITEMS

Updated September 17, 2020

*AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.  
CHECK WITH THE CITY CLERK'S OFFICE AT (760) 839-4617*

**September 30, 2020**  
**NO MEETING (5<sup>th</sup> Wednesday)**

**October 7, 2020**  
**NO MEETING (League of California Cities)**

**October 14, 2020**  
**NO MEETING**

**October 21, 2020**  
**6:00 p.m.**

### **CONSENT CALENDAR**

**First Amendment to American Tower Lease At 1029 Hubbard Hill**  
(J. Procopio)

*American Tower is the successor in interest to the original lease between the City of Escondido and Fleet Call West, Inc. dated August 1, 1995. The lease expired on July 31, 2020 and is now on a month to month basis. American Tower wishes to extend the lease for two (2) years in order to procure a new tenant for the wireless tower. Rincon Water District, a shared owner of the rented parcel and recipient of one-half the rent, has no objection to extending the lease for two (2) years.*

**PUBLIC HEARINGS**

**General Plan Amendment, Specific Plan Amendment, Density Transfer Agreement, Planned Development Permit (Master and Precise Development Plan), Specific Alignment Plans, Grading Exemptions, and Tentative Subdivision Map for the Palomar Heights Project (SUB 18-0011, PHG 18-0049, and ENV 18-0009)**

(M. Strong)

*The project proposes to construct 510 residential dwelling units (258 for-rent apartments, 90 for-rent senior apartments, and 162 for-sale row-homes and villas) and up to 10,000 square feet of commercial/office space formerly occupied by the Palomar Hospital Downtown Campus and surrounding medical and general office buildings. All existing buildings on the project site would be demolished in order to accommodate the proposed project. The General Plan Amendment would reduce the roadway classification for a portion of N. Fig Street from "Collector" to "Local Collector." The Specific Plan Amendment would eliminate the requirement for ground-floor commercial uses at the project site through a Planned Development Permit process. The Density Transfer Agreement would allow the transfer of 13 dwelling units from the City's downtown Density Credit Pool to the property west of Valley Boulevard (senior apartment building). The Planned Development Permit would allow ground-floor residential uses on the property, as well as a reduction in the number of required parking spaces and a minor setback encroachment along E. Grand Avenue. The Specific Alignment Plan for Valley Boulevard would accommodate a change to one-way (northbound-only) traffic, with on-street parking on both sides. The Specific Alignment Plan for N. Fig Street is necessary as a result of the reduction in the roadway classification. Grading exemptions are required for fill slopes along the eastern side of the property and at the main project entryway (at the corner of Valley Boulevard, E. Valley Parkway, and N. Hickory Street). The Tentative Subdivision Map would create eight lots (seven residential and one open space) and allow for the creation of 162 residential condominium units. The proposal also includes a request to certify the Final Environmental Impact Report for the project and adopt the related Findings and Mitigation Monitoring and Reporting Program.*

**CURRENT BUSINESS**

**Discussion of 2015/2016 San Diego County Grand Jury Report on Citizen Oversight of Police Conduct**

(Deputy Mayor Martinez)

*The 2015/2016 San Diego County Civil Grand Jury published a report making recommendations to multiple local law enforcement agencies to establish citizen review boards to investigate complaints against law enforcement officers. Deputy Mayor Martinez has requested that the report be discussed.*

**FUTURE AGENDA ITEMS**



# Weekly Activity Report



September 17, 2020

## COVID-19 UPDATES



### Escondido Public Library Opening with Limited Services

The Escondido Public Library will reopen at 50% capacity for in-person services starting Monday, September 21. The new Library hours will be Monday – Saturday 10 a.m. – 6 p.m. Curbside service will still be available Tuesdays and Thursdays from 11 a.m. – 1 p.m. and Wednesdays from 2p.m. - 3 p.m.



At this time, the Friends Book Shop, Literacy Learning Center and Pioneer Room remain closed. Limited services will include access to computers, printers and copiers, and WiFi. All in-person programs have been suspended, but many regular programs such as book clubs and story-times are being held online. Visit [www.escondidolibrary.org/digital](http://www.escondidolibrary.org/digital) for a full schedule of virtual events.

Visit [www.library.escondido.org](http://www.library.escondido.org) for more information.

### SDG&E Pipeline Replacement Project

SDG&E is nearing completion of the Pipeline Safety Project along Midway Drive and Bear Valley Parkway. The SDG&E crews have installed nearly all of the 2.4 miles of new pipe along with advanced safety features, bringing the project to more than 90 percent completion.



The next phase of the project involves work on the older existing line at a few locations in order to prepare for transferring operations to the new pipe. As part of this preparation work, the natural gas will need to be removed from a section of pipe. This process can be noisy, and some residents may smell an odor of natural gas.

More information can be found [here](#).



**Go Paperless for a Chance to Win!**

Register for paperless billing and/or enroll in AutoPay for your City of Escondido Utility Bill by December 15, 2020 for a chance to WIN an iPad mini or one of two \$50 Amazon gift cards!

Go to [ols.escondido.org](https://ols.escondido.org) for official rules.



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Sponsored by Invoice Cloud. See website for official rules.

**COVID-19 Updates:**

You can get up to date information about the City's response to COVID-19 at:

[www.escondido.org/covid-19.aspx](https://www.escondido.org/covid-19.aspx)

For the latest test numbers, tier information, and phases of reopening visit the County of San Diego's website at: <https://www.sandiegocounty.gov/coronavirus.html>

## **POLICE DEPARTMENT UPDATES:**

### **Knife Wielding Suspect Arrested**

On September 8, witnesses observed a female suspect chasing a man and swinging a large knife at him in the area of Washington Ave and Quince St. They called the police who were able to arrest the suspect before she could injure anyone. She attempted to bite one of the officers as they were placing her in the police car. She was arrested for Assault with a Deadly Weapon and Resisting Arrest.

### **Victim Shot While in His Car**

On September 8, officers responded to a residence in the 1600 block of S. Juniper St regarding a victim who reported that he had been shot at while driving his car. The victim sustained a non-life-threatening gunshot wound to his upper thigh. A bullet hole was observed in the driver's door. The victim stated that he was driving in the area of Bear Valley Pkwy and San Pasqual Rd. when he felt the shot and then drove home and called the police. No reports of gunshots were received by the police in that area.

### **Victim Beaten by Suspects with a Baseball Bat**

On September 10, a victim was jumped by several suspects in the parking lot of an apartment complex in the 800 block of E. Mission Ave. The suspects hit him with a baseball bat during the assault. The victim was transported to the hospital for treatment. The suspects were gone when the police arrived. This is being investigated as a gang related crime.

### **Community Tools:**

[www.arjis.org](http://www.arjis.org) For crime data/mapping, Megan's Law info, etc.

[www.myneighborhoodupdate.net](http://www.myneighborhoodupdate.net) Search for Escondido, CA to see radio call information.

### **Events:**

#### **Traffic Safety Enforcement Detail**

On September 12, officers conducted a traffic safety detail funded by a California Office of Traffic Safety grant focused on the top traffic violations that cause collisions, known as Primary Collision Factors (PCF). In the City of Escondido, the top 5 PCFs are DUI, Right of Way, Improper Turning, Speeding, and Sign/Signal Violations. During the enforcement detail, officers issued 78 PCF citations, 6 citations for unlicensed drivers, and 1 citation for driving with a suspended driver's license.

### **Tip of the Week:**

Traffic safety is a top priority for the City of Escondido. Please drive safe, don't drive under the influence, slow down, don't use your cell phone unless in hands free mode, and be courteous to other drivers on the road. Together we can make Escondido a safe place to travel.

## FIRE DEPARTMENT UPDATES:

On Sunday, September 6 at approximately 4:45 p.m., the Fire Department responded to a reported vegetation fire in the area of Northbound I-15 south of the Highway 78 interchange. Firefighters found an active fire burning on the east side of the freeway in grass, brush and trees and was threatening Dixieline Lumber. Due to the location alongside the freeway on the hillside between the storm channel and North Hale Avenue, access to the fire was challenging. Firefighters completely contained the fire in approximately 30 minutes. Assistance was provided by the San Marcos Fire Department. CHP and EPD provided traffic control for the safety of both motorists and Firefighters.



On Thursday, September 10 at approximately 12:45 p.m., the Fire Department responded to a reported fire at the Escondido RV Resort on Seven Oaks Road. While responding, several units reported smoke seen from a distance. The first arriving Engine Captain found a travel trailer fully involved with fire. Fortunately, the occupants of the RV were not injured and Firefighters were able to contain the fire before it spread to surrounding RVs.



On Friday, September 11 at approximately 4:02 p.m., the Fire Department responded to a reported fire in the garage at a home on Orchid Glen. The first arriving Engine Captain found the garage of a two-story home fully involved with fire. Fortunately, all occupants were out of the home and uninjured. Although the garage, its contents and a pickup truck sustained major damage, Firefighters were able to contain the fire with minimal smoke and water damage to the living area of the home.

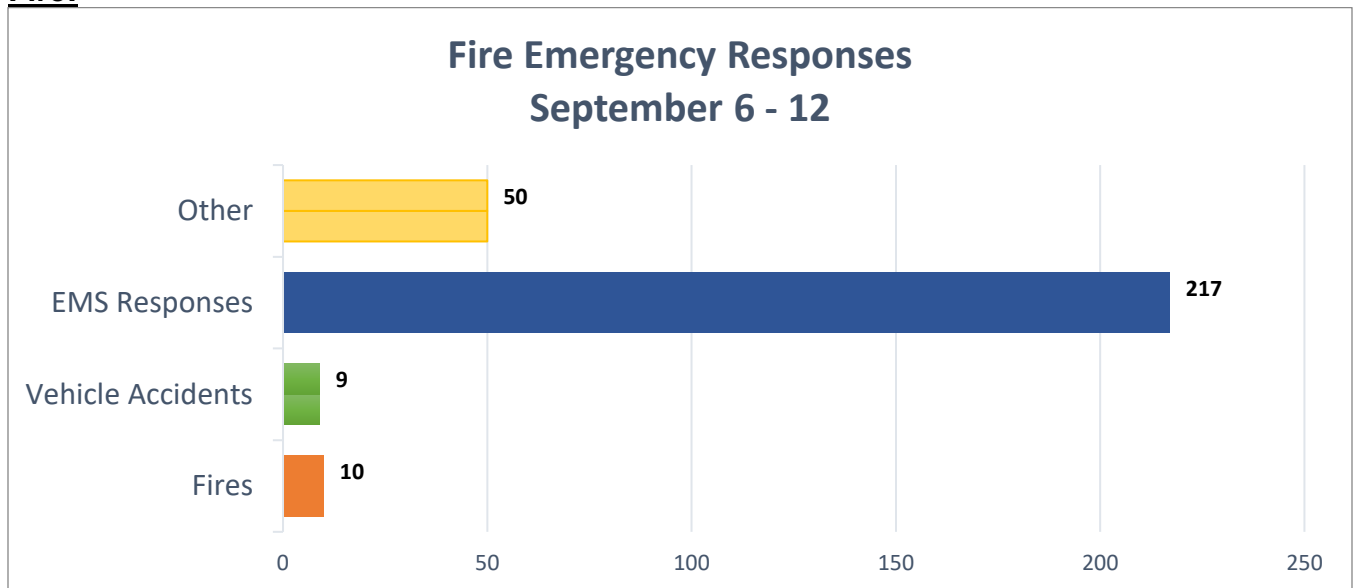


On Friday, September 11, another relief crew of four personnel was rotated onto our OES Brush Engine which has been assigned to several fires throughout California since August 14. The replacement crew is currently assisting communities at the North Complex in the Plumas National Forest and is expected to be committed for two additional weeks. The relieved crew returned home safely on September 12 for some well-deserved rest.

On Saturday, September 12, a Strike Team of five North County brush engines, including an engine crew and two strike team leaders from Escondido, deployed to the Slater Fire which is a 148,000-acre forest fire burning on Klamath, Six Rivers, and Rogue-Siskiyou National Forests in Siskiyou and Del Norte Counties in California and Josephine County in Oregon.

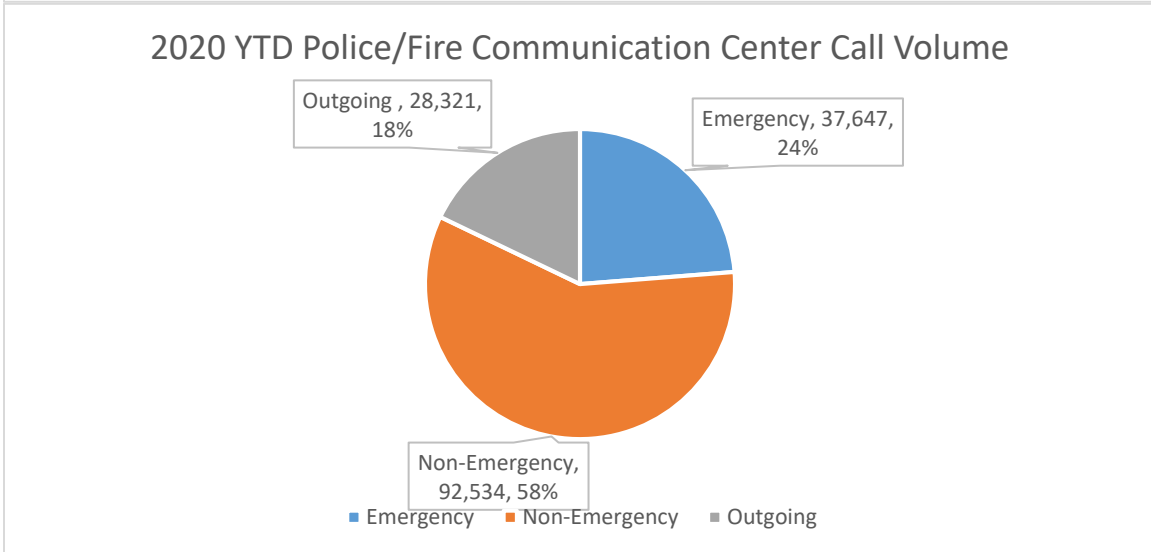
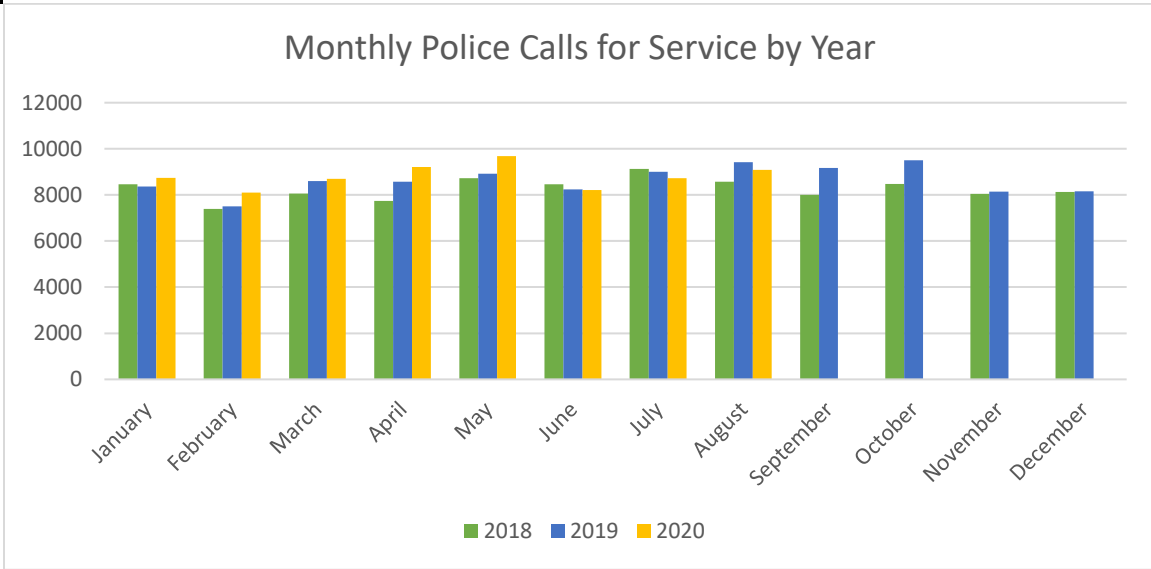
### BY THE NUMBERS

**Fire:**

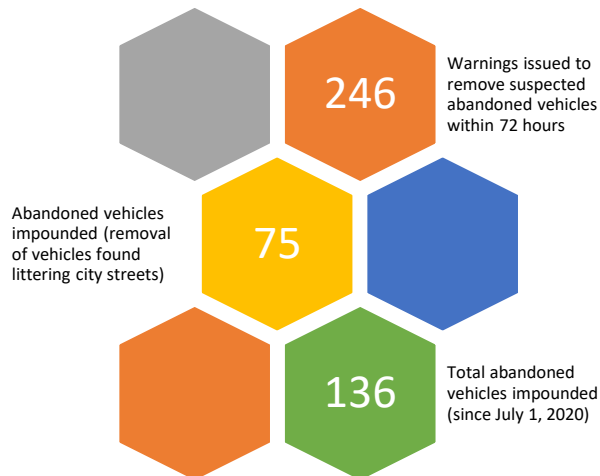


Total Emergency Responses (Year To Date)	10,297
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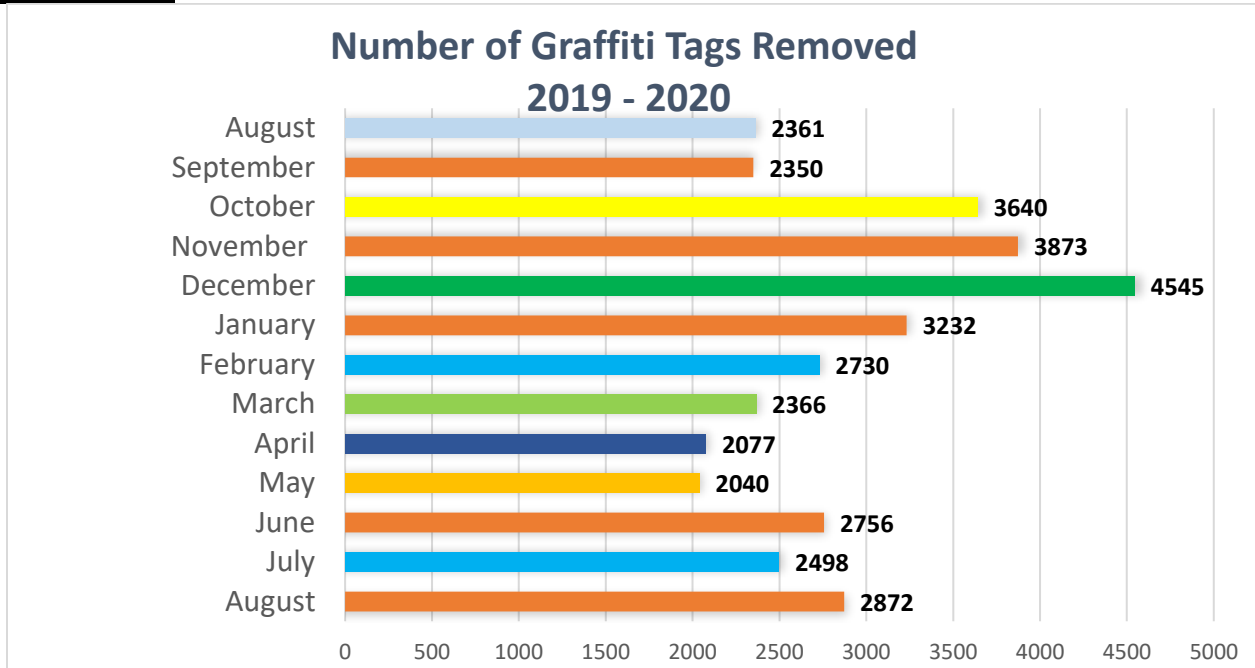
**Police:**



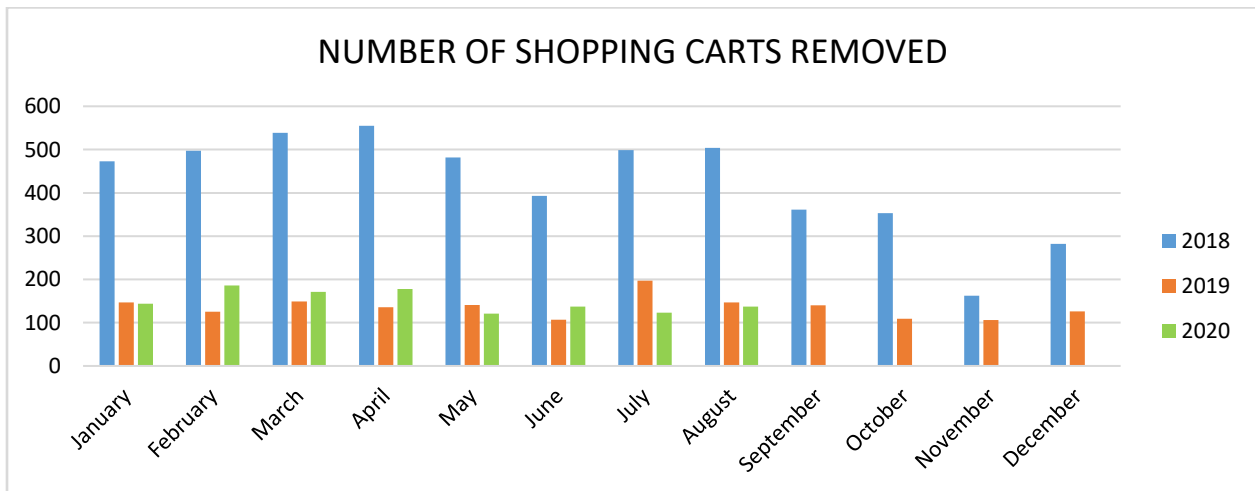
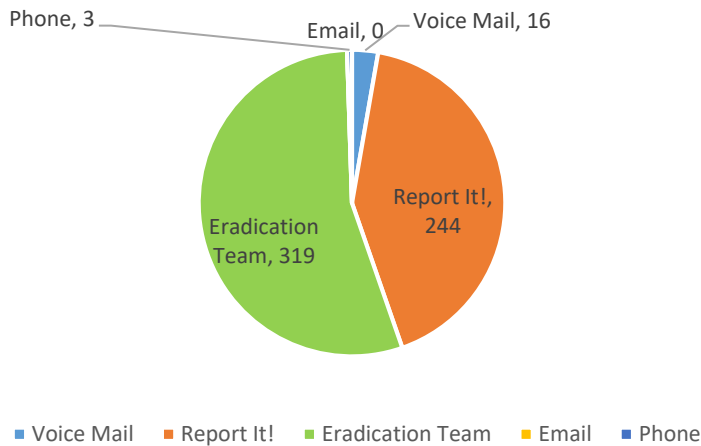
**August Abandoned Vehicle Data**



**Public Works:**



### How Graffiti Was Reported - August 2020



**Code Enforcement:**

227 Total Active Cases

70 New Cases

57 Cases Closed

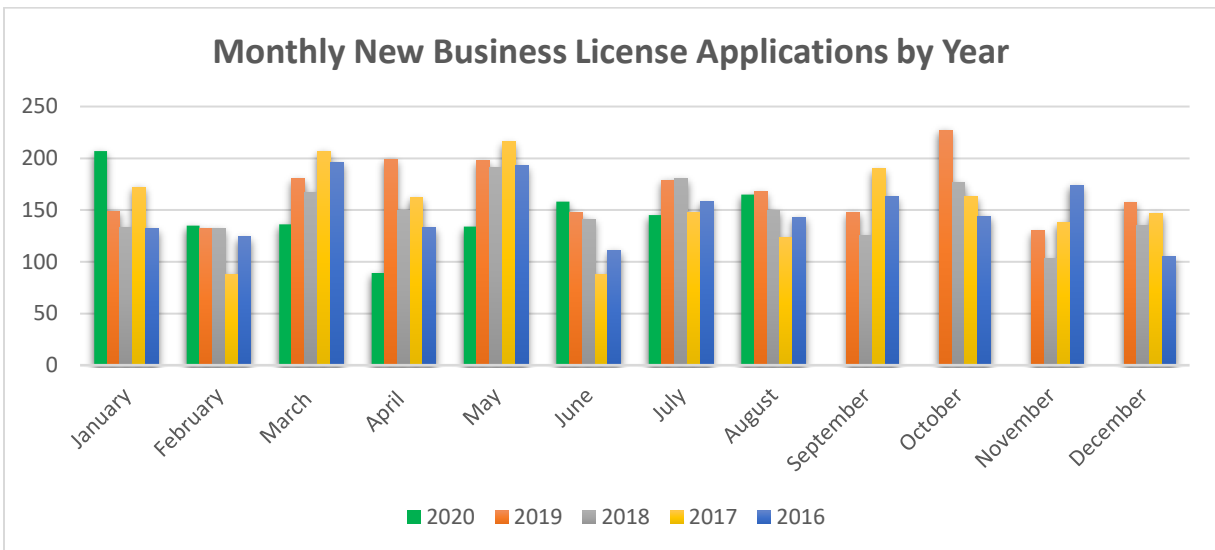
96% Voluntary Compliance

6 Citations Issued

34 Notices Issued

Total Code Cases (Year To Date)	2130
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**Business Licenses**



**Graffiti Restitution**

Collected Past Week	Collected Year to Date
\$50	\$8,844.24

## COMMUNITY DEVELOPMENT & ENGINEERING

### Building Permits and Inspections:

1. The counter staff conducted in person meetings with 112 applicants and were able to process 73 applications and issue 74 permits.
2. The total permit valuation for the week was \$4,664,762.00. This is 34 percent higher than last week's valuation (\$3,470,352.00) and 169 percent higher than the weekly average over the past eight weeks to start the fiscal year (\$1,729,961.00). The total permit valuation for the same week in 2019 was \$911,817.00. So far in this fiscal year, the weekly average valuation is \$3,603,064.00. The weekly average over the same nine week time period last year (2019) was \$813,084.00.
3. Our Building Inspectors completed 132 inspections of construction work over the past week.

### Development and Capital Projects Update:

Curious what's happening with development projects around the city? See below for milestone activities that have happened since last week. Skip to the bottom of this section for a list of projects that are in progress but do not have an update this week. To learn about previous applications for residential and commercial development permits, please visit the [Development Project Information Archive](#) page or contact the [Planning Division](#).

#### Commercial / Office / Industrial:

1. Carvana – (Developer: Jo Ryan, Carvana) 559 N. Hale Avenue – A Conditional Use Permit for the development of a proposed vending machine car dealership. The project consists of an approximately 5,800 SF, eight-(8) tier glass and steel tower structure up to 75 feet in height. A proposed Specific Alignment Plan for Hale Avenue is requested to modify the design of the street frontage and intersection of Hale Avenue and Tulip Street. The project was reviewed by the Planning Commission on September 8, 2020, and was approved with a 4-2 vote. The Planning Commission's recommendation will be forwarded to the City Council on September 23, 2020.
2. Burros and Fries - (MPA Architects) 1107 E. Valley Parkway – An approved 5,224 square foot commercial building, with associated landscaping and parking. The building includes a 1,850 square foot drive-through restaurant (Burros and Fries) and 3,374 square feet of additional retail space. With the shell of the building nearly complete, tenant improvement plans were approved for the restaurant this week (i.e. September 15, 2020) and interior work is expected to commence as soon as possible.

#### Housing:

3. 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 developer, Trumark, has completed 90 percent of the onsite water, storm drain and sewer utilities. Construction of the model homes is ongoing. Mass grading has been completed. The contractor is currently working on the bio-retention basins, to control runoff. Offsite work for the new traffic signal is on-going.



4. Jack's Creek TR 951 and SUB 17-0026 – (Developer New Pointe Development). A 12-lot, single-family residential subdivision on 3.31 acres. The site is located at the westerly terminus of Jack's Creek Road, north of El Norte Parkway, addressed as 640 Oakwood Creek Glen, formally 2888 E. Washington Avenue. The contractor has completed the grading for 10 of the 12 new home pads. Off-site work is nearing completion.
5. 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 has been scheduled for Planning Commission review and consideration on September 22, 2020. City staff is currently coordinating public notice and writing the staff report and recommended conditions of approval.
6. Palomar Heights (Developer: Ninia Hammond, Integral Communities) – Demolition and redevelopment of the old Palomar Hospital site with 510 multi-family units with 10,000 SF of commercial. The project has been scheduled for Planning Commission review and consideration on September 22, 2020. City staff is currently coordinating public notice and writing the staff report and recommended conditions of approval. A project webpage containing draft documents and plans can be accessed at the following link:  
<https://www.escondido.org/palomarheights.aspx>
7. The Villages at Escondido Country Club (Builder: Lennar Homes) 380 residences located on the former golf course off of Country Club Lane, north of El Norte Parkway. Work is continuing for the new round-about located at Country Club and Golden Circle, the scope of work includes new road realignment, curb, gutter, driveways. Work is continuing for the new round-about located at Country Club and Golden Circle, the scope of work includes new road realignment, curb, gutter and driveways. Work has restarted on the south side storm drain crossing on Country Club. Rough grading is ongoing for Villages III. Lennar is looking to receive phase 4 building permits and begin model home construction in Village III soon. Plan check review of the proposed commercial center is complete. City staff is coordinating the review of the parkland development.
8. Pradera (Developer: Moses Kim, Lennar Homes) – This approved project consists of 70-single-family home located at the northeastern corner of Ash Street and Lehner Avenue. Final conflict crossing issues have been designed and submitted to the City for review. The water main work included the construction and installation a 12" water main, 779 feet in length, along Conway Drive, between Lehner Drive and Rincon Avenue.

#### City Projects or Other Capital Improvement Projects:

9. SDG&E 16" Gas Main Replacement – In January 2019, the CPUC's Safety Enforcement Division approved SDG&E's test or replace plan for Line 1600, a 16-inch natural gas transmission pipeline which was not strength tested in 1949 when it was constructed. This next phase of PSEP projects will include 19 separate projects that will take place in the cities of San Diego, Escondido and Poway, as well as the County of San Diego. As part of these projects, approximately 37 miles of existing pipe in more populated areas will be replaced and approximately 13 miles of existing pipe in less populated areas will be strength tested. Approximately 5.4 miles of replacement and 2.7 miles of strength testing is expected to occur in Escondido from 2020-2024. Installation of the new 16" gas main

along the Midway corridor has been completed. SDG&E and their contractor will be isolating, blowing down/purging and installing isolation caps on the newly installed 16" gas main next week. The area of the work will be along the Midway corridor and at the intersection of La Honda and El Norte. Currently SDG&E is trying to coordinate an off-site staging area for their construction equipment and materials.

10. Laurel Valley Wall Replacement - A preconstruction meeting was held for the Laurel Valley Wall Replacement. This wall is located in the City's LMD Zone 9. The scope of work will include the removal of the existing damaged stucco wall and the placement of a new vinyl fence. The contractor will mobilize once the delivery date for the fence has been confirmed.
11. Spruce Street/Transit Center Pedestrian Bridge Project – The contractor, Palm Engineering, has started final slope grading in the area between the channel and Valley Parkway. Once completed the contractor will complete the landscape planting. This project is nearing completion.
12. Lake Wohlford Replacement Dam – A workshop has been schedule with the City Council for mid-September. City staff is also working to finalize the Environmental Impact Report and tentatively bring it forward to City Council for certification at their meeting on September 23, 2020.
13. Storm Drain Pipe Lining and Rehabilitation Project Phase II - Bids were accepted and are being reviewed for this project. The work consists generally of construction including: storm drain cleaning, inspection, CCTV, repairing and grouting of voids, point repairs, grouting of existing flow line, cured in place piping lining, storm drain structure floor repairs, post CCTV and inspection, overall rehabilitation of existing corrugated metal pipe storm drain systems.

### **Ongoing Projects – Nothing New This Week:**

Projects that do not have any changes or updates this week will be listed here to indicate that they're still in progress. When an update occurs, the project will appear above in the Development and Capital Projects section.

#### **Commercial / Office / Industrial:**

14. Raising Cane's Restaurant – (Developer: Ada Fermin, PM Design Group) 1280 W. Valley Parkway – Demolition of vacant, former Coco's restaurant building and construction of new 3,744 SF drive-through restaurant for Raising Cane's.
15. 7-Eleven Gas and Convenience Store – (Developer: Golcheh Group) 900 W. Mission Ave. – A proposal to relocate a 7-Eleven from the northeastern corner of Mission/Rock Springs to the northwestern corner and add a gas station.
16. Mercedes Benz Expansion – (Developer: Jody Stout, Integrity Design and Construction) 1101 W. 9th Avenue – A Master and Precise Plan modification to demo the existing dealership showroom and construct a new showroom, office, parts storage and service building.

17. The Ritz Theater “The Grand” (Developer: New Venture Church) 301 E. Grand Avenue – A renovation of the existing Ritz Theater and adjacent commercial building to provide for a variety of assembly uses including performing arts, religious services, café, offices and classroom studios was approved by the City Council on December 5, 2018.

Housing:

18. Escondido Gateway, also called Rowan (Developer: Carolyn Hillgren, Lyon Living) This is an approved project involving 126 residential units on the same site as the former Police Station across the street from the Escondido Transit Center at 700 W. Grand.
19. Villa Portofino (Developer: Chris Post, ATC Design Group) 15 apartment units in a three-story building with parking garage at 2690 S. Escondido Blvd.
20. Canyon Grove Estates Tract 932 (Developer: John Vance, Shea Homes) – This is an approved project for 179-lot single-family residential development on the north side of Vista Avenue east of Conway Drive.
21. Interfaith Recuperative Care Facility – (Developer: Interfaith) 555 North Center City Parkway – Conversion of the existing lodging facility (America’s Best Value Inn) and construction of new residential care facility designed to provide quality emergency housing, services, and supervision to at-risk individuals, homeless, etc.
22. Harvest Hills, formerly called Safari Highlands Ranch (Developer: Jeb Hall, Concordia Homes) - 550 residential subdivision, east of Rancho San Pasqual. A project webpage containing draft documents and plans can be accessed at the following link:  
<https://www.escondido.org/safari-highlands-ranch-specific-plan.aspx>
23. North Avenue Estates (Developer: Casey Johnson) – This is an approved project for 34 lots at North Avenue/Conway Drive.
24. 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. A project webpage containing draft documents and plans can be accessed at the following link:  
<https://www.escondido.org/daley-ranch-resort-specific-plan.aspx>
25. Nutmeg Condo General Plan Amendment (Developer: Jim Simmons, CCI) - 137 townhome condo units on both sides of Nutmeg between I-15 and Centre City Parkway.
26. Oak Creek (Builder: KB Homes) – this is an approved project for 65 single-family residential lots on approximately 44 acres at Felicita Road and Hamilton Lane.
27. 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.

28. Casa Mercado Apartments (Developer: Paul Mayer, Pemcor) – A four-story, 120-unit apartment complex on 2.31 acres on Second Avenue and Pine Street.
29. Iwashita Apartments (Developer: Iwashita Development) – A seven-story, mixed-use project at 322 S. Escondido Boulevard for 172 units.
30. Fig Apartments (Developer Claude Marengo) – A 15-unit, three-story, multi-family residential apartment complex consisting of three stories on 0.59 acres.
31. East Valley Parkway Apartments (Developer: John Wurster) – A 50-unit mixed use affordable apartment complex consisting of four stories situated on a 21,000 SF vacant parcel in the historic District of the Downtown.
32. Reed Road Assisted Living Facility (2525 Reed LLC) – A new residential care facility is proposed on a 4.2-acre site on 2525 Reed Road.
33. Apollo Residential Care (NOAA Group) – An approved Conditional Use Permit for an assisted living and memory care facility, with 78 units accommodating 99 beds at 3141 East Valley Parkway.

City Projects or Other Capital Improvement Projects:

34. 2019 Street Rehabilitation and Maintenance Project Rebid – 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 damaging concrete improvements. This year's project is Maintenance Zone W. Zone W is our western zone that is located west of Interstate 15 between State Route 78 and Felicita Avenue. More information can be found at the following link:  
<https://www.escondido.org/city-of-escondido-street-maintenance-program.aspx>

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