



Council Meeting Agenda

**OCTOBER 21, 2020
VIDEO CONFERENCE**

**5:30 P.M. Closed Session; 6:00 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025**

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

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>

In the event a quorum of the City Council loses electrical power or suffers an internet connection outage not corrected within 15 minutes, the meeting will be adjourned. Any items noticed as public hearings will be continued to the next regularly scheduled meeting of the City Council. Any other agenda items the Council has not taken action on will be placed on a future agenda.

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

October 21, 2020
5:30 p.m. Meeting
Mitchell Room
Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Martinez, Morasco, McNamara

ORAL COMMUNICATIONS

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

CLOSED SESSION: (COUNCIL/RRB)

- I. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))**
Claim No. 5231

ADJOURNMENT



Council Meeting Agenda

**October 21, 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

PRESENTATIONS: Annual Earth Day and Water Awareness Poster Contests

CLOSED SESSION REPORT

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

- [1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING \(COUNCIL/RRB\)](#)**

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

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

- 345737 – 345953 dated September 16, 2020
- 345954 – 346221 dated September 23, 2020
- 346222 – 346422 dated September 30, 2020
- 346423 – 346600 dated October 7, 2020

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

3. **APPROVAL OF MINUTES: Regular Meetings of September 16, 2020 and September 23, 2020**

4. **FIRST AMENDMENT TO SPECTRASITE COMMUNICATIONS LEASE AGREEMENT FOR THE PROPERTY LOCATED AT 1029 HUBBARD HILL -**

Request the City Council approve authorizing the Real Property Manager to execute documents necessary to extend the SpectraSite Communications lease agreement at 1029 Hubbard Hill, Escondido for an additional two (2) years, to allow additional time to identify a tenant (or sublessee).

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

RESOLUTION NO. 2020-132

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.)

5. **ORDINANCE FOR THE CORONAVIRUS (COVID-19) EMERGENCY BUSINESS RECOVERY STRATEGY -**

Approved on September 16, 2020 with a vote of 4/0

ORDINANCE NO. 2020-23 (Second Reading and Adoption)

6. **MUNICIPAL CODE AMENDMENT ORDINANCE -**

Approved on September 23, 2020 with a vote of 3/1, Morasco voting no

ORDINANCE NO. 2020-24 (Second Reading and Adoption)

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

Approved on September 23, 2020 with a vote of 4/0

ORDINANCE NO. 2020-25 (Second Reading and Adoption)

PUBLIC HEARINGS

8. TENTATIVE SUBDIVISION MAP, CONDITIONAL USE PERMIT, PLOT PLAN AND NON-EMERGENCY DEMOLITION PERMIT FOR A 42-UNIT CONDOMINIUM DEVELOPMENT, AND ANNEXATION INTO COMMUNITY SERVICES DISTRICT 2020-1 – SUB 19-0010, PHG 19-0050 AND ENV 19-0007 -

Request the City Council approve a Tentative Subdivision Map, Condominium Permit and Plot Plan for the development of a 42-unit condominium development located at 2608 S. Escondido Boulevard, along with a Non-Emergency Demolition Permit for the demolition of an adobe structure classified as a significant historic resource. In conjunction with this action, it is requested that the City Council adopt Resolution No. 2020-147 annexing 1.75-acres of territory to Community Facilities District No. 2020-1 of the City of Escondido.

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

a) RESOLUTION NO. 2020-146 b) RESOLUTION NO. 2020-147

CURRENT BUSINESS

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

Request the City Council consider a two percent inflationary adjustment to the Public Facilities, Park Development, Traffic Impact, and Drainage Facilities Fees. After considering public input, and in compliance with state government code, a separate public hearing to adopt the resolution enacting the proposed fees will be held on October 28, 2020.

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

10. ADOPTION OF ORDINANCE REDUCING CAMPAIGN CONTRIBUTION LIMITS FOR MAYOR AND COUNCILMEMBERS AND RELATED CAMPAIGN CONTROL AMENDMENTS -

Request the City Council consider and introduce Ordinance No. 2020-27 amending Article 7 of Chapter 2 of the Municipal Code to reduce the maximum personal contributions from \$4,300 for city councilmember and mayoral candidates and make additional changes to the City's Campaign Control Ordinance.

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

ORDINANCE NO. 2020-27 (First Reading and Introduction)

11. ORDINANCE AMENDING ESCONDIDO MUNICIPAL CODE CHAPTER 2, ADMINISTRATION, ARTICLE 2, CITY COUNCIL, SECTION 2-24 FOR THE SELECTION OF A DEPUTY MAYOR -

Request the City Council consider and introduce Ordinance No. 2020-28 amending Section 2-24 in Article 2 of Chapter 2 of the Escondido Municipal Code to change the selection process for the appointed Deputy Mayor.

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

ORDINANCE NO. 2020-28 (First Reading and Introduction)

12. APPOINTMENT TO PLANNING COMMISSION –

Request the City Council ratify the Mayor’s appointment of Nathan Serrato to fill an unscheduled vacancy on the Planning Commission, term to expire on March 31, 2022.

Staff Recommendation: **Designate Appointee (City Clerk’s Office: Zack Beck)**

13. DISCUSSION OF 2015/2016 SAN DIEGO COUNTY GRAND JURY REPORT ON CITIZEN OVERSIGHT OF POLICE CONDUCT -

Request the City Council discuss the report that the 2015/2016 San Diego County Civil Grand Jury published, making recommendations to multiple local law enforcement agencies to establish citizen review boards to investigate complaints against law enforcement officers.

Staff Recommendation: **None (Deputy Mayor Consuelo Martinez)**

FUTURE AGENDA

14. FUTURE AGENDA -

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

Staff Recommendation: **None (City Clerk’s Office: Zack Beck)**

COUNCIL MEMBERS SUBCOMMITTEE REPORTS 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.

- **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
October 28	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers
November 4	-	-	No Meeting	-
November 11	-	-	No Meeting (Veteran's Day)	-
November 18	Wednesday	5:00 & 6:00 p.m.	Regular Meeting	Council Chambers

TO ADDRESS THE COUNCIL

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

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

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

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

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

- Online at <http://www.escondido.org/meeting-agendas.aspx>
- In the City Clerk’s Office at City Hall
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

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

LIVE BROADCAST

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

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

**The City Council is scheduled to meet the first four Wednesdays of the month at 5:00 in Closed Session and 6:00 in Open Session.
(Verify schedule with City Clerk’s Office)**

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

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



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

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



AFFIDAVITS

OF

ITEM

POSTING



CITY COUNCIL STAFF REPORT

Consent Item No. 2

October 21, 2020

File No. 0400-40

SUBJECT: Approval of Warrants

DEPARTMENT: Finance Department

RECOMMENDATION:

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

345737 – 345953 dated September 16, 2020
345954 – 346221 dated September 23, 2020
346222 – 346422 dated September 30, 2020
346423 – 346600 dated October 7, 2020

FISCAL ANALYSIS:

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

September 10 – September 16, 2020, is \$ 1,039,674.16
September 17 – September 23, 2020, is \$ 1,867,889.13
September 24 – September 30, 2020, is \$ 1,729,642.70
October 1 – October 7, 2020, is \$ 1,869,806.44

BACKGROUND:

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

CITY OF ESCONDIDO
September 16, 2020
5:00 p.m. Special Meeting
Escondido City Council

CALL TO ORDER

The Special Meeting of the Escondido City Council was called to order at 5:00 p.m. on Wednesday, September 16, 2020 via videoconference with Mayor McNamara presiding.

ATTENDANCE:

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

ORAL COMMUNICATIONS

None.

SPECIAL MEETING

PLANNING COMMISSION INTERVIEWS

Discussion among Council and applicants regarding expectations, responsibilities and duties associated with membership on the Planning Commission, and the role of the Planning Commission in City Government.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 5:30 p.m.

MAYOR

CITY CLERK

CITY OF ESCONDIDO
September 16, 2020
5:30 p.m. Closed Session
Mitchell Room
Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 5:30 p.m. on Wednesday, September 15, 2020 in the Mitchell Room at City Hall with Mayor McNamara presiding.

ATTENDANCE:

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

ORAL COMMUNICATIONS

None.

CLOSED SESSION: (COUNCIL/RRB)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code 54956.8)

- a. **Property:** 235 E Grand Ave, APN 233-082-09
City Negotiator: Jeffrey Epp, City Manager
Negotiating Parties: Javad Fardaei & Burger Bench
Under Negotiation: Price and Terms of Agreement

ADJOURNMENT

Mayor McNamara adjourned the meeting at 5:55 p.m.

MAYOR

CITY CLERK

CITY OF ESCONDIDO

**September 16, 2020
6:00 P.M. Meeting**

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on September 16, 2020 via Video Conference and in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk led the Moment of Reflection

FLAG SALUTE

Paul McNamara, Mayor, led the Flag Salute

PROCLAMATION

Cynthia Weir, California Center for the Arts Escondido

ATTENDANCE

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

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

CLOSED SESSION REPORT

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code 54956.8)

- b. **Property: 235 E Grand Ave, APN 233-082-09**

City Negotiator: Jeffrey Epp, City Manager

Negotiating Parties: Javad Fardaei & Burger Bench

Under Negotiation: Price and Terms of Agreement

No reportable action under the Brown Act.

ORAL COMMUNICATIONS

David Ferreira – Expressed support for a bike park at Mountain View Park

Michelle Golding – Requested an update concerning a proposed aquatic center in Escondido.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Martinez to approve all consent calendar items, except items 4, 8 and 10. Approved unanimously.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/RRB)

2. APPROVAL OF WARRANT REGISTER (Council)

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

- 344807 345054 dated August 19, 2020
- 345055 345278 dated August 26, 2020
- 345279 345522 dated September 2, 2020

Staff Recommendation: **Approval (Finance Department: Christina Holmes)**

3. APPROVAL OF MINUTES: Regular Meetings of August 12, 2020, August 19, 2020, and August 26, 2020

4. BUDGET ADJUSTMENT FOR FULL TIME LEAD RANGER SPECIALIST POSITION -

Request the City Council approve a budget adjustment for the Water Enterprise Fund, authorizing a new Lead Ranger Specialist position for the Utilities Departments Lakes and Open Space section. The position is currently being funded through September 30, 2020 by Coronavirus Aid, Relief, and Economic Security (CARES) Act funding received from the County of San Diego. The position will be funded by the Water Enterprise Fund and the elimination of a part time Ranger position. The annual cost of the new position is \$68,192. (File No. 0430-80)

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

Rick Paul – Expressed opposition to hiring a full time lead ranger specialist in light of the pandemic.

MOTION: Moved by Deputy Mayor Martinez and seconded by Councilmember Morasco to approve a budget adjustment for the Water Enterprise Fund, authorizing a new Lead Ranger Specialist position for the Utilities Departments Lakes and Open Space section. The position is currently being funded through September 30, 2020 by Coronavirus Aid, Relief, and Economic Security (CARES) Act funding received from the County of San Diego. The position will be funded by the Water Enterprise Fund and the elimination of a part time Ranger position. The annual cost of the new position is \$68,192. Approved unanimously.

5. FIRST AMENDMENT TO THE CONSULTING AGREEMENT FOR DESIGN BUILD OWNER'S AGENT SERVICES FOR THE MEMBRANE FILTRATION REVERSE OSMOSIS FACILITY PROJECT -

Request the City Council authorize the execution of a First Amendment to the Design Build Owners Agent Agreement with Black & Veatch Corporation for the MFRO Facility Project. The amendment will add the Construction Management responsibilities to the Consultant. The cost of the Amendment is \$1,291,935. (File No. 0600-10, A-3132)

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

RESOLUTION NO. 2020-133

6. **CONSULTING AGREEMENT FOR ENVIRONMENTAL COMPLIANCE SERVICES FOR THE MEMBRANE FILTRATION REVERSE OSMOSIS FACILITY PROJECT -**

Request the City Council approve authorizing the execution of a Consulting Agreement with Helix Environmental Planning, Inc. for Environmental Compliance Services for the Membrane Filtration Reverse Osmosis Facility Project. The cost of the agreement is an amount not to exceed \$249,350. (File No. 0600-10, A-3344)

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

RESOLUTION NO. 2020-134

7. **FY 2020-21 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT -**

Request the City Council approve authorizing the Escondido Police Department to accept a FY 2020-21 California Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. The Police Department will use grant funds to pay for educational programs related to bicycle and pedestrian safety, and to provide bicycle helmets, educational materials and safety supplies to community members. (File No. 0480-70)

Staff Recommendation: **Approval (Police Department: Edward Varso)**

8. **FY 2020-21 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT -**

Request the City Council approve authorizing the Escondido Police Department to accept a FY 2020-21 California Office of Traffic Safety Selective Traffic Enforcement Program Grant in the amount of \$515,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. The Police Department will use grant funds to pay for salary and benefits for one full-time traffic enforcement officer, traffic safety supplies, DUI checkpoints, saturation patrols, and traffic safety enforcement details. (File No. 0480-70)

Staff Recommendation: **Approval (Police Department: Edward Varso)**

Danielle Polson – Expressed opposition to this item.

MOTION: Moved by Councilmember Morasco and seconded by Mayor McNamara to approve authorizing the Escondido Police Department to accept a FY 2020-21 California Office of Traffic Safety Selective Traffic Enforcement Program Grant in the amount of \$515,000; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. The Police Department will use grant funds to pay for salary and benefits for one full-time traffic enforcement officer, traffic safety supplies, DUI checkpoints, saturation patrols, and traffic safety enforcement details. Failed 2-2 (Diaz, Martinez – No).

9. **FY 2020-21 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY TRAFFIC RECORDS IMPROVEMENT PROJECT GRANT -**

Request the City Council approve authorizing the Escondido Police Department to accept a FY 2020-21 California Office of Traffic Safety Traffic Records Improvement Project Grant in the amount of \$24,800; authorize the Chief of Police or his designee to execute grant documents on behalf of the City; and approve budget adjustments needed to spend grant funds. The Police Department will use grant funds to pay for software, licenses, accessories, and training for a Traffic Crash Database System update. (File No. 0480-70)

Staff Recommendation: **Approval (Police Department: Edward Varso)**

- 10. ANNEXING PROPERTY TO CITYWIDE SERVICES COMMUNITY FACILITIES DISTRICT 2020-1 -**
 Request the City Council approve annexing five projects containing 66-units into the Citywide Services CFD 2020-1. Each property owner has provided a signed form consenting to the annexation. (File No. 0850-20)
- Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**
- RESOLUTION NO. 2020-115
- Michael McSweeney – Expressed opposition to the Community Facilities District.
- MOTION:** Moved by Councilmember Diaz and seconded by Deputy Mayor Martinez to approve annexing five projects containing 66-units into the Citywide Services CFD 2020-1. Each property owner has provided a signed form consenting to the annexation. Approved unanimously.
- 11. BID AWARD FOR THE STORM DRAIN LINING AND REHABILITATION PROJECT PHASE II -**
 Request the City Council approve authorizing the Mayor and City Clerk to execute a Public Improvement Agreement with the lowest responsive and responsible bidder for the Storm Drain Pipe Lining and Rehabilitation Project Phase II. (File No. 0600-10, A-3341)
- Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**
- RESOLUTION NO. 2020-117
- 12. NOTICE OF COMPLETION FOR CANYON GROVE ESTATES, TRACT 932 -**
 Request the City Council approve and accept the public improvements and authorize City staff to file a Notice of Completion for Canyon Grove Estates, Tract 932. (File No. 0800-10)
- Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**
- RESOLUTION NO. 2020-126
- 13. DISPOSITION OF CITY OWNED PROPERTY, LOCATED AT 1750 WEST CITRACADO PARKWAY, LOT NO. 177 IN THE MOUNTAIN SHADOWS MOBILE HOME PARK -**
 Request the City Council approve authorizing the Real Property Manager to execute documents necessary for the sale of City owned lot, space number 177, located in the Mountain Shadows Mobile Home Park. (File No. 0470-65)
- Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**
- RESOLUTION NO. 2020-112
- 14. FINAL MAP, ESCONDIDO TRACT SUB16-0009C, VILLAGES - PHASE III -**
 Request the City Council approve the Final Map for Escondido Tract SUB16-0009C, a 54 lot Residential Subdivision with 35 single-family lots and 114 residential condominium units within 19 residential lots, all located at 1800 Country Club Lane. (File No. 0800-10)
- Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**
- 15. LANDSCAPE MAINTENANCE DISTRICT BUDGET ADJUSTMENT FOR ZONE 9, LAUREL VALLEY -**
 Request the City Council approve a budget adjustment in the amount of \$31,000 from the LMD Zone 9 (Laurel Valley) Reserve Fund Balance to the LMD Zone 9 Professional Services Account to pay for removal of the leaning wall along Rincon Avenue and its replacement with a vinyl fence. (File No. 0430-80)
- Staff Recommendation: **Approval (Engineering Services Department: Julie Procopio)**

PUBLIC HEARINGS

16. ORDINANCE FOR THE CORONAVIRUS (COVID-19) EMERGENCY BUSINESS RECOVERY STRATEGY -

Request the City Council approve an ordinance to assist business economic recovery efforts while continuing to protect the health and safety of the general public, arising out of the declared Local Emergency related to the COVID-19 pandemic. (File No. 0865-15)

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

ORDINANCE NO. 2020-23 (First Reading and Introduction)

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve an ordinance to assist business economic recovery efforts while continuing to protect the health and safety of the general public, arising out of the declared Local Emergency related to the COVID-19 pandemic. Approved unanimously.

CURRENT BUSINESS

17. APPOINTMENT TO PLANNING COMMISSION -

Request the City Council ratify the Mayor's appointment to serve on the Planning Commission. Term to expire March 31, 2022.

Staff Recommendation: **Designate Appointee (City Clerk's Office: Zack Beck)**

ITEM MOVED TO A FUTURE MEETING DATE

18. UPDATE ON THE WOHLFORD DAM REPLACEMENT PROJECT -

Request the City Council 1) receive and file an update concerning the results of the analysis of rehabilitation alternatives in lieu of replacement of Wohlford Dam; and 2) adopt resolution 2020-137, committing to provide matching funds if the dam replacement project is selected for a FEMA Building Resilient Infrastructure and Communities grant.

Staff Recommendation: **Receive and File; Approval (Utilities Department: Christopher W. McKinney)**

RESOLUTION NO. 2020-137

MOTION: Moved by Councilmember Morasco and seconded by Deputy Mayor Martinez to receive and file an update concerning the results of the analysis of rehabilitation alternatives in lieu of replacement of Wohlford Dam; and adopt resolution 2020-137, committing to provide matching funds if the dam replacement project is selected for a FEMA Building Resilient Infrastructure and Communities grant. Approved unanimously.

FUTURE AGENDA

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

Councilmember Diaz - Law Enforcement Oversight Commission.

Deputy Mayor Martinez - 2016 Grand Jury Report on October 21, 2020.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

None.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 7:36 p.m.

MAYOR

CITY CLERK

CITY OF ESCONDIDO
September 23, 2020
6:00 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 6:00 p.m. on September 23, 2020 via Video Conference and in the City Council Chambers at City Hall with Mayor McNamara presiding.

MOMENT OF REFLECTION

Zack Beck, City Clerk led the Moment of Reflection

FLAG SALUTE

Michael McGuinness, City Attorney, led the Flag Salute

ATTENDANCE

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

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

PROCLAMATION

Fire Prevention Week
Pollution Prevention Week

CLOSED SESSION REPORT

None.

ORAL COMMUNICATIONS

Aisha Wallace-Palomares – Expressed opposition to DUI checkpoints in Escondido.

Maria Wallace – Expressed opposition to DUI checkpoints in Escondido.

Ruben Garza – Expressed concern about a fence being removed behind his house.

CONSENT CALENDAR

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Morasco to approve all consent calendar items, except item 4, 7, 8 and 10. Approved unanimously.

1. AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/RRB)

2. APPROVAL OF WARRANT REGISTER (Council)

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

- 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. (File No. 0160-35)

Staff Recommendation: **Approval (City Clerk's Department: Zack Beck)**

RESOLUTION NO. 2020-138

Corey Pigott – Requested the City Council not approve this item.

Kristen Brown – Requested the City Council not approve this item.

Alexander Han – Expressed opposition to this item.

MOTION: Moved by Deputy Mayor Martinez and seconded by Councilmember Diaz to approve the annual destruction of City records in accordance with Government Code Section 34090 et seq. except A11, A12, A17 and D3. Approved unanimously.

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. (File No. 0640-30)

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. (File No. 0170-57)

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. (File No. 0600-11, A-3345)

Staff Recommendation: **Approval (Public Works Department: Joseph Goulart)**

RESOLUTION NO. 2020-136

Penn Diehl – Expressed support for this item.

Corey Pigott – Expressed support for this item.

Alexander Han – Expressed support for this item.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to 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. Approved unanimously.

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"). (File No. 0470-35)

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. (File No. 1050-70)

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

RESOLUTION NO. 2020-139

Ruben Garza – Expressed opposition to this item.

10. 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. (File No. 0915-55)

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

RESOLUTION NO. 2020-145

Jorge Viramontes – Requested that local contractors be used for this project.

MOTION: Moved by Deputy Mayor Martinez and seconded by Councilmember Diaz to 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. Approved unanimously.

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. (File No. 0860-20)

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

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

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to 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. Approved unanimously.

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. (File No. 0430-30, 0430-80)

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

Jose Campos – Expressed opposition to the budget adjustment for Reidy Creek.

Enrique Martinez – Expressed opposition to the budget adjustment for Reidy Creek.

Jonah Breslau – Expressed opposition to the budget adjustment for Reidy Creek.

MOTION: Moved by Councilmember Diaz and seconded by Deputy Mayor Martinez to approve the budget adjustment to distribute the General Fund year-end financial results and bring back the budget adjustment for Reidy Creek at a future Council Meeting date. Approved unanimously.

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. (File No. 0480-45)

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

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

MOTION: Moved by Deputy Mayor Martinez and seconded by Councilmember Diaz to 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. Approved 3-1 (Morasco - No)

***Consideration of Resolution 2020-125 rescheduled to October 21, 2020.**

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. (File No. 0850-20)

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

Peter Zak – Expressed opposition to the Services CFD.

Frank Giordano – Expressed opposition to the Services CFD.

Laura Hunter – Expressed support to the Services CFD.

Maria Estrada – Expressed opposition to the Services CFD.

Mike McSweeney – Expressed opposition to the Services CFD.

Diane Hansen – Expressed opposition to the Services CFD.

Paul Mayer – Expressed opposition to the Services CFD.

Gil Miltenberger – Expressed opposition to the Services CFD.

David Lanferman - – Expressed opposition to the Services CFD.

COUNCIL DIRECTION: Mayor McNamara, Deputy Mayor Martinez and Councilmember Diaz directed staff to pursue Option 1. Councilmember Morasco opposed that direction.

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)**

Councilmember Morasco requested two items be placed on the future agenda: 1. Consideration of moving Council Meetings to Council Chambers. 2. Normalization of business practices in the City of Escondido in light of COVID-19.

COUNCIL MEMBERS SUBCOMMITTEE REPORTS AND OTHER REPORTS

Councilmember Diaz - League of CA Cities Annual Conference

Councilmember Morasco - Get back to normal activities as soon as possible.

Deputy Mayor Martinez - San Diego County Water Authority Meeting. Spoke at Mission Middle School to an eighth grade class.

CITY MANAGER'S WEEKLY ACTIVITY REPORT

The most current information from the City Manager regarding Economic Development, Capital Improvement Projects, Public Safety and Community Development. This report is also available on the City's website, www.escondido.org.

- **WEEKLY ACTIVITY REPORT -**

ORAL COMMUNICATIONS

None.

ADJOURNMENT

Mayor McNamara adjourned the meeting at 8:27 p.m.

MAYOR

CITY CLERK

CITY COUNCIL STAFF REPORT

Consent Item No. 4

October 21, 2020

File No. 0600-10

SUBJECT: First Amendment to SpectraSite Communications Lease Agreement for the Property Located at 1029 Hubbard Hill

DEPARTMENT: Engineering Services Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2020-132 authorizing the Mayor to execute a First Amendment to the Lease Agreement with SpectraSite Communications, LLC to extend the lease two (2) years to allow additional time to find a new tenant ("sublessee") for property located at 1029 Hubbard Hill.

FISCAL ANALYSIS:

Rental revenue of approximately \$48,480 will be deposited into the General Fund over the two (2) year lease extension.

BACKGROUND:

The City of Escondido ("City") and Rincon Del Diablo Municipal Water District jointly own the property, commonly known as Hubbard Hill (APN No. 22743006 and 22743025). On April 26, 1995, the City approved a lease with Fleet Call West, dba Nextel Communications, through Resolution No. 95-139. The City, along with Rincon Del Diablo Municipal Water District, entered into a lease agreement on April 27, 1995, with Fleet Call West for the operation of a cellular communications transmission facility located at 1029 Hubbard Hill, Escondido, California. SpectraSite Communications, LLC is the successor-in-interest to the original lease agreement. The lease expired on July 31, 2020, and continues on a month to month basis.

SpectraSite Communications, LLC was considering discontinuing the use of this tower, but wishes to extend the lease for two (2) additional years in an attempt to procure a new tenant for the wireless tower. The current lease agreement allows for an annual Consumer Price Index ("CPI") increase and the current rental rate is \$4,040.00 per month. Rincon Del Diablo Municipal Water District receives 50% of the rental revenue as the City and the Water District are co-owners of the leased property. City staff has consulted with the Water District and they have no objection to extending the lease for an additional two (2) years. All other terms of the original lease agreement will remain in full force and effect.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Julie Procopio, Director of Engineering Services

10/14/2020 4:08 PM

First Amendment to SpectraSite Communications Lease at 1029 Hubbard Hill
October 21, 2020
Page 2

ATTACHMENTS:

1. Resolution No. 2020-132
2. Resolution No. 2020-132 Exhibit 1 – First Amendment to Lease Agreement

RESOLUTION NO. 2020-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE, ON BEHALF OF THE CITY, A FIRST AMENDMENT TO THE LEASE AGREEMENT WITH SPECTRASITE COMMUNICATIONS, LLC.

WHEREAS, the City of Escondido (“City”) and Rincon Del Diablo Municipal Water District jointly own certain real property located at 1029 Hubbard Avenue (“Hubbard Hill”); and

WHEREAS, on April 26, 1995, the City Council provided authorization to enter into a lease agreement with Fleet Call West, dba Nextel Communications, through Resolution No. 95-139, for a cellular communications transmission facility; and

WHEREAS, SpectraSite Communications, LLC is the successor-in-interest to the original lease agreement; and

WHEREAS, SpectraSite Communications, LLC desires to further extend the existing lease term through September 30, 2022; and

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

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

1. That the above recitations are true.

2. The Mayor is authorized to execute, on behalf of the City, the First Amendment to the Lease Agreement with SpectraSite Communications, LLC, which is attached hereto as Exhibit "1" and incorporated by this reference.

**FIRST AMENDMENT TO STANDARD COMMUNICATIONS SITE
LEASE AGREEMENT**

(1029 Hubbard Hill)

This First Amendment to Standard Communications Site Lease Agreement (“**First Amendment**”) is made and entered into as of this ___ day of _____, 2020 (“**Effective Date**”), by and between the City of Escondido, a California municipal corporation (“**City**”), Rincon Del Diablo Municipal Water District (“**Water District**”), and SpectraSite Communications, LLC, a Delaware limited liability company (“**Lessee**”). (The City, Water District, and Lessee are collectively referred to herein as the “**Parties.**”)

WHEREAS:

- A. The City and Water District, as Lessors, entered into that certain Standard Communications Site Lease Agreement dated April 27, 1995 (“**Original Agreement**”) with Fleet Call West Inc., as Lessee, for the lease of a portion of that certain real property owned by the City and Water District located at 1029 Hubbard Hill, Escondido, California, and more particularly described in the attached **Exhibit A** hereto, for the operation of a communication facility.
- B. Lessee is the successor-in-interest as to the Lessee in the Original Agreement.

NOW, THEREFORE, in consideration of the above recitals and the promises and covenants contained herein and in the Original Agreement, it is mutually agreed by and between the Parties that the Original Agreement shall be amended, modified, and supplemented, as follows:

1. The term of the Original Agreement is hereby renewed for two (2) years starting on August 1, 2020, and expiring on July 31, 2022 (“**Renewal Term**”).
2. The Parties hereby acknowledge and agree that all applicable increases and escalations to the rental payments under the Original Agreement shall continue in full force and effect through the Renewal Term.
3. Section 21(d) shall be deleted in its entirety and replaced with the following:

(d) All notices must be in writing and are effective only when deposited in the U.S. mail, certified and postage prepaid, or when sent via overnight delivery. Notices will be addressed to the Parties as follows:

First Amendment to Standard Communications Site Lease Agreement

Notice to City: City of Escondido
201 N Broadway
Escondido, CA 92025
Attn: Real Property Manager

Notice to Water District: Rincon Del Diablo Municipal Water District
1920 North Iris Lane
Escondido, CA 92026

Notice to Lessee: SpectraSite Communications, LLC
10 Presidential Way
Woburn, MA 01801
Attn: Land Management

4. All other terms and conditions of the Original Agreement not referenced above shall remain unchanged and in full force and effect.
5. This First Amendment and the Original Agreement, together with any attachments thereto, constitute the entire understanding of the Parties, and there are no other terms or conditions, written or oral, controlling this matter.
6. This First Amendment may be executed on separate counterparts that, upon completion, may be assembled into and shall be construed as one document. Delivery of an executed signature page of this First Amendment by electronic means, including an attachment to an email, shall be effective as delivery of an executed original.
7. The City and Water District hereby agree to execute and return to Lessee an original Memorandum of Lease in the form and of the substance attached hereto as **Exhibit B** and by this reference made a part hereof.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have executed this First Amendment as of the Effective Date.

CITY OF ESCONDIDO

Date: _____

By: _____
Paul McNamara, Mayor

**RINCON DEL DIABLO MUNICIPAL
WATER DISTRICT**

By: _____
Clint Blaze, Director of Operations

**SpectraSite Communications, LLC, a
Delaware limited liability company**

Date: _____

By: _____

(Print Name & Title)

Approved as to Form:

Office of the City Attorney
Michael McGuinness, City Attorney
By: _____

EXHIBIT A

Land

PARCEL "A":

That portion of Lot 16, Block 162 of the subdivision of the RANCHO RINCON DEL DIABLO, in the County of San Diego, State of California, according to map thereof No. 723, made by J.M. Graham, filed in the office of the County Recorder of said County, August 13, 1892, described as follows:

Beginning at a point in the Southeasterly line of said Lot 16, said point being the most Northerly corner of Lot 13 in said Block 162; thence along the Northeasterly boundary of that parcel of land described in deed to Meredith Conway, et ux, recorded April 2, 1927 as Document No. 20123 in Book 1300, page 497 of Deeds, North 29°34'10" West (record North 29°36' West) 131.00 feet to an angle point in the boundary of said Conway land, and the true point of beginning; thence continuing along said boundary South 77°41'50" West (record South 77°40' West) 140.10 feet; thence leaving the boundary of said Conway land North 16°43'20" West 644.17 feet to a point herein designated as Point "A"; thence North 64°14'40" East 83.38 feet; thence South 83°38'20" East 224.13 feet; thence Southerly in a straight line to the Westerly terminus of that course and distance designated as North 42°12' East 88.20 feet in the Northwesterly boundary of that parcel of land described in deed to Woodville Bates Conway, et al, recorded September 5, 1944 as Document No. 66935 in Book 1720, page 325 of Official Records; thence along said Northwesterly boundary South 68°30'50" West (record South 68°28' West) 174.80 feet to the true point of beginning.

PARCEL "B":

Beginning at the Northeast corner of Lot 16, Block 162 of Resurvey of Part of the RANCHO RINCON DEL DIABLO, according to map thereof No. 723, filed August 13, 1892 in San Diego County; thence along the Northerly line of said Lot 16 as follows; South 88°23'15" West 660.00 feet to an angle point therein; South 77°08'58" West 720.07 feet to an angle point therein and South 25°38'28" West 249.94 feet to an angle point therein; thence leaving the Northerly line of said Lot 16, South 28°59'37" East 199.89 feet to the true point of beginning; thence South 58°42'18" West 41.59 feet; thence South 16°43'00" East 339.34 feet; thence North 78°02'04" East 364.00 feet to a point in the Westerly line of that land conveyed by deed to Glen A. and Estelene Morrow, and recorded March 30, 1959 as Document No. 81401 in Book 7574, page 218 of Official Records of said County; thence along the Westerly line of said Morrow land North 16°43'20" West 384.48 feet to the most Westerly corner thereof; thence along the Northerly line of said Morrow land, North 64°13'45" East 82.11 feet to an angle point therein; thence continuing along the Northerly line of said Morrow land South 86°10'47" East 221.66 feet to the center line of that certain 120.00 foot easement for right of way purposes, granted to the United States of America, as described in decree of Condemnation, recorded November 10, 1949 in Book 3381, page 288 in the Official Records of said County; thence along the center line of said easement North 16°49'22" West 24.63 feet to the center line of that certain easement granted to the San Diego County Water Authority by deed recorded on Document No. 111970 in Book 3013, page 354 of Official Records of said County; thence along said center line North 64°32'52" West 231.72 feet; thence South 68°42'18" West 459.66 feet to the true point of beginning.

PARCEL "C":

A strip of land 20.00 feet wide, the center line of said strip being described as follows:

Beginning at a point herein above described in Parcel "A" as Point "A"; thence North 64°14'40" East 83.38 feet; thence South 83°38'20" East 117.00 feet to the beginning of a tangent curve concave to the Northwest having a central angle of 160°30' and a radius of 28.00 feet; thence Southeasterly, Easterly, Northeasterly, Northerly and Northwesterly along said curve, 78.44 feet to a point in the center line of the 20.00 foot road easement described in agreement for access road way from Albert F. Hubbard, et ux, to San Diego County Water Authority, recorded November 10, 1948 as Document No. 111970 in Book 3013, page 354 of Official Records; thence along said center line of road as follows: North 64°26'46" West 150.00 feet more or less to an angle point therein; North

87°44'15" West 320.24 feet; thence South 49°26'45" West 159.12 feet and South 86°20'45" West 108.88 feet to a point in the unnamed street (known as Hubbard Avenue) adjoining said Lot 18 on the North.

EXCEPTING from said 20.00 foot strip that portion thereof lying within said Hubbard Avenue.

PARCEL D"

An easement for the construction, maintenance and repair of water lines and appurtenances over a strip of land 20.00 feet in width, the center line of which is described as follows:

Beginning at the Northeast corner of Lot 16, Block 162 of Resurvey of Part of the RANCHO RINCON DEL DIABLO, according to map thereof No. 723, filed August 13, 1892 in San Diego County; thence along the Northerly line of said Lot 16 as follows: South 88°23'15" West 680.00 feet to an angle point therein; South 77°08'58" West 720.07 feet to an angle point therein; and South 26°36'28" West 249.84 feet to an angle point therein, which is the true point of beginning; thence leaving the Northerly line of said Lot 16, South 26°59'37" East 199.89 feet. The side lines of said easement shall be shortened or lengthened so as to terminate in the Northerly line of said Lot 16 and in the Northerly line of the above described Parcel "B".

EXHIBIT B

Prepared by and Return to:

American Tower
10 Presidential Way
Woburn, MA 01801
Attn: Land Management/Ian P. Fitzgerald, Esq.
ATC Site No: 302249
ATC Site Name: Escondido
Assessor's Parcel No(s):

Prior Recorded Reference:

Document No: 1996-0219218
State of California
County of San Diego

FORM OF MEMORANDUM OF LEASE

MEMORANDUM OF LEASE

This Memorandum of Lease (the "**Memorandum**") is entered into as of the latter signature date hereof, by and between City of Escondido, a California municipal corporation ("**City**"), Rincon Del Diablo Municipal Water District ("**Rincon**") and SpectraSite Communications, LLC, a Delaware limited liability company ("**Lessee**"). (The City, Rincon, and Lessee are collectively referred to herein as the "**Parties.**")

NOTICE is hereby given of the Lease (as defined and described below) for the purpose of recording and giving notice of the existence of said Lease. To the extent that notice of such Lease has previously been recorded, then this Memorandum shall constitute an amendment of any such prior recorded notice(s).

1. **Lease.** The City and Rincon, as Lessors, entered into that certain Standard Communications Site Lease Agreement dated April 27, 1995 (as the same may have been amended from time to time, "**Lease**") with Fleet Call West Inc. for the lease of a portion of that certain real property owned by the City and Rincon located at 1029 Hubbard Hill, Escondido, California, which real property is also described in the attached **Exhibit A** hereto, for the operation of a communication facility.
2. **Expiration Date.** Subject to the terms, provisions, and conditions of the Lease, and assuming the exercise by Lessee of all renewal options contained in the Lease, the final expiration date of the Lease would be July 31, 2022.

First Amendment to Standard Communications Site Lease Agreement

3. **Effect/Miscellaneous.** This Memorandum is not a complete summary of the terms, provisions, and conditions contained in the Lease. In the event of a conflict between this Memorandum and the Lease, the Lease shall control.
4. **Notices.** All notices must be in writing and are effective only when deposited in the U.S. mail, certified and postage prepaid, or when sent via overnight delivery. Notices will be addressed to the Parties as follows:

Notice to City: City of Escondido
 201 N Broadway
 Escondido, CA 92025
 Attn: Real Property Manager

Notice to Rincon: Rincon Del Diablo Municipal Water District
 1920 North Iris Lane
 Escondido, CA 92026

Notice to Lessee: SpectraSite Communications, LLC
 10 Presidential Way
 Woburn, MA 01801
 Attn: Land Management

5. **Counterparts.** This Memorandum may be executed in multiple counterparts, each of which when so executed and delivered, shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have each executed this Memorandum as of the day and year set forth below.

CITY

City of Escondido, a California municipal corporation

Signature: _____
Print Name: _____
Title: _____
Date: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____, before me, _____,
personally

(*print name of notary*)
appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of officer

[SEAL]

First Amendment to Standard Communications Site Lease Agreement

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

RINCON

Rincon Del Diablo Municipal Water District

Signature: _____
Print Name: _____
Title: _____
Date: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____, before me, _____,
personally
(print name of notary)

appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of officer

[SEAL]

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

First Amendment to Standard Communications Site Lease Agreement

LESSEE

SpectraSite Communications, LLC,
a Delaware limited liability company

Signature: _____
Print Name: _____
Title: _____
Date: _____

WITNESS

Signature: _____
Print Name: _____

Signature: _____
Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

Commonwealth of Massachusetts

County of Middlesex

On this ____ day of _____, 202____, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

EXHIBIT A

Land

PARCEL "A":

That portion of Lot 16, Block 162 of the subdivision of the RANCHO RINCON DEL DIABLO, in the County of San Diego, State of California, according to map thereof No. 723, made by J.M. Graham, filed in the office of the County Recorder of said County, August 13, 1892, described as follows:

Beginning at a point in the Southeasterly line of said Lot 16, said point being the most Northerly corner of Lot 13 in said Block 162; thence along the Northeasterly boundary of that parcel of land described in deed to Meredith Conway, et ux, recorded April 2, 1927 as Document No. 20123 in Book 1300, page 497 of Deeds, North 29°34'10" West (record North 29°36' West) 131.00 feet to an angle point in the boundary of said Conway land, and the true point of beginning; thence continuing along said boundary South 77°41'50" West (record South 77°40' West) 140.10 feet; thence leaving the boundary of said Conway land North 16°43'20" West 644.17 feet to a point herein designated as Point "A"; thence North 64°14'40" East 83.38 feet; thence South 83°38'20" East 224.13 feet; thence Southerly in a straight line to the Westerly terminus of that course and distance designated as North 42°12' East 88.20 feet in the Northwesterly boundary of that parcel of land described in deed to Woodville Bates Conway, et al, recorded September 5, 1944 as Document No. 66935 in Book 1720, page 325 of Official Records; thence along said Northwesterly boundary South 68°30'50" West (record South 68°28' West) 174.80 feet to the true point of beginning.

PARCEL "B":

Beginning at the Northeast corner of Lot 16, Block 162 of Resurvey of Part of the RANCHO RINCON DEL DIABLO, according to map thereof No. 723, filed August 13, 1892 in San Diego County; thence along the Northerly line of said Lot 16 as follows; South 88°23'15" West 660.00 feet to an angle point therein; South 77°08'58" West 720.07 feet to an angle point therein and South 25°38'28" West 249.94 feet to an angle point therein; thence leaving the Northerly line of said Lot 16, South 28°59'37" East 199.89 feet to the true point of beginning; thence South 58°42'18" West 41.59 feet; thence South 16°43'00" East 339.34 feet; thence North 78°02'04" East 364.00 feet to a point in the Westerly line of that land conveyed by deed to Glen A. and Estelene Morrow, and recorded March 30, 1959 as Document No. 81401 in Book 7574, page 218 of Official Records of said County; thence along the Westerly line of said Morrow land North 16°43'20" West 384.48 feet to the most Westerly corner thereof; thence along the Northerly line of said Morrow land, North 64°13'45" East 82.11 feet to an angle point therein; thence continuing along the Northerly line of said Morrow land South 86°10'47" East 221.66 feet to the center line of that certain 120.00 foot easement for right of way purposes, granted to the United States of America, as described in decree of Condemnation, recorded November 10, 1949 in Book 3381, page 288 in the Official Records of said County; thence along the center line of said easement North 16°49'22" West 24.63 feet to the center line of that certain easement granted to the San Diego County Water Authority by deed recorded on Document No. 111970 in Book 3013, page 354 of Official Records of said County; thence along said center line North 64°32'52" West 231.72 feet; thence South 68°42'18" West 459.66 feet to the true point of beginning.

PARCEL "C":

A strip of land 20.00 feet wide, the center line of said strip being described as follows:

Beginning at a point herein above described in Parcel "A" as Point "A"; thence North 64°14'40" East 83.38 feet; thence South 83°38'20" East 117.00 feet to the beginning of a tangent curve concave to the Northwest having a central angle of 160°30' and a radius of 28.00 feet; thence Southeasterly, Easterly, Northeasterly, Northerly and Northwesterly along said curve, 78.44 feet to a point in the center line of the 20.00 foot road easement described in agreement for access road way from Albert F. Hubbard, et ux, to San Diego County Water Authority, recorded November 10, 1948 as Document No. 111970 in Book 3013, page 354 of Official Records; thence along said center line of road as follows: North 64°26'46" West 150.00 feet more or less to an angle point therein; North

87°44'15" West 320.24 feet; thence South 49°26'45" West 159.12 feet and South 86°20'45" West 108.88 feet to a point in the unnamed street (known as Hubbard Avenue) adjoining said Lot 18 on the North.

EXCEPTING from said 20.00 foot strip that portion the reef lying within said Hubbard Avenue.

PARCEL D"

An easement for the construction, maintenance and repair of water lines and appurtenances over a strip of land 20.00 feet in width, the center line of which is described as follows:

Beginning at the Northeast corner of Lot 16, Block 162 of Resurvey of Part of the RANCHO RINCON DEL DIABLO, according to map thereof No. 723, filed August 13, 1892 in San Diego County; thence along the Northerly line of said Lot 16 as follows: South 88°23'15" West 680.00 feet to an angle point therein; South 77°08'58" West 720.07 feet to an angle point therein; and South 26°36'28" West 249.84 feet to an angle point therein, which is the true point of beginning; thence leaving the Northerly line of said Lot 16, South 26°59'37" East 199.89 feet. The side lines of said easement shall be shortened or lengthened so as to terminate in the Northerly line of said Lot 16 and in the Northerly line of the above described Parcel "B".

ORDINANCE NO. 2020-23

AN UNCODIFIED ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF ESCONDIDO,
CALIFORNIA, FOR THE CORONAVIRUS
("COVID-19") EMERGENCY BUSINESS
RECOVERY STRATEGY

WHEREAS, in a short period of time, COVID-19, which is a new strain of coronavirus that is the cause of an outbreak of respiratory illness, has rapidly spread throughout the State of California, necessitating stringent public health emergency orders as well as guidance and directives from federal, state, and local public officials; and

WHEREAS, on January 31, 2020, the U.S. Secretary of Health and Human Services declared a public health emergency related to the COVID-19 outbreak pursuant to Section 319 of the Public Health Service Act; and

WHEREAS, on February 14, 2020, the San Diego County Public Health Officer declared a local health emergency due to the threat of COVID-19; and

WHEREAS, on February 19, 2020, the San Diego County Board of Supervisors ratified the Declaration of Local Health Emergency and Proclamation of Local Emergency arising out of the COVID-19 outbreak; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom proclaimed a State of Emergency to exist in the State of California as a result of the threat of COVID-19; and

WHEREAS, various health organizations throughout the world, including the Centers for Disease Control and Prevention ("CDC") and the World Health Organization ("WHO"), consider the COVID-19 virus to be a very serious health threat, a "public health

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

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

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

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.

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

CITY COUNCIL STAFF REPORT

Public Hearing Item No. 8

October 21, 2020

File No. 0850-20

SUBJECT: Tentative Subdivision Map, Conditional Use Permit, Plot Plan and Non-Emergency Demolition Permit for a 42-unit condominium development, and Annexation into Community Services District 2020-1 – SUB 19-0010, PHG 19-0050 and ENV 19-0007

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

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

- 1) Adopt Resolution No. 2020-146, approving a Tentative Subdivision Map, Condominium Permit and Plot Plan for a 42-unit condominium development, along with a Non-Emergency Demolition Permit to demolish an adobe structure classified as a significant historic resource; and
- 2) Adopt Resolution No. 2020-147, annexing one project containing 42-units into the Citywide Services Community Facilities District 2020-1.

PROJECT DESCRIPTION:

The land use development application consists of a Tentative Subdivision Map along with a Condominium Permit and Plot Plan for the proposed development of 42 air-space, three-story condominium units. A Non-Emergency Demolition Permit is requested for the proposed demolition of a Spanish Colonial Revival-style adobe structure constructed in 1946 that is classified as a historic resource. Access to the site would be provided from South Escondido Boulevard via a 24-foot-wide private driveway. South Escondido Boulevard would be improved across the Project frontage (eastern side) to include curb, gutter, and sidewalk. A southbound left-turn lane would be stripped across the Project frontage. Up to 95 parking spaces would be provided on-site (garages/open guest spaces). The Project includes a request to adopt a final Initial Study/Mitigated Negative Declaration (“IS/MND”) prepared in conformance with the California Environmental Quality Act (“CEQA”). The Project also includes annexation of the 1.75-acre site into Community Facilities District 2020-1.

LOCATION:

The approximately 1.75-acre site generally is located on the eastern side of S. Escondido Boulevard, south of Citracado Parkway, addressed as 2608 S. Escondido Boulevard (APNs 238-152-06-00 and 238-152-07-00), 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. New development can provide a significant benefit to a city or county. As part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon a public agency's general fund and the city or county's ability to provide ongoing public services. To avoid the need for a city or county to subsidize new development, cities and counties can establish or require special funding mechanisms to ensure that new development pays for itself.

In this particular instance, the City of Escondido hired a financial consultant in 2019 who conducted a Fiscal Impact Analysis ("FIA") and determined that future ongoing revenue received as a result of new residential units throughout the city is less than the cost to provide municipal services, including police, fire and infrastructure maintenance, to those new units. In January 2020, the results of the FIA were presented to the City Council. On April 8, 2020, a Resolution was passed declaring the City's intent to form a Community Facilities District (collectively referred to herein as the "CFD") to offset the cost of governmental services associated with new development, as identified in the FIA.

CFD No. 2020-1, Citywide Services, was formed by the City Council on May 13, 2020. The special tax that will be assessed on properties as a result of the development of new residential units is based upon the FIA that was prepared to support the creation of CFD No. 2020-01. Developers to whom these residential project entitlements are assigned are responsible to establish a funding mechanism to provide a source of funds for the on-going municipal services required for the project. The benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to developers.

The Applicant/Owner has signed a letter of consent to agree to enter into the CFD (provided as Attachment 4 to the Planning Commission staff report). Zone 2020-3 will be the third Zone of the Citywide Services CFD, which will be comprised of this proposed 1.75-acre project containing 42-units. In accordance with the adopted Resolution, the subject property falls under the "Category 3" rate at \$725.00 per unit per year through June 30, 2021. Based on a 42-unit development, the current estimated annual amount for ongoing services is \$30,450.00 subject to annual adjustments. The special tax for CFD 2020-1 will escalate at the maximum rate of inflation as determined by the Consumer Price Index ("CPI") and at a minimum rate of two percent (2%) per year.

PLANNING COMMISSION RECOMMENDATION:

On September 22, 2020, the Planning Commission voted 4-2 (Commissioner Rainey and Commissioner Doan voting no) to recommend that the City Council approve the Project. The Commission discussion primarily focused on the current condition of the property, whether it was feasible or practical to incorporate the building into the project design, traffic generated by the project and Citracado Parkway intersection impacts, and the findings in the Historic Analysis regarding the historic status of the adobe structure and its level of significance. The two (2) Commissioners who

voted “no” did not support the demolition of the building and felt it should be preserved. A majority of the Planning Commissioners recommended approval of the project and demo permit, and also amended Cultural Mitigation Measure No. MM-CUL-3 requiring the interpretative program to be reviewed and approved by the Historic Preservation Commission rather than the Director of Community Development. The Planning Commission staff report and Planning Commission meeting minutes are provided as Attachments 1 and 2, respectively. Nine members of the public (including the Project applicant) spoke at the hearing. Such testimony took the form of written testimony read aloud at the hearing, in conformance with current procedures in place in light of the COVID-19 pandemic. Other written correspondence was forwarded to the Planning Commissioner’s prior to the hearing.

HISTORIC PRESERVATION COMMISSION RECOMMENDATION

The Historic Preservation Commission (“HPC”) considered the request for a non-emergency demolition permit on July 16, 2020, and voted 2-2-0 (Commissioners Cowan and Breitenfeld voting no, Commissioner Rea recusing herself and two commissioners absent) on a motion to approved the recommended Findings of Fact to support the Non-Emergency Demolition Permit. A tie vote is an effective denial of the motion. The HPC staff report and correspondence is included as Attachment “2” to the Planning Commission staff report. Each of the thirteen (13) letters/emails expressed opposition to the demolition. Subsequent to the HPC hearing, staff received three (3) additional letters/emails. The correspondences express concerns regarding the demo permit, traffic, or supporting the Project. These additional correspondences are provided with Attachment “3” of the Planning Commission staff report. City staff also received notification of a change.org petition to preserve and rehabilitate the site and convert the surrounding area into a park. The link is provided below. The link is being provided as a convenience and for informational purposes only. The City does not bear any responsibility for the accuracy, legality, or content of the external site or for that of subsequent links.

https://www.change.org/p/citron-townhomes-residents-preserve-rehabilitate-historic-site-and-convert-surrounding-land-into-a-community-park?cs_tk=&utm_campaign=335e3eb71a2345aa8fcab526dbd5c228&ut

BACKGROUND:

The approximately 1.75-acre site is developed with an abandoned single-story adobe structure constructed in 1946 and other outbuildings that previously were used for residential and commercial/restaurant purposes. The restaurant use (formally called Hacienda de Vega) ceased operation in 2017, and the site is now secured by chain-link fencing. Since the shuttering of the restaurant, the property and buildings on the premises have fallen into disrepair. The property and buildings also have been subject to trespass and vandalism. Surrounding land uses includes multi-family condominium development to the north and a hotel on the east and south. Single-family residential is located further to the east. The site fronts onto and takes access from South Escondido Boulevard (designated as a Local Collector Road) along the western frontage. Vegetation on the site primarily consists of ornamental landscaping associated with the previous uses and a variety of mature trees. The site does not contain any native or sensitive habitat or species.

Project Design

The Applicant proposes to construct 42 air-space condominium units consisting of eight (8) three-story structures. The design includes a mix of two- and three-bedroom units. Up to 95 parking spaces are proposed that include a combination of enclosed two-car garages for each unit with eleven open guest spaces. The building is approximately 37 feet in height to the top of ridgeline and incorporates a California/Mediterranean style of architecture with varying wall planes and rooflines, S-type tile roofs, white and earth tone stucco exterior, exposed rafter tails and wooden trellis and window elements, fabric window awnings and arched entryways. A minimum of 300 square feet of open space is required per unit, which would require 12,600 square feet of open space. The Project would provide a combination of private and common open space areas totaling approximately 15,620 square feet to include passive landscape and active recreation areas. Each unit also would contain a private upper-story deck. A large landscape storm water basin would be located along the southern and eastern perimeter of the site, but this area is not factored into the passive landscape open space area. The basin also includes specifically designed tree wells to accommodate perimeter trees without affecting the function of the basin. Project plans are attached as Exhibit “D” to draft City Council Resolution No. 2020-146.

The Project fronts onto and will take access from South Escondido Boulevard on the west. South Escondido Boulevard is classified as a Local Collector Road (66’ right-of-way) on the City’s Circulation Element Map. A single driveway would provide access to the project with an internal looped private circulation pattern. Secondary access could be provided in an emergency via a proposed locked gate towards the northeastern corner of the site through the adjacent motel parking lots, but the easement only is authorized for public utility access and is designed to accommodate the extension of the sewer and water mains. The Project is required to widen the street along the Project frontage to include curb, gutter and sidewalk to connect to existing sidewalk north and south of the site. The Project will restripe the roadway to install a dedicated left-turn lane into the site. Full width improvements are not provided along the western side of South Escondido Boulevard due to location/configuration of Centre City Parkway. The Project will be required to install a raised curb along the western side of the roadway to match existing improvements to the north. On-street parking would be restricted along the Project frontage.

ANALYSIS:

1. General Plan / Zoning

The General Plan land-use designation for the subject site is Specific Plan (“SP”) and is located in the Southern Entry District (mixed-use overlay) of the South Centre City Specific Plan. The Southern Entry District serves as the southern entrance into Escondido from Interstate-15 and Centre City Parkway. Existing development is primarily a mix of existing commercial and residential uses, and undeveloped properties. The area is under transition and several new medium-density residential projects have recently been constructed or are in progress. The Southern Entry District permits multi-family/condominium type development with a maximum density of up to 30 dwelling units per acre.

Based on the property size of 1.75 acres the underlying zoning would allow up to 52 units with structures up to three (3) stories and 45 feet in height. The request to construct 42 units results in an overall proposed density of 24 du/ac and three-story structures up to approximately 37 feet in height is consistent with the land use density and development requirements envisioned for this area.

2. Specific Plans Goals and Objectives:

The proposed Project would be consistent with the goals and objectives of the Southern Entry District that encourages opportunities for residential development around a local commercial node. The land use concept for the Southern Entry District (mixed use overlay) accommodates a housing type for those who do not want or need a traditional detached single-family home with yard, but who may prefer a suburban area. The mixed-use overlay zone offers flexibility to allow new higher-density housing options. The Project would redevelop an underutilized parcel and abandoned use. The Project also would increase the residential population within the area, thereby increasing the volume of shoppers, frequency of diners, and patrons to the local businesses. The additional residents along the corridor ultimately would continue to improve the overall economics of the area and the business community while providing additional ownership opportunities.

3. Non-Emergency Demolition Permit

The property contains a single-story Colonial Revival-style adobe building constructed by Charles H. Paxton in 1946, which he used as a model home for the Longview Acres Estate subdivision that consisted of over 25 adobe homes. Charles Paxton was part owner and operator of the Adobe Brick Manufacturing Company in Escondido and the Adobe Construction Company in La Jolla. In 1962 the building was remodeled into “Pat Brillo’s Adobe Hacienda Mexican Restaurant.” The restaurant was renamed “Los Amigos” in 1964 when Benjamin Cueva, Sr. took over. In 2017, the “Hacienda de Vega” restaurant lease was terminated and the property has remained vacant since that time.

The proposed Project includes the demolition of the 1946 adobe structure and all accessory structures on the site. The Applicant prepared a Historic Resources Evaluation Report (included in the draft Initial Study/Mitigated Negative Declaration Appendices) to determine the level of historic significance for the existing structures and to assess potential eligibility for national, state or local historic registers. Although the 1946 adobe structure and accessory structures are not identified on the City’s Historic Sites Survey or listed as a Local Register structure/property, the initial historic letter report prepared by Brian Smith and Associates indicated that because the building is potentially eligible for listing on the Escondido Register, impacts to the structure are potentially significant under CEQA. Based on the results of the initial analysis, a detailed Historic Structures Assessment was prepared by Brian Smith and Associates. The adobe brick structure was evaluated as eligible for designation on the City of Escondido Register under eligibility Criteria 1, 3, 5 and 7. However, the Assessment concluded the building only retains two of seven original aspects of integrity; is structurally unsound; and does not currently meet code requirements for commercial or residential structures.

Because of the historic nature of the 1946 adobe structure and potential eligibility for listing on the Local Historic Register, demolition of the structure is subject to the provisions of Article 40 (Historic Resources) of the Escondido Zoning Code and would require the approval of a Non-Emergency Demolition Permit by the City Council, subject to the findings listed below. The Historic Resources Ordinance also requires the Historic Preservation Commission and City Council to conduct noticed public hearings prior to the demolition of a significant historic resource. Staff believes the proposed project would be in conformance with the following findings:

1. *That the City of Escondido's inventory of significant historical resources is not diminished by the demolition of the subject resource, and that remains in the community a like resource, i.e., use, site, architectural style, or example of an architect's work.*

There remains in the community and surrounding area similar adobe resources that were constructed during the same time period and reflect the Colonial Revival-style of architecture. Although the building was one of the first in the area to be built by Charles Paxton and served as the model home for the surrounding Longview Acres Estates residences, an entire subdivision of similarly designed and constructed residences is still present in Escondido along Verda Avenue, Ultimo Avenue, Ross Land and Las Palmas Avenue. Some of these structures were designed by another adobe developer, the Weir Brothers, that also are historic in age and represent the same style and type of adobe residential construction portrayed by the 2608 South Escondido Boulevard building.

2. *That all feasible economic and physical alternatives to demolition have been evaluated, and that the applicant has shown that there is no alternative left to pursue, other than demolition.*

The subject site is located within the South Centre City Specific Plan (Southern Entry District). The Project includes the development of 42 condominium units on the 1.75-acre site, along with grading, supporting roadway improvements, internal driveways and infrastructure to support the proposed development in accordance with the provisions of the South Centre City Specific Plan. The Applicant has shown that there is no reasonable alternative left to pursue, other than demolition. The overall site and buildings have fallen into significant disrepair since being shuttered in 2017. Based on an evaluation of the building by the Applicant's consultants, the structure appears to be structurally unsound and currently does not meet building code requirements for commercial and/or residential structures. The Applicant has indicated the estimate cost for proposed demolition, salvage and rebuilding of the 2,725 SF building could be up to approximately \$350 per square foot, which would make the proposed Project infeasible from a total development cost and project objective standpoint. In addition, due to its central location on the lot, parking requirements and necessary improvements, incorporating the existing structure into the design of the Project for commercial or recreational purposes is impractical and would result in a significant reduction in developable area for the multi-family components of the Project; therefore, making the overall Project infeasible.

3. *That the continued existence of the historical resource is detrimental to the public health, safety and welfare.*

Since shuttering of the restaurant and change of ownership of the property, the site has faced a constant breach of the security fencing surrounding the property and break ins of the existing buildings despite continued efforts to secure the property and repair vandalism. The building and grounds have not been maintained since the restaurant was closed and has fallen into disrepair, with some of the building and landscape elements removed and/or damaged. The Escondido Police Department has cleared the site of trespassers on a number of occasions at the property owner's request. Neighboring residents in the adjacent multi-family project also have complained that trespassers of the site have been stealing packages throughout the complex. Therefore, until this site can be cleared of the structures and despite the ongoing attempts to adequately secure the site, it will continue to serve as an attractive nuisance for trespassers and remain a threat to the public health, safety and welfare.

4. *If the property is approved for demolition, the Historical Society and/or other appropriate historic agency has access to the building to retrieve any historic material, and to provide photo documentation of the resources conducted according to Historic American Building Survey ("HABS") specifications.*

Appropriate mitigation measures listed below have been included to reduce impacts to less than a significant level and the Historical Society and/or other appropriate historic agency will have access to the building to retrieve any historic material.

MM/CUL-1: The Project Applicant shall ensure Level I or II Historic American Buildings Survey documentation (or equivalent) of the residence be conducted in order to achieve mitigation by exhausting the research potential of the resource.

MM-CUL-2: Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.

MM-CUL-3: The Project Applicant shall prepare an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district. An example of an interpretive program may be installation of interpretive signs or commemorative plaques in a publicly accessible and visible location that describe the history of the site must be installed prior to certificate of occupancy. The project applicant shall submit the interpretative program for consideration and approval by the Historic Preservation Commission. Although implementation of this mitigation measure may reduce impacts on historic resources, it would not lessen the effects to a less than significant level.

5. *The applicant shall have, or will have a plot plan or development plan approved by the City prior issuance of a demolition permit.*

The proposed Project and environmental determination will be considered by the City Council along with this request for a non-emergency demolition permit at a noticed public hearing. Should the Project not be approved, the demolition of the building would not be authorized.

ENVIRONMENTAL REVIEW:

A Draft Initial Study/Mitigated Negative Declaration (“IS/MND”) was issued for a 20-day public review, beginning on March 16, 2020, and ending April 6, 2020, in conformance with the California Environmental Quality Act (“CEQA”). Sixteen (16) written comments were received during the public review period. The Final IS/MND incorporates responses to comments received during the public review period along with mitigation measures that will avoid or reduce potentially significant impacts to a less than significant level. The final IS/MND and technical studies are available on the City’s web site and can be viewed at <https://www.escondido.org/2608-south-escondido-blvd-project.aspx>.

CONCLUSION:

The proposed project is consistent with the General Plan and South Centre City Specific Plan as the project would revitalize the site and expand the residential base. The Planning Commission acts as an advisory body to the City Council on applications for discretionary actions. The Historic Preservation Commission acts as an advisory body to the City Council regarding the Non-Emergency Demolition Permit. Staff believes the proposed Project provides for a well-designed project that will be beneficial to the Southern Entry District of the South Centre City Specific Plan and will serve as a catalyst for continued revitalization of the corridor.

Both the Planning Commission and staff recommend the City Council approve the proposed Tentative Subdivision Map, Condominium Permit, Plot Plan and Non-Emergency Demolition Permit, along with annexation of the project into CFD 2020-1. The Historic Preservation Commission recommends denial of the Non-Emergency Demolition Permit.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Mike Strong, Director of Community Development
10/15/20 3:07AM

Jay Paul, Senior Planner
10/15/20 8:28AM

ATTACHMENTS:

1. Attachment 1 – Planning Commission staff report (September 22, 2020)
2. Attachment 2 – Planning Commission Minutes - Draft (September 22, 2020)
3. Attachment 3 – Final Initial Study/Mitigated Negative Declaration
4. Resolution No. 2020-146
5. Resolution No. 2020-146 – Exhibits A, B, C, D, E and F
6. Resolution No. 2020-147
7. Resolution No. 2020-147 – Exhibits A, B, C and D

PLANNING COMMISSION

Agenda Item No.: G.1
Date: September 22, 2020

PROJECT NUMBER / NAME: SUB 19-0010, PHG 19-0050 and ENV 19-0007 “Hacienda de Vega”

REQUEST: Tentative Subdivision Map along with a Condominium Permit and Plot Plan for the proposed development of 42 air-space, three-story condominium units. A Non-Emergency Demolition Permit is requested for the proposed demolition of a Spanish Colonial Revival-style adobe structure constructed in 1946 that is classified as a historic resource. Access to the site would be provided from South Escondido Boulevard via a 24-foot-wide private street. South Escondido Boulevard would be improved across the Project frontage (eastern side) to include curb, gutter, and sidewalk. A southbound left-turn lane would be stripped across the Project frontage. Up to 95 parking spaces would be provided on-site (garages/open guest spaces). The request also includes adoption of the environmental determination for the Project in accordance with the California Environmental Quality Act (“CEQA”).

LOCATION: 2608 S. Escondido Boulevard

APN / APNS: 238-152-0600 and 238-152-0700

GENERAL PLAN / ZONING: Specific Plan / Southern Entry District (Mixed-Use Overlay) of the South Centre City Specific Plan

APPLICANT: Kitchell Development Co. / South Escondido L.P.

PRIMARY REPRESENTATIVE:
Tony Cassoloto, South Escondido L.P.

DISCRETIONARY ACTIONS REQUESTED: Tentative Subdivision Map, Condominium Permit, Plot Plan, Non-Emergency Demolition Permit, and adoption of the Final Initial Study/Mitigated Negative Declaration prepared for the Project.

PREVIOUS ACTIONS: Denial of Non-Emergency Demolition Permit by the Historic Preservation Commission (vote 2-2).

PROJECT PLANNER: Mike Strong, Director of Community Development, mstrong@escondido.org; Jay Paul, Senior Planner, jpaul@escondido.org

CEQA RECOMMENDATION: Recommend that the City Council adopt the Final Initial Study/Mitigated Negative Declaration

STAFF RECOMMENDATION: Recommend that the City Council conditionally approve the Project.

REQUESTED ACTION: Approve Planning Commission Resolution No. 2020-11

CITY COUNCIL HEARING REQUIRED: YES NO

REPORT APPROVALS: Mike Strong, Community Development Director

A. BACKGROUND:

The approximately 1.75-acre site is developed with an abandoned single-story adobe structure constructed in 1946 and other outbuildings that previously were used for residential and commercial/restaurant purposes. The restaurant use (formally called Hacienda de Vega) ceased operation in 2017, and the site is now secured by chain-link fencing. Since the shuttering of the restaurant, the property and buildings on the premises have fallen into disrepair. The property and buildings also have been subject to trespass and vandalism. The property slopes and drains to the southeast and does not contain any significant topography. Surrounding land uses includes multi-family condominium development to the north and a hotel on the east and south. Single-family residential is located further to the east. The site fronts onto and takes access from South Escondido Boulevard (designated as a Local Collector Road) along the western frontage. Vegetation on the site primarily consists of ornamental landscaping associated with the previous uses and a variety of mature trees. The site does not contain any native or sensitive habitat or species.

In order to accommodate the Project, the existing adobe structure and all accessory structures would be demolished and removed from the premises. Because one of the structures is identified as a significant historic resource, Article 40 (Historical Resources Ordinance) of the Escondido Zoning Code requires the authorization of a Non-Emergency Demolition Permit by the City Council, subject to consideration by the Historic Preservation Commission that acts in an advisory role on this matter. The analysis of the issues surrounding the historic resources has been included herein this staff report and the findings necessary to support the issuance of the Non-Emergency Demolition Permit have been included within draft Planning Commission Resolution No. 2020-11.

B. PROJECT ANALYSIS:

1. General Plan / Zoning

The General Plan land-use designation for the subject site is Specific Plan ("SP") and is located in the Southern Entry District (mixed-use overlay) of the South Centre City Specific Plan. The Southern Entry District serves as the southern entrance into Escondido from Interstate-15 and Centre City Parkway. Existing development is primarily a mix of existing commercial and residential uses, and undeveloped properties. The area is under transition and several new medium-density residential projects have recently been constructed or are in progress. The Southern Entry District permits multi-family/condominium type development with a maximum density of up to 30 dwelling units per acre. Based on the property size of 1.75 acres the underlying zoning would allow up to 52 units with structures up to three (3) stories and 45 feet in height. The request to construct 42 units results in an overall proposed density of 24 du/ac and three-story structures up to approximately 37 feet in height is consistent with the land use density and development requirements envisioned for this area.

2. Specific Plans Goals and Objectives:

The proposed Project would be consistent with the goals and objectives of the Southern Entry District that encourages opportunities for residential development around a local commercial node. The land use concept for the Southern Entry District (mixed use overlay) accommodates a housing type for those who do not want or need a traditional detached single-family home with yard, but who may prefer a suburban area. The mixed-use overlay zone offers flexibility to allow new higher-density housing options. The Project would redevelop an underutilized parcel and abandoned use. The Project also would increase the residential population within the area, thereby increasing the volume of shoppers, frequency of diners, and patrons to the local businesses. The additional residents along the corridor ultimately would continue to improve the overall economics of the area and the business community while providing additional ownership opportunities.

3. Fiscal Analysis:

New development can provide a significant benefit to a city or county. As part of the overall decision-making process to move forward with a proposed development project, it is important to evaluate the contributions and demands that development will place upon a public agency's general fund and the city or county's ability to provide ongoing public services. To avoid the need for a city or county to subsidize new development, cities and counties can establish or require special funding mechanisms to ensure that new development pays for itself.

In this particular instance, the City of Escondido hired a financial consultant in 2019 who conducted a Fiscal Impact Analysis ("FIA") and determined that future ongoing revenue received as a result of new residential units throughout the city is less than the cost to provide municipal services, including police, fire and infrastructure maintenance, to those new units. In January 2020, the results of the FIA were presented to the City Council. On April 8, 2020, a Resolution was passed declaring the City's intent form a Community Facilities District (collectively referred to herein as the "CFD") to offset the cost of governmental services associated with new development, as identified in the FIA.

CFD No. 2020-1, Citywide Services, was formed by City Council on May 13, 2020. The special tax that will be assessed on properties as a result of the development of new residential units is based upon the FIA that was prepared to support the creation of CFD No. 2020-01. Developers to whom these residential project entitlements are assigned are responsible to establish a funding mechanism to provide a source of funds for the on-going municipal services required for the project. The benefit of entering CFD No. 2020-01 is that the annexation process is significantly streamlined, which saves staff time and costs to Developers.

The Applicant/Owner has signed a letter of consent to agree to enter into the CFD (provided as Attachment 4). Therefore a condition has been added to the Conditions of Approval, Exhibit "C" of Resolution No. 2020-11, to reflect the Applicant's submission of the unanimous consent form and interest annex the Project into the CFD. Based on the adopted Resolution, the subject property falls under the "Category 2" rate at \$725.00 per unit per year through June 30, 2021. Based on a 42 unit development, the current estimated annual amount for ongoing services is \$30,450.00 subject to annual adjustments.

4. Non-Emergency Demolition Permit

The property contains a single-story Colonial Revival-style adobe building constructed by Charles H. Paxton in 1946, which he used as a model home for the Longview Acres Estate subdivision that consisted of over 25 adobe homes. Charles Paxton was part owner and operator of the Adobe Brick Manufacturing Company in Escondido and the Adobe Construction Company in La Jolla. In 1962 and the building was remodeled into "Pat Brillo's Adobe Hacienda Mexican Restaurant." The restaurant was renamed "Los Amigos" in 1964 when Benjamin Cueva, Sr. took over. In 2017, the "Hacienda de Vega" restaurant lease was terminated and the property has remained vacant since that time.

The proposed Project includes the demolition of the 1946 adobe structure and all accessory structures on the site. The Applicant prepared a Historic Resources Evaluation Report (included in the draft Initial Study/Mitigated Negative Declaration Appendices) to determine the level of historic significance for the existing structures and to assess potential eligibility for national, state or local historic registers. Although the 1946 adobe structure and accessory structures are not identified on the City's Historic Sites Survey or listed as a Local Register structure/property, the initial historic letter report prepared by Brian Smith and Associates indicated that because the building is potentially eligible for listing on the Escondido Register, impacts to the structure are potentially significant under CEQA. Based on the results of the initial analysis, a detailed Historic Structures Assessment was prepared by Brian Smith and Associates. The adobe brick structure was evaluated as eligible for designation on the City of Escondido Register under eligibility Criteria 1, 3, 5 and 7. However, the Assessment concluded the building only retains two of seven original aspects of integrity; is structurally unsound; and does not currently meet code requirements for commercial or residential structures.

Because of the historic nature of the 1946 adobe structure and potential eligibility for listing on the Local Historic Register, demolition of the structure is subject to the provisions of Article 40 (Historic Resources) of the Escondido Zoning Code and would require the approval of a Non-Emergency Demolition Permit by the City Council, subject to the findings listed below. The Historic Resources Ordinance also requires the Historic Preservation Commission and City Council to conduct noticed public hearings prior to the demolition of a significant historic resource. Staff believes the proposed project would be in conformance with the following findings:

1. *That the City of Escondido's inventory of significant historical resources is not diminished by the demolition of the subject resource, and that remains in the community a like resource, i.e., use, site, architectural style, or example of an architect's work;*

There remains in the community and surrounding area similar adobe resources that were constructed during the same time period and reflect the Colonial Revival-style of architecture. Although the building was one of the first in the area to be built by Charles Paxton and served as the model home for the surrounding Longview Acres Estates residences, an entire subdivision of similarly designed and constructed residences is still present in Escondido along Verda Avenue, Ultimo Avenue, Ross Land and Las Palmas Avenue. Some of these structures were designed by another adobe developer, the Weir Brothers, that also are historic in age and represent the same style and type of adobe residential construction portrayed by the 2608 South Escondido Boulevard building.

2. *That all feasible economic and physical alternatives to demolition have been evaluated, and that the applicant has shown that there is no alternative left to pursue, other than demolition;*

The subject site is located within the South Centre City Specific Plan (Southern Entry District). The Project includes the development of 42 condominium units on the 1.75-acre site, along with grading, supporting roadway improvements, internal driveways and infrastructure to support the proposed development in accordance with the provisions of the South Centre City Specific Plan. The Applicant has shown that there is no reasonable alternative left to pursue, other than demolition. The overall site and buildings have fallen into significant disrepair since being shuttered in 2017. Based on an evaluation of the building by the Applicant's consultants, the structure appears to be structurally unsound and currently does not meet building code requirements for commercial and/or residential structures. The Applicant has indicated the estimate cost for proposed demolition, salvage and rebuilding of the 2,725 SF building is approximately \$350 per square foot, which would make the proposed Project unfeasible from a total development cost and project objective standpoint. In addition, due to its central location on the lot, incorporating the existing structure into the design of the Project for commercial or recreational purposes is impractical and would result in a significant reduction in developable area for the multi-family components of the Project; therefore, making the overall Project infeasible.

3. *That the continued existence of the historical resource is detrimental to the public health, safety and welfare;*

Since shuttering of the restaurant and change of ownership of the property, the site has faced a constant breach of the security fencing surrounding the property and break ins of the existing buildings despite continued efforts to secure the property and repair vandalism. The building and grounds have not been maintained since the restaurant was closed and has fallen into disrepair, with some of the building and landscape elements removed and/or damaged. The Escondido Police Department has cleared the site of trespassers on a number of occasions at the property owner's request. Neighboring residents in the adjacent multi-family project also have complained

that trespassers of the site have been stealing packages throughout the complex. Therefore, until this site can be cleared of the structures and despite the ongoing attempts to adequately secure the site, it will continue to serve as an attractive nuisance for trespassers and remain a threat to the public health, safety and welfare.

4. *If the property is approved for demolition, the Historical Society and/or other appropriate historic agency has access to the building to retrieve any historic material, and to provide photo documentation of the resources conducted according to Historic American Building Survey (HABS) specifications;*

Appropriate mitigation measures listed below have been included to reduce impacts to less than a significant level and the Historical Society and/or other appropriate historic agency will have access to the building to retrieve any historic material.

MM/CUL-1: The Project Applicant shall ensure Level I or II Historic American Buildings Survey documentation (or equivalent) of the residence be conducted in order to achieve mitigation by exhausting the research potential of the resource.

MM-CUL-2: Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.

MM-CUL-3: The Project Applicant shall work with Planning staff or other qualified professional to institute an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district. An example of an interpretive program may be installation of interpretive signs or commemorative plaques in a publicly accessible and visible location that describe the history of the site must be installed prior to certificate of occupancy.

5. *The applicant shall have, or will have a plot plan or development plan approved by the city prior issuance of a demolition permit.*

The proposed Project and environmental determination will be considered by the City Council along with this request for a non-emergency demolition permit at a noticed public hearing. Should the Project not be approved, the demolition of the building would not be authorized.

The Historic Preservation Commission ("HPC") considered the request on July 16, 2020 and voted 2-2 (Commissioners Cowan and Breitenfeld voting No, Commissioner Rea recusing herself and two absent)¹ regarding a motion to approved the recommended Findings of Fact to support the Non-Emergency Demolition Permit. A tie vote is an effective denial of the motion. Thirteen (13) letters/emails were received from the public regarding the demo request and were read aloud at the hearing. The HPC staff report and correspondence is included as Attachments "2."

1. HPC Commissioner vote corrected at the 9/22/20 PC Hearing

Each of the thirteen (13) letters/emails expressed opposition to the demolition. Subsequent to the HPC hearing, staff has received three (3) additional letters/emails. The correspondences express concerns regarding the demo permit, traffic, or supporting the Project. These correspondences are provided as Attachment "3." City staff also received notification of a change.org petition to preserve and rehabilitate the site and convert the surrounding area into a park. The link is provided below. (The link is being provided as a convenience and for informational purposes only. The City does not bear any responsibility for the accuracy, legality, or content of the external site or for that of subsequent links.)

https://www.change.org/p/citron-townhomes-residents-preserve-rehabilitate-historic-site-and-convert-surrounding-land-into-a-community-park?cs tk=&utm_campaign=335e3eb71a2345aa8fcab526dbd5c228&ut

A. PROJECT COMPONENTS:

1. Design:

The Applicant proposes to construct 42 air-space condominium units consisting of eight (8) three-story structures within the Southern Entry District of the South Centre City Specific Plan with a resulting density of 24 dwelling units per acre (du/ac). The design includes a mix of two- and three-bedroom units. Up to 95 parking spaces are proposed that include a combination of enclosed two-car garages for each unit with eleven open guest spaces. The building is approximately 37 feet in height to the top of ridgeline and incorporates a California/Mediterranean style of architecture with varying wall planes and rooflines, S-type tile roofs, white and earth tone stucco exterior, exposed rafter tails and wooden trellis and window elements, fabric window awnings and arched entryways. Open space amenities includes exterior passive and active recreation areas and private upper-story decks for each unit. Project plans are attached to this staff report as Exhibit "D" to draft Planning Commission Resolution No. 2020-11.

2. Open Space Common Areas and Private Areas:

A minimum of 300 square feet of open space is required per unit, which would require 12,600 square feet of open space. The Project would provide a combination of private and common open space areas totaling approximately 15,620 square feet to include passive landscape and active recreation areas. Each unit also would contain a private upper-story deck. A large landscape storm water basin would be located along the southern and eastern perimeter of the site, but this area is not factored into the passive landscape open space area. The basin also includes specifically designed tree wells to accommodate perimeter trees without affecting the function of the basin.

3. Circulation and Parking

The Project fronts onto and will take access from South Escondido Boulevard on the west. South Escondido Boulevard is classified as a Local Collector Road (66' right-of-way) on the City's Circulation Element Map. A single driveway would provide access to the project with an internal looped private circulation pattern. Secondary access could be provided in an emergency via a proposed locked gate towards the northeastern corner of the site through the adjacent motel parking lots, but the easement only is authorized for public utility access and is designed to accommodate the extension of the sewer and water mains. The Project is required to widen the street along the Project frontage to include curb, gutter and sidewalk to connect to existing sidewalk north and south of the site. The Project will restripe the roadway to install a dedicated left-turn lane into the site. Full width improvements are not provided along the western side of South Escondido Boulevard due to location/configuration of Centre City Parkway. The Project will be required to install a raised curb along the western side of the roadway to match existing improvements to the north. On-street parking would be restricted along the Project frontage. The Project would provide a total of 95 parking spaces through a combination of individual two-car garages for each unit along with 11 open guest spaces (including one disabled space). The Project is consistent with the code provisions for the amount of individual unit and guest spaces required for multi-family projects. The necessary 80 cubic yards of additional storage would be provided for each unit within the garage with the installation of overhead storage racks.

B. SUPPLEMENTAL DETAILS OF REQUEST

1. Property Size: 1.75 acres (2 parcels)
2. Number of Units: 42 air-space condominium units within 8 separate buildings
3. Density: 24 dwelling units per acre (42 units per 1.75 acres). Southern Entry District allows up to 30 du/ac
4. Building/Unit Mix: 8 separate three-story buildings consisting of 4, and 6 unit configurations.
8 Plan 1 (2B/2.5 BA) 1,185 SF
13 Plan 2 (2B = Den/2.5 BA) 1,265 SF
10 Plan 3 (3 B/2.5 BA) 1,600 SF
11 Plan 4 (3B + Den/2.5BA) 1,750 SF
5. Building Height: 3 stories up to approximately 37 feet in height (top of ridgeline). The Southern Entry District allows structures up to 3 stories and 45 feet in height. The zoning code allows certain non-habitable elements to exceed height limits, include towers and other architectural features and equipment.

6. Design/Materials: Mediterranean style design with varying wall planes and roof lines. S-style tile roof in orange/red tones. White and tan and earth tone stucco exteriors. Stone cladding wall accents for Buildings A fronting South Escondido Boulevard. Lower floor stone accents on Building D.

	<u>Required</u>	<u>Proposed</u>
7. Parking:	94 spaces	95 (includes 42 garage and 11 open) 80 cf storage provided in garages with hanging racks

8. Setbacks	<u>Required</u>	<u>Proposed</u>
Street Front (SEB):	10' (1st and 2nd story) 8' setback for 3rd story	10' and 8' 3rd story step back Bldgs. 1 and 2
Side (north and south)	5'	5'+
Rear: (east)	15'	15'+

9. Open Space	<u>Required</u>	<u>Proposed</u>
	300 SF per unit x 42 12,600 SF required	<u>15,620</u> total open space includes 12,540 SF common area 3,080 SF private decks

10. Signage: All building/wall signage and freestanding signage subject to conformance with the South Centre City Specific Plan and Article 66 (Sign Code).

11. Landscaping: New ornamental landscaping throughout premises and perimeter irrigation, and street trees to be provided along S. Escondido Boulevard. Bioretention features are designed within the landscaped areas.

12. Trash: Individual trash storage areas provided within each garage. Trash collection service would be provided by Escondido Disposal.

13. Heating & Ventilation: Heating, ventilation, and air conditioning (HVAC) units would be installed on ground-level pads for each units. All HVAC equipment would be installed on mechanical pads with visual screening.

C. AVAILABILITY OF PUBLIC SERVICES

1. Effect on Police Service – The proposed Project would be served by the Escondido Police Department (EPD). The EPD maintains the standard initial response times of less than 5 minutes for Priority 1 calls and less than 6.5 minutes for Priority 2 calls (General Plan Community Protection Element). The proposed project would result in an increase of residents in the area, but this increase is accounted for in the General Plan and is expected to generate an incrementally increased demand for police protection services.
2. Effect on Fire Service – The site is served by Fire Station Nos. 5 (2319 Felicita Road) and the Fire Station No. 1 (310 North Quince Street), which is within the seven and one-half minute response time specified for urbanized areas in the General Plan. 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. The Project is required to improve the S. Escondido Boulevard frontage with curb, gutter and sidewalk. A dedicated left turn lane into the Project would be striped within S. Escondido Boulevard. Parking along S. Escondido Boulevard is restricted. A raised curb would be installed along the western side of S. Escondido Boulevard.
4. Utilities – City sewer mains with sufficient capacity to serve the Project are available within the adjacent roadways and utility easements. 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.

D. ENVIRONMENTAL STATUS:

A Draft Initial Study/Mitigated Negative Declaration (“IS/MND”) was issued for a 20-day public review, beginning on March 16, 2020, and ending April 6, 2020, in conformance with the California Environmental Quality Act (“CEQA”). Sixteen (16) written comments were received during the

public review period. The Final IS/MND incorporates response to comments received during the review period along with mitigation measures that will avoid or reduce potentially significant environmental impacts related to cultural/tribal cultural resources and noise to a less than significant level. The final IS/MND and technical studies are available on the City's web site and be viewed at <https://www.escondido.org/2608-south-escondido-blvd-project.aspx>.

E. CONCLUSIONS:

The proposed Project is consistent with the General Plan and the South Center City Specific Plan as it encourages higher density urban residential growth within the Southern Entry District. The Project would further the Land Use and Community Form goals in Chapter II of the Escondido General Plan, including those related to community character and smart growth, as well as the Housing goals in Chapter IV of the General Plan, which include planning for sustainable growth and providing housing opportunities for all income groups and household types, in addition to others.

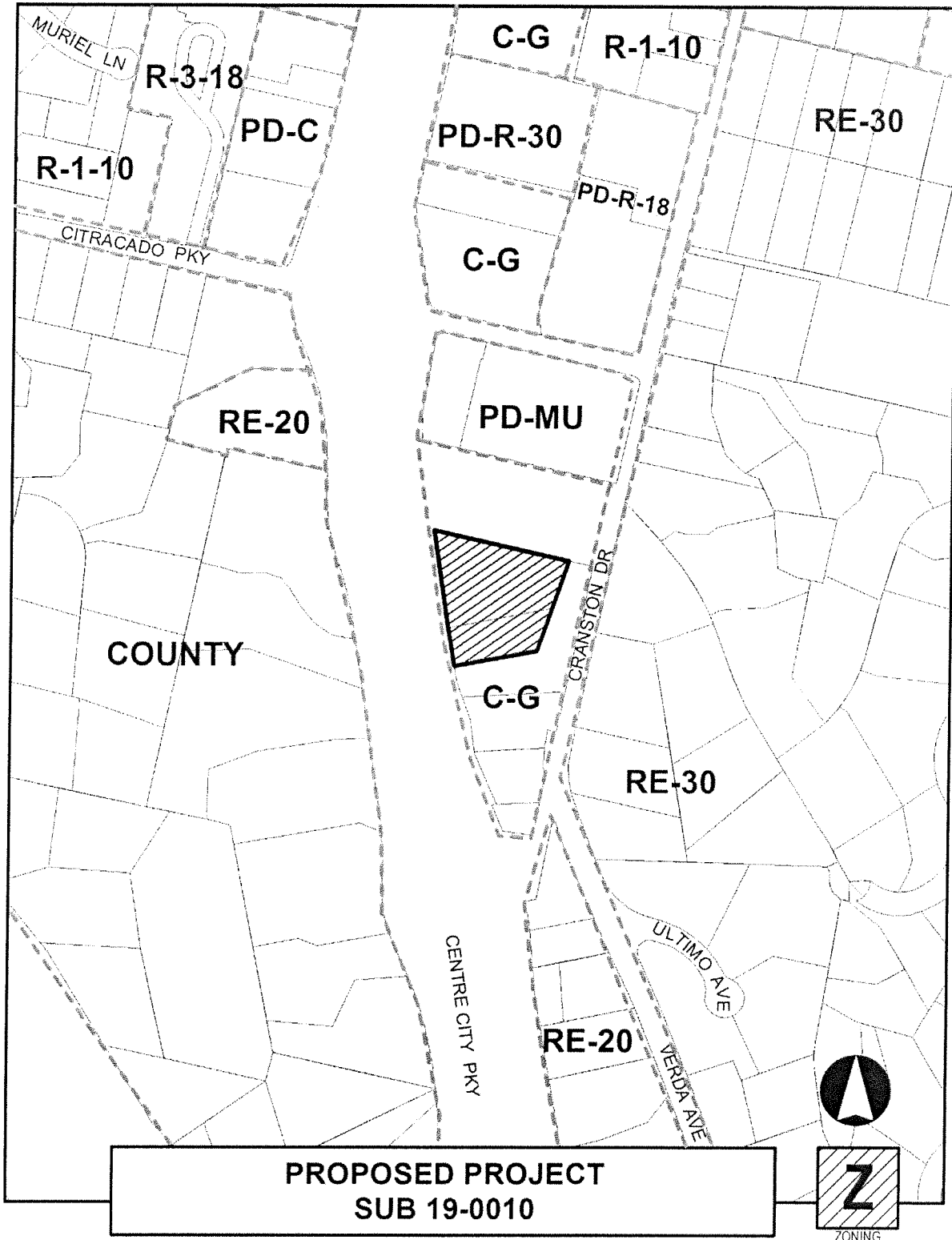
All land use development applications that consist of a Tentative Subdivision Map, Condominium Permit, and Plot Plan are subject to design review and the decision-maker is the Planning Commission. For projects including other discretionary actions at a higher level than the Planning Commission, the design review will also be decided upon at that higher level. Non-Emergency Demolition Permits are issued by the City Council. Therefore, the Planning Commission acts as an advisory body to the City Council on this land use development application request. Staff believes that the proposed Project is consistent with the guiding principles for the South Centre City Specific Plan identified in the Land Use and Community Form Element of the Escondido General Plan because they accommodate the type of high-density urban development envisioned for the area. Staff also believes the proposed Project provides for a well-designed, residential development that will be beneficial to its future residents and provide visual appeal in an area that is currently undergoing significant revitalization.

Staff recommends the Planning Commission adopt Resolution 2019-11, recommending approval of the proposed Tentative Subdivision Map, Condominium Permit, Plot Plan and Non-Emergency Demolition Permit, as described in this staff report, and as detailed in Exhibits "A" through "D" to draft Planning Commission Resolution No. 2020-11.

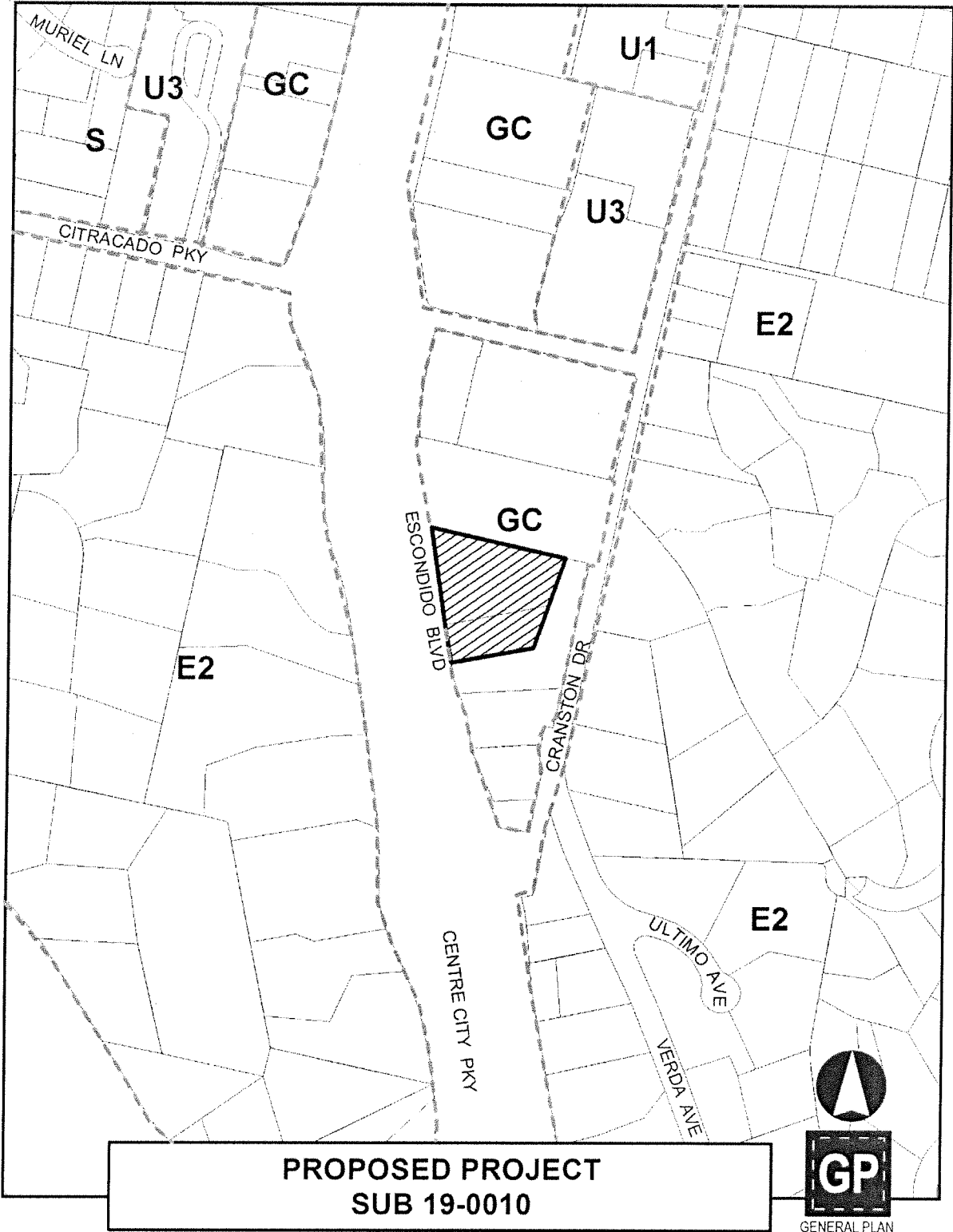
ATTACHMENTS:

1. Location and General Plan Map
2. Historic Preservation Commission staff report and correspondence
3. Comment letter(s)
4. CDF Consent Letter
5. Resolution 2020-11

ATTACHMENT 1



Zoning Map corrected at 9/22/20 PC hearing



General Plan Map corrected at 9/22/20 PC hearing



HISTORIC PRESERVATION COMMISSION

**Agenda Item No.: H.1
Date: July 16, 2020**

TO: Historic Preservation Commission
FROM: Jay Paul, Senior Planner
REQUEST: Non-Emergency Demolition Permit (Case No. SUB 19-0010 and PHG 19-0050)
RECOMMENDATION: Forward recommendation of approval to the City Council

PROJECT DESCRIPTION

The applicant proposes to demolish an historic resource in order to redevelop the subject property. The proposed project involves a one-lot Tentative Subdivision Map and a Condominium Permit (City File Nos.: SUB19-0010 and PHG19-0050) for the development of 42 air-space condominium units. Access to the site would be provided from South Escondido Boulevard, which would be widened and improved with curb, gutter and sidewalk across the project frontage. In order to accommodate the project, the existing adobe structure constructed in 1946 and all accessory structures would be demolished. Article 40 (Historical Resources) of the Escondido Zoning Code requires Historic Preservation Commission (HPC) review of a request for the non-emergency demolition of a historic resource. Per Article 40, the Historic Preservation Commission acts in an advisory role to the City Council on this matter.

LOCATION

The 1.75-acre site generally is located along the eastern side of S. Escondido Boulevard, east of S. Centre City Parkway, south of Citracado Parkway, addressed as 2608 South Escondido Boulevard (APNs 238-152-06-00 and 238-152-07-00).

BACKGROUND

The property contains a single-story Colonial Revival-style adobe building constructed by Charles H. Paxton in 1946, which he used as a model home for the Longview Acres Estate subdivision that consisted of over 25 adobe homes. Charles Paxton was part owner and operator of the Adobe Brick Manufacturing Company in Escondido and the Adobe Construction Company in La Jolla. The pool and detached garage were completed in 1949. A kitchen addition was added to the northeast corner of the building in 1962 and the building was remodeled into "Pat Brillo's Adobe Hacienda Mexican Restaurant" that opened in 1963. The restaurant was renamed "Los Amigos" in 1964 when Benjamin Cueva, Sr. took over. The 1949 detached garage was converted into a bar at an unknown date. A parking lot was constructed to the north of the site in 1996. In 2003, the Vega family leased the property and operated the "Hacienda de Vega" restaurant. Circa 2005, another parking lot was constructed on the southern side of the building. The swimming pool located towards the rear of the building was converted into a "dining deck pond" in 2011. Various additional modifications were made to the site at unknown dates, including the replacement of all exterior doors; replacement of a window and window frame on the west wing; addition of a door opening on the south facade; addition of patio covers and pergolas to the front and back yards; application of plaster patches to the west and south facades of the west wing; enlargement/enhancement of the adobe brick wall surrounding the property; addition of a stone walkway, fountain and backyard landscaping, and replacement of the original roof underlayment. In 2017, the "Hacienda de Vega" restaurant lease was terminated and the property has remained vacant since that time.

HISTORIC RESOURCES ORDINANCE

The proposed project includes the demolition of the 1946 adobe structure and all accessory structures on the site. The applicant prepared a Historic Resources Evaluation Report (included in the draft Initial Study/Mitigated Negative Declaration Appendices) to determine the level of historic significance for the existing structures and to assess potential eligibility for national, state or local historic registers. Although the 1946 adobe structure and accessory structures are not identified on the City's Historic Sites Survey or listed as a Local Register structure/property, the initial historic letter report prepared by Brian Smith and Associates indicated that because the building is potentially eligible for listing on the Escondido Register, impacts to the structure are potentially significant under California Environmental Quality Act (CEQA). Based on the results of the initial analysis, a detailed Historic Structures Assessment was prepared by Brian Smith and Associates. The adobe brick structure was evaluated as eligible for designation on the City of Escondido Register under eligibility Criteria 1, 3, 5 and 7. However, the Assessment concluded the building only retains two of seven original aspects of integrity; is structurally unsound; and does not currently meet code requirements for commercial or residential structures, specifically earthquake compliance due to lack of structural framing.

Because of the historic nature of the 1946 adobe structure and potential eligibility for listing on the Local Historic Register, demolition of the structure is subject to the provisions of Article 40 (Historic Resources) of the Escondido Zoning Code and would require the approval of a Non-Emergency Demolition Permit by the City Council, subject to the findings listed below. The Historic Resources Ordinance also requires the Historic Preservation Commission and City Council to conduct noticed public hearings prior to the demolition of a significant historic resource. Staff believes the proposed project would be in conformance with the following findings:

1. ***That the City of Escondido's inventory of significant historical resources is not diminished by the demolition of the subject resource, and that there remains in the community a like resource, i.e., use, site, architectural style, or example of an architect's work;***

There remains in the community and surrounding area similar adobe resources that were constructed during the same time period and also reflect the Colonial Revival-style of architecture. Although the building was one of the first in the area to be built by Charles Paxton and served as the model home for the surrounding Longview Acres Estates residences, an entire subdivision of similarly designed and constructed residences is still present in Escondido along Verda Avenue, Ultimo Avenue, Ross Land and Las Palmas Avenue. Some of these structures were designed by another adobe developer, the Weir Brothers, that also are historic in age and represent the same style and type of adobe residential construction portrayed by the 2608 South Escondido Boulevard building.

2. ***That all feasible economic and physical alternatives to demolition have been evaluated, and that the applicant has shown that there is no alternative left to pursue, other than demolition;***

The subject site is located within the South Centre City Specific Plan (Southern Entry District). The project includes the development of 42 condominium units on the 1.75-acre site, along with grading, supporting roadway improvements, internal driveways and infrastructure to support the proposed development in accordance with the provisions of the South Centre City Specific Plan. The applicant has shown that there is no reasonable alternative left to pursue, other than demolition. Based on an evaluation of the building by the applicant's consultant's, the structure appears to be structurally unsound and currently does not meet building code requirements for commercial and/or residential structures, specifically earthquake compliance. In order to meet code requirements, the adobe brick walls would need to be reinforced or salvaged and used as a new veneer facade attached to a code compliant block or structurally reinforced new building. The estimated cost for such demolition, salvage and rebuilding of the 2,725 SF building is approximately \$1,000,000, which would make the proposed project financially unfeasible from a total development cost and project objective standpoint. In addition, due to its central location on the lot, incorporating the existing structure into the design of the project is impractical and would result in a significant reduction in developable area for the multi-family components of the project; therefore making the overall project infeasible.

3. *That the continued existence of the historical resource is detrimental to the public health, safety and welfare;*

Since shuttering of the restaurant and change of ownership of the property, the site has faced a constant breach of the security fencing surrounding the property and break ins of the existing buildings despite continued efforts to secure the property and repair vandalism. The building and grounds have not been maintained since the restaurant was closed and has fallen into disrepair, with some of the building and landscape elements removed and/or damaged. The Escondido Police Department has cleared the site of trespassers on a number of occasions at the property owner's request. Neighboring residents in the adjacent multi-family project also have complained that trespassers of the site have been stealing packages throughout the complex. Therefore, until this site can be cleared of the structures and despite the ongoing attempts to adequately secure the site, it will continue to serve as an attractive nuisance for trespassers and remain a threat to the public health, safety and welfare.

4. *If the property is approved for demolition, the Historical Society and/or other appropriate historic agency has access to the building to retrieve any historic material, and to provide photo documentation of the resources conducted according to Historic American Building Survey (HABS) specifications;*

Appropriate mitigation measures listed below have been included to reduce impacts to less than a significant level and the Historical Society and/or other appropriate historic agency will have access to the building to retrieve any historic material.

MM/CUL-1: The project applicant shall ensure Level I or II Historic American Buildings Survey documentation (or equivalent) of the residence be conducted in order to achieve mitigation by exhausting the research potential of the resource.

MM-CUL-2: Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.

MM-CUL-3: The project applicant shall work with Planning staff or other qualified professional to institute an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district. An example of an interpretive program may be installation of interpretive signs or commemorative plaques in a publicly accessible and visible location that describe the history of the site must be installed prior to certificate of occupancy.

5. *The applicant shall have, or will have a plot plan or development plan approved by the city prior issuance of a demolition permit.*

The proposed project and environmental determination will be considered by the City Council along with this request for a non-emergency demolition permit at a noticed public hearing. Should the project not be approved, the demolition of the building would not be authorized.

ENVIRONMENTAL REVIEW

A draft Initial Study/Mitigated Negative Declaration (City File No. ENV 19-0002) was issued for the project in conformance with the California Environmental Quality Act (CEQA). Mitigation measures required under CEQA have been developed to reduce the potential for adverse impacts with respect to cultural/historic resources and noise. The draft IS/MND currently was issued for 20-day public review and comment. The City received 14 written comments regarding the draft environmental document and proposed project. The draft document, technical appendices and public comments are available on the City's web site at: <https://www.escondido.org/2608-south-escondido-blvd-project.aspx>.

SUMMARY

Staff supports the applicant's request for a Non-Emergency Demolition Permit because they have demonstrated there are no reasonably feasible alternatives to demolition of the proposed historic resources in order to develop the proposed multi-residential project with the proposed density and required infrastructure improvements to support the project. In addition, all of the required findings to support the demo permit can be made and appropriate mitigation measures would be implemented.



Charles Paxton Adobe taken around 1949



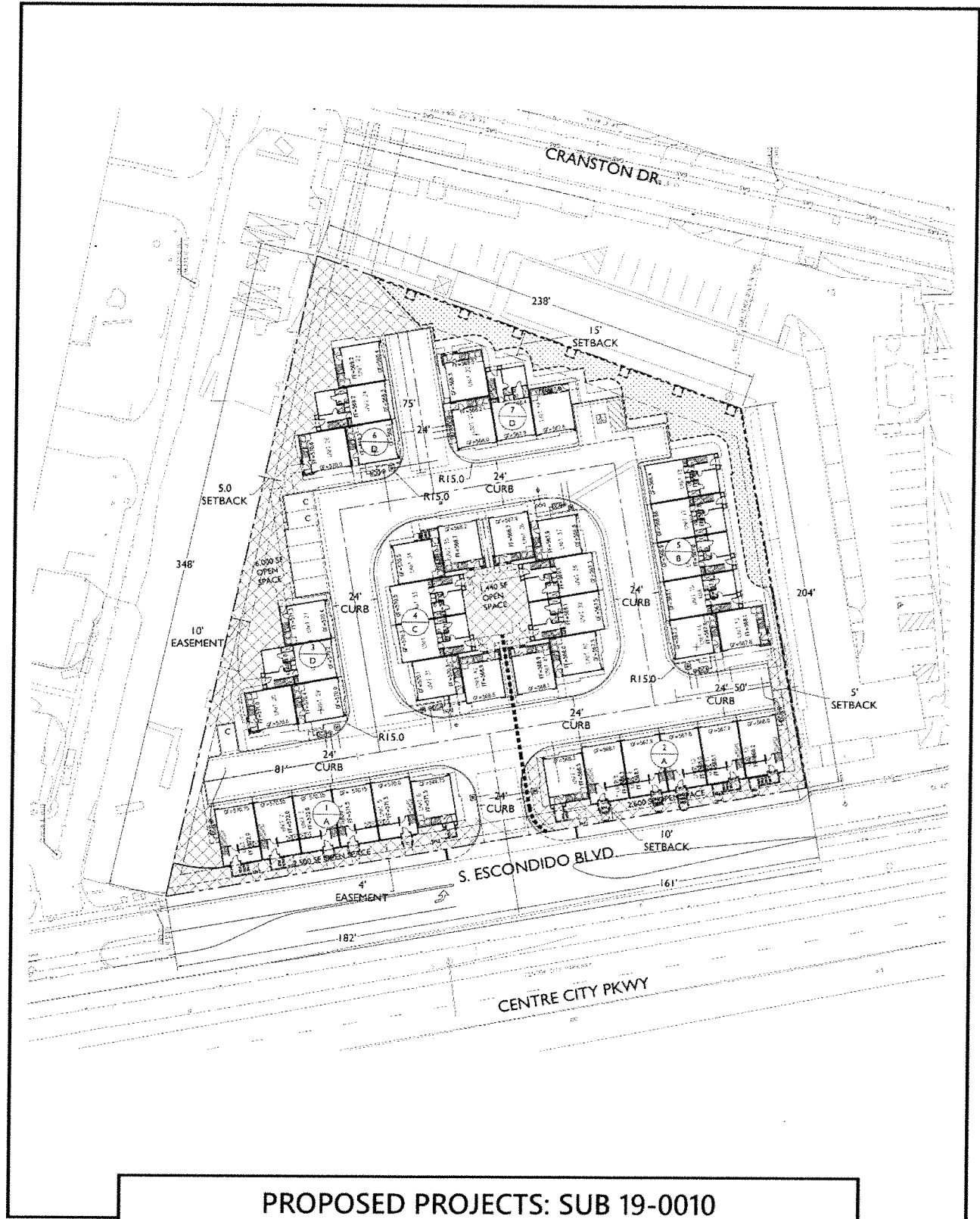
Hacienda de Vega restaurant

PROJECT LOCATION

Image Source: Maxmaxi.com September 2019



 Parcel Boundary



PROPOSED PROJECTS: SUB 19-0010
SITE PLAN

Architectural Perspectives (Building Types A, B, C, D)



Jay Paul

From: noreply@escondido.org
Sent: Wednesday, July 15, 2020 4:20 PM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>

From IP Address: 104.177.113.166

Email jennykhove@gmail.com

Meeting type Historic Preservation Commission

Meeting Date 7/16/2020

Planning Case # PHG 19-0050 SUB 19-0010

Subject Read Aloud

Position In Opposition

First and Last Name Jenny Hove

Escondido Resident False

Street Address 2362 Royal Crest Dr

City Escondido

State CA

Zip 92025

Comments My husband and I moved to Escondido about 12 years ago. We fell in love with its old town charm, the gorgeous scenery, and the many parks in the area. We were able to purchase an adobe house and have been working on the house for several years as we absolutely love the beauty of the older homes. The purpose of this email is to share my concern about two matters regarding the Hacienda de Vega site and its possible 'demolition' and also the construction of an apt. building in its place. 1) One of the charms of a city are those special places, the unique sites and places that your friends, the town's residents, and its visitors always remember. The Hacienda de Vega restaurant was very special and has had a long history in Escondido. Yes, just like our house when we purchased it, it needs cleaning and a bit of sprucing up. Over the past few years we have added TLC to our 1958 home, and that is pretty much what this unused building seems to need as well. Looking over the info regarding this property, I see on one hand it is noted as a historical property. But then when going over the section specifically dealing with its 'historical status' it appears that a decision was made to basically overrule this 'historical' status. There were several sections. I was very surprised to read the many conclusions made. When I read that even the "Integrity of Feeling," referring to its historic sense of property, was overruled, I was floored. And saddened. It is not even historic? I am not going to go through the other sections; this one made me question everything about the integrity of the report. Who was responsible for making this decision? Is this a committee or a person that is an expert in the field? Or, was this decision made by someone with a vested interest in the apartments? 2)The town of Escondido of late is slowly losing its charm with the absorption of apartment areas in small areas. I am in agreement that we all need to contribute to more affordable housing. But the people living there deserve a place with green areas. The neighbors deserve to have parking and not be concerned with excessive congestion, noise and pollution as people attempt to enter and exit the freeway nearby. I appreciate you taking the time to read this. As a person overseeing the planning division I realize you see a need to grow and have the city prosper, but also to keep the specialness of a community as an integral part of the process. Best regards, Jenny Hove

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=61e56b95-102a-4667-a10d-6b692e71c7e7>

Jay Paul

From: noreply@escondido.org
Sent: Wednesday, July 15, 2020 3:19 PM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>

From IP Address: 98.176.92.139

Email erik@zedelmayer.com

Meeting type Historic Preservation Commission

Meeting Date July 16, 2020

Planning Case # PHG 19-0050 SUB 19-0010

Subject Read Aloud

Position In Opposition

First and Last Name Erik Zedelmayer

Escondido Resident True

Street Address 2655 LAS PALMAS AVE

City Escondido

State CA

Zip 92025

Comments We are family that has partially overlooked the subject site for over 15 years. As two working executives, we firmly believe in, and drive, accountability in the slice of corporate America we influence. We expect the same from local government. Historical sites need to be protected, and when a corporate entity purchases one, they have made a commitment to preserve it as well. Everyone should be held accountable. We need our local government to stand up for preservation of historical sites, and not be manipulated by corporations strictly out to increase their profit, then move on to the next project with no long term commitment to the community. The purchaser of the site knew what they were buying, maybe with the assumption that the local government would roll over without opposition later. Please set an important example and precedent here. If an entity purchased the site, they should be expected to integrate and maintain the historical site into their plan, just as we do with our neighboring historic adobe homes. There was not even an appearance of the purchaser trying utilize the facility as a new restaurant, and long before Covid19 surfaced. As our community agents, please preserve our local history. We've kept this short to invite the commissions comments and response, they would be appreciated in this new virtual format. Thank you.

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=f78ab8b9-cdfd-4c93-9ce7-3abbd4627281>

Jay Paul

From: noreply@escondido.org
Sent: Wednesday, July 15, 2020 3:06 PM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>

From IP Address: 104.177.112.58

Email aclausen07@hotmail.com

Meeting type Historic Preservation Commission

Meeting Date 7/16/2020

Planning Case # : PHG 19-0050 SUB 19-0010

Subject Read Aloud

Position In Opposition

First and Last Name Alexa Clausen

Escondido Resident False

Street Address 2030 Ridgecrest Place

City Escondido

State CA

Zip 92029

Comments I wish to oppose the demolition of the Paxton adobe. I authored a brief history of this building in 2014 when it was on the Adobe Home Tour. At the time, the restaurant management, of the former Hacienda de Vega supported the tour by offering a coupon and special dining space to boost the success of this fundraising event. This past April, I submitted my research to City Planning to provide the historical context of this property and to demonstrate that the Paxton adobe meets all of the City Criterion for recognition as a local historic landmark. It had long been a place that connected our community through the many memories that were created through cultural and social events important to many generations of families. With further research, it has become clear that the adobe is a historic resource relating to Escondido's rich Latino history, which is very under-represented in Escondido's Historic Preservation efforts. Following a pattern of economic growth after World War 2, construction of residential neighborhoods were in demand, Escondido was no exception. Citrus grower and land developer, L.R. Green invested in the building of today's Las Palmas neighborhood. Represented in the construction of the Paxton adobe is adobe mason, a skilled tradesman, Abel Sanchez and his family. The commercial development of the adobe expanded significantly when it was converted into a Mexican Restaurant by Pat Brillo Osorio who was well-known to the entire San Diego region for his fine dining restaurants. The adobe addition for restaurant use was contracted with an Escondido adobe builder, Hyrum Arrowsmith, whose family was an multi generational building contractors. Years later, even more popular restaurant was designed and developed by a multi-generation Latino family who purchased the property and restaurant to expand their small business which was once located in downtown Escondido. Ben and Esperanza Cueva elevated their dining establishment, Los Amigos, to a more significant level of popularity as a place where cultural, social and family connected to the larger Escondido community. In the process it became an institution on South Escondido Blvd. The preservation of the adobe will symbolize our community's respect for our heritage --which it deserves as the cornerstone of South Escondido Blvds neighborhood and as a beloved community gathering place. Out-of-towners who purchase our landmarks must be held to our preservation standards and our identity as a City. If they are unhappy with our standards, and do not understand our history and identity, or wish to help us preserve them, perhaps Escondido should not be their city of choice.

A form has been submitted, click the link below to view the submission:

Jay Paul

From: noreply@escondido.org
Sent: Wednesday, July 15, 2020 3:51 PM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>

From IP Address: 68.8.234.129

Email dbartletti@icloud.com

Meeting type Historic Preservation Commission

Meeting Date 7/15/2020

Planning Case # PHG 19-0050 SUB 19-0010

Subject READ ALOUD

Position In Opposition

First and Last Name Diana Bartletti

Escondido Resident False

Street Address 712 Berkeley Way

City Vista

State CA

Zip 92084

Comments My family has a heritage adobe home, built by my father in neighboring Valley Center. I am writing to ask you to support historic preservation of the Paxton Adobe. I grew up in Escondido and have fond memories eating out at such a special restaurant - the old adobe ambience a unique part of Escondido. The Paxton Adobe is a valuable and irreplaceable local treasure, its demolition would be a grievous loss to the community. Thank You Diana Rice Bartletti

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=73e64697-912e-447f-8830-69685e8d88cb>

Jay Paul

From: noreply@escondido.org
Sent: Tuesday, July 14, 2020 2:47 PM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>
From IP Address: 174.65.117.32

Email ahayes.SOHOSanDiego@gmail.com

Meeting type Historic Preservation Commission

Meeting Date 7/16/2020

Planning Case # H1 & H2

Subject 1. NON-EMERGENCY DEMOLITION PERMIT – PHG19-0050, SUB19-0010, ENV19-0007 & 2. NON-EMERGENCY DEMOLITION PERMIT – SUB18-0011, PHG18-0049, ENV18-0009

Position No Position

First and Last Name Amie Hayes, Save Our Heritage Organisation

Escondido Resident False

Street Address 2476 San Diego Avenue

City San Diego

State CA

Zip 92110

Comments City of Escondido^{SEP} Historic Preservation Commission 201 North Broadway Escondido, CA 92025-2798 Re: July 16th agenda – Items H.1) 2608 S. Escondido Blvd. and H.2) 121-141 North Fig St. Historic Preservation Commissioners, Item H.1) 2608 S. Escondido Boulevard - After reviewing the Initial Study/Mitigated Negative Declaration (MND) and the Historic Structure Assessment for the Paxton Adobe at 2608 South Escondido Boulevard, as well as the HPC staff report, Save Our Heritage Organisation (SOHO) continues to find the Paxton Adobe a unique and significant resource, which is intact and eligible for the California Register of Historical Resources (CRHR) under Criteria 1, 2 and 3 as well as the City of Escondido under all seven criteria. A MND does not meet the City's legal requirements under the California Environmental Quality Act (CEQA) with regard to this important resource and SOHO finds an Environmental Impact Report (EIR) must be prepared to strategize ways of preserve the adobe building, as well as to devise mitigation that is appropriate for such a significant resource. Potentially subject to a legal challenge, the Paxton Adobe warrants more than HABS documentation and salvaging of materials. Further, SOHO asserts Findings 1 and 2 under Article 40 have not been made because the City's historical inventory would be diminished through loss of the Paxton Adobe and not all feasible alternatives have been evaluated. First, Finding 1 has not been made due to the Paxton Adobe being a KEY link in the continuity of adobe house construction for the southwestern United States, as well as a model home and office for the Longview Acres Estates subdivision. The staff report notes that "similar adobe resources" of the same time period and style are still existent, however the report does not appear to understand the contextual significance of this specific resource with regard to its various periods of significance, evolutions of use, and association with significant people to Escondido's history. Other adobe resources cannot tell the story of the Paxton adobe because it is unique within the larger historical context and significant beyond its period of construction and style. The staff report should adequately respond to the five other aspects of criteria. The second Finding also fails because there are options other than demolition. Such a large project already has a budget for mitigation and since the report states \$1,000 would be

needed to meet code requirements. It appears inaccurate to assert this is not feasible when HABS documentation to document a demolished building costs more than \$1,000. Further, stating the Paxton adobe cannot be seismically retrofitted is misguided because stabilized adobe resources with short thick walls are inherently stable as well as simple and cost effective to retrofit. SOHO has provided contact information for and encouraged an opinion from respected expert, Tony Court. SOHO finds the Paxton adobe at 2608 South Escondido Blvd. to be a unique and significant resource that is eligible for the CRHR under Criteria 1, 2, and 3 at the local and state levels. This cultural link represents the continuity of building adobe houses throughout the decades within the entire southwestern region and a MND does NOT meet the City's legal requirement under CEQA. Further, Finding 1 and 2 have not been met. Challengeable under CEQA, SOHO asserts an Environmental Impact Report (EIR) must be prepared for the Paxton adobe, which must include alternatives to preserve the full adobe building. Item H.2 - 121-141 North Fig St. - After reviewing the Draft Environmental Impact Report (DEIR), Historic Report, and staff report, Save Our Heritage Organisation (SOHO) encourages the project to make every effort to relocate and/or adaptively reuse this Master Architect Russell Forester resource, which is a modest sized building. Mid Century Modernism is part of Escondido's sense of place, especially for the downtown area; this project should seek to complement its neighborhood, by finding an appropriate new location and helping with relocation costs as part of the mitigation. Thank you for the opportunity to comment, Bruce Coons Executive Director Save Our Heritage Organisation

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=e5465147-0faa-43a4-8d6e-4413c7ebccb5>

Jay Paul

From: noreply@escondido.org
Sent: Tuesday, July 14, 2020 2:51 PM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>
From IP Address: 174.65.117.32

Email bdcoons@aol.com

Meeting type Historic Preservation Commission

Meeting Date 7/16/2020

Planning Case # H1 & H2

Subject Read Out Loud - H1 & H2

Position No Position

First and Last Name Bruce Coons, Save Our Heritage Organisation

Escondido Resident False

Street Address 2476 San Diego Avenue

City San Diego

State CA

Zip 92110

Comments Tuesday, July 14, 2020 City of Escondido^[1] Historic Preservation Commission 201 North Broadway Escondido, CA 92025-2798 Re: July 16th agenda – Items H.1) 2608 S. Escondido Blvd. and H.2) 121-141 North Fig St. Historic Preservation Commissioners, Item H.1) 2608 S. Escondido Boulevard - After reviewing the Initial Study/Mitigated Negative Declaration (MND) and the Historic Structure Assessment for the Paxton Adobe at 2608 South Escondido Boulevard, as well as the HPC staff report, Save Our Heritage Organisation (SOHO) continues to find the Paxton Adobe a unique and significant resource, which is intact and eligible for the California Register of Historical Resources (CRHR) under Criteria 1, 2 and 3 as well as the City of Escondido under all seven criteria. A MND does not meet the City's legal requirements under the California Environmental Quality Act (CEQA) with regard to this important resource and SOHO finds an Environmental Impact Report (EIR) must be prepared to strategize ways of preserve the adobe building, as well as to devise mitigation that is appropriate for such a significant resource. Potentially subject to a legal challenge, the Paxton Adobe warrants more than HABS documentation and salvaging of materials. Further, SOHO asserts Findings 1 and 2 under Article 40 have not been made because the City's historical inventory would be diminished through loss of the Paxton Adobe and not all feasible alternatives have been evaluated. First, Finding 1 has not been made due to the Paxton Adobe being a KEY link in the continuity of adobe house construction for the southwestern United States, as well as a model home and office for the Longview Acres Estates subdivision. The staff report notes that "similar adobe resources" of the same time period and style are still existent, however the report does not appear to understand the contextual significance of this specific resource with regard to its various periods of significance, evolutions of use, and association with significant people to Escondido's history. Other adobe resources cannot tell the story of the Paxton adobe because it is unique within the larger historical context and significant beyond its period of construction and style. The staff report should adequately respond to the five other aspects of criteria. The second Finding also fails because there are options other than demolition. Such a large project already has a budget for mitigation and since the report states \$1,000 would be needed to meet code requirements, it appears inaccurate to assert this is not plausible when HABS

documentation to document a demolished building costs more than \$1,000. Further, stating the Paxton adobe cannot be seismically retrofitted is misguided because stabilized adobe resources with short thick walls are inherently stable as well as simple and cost effective to retrofit. SOHO has provided contact information for and encouraged an opinion from respected expert, Tony Court. SOHO finds the Paxton adobe at 2608 South Escondido Blvd. to be a unique and significant resource that is eligible for the CRHR under Criteria 1, 2, and 3 at the local and state levels. This cultural link represents the continuity of building adobe houses throughout the decades within the entire southwestern region and a MND does NOT meet the City's legal requirement under CEQA. Further, Finding 1 and 2 have not been met. Challengeable under CEQA, SOHO asserts an Environmental Impact Report (EIR) must be prepared for the Paxton adobe, which must include alternatives to preserve the full adobe building. Item H.2 - 121-141 North Fig St. - After reviewing the Draft Environmental Impact Report (DEIR), Historic Report, and staff report, Save Our Heritage Organisation (SOHO) encourages the project to make every effort to relocate and/or adaptively reuse this Master Architect Russell Forester resource, which is a modest sized building. Mid Century Modernism is part of Escondido's sense of place, especially for the downtown area; this project should seek to complement its neighborhood, by finding an appropriate new location and helping with relocation costs as part of the mitigation. Thank you for the opportunity to comment, Bruce Coons Executive Director Save Our Heritage Organisation

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<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=297b6b1f-42f4-423d-a101-f12b5cc17e8b>

Jay Paul

From: noreply@escondido.org
Sent: Wednesday, July 15, 2020 1:53 PM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>

From IP Address: 72.169.96.96

Email mariaweirwerth@gmail.com

Meeting type Historic Preservation Commission

Meeting Date 7/16/2020

Planning Case # PHG 19-0050 SUB 19-0010

Subject Read Aloud

Position In Opposition

First and Last Name Maria A Weir Werth

Escondido Resident False

Street Address 785 Tucker Road, Suite G, PMB 272

City Tehachapi

State CA

Zip 93561

Comments When I saw the green tarp around the old Paxton adobe home my heart sank. I had a feeling then that the City was planning on tearing the building down. I called the Planning Department and was told that was not part of the plan. It's hard to believe that your planning department would be considering this move during a time of a massive world crisis. But what perfect time to get an unpopular thing passed when most people are more worried about staying alive than preserving the City's history. I grew up in Escondido and my father, Larry Weir, and uncle, Jack Weir, started building adobe homes in 1952 under the company name of Weir Brothers. I am very honored that the city chose to preserve one of my family's adobe homes just up the street from this proposed demolition. What is hard to believe is that the house on the chopping block is older and may be one of the oldest adobe homes in the City of Escondido among those which are from the era of mid-century adobe construction revival. I didn't see that addressed in the study and it would seem an important part of this "assessment." The Historic Structure Assessment did mention that the Paxton home was built as a model home for adobe homes in the area. The house was an inspiration to builders and architects and the beginning of the adobe building era. That was one of the reasons my family came to Escondido. How can the authors justify that there is no historical significance when its existence produced a modified Spanish revival building style that spread throughout the city and into the surrounding areas including Poway, Encinitas, Rancho Santa Fe, Pala Mesa and beyond. I spent time last Fall in Escondido researching a book on my father's work in adobe construction. Initially, I was going to write a book on adobe construction in general but found so much history in just my father and uncle's work that I had to narrow the focus on their work. Adobe construction is a specialized trade and very few people are left to keep the legacy alive. That alone should make you take a second look at this project. That home or parts of it should be kept intact to preserve the history that is slipping away. After reading through the report used to substantiate your plans, it became obvious to me that the authors have no adobe building expertise. The closest thing to adobe knowledge is a 2013 study for the Los Peñasquitos Adobe Drainage Project. Did that project include an assessment of the condition of its structure? In addressing the conclusion that due to the lack of rebar the building is unstable, then every building built before the 1950's in the State of California (and beyond) would need to be torn down because they are unstable. In those days it is my understanding that the builders did use horizontal rebar every four courses or so when building adobe walls. They also used a twelve inch or more concrete bond beam across the top of the walls for added stability. The

issue is vertical steel which didn't come into law until the 1970's. Have you ever tried remodeling an adobe home with sixteen-inch-thick walls? These buildings can take an enormous amount of shaking and have done quite well in earthquakes. In the 1952 Tehachapi Earthquake, Portland Concrete presented a fraudulent study to the State of California. They claimed that every adobe failed in that earthquake. They thought adobe was going to take over as a building medium and attempted to get it outlawed even back then. My father and uncle flew up to Tehachapi to determine the extent of the damage and found the buildings that failed were the downtown red brick facades. The adobe buildings were in good condition, with little damage. The brothers presented their findings to the State and Portland Concrete did not show up to defend their unsubstantiated claims. Your study showed that the Paxton home met 4 out of 7 Criterion and yet summarize with a mention about how expensive it would be to preserve the City's history. I wish to repeat the question: did the authors consult an adobe expert? Adobe is not comparable to other traditional building methods. Was an adobe architect or contractor consulted? In my many contacts and research of adobes, the oldest to the more recent adobes dating through California history have been stabilized or restored with the guidance of licensed and professional adobe constructions experts. Escondido should embrace its adobe history instead of wanting to demolish one of the oldest adobe buildings in the city. It may be the oldest from the adobe revival era during the middle of the last century. Has that been determined? Escondido could be known as a destination weekend getaway that would welcome people who are interested in adobe architecture. A driving tour of adobe homes should be made available for those interested in this work. Due to the changes in building codes, adobe homes are no longer built. There may be no adobe manufacturing brickyards left in California. You would have to travel to another state or country to see anyone building with adobe. I urge you not to tear down Escondido's historical home. Adobe homes are so precious and no longer built. They are beautiful and significant. The adobe is an amazingly well insulated structure. They have an insulation factor that surpasses most building materials. The homes are warm in the winter and cool in the summer. If you ever lived in an adobe home like I have or spent time inside of one, you would have a change of heart. Yours truly, Maria A. Weir Werth Former resident of Escondido From 1953 – 1969 (1538 So. Escondido Blvd. and Windsong Lane)

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=10ede339-b51c-4607-9419-a9cba4c46ba4>

Jay Paul

From: noreply@escondido.org
Sent: Wednesday, July 15, 2020 6:04 PM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>

From IP Address: 68.7.175.32

Email sage.yarns@yahoo.com

Meeting type Historic Preservation Commission

Meeting Date 7/16/2020

Planning Case # unknown

Subject 2608 S. Escondido Blvd demolition

Position In Opposition

First and Last Name Victoria Tenbrink

Escondido Resident False

Street Address 2425 Cranston Dr. Unit 3

City Escondido

State CA

Zip 92025

Comments I oppose this demolition.. There are already 4 (count them, 4) large, multifamily complexes strung along S Escondido Blvd most of them relatively new. One of them opened just last yea, and it isr near or actually adjacent to the historic site. There are already serious traffic safety issues getting onto the City Center I-15 on ramp at W Citracado Pkwy morning and evenings There are a lot of people being jammed into the terminus of Escondido Blvd. The City needs to relieve the pressure and look at providing open space, recreation, fine dining, and other amenities that provide quality of life to Escondido residents. This is a perfect location for combining these needs with historic preservation. The adobes of the neighborhood behind Escondido Blvd are actually world famous (the residential Weir adobes). I believe preservation is the best and highest use of this property, I understand about 1 million dollars would be needed for earthquake stabilization and other safety measures. I suggest the City pursue funding for this, so that a piece of Escondido's fine history will be enjoyed by residents of the local multifamily and single family dwellings near this location, as well as by all of Escondido and the surrounding area..

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=b8a567da-85b9-4cc3-9db0-ee8e7dad208f>

July 16, 2020

Shaunté Johnson
2548 S. Escondido Blvd Unit 910
Escondido, CA 92025

Greetings Members of the Committee,

As a resident of the Citron Townhomes and member of the Escondido Community, I am writing you to ask that you preserve and rehabilitate the deteriorated historic property identified as the Spanish Colonial Revival style adobe structure and converting the surrounding plot of land into a community park. The historic property provides tangible links to the community's historical and cultural history. The maintenance, rehabilitation, and adaptive reuse of older buildings creates economic benefits locally and are sustainable and green practices.

- **It is an efficient use of resources.** Historic preservation conserves resources, reduces waste, and saves money by repairing and reusing existing buildings instead of tearing them down and building new ones. Reusing a historic structure versus tearing it down and building with new materials helps to greatly reduce the carbon footprint of a building.
- **It can add character and/or charm to a community, and emphasize its uniqueness.** The preservation of old buildings, neighborhoods, and landscapes can determine the look of a community, and may be an attraction for tourists as well. If these elements are historically significant or unusual, they can also be a source of community pride, and lead to other improvements.
- **It can attract investment and change the nature of a deteriorating neighborhood or area.** A rehabilitated historic building or neighborhood might be the focus of a new residential or commercial development. An area restored to its original appearance could serve as a magnet for tourists, and provide jobs for local residents. Local residents could also be employed in rehabilitation or restoration as artisans or workers, if they have the skills, or as trainees. In the latter case, by the end of the project, many may have developed enough competencies as carpenters, masons, or the like to start new careers.

Sincerely yours,

Shaunté Johnson

Works Cited:

Office of Historic Preservation. Local Preservation Commission Resources. State of California, 2020, http://ohp.parks.ca.gov/?page_id=24832. Accessed July 16, 2020

The Community Tool Box. Center for Community Health and Development at the University of Kansas, 1994-2020, <https://ctb.ku.edu/en/table-of-contents/implement/physical-social-environment/historic-preservation/main>. Accessed July 16, 2020

Jay Paul

From: Jay Paul
Sent: Wednesday, July 15, 2020 11:55 AM
To: Kirsten Peraino
Cc: Jay Paul
Subject: FW: [EXT] Hacienda de Vega

Another item for HPC item H.1

From: katherine fromm
Sent: Wednesday, July 15, 2020 11:47 AM
To: Jay Paul ; katherine fromm ; aclausen07@hotmail.com
Subject: [EXT] Hacienda de Vega

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

To the Historic Preservation Commission

I was born and raised here. My family knew members of the Green family, since we have been here since the 30s.

I object strenuously to the demolition of buildings associated with historic preservation--particularly an adobe building.

The developers of this site can use the building within their planning of houses/condos--whatever, which they are doing for a profit, not for the soul and well-being of Escondido.

Thank you,

Katherine B. Fromm
Class of 59, Escondido (Union) High School
Palomar College etc.

907 Luna Vista Drive (Park Hill

Jay Paul

From: Jay Paul
Sent: Wednesday, July 15, 2020 8:24 AM
To: Kirsten Peraino
Cc: Jay Paul
Subject: FW: [EXT] Fw: Sight disabled comments for HPC vote - Paxton demolition request

Kirsten:

Here is a real aloud public comments for item H.1 on the HPC agenda for Thursday ("Hacienda de Vega")

Jay

From: Alexa Clausen
Sent: Tuesday, July 14, 2020 9:05 PM
To: Jay Paul
Cc: Lucy Berk
Subject: [EXT] Fw: Sight disabled comments for HPC vote - Paxton demolition request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Hello Jay: Below is a response from Lucy. She cannot manage to fill-in the Read Aloud Form because of sight impaired issues. Could you please enter Lucy's Read Aloud response so that it is put into the record for the HPC meeting on Thursday? I do not know of any provisions for this disability, so I agreed to assist Lucy in this matter.

**Thank you.
Alexa**

From: Lucy Berk <lucyberk@att.net>
Sent: Tuesday, July 14, 2020 4:03 PM
To: Alexa Clausen <aclausen07@hotmail.com>
Subject: Re: Comments for HPC vote - Paxton demolition request

A: I just can't do the sending; poor vision, poor skills. If you can forward for me I will be most appreciative. Thanks, Lucy

Paxton Adobe

The charming curb appeal of the Paxton Adobe should be enough to keep it on the original site. The aesthetically pleasing building portrays the Spanish Colonial Style representing the time that California was part of Mexico.

It serves as an introduction to the historic community adobe homes picturesquely scattered over the former Green Ranch.

The building has witnessed the transportation and population changes along its roadway since WWII, from a two-lane country road to an interstate to a freeway off ramp.

The Paxton Adobe, built of indigenous material, has served Escondido as a home, plant nursery, restaurant, glass shop, and again an extremely popular eating, drinking, and meeting spot.

It should be re-purposed again in a new residential complex as a picturesque entrance, community activity rooms, manager's office and home, or some other imaginative service to its new community and in turn preserve its long recognize roadside charm for passers by.

I urge you to vote to preserve the Paxton Adobe on site.

Lucy Berk

760-745-5667

710 W. 13th Ave., F208

Escondido, CA 92025

lucyberk@att.net

Jay Paul

From: noreply@escondido.org
Sent: Monday, July 13, 2020 10:59 AM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>

From IP Address: 68.111.207.24

Email tracibass@coldwellbanker.com

Meeting type Historic Preservation Commission

Meeting Date 7/15/2020

Planning Case # PHG 19-0050 SUB 19-0010

Subject Paxton Adobe

Position In Opposition

First and Last Name Traci A Bass

Escondido Resident False

Street Address 608 S Grape St

City Escondido

State CA

Zip 92025

Comments This is an Historic building and I feel it would be a shame to destroy it. It is the pathway to the Adobe Home district. I feel the build could use the home in this development as a club house or something else which would be of use to the community he his building. Also I am hoping he is planning on having the buildings look like they are adobe. I know there used to be a building ordinance in the area that everything build had to appear to look adobe.

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=a264fc75-0008-4de3-bff9-5da44813e57a>

Jay Paul

From: noreply@escondido.org
Sent: Wednesday, July 15, 2020 4:04 PM
To: Kirsten Peraino
Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>

From IP Address: 162.201.148.46

Email fox@escondidohistory.org

Meeting type Historic Preservation Commission

Meeting Date 7/16/2020

Planning Case # PH-19-0050

Subject Read Out Loud

Position In Opposition

First and Last Name Robin Fox

Escondido Resident False

Street Address 1806 S. Juniper

City Escondido

State CA

Zip 92025

Comments The former Hacienda de Vega restaurant was originally the Charles Paxton adobe and the model home for L. R. Green's launch of adobe home construction. It is an Escondido landmark! The City Planning Dept. is well aware of its authenticity and contribution to Escondido's history. Several years ago adobe construction was honored by the City as part of the preservation of Escondido's heritage. This particular property was singled out and received its own award. For this and other reasons, the demolition of the adobe should not be permitted.

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=eecd01e-43e6-44e8-8804-6965d33a79c3>

ATTACHMENT 3

Correspondence received since HPC meeting on

From: noreply@escondido.org <noreply@escondido.org>

Sent: Sunday, September 13, 2020 1:15 PM

To: Kirsten Peraino <kperaino@escondido.org>; Mike Strong <mstrong@escondido.org>; Adam Finestone <afinestone@escondido.org>

Subject: Form Submission Received - (Community Development Department and related decision-making body Comment Form)

From Url: <https://www.escondido.org/public-comment-form.aspx>

From IP Address: 68.111.153.129

Email tmatsu@pacbell.net

Meeting type Planning Commission

Meeting Date 9/22/2020

Planning Case # SUB 19-0010

Subject "Hacienda De Vega" Condo Project traffic mitigation

Position No Position

First and Last Name Ted Matsuoka

Escondido Resident True

Street Address 2990 Su Siempre Pl

City Escondido

State CA

Zip 92025

Comments This is the fourth high density project around the South Escondido/Citracado intersection. While I acknowledge the city has made improvements to the intersection (3 way stop from 2 way stop, left turn only lane from North bound Escondido, and lengthening the green light time for Citracado), the city has not acted to improve flow from South bound Escondido by putting in a left turn/through traffic lane. City engineers just keep telling me it will be done with the next project. A street resurfacing project was completed with no change. There is no indication that this latest housing project will include this needed through/left turn lane (please don't make it left turn ONLY - it needs to also be for through traffic). I have no objection to high density in-fill projects, I just want the city to do all it can to mitigate the traffic impacts to residents.

A form has been submitted, click the link below to view the submission:

<https://www.escondido.org/FormWizard/ViewSubmission.aspx?mid=5324&pageid=3185&rid=d60f524f-170c-419e-8b5c-5c2e2f506fab>

From: noreply@escondido.org <noreply@escondido.org>
Sent: Wednesday, September 09, 2020 2:56 PM
To: Mike Strong <mstrong@escondido.org>
Subject: Contact Executive Staff - Planning: Project 2608 S. Escondido Blvd

Marion Hanlon
hanlonmarion1@gmail.com

Dear Mike,

As one of the two Historic Preservation Commissioners in favor of the demolition of the property known in general as the Hacienda de Vega adobe, I wanted to let you know that I am still in favor of it's demolition. This property is in extremely poor condition and the location of the adobe on the property makes it impossible to build around. Currently it is providing shelter to homeless and this is not doing the property any favors.

While I am committed to and believe in saving our historic resources, I believe that this property is just too degraded. Considering the cost and use of the property I am in favor of the proposed project. The plans that were presented to us were thoughtful and considerate with moderate density. The commemorative wall constructed from reclaimed site materials is a good nod to the past.

I urge your approval of the project and any necessary permits to allow it.

Sincerely

Marion Hanlon,

Historic Preservation Commission

HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10_13_6) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/84.0.4147.125 Safari/537.36
REMOTE_HOST: 68.7.158.213
REMOTE_ADDR: 68.7.158.213
LOCAL_ADDR: 10.255.2.56

Jay Paul

From: Gayle Powers <gaylepowers@sbcglobal.net>
Sent: Tuesday, September 8, 2020 6:40 PM
To: Jay Paul
Cc: dbartletti@icloud.com; bloescher@lma.la; adobe622@yahoo.com; Carol C Rea; lcyberk@att.net; Alexa Clausen; Maria Werth; chirosurf@sbcglobal.net; vincentnrossi@sbcglobal.net; dixon222@cox.net; jennykhove@gmail.com; erik zedelmayer.com; ttmatu@pacbell.net; AHayes SOHO
Subject: [EXT] Re: Hacienda de Vega condo project (City file No. SUB 19-0010)

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Hi Jay

Thanks for the notifications. Could you remind us what step of the bureaucratic process this public meeting is before the final decision?

Also is the Community Development Department considering a “pocket park” within this corridor of density housing? If not then when and how is that something is put on an agenda to ensure future projects along South Escondido Blvd. that incorporates “green space” amongst the concrete now before it’s too late.

If that was to happen and the adobe bricks are all that’s left of Hacienda de Vega my suggestion is they are incorporated into a pocket park. This could be a walkway with the bricks and art that focuses on the incredible history of the adobe homes and bricks that are such an interesting part of Escondido history. Developer fees, grants and private fundraising could include “preserving history” in a way that contributes to making a city and neighborhood unique and in this situation may be the best of all compromises in regards to this situation.

I will not be able to attend the virtual meeting but if my input can be put on record by this email I would appreciate it.

Thanks,
Gayle Powers

On Sep 8, 2020, at 4:49 PM, Jay Paul <jpaul@escondido.org> wrote:

See attached public hearing notice for the September 22, 2020 Planning Commission hearing regarding the Hacienda de Vega condo project.

<image001.jpg>

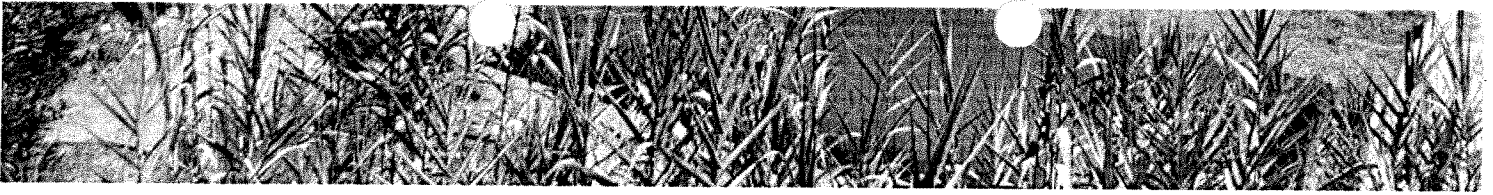
Jay Paul
Senior Planner
Community Development Department | City of Escondido
Direct: 760-839-4537
jpaul@escondido.org

Petition details Comments Updates



Escondido: Preserve, rehabilitate Historic site, and convert surrounding land into a Park





290 have signed. Let's get to 500!



Shaunté Johnson started this petition to Senior Planner | Community Development Department | City of Escondido Jay Paul and 1 other

Preserve and rehabilitate the deteriorated historic property identified as the Spanish Colonial Revival style adobe structure and converting the surrounding plot of land into a community park. The historic

property provides tangible links to the community's historical and cultural history. The maintenance, rehabilitation, and adaptive reuse of older buildings creates economic benefits locally and are sustainable and green practices. It is an efficient use of resources. Historic preservation conserves resources, reduces waste, and saves money by repairing and reusing existing buildings instead of tearing them down and building new ones. Reusing a historic structure versus tearing it down and building with new materials helps to greatly reduce the carbon footprint of a building.

It can add character and/or charm to a community, and emphasize its uniqueness. The preservation of old buildings, neighborhoods, and landscapes can determine the look of a community, and may be an attraction for tourists as well. If these elements are historically significant or unusual, they can also be a source of community pride, and lead to other improvements.

It can attract investment and change the nature of a deteriorating neighborhood or area. A rehabilitated historic building or neighborhood might be the focus of a new residential or commercial development. An area restored to its original appearance could serve as a magnet for tourists, and provide jobs for local residents. Local residents could also be employed in rehabilitation or restoration as artisans or workers, if they have the skills, or as trainees. In the latter case, by the end of the project, many may have developed enough competencies as carpenters, masons, or the like to start new careers.

Start a petition of your own

[Start a petition of your own](#)

[This petition starter stood up and took action. Will you do the same?](#)

[Start a petition](#)

Updates

Gratitude

[Thank you so much for your support!! Will you help me to get more support by sharing this petition with ten other people? If enough of us sign we can't be ignored! Here's a link to share <http://chnng.it/fZk2w2V>](#)

Gratitude

[Thank you so much for your support!! Will you help me to get more support by sharing this petition with ten other people? If enough of us sign we can't be ignored! Here's a link to share <http://chnng.it/fZk2w2V>](#)

Jay Paul

From: Shaunté Johnson via Change.org <change@e.change.org>
Sent: Wednesday, July 22, 2020 10:36 AM
To: Jay Paul
Subject: [EXT] New petition to you: Escondido: Preserve, rehabilitate Historic site, and convert surrounding land into a Park

CAUTION : This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

change.org

Jay Paul: you've been listed as a decision maker

Shaunté Johnson started a petition on Change.org and listed you as a decision maker. Learn more about Shaunté Johnson's petition and how you can respond:



Shaunté Johnson is petitioning Jay Paul (Senior Planner | Community Development Department | City of Escondido)

Escondido: Preserve, rehabilitate Historic site, and convert surrounding land into a Park

Preserve and rehabilitate the deteriorated historic property identified as the Spanish Colonial Revival style adobe structure and converting the surrounding plot of land into a community park. The historic property provides tangible links to the community's historical and cultural history....

[View the petition](#)

WHAT YOU CAN DO

- 1. View the petition:** Learn about the petition and its supporters. You will receive updates as new supporters sign the petition so you can see who is signing and why.
- 2. Respond to the petition:** Post a response to let the petition supporters know you're listening, say whether you agree with their call to action, or ask them for more information.
- 3. Continue the dialogue:** Read the comments posted by petition supporters and continue the dialogue so that others can see you're an engaged leader who is willing to participate in open discussion.

CHANGE.ORG FOR DECISION MAKERS

On Change.org, decision makers like you connect directly with people around the world to resolve issues. Learn more.

This notification was sent to jpaul@escondido.org, the address listed as the decision maker.

[Privacy policy](#)

ATTACHMENT 4
UNANIMOUS APPROVAL

Community Facilities District No. 2020-1
of the City of Escondido (Services)

SEPT 1, 2020

Community Facilities District No. 2020-1
of the City of Escondido (Services)
201 North Broadway
Escondido, CA 92025
Attention: City Manager

The City of Escondido (the "City") has formed Community Facilities District No. 2020-1 of the City of Escondido (Services) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the "Act"). The purpose of the District is to finance (1) certain services (collectively, the "Services") described in Attachment "B" to Resolution No. 2020-24 of the City Council of the City adopted April 9, 2020 (the "Resolution of Intention") caused by development within the District and (2) "Incidental Expenses" as said term is defined in the Rate and Method of Apportionment.

The undersigned property owner (the "Owner") here by states and certifies as follows:

1. This Unanimous Approval is submitted by the Owner who is the record owner of fee title to the real property and improvements thereon as described in Attachment "A" hereto (collectively, the "Annexation Territory"). The Owner has provided the District sufficient and current evidence of their ownership of fee title to the Annexation Territory and possesses all legal authority necessary to execute this Unanimous Approval.

2. There are no registered voters residing within the Annexation Territory and have been none during the 90-day period preceding SEPT 1, 2020.

3. This Unanimous Approval constitutes the unanimous approval of the Owners in favor of the following within the meaning of Sections 53329.6, 53339.2 and 53339.3 of the Act:

(a) Annexation. The annexation of the Annexation Territory to the District for the purpose of financing the Services and Incidental Expenses set forth in Attachment "B" to the Resolution of Intention.

(b) Special Tax. The levy of special taxes (the "Special Tax") in the Annexation Territory to finance the Services and the Incidental Expenses in accordance with the Rate and Method and this Unanimous Approval.

Pursuant to Section 53329.6 of the Act, this Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in this Section 3 for purposes of the California Constitution, including, but not limited to Articles XIII A and XIII C.

4. The Owner hereby acknowledges that no further hearings or procedures are required with respect to the approval of the matters set forth in Section 3 above.

5. The Owner understands and hereby unanimously approves that the Special Tax is authorized to be levied on the Annexation Territory annexed to the District, and the lien is a continuing lien which shall secure each annual levy of the Special Taxes and which shall continue in force and effect until the Special Tax obligation is canceled in accordance with law or until the Special Tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

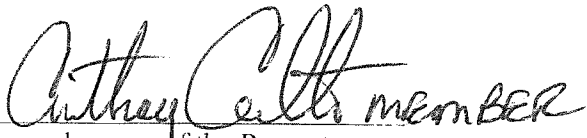
6. The Owner hereby waives any and all requirements with respect to the approval of the matters set forth in this Unanimous Approval, including without limitation, the preparation of an impartial analysis, arguments or rebuttals concerning elections as provided for by Elections Code Sections 9160 to 9157, inclusive, and 9190 and preparation of a tax rate statement as provided in Section 9401 of the Elections Code and any further notices of such approvals as may be required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the approval process set forth herein, the Owner waives compliance with any and all provisions of the Elections Code and Government Code, with any time limits or other procedural requirements pertaining to this Unanimous Approval.

The undersigned hereby represents that compliance with any additional procedural requirements for the Unanimous Approval provided for herein, including the receipt of any arguments for or against such approval and impartial analyses and the time limitations which may apply in connection with scheduling, mailing and publishing notices, are unnecessary in light of the fact that the undersigned has received sufficient information regarding the imposition of the special tax as set forth in Resolution No. 2020-44 of the City Council of the City adopted May 13, 2020 (the "Resolution of Formation") to allow it to properly complete the this Unanimous Approval. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of this Unanimous Approval and any proceedings taken in connection therewith or the levy of the special tax to finance the costs of the Services for the benefit of the Annexation Territory.

7. The Owner hereby authorizes the District to execute and record in the office of the Recorder of the County of San Diego, a notice of special tax lien in accordance with Streets & Highways Code Section 3117.5, which shall give notice that a lien to secure payment of the Special Tax is imposed by the District.

8. This Unanimous Approval shall be effective upon its execution and delivery.

The foregoing Unanimous Approval is hereby executed this 15th day of SEPT 2020 in ENCINITAS, California.


Anthony C. Member
record owner of the Property.

ATTACHMENT A
ANNEXATION TERRITORY

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

Assessor's Parcel Nos: 238-152-06, 07

ATTACHMENT 5

Planning Commission
Hearing Date: September 22, 2020

Effective Date: September 23, 2020

PLANNING COMMISSION RESOLUTION NO. 2020-11

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF ESCONDIDO, CALIFORNIA,
RECOMMENDING APPROVAL OF A TENTATIVE
SUBDIVISION MAP, CONDOMINIUM PERMIT, PLOT
PLAN AND NON-EMERGENCY DEMOLITION PERMIT
FOR A 42-UNIT CONDOMINIUM DEVELOPMENT

APPLICANT: Kitchell Development Company / South Escondido L.P.

CASE NO: SUB 19-0010; PHG 19-0050 and ENV 19-0007

WHEREAS, Kitchell Development Company / South Escondido L.P. ("Applicant"), filed a land use development application (Planning Case Nos. SUB 19-0010 and PHG 19-0050) constituting a request for a Tentative Subdivision Map along with a Condominium Permit and Plot Plan for the proposed development of 42 air-space, three-story condominium units ("Project"). A Non-Emergency Demolition Permit is requested for the proposed demolition of a Spanish Colonial Revival-style adobe structure constructed in 1946 that is classified as a historic resource. The approximately 1.75-acre site generally is located on the eastern side of S. Escondido Boulevard, south of Citracado Parkway, addressed as 2608 S. Escondido Boulevard (APNs 238-152-0600 and 238-152-0700), in the Southern Entry District of the South Centre City Specific Plan; and

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

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

WHEREAS, multi-family residential development (air-space condominium units) are permitted uses within the Southern Entry District of the South Centre City Specific Plan, subject to the approval of a Tentative Subdivision Map, Condominium Permit and Plot Plan; and

WHEREAS, pursuant to CEQA and 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, on September 22, 2020, the Planning Commission of the City of Escondido did 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 22, 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; and

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

1. That the above recitations are true and correct.
2. A Final Initial Study / Mitigated Negative Declaration ("IS/MND") has been prepared in compliance with all requirements contained in CEQA, CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation

measures were developed to reduce potential impacts to cultural/tribal cultural resources and noise. The Project Applicant has agreed to implement all mitigation measures identified in the Final IS/MND in order to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the Mitigation Monitoring Reporting Program (“MMRP”) prepared for the Project. Mitigation measures incorporated as part of the Project’s conditions of approval reduce impacts to a level less than significant, therefore a “IS/MND” is appropriate for adoption.

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 and the foregoing, the Planning Commission reached a recommendation on the matter as hereinafter set forth.

4. 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,” and the “MMRP”, hereinafter set forth in Exhibit “E,” is hereby recommended by the Planning Commission for approval by the City Council. 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. The Planning Commission, therefore, recommends City Council approval of the project as described in the September 22, 2020 Planning Commission staff report, and as attached as Exhibit "D".

6. 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.

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

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

2. NOTICE IS FURTHER GIVEN that the 90-day period during which to protest the imposition of any fee, dedication, reservation, or other exaction described in

this resolution begins on the effective date of this resolution, and any such protest must be in a manner that complies with Section 66020.

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 22nd day of September, 2020, by the following vote, to wit:

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

STAN WEILER, Chair
Escondido Planning Commission

ATTEST:

MIKE STRONG, Secretary of the
Escondido Planning Commission

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

KIRSTEN PERAINO, Minutes Clerk
Escondido Planning Commission

EXHIBIT "A"

LEGAL DESCRIPTION

Planning Case Nos.: SUB 19-0010 and PHG 19-0050

PARCEL 1:

ALL THAT PORTION OF LOT "C" OF THE RESUBDIVISION OF LOTS 9, 10, 11, 12 AND 13 IN BLOCK 30 AND LOTS 2, 3, 6, 17, 18, 19, 20 AND 21 IN BLOCK 32 OF HOMELAND ACRES ADDITION TO ESCONDIDO NO. 2, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1721, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1921 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT "C" DISTANT THEREON NORTH 77°48' WEST 75.03 FEET FROM THE NORTHEAST CORNER OF SAID LOT "C"; THENCE ALONG SAID NORTH LINE, NORTH 77°48' WEST 347.62 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED NOVEMBER 29, 1956 IN BOOK 6362, PAGE 146 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 10°21'58" EAST (RECORD 10°28'58" EAST) 244.87 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 10°21'58" EAST 97.82 FEET TO THE SOUTHERLY LINE OF THE LAND DESCRIBED IN DEED TO CHARLES H. PAXTON RECORDED AUGUST 28, 1948 IN BOOK 2928, PAGE 349 OF OFFICIAL RECORDS; THENCE ALONG SAID SOUTHERLY LINE, NORTH 79°08' EAST 204.14 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND; THENCE ALONG THE EASTERLY LINE OF SAID LAND, NORTH 19°03' EAST 112.83 FEET TO A LINE WHICH BEARS NORTH 79°08' EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 79°08' WEST 259.50 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

ALL THAT PORTION OF LOT "C" OF RESUBDIVISION OF LOTS 9, 10, 11, 12 AND 13 IN BLOCK 30 AND LOTS 2, 3, 6, 7, 17, 18, 19, 20 AND 21 IN BLOCK 32 OF HOMELAND ACRES ADDITION NO. 2, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1721, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1921 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT "C" DISTANT THEREON NORTH 77°48' WEST 75.03 FEET FROM THE NORTHEAST CORNER OF SAID LOT "C"; THENCE ALONG SAID NORTH LINE NORTH 77°48' WEST 347.62 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED NOVEMBER 29, 1956 IN BOOK 6362, PAGE 146 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 10°21'58" EAST (RECORD 10°28'58" EAST) 244.87 FEET; THENCE NORTH 79°08' EAST 259.50 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN DEED TO CHARLES H. PAXTON RECORDED AUGUST 28, 1948 IN BOOK 2928, PAGE 349 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE NORTH 19°03' EAST 125.35 FEET TO THE POINT OF BEGINNING.

APNs 238-152-0600 and 238-152-0700

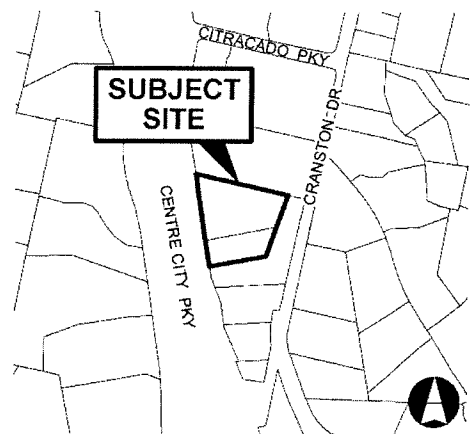


EXHIBIT “B”

Findings of Fact/Factors to be Considered SUB 19-0010 and PHG 19-0050

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 a Final Initial Study / Mitigated Negative Declaration (“IS/MND”) has been prepared (City File No. ENV 19-0007) in compliance with all requirements contained in CEQA, CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation measures were developed to reduce potential impacts to cultural/tribal cultural resources and noise. The Project Applicant has agreed to implement all mitigation measures identified in the Final IS/MND in order to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the Mitigation Monitoring Reporting Program (“MMRP”) prepared for the Project. Mitigation measures incorporated as part of the Project’s conditions of approval reduce impacts to a level less than significant, therefore a IS/MND is appropriate for adoption.

Tentative Subdivision Map Determination(s)

1. The location, design, and residential density of the proposed 42-unit condominium development are consistent with the goals and policies of the Escondido General Plan because high-density residential and mixed-use development is permitted and encouraged in the Southern Entry District of the South Centre City Specific Plan. The proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to plan for quality managed and sustainable growth and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The Project site is physically suitable for the proposed density of development because the property is within a commercial and high-density redevelopment area that was previously used for residential and commercial purposes. The Project site currently is abandoned and in disrepair. Development of the property will assist in the ongoing revitalization of the South Centre City Specific Plan and Southern Entry District by establishing a permanent residential base along the transitioning corridor. The Southern Entry District allows multi-family development up to 30 du/ac. The Southern Entry District permits multi-family/condominium type development with a maximum density up to 30 dwelling units per

acre. Based on the property size of 1.75 acres the underlying zoning would allow up to 52 units with structures up to three (3) stories and 45 feet in height. The request to construct 42 units (overall density of 24 du/ac) with three-story structures up to approximately 37 feet in height, is consistent with the land use density and development requirements envisioned for this area. Furthermore, the proposed Tentative Map is consistent with applicable provisions of the General Plan that addresses growth management and maintaining the fiscal stability of the City because the Applicant minimizes ongoing costs to taxpayers through the establishment of a CFD or other funding mechanism.

2. The approval of the proposed Project would be based on sound principles of land use and is well-integrated with its surroundings near residentially and commercially developed properties because adequate parking, access, on-site circulation, utilities, landscaping and open space would be provided (as detailed in the staff report). The residential project also would not be out of character for the area which contains other multi-story residential developments. The design of the Project would be in conformance with the Southern Entry District because the project would provide residential units to accommodate a wide range of housing needs (with ownership opportunities). The Project includes a variety of amenities such as individual balconies for each unit along with various common areas and features. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
3. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features. The proposed grading design would not result in any manufactured slopes or pad elevations that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views.
4. The Project site is physically suitable for this proposed type of residential development and density of development. Approval of the tentative subdivision map would not violate the requirements, goals, policies, or spirit of the General Plan or South Centre City Specific Plan. The site is suitable for this residential type of development and density because the General Plan and Southern Entry District allows for multi-story high density residential development up to 30 dwelling units per acre. The request to construct 42 units (overall density of 24 du/ac) with three-story structures up to approximately 37 feet in height, is consistent with the land use density and development requirements envisioned for this area. The project would be compatible with the surrounding uses because the subject site within an urban commercial/residential area developed with a variety of commercial and multi-story residential developments of varying density and design. The site is relatively flat and extensive grading is not proposed. The topography of the site allows for appropriate pedestrian access and the creation of buildable pad areas without the need to export or import significant quantities of dirt. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical

features. The Project would be compatible with the surrounding area because the subject site is located within an urban commercial/residential area developed with a variety of commercial and multi-story residential developments of varying density and design. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. Appropriate noise attenuation would be provided for the new units. The proposed project also would not result in a significant impact to biological or natural resources.

5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; unit configuration; traffic and emergency access; grading; and open space and recreational amenities were all reviewed for compliance with relevant City policies and codes. The Project would not cause substantial environmental damage and avoidably injure fish or wildlife or their habitat because the site is located within an urban setting and previously has been developed with a residential/commercial use.
6. The design of the map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map because any existing easements and improvements will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
7. The design of the map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The lot sizes and the subdivision configuration provides opportunities for passive/solar heating.
8. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code (Chapter 33 Zoning) will have been obtained prior to the recordation of the map.
9. The proposed map and associated condominium permit/plot plan will not conflict with regional or local housing because the proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation and public services could be provided to the site. All lots would maintain all development standards of the applicable zone and observe the density of the General Plan and area plans, as noted in the sections above.

10. In consideration of the above, the proposed Project meets all of the requirements of section 66474 of the California Government Code and the proposed map meets all of the requirements or conditions imposed by the Map Act and the Escondido Zoning Code, as detailed in the staff reports, the Escondido General Plan and above findings.

Condominium Permit/Plot Plan

1. The location, design, and residential density of the proposed 42-unit condominium development are consistent with the goals and policies of the Escondido General Plan because high-density residential and mixed-use development is permitted and encouraged in the Southern Entry District of the South Centre City Specific Plan. The proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to plan for quality managed and sustainable growth and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The site is physically suitable for the proposed density of development because the property is within a commercial and high-density redevelopment area that was previously used for residential and commercial purposes. The subject site currently is abandoned and in disrepair. Development of the property will assist in the ongoing revitalization of the South Centre City Specific Plan and Southern Entry District by establishing a permanent residential base along the transitioning corridor. The Southern Entry District allows multi-family development up to 30 du/ac. The Southern Entry District permits multi-family/condominium type development with a maximum density up to 30 dwelling units per acre. Based on the property size of 1.75 acres the underlying zoning would allow up to 52 units with structures up to three (3) stories and 45 feet in height. The request to construct 42 units (overall density of 24 du/ac) with three-story structures up to approximately 37 feet in height, is consistent with the land use density and development requirements envisioned for this area.
2. The overall design of the proposed residential development would produce an attractive, efficient and stable environment for living, because adequate residential amenities, parking, on-site circulation, access, city services and landscaping would be provided, and the design of the development is consistent with a high quality, urban infill project that will provide housing opportunities. The Project's open space is well-designed, properly distributed, and does not unreasonably restrict disabled access. The project contains architectural and site-planning features commonly found in projects that maintain a majority of owner-occupied units.
3. The proposed development would be well integrated into its surroundings, because the new structures would incorporate compatible and integrated architecture, materials and colors, and the Project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties. The proposed grading design would not result in any manufactured slopes or pad that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. Extensive grading is not required to support the Project, and the Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the

site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features.

4. All vehicular traffic generated by the proposed development would be accommodated safely and without causing undue congestion upon adjoining streets, as determined by the Engineering Division and detailed in Final Initial Study/Mitigated Negative Declaration that was prepared for the Project. City services and adequate utilities and other infrastructure can be provided to the project without significant upgrades to existing systems.
5. The improvements are not likely to cause substantial environmental concerns because the property was previously developed and used for residential and commercial/restaurant purposes and on-site paved parking. The site does not contain any sensitive or protected habitat or other environmental concerns that cannot be mitigated as determined during the environmental review. The design of the project and the type of improvements are not likely to cause serious public health problems because the project will not degrade the levels of service on the adjoining streets or drainage system as the project incorporates street and drainage improvements are part of the project and city sewer and water is available to the site.
6. The condominium development will be required to establish a Homeowners Association (HOA) to provide appropriate ongoing maintenance for the Project. The overall size of the project/number of units would be sufficient to provide a sustainable association.

Non-Emergency Demolition Permit

1. *That the City of Escondido's inventory of significant historical resources is not diminished by the demolition of the subject resource, and that remains in the community a like resource, i.e., use, site, architectural style, or example of an architect's work;*

There remains in the community and surrounding area similar adobe resources that were constructed during the same time period and reflect the Colonial Revival-style of architecture. Although the building was one of the first in the area to be built by Charles Paxton and served as the model home for the surrounding Longview Acres Estates residences, an entire subdivision of similarly designed and constructed residences is still present in Escondido along Verda Avenue, Ultimo Avenue, Ross Land and Las Palmas Avenue. Some of these structures were designed by another adobe developer, the Weir Brothers, that also are historic in age and represent the same style and type of adobe residential construction portrayed by the 2608 South Escondido Boulevard building.

2. *That all feasible economic and physical alternatives to demolition have been evaluated, and that the applicant has shown that there is no alternative left to pursue, other than demolition;*

The subject site is located within the South Centre City Specific Plan (Southern Entry District). The project includes the development of 42 condominium units on the 1.75-acre site, along with grading, supporting roadway improvements, internal driveways and infrastructure to support the proposed development in accordance with the provisions of the South Centre City Specific Plan. The applicant has shown that there is no reasonable alternative left to pursue, other than

demolition. The overall site and buildings have fallen into significant disrepair since being shuttered in 2017. Based on an evaluation of the building by the applicant's consultants, the structure appears to be structurally unsound and currently does not meet building code requirements for commercial and/or residential structures. The applicant has indicated the estimate cost for proposed demolition, salvage and rebuilding of the 2,725 SF building is approximately \$350 per square foot, which would make the proposed project unfeasible from a total development cost and project objective standpoint. In addition, due to its central location on the lot, incorporating the existing structure into the design of the project for commercial or recreational purposes is impractical and would result in a significant reduction in developable area for the multi-family components of the project; therefore making the overall project infeasible.

3. *That the continued existence of the historical resource is detrimental to the public health, safety and welfare;*

Since the shuttering of the restaurant and change of ownership of the property, the site has faced a constant breach of the security fencing surrounding the property and break ins of the existing buildings despite continued efforts to secure the property and repair vandalism. The building and grounds have not been maintained since the restaurant was closed and has fallen into disrepair, with some of the building and landscape elements removed and/or damaged. The Escondido Police Department has cleared the site of trespassers on a number of occasions at the property owner's request. Neighboring residents in the adjacent multi-family project also have complained that trespassers of the site have been stealing packages throughout the complex. Therefore, until this site can be cleared of the structures and despite the ongoing attempts to adequately secure the site, it will continue to serve as an attractive nuisance for trespassers and remain a threat to the public health, safety and welfare.

4. *If the property is approved for demolition, the Historical Society and/or other appropriate historic agency has access to the building to retrieve any historic material, and to provide photo documentation of the resources conducted according to Historic American Building Survey (HABS) specifications;*

Appropriate mitigation measures listed below have been included to reduce impacts to less than a significant level and the Historical Society and/or other appropriate historic agency will have access to the building to retrieve any historic material.

MM/CUL-1: The project applicant shall ensure Level I or II Historic American Buildings Survey documentation (or equivalent) of the residence be conducted in order to achieve mitigation by exhausting the research potential of the resource.

MM-CUL-2: Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.

MM-CUL-3: The project applicant shall work with Planning staff or other qualified professional to institute an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district. An example of an interpretive program may be installation of interpretive signs or

commemorative plaques in a publicly accessible and visible location that describe the history of the site must be installed prior to certificate of occupancy.

5. *The applicant shall have, or will have a plot plan or development plan approved by the city prior issuance of a demolition permit.*

The proposed Project and environmental determination will be considered by the City Council along with this request for a non-emergency demolition permit at a noticed public hearing. Should the project not be approved, the demolition of the building would not be authorized.

EXHIBIT "C"

CONDITIONS OF APPROVAL

Planning Case No. SUB 19-0010 and PHG 19-0050

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 Tentative Subdivision Map and corresponding Condominium Permit/Plot Plan shall automatically expire after three (3) 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. **Notice of Determination;** The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two (2) working days of the effective date of the adoption of the environmental document, a check payable to the "County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County

Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increase after the date of this approval, the Applicant shall be responsible for the increase.

- b. For further information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, section 753.5.
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, agents 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 South Centre City Specific Plan and City of Escondido Sign Ordinance (Ord. 92-47, Zoning Code Article 66) for the underling zone, and as may be approved pursuant to the Condominium Permit/Plot 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.

5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
 - a. Prior to issuance of building permit(s), the applicant shall submit an exterior-to-interior noise report completed by a qualified acoustical consultant to demonstrate compliance with interior noise levels as required by the California Building Code of 45 dB. The report shall assume a "windows closed" conditions with regard to vehicles traveling along the adjacent roadways in accordance with the identified speed limits. The report would determine the predicted interior noise levels for the units, and would identify any necessary architectural materials or techniques that would be necessary to conform to interior noise levels.
6. **Lighting.** All exterior lighting shall conform to the requirements of Zoning Code Article 35, Outdoor Lighting).
7. **General Property Maintenance.** The property owner(s) 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. This shall include a combination of appropriate architectural features/screens and landscaping.
11. **Trash Enclosures.** Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning Division and Engineering Department. 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. If public trash enclosures are provided, 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 95 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. 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(s) 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. The final landscape plan shall include an appropriate mix of trees, shrubs and groundcover along the South Escondido Boulevard street frontage in accordance with the South Centre City Specific Plan landscape design requirements.

C. Project Specific Conditions

1. Community Facility District or Separate Funding Mechanism. The Applicant shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding to be determined by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into a Community Facilities District ("CFD") or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.
2. Permitted animals/pets shall be allowed in conformance with those identified in the Escondido Zoning Code for R-4 zoned properties, unless more restrictive standards are applied by the property owner and included in the project CC&Rs.
3. Balconies and patios shall be kept in a neat and orderly manner. Items shall not be hung over, across or on balconies or patios (such as towels, clothing, etc.).
4. Any wall and retaining walls shall incorporate decorative block/finish to complement the overall design of the buildings. This shall be noted on the final plans.

5. The project shall be managed by a professional management company. A self-managed HOA shall not be allowed. This shall be reflected in the project CC&Rs.

D. Mitigation Measures

The approval of the Tentative Subdivision Map, Condominium Permit, Plot Plan, and Non-Emergency Demolition Permit, Planning Case No. SUB 19-0010, PHG 19-0050 and ENV 19-0007, is granted subject to the approval of the Final IS/MND and is subject to all Project features and mitigation measures contained therein and described below. Applicant shall implement, or cause the implementation of the Final IS/MND Mitigation Monitoring and Reporting Program ("MMRP"), provided as "Exhibit E," which is incorporated herein by reference as though fully set forth herein.

Cultural/Tribal Cultural Resources

MM-CUL-1: The project applicant shall ensure Level I or II Historic American Buildings Survey documentation (or equivalent) of the residence be conducted in order to achieve mitigation by exhausting the research potential of the resource.

MM-CUL-2: Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.

MM-CUL-3: The project applicant shall work with Planning staff or other qualified professional to institute an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district. An example of an interpretive program may be installation of interpretive signs or commemorative plaques in a publicly accessible and visible location that describe the history of the site must be installed prior to certificate of occupancy. Although implementation of this mitigation measure may reduce impacts on historical resources, it would not lessen the effects to a less than significant level.

MM-CUL-4: The City Planning Division 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 them. The applicant/owner and the TCA Tribe responsible 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 project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities.

MM-CUL-5: Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

MM-CUL-6: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

MM-CUL-7: During the initial demolition, site grading, excavation, or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

MM-CUL-8: 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 clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

MM-CUL-9: If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe, and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

MM-CUL-10: If a potentially significant tribal cultural resources and/or unique archaeological resource is discovered, the avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

MM-CUL-11: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

MM-CUL-12: 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 TCA Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

MM-CUL-13: 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.

Noise

MM-NOS-1: Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses to the north. In addition, the use of vibratory rollers and

packers should be avoided, as feasible, near sensitive areas.

MM-NOS -2: The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, 5:00 p.m. and 9:00 a.m. on Saturday, and all day on Sunday. Additionally, while construction would occur up to the property edge, the majority of construction would take place in the center of the site, which would be approximately 100 feet from the nearest sensitive receptor. With implementation of mitigation measures N-1 and N-2, impacts would be reduced to less than significant.

BUILDING

1. Approval and subsequent development is subject to all conditions and requirements of the California Building Code and Building Division.

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

1. The Developer shall provide the City Engineer with a Subdivision Guarantee and 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 and Final Map. 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 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. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled, or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
7. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
8. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.
9. The Developer's engineer shall submit to the Planning Division three (3) copies of the Tentative Map as presented to the Planning Commission and approved by the City Council together with any changes contained in the adopted final conditions of approval. The Tentative Map will be certified by the Planning Department verifying that they are an accurate reproduction of the approved Tentative Map and 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 as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, curb returns and pedestrian ramps, drainage, lighting, etc. shall be to the satisfaction of the City Engineer.
2. Prior to first occupancy the developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundary:

STREET

CLASSIFICATION

S. Escondido Blvd.

Mod. Local Collector per Tentative Map
(38' curb-to-curb)

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

3. The project's access drive shall be constructed as an alley-type driveway apron with a minimum throat width of 24-feet and a driveway apron with a 4-foot minimum ADA path of travel maintained near the R/W line to the satisfaction of the City Engineer.
4. All on-site driveways and parking areas are private, and shall be paved with a minimum of 3" asphalt concrete (AC) over 6" of aggregate base (AB) or 7" Portland concrete cement (PCC) over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
5. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director.
6. Public sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
7. The minimum radius of the curb returns at intersecting private streets shall be 28 feet. The entrances to the private alleyways serving as vehicle access to the units off these private streets shall be designed and constructed with 15-foot minimum radius standard curb returns, concrete cross gutters, and pedestrian ramps (where sidewalk is required).
8. 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.
9. 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.
10. Street lighting shall be required on all on-site private streets and alleyways. It shall be the responsibility of the Home Owner's Association to maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&R's.
11. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
12. The address of each dwelling unit shall either be painted on the curb or posted in such a manner that the address is clearly visible from the private roadways. The address shall be placed in a manner and location approved by the City Engineer, Community Development Director, and Fire Marshal.
13. 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.

14. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.

GRADING

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 three (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. 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. The cost of any independent third party review deemed necessary by the City Engineer shall be reimbursed by the developer. 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.
3. All retaining walls and screen walls, stairs and raised landings shall be constructed completely within the Project property and shall not encroach into the public right-of-way.
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 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. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association. Provisions stating this shall be included in the CC&R'S.
3. 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.
4. 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.
5. 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.
6. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
7. 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 Home Owner's Association.
8. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the project to the specifications of the County of San Diego Green Streets manual in effect at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H20 loading.
9. The Home Owner's Association shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right

to require qualified third party testing at the property association's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The Home Owner's Association will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project Home Owner's Association will be responsible to replace the pervious pavers system with an alternate method of storm water treatment.

10. The Developer shall be required to clean the existing corrugated metal pipe storm drain pipe located along the project's frontage on S. Escondido Boulevard, provide the City's Field Engineering Inspector closed-circuit television video of the storm drain pipe, and rehabilitate the pipe with a method that provides a minimum 25-year life expectancy for the pipe. The pipe shall be cleaned and rehabilitated from the existing upstream and downstream in-line storm drain structures.

WATER SUPPLY

1. 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.
2. 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.
3. 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.
4. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
5. The Developer shall construct a 12-inch looped on-site water main designed to provide adequate water service and/or fire protection for the proposed project as shown on the Tentative Map. All proposed water mains shall be sized to provide the required fire flow while still meeting City of Escondido Standards.
6. All water mains shall be looped.
7. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
8. All proposed fire hydrants shall be public and meet the current City of Escondido Standards, and shall connect to a minimum 8" diameter public water main.
9. 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.
10. Backflow prevention assemblies are private and should be located outside public utility easements. Backflows shall be located directly behind the public meter.

11. 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.
12. 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.
13. No trees or deep-rooted plants shall be planted within 10 feet of any public water main.
14. All water mains within easements shall be installed under a minimum 20-foot wide all-weather road surface designed to the satisfaction of the Utilities Engineer.
15. 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.
16. 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.
17. 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.
18. All on-site water lines and backflow prevention devices beyond a City water meter or detector Check valve and/or not in public easements or the City's right of way shall be considered a private water system. The Home Owner's Association will be solely responsible for all maintenance or repair of these water lines and facilities.

SEWER

1. The location and sizing of all sewer mains shall be per City of Escondido Design Standards and to the satisfaction of the Director of Utilities and the Utilities Engineer.
2. Improvement plans for all proposed sewer mains shall be prepared by a Civil Engineer and shall be submitted to the City for review and approval.
3. All sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Director of Utilities and Utilities Engineer.
4. The Developer shall construct 8-inch public backbone sewer systems on-site to serve the project as shown on the Tentative Map.
5. All manholes shall be accessible at all times by City vector trucks.
6. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector. The existing sewer lateral sewerage to the existing public sewer main to the north of the property shall be abandoned at the public main to the satisfaction of the Utilities Engineer and the City

Inspector. After this lateral is abandoned, the existing public sewer main shall be abandoned at the public main in Cranston.

7. The developer shall cap and plug the existing public sewer main currently sewerage under the existing motel to the satisfaction of the Utilities Engineer and the City Inspector.
8. The location of all sewer laterals shall be shown on the improvement plans.
9. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
10. All sewer laterals are considered private and the Home Owner's Association will be responsible for all maintenance and replacement of sewer laterals..
11. A minimum 20-foot all weather access road (suitable for use by the City's vector trucks) shall be required for access to all sewer manholes.
12. There shall be no permanent structures or private utilities located within public sewer or public utility easements. Where it is necessary that the private storm drains share a public easement, they shall be placed on the outer-most edge away from the public sewer or water.
13. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
14. 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 Department and Planning Division. The initial submittal of the landscape plans shall include the required plan check fees.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
2. Public utility easements for sewer, water, storm drain, etc. which are deemed necessary by the City Engineer shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
3. A public utility easement shall be dedicated over the private streets. The public utility easement width shall be 24 feet and extend curb-to-curb.

4. A public utility easement shall be dedicated along the S. Escondido Boulevard project frontage. The public utility easement width shall be 4 feet.
5. The Developer is responsible for making the arrangements to quitclaim all easements of record, which conflict with the proposed development prior to approval of the final map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for any building in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

REPAYMENTS & FEES

1. A sewer repayment of \$1,391.98 is due to the City of Escondido for existing sewer improvements in S. Escondido Boulevard that will serve this development.
2. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
3. 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 Subdivision Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting the waiver. The developer will be required to pay a waiver fee as adopted by City Council resolution.
2. The Developer shall sign a written agreement stating that he has made all such arrangements as may be necessary to coordinate and provide utility construction, relocation and undergrounding. All new utilities shall be constructed underground.

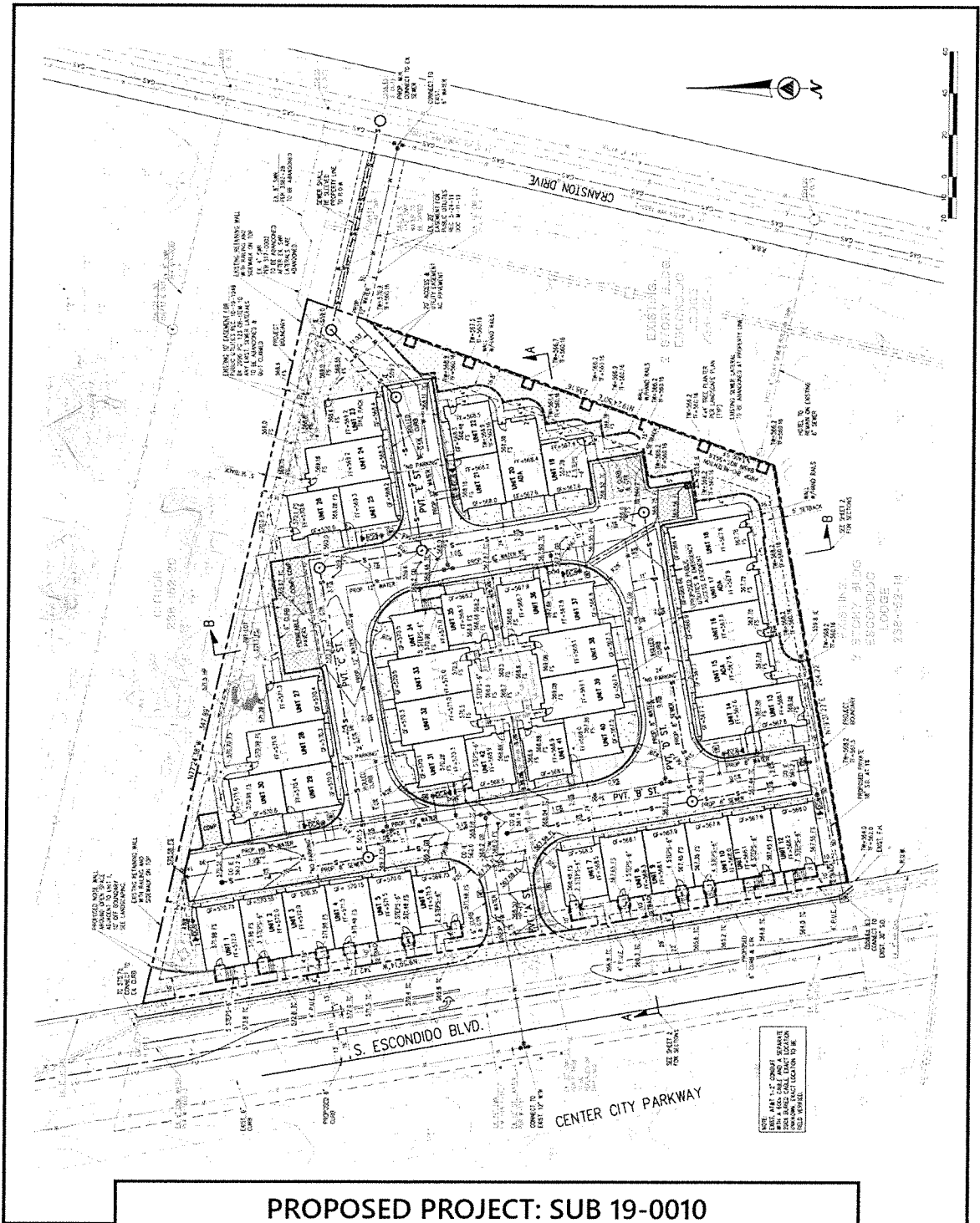
CC&Rs

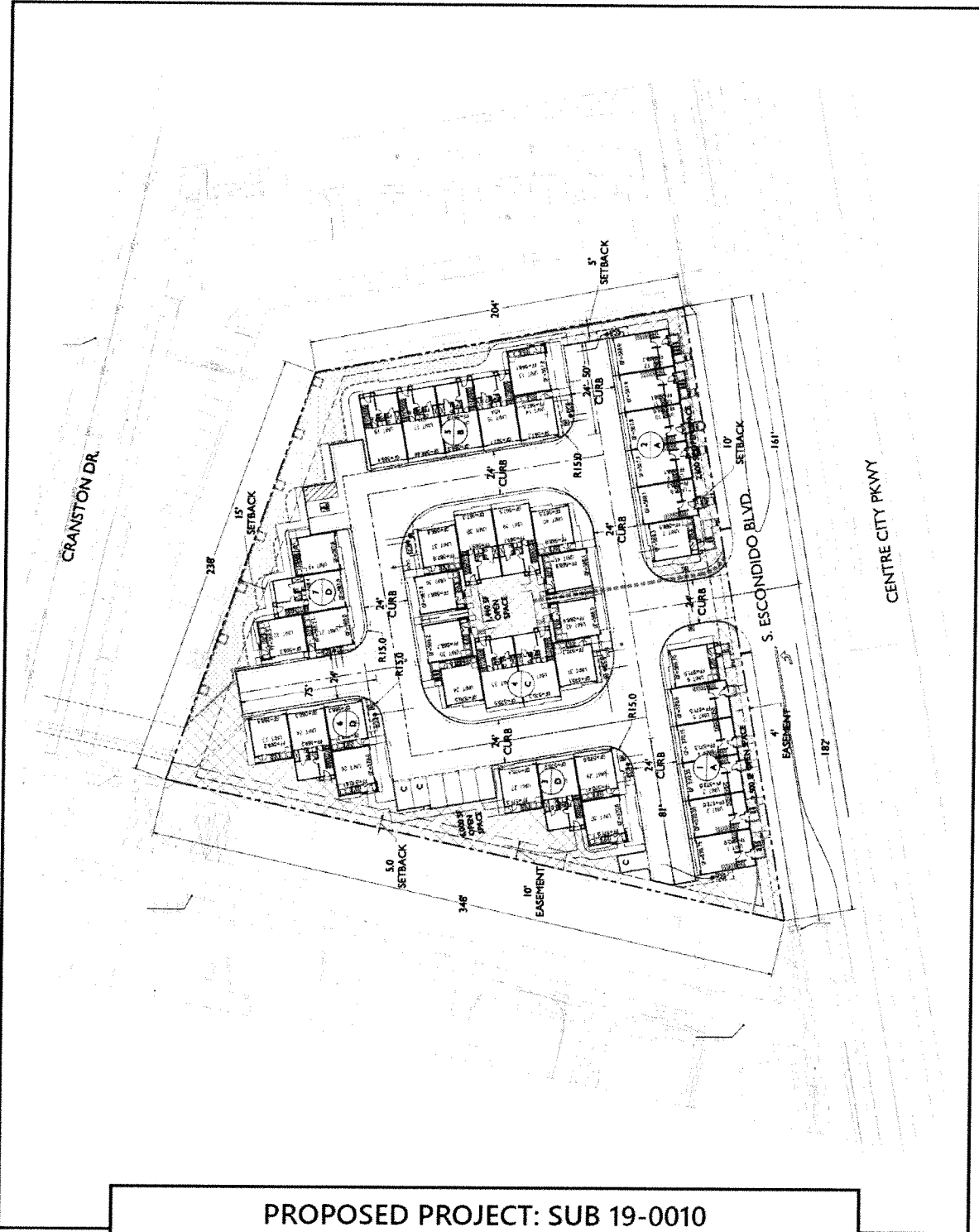
1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Division for approval prior to approval of the Final Map.

2. The Developer shall make provisions in the CC&Rs for maintenance by the Home Owners' Association of private driveways, pavers, parking areas, private utilities (including sewer and water), storm water and drainage facilities, private street lighting, landscaping both onsite and within fronting public right-of-ways. These provisions must be approved by the Engineering and Planning Departments prior to approval of the Final Map.
3. The CC&Rs must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.
4. The CC&Rs must state that if stamped concrete or pavers are used in the private driveway and parking areas, the Home Owner's Association is responsible for replacing the stamped concrete in kind if the City has to trench these areas for repair or replacement of a City utility.
5. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.

EXHIBIT "D"

PROJECT PLANS/EXHIBIT SUB 19-0010 and PHG 19-0050

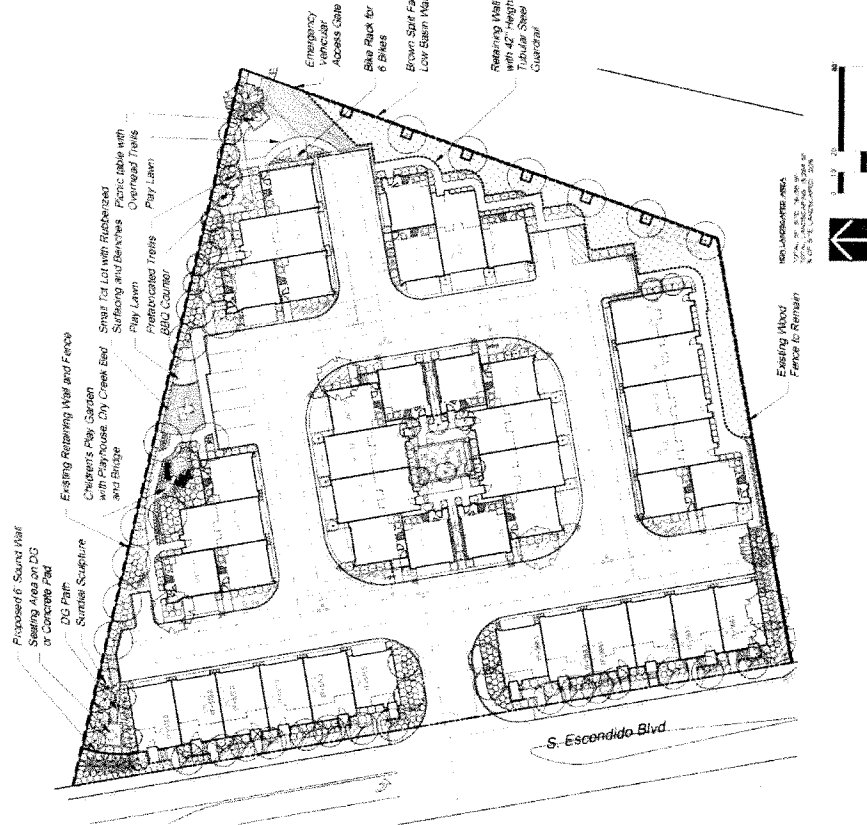




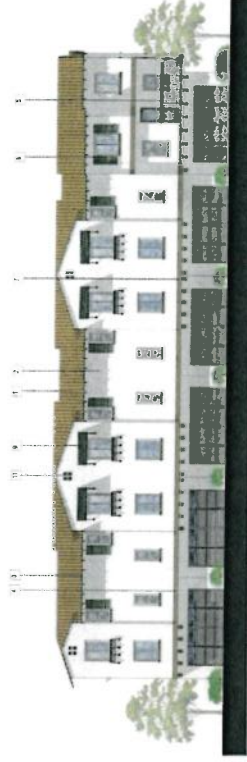
PROPOSED PROJECT: SUB 19-0010
 CONCEPTUAL SITE PLAN

Plant Legend

Tree	Symbol	Plant Name
1	Circle with cross	Shrub Tree, S. Escalante Blvd. (2' Ht.)
2	Circle with dot	Shrub Tree, S. Escalante Blvd. (4' Ht.)
3	Circle with horizontal lines	Shrub Tree, S. Escalante Blvd. (6' Ht.)
4	Circle with vertical lines	Shrub Tree, S. Escalante Blvd. (8' Ht.)
5	Circle with diagonal lines	Shrub Tree, S. Escalante Blvd. (10' Ht.)
6	Circle with wavy lines	Shrub Tree, S. Escalante Blvd. (12' Ht.)
7	Circle with concentric circles	Shrub Tree, S. Escalante Blvd. (14' Ht.)
8	Circle with solid fill	Shrub Tree, S. Escalante Blvd. (16' Ht.)
9	Circle with stippled fill	Shrub Tree, S. Escalante Blvd. (18' Ht.)
10	Circle with dashed fill	Shrub Tree, S. Escalante Blvd. (20' Ht.)
11	Circle with diagonal lines (opposite)	Shrub Tree, S. Escalante Blvd. (22' Ht.)
12	Circle with vertical lines (opposite)	Shrub Tree, S. Escalante Blvd. (24' Ht.)
13	Circle with horizontal lines (opposite)	Shrub Tree, S. Escalante Blvd. (26' Ht.)
14	Circle with wavy lines (opposite)	Shrub Tree, S. Escalante Blvd. (28' Ht.)
15	Circle with concentric circles (opposite)	Shrub Tree, S. Escalante Blvd. (30' Ht.)
16	Circle with solid fill (opposite)	Shrub Tree, S. Escalante Blvd. (32' Ht.)
17	Circle with stippled fill (opposite)	Shrub Tree, S. Escalante Blvd. (34' Ht.)
18	Circle with dashed fill (opposite)	Shrub Tree, S. Escalante Blvd. (36' Ht.)
19	Circle with diagonal lines (opposite)	Shrub Tree, S. Escalante Blvd. (38' Ht.)
20	Circle with vertical lines (opposite)	Shrub Tree, S. Escalante Blvd. (40' Ht.)
21	Circle with horizontal lines (opposite)	Shrub Tree, S. Escalante Blvd. (42' Ht.)
22	Circle with wavy lines (opposite)	Shrub Tree, S. Escalante Blvd. (44' Ht.)
23	Circle with concentric circles (opposite)	Shrub Tree, S. Escalante Blvd. (46' Ht.)
24	Circle with solid fill (opposite)	Shrub Tree, S. Escalante Blvd. (48' Ht.)
25	Circle with stippled fill (opposite)	Shrub Tree, S. Escalante Blvd. (50' Ht.)
26	Circle with dashed fill (opposite)	Shrub Tree, S. Escalante Blvd. (52' Ht.)
27	Circle with diagonal lines (opposite)	Shrub Tree, S. Escalante Blvd. (54' Ht.)
28	Circle with vertical lines (opposite)	Shrub Tree, S. Escalante Blvd. (56' Ht.)
29	Circle with horizontal lines (opposite)	Shrub Tree, S. Escalante Blvd. (58' Ht.)
30	Circle with wavy lines (opposite)	Shrub Tree, S. Escalante Blvd. (60' Ht.)
31	Circle with concentric circles (opposite)	Shrub Tree, S. Escalante Blvd. (62' Ht.)
32	Circle with solid fill (opposite)	Shrub Tree, S. Escalante Blvd. (64' Ht.)
33	Circle with stippled fill (opposite)	Shrub Tree, S. Escalante Blvd. (66' Ht.)
34	Circle with dashed fill (opposite)	Shrub Tree, S. Escalante Blvd. (68' Ht.)
35	Circle with diagonal lines (opposite)	Shrub Tree, S. Escalante Blvd. (70' Ht.)
36	Circle with vertical lines (opposite)	Shrub Tree, S. Escalante Blvd. (72' Ht.)
37	Circle with horizontal lines (opposite)	Shrub Tree, S. Escalante Blvd. (74' Ht.)
38	Circle with wavy lines (opposite)	Shrub Tree, S. Escalante Blvd. (76' Ht.)
39	Circle with concentric circles (opposite)	Shrub Tree, S. Escalante Blvd. (78' Ht.)
40	Circle with solid fill (opposite)	Shrub Tree, S. Escalante Blvd. (80' Ht.)
41	Circle with stippled fill (opposite)	Shrub Tree, S. Escalante Blvd. (82' Ht.)
42	Circle with dashed fill (opposite)	Shrub Tree, S. Escalante Blvd. (84' Ht.)
43	Circle with diagonal lines (opposite)	Shrub Tree, S. Escalante Blvd. (86' Ht.)
44	Circle with vertical lines (opposite)	Shrub Tree, S. Escalante Blvd. (88' Ht.)
45	Circle with horizontal lines (opposite)	Shrub Tree, S. Escalante Blvd. (90' Ht.)
46	Circle with wavy lines (opposite)	Shrub Tree, S. Escalante Blvd. (92' Ht.)
47	Circle with concentric circles (opposite)	Shrub Tree, S. Escalante Blvd. (94' Ht.)
48	Circle with solid fill (opposite)	Shrub Tree, S. Escalante Blvd. (96' Ht.)
49	Circle with stippled fill (opposite)	Shrub Tree, S. Escalante Blvd. (98' Ht.)
50	Circle with dashed fill (opposite)	Shrub Tree, S. Escalante Blvd. (100' Ht.)



**PROPOSED PROJECT: SUB 19-0010
LANDSCAPE CONCEPT PLAN**



REAR



FRONT

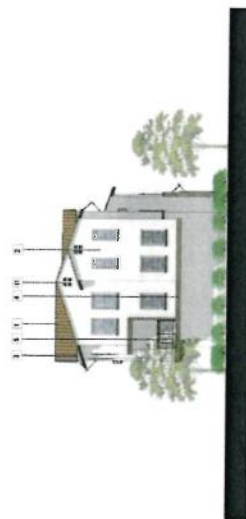
- MATERIAL SCHEDULE**
- 1 ROOF - CONCRETE ROOF TILE
 - 2 WALLS - STUCCO
 - 3 WALKWAY - BRICK PAVING
 - 4 TRIM - 3X6 STAINLESS STEEL
 - 5 DECORATIVE METAL RAILING
 - 6 STONE VENEER
 - 7 DECORATIVE CORNICE
 - 8 DECORATIVE SHUTTERS
 - 9 DECORATIVE AWNINGS
 - 10 DECORATIVE IRON GRILLE
 - 11 DECORATIVE GABLE ACCENT



PERSPECTIVE



RIGHT



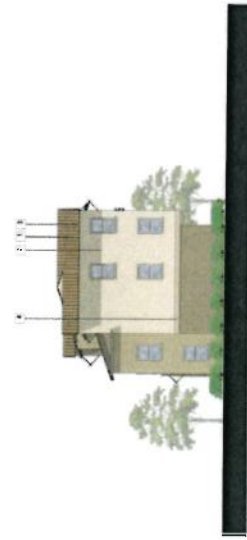
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PERSPECTIVE

**PROPOSED PROJECT: SUB 19-0010
BUILDING A ELEVATIONS - SCHEME A**

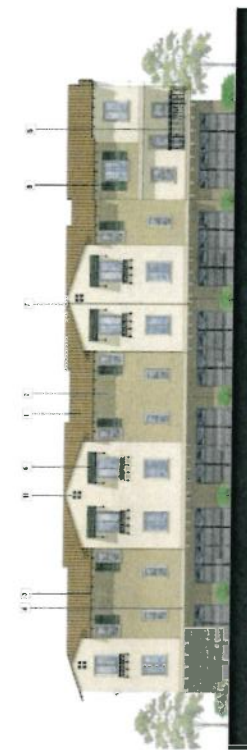
**PROPOSED PROJECT: SUB 19-0010
BUILDING A ELEVATIONS - SCHEME B**



RIGHT



LEFT



REAR



FRONT



PERSPECTIVE



PERSPECTIVE

- MATERIAL SCHEDULE**
- 1 ROOF - CONCRETE ROOF TILE
 - 2 WALLS - STUCCO
 - 3 FACIA - 2X6 RED OAK WOOD
 - 4 TRIM - 2X STUCCO OVER
 - 5 DECORATIVE METAL FINISH
 - 6 STONE VENEER
 - 7 DECORATIVE CORBEL
 - 8 DECORATIVE SHUTTERS
 - 9 DECORATIVE AWNING
 - 10 DECORATIVE BRICK GRILLE
 - 11 DECORATIVE GABLE ACCENT



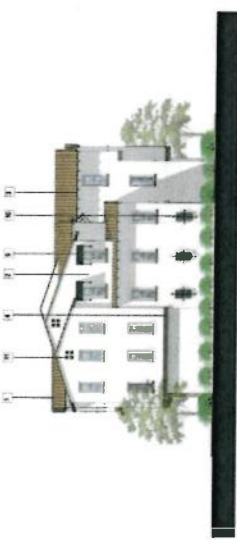
REAR



RIGHT



FRONT



LEFT

- MATERIAL SCHEDULE
- 1 ROOF - CONCRETE ROOF TILE
 - 2 WALLS - STUCCO
 - 3 FASCIA - 3/4" KISSAWA WOOD
 - 4 TRIM - 3X STUCCO OVER
 - 5 DECORATIVE METAL MAILING
 - 6 STONE WRENER
 - 7 DECORATIVE COPREL
 - 8 DECORATIVE SHUTTERS
 - 9 DECORATIVE AWNING
 - 10 DECORATIVE IRON GRILLE
 - 11 DECORATIVE GRILLE ACCESS



PERSPECTIVE

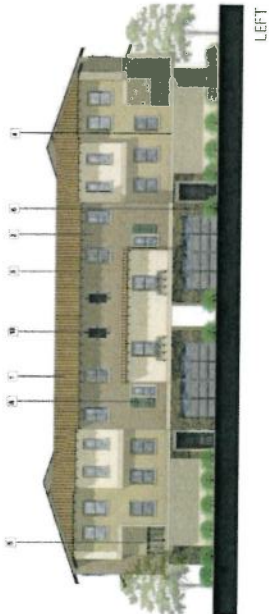


PERSPECTIVE

PROPOSED PROJECT: SUB 19-0010
 BUILDING B ELEVATIONS - SCHEME A



REAR



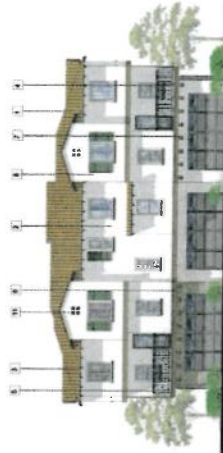
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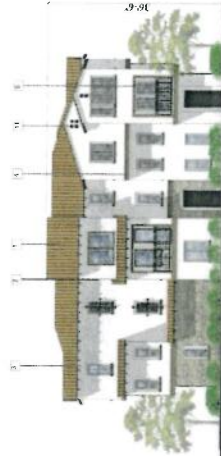
PERSPECTIVE

- MATERIAL SCHEDULE**
- 1 ROOF - CONCRETE ROOF TILE
 - 2 WALLS - STUCCO
 - 3 FINISH - 25% RED OAK WOOD
 - 4 TRIM - 2X STUCCO OVER
 - 5 DECORATIVE METAL RAILING
 - 6 STONE VENEER
 - 7 DECORATIVE CORBEL
 - 8 DECORATIVE SHUTTERS
 - 9 DECORATIVE AWNING
 - 10 DECORATIVE REAR SCREEN
 - 11 DECORATIVE TABLE ACCENT

**PROPOSED PROJECT: SUB 19-0010
BUILDING C ELEVATIONS - SCHEME B**



REAR

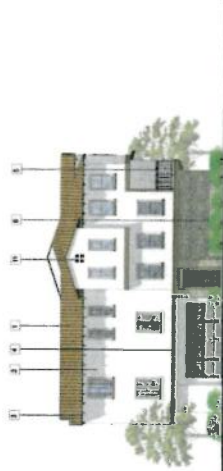


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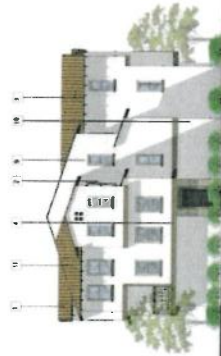


PERSPECTIVE

- MATERIAL SCHEDULE**
1. ROOF - CONCRETE / ROOF TILE
 2. WALLS - STUCCO
 3. FACIA - 2x6 BRAWN WOOD
 4. TRIM - 2x STUCCO OVER
 5. DECORATIVE METAL RAILING
 6. STONE VENER
 7. DECORATIVE CORREL
 8. DECORATIVE SHUTTERS
 9. DECORATIVE AWNING
 10. DECORATIVE BRONZ GRILLE
 11. DECORATIVE CABLE ACCENT



RIGHT



LEFT

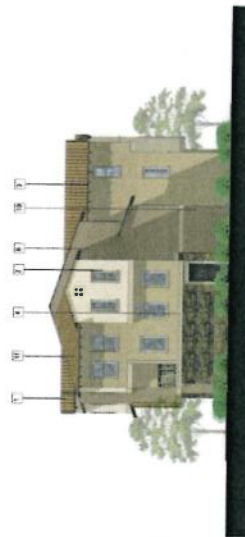


PERSPECTIVE

**PROPOSED PROJECT: SUB 19-0010
BUILDING D ELEVATIONS - SCHEME A**



REAR



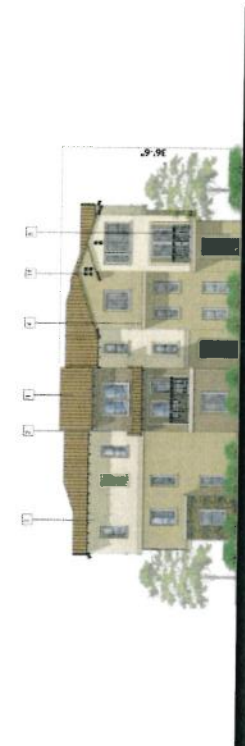
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PERSPECTIVE



FRONT



LEFT



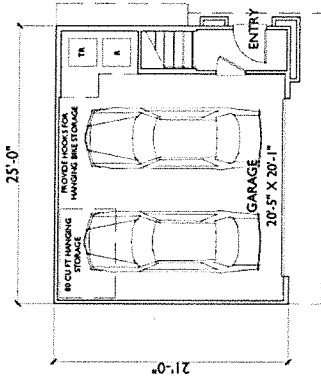
PERSPECTIVE

MATERIAL SCHEDULE

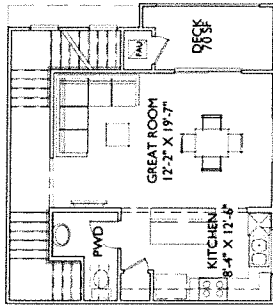
1. ROOF - CORRUGATED ROOF TILE
2. WALLS - STUCCO
3. FASCIA - 2X4 REPAVING WOOD
4. TRIM - 2X STUCCO OVER
5. DECORATIVE METAL RAILING
6. STONE VENEER
7. DECORATIVE CORREL
8. DECORATIVE SHUTTERS
9. DECORATIVE AWNING
10. DECORATIVE IRON CHAIR
11. DECORATIVE CABLE ACCENT

PROPOSED PROJECT: SUB 19-0010
 BUILDING D ELEVATIONS - SCHEME B

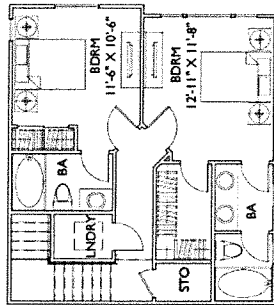
PLAN 1:	2BD/2BA
1ST FLR -	60 S.F.
2ND FLR -	535 S.F.
3RD FLR -	590 S.F.
SUBTOTAL	1185 S.F.
GARAGE -	465 S.F.
TOTAL	1650 S.F.



FIRST FLOOR

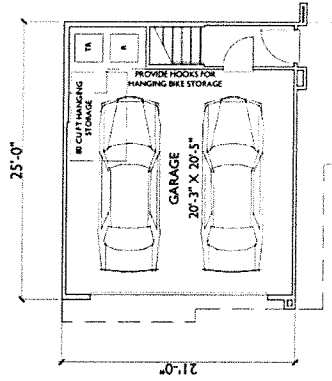


SECOND FLOOR

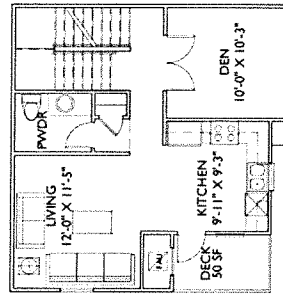


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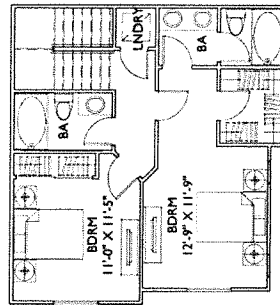
PLAN 2:	2BD+DEN/2.5BA
1ST FLR -	60 S.F.
2ND FLR -	560 S.F.
3RD FLR -	645 S.F.
SUBTOTAL	1265 S.F.
GARAGE -	465 S.F.
TOTAL	1730 S.F.



FIRST FLOOR

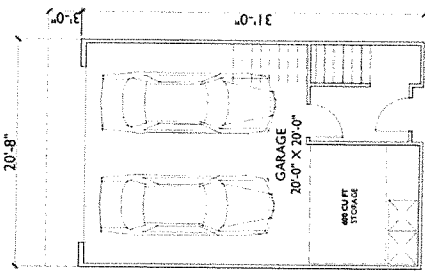


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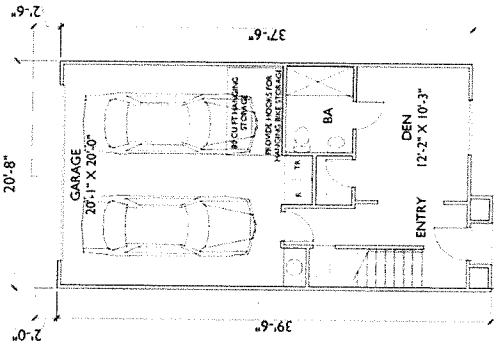


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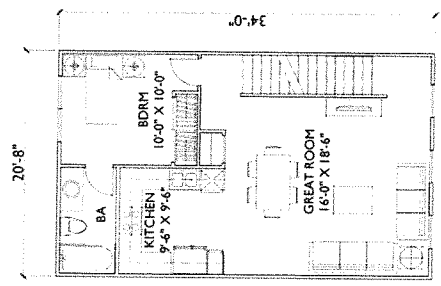
PROPOSED PROJECT: SUB 19-0010
UNITS FLOOR PLANS



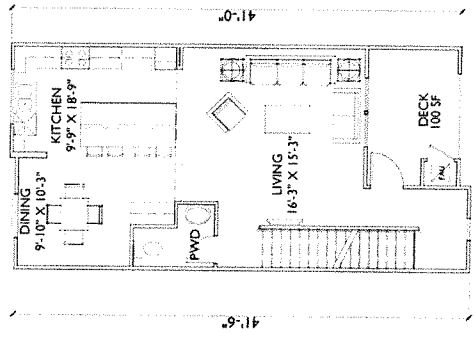
PLAN 3: 3BD/3BA
 1ST FLR - 95 S.F.
 2ND FLR - 700 S.F.
 3RD FLR - 525 S.F.
 SUBTOTAL 1320 S.F.
 GARAGE - 540 S.F.
 TOTAL 1860 S.F.



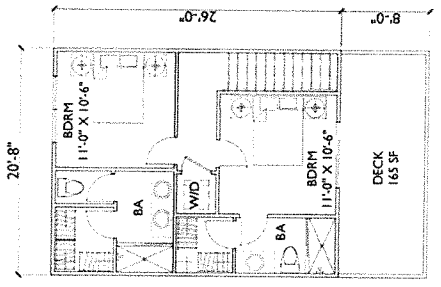
PLAN 4: 3BD+DEN/3BA
 1ST FLR - 340 S.F.
 2ND FLR - 700 S.F.
 3RD FLR - 710 S.F.
 SUBTOTAL 1750 S.F.
 GARAGE - 440 S.F.
 TOTAL 2190 S.F.



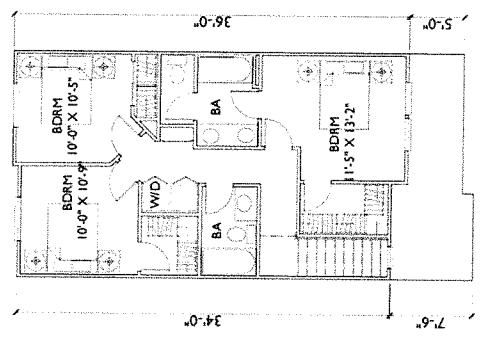
SECOND FLOOR



SECOND FLOOR



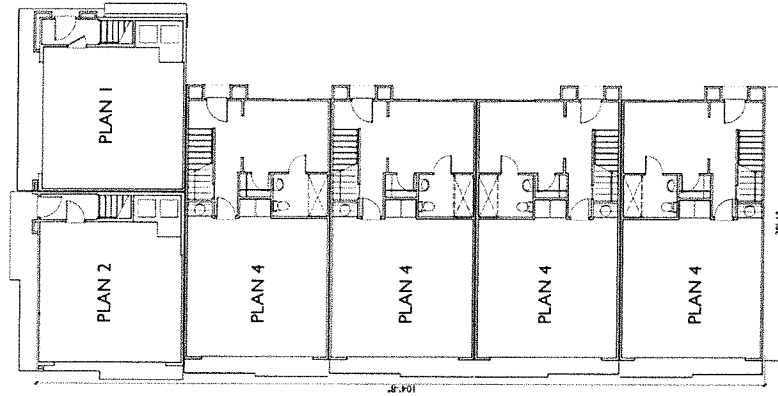
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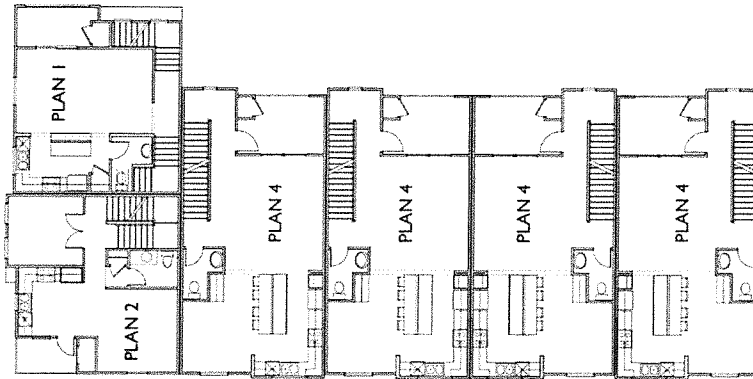
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**PROPOSED PROJECT: SUB 19-0010
 UNITS FLOOR PLANS**

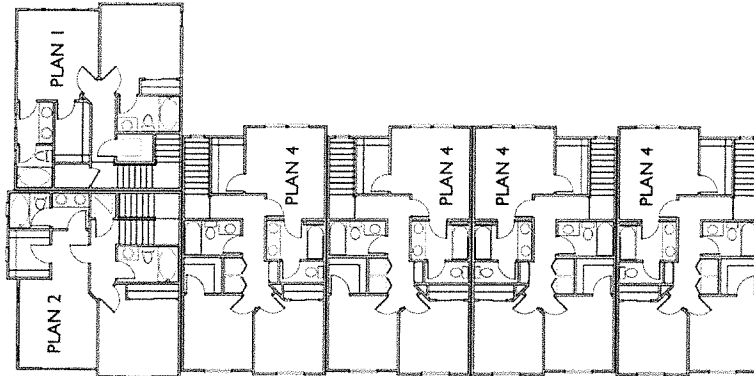




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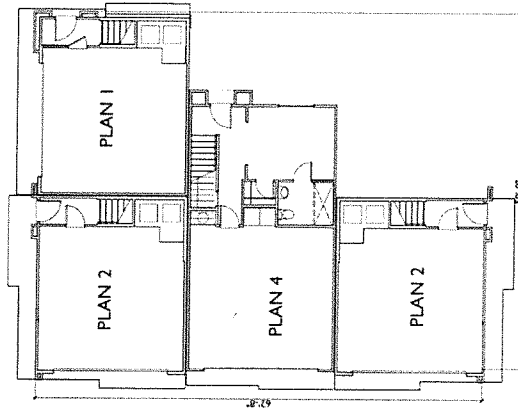


SECOND FLOOR

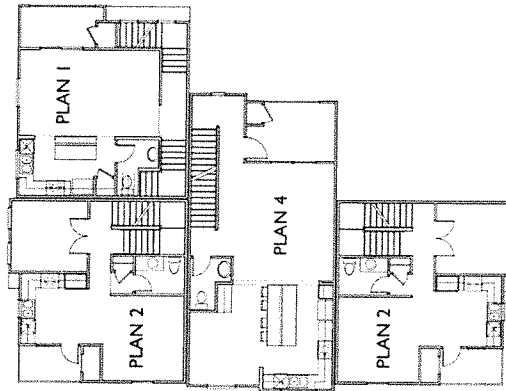


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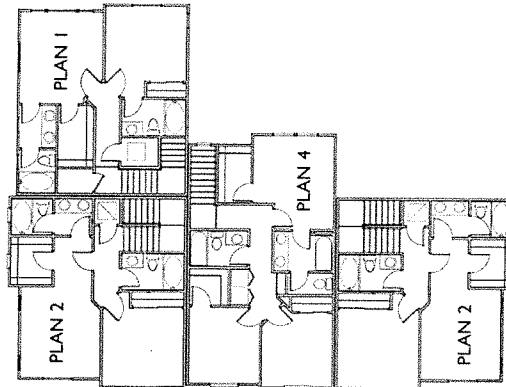
**PROPOSED PROJECT: SUB 19-0010
BUILDING B COMPOSITE**



FIRST FLOOR

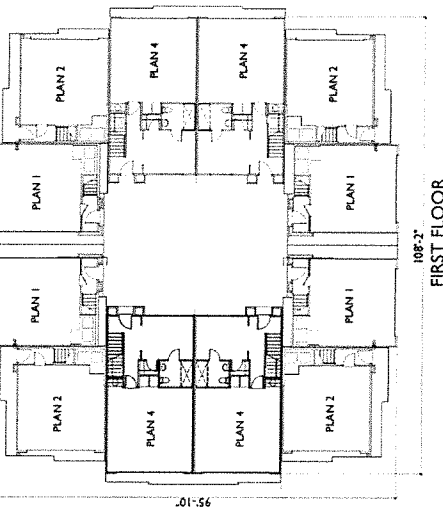
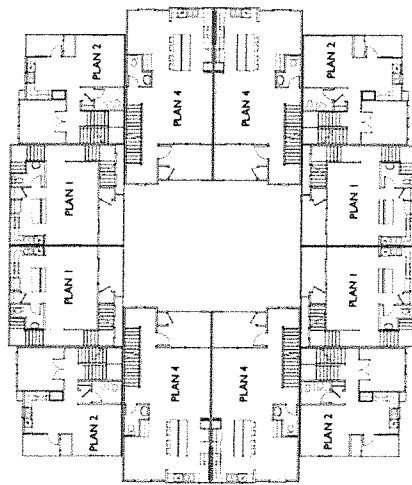


SECOND FLOOR



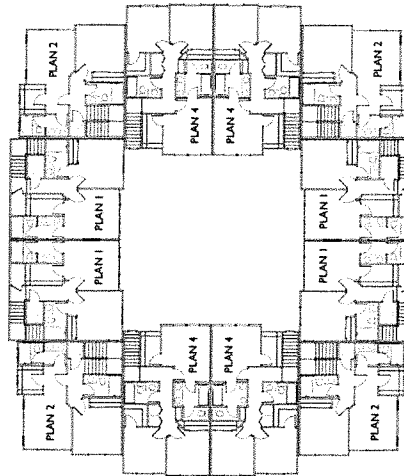
THIRD FLOOR

PROPOSED PROJECT: SUB 19-0010
 BUILDING D COMPOSITE



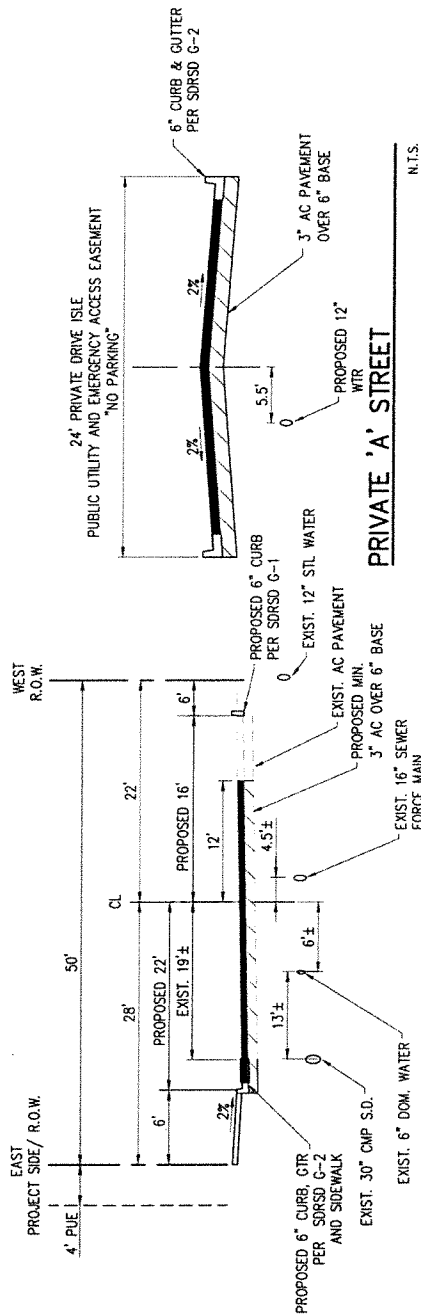
108'-2"
FIRST FLOOR

SECOND FLOOR



THIRD FLOOR

**PROPOSED PROJECT: SUB 19-0010
BUILDING C COMPOSITE**

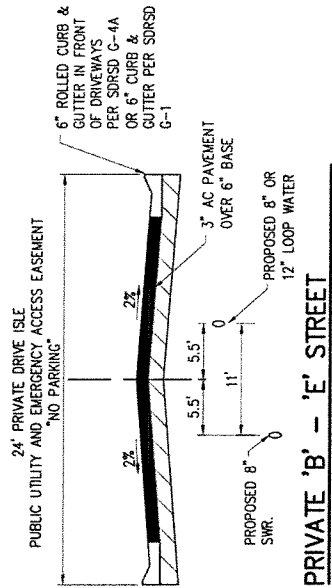


SOUTH ESCONDIDO BLVD.

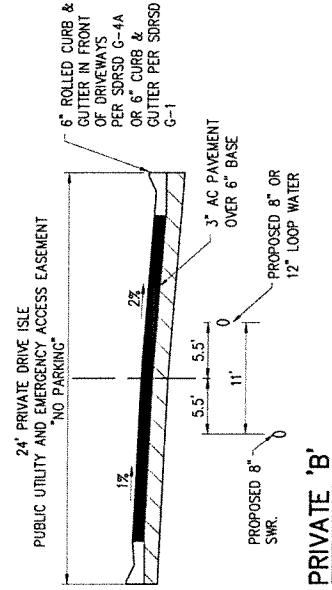
N.T.S.

PRIVATE 'A' STREET

N.T.S.



'B' Northerly to 'A' Street N.T.S.



From 'A' Street to Southerly end

**PROPOSED PROJECT: SUB 19-0010
SECTIONS & DETAILS**

EXHIBIT "E"

MITIGATION MONITORING REPORTING PROGRAM (MMRP)

PROJECT NAME: Hacienda de Vega Condominium Project (City File Nos.: SUB 19-0010 and PHG 19-0050)
NEG. NEC. NO.: ENV 19-0007
SCH NO.: N/A
APPROVAL BODY: Escondido City Council

PROJECT DESCRIPTION: Tentative Subdivision Map along with a Condominium Permit and Plot Plan for the proposed development of 42 air-space, three-story condominium units. A Non-Emergency Demolition Permit is requested for the proposed demolition of a Spanish Colonial Revival-style adobe structure constructed in 1946 that is classified as a historic resource. Access to the site would be provided from South Escondido Boulevard via a 24-foot-wide private street. South Escondido Boulevard would be improved across the project frontage (eastern side) to include curb, gutter, and sidewalk. A southbound left-turn lane would be stripped across the project frontage. Up to 95 parking spaces would be provided on-site (garages/open guest spaces).

PROJECT LOCATION: 2608 S. Escondido Boulevard (238-152-0600 and 238-152-0700)

APPLICANT/CONTACT PERSON: Tony Cassoloto, South Escondido L.P.

PROJECT MANAGER: Jay Paul, Senior Planner, City of Escondido Planning Division Phone No.: (760) 839-4537 Email: jpaul@escondido.org

Mitigation Monitoring and Reporting Program

Mitigated Negative Declaration/Initial Study Environmental Checklist

Project No. ENV 19-0007

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

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

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

The organization of the MMRP follows the subsection formatting style presented within the MND and Initial Study Environmental Checklist. Only those subsections of the environmental issues presented in the Initial Study Environmental Checklist that have mitigation measures are provided below in the MMRP table. All other subsections do not contain mitigation measures. For each mitigation measure, the MMRP table identifies the following: (1) mitigation measure; (2) implementation action; (3) responsible agency/party; (4) monitoring schedule; and (5) verification date.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>Cultural Resources</p> <p>CUL-1: The project applicant shall ensure Level I or II Historic American Buildings Survey documentation (or equivalent) of the residence be conducted in order to achieve mitigation by exhausting the research potential of the resource.</p>	<ul style="list-style-type: none"> Applicant submit HABS documentation/survey 	Applicant: City of Escondido Community Development Department Planning Division	X			
<p>CUL-2: Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.</p>	<ul style="list-style-type: none"> Require salvage, reuse if feasible and make materials available for reuse. 	Applicant: City of Escondido Community Development Department Planning Division	X			
<p>CUL-3: The project applicant shall work with Planning staff or other qualified professional to institute an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district. An example of an interpretive program may be installation of interpretive signs or commemorative plaques in a publicly accessible and visible location that describe the history of the site must be installed prior to certificate of occupancy. Although implementation of this mitigation measure may reduce impacts on historical resources, it would not lessen the effects to a less than significant level.</p>	<ul style="list-style-type: none"> Require interpretive program 	Applicant: City of Escondido Community Development Department Planning Division	X			
<p>CUL-4: 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</p>	<ul style="list-style-type: none"> Applicant should enter into a Tribal Cultural Resource Treatment and Monitoring Agreement. 	Applicant; City of Escondido Community Development Department Planning Division	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>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 them. Applicant/Owner and the TCA Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.</p>						
<p>CUL-5: Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.</p>	<ul style="list-style-type: none"> Require verification and approval of qualified archaeologist and has retained Native American Monitor(s). 	Applicant; City of Escondido Community Development Department Planning Division	X			
<p>CUL-6: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.</p>	<ul style="list-style-type: none"> Require monitoring program coordination. 	City of Escondido Community Development Department Planning Division; Qualified Archaeologist; Grading Contractor	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-7: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p>	<ul style="list-style-type: none"> Require on-site archaeological monitor and Native American Monitor(s). 	<p>City of Escondido Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division</p>	X	X		
<p>CUL-8: In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.</p>	<ul style="list-style-type: none"> Require identification and preservation of any unidentified cultural resources. 	<p>City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner; Native American Monitor</p>	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-9: 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.</p>	<ul style="list-style-type: none"> Require identification and preservation of any significant tribal resource. Consultation with Native American Monitor. 	<p>City of Escondido Community Development Planning Division; Project Archaeologist; Native American Monitor; TCA Tribe</p>	X			
<p>CUL-10: The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p>	<ul style="list-style-type: none"> Require research design and data recovery program. Consultation with Native American Monitor. 	<p>City of Escondido Community Development Planning Division; Project Archaeologist; TCA Tribe</p>	X			

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-11: 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.</p>	<ul style="list-style-type: none"> Require identification and preservation of any undiscovered cultural resources or human remains. 	<p>City of Escondido Community Development Planning Division; Project Archaeologist; County Coroner</p>		X		

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-12: 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 TCA Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>	<ul style="list-style-type: none"> Require that a Native American monitor is present during any testing or cataloging. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe, and/or curated. 	<p>City of Escondido Community Development Department Planning Division; Project Archaeologist</p>	X	X		
<p>CUL-13: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.</p>	<ul style="list-style-type: none"> Require documentation of analysis and data by the qualified archaeologist. Consultation with Native American Monitor. 	<p>Qualified Archaeologist; Native American Monitor</p>			X	

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>Noise</p> <p>NOI-1: Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses to the north. In addition, the use of vibratory rollers and packers should be avoided, as feasible, near sensitive areas.</p>	<ul style="list-style-type: none"> Require certain equipment to be located away from noise sensitive uses and avoid use of vibratory rollers and packers. 	Applicant; Construction Contractor	X	X		
<p>NOI-2: The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, 5:00 p.m. and 9:00 a.m. on Saturday, and all day on Sunday. Additionally, while construction would occur up to the property edge, the majority of construction would take place in the center of the site, which would be approximately 100 feet from the nearest sensitive receptor. With implementation of mitigation measures N-1 and N-2, impacts would be reduced to less than significant.</p>	<ul style="list-style-type: none"> Prohibit use of large equipment that generates high levels of vibration during certain hours. 	Applicant; Construction Contractor		X		

September 21, 2020

TO: Planning Commissioners

FROM: Joanne Tasher, Department Assistant

SUBJECT: September 22, 2020 Planning Commission Meeting
Hearing Item G.1, SUB 19-0010, PHG 19-0050 and ENV 19-0007
"Hacienda de Vega"

Attached is public correspondence regarding the project (SUB 19-0010) along with several photos of the project site reflecting the site's current condition. Five letters/emails were received prior to the staff report distribution and inadvertently omitted in the report. Four letters/emails were received by the City after the staff report was distributed.

Letter/emails received prior to staff report distribution:

1. Dave Hansen, Canterbury Gardens & Gifts, 2402 S. Escondido Blvd., Escondido
2. Vimal Kumar, BAPS! Restaurant, 2680 S. Escondido Boulevard, Escondido
3. James Spann, Historic Preservation Commissioner
4. Don Zech, CDC Commercial Inc., 11440 W Bernardo Ct. Suite 300, San Diego
5. Ritesh Patel, Escondido Lodge, 2650 S. Escondido Boulevard

Letters/emails received to date after distribution of the staff report:

6. Brad Solley, BAPS! Restaurant, 2680 S. Escondido Boulevard
7. Katherine Fromm, 907 Luna Vista Drive, Park Hill, Escondido
8. Bruce Coons, Save Our Heritage Organization (SOHO) 2476 San Diego, Avenue, San Diego
9. Bruce Coons, SOHO

Attachment 10: Project Photos showing the current condition of the site.

Please contact me at 760-839-6250 or jtasher@escondido.org or Jay Paul, 760-839-4537 or jpaul@escondido.org if you have any questions.

August 24, 2020

City of Escondido
Mr. Mike Strong
Director of Community Development
201 North Broadway
Escondido CA 92025

RE: Project located at 2608 S. Escondido Boulevard
SUB 19-0010, PHG 19-0050, ENV 19-007

Dear Mr. Strong,

I have been a long-time business owner within the City of Escondido and would like to provide my support for the above project at the upcoming City Hearings.

The project is consistent with the City's vision as adopted within the South Centre City Specific Plan, Southern Entry District. The project would be a significant improvement to the South Escondido corridor and provide a much-needed investment into our community by improving a blighted sight. The shuttered restaurant is unsightly and will only serve as a magnet to ongoing crime issues which require city resources to manage.

This project is an opportunity to continue with the city's vision along South Escondido Boulevard in addition to providing much-needed family housing offerings.

Please extend my support of the project.

Sincerely,

Dave Hansen

Canterbury Gardens & Gifts
2402 S. Escondido Blvd.
Escondido, CA 92025

August 24, 2020

City of Escondido
Mr. Mike Strong
Director of Community Development
201 North Broadway
Escondido CA 92025

RE: Project located at 2608 S. Escondido Boulevard
SUB 19-0010, PHG 19-0050, ENV 19-007

Dear Mr. Strong,

I own the restaurant just south of the above project and would like to lend my support of the project for the upcoming City Hearings.

New housing will help all businesses serving the south Escondido corridor. The project is consistent with the City's vision as adopted within the South Centre City Specific Plan, Southern Entry District. The project would be a significant improvement to a property that has been in a state of disrepair for quite some time.

This project is an opportunity to continue with the city's vision along South Escondido Boulevard in addition to providing much-needed family housing offerings.

Please extend my support of the project.

Sincerely,

Vincent Kumar - 2680 S. Escondido Blvd,

Escondido, CA

September 3, 2020

City of Escondido
Mr. Mike Strong
Director of Community Development
201 N. Broadway
Escondido, CA 92025
Escondido, CA 92025

RE: Project 2608 S. Escondido Blvd. SUB 19-0010,PHG 19-0050, ENV 19-007

Dear Mike,

As one of the two Historic Preservation Commissioners in favor of the demolition of the property in question, I would like to express my unchanged opinion that the building is in extremely depressed condition, The property is an attractive nuisance and is currently a homeless camp further degrading its condition.

While I am committed to saving our Historic resources, there is a point where we have to consider the cost - not only to restore, but on the ultimate use of the property.

The proposed project is one of the best I have seen in my time on the Planning Commission. I attended the scoping meeting held in the Mitchell Room and I was impressed with its moderate density, overall aesthetics and the commemorative wall to be constructed of reclaimed materials from the site.

I urge your approval of the project and any necessary permits to allow it to move forward.

Thank you.

James Spann
Historic Preservation Commission

August 24, 2020

City of Escondido
Mr. Mike Strong
Director of Community Development
201 North Broadway
Escondido CA 92025

RE: Project located at 2608 S. Escondido Boulevard
SUB 19-0010, PHG 19-0050, ENV 19-007

Dear Mike,

As you know, I grew up in Escondido and have done business in town as a Commercial Broker for over 35 years. I would like to provide my support for the above project at the upcoming City Hearings.

Like many long time Escondidians, I ate at the restaurant site when it was Los Amigos and of course later when it was Hacienda De Vega. What you might not have known is that I worked for years to help the Vega family to buy the property. I also did their 2nd and third locations in Carlsbad and Encinitas / Rancho Santa Fe. Unfortunately, we were never able to come to terms with the owners of the Escondido site. Additionally, the building is tiny and ALL of the seating was outside. Although during COVID that may be an advantage, it certainly was not ideal for a year around restaurant in normal times. Additionally, the kitchen and building had many problems and code deficiencies. I bring this up because I think it is important to understand that saving the building or putting another restaurant back into the property is a near impossibility.

The Project is consistent with the City's vision as adopted within the South Centre City Specific Plan, Southern Entry District. It would provide a much-needed investment into our community by improving a blighted sight. The shuttered restaurant will only serve as a magnet to ongoing crime issues which require the continued use of city resources to manage.

This project is an opportunity to continue with the city's vision along South Escondido Boulevard in addition to providing much-needed family housing offerings. Additionally, the project has a nice design that gives a little tip of the hat to the Hacienda style of architecture which I think is a vast improvement of many of the projects in the neighborhood.

Please extend my support of the project.

Sincerely,

Don Zech | Lic #00885909
CDC Commercial Inc. | Lic #01857155
11440 W Bernardo Ct. Suite 300
San Diego, Ca. 92127
858.486.9999
www.cdccommercial.com

August 20, 2020

City of Escondido
Mr. Mike Strong
Director of Community Development
201 North Broadway
Escondido CA 92025

RE: Project 2608 S. Escondido Boulevard SUB 19-0010, PHG 19-0050, ENV 19-007

Dear Mr. Strong,

I am represent the Escondido Lodge at 2650 S. Escondido Boulevard immediately adjacent to and bordering two sides of the proposed Project. I want to offer this letter of support for the Project for the upcoming City Hearings for the Project.

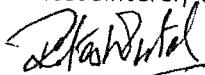
The Project represents an important investment in this long neglected site. Since the restaurant was closed several years ago, the site has been subject to vandalism and, although fenced, break-ins.

A new multi-family project at this location will add significant value to the properties surrounding this area of South Escondido Boulevard in addition to providing much-needed housing offerings in the south end of town.

As our property sits immediately south and east of the project site, we are enthusiastic about the new Project and firmly believe it will benefit and enhance our property and the surrounding area.

Please join us in supporting the Project.

Most Sincerely Yours,



Ritesh Patel
Escondido Lodge
2650 S Escondido Blvd
Escondido, CA 92025

Jay Paul

From: Michael Seiber <MSeiber@kitchell.com>
Sent: Monday, September 21, 2020 9:10 AM
To: Mike Strong; Jay Paul
Cc: bsolley@bapsrestaurant.com; Tony Cassolato - Garden Project Partners, LLC (tgassolato@gmail.com); Brian Jenkins; Marne Bouillon
Subject: [EXT] Proposed development - 2608 S. Escondido Blvd.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Mike/Jay,

Attached is an email in support of our project from Brad Solley, the operator of Baps! Restaurant located south of our property. Please confirm your receipt. Thanks.

Mike

From: Brad Solley <bsolley@bapsrestaurant.com>
Sent: Saturday, September 19, 2020 10:11 AM
To: Michael Seiber <MSeiber@kitchell.com>
Subject: Re: FW: Proposed development - 2608 S. Escondido Blvd.

Caution: This email originated from a source outside the Company. Do not click on links or open attachments unless you recognize the sender and you know the content is safe.

I apologize for the delay in our response. Each time I see your email, I end up being in the middle of something and then forget to respond.

We are definitely in agreement for the tear down of the old building and the building of townhomes. Homeless activity as well as heroin users in the neighborhood are at a high, and I know many of them hide out in that lot. We find needles in our parking lot so frequently that I've ordered a Sharps containers for my staff's safety as I don't want one that was thrown away, to tear through a trash bag and accidentally stab them! The old building that's supposedly a Historic building, used to be a home, but was gutted and converted into a commercial kitchen. It's falling apart and serves no function as is, nor do I believe it's something that anyone would ever want to tour/see around for an extended period in the future. It's construction is nothing remarkable, and condemning it would likely be the best course of action. We want to beautify Southern Escondido, and to do that, we need to bring in new quality homes, clean up the existing homes and push out the drug use that's plaguing our community. The hotel next to us is in the process of trying to push out the drug users as well, and last I checked, have plans to convert to a Best Western. Currently, police visit this hotel multiple times per day, as there is quite a bit of criminal activity in this area.

Thanks!
Brad Solley
BAPS! Restaurant
www.BAPSrestaurant.com
949-393-2723

Jay Paul

From: katherine fromm <barberhue59@gmail.com>
Sent: Monday, September 21, 2020 10:41 AM
To: Jay Paul; katherine fromm
Subject: [EXT] comments: Hacienda de Vega

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

To the Planning commission and staff:

For those of us who have been born and raised in Escondido, historic preservation is an important part of our daily lives. We do not easily surrender to others the task of deciding what should prevail here.

The Hacienda de Vega, recommendation for demolition by the staff, unfortunately, is part of our legacy. This is a beautiful valley, but it is not studded with past reminders. Adobe construction is now a part of history. We must preserve this building as part of that heritage.

Additionally, traffic is a minus here, and this location is not close enough to city facilities to permit easy access or a walking distance. That should be one of the criteria for new developments.

Katherine Barber Fromm
907 Luna Vista Drive, Park Hill
Escondido



Save Our Heritage Organisation
Protecting San Diego's architectural and cultural heritage since 1969

Friday, September 18, 2020

City of Escondido
Planning Commission
201 North Broadway
Escondido, CA 92025-2798

Re: September 22nd agenda, Item G1. 2608 S. Escondido Blvd.

Planning Commissioners,

After reviewing the Initial Study/Mitigated Negative Declaration (MND), the Historic Structure Assessment for 2608 South Escondido Boulevard, various staff reports, and commenting at the July Historic Resources Commission meeting, Save Our Heritage Organisation (SOHO) continues to find the Paxton Adobe a unique and significant resource, which is intact and eligible for the California Register of Historical Resources (CRHR) under Criteria 1, 2 and 3 as well as the City of Escondido under all seven criteria.

A MND does not meet the City's legal requirements under the California Environmental Quality Act (CEQA) with regard to this important resource and SOHO finds an Environmental Impact Report (EIR) must be prepared to strategize ways to preserve the adobe building as well as to devise mitigation that is appropriate for such a significant resource. Potentially subject to a legal challenge, the Paxton Adobe warrants more than HABS documentation and salvaging of materials.

Further, SOHO asserts Findings 1 and 2 under Article 40 have not been made because the City's historical inventory would be diminished through loss of the Paxton Adobe and not all feasible alternatives have been evaluated. First, Finding 1 has not been made due to the Paxton Adobe being a KEY link in the continuity of adobe house construction for the southwestern United States, as well as a model home and office for the Longview Acres Estates subdivision. The staff report notes that "similar adobe resources" of the same time period and style are still existent, however the report does not appear to understand the contextual significance of this specific resource with regard to its various periods of significance, evolutions of use, and association with significant people to Escondido's history. Other adobe resources cannot tell the story of the Paxton adobe because it is unique within the larger historical context and significant beyond its period of construction and style. The staff report should adequately respond to the five other aspects of criteria.

The second Finding also fails because there are options other than demolition. Further, stating the Paxton adobe cannot be seismically retrofitted is misguided because stabilized adobe resources - composed of short thick walls - ARE inherently stable as well as simple and cost effective to retrofit. SOHO continues to encourage obtaining an opinion from respected expert, Tony Court.

SOHO finds the Paxton adobe at 2608 South Escondido Blvd. to be a unique and significant resource that is eligible for the CRHR under Criteria 1, 2, and 3 at the local and state levels. This cultural link represents the continuity of building adobe houses throughout the decades within the entire southwestern region and a MND does NOT meet the City's legal requirement under CEQA. Further, Finding 1 and 2 have not been

met. Challengeable under CEQA, SOHO asserts an Environmental Impact Report (EIR) must be prepared for the Paxton adobe, which must include alternatives to preserve the full adobe building.

Thank you for the opportunity to comment,



Bruce Coons
Executive Director
Save Our Heritage Organisation



Save Our Heritage Organisation
Protecting San Diego's architectural and cultural heritage since 1969

Monday, September 21, 2020

Mayor McNamera and City Council,
Planning Commission, and Historic Preservation Commission
City of Escondido
201 North Broadway
Escondido, CA 92025

Re: Brown Act and public meeting participation

Mayor McNamera and Councilmembers,

Save Our Heritage Organisation (SOHO) recognizes that pursuant to Governor Newsom's Executive Orders, including N-25-20 and N-29-20, certain Brown Act requirements for holding a public meeting have been suspended. As a county-wide advocacy non-profit, SOHO participates in meetings across San Diego county and on various levels of national, state, and local government. Since the COVID crisis has altered the way public meetings enable participation, SOHO has been privy to the various digital solutions that enable real-time public participation during a meeting.

Knowing the ability for public participation during COVID is possible, SOHO is disappointed the City of Escondido does not practice real-time participation at public meetings. The current process allows for public comment to be submitted prior to the meeting, but does not allow participation for all members during a hearing, other than project applicants and their outside consultants, which is a Brown Act violation. If some members of the public are only allowed to "participate" by submitting comments prior to a presentation being given, which are then read into the record by a city official, when others are allowed to participate in real-time during a public meeting, this violates the Brown Act, which requires that all members of the public be offered the same opportunity to participate in a public meeting.

There are many municipalities of varying size that have established a method for the public to actively participate in public meetings, despite COVID. The City of Escondido should aim to be compliant with the Brown Act, establishing a fair participation method for all members of the public and not only the project applicants and their outside consultants.

Thank you for the opportunity to comment,

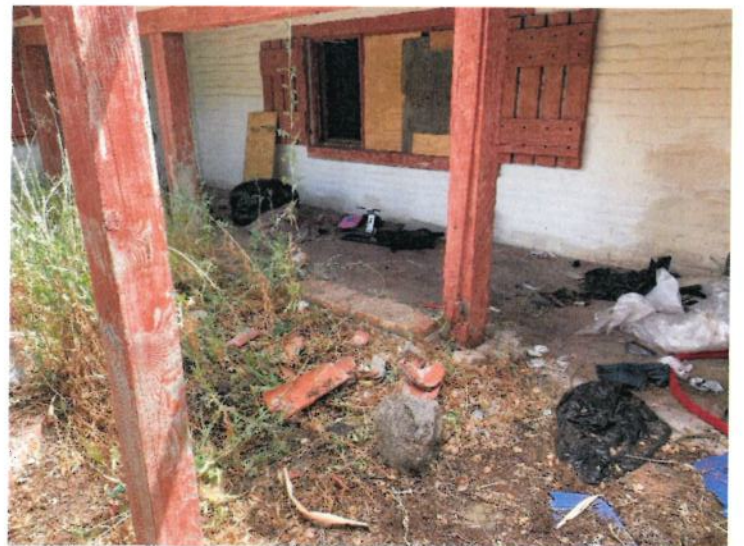
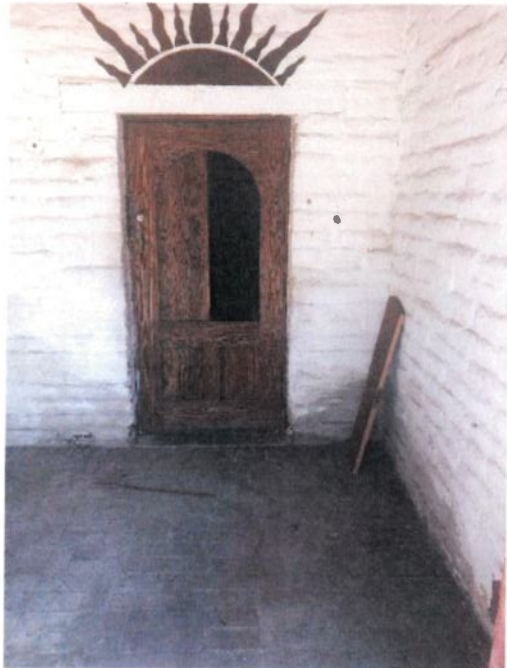
Bruce Coons
Executive Director

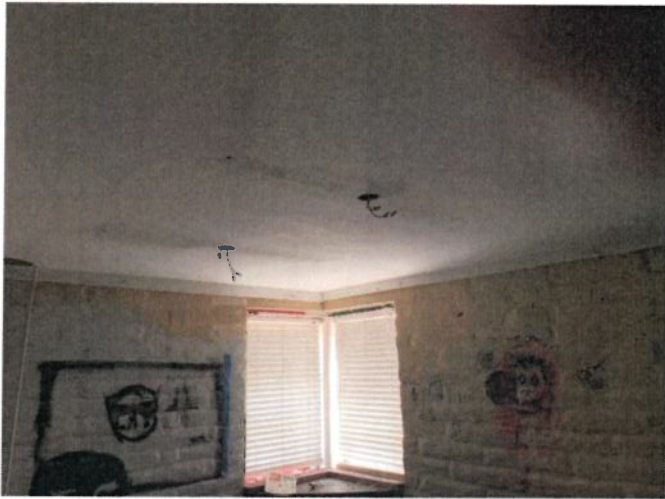
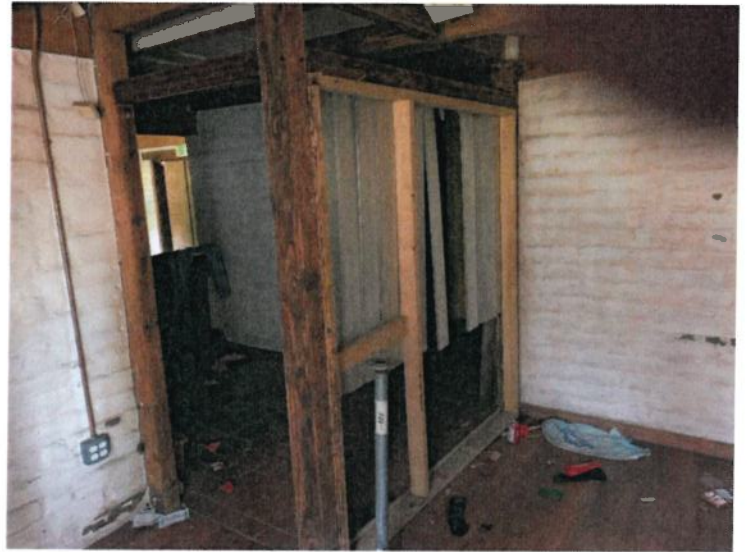
PROJECT PHOTOS

SUB 19-0010, PHG 19-0050
2608 S. Escondido Boulevard

Attachment 10
Agenda Item No. G.1
SUB 19-0010, PHG 19-0050, ENV 19-0007
September 22, 2020 PC Hearing









September 22, 2020

TO: Planning Commissioners

FROM: Joanne Tasher, Department Assistant

SUBJECT: September 22, 2020 Planning Commission Public Hearing
Item G.1, SUB 19-0010, PHG 19-0050 and ENV 19-0007
"Hacienda de Vega"

Attached is additional public correspondence provided as Written Communication regarding the project. Two letters/emails were received by the City after the previous memo containing written correspondence was forwarded on September 21, 2020.

Letters/emails attached

1. Carol Cornelius, M.D.
2. Mari Dowling

Please contact Jay Paul, 760-839-4537 or jpaul@escondido.org if you have any questions.

Jay Paul

From: Carol Cornelius <carolcornelius33@gmail.com>
Sent: Monday, September 21, 2020 2:35 PM
To: Jay Paul
Subject: [EXT] Adobe building on South Escondido Boulevard

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Dear Mr. Paul:

I oppose demolition of the historic adobe building, patio and gardens on South Escondido Blvd., last known as Hacienda de Vega.

Born and raised in Escondido, I went many times to Los Amigos Restaurant, always a warm comfortable environment. I am very fond of the building and the premises, front garden with walls and inviting entry way. I often sat in the patio and gardens of Hacienda de Vega, such a beautiful outdoor setting, nothing comparable in Escondido. My daughter had her high school graduation party there with 15 young people. I pass the property daily in my commute.

It is a better than Sikes Adobe. It is a valuable period adobe building from the 1940's, and has a future in our town.

As a native of Escondido, and a concerned citizen, I urge you to preserve this period adobe building and premises for the beauty of our community, and the current and future historic value of this adobe treasure to us, the people who live here.

I grew up here and know the value of preserving the past as well as planning for the future. People will want to go there.

Sincerely,

Carol C. Cornelius, M.D.

Jay Paul

From: Mari Dowling <rockville7117@gmail.com>
Sent: Monday, September 21, 2020 2:27 PM
To: Jay Paul
Subject: [EXT] Hacienda de Vega. S Escondido Blvd Adobe.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

I am NOT in favor of demolishing this lovely old Adobe building. There are few historic buildings left in Escondido, especially Adobe ones. We need to preserve the few that are left. These lovely old buildings are part of Escondido's history and charm. PleasePlease respect our history.

There is very little public transportation in this area. State and other planners want apartments near public transport, this area does not fulfill that requirement Mari Dowling 729a, Chestnut Street Escondido Ca 92025

Sent from my iPhone

First and Last Name Alexa Clausen
Planning Case # : PHG 19-0050 SUB 19-0010

Meeting type Planning Commission **Meeting Date** 9/22/2020
Subject Read Aloud

Position In Opposition

Email aclausen07@hotmail.com

Street Address 2030 Ridgecrest Place **City** Escondido **State** CA **Zip** 92029

Comments

I wish to oppose the issuing of a demolition permit for the Paxton adobe. I authored a brief history of this building in 2014 for the annual Escondido Adobe Home Tour. In April, I submitted my research to City Planning to provide the historical context of this property and to demonstrate that the Paxton adobe meets all of the City Criterion for recognition as a local historic landmark. This adobe and property has been in commercial use by small business owners for the majority of its existence. Why the use change? It was family operated nursery owned a landscape designer, and of course, it was a Mexican restaurant for decades. As Planning Commissioners, please be aware that this adobe is an Escondido cultural resource and a historic landmark. This is where our Escondido community connected as a place of endless meetings, gatherings of cultural and social events which were important to many generations of families. After World War 2, construction of residential neighborhoods were in demand and Escondido was no exception. Citrus grower and land developer, L.R. Green developed the Las Palmas neighborhood with the caveat that all homes were to be built from adobe. The Paxton adobe was its first residence and the cornerstone for the adobe construction revival in Escondido. Decades of its ownership are rooted in Escondido's rich Latino history -- which is very under-represented in Escondido's Historic Preservation efforts. The adobe is associated with a skilled adobe mason, Abel Sanchez and his family because they built this structure. The commercial development of the adobe expanded significantly when Pat Brillo Osorio, a well- established multi-generation Latino restaurateur made this location his showcase for the best of Mexican cuisine. Years later, even more popular restaurant was developed by Ben and Esperanza Cueva who

purchased the Pat Brillo location. The Cueva family's Los Amigos restaurant became famous for cultural, social and family events by connecting the experience of outdoor/patio dining ambiance with the larger Escondido community. In the process it became an institution on South Escondido Blvd. The preservation of this adobe will symbolize our community's respect for its heritage --which it deserves as the cornerstone of South Escondido Blvds neighborhood and as a beloved community gathering place. Planning permits should be based on the understanding of Escondido's unique history that entices people to it as a city of choice. Strong identity with a sense of place grows a City of Choice, and not the demolition of a beloved historic landmark. Thank you.

First and Last Name Erik Zedelmayer

Planning Case # SUB 19-0010

Subject Read Aloud

Email erik@zedelmayer.com

Meeting type Planning Commission

Meeting Date 9/22/2020

Position In Opposition

Street Address 2655 Las Palmas Ave **City** Escondido **State** CA **Zip** 92025

Comments

We are family that have overlooked the subject site for over 15 years. As two working executives, we firmly believe in accountability. We expect the same from local government as they represent the community as our stewards that hold businesses applicants accountable. Historical sites need to be protected, and when a corporate entity purchases one, they have made a commitment to preserve it as well. We need our local government to stand up for preservation of historical sites, and not be manipulated by corporations strictly out to increase their profit, then move on to the next project with no long term commitment to the community. The purchaser of the site knew what they were buying, maybe with the assumption that the local government would roll over without opposition later. Please set an important example and precedent here, as the Historic Society has already done with their vote. If an entity purchased the site, they should be expected to integrate and maintain the historical site into their plan, just as we do with our neighboring historic adobe homes. There was no outward appearance of the purchaser trying utilize the facility as-is in any capacity - as would be expected of any purchaser of a historic site. This should be of no surprise to the applicant now and should have been thoroughly explored prior to purchasing the site. As our community agents, please preserve our local history and keep profit-focused businesses in check and let's please not put any more high density complexes into a rural neighborhood of large lot premium adobe homes. The three story apartments look completely out of place in this neighborhood. Please don't repeat past mistakes, this is an opportunity to stand strong for the community.

First and Last Name Save Our Heritage Organisation (SOHO)

Planning Case # SUB 19-0010, PHG 19-0050 and ENV 19-0007

Meeting type Planning Commission

Meeting Date 9/22/2020

Position In Opposition

Email ahayes.SOHOSanDiego@gmail.com

Street Address 2476 San Diego Avenue **City** San Diego **State** CA **Zip** 92110

Comments

Friday, September 18, 2020

City of Escondido Planning Commission

Re: September 22nd agenda / ItemG1

Planning Commissioners,

After reviewing the Initial Study/Mitigated Negative Declaration (MND), the Historic Structure Assessment for 2608 South Escondido Boulevard, various staff reports, and commenting at the July Historic Resources Commission meeting, Save Our Heritage Organisation (SOHO) continues to find the Paxton Adobe a unique and significant resource, which is intact and eligible for the California Register of Historical Resources (CRHR) under Criteria 1, 2 and 3 as well as the City of Escondido under all seven criteria. A MND does not meet the City's legal requirements under the California Environmental Quality Act (CEQA) with regard to this important resource and SOHO finds an Environmental Impact Report (EIR) must be prepared to strategize ways to preserve the adobe building as well as to devise mitigation that is appropriate for such a significant resource. Potentially subject to a legal challenge, the Paxton Adobe warrants more than HABS documentation and salvaging of materials. Further, SOHO asserts Findings 1 and 2 under Article 40 have not been made because the City's historical inventory would be diminished through loss of the Paxton Adobe and not all feasible alternatives have been evaluated. First, Finding 1 has not been made due to the Paxton Adobe being a KEY link in the continuity of adobe house construction for the

southwestern United States, as well as a model home and office for the Longview Acres Estates subdivision. The staff report notes that “similar adobe resources” of the same time period and style are still existent, however the report does not appear to understand the contextual significance of this specific resource with regard to its various periods of significance, evolutions of use, and association with significant people to Escondido’s history. Other adobe resources cannot tell the story of the Paxton adobe because it is unique within the larger historical context and significant beyond its period of construction and style. The staff report should adequately respond to the five other aspects of criteria. The second Finding also fails because there are options other than demolition. Further, stating the Paxton adobe cannot be seismically retrofitted is misguided because stabilized adobe resources – composed of short thick walls - ARE inherently stable as well as simple and cost effective to retrofit. SOHO continues to encourage obtaining an opinion from respected expert, Tony Court. SOHO finds the Paxton adobe at 2608 South Escondido Blvd. to be a unique and significant resource that is eligible for the CRHR under Criteria 1, 2, and 3 at the local and state levels. This cultural link represents the continuity of building adobe houses throughout the decades within the entire southwestern region and a MND does NOT meet the City’s legal requirement under CEQA. Further, Finding 1 and 2 have not been met. Challengeable under CEQA, SOHO asserts an Environmental Impact Report (EIR) must be prepared for the Paxton adobe, which must include alternatives to preserve the full adobe building.

Thank you for the opportunity to comment,

Bruce Coons

Executive Director Save Our Heritage Organisation

First and Last Name Kristin Hill

Planning Case # SUB 19-0010

Subject To be read out loud

Email krh003@ucsd.edu

Meeting type Planning Commission

Meeting Date 9/22/2020

Position In Opposition

Street Address 2952 Verda Avenue **City** Escondido **State** California **Zip** 92025

Comments

Dear Planning Commission,

I am a resident of Longview Acres and an active member of the Adobe Home Tour association. As an architect with training in historic preservation, I bought my home in this neighborhood 6 years ago, because it preserved the kind of architectural history that Escondido is full of, but not necessarily famous for. I am surprised and saddened that the Paxton Adobe, aka Hacienda de Vega, is being considered for demolition. Not only is it architecturally significant, but it is historically significant. It is part of Escondido's heritage and a fine example of the kind of craftsmanship that is very specific to this neighborhood -- with its adobe bricks created from the clay in Kit Carson park. I have read the CEQA report and the traffic calculations and I would like to know what metrics they are using for their baselines. The traffic has been significantly affected by the most recent leased properties to the north of Canterbury Gardens as well as the new townhomes just north of the Paxton adobe. Even with the road work and painting that has happened over the last year, this continues to be a very dangerous intersection. Adding more traffic from the south will have a significant impact. I strongly oppose the demolition of the Paxton Adobe and request that my comments be placed in the record.

Thank you for your time and consideration,

Kristin Hill, Associate AIA, M. Arch, M. Ed, Director, Facilities Planning and Management UC San Diego Health System

First and Last Name Dominic (Mick) Calarco

Planning Case # SUB 19-0010

Subject Paxton adobe demolition

Email mickcalarco@gmail.com

Meeting type Planning Commission

Meeting Date 9/22/2020

Position In Opposition

Street Address 9528 Sage Hill Way **City** Escondido **State** CA **Zip** 92026

Comments

Dear Mr. Strong and the Escondido Planning Commission:

My name is Mick Calarco. I am a 53-year Escondido resident. My father, Ross Calarco, was a 38 year employee of the City of Escondido. I love my city. I am emailing today to implore the Planning Commission to reject the request to demolish the Paxton adobe located at 2608 S. Escondido Blvd. I have devoted much of my adult life to education and historic preservation - specifically conservation of all types earthen architecture - including adobe. I have spent the past 18 years working for the City of Carlsbad Parks & Recreation Department, managing Leo Carrillo Ranch Historic Park - an 1880s - 1930s adobe structure. Before that, I worked with the City of San Diego and the Getty Conservation Institute to develop and implement a conservation plan for the North Wing of the San Diego Presidio. I have a MA in Historic Preservation from Goucher College, and my thesis centered on post-WWII modern adobe preservation. I have seen and visited the Paxton adobe many times in my life - both as a child dining at Los Amigos, and as an adult surveying adobe homes in that community. I can tell you, without reservation or hesitation, that the Paxton adobe is significant and worthy of preservation efforts. Please do not allow developers to demolish this piece of unique architecture and Escondido history. As you know, adobes are disappearing at an alarming rate, and in California, and few people are building with adobe any longer due to restrictive building codes and overwhelming costs. This makes preservation of the Paxton adobe even more important. Encourage the developer to go back to the drawing board and reconsider their plans - there must be way

way to incorporate preservation and new development. I speak from personal and professional experience - adobe construction preservation is realistic and possible. There are several architects and contractors in the region that specialize in this technology. I know you are familiar with all the reasons why the Paxton adobe is significant. If the commission needs to be reminded, I encourage them to revisit Alexa Clauson's, "Response to the Historic Structure Assessment for the Paxton Adobe, Located at 2608 So. Escondido Blvd." It is a well-researched and written report that strategically and purposefully articulates all the reasons for making the decision to preserve - not to demolish. This report should make the commission's vote to deny the request clear. Thank you for your consideration . . . I know these are tough decisions to make, but I trust that you will do what is right and make the decision to deny the demolition request. Please feel free to contact me should you have any questions, or if I may be of any assistance to the commission.

Sincerely,

Mick Calarco

First and Last Name Maria Weir Werth

Planning Case # SUB 19-0010 (Hacienda de Vega)
Subject Hacienda de Vega demolition

Meeting type Planning Commission
Meeting Date 9/22/2020

Position In Opposition

Email mariaweirwerth@gmail.com
Street Address 785 Tucker Road G272 City Tehachapi State CA Zip 93561

Comments

Dear Planning Commission:

When I saw the green tarp around the old Paxton adobe home my heart sank. I had a feeling then that the City was planning on tearing the building down. I called the City and was told that was not part of the plan. It's hard to believe that your planning department would be considering this move during a time of a massive world crisis. But what perfect time to get an unpopular thing passed when most people are more worried about staying alive than preserving the City's history. I grew up in Escondido and my father, Larry Weir, and uncle, Jack Weir, started building adobe homes in 1952 under the company name of Weir Brothers. I am very honored that the city chose to preserve one of my family's adobe homes just up the street from this proposed demolition. What is hard to believe is that the house on the chopping block is older and may be one of the oldest adobe homes in the City of Escondido among those which are from the era of mid-century adobe construction revival. I didn't see that addressed in the study and it would seem an important part of this "assessment." The Historic Structure Assessment did mention that the Paxton home was built as a model home for adobe homes in the area. The house was an inspiration to builders and architects and the beginning of the adobe building era. That was one of the reasons my family came to Escondido. How can the authors justify that there is no historical significance when its existence produced a modified Spanish revival building style that spread throughout the city and into the surrounding areas including Poway, Encinitas, Rancho Santa Fe, Pala Mesa

and beyond. I spent time in the Fall of 2018 in Escondido researching a book on my father's work in adobe construction. Initially, I was going to write a book on adobe construction in general but found so much history in just my father and uncle's work that I had to narrow the focus on their work. Adobe construction is a specialized trade and very few people are left to keep the legacy alive. That alone should make you take a second look at this project. That home or parts of it should be kept intact to preserve the history that is slipping away. After reading through the report used to substantiate your plans, it became obvious to me that the authors have no adobe building expertise. The closest thing to adobe knowledge is a 2013 study for the Los Peñasquitos Adobe Drainage Project. Did that project include an assessment of the condition of its structure? In addressing the conclusion - that due to the lack of rebar the building is unstable - then every building built before the 1950's in the State of California (and beyond) would need to be torn down because they are unstable. In those days it is my understanding that the builders did use horizontal rebar every four courses or so when building adobe walls. They also used a twelve inch or more concrete bond beam across the top of the walls for added stability. The issue is vertical steel which didn't come into law until the 1970's. Have you ever tried remodeling an adobe home with sixteen-inch-thick walls? These buildings can take an enormous amount of shaking and have done quite well in earthquakes. In the 1952 Tehachapi Earthquake, Portland Concrete presented a fraudulent study to the State of California. They claimed that every adobe failed in that earthquake. They thought adobe was going to take over as a building medium and attempted to get it outlawed even back then. My father and uncle flew up to Tehachapi to determine the extent of the damage and found the buildings that failed were the downtown red brick facades. The adobe buildings were in good condition, with little damage. The brothers presented their findings to the State and Portland Concrete did not show up to defend their unsubstantiated claims. Your study showed that the Paxton home met 4 out of 7 Criterion and yet summarize with a mention about how expensive it would be to preserve the City's history. I wish to repeat the question: did the authors consult an adobe expert? Adobe is not comparable to other traditional building methods. Was an adobe architect or contractor consulted? In my many contacts and research of adobes, the oldest to the more recent adobes dating through

California history have been stabilized or restored with the guidance of licensed and professional adobe constructions experts. Escondido should embrace its adobe history instead of wanting to demolish one of the oldest adobe buildings in the city. It may be the oldest from the adobe revival era during the middle of the last century. Has that been determined? Escondido could be known as a destination weekend getaway that would welcome people who are interested in adobe architecture. A driving tour of adobe homes should be made available for those interested in this work. Due to the changes in building codes, adobe homes are no longer built. There may be no adobe manufacturing brickyards left in California. You would have to travel to another state or country to see anyone building with adobe. I urge you not to tear down Escondido's historical home. Adobe homes are so precious and no longer built. They are beautiful and significant. The adobe is an amazingly well insulated structure. They have an insulation factor that surpasses most building materials. The homes are warm in the winter and cool in the summer. If you ever lived in an adobe home like I have or spent time inside of one, you would have a change of heart.

Yours truly,

Maria A. Weir Werth

Former resident of Escondido From 1953 – 1969 (1538 So. Escondido Blvd. and Windsong Lane)

First and Last Name Carol Rea

Planning Case # SUB19-00190

Meeting type Planning Commission

Meeting Date 9/22/2020

Subject Read Aloud

Position No Position

Email carolrea@aol.com

Comments

As the chairman of the Historic Preservation Commission, I request that the staff report related to item G-1, be corrected. Under 4. Non-Emergency Demolition Permit, it is stated that "The Historic Preservation Commission ("HPC") considered the request on July 16, 2020 and voted 2-2 (Commissioners Paul and Doan voting no) regarding a motion to approved the recommended Findings of Fact to support the Non-Emergency Demolition Permit. A tie vote is an effective denial of the motion." Commissioners Paul and Doan are not part of the Historic Preservation Commission. It should correctly read, "The Historic Preservation Commission ("HPC") considered the request on July 16, 2020 and voted 2-2 with one Commissioner recusing herself (Commissioners Cowan and Breitenfeld voting no) regarding a motion to approve the recommended Findings of Fact to support the Non-Emergency Demolition Permit. A tie vote is an effective denial of the motion. It would probably also be appropriate to mention that two commissioners were absent.

First and Last Name Carol Rea

Meeting type Planning Commission
Planning Case # SUB 19-00190

Subject Read out loud - Item G-1
Meeting Date 9/22/2020

Position In Opposition

Email carolrea@aol.com

Street Address 420 E. 7th Ave. **City** Escondido **State** CA **Zip** 92025

Comments

Valued Commissioners,

my name is Carol Rea. I'm the owner of a historic home in Old Escondido and have an extensive background in historic preservation principles and Escondido history. I regret that, due to the restrictions brought on by the COVID pandemic, I'm not able to face you in order to convey my concerns, but they follow. 1. In spite of what was reported, there is substantial evidence that the Paxton Adobe/Hacienda de Vega has historical significance making it worthy of protection from demolition. It was even honored by the City Council in 2015. 2. It was the first adobe home built as part of the adobe home revival era in Escondido that is still standing. It was a model home for the all-adobe development located east of it, the first of its kind in Southern California. It reflects our Hispanic culture, not only by its notable adobe block maker and brick mason, but by its later adaptive reuse by popular Mexican restaurants with notable owners. 3. Much of the exterior building remains intact and, when I toured the property with the developer back in February, it appeared to be structurally sound, which is no surprise considering that adobe buildings endure for centuries after construction. Any recent damage to the building is due to neglected maintenance by the owner and failure to protect the property from trespassers. 4. A precedent was set at Veterans Village further north on Escondido Blvd. when the Weir Brothers adobe office and unique adobe apartments were preserved and appropriately designed apartments were added on the south side – sensitive planning and design for this site could incorporate the building into the development 5. There seems to be no documentation presented by the developer

justifying the claim that rehabilitation would cost \$1 million. The Historical Building Code and other options could reduce costs; a professional experienced in restoration of numerous adobes over the years should be consulted. The greater expense of demolition, factoring in the labor, equipment, hauling, and energy consumed as well as the wasted materials and embodied energy originally used to build it, must all be weighed into the equation. Next, the energy, labor, and materials to build a new community center/leasing office, would financially and environmentally, contribute to the costs, making the incorporation of the historic house into the development more sensible. The developer should also look into historic preservation tax incentives for assistance in defraying costs of rehabilitation. 6. Should the Planning Commission conclude that the Paxton House is not worthy of saving, I would hope that the community would be appropriately compensated for the loss of this important piece of our heritage. Mitigation should include, not only a full and complete HABS report to include submission to the Library of Congress, but monetary compensation adequate to restore the exterior of the Victorian House on Heritage Walk in Grape Day Park and moving an additional historic structure onto the Walk, as well.

Thank you.

First and Last Name **Rose Dominguez**

Planning Case # SUB19-0010, PHG19-0050, ENV19-0007
Subject Condo Complex Concern – Traffic

Meeting type Planning Commission
Meeting Date 9/22/2020

Position No Position

Email rosebd3264@gmail.com
Street Address 2450 Cranston Dr City Escondido State CA Zip 92025

Comments

Hello Escondido Council Regarding the condo complex to replacement of the Casa De La Vega location and I have concerns about the traffic that 42 new condo units will cause which would add up to approx. 84+ more cars using a single intersection of Centre City Parkway/S Citracado Parkway stoplight. This area has added 3 new condo complexes built in the last 10-15 years, the last two one apartment complex (next Canterbury Gardens) then the most recent South Escondido next Casa De La Vega location has really made this a hazardous intersection. It's a daily occurrence that cars are rushing the light, sometimes running through stop signs since the traffic is backing up on Escondido Blvd or Citracado Parkway. This has caused many close calls, fender benders, and serious injuries. I have lived in the Adobe Ridge area for 30 years and it's getting worse with each complex being built. This project needs to include the traffic flow impact study to determine what impact this will have and what changes/additional stoplights exit need to improve traffic and decrease car accidents. If a builder wants to build a complex they need to be the one to put the money to do street and traffic flow improvements. Thank you Rose Dominguez Cranston Dr P.S. Also, I would like to say,, thank you for that ugly storage unit you allow to be put up in the residential area on Brotherton behind the Gas station,, that was SUCH a bad decision making on the planning community part to allow this. Nothing like bringing down property values for these homes around there.

ATTACHMENT 2

CITY OF ESCONDIDO

**ACTION MINUTES OF THE REGULAR MEETING OF THE
ESCONDIDO PLANNING COMMISSION
VIDEO/VIRTUAL CONFERENCE**

September 22, 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; and Rick Paul, Commissioner; Ingrid Rainey, Commissioner (late). One Vacancy

Staff present: Mike Strong, Director of Community Development; Kurt Whitman, Senior Deputy City Attorney; Julie Procopio, Director of Engineering Services; Owen Tunnell, Assistant City Engineer; Adam Finestone, Principal Planner; Jay Paul, Senior Planner; and Kirsten Peraino, Minutes Clerk.

MINUTES:

Moved by Commissioner Paul and seconded by Vice-Chair Garcia to approve the Action Minutes of the September 8, 2020 Planning Commission meeting. Motion carried unanimously. (5-0-0; Commissioner Rainey was absent for vote; one vacancy).

Commissioner Rainey arrived at 7:07 p.m. and missed roll call and the Minutes vote.

WRITTEN COMMUNICATIONS: Received.

FUTURE NEIGHBORHOOD MEETINGS: None.

ORAL COMMUNICATIONS: None.

PUBLIC HEARINGS:

1. TENTATIVE SUBDIVISION MAP, CONDOMINIUM PERMIT/PLOT PLAN, AND NON-EMERGENCY DEMOLITION PERMIT; MITIGATED NEGATIVE DECLARATION – SUB 19-0010, PHG 19-0050, AND ENV 19-0007:

REQUEST: Tentative Subdivision Map along with a Condominium Permit/Plot Plan for the proposed development of 42 air-space, three-story condominium units. A Non-Emergency Demolition Permit is requested for the proposed demolition of a Spanish Colonial Revival-style adobe structure constructed in 1946 that is classified as a historic resource. The structure originally was constructed as a single-family residence and was converted into a restaurant in 1963 (most recently known as “Hacienda de Vega”), which was shuttered in 2017. Access to the site would be provided from South Escondido Boulevard via a 24-foot-wide private street. South Escondido Boulevard would be improved across the project frontage (eastern side) to include curb, gutter, and sidewalk. A southbound left-turn lane would be striped across the project frontage. Up to 95 parking spaces would be provided on-site (garages/open guest spaces). On-street spaces would be restricted. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: Approximately 1.75 acres of land generally located on the eastern side of S. Escondido Boulevard, south of Citracado Parkway, east of S. Centre City Parkway, addressed as 2608 S. Escondido Boulevard (Assessor Parcel Nos.: 238-152-06-00 and 238-152-07-00).

ENVIRONMENTAL STATUS: A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was issued for a 20-day public review, beginning on March 16, 2020, and ending April 6, 2020, in conformance with the California Environmental Quality Act (CEQA). Sixteen (16) written comments were received during the review period. The IS/MND incorporates mitigation measures that will avoid or mitigate impacts related to cultural/tribal cultural resources and noise to a less than significant level.

STAFF RECOMMENDATION: Approval to City Council

PUBLIC SPEAKERS (SUBMITTED WRITTEN COMMENTS):

Marne Bouillon, Kitchell Development Company, Applicant, gave a presentation on the project

Alexa Clausen, provided comments in opposition to the project.

Erik Zedelmayer, provided comments in opposition to the project.

Save Our Heritage Organization (SOHO), provided comments in opposition to the project.

Kristin Hill, provided comments in opposition to the project.

Dominic Calarco, provided comments in opposition to the project.

Maria Weir Werth, provided comments in opposition to the project.

Carol Rea, Chair of the Historic Preservation Commission (HPC), No Position; presented corrections to the Planning Commission Staff Report indicating the HPC vote count on July 16, 2020 was 2-2-0 with one Commissioner recusing herself; Commissioners Cowan and Breitenfeld voted no; and two Commissioners were absent.

Carol Rea, provided comments in opposition to the project.

Rose Dominguez, No position but concerned about increase in traffic.

COMMISSIONER DISCUSSION:

The Commissioners discussed various aspects of the project.

ACTION:

Motion by Commissioner Paul, seconded by Vice-Chair Garcia to recommend approval to City Council with the added modification Mitigation Measure CUL-3: The interpretive program be reviewed and approved by the Historic Preservation Commission. Motion carried 4-2-0 (Doan and Rainey voted No and one vacancy).

Attachment 3

FINAL IS/MND ENV 19-0007

Due to the number of pages of Attachment 3, a link has been provided to review the document electronically on the City's web site at:

<https://www.escondido.org/2608-south-escondido-blvd-project.aspx>.

A hardcopy of the Final Initial Study/Mitigated Negative Declaration is available for review in the Office of the Planning Division of the Community Development Department during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

Note: The following documents are available under the link above:

- Draft IS/MND and technical documents
- Final IS/MND and technical documents
- Appendices A through H

RESOLUTION NO. 2020-146

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
APPROVING A TENTATIVE SUBDIVISION
MAP, CONDOMINIUM PERMIT, PLOT PLAN
AND NON-EMERGENCY DEMOLITION
PERMIT FOR A 42 UNIT RESIDENTIAL
PROJECT AT 2608 S. ESCONDIDO
BOULEVARD

Case Nos. SUB 19-0010 and PHG 19-0050

WHEREAS, South Escondido L.P./Kitchell Development Co. (“Applicant”) filed a land use development application (Planning Case Nos. SUB 19-0010 and PHG 19-0050) (“Application”) for the development of a proposed 42-unit condominium development, along with a Non-Emergency Demolition Permit for the demolition of an adobe structure classified as a significant historic resource, on an approximately 1.75-acre project site (“Project”) located within the Southern Entry District of the South Centre City Specific Plan. The Applicant seeks approval of a Tentative Subdivision Map to facilitate the construction of the condominium development as shown on Exhibit “D” (Tentative Subdivision Map), and incorporated herein by this reference as though fully set forth. The Project site generally is located on the eastern side of S. Escondido Boulevard, south of Citracado Parkway, addressed as 2608 S. Escondido Boulevard (APNs 238-152-06-00 and 238-152-07-00), 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, pursuant to CEQA and the 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 Application was assessed in conformance with CEQA and a draft Initial Study/Mitigated Negative Declaration (Planning Case No. ENV 19-0007) (“IS/MND”) was issued for public review and comment; and

WHEREAS, on July 16, 2020, the Historic Preservation Commission held a duly noticed public hearing as prescribed by law regarding the Non-Emergency Demolition Permit. Evidence was submitted to and considered by the Historic Preservation Commission, including written and oral testimony from City staff, interested parties, and the public. At the hearing, interested persons were given the opportunity to appear and present their views with respect to the Non-Emergency Demolition Permit. Following the public hearing, the Historic Preservation Commission did not recommend that the City Council approve the Non-Emergency Demolition Permit; and

WHEREAS, on September 22, 2020, the Planning Commission held a duly noticed public hearing as prescribed by law, at which interested persons were given the opportunity to appear and present their views with respect to the Application. Evidence was submitted to and considered by the Planning Commission, including written and oral testimony from City staff, interested parties, and the public. Following the public hearing, the Planning Commission adopted Resolution No. 2020-11, recommending that the City

Council, among other items, approve the Tentative Subdivision Map, Condominium Permit, Plot Plan and Non-Emergency Demolition Permit; and

WHEREAS, the City Council has reviewed the request for the Tentative Subdivision Map, Condominium Permit, Plot Plan and Non-Emergency Demolition Permit, and has reviewed and considered the final Initial Study/Mitigated Negative Declaration prepared for the Project, attached as Exhibit "F", and incorporated herein by this reference as though fully set forth herein, and has determined the Project would not have any significant impacts to the environment; and

WHEREAS, an original copy of the proposed Tentative Subdivision Map, Condominium Permit, Plot Plan and Non-Emergency Demolition Permit 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, in accordance with Government Code Section 66473.5, no local agency shall approve a tentative map, unless there is a finding that the proposed subdivision, together with the provisions for its design and improvement, is consistent

with the general plan required by Article 5 (commencing with Section 65300 of the Government Code), or any specific plan adopted pursuant to Article 8 (commencing with Section 65450 of the Government Code); and

WHEREAS, on October 21, 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 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 October 21, 2020, which along with its attachments, including the Historic Preservation Commission's and Planning Commission's recommendation on the request, is incorporated herein by this reference as though fully set forth herein; and
- d) additional information submitted during the public hearing; and

WHEREAS, on October 21, 2020, the City Council considered the IS/MND and determined that the IS/MND reflects the City's independent judgement and analysis; and hereby adopts the IS/MND; and

WHEREAS, on October 21, 2020, the City Council considered Resolution No. 2020-147 and intends to annex the 1.75-acre, 42-unit Project into Community Facilities District (CDF) No. 2020-1.

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. A final Initial Study/Mitigated Negative Declaration has been prepared in compliance with all requirements contained in CEQA, the CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation Measures were developed and incorporated into the Project design and Conditions of Approval to reduce potential significant environmental impacts to a less than significant level, in accordance with the Mitigation Monitoring and Reporting Program (“MMRP”) prepared for the Project. Therefore, the final IS/MND and Mitigation Monitoring and Reporting Program are complete and adequate for the Project, and appropriate for adoption.

3. 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.

4. That upon consideration of the Findings, all material in the October 21, 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 Tentative Subdivision Map, Condominium Permit, Plot Plan and Non-Emergency Demolition Permit, 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 Mitigation Monitoring and Reporting Program set forth as Exhibit “E”, incorporated by this reference as though fully set forth herein.

5. That this Tentative Subdivision Map and corresponding Condominium Permit, Plot Plan and Non-Emergency Demolition Permit Conditional Use Permit shall be null and void unless a Final Map conforming to the Tentative Subdivision Map and all required conditions, is filed within 36 months of the effective date of this approval, or unless an Extension of Time is granted pursuant to section 66452.6 of the California Government Code and Chapter 32 (Subdivisions) of the Escondido Municipal Code.

6. That concurrently with this Resolution, the City Council is taking a number of actions in furtherance of the Project, as generally described by the October 21, 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 Resolution No. 2020-147 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 Nos.: SUB 19-0010 and PHG 19-0050

PARCEL 1:

ALL THAT PORTION OF LOT "C" OF THE RESUBDIVISION OF LOTS 9, 10, 11, 12 AND 13 IN BLOCK 30 AND LOTS 2, 3, 6, 17, 18, 19, 20 AND 21 IN BLOCK 32 OF HOMELAND ACRES ADDITION TO ESCONDIDO NO. 2, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1721, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1921 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT "C" DISTANT THEREON NORTH 77°48' WEST 75.03 FEET FROM THE NORTHEAST CORNER OF SAID LOT "C"; THENCE ALONG SAID NORTH LINE, NORTH 77°48' WEST 347.62 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED NOVEMBER 29, 1956 IN BOOK 6362, PAGE 146 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 10°21'58" EAST (RECORD 10°28'58" EAST) 244.87 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 10°21'58" EAST 97.82 FEET TO THE SOUTHERLY LINE OF THE LAND DESCRIBED IN DEED TO CHARLES H. PAXTON RECORDED AUGUST 28, 1948 IN BOOK 2928, PAGE 349 OF OFFICIAL RECORDS; THENCE ALONG SAID SOUTHERLY LINE, NORTH 79°08' EAST 204.14 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND; THENCE ALONG THE EASTERLY LINE OF SAID LAND, NORTH 19°03' EAST 112.83 FEET TO A LINE WHICH BEARS NORTH 79°08' EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 79°08' WEST 259.50 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

ALL THAT PORTION OF LOT "C" OF RESUBDIVISION OF LOTS 9, 10, 11, 12 AND 13 IN BLOCK 30 AND LOTS 2, 3, 6, 7, 17, 18, 19, 20 AND 21 IN BLOCK 32 OF HOMELAND ACRES ADDITION NO. 2, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1721, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1921 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT "C" DISTANT THEREON NORTH 77°48' WEST 75.03 FEET FROM THE NORTHEAST CORNER OF SAID LOT "C"; THENCE ALONG SAID NORTH LINE NORTH 77°48' WEST 347.62 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED NOVEMBER 29, 1956 IN BOOK 6362, PAGE 146 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 10°21'58" EAST (RECORD 10°28'58" EAST) 244.87 FEET; THENCE NORTH 79°08' EAST 259.50 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN DEED TO CHARLES H. PAXTON RECORDED AUGUST 28, 1948 IN BOOK 2928, PAGE 349 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE NORTH 19°03' EAST 125.35 FEET TO THE POINT OF BEGINNING.

APNs 238-152-0600 and 238-152-0700

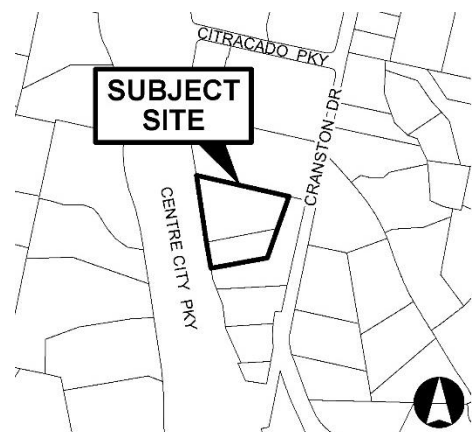


EXHIBIT "B"
Findings of Fact/Factors to be Considered
SUB 19-0010 and PHG 19-0050

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 a Final Initial Study / Mitigated Negative Declaration ("IS/MND") has been prepared (City File No. ENV 19-0007) in compliance with all requirements contained in CEQA, CEQA Guidelines, and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation measures were developed to reduce potential impacts to cultural/tribal cultural resources and noise. The Project Applicant has agreed to implement all mitigation measures identified in the Final IS/MND in order to reduce all potentially significant environmental impacts to a less-than-significant level, in accordance with the Mitigation Monitoring Reporting Program ("MMRP") prepared for the Project. Mitigation measures incorporated as part of the Project's conditions of approval reduce impacts to a level less than significant, therefore a IS/MND is appropriate for adoption.

Tentative Subdivision Map Determination(s)

1. The location, design, and residential density of the proposed 42-unit condominium development are consistent with the goals and policies of the Escondido General Plan because high-density residential and mixed-use development is permitted and encouraged in the Southern Entry District of the South Centre City Specific Plan. The proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to plan for quality managed and sustainable growth and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The Project site is physically suitable for the proposed density of development because the property is within a commercial and high-density redevelopment area that was previously used for residential and commercial purposes. The Project site currently is abandoned and in disrepair. Development of the property will assist in the ongoing revitalization of the South Centre City Specific Plan and Southern Entry District by establishing

a permanent residential base along the transitioning corridor. The Southern Entry District allows multi-family development up to 30 du/ac. The Southern Entry District permits multi-family/condominium type development with a maximum density up to 30 dwelling units per acre. Based on the property size of 1.75 acres the underlying zoning would allow up to 52 units with structures up to three (3) stories and 45 feet in height. The request to construct 42 units (overall density of 24 du/ac) with three-story structures up to approximately 37 feet in height is consistent with the land use density and development requirements envisioned for this area. Furthermore, the proposed Tentative Map is consistent with applicable provisions of the General Plan that addresses growth management and maintaining the fiscal stability of the City because the Applicant minimizes ongoing costs to taxpayers through the establishment of a CFD or other funding mechanism.

2. The approval of the proposed Project would be based on sound principles of land use and is well-integrated with its surroundings near residentially and commercially developed properties because adequate parking, access, on-site circulation, utilities, landscaping and open space would be provided (as detailed in the staff report). The residential project also would not be out of character for the area which contains other multi-story residential developments. The design of the Project would be in conformance with the Southern Entry District because the project would provide residential units to accommodate a wide range of housing needs (with ownership opportunities). The Project includes a variety of amenities such as individual balconies for each unit along with various common areas and features. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections.
3. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features. The proposed grading design would not result in any manufactured slopes or pad elevations that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views.
4. The Project site is physically suitable for this proposed type of residential development and density of development. Approval of the tentative subdivision map would not violate the requirements, goals, policies, or spirit of the General Plan or South Centre City Specific Plan. The site is suitable for this residential type of development and density because the General Plan and Southern Entry District allows for multi-story high-density residential development up to 30 dwelling units per acre. The request to construct 42 units (overall density of 24 du/ac) with three-story structures up to approximately 37 feet in height is consistent with the land use density and development requirements envisioned for this area. The project would be compatible with the surrounding uses because the subject site within an urban commercial/residential area developed with a variety of commercial and multi-story residential developments of varying density and design. The site is relatively flat and extensive grading is not proposed. The topography of the site allows for appropriate pedestrian access and the

creation of buildable pad areas without the need to export or import significant quantities of dirt. The Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features. The Project would be compatible with the surrounding area because the subject site is located within an urban commercial/residential area developed with a variety of commercial and multi-story residential developments of varying density and design. Adequate access and public utilities can be provided to the site. All vehicular traffic generated by the Project will be accommodated safely and without degrading the level of service on the adjoining streets or intersections. Appropriate noise attenuation would be provided for the new units. The proposed project also would not result in a significant impact to biological or natural resources.

5. The design of the subdivision and the type of improvements are not likely to cause serious public health problems. The Project's proposed street alignments, grades and widths; drainage and sanitary facilities and utilities, including alignments and grades thereof; location and size of all required easements and rights-of-way; unit configuration; traffic and emergency access; grading; and open space and recreational amenities were all reviewed for compliance with relevant City policies and codes. The Project would not cause substantial environmental damage and would avoid injury to fish or wildlife, or their habitat because the site is located within an urban setting and previously has been developed with a residential/commercial use.
6. The design of the map and the type of improvements will not conflict with easements of record, or easements established through court judgments, or acquired by the population at large, for access through, or use of property within the proposed map because any existing easements and improvements will either be accommodated within the project design; be quitclaimed prior to recordation of the map; or alternate provisions provided.
7. The design of the map has provided, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. The lot sizes and the subdivision configuration provides opportunities for passive/solar heating.
8. All permits and approvals applicable to the proposed map pursuant to the Escondido Zoning Code (Chapter 33 Zoning) will have been obtained prior to the recordation of the map.
9. The proposed map and associated condominium permit/plot plan will not conflict with regional or local housing because the proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to expand the stock of all housing; increase homeownership; plan for quality managed and sustainable growth; and encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The proposed project would not diminish the Quality-of-Life Standards of the General Plan as the project would not materially degrade the level of service on adjacent streets or public facilities, create excessive noise, and adequate on-site parking, circulation

and public services could be provided to the site. All lots would maintain all development standards of the applicable zone and observe the density of the General Plan and area plans, as noted in the sections above.

10. In consideration of the above, the proposed Project meets all of the requirements of section 66474 of the California Government Code and the proposed map meets all of the requirements or conditions imposed by the Map Act and the Escondido Zoning Code, as detailed in the staff reports, the Escondido General Plan and above findings.

Condominium Permit/Plot Plan

1. The location, design, and residential density of the proposed 42-unit condominium development are consistent with the goals and policies of the Escondido General Plan because high-density residential and mixed-use development is permitted and encouraged in the Southern Entry District of the South Centre City Specific Plan. The proposed infill residential project would be in conformance with General Plan Housing Goals and Policies to plan for quality managed and sustainable growth and provide a range of housing opportunities for all income groups and populations with special needs, and which encourage a compact, efficient urban form that promotes transit, supports nearby commercial establishments and takes advantage of infrastructure improvements installed to accommodate their intended intensities. The site is physically suitable for the proposed density of development because the property is within a commercial and high-density redevelopment area that was previously used for residential and commercial purposes. The subject site currently is abandoned and in disrepair. Development of the property will assist in the ongoing revitalization of the South Centre City Specific Plan and Southern Entry District by establishing a permanent residential base along the transitioning corridor. The Southern Entry District allows multi-family development up to 30 du/ac. The Southern Entry District permits multi-family/condominium type development with a maximum density up to 30 dwelling units per acre. Based on the property size of 1.75 acres the underlying zoning would allow up to 52 units with structures up to three (3) stories and 45 feet in height. The request to construct 42 units (overall density of 24 du/ac) with three-story structures up to approximately 37 feet in height is consistent with the land use density and development requirements envisioned for this area.
2. The overall design of the proposed residential development would produce an attractive, efficient and stable environment for living, because adequate residential amenities, parking, on-site circulation, access, city services and landscaping would be provided, and the design of the development is consistent with a high quality, urban infill project that will provide housing opportunities. The Project's open space is well designed, properly distributed, and does not unreasonably restrict disabled access. The project contains architectural and site-planning features commonly found in projects that maintain a majority of owner-occupied units.
3. The proposed development would be well integrated into its surroundings, because the new structures would incorporate compatible and integrated architecture, materials and colors, and

the Project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties. The proposed grading design would not result in any manufactured slopes or pad that would create any significant adverse visual or compatibility impacts with adjacent lots, nor block any significant views. Extensive grading is not required to support the Project, and the Project would not result in the destruction of desirable natural features, nor be visually obstructive or disharmonious with surrounding areas because the site is not located on a skyline or intermediate ridge, and the site does not contain any significant topographical features.

4. All vehicular traffic generated by the proposed development would be accommodated safely and without causing undue congestion upon adjoining streets, as determined by the Engineering Division and detailed in Final Initial Study/Mitigated Negative Declaration that was prepared for the Project. City services, adequate utilities, and other infrastructure can be provided to the project without significant upgrades to existing systems.
5. The improvements are not likely to cause substantial environmental concerns because the property was previously developed and used for residential and commercial/restaurant purposes and on-site paved parking. The site does not contain any sensitive or protected habitat or other environmental concerns that cannot be mitigated as determined during the environmental review. The design of the project and the type of improvements are not likely to cause serious public health problems because the project will not degrade the levels of service on the adjoining streets or drainage system as the project incorporates street and drainage improvements are part of the project and city sewer and water is available to the site.
6. The condominium development will be required to establish a Homeowners Association (HOA) to provide appropriate ongoing maintenance for the Project. The overall size of the project/number of units would be sufficient to provide a sustainable association.

Non-Emergency Demolition Permit

1. *That the City of Escondido's inventory of significant historical resources is not diminished by the demolition of the subject resource, and that remains in the community a like resource, i.e., use, site, architectural style, or example of an architect's work;*

There remains in the community and surrounding area similar adobe resources that were constructed during the same time period and reflect the Colonial Revival-style of architecture. Although the building was one of the first in the area to be built by Charles Paxton and served as the model home for the surrounding Longview Acres Estates residences, an entire subdivision of similarly designed and constructed residences is still present in Escondido along Verda Avenue, Ultimo Avenue, Ross Land and Las Palmas Avenue. Some of these structures were designed by another adobe developer, the Weir Brothers, that also are historic in age and represent the same style and type of adobe residential construction portrayed by the 2608 South Escondido Boulevard building.

2. *That all feasible economic and physical alternatives to demolition have been evaluated, and that the applicant has shown that there is no alternative left to pursue, other than demolition;*

The subject site is located within the South Centre City Specific Plan (Southern Entry District). The project includes the development of 42 condominium units on the 1.75-acre site, along with grading, supporting roadway improvements, internal driveways and infrastructure to support the proposed development in accordance with the provisions of the South Centre City Specific Plan. The applicant has shown that there is no reasonable alternative left to pursue, other than demolition. The overall site and buildings have fallen into significant disrepair since being shuttered in 2017. Based on an evaluation of the building by the applicant's consultants, the structure appears to be structurally unsound and currently does not meet building code requirements for commercial and/or residential structures. The applicant has indicated the estimate cost for proposed demolition, salvage and rebuilding of the 2,725 SF building is approximately \$350 per square foot, which would make the proposed project unfeasible from a total development cost and project objective standpoint. In addition, due to its central location on the lot, incorporating the existing structure into the design of the project for commercial or recreational purposes is impractical and would result in a significant reduction in developable area for the multi-family components of the project; therefore making the overall project infeasible.

3. *That the continued existence of the historical resource is detrimental to the public health, safety and welfare;*

Since the shuttering of the restaurant and change of ownership of the property, the site has faced a constant breach of the security fencing surrounding the property and break ins of the existing buildings despite continued efforts to secure the property and repair vandalism. The building and grounds have not been maintained since the restaurant was closed and has fallen into disrepair, with some of the building and landscape elements removed and/or damaged. The Escondido Police Department has cleared the site of trespassers on a number of occasions at the property owner's request. Neighboring residents in the adjacent multi-family project also have complained that trespassers of the site have been stealing packages throughout the complex. Therefore, until this site can be cleared of the structures and despite the ongoing attempts to adequately secure the site, it will continue to serve as an attractive nuisance for trespassers and remain a threat to the public health, safety and welfare.

4. *If the property is approved for demolition, the Historical Society and/or other appropriate historic agency has access to the building to retrieve any historic material, and to provide photo documentation of the resources conducted according to Historic American Building Survey (HABS) specifications;*

Appropriate mitigation measures listed below have been included to reduce impacts to less than a significant level and the Historical Society and/or other appropriate historic agency will have access to the building to retrieve any historic material.

MM/CUL-1: The project applicant shall ensure Level I or II Historic American Buildings Survey documentation (or equivalent) of the residence be conducted in order to achieve mitigation by exhausting the research potential of the resource.

MM-CUL-2: Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.

MM-CUL-3: The project applicant shall institute an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district. An example of an interpretive program may be installation of interpretive signs or commemorative plaques in a publicly accessible and visible location that describe the history of the site must be installed prior to certificate of occupancy. The project applicant shall submit the interpretative program for consideration and approval by the Historic Preservation Commission. Although implementation of this mitigation measure may reduce impacts on historic resources, it would not lessen the effects to a less than significant level.

5. *The applicant shall have, or will have a plot plan or development plan approved by the city prior issuance of a demolition permit.*

The proposed Project and environmental determination will be considered by the City Council along with this request for a non-emergency demolition permit at a noticed public hearing. Should the application not be approved, the demolition of the building would not be authorized.

EXHIBIT "C"
CONDITIONS OF APPROVAL
Planning Case No. SUB 19-0010 and PHG 19-0050

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 Tentative Subdivision Map and corresponding Condominium Permit/Plot Plan shall automatically expire after three (3) 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. **Notice of Determination;** The City of Escondido hereby notifies the applicant that State Law (AB 3158) effective January 1, 1991, requires certain projects to pay fees for purposes of funding the California Department of Fish and Game. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, or if the Project was analyzed through a negative declaration or environmental impact report, the Applicant shall remit to the City of Escondido Planning Division, within two (2) working days of the effective date of the adoption of the environmental document, a check payable to the "County Clerk," in the amount that is published by the County Clerk's Office. Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the

provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. The County Clerk's Office filing fees for other environmental review documents are adjusted annually by the California Department of Fish and Wildlife. If the fee increase after the date of this approval, the Applicant shall be responsible for the increase.

- b. For further information on filing fees, please refer to the County Clerk's Office and/or the California Code of Regulations, Title 14, section 753.5.

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, agents 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 South Centre City Specific Plan and City of Escondido Sign Ordinance (Ord. 92-47, Zoning Code Article 66) for the underlying zone, and as may be approved pursuant to the Condominium Permit/Plot 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.
5. **Noise.** All Project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
 - a. Prior to issuance of building permit(s), the applicant shall submit an exterior-to-interior noise report completed by a qualified acoustical consultant to demonstrate compliance with interior noise levels as required by the California Building Code of 45 dB. The report shall assume a "windows closed" conditions with regard to vehicles traveling along the adjacent roadways in accordance with the identified speed limits. The report would determine the predicted interior noise levels for the units, and would identify any necessary architectural materials or techniques that would be necessary to conform to interior noise levels.
6. **Lighting.** All exterior lighting shall conform to the requirements of Zoning Code Article 35, Outdoor Lighting).
7. **General Property Maintenance.** The property owner(s) 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. This shall include a combination of appropriate architectural features/screens and landscaping.

11. Trash Enclosures. Appropriate trash enclosure(s) or other approved trash system shall be approved by the Planning Division and Engineering Department. 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. If public trash enclosures are provided, 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 95 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. 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(s) 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. The final landscape plan shall include an appropriate mix of trees, shrubs and groundcover along the South Escondido Boulevard street frontage in accordance with the South Centre City Specific Plan landscape design requirements.

C. Project Specific Conditions

1. Community Facility District or Separate Funding Mechanism. The Applicant shall fund all on-going operational costs of providing municipal services required for the Project, the amount of such funding to be determined by the City Council at the time of Project approval. Such funding shall occur through either an agreement to form or annex into a Community Facilities District ("CFD") or the establishment of another lawful funding mechanism reasonably acceptable to the City ("Public Services Funding Agreement"). The provisions of the Public Services Funding Agreement shall specify any terms and limitations necessary to implement the CFD or other funding mechanism to offset the impacts to public services associated with the project. The City Manager, or City Manager's designee, shall be authorized to approve and execute the Public Services Funding Agreement, and the Public Services Funding Agreement shall be finalized prior to the City's issuance of any permit for the Project.

2. Permitted animals/pets shall be allowed in conformance with those identified in the Escondido Zoning Code for R-4 zoned properties, unless more restrictive standards are applied by the property owner and included in the project CC&Rs.
3. Balconies and patios shall be kept in a neat and orderly manner. Items shall not be hung over, across or on balconies or patios (such as towels, clothing, etc.).
4. Any wall and retaining walls shall incorporate decorative block/finish to complement the overall design of the buildings. This shall be noted on the final plans.
5. The project shall be managed by a professional management company. A self-managed HOA shall not be allowed. This shall be reflected in the project CC&Rs.

D. Mitigation Measures

The approval of the Tentative Subdivision Map, Condominium Permit, Plot Plan, and Non-Emergency Demolition Permit, Planning Case No. SUB 19-0010, PHG 19-0050 and ENV 19-0007, is granted subject to the approval of the Final IS/MND and is subject to all Project features and mitigation measures contained therein and described below. Applicant shall implement, or cause the implementation of the Final IS/MND Mitigation Monitoring and Reporting Program ("MMRP"), provided as "Exhibit E," which is incorporated herein by reference as though fully set forth herein.

Cultural/Tribal Cultural Resources

MM-CUL-1: The project applicant shall ensure Level I or II Historic American Buildings Survey documentation (or equivalent) of the residence be conducted in order to achieve mitigation by exhausting the research potential of the resource.

MM-CUL-2: Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.

MM-CUL-3: The project applicant shall prepare an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district. An example of an interpretive program may be installation of interpretive signs or commemorative plaques in a publicly accessible and visible location that describe the history of the site must be installed prior to certificate of occupancy. The project applicant shall submit the interpretative program for consideration and approval by the Historic Preservation Commission. Although implementation of this mitigation measure may reduce impacts on historical resources, it would not lessen the effects to a less than significant level.

MM-CUL-4: The City Planning Division 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 them. The applicant/owner and the TCA Tribe responsible 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 project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground-disturbing activities.

MM-CUL-5: Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.

MM-CUL-6: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.

MM-CUL-7: During the initial demolition, site grading, excavation, or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

MM-CUL-8: 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 clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

MM-CUL-9: If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe, and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the tribal cultural resource's treatment and

disposition shall be made by the qualified archaeologist in consultation with the TCA Tribe and the Native American monitor and be submitted to the City for review and approval.

MM-CUL-10: If a potentially significant tribal cultural resources and/or unique archaeological resource is discovered, the avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.

MM-CUL-11: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition. A temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains in accordance with California Public Resources Code section 5097.98. The Native American remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Native American monitor.

MM-CUL-12: 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 TCA Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other

resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.

MM-CUL-13: 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.

Noise

MM-NOS-1: Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses to the north. In addition, the use of vibratory rollers and packers should be avoided, as feasible, near sensitive areas.

MM-NOS -2: The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, 5:00 p.m. and 9:00 a.m. on Saturday, and all day on Sunday. Additionally, while construction would occur up to the property edge, the majority of construction would take place in the center of the site, which would be approximately 100 feet from the nearest sensitive receptor. With implementation of mitigation measures N-1 and N-2, impacts would be reduced to less than significant.

BUILDING

1. Approval and subsequent development is subject to all conditions and requirements of the California Building Code and Building Division.

ENGINEERING CONDITIONS OF APPROVAL

GENERAL

1. The Developer shall provide the City Engineer with a Subdivision Guarantee and 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 and Final Map. 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 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. No Building Permits shall be issued for any construction within this Subdivision until the Final Subdivision Map is recorded and either:
 - a) All conditions of the Tentative Subdivision Map have been fulfilled, or
 - b) Those conditions unfulfilled at the time of an application for Building Permits shall be secured and agreements executed in a form and manner satisfactory to the City Attorney and City Engineer.
7. If site conditions change adjacent to the proposed development prior to completion of the project, the Developer will be responsible to modify his/her improvements to accommodate these changes. The determination and extent of the modification shall be to the satisfaction of the City Engineer.
8. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected by the Developer to the satisfaction of the City Engineer.
9. The Developer's engineer shall submit to the Planning Division three (3) copies of the Tentative Map as presented to the Planning Commission and approved by the City Council together with any changes contained in the adopted final conditions of approval. The Tentative Map will be certified by the Planning Department verifying that they are an accurate

reproduction of the approved Tentative Map and 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 as required by the Subdivision Ordinance and to the satisfaction of the City Engineer. Specific details, including final street improvement widths, right-of-way widths, concrete curb and gutters, curb returns and pedestrian ramps, drainage, lighting, etc. shall be to the satisfaction of the City Engineer.
2. Prior to first occupancy the developer shall construct street improvements, including but not limited to, concrete curb, gutter, sidewalk, street lights, street trees, paving and base on the following streets adjoining the project boundary:

STREET

CLASSIFICATION

S. Escondido Blvd.

Mod. Local Collector per Tentative Map
(38' curb-to-curb)

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

3. The project's access drive shall be constructed as an alley-type driveway apron with a minimum throat width of 24-feet and a driveway apron with a 4-foot minimum ADA path of travel maintained near the R/W line to the satisfaction of the City Engineer.
4. All on-site driveways and parking areas are private, and shall be paved with a minimum of 3" asphalt concrete (AC) over 6" of aggregate base (AB) or 7" Portland concrete cement (PCC) over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
5. Typical sections and design details shall be to the satisfaction of the City Engineer and Community Development Director.
6. Public sidewalk construction shall be contiguous to the curb in accordance with current Escondido Design Standards.
7. The minimum radius of the curb returns at intersecting private streets shall be 28 feet. The entrances to the private alleyways serving as vehicle access to the units off these private streets shall be designed and constructed with 15-foot minimum radius standard curb returns, concrete cross gutters, and pedestrian ramps (where sidewalk is required).
8. 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.

9. 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.
10. Street lighting shall be required on all on-site private streets and alleyways. It shall be the responsibility of the Home Owner's Association to maintain the street lighting system and such maintenance responsibility shall be clearly stated in the CC&Rs.
11. Pedestrian access routes meeting current ADA requirements shall be provided into the project to the satisfaction of the City Engineer and City Building Official.
12. The address of each dwelling unit shall either be painted on the curb or posted in such a manner that the address is clearly visible from the private roadways. The address shall be placed in a manner and location approved by the City Engineer, Community Development Director, and Fire Marshal.
13. 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.
14. An Encroachment Permit shall be obtained from the Engineering Department for all work within the public right-of-way. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections, and note on the plans.

GRADING

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 three (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. 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. The cost of any independent third party review deemed necessary by the City Engineer shall be reimbursed by the developer. 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.

3. All retaining walls and screen walls, stairs and raised landings shall be constructed completely within the Project property and shall not encroach into the public right-of-way.
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 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. All on-site storm drains not in public easements are private. The responsibility for maintenance of these storm drains shall be that of the Home Owner's Association. Provisions stating this shall be included in the CC&Rs.
3. 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.
4. 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.

5. 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.
6. The Developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
7. 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 Home Owner's Association.
8. The Developer's engineer shall design and the Developer shall construct any permeable surfaces proposed for the project to the specifications of the County of San Diego Green Streets manual in effect at the time the grading permits are issued. All permeable surfaces within the project footprint that are subject to vehicular traffic shall be designed for H20 loading.
9. The Home Owner's Association shall perpetually maintain all permeable surfaces in accordance to the standards established by the County of San Diego Green Streets manual in effect at the time the grading permits are issued. City shall have the right to inspect all permeable surfaces as needed to ensure they function as designed. City shall have the right to require qualified third party testing at the property association's expense when surface failure is suspected. Contractor qualifications are outlined in the County of SD Green Streets manual. The Home Owner's Association will be required to repair or reinstall the permeable surface for all failing surfaces to County of SD Green Streets manual standards in place at the time of the grading permit. In the event of failure to maintain the permeable pavers system that result in not functioning as designed, the project Home Owner's Association will be responsible to replace the pervious pavers system with an alternate method of storm water treatment.
10. The Developer shall be required to clean the existing corrugated metal pipe storm drain pipe located along the project's frontage on S. Escondido Boulevard, provide the City's Field Engineering Inspector closed-circuit television video of the storm drain pipe, and rehabilitate the pipe with a method that provides a minimum 25-year life expectancy for the pipe. The pipe shall be cleaned and rehabilitated from the existing upstream and downstream in-line storm drain structures.

WATER SUPPLY

1. 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.
2. 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.
3. 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.
4. All public water mains shall be located under asphalt or concrete pavement and not under curbs, gutters, medians or sidewalks.
5. The Developer shall construct a 12-inch looped on-site water main designed to provide adequate water service and/or fire protection for the proposed project as shown on the Tentative Map. All proposed water mains shall be sized to provide the required fire flow while still meeting City of Escondido Standards.
6. All water mains shall be looped.
7. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal.
8. All proposed fire hydrants shall be public and meet the current City of Escondido Standards, and shall connect to a minimum 8" diameter public water main.
9. 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.
10. Backflow prevention assemblies are private and should be located outside public utility easements. Backflows shall be located directly behind the public meter.
11. 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.
12. 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.
13. No trees or deep-rooted plants shall be planted within 10 feet of any public water main.
14. All water mains within easements shall be installed under a minimum 20-foot wide all-weather road surface designed to the satisfaction of the Utilities Engineer.
15. 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.

16. 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.
17. 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.
18. All on-site water lines and backflow prevention devices beyond a City water meter or detector Check valve and/or not in public easements or the City's right of way shall be considered a private water system. The Home Owner's Association will be solely responsible for all maintenance or repair of these water lines and facilities.

SEWER

1. The location and sizing of all sewer mains shall be per City of Escondido Design Standards and to the satisfaction of the Director of Utilities and the Utilities Engineer.
2. Improvement plans for all proposed sewer mains shall be prepared by a Civil Engineer and shall be submitted to the City for review and approval.
3. All sewer mains, laterals, and appurtenances shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings, and to the satisfaction of the Director of Utilities and Utilities Engineer.
4. The Developer shall construct 8-inch public backbone sewer systems on-site to serve the project as shown on the Tentative Map.
5. All manholes shall be accessible at all times by City vector trucks.
6. The Developer shall cap and plug at the public sewer main all sewer lines and laterals to be abandoned, to the satisfaction of the Utilities Engineer and the City Inspector. The existing sewer lateral sewerage to the existing public sewer main to the north of the property shall be abandoned at the public main to the satisfaction of the Utilities Engineer and the City Inspector. After this lateral is abandoned, the existing public sewer main shall be abandoned at the public main in Cranston.
7. The developer shall cap and plug the existing public sewer main currently sewerage under the existing motel to the satisfaction of the Utilities Engineer and the City Inspector.
8. The location of all sewer laterals shall be shown on the improvement plans.
9. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
10. All sewer laterals are considered private and the Home Owner's Association will be responsible for all maintenance and replacement of sewer laterals..
11. A minimum 20-foot all weather access road (suitable for use by the City's vector trucks) shall be required for access to all sewer manholes.

12. There shall be no permanent structures or private utilities located within public sewer or public utility easements. Where it is necessary that the private storm drains share a public easement, they shall be placed on the outer-most edge away from the public sewer or water.
13. No trees or deep-rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral. Sewer laterals shall be 5-feet horizontally clear from other utilities.
14. 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 Department and Planning Division. The initial submittal of the landscape plans shall include the required plan check fees.

FINAL MAP - EASEMENTS AND DEDICATIONS

1. All easements, both private and public, affecting subject property shall be shown and delineated on the Final Map.
2. Public utility easements for sewer, water, storm drain, etc. which are deemed necessary by the City Engineer shall be granted to the City. The minimum easement width is 20 feet. Easements with additional utilities shall be increased accordingly.
3. A public utility easement shall be dedicated over the private streets. The public utility easement width shall be 24 feet and extend curb-to-curb.
4. A public utility easement shall be dedicated along the S. Escondido Boulevard project frontage. The public utility easement width shall be 4 feet.
5. The Developer is responsible for making the arrangements to quitclaim all easements of record, which conflict with the proposed development prior to approval of the final map. If an easement of record contains an existing utility that must remain in service, proof of arrangements to quitclaim the easement once new utilities are constructed must be submitted to the City Engineer prior to approval of the Final Map. Building permits will not be issued for any building in which construction will conflict with existing easements or utilities, nor will any securities be released until the existing easements are quitclaimed.

REPAYMENTS & FEES

1. A sewer repayment of \$1,391.98 is due to the City of Escondido for existing sewer improvements in S. Escondido Boulevard that will serve this development.
2. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public or private property and improvements, install new BMPs, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for cleanup or damage will be drawn from this security and the grading permit will be revoked by written notice to the Developer until the required cash security is replaced. The cleanup cash security shall be released upon final acceptance of the grading and improvements for this project. The amount of the cash security shall be 10% of the total estimated cost of the grading, drainage, landscaping, and best management practices items of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the City Engineer.
3. 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

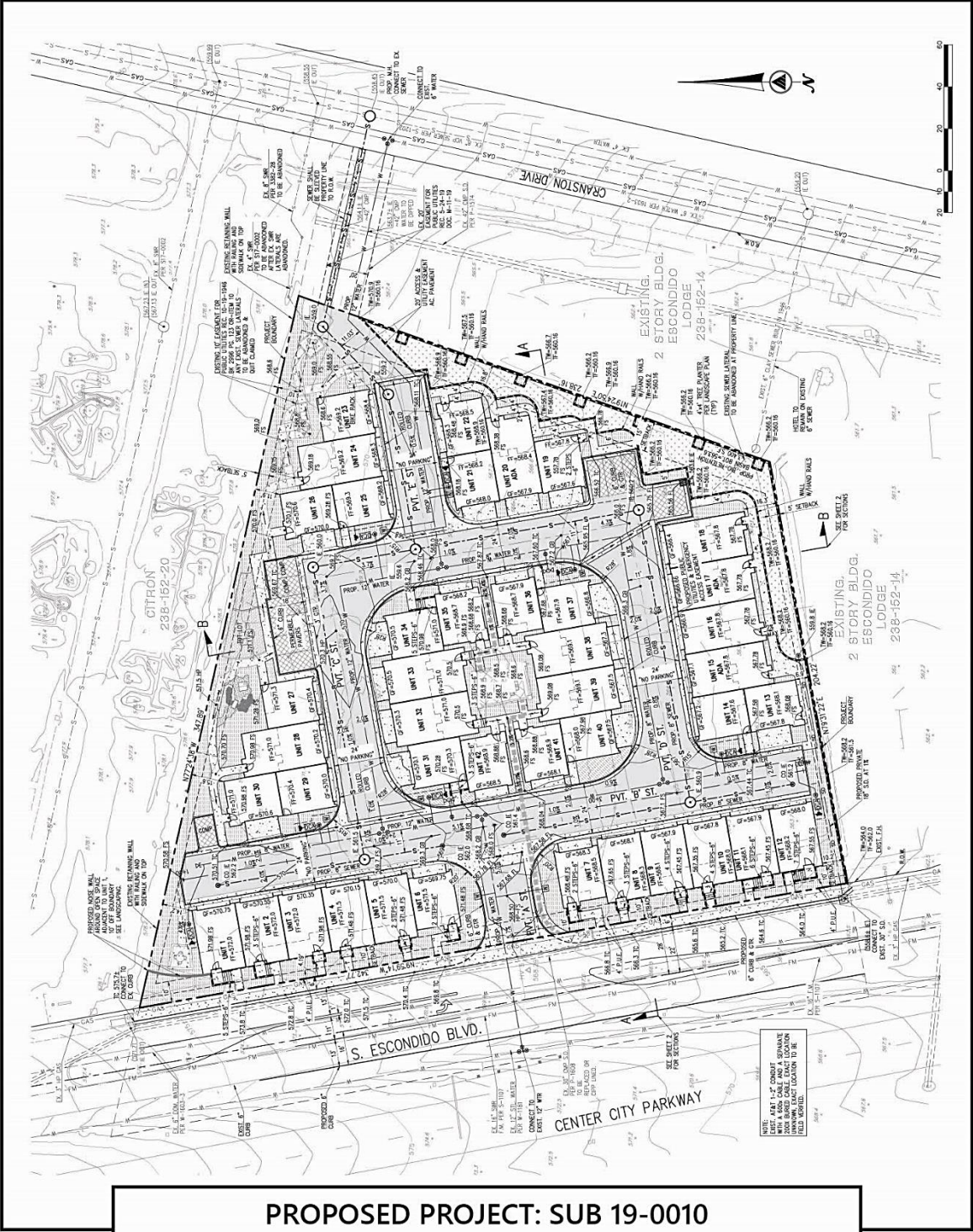
1. All existing overhead utilities within the subdivision boundary or along fronting streets shall be relocated underground as required by the Subdivision Ordinance. The developer may request a waiver of this condition by writing a letter to the City Engineer explaining his/her reasons for requesting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

CC&Rs

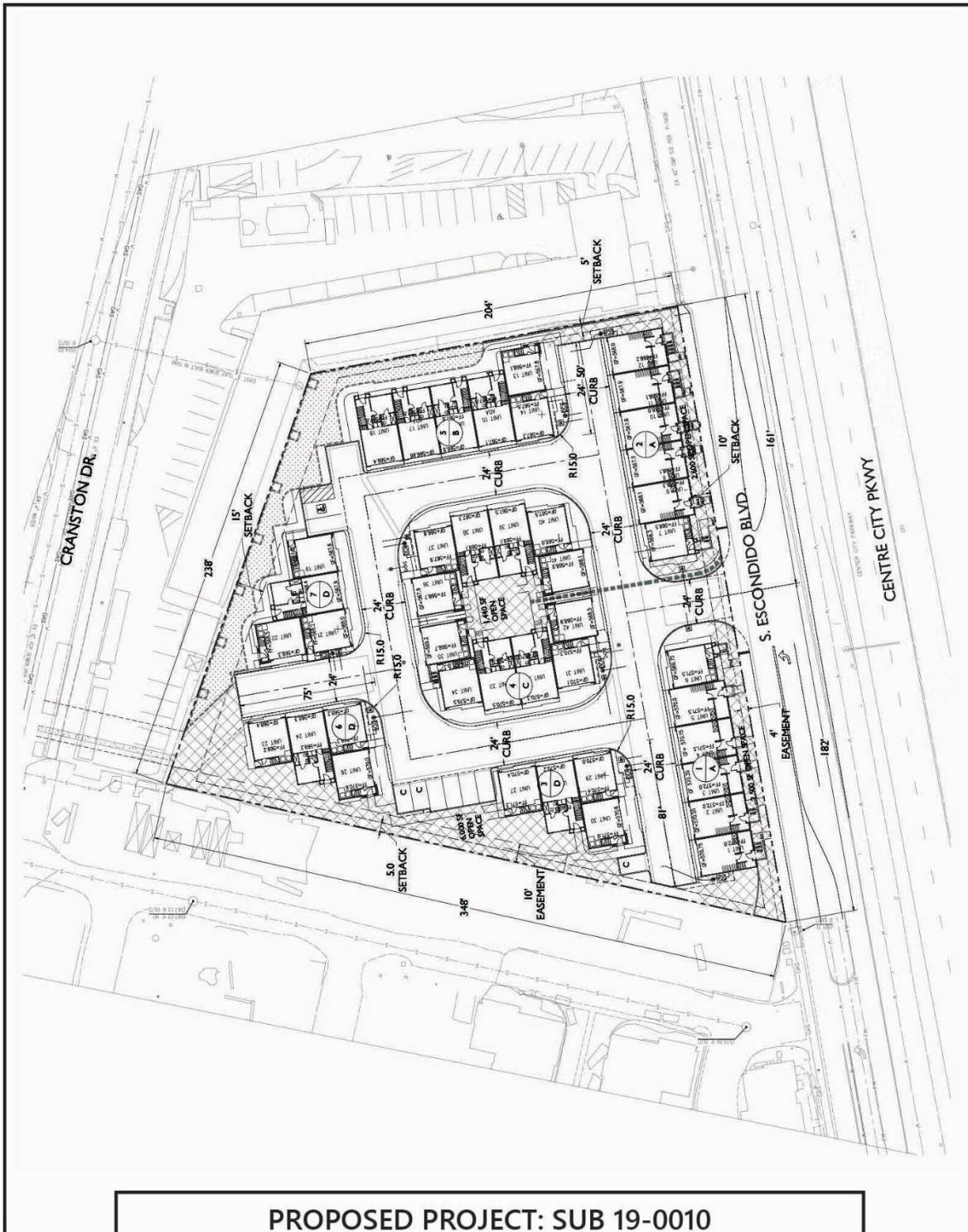
1. Copies of the CC&Rs shall be submitted to the Engineering Department and Planning Division for approval prior to approval of the Final Map.
2. The Developer shall make provisions in the CC&Rs for maintenance by the Home Owners' Association of private driveways, pavers, parking areas, private utilities (including sewer and water), storm water and drainage facilities, private street lighting, landscaping both onsite and within fronting public right-of-ways. These provisions must be approved by the Engineering and Planning Departments prior to approval of the Final Map.
3. The CC&Rs must state that the Home Owners' Association assumes liability for damage and repair to City utilities in the event that damage is caused by the property owners' association when repair or replacement of private utilities is done.

4. The CC&Rs must state that if stamped concrete or pavers are used in the private driveway and parking areas, the Home Owner's Association is responsible for replacing the stamped concrete in kind if the City has to trench these areas for repair or replacement of a City utility.
5. The CC&Rs shall reference the recorded Storm Water Control Facility Maintenance Agreement and the approved Storm Water Quality Management Plan (SWQMP) for the project.

EXHIBIT "D"
PROJECT PLANS/EXHIBIT
SUB 19-0010 and PHG 19-0050



PROPOSED PROJECT: SUB 19-0010
TENTATIVE SUBDIVISION MAP



**PROPOSED PROJECT: SUB 19-0010
 BUILDING A ELEVATIONS - SCHEME A**



RIGHT



LEFT



REAR



FRONT



PERSPECTIVE



PERSPECTIVE

- MATERIAL SCHEDULE**
- 1 ROOF - CONCRETE ROOF TILE
 - 2 WALLS - STUCCO
 - 3 FASCIA - SHINGLED SHAWN WOOD
 - 4 TRIM - 2X4 STUCCO OVER
 - 5 DECORATIVE METAL RAILING
 - 6 STONE VENEER
 - 7 DECORATIVE CORBEL
 - 8 DECORATIVE SHUTTERS
 - 9 DECORATIVE AWNING
 - 10 DECORATIVE IRON GRILLE
 - 11 DECORATIVE GABLE ACCENT

**PROPOSED PROJECT: SUB 19-0010
 BUILDING A ELEVATIONS - SCHEME B**



RIGHT



LEFT



REAR



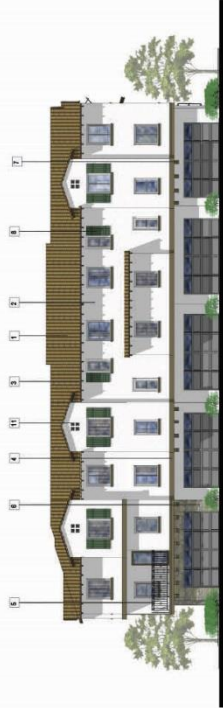
FRONT

MATERIAL SCHEDULE

- 1 ROOF - CONCRETE ROOF TILE
- 2 WALLS - STUCCO
- 3 FASCIA - 2X6 REDAWN WOOD
- 4 TRIM - 2X STUCCO OVER
- 5 DECORATIVE METAL RAILING
- 6 STONE VENEER
- 7 DECORATIVE CORBEL
- 8 DECORATIVE SHUTTERS
- 9 DECORATIVE AWNING
- 10 DECORATIVE IRON GRILLE
- 11 DECORATIVE GABLE ACCENT



PERSPECTIVE



REAR



FRONT

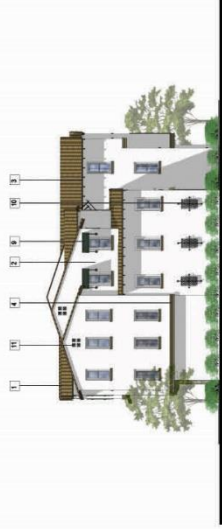
- MATERIAL SCHEDULE
- 1 ROOF - CONCRETE ROOF TILE
 - 2 WALLS - STUCCO
 - 3 FASADA - 2X6 BESAWN WOOD
 - 4 TRIM - 2X STUCCO OVER
 - 5 DECORATIVE METAL RAILING
 - 6 STONE VENEER
 - 7 DECORATIVE CORBEL
 - 8 DECORATIVE SHUTTERS
 - 9 DECORATIVE AWNING
 - 10 DECORATIVE IRON GRILLE
 - 11 DECORATIVE GABLE ACCENT



PERSPECTIVE



RIGHT



LEFT



PERSPECTIVE

**PROPOSED PROJECT: SUB 19-0010
 BUILDING B ELEVATIONS - SCHEME A**



REAR



FRONT



RIGHT



LEFT



PERSPECTIVE



PERSPECTIVE

MATERIAL SCHEDULE

- 1 ROOF - CONCRETE ROOF TILE
- 2 WALLS - STUCCO
- 3 FASCIA - 2X6 REPAWN WOOD
- 4 TRIM - 2X STUCCO OVER
- 5 DECORATIVE METAL RAILING
- 6 STONE VENEER
- 7 DECORATIVE CORBEL
- 8 DECORATIVE SHUTTERS
- 9 DECORATIVE AWNING
- 10 DECORATIVE IRON GRILLE
- 11 DECORATIVE GABLE ACCENT

**PROPOSED PROJECT: SUB 19-0010
 BUILDING C ELEVATIONS - SCHEME B**



REAR



FRONT

- MATERIAL SCHEDULE**
- 1 ROOF - CONCRETE ROOF TILE
 - 2 WALLS - STUCCO
 - 3 FASCIA - 2X6 REBARN WOOD
 - 4 TRIM - 2X STUCCO OVER
 - 5 DECORATIVE METAL RAILING
 - 6 STONE VENER
 - 7 DECORATIVE CORBEL
 - 8 DECORATIVE SHUTTERS
 - 9 DECORATIVE AWNING
 - 10 DECORATIVE IRON GRILLE
 - 11 DECORATIVE GABLE ACCENT



PERSPECTIVE



RIGHT



LEFT



PERSPECTIVE

**PROPOSED PROJECT: SUB 19-0010
 BUILDING D ELEVATIONS - SCHEME A**



REAR



FRONT



RIGHT



LEFT



PERSPECTIVE



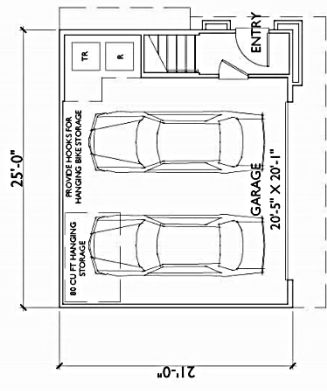
PERSPECTIVE

MATERIAL SCHEDULE

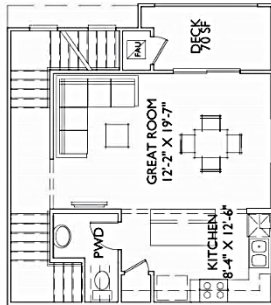
- 1 ROOF - CONCRETE ROOF TILE
- 2 WALLS - STUCCO
- 3 FASCIA - 2X6 REBRAIN WOOD
- 4 TRIM - 2X STUCCO OVER
- 5 DECORATIVE METAL RAILING
- 6 STONE VENEER
- 7 DECORATIVE CORBEL
- 8 DECORATIVE SHUTTERS
- 9 DECORATIVE AWNING
- 10 DECORATIVE IRON GRILLE
- 11 DECORATIVE GABLE ACCENT

**PROPOSED PROJECT: SUB 19-0010
 BUILDING D ELEVATIONS - SCHEME B**

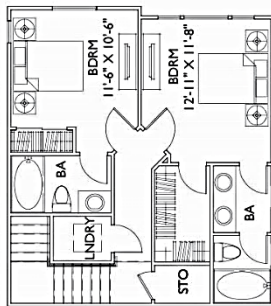
PLAN 1:		2BD/2BA
1ST FLR -	60 S.F.	
2ND FLR -	535 S.F.	
3RD FLR -	590 S.F.	
SUBTOTAL	1185 S.F.	
GARAGE -		465 S.F.
TOTAL		1650 S.F.



FIRST FLOOR

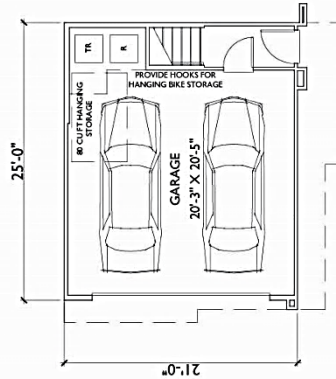


SECOND FLOOR

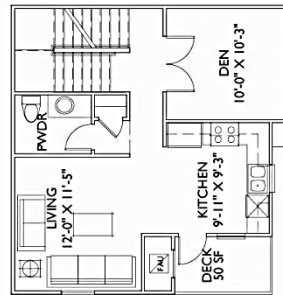


THIRD FLOOR

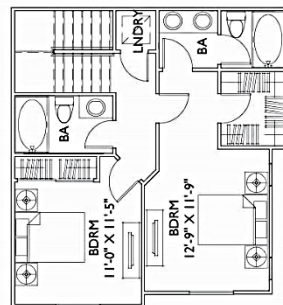
PLAN 2:		2BD+DEN/2.5BA
1ST FLR -	60 S.F.	
2ND FLR -	560 S.F.	
3RD FLR -	645 S.F.	
SUBTOTAL	1265 S.F.	
GARAGE -		465 S.F.
TOTAL		1730 S.F.



FIRST FLOOR



SECOND FLOOR



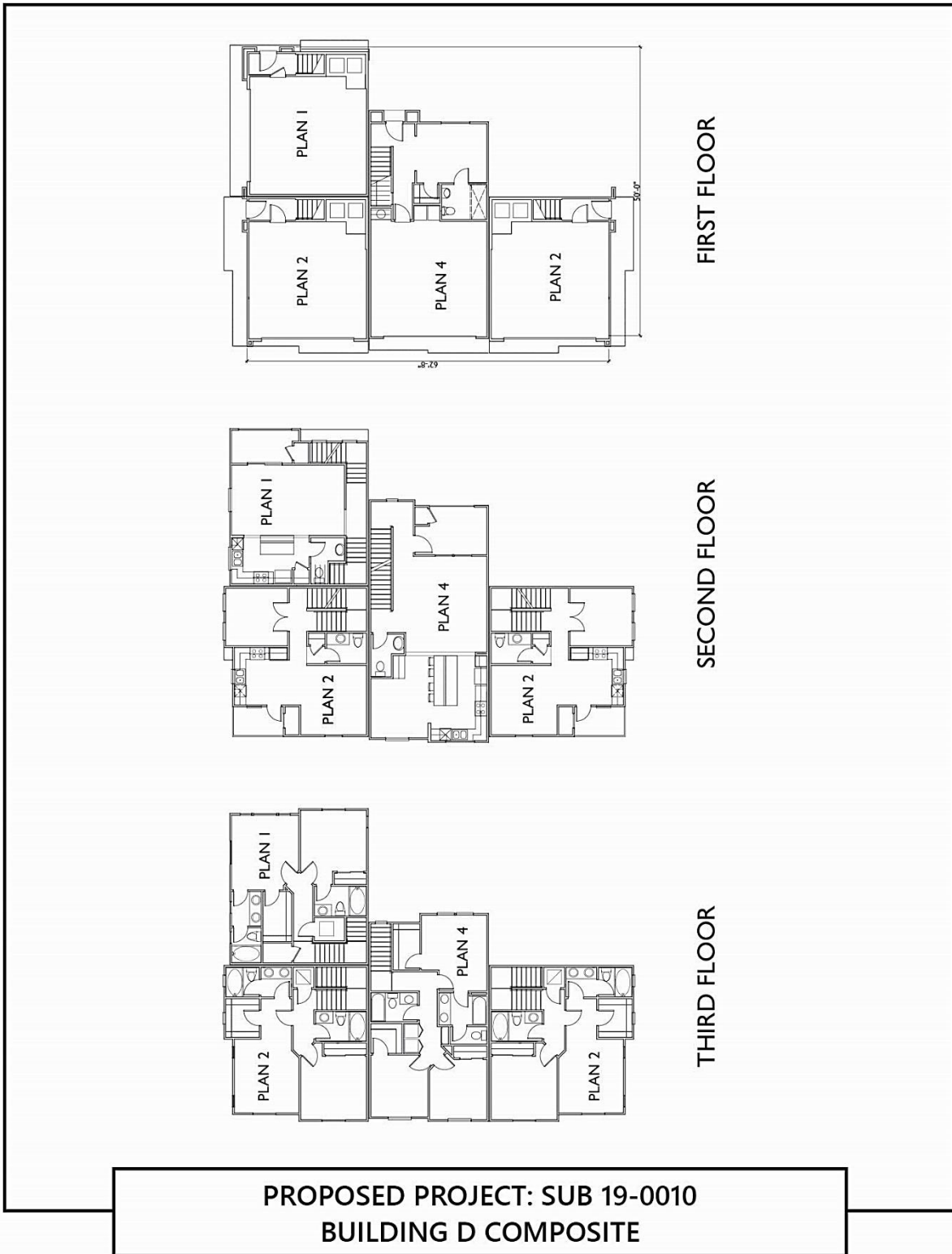
THIRD FLOOR

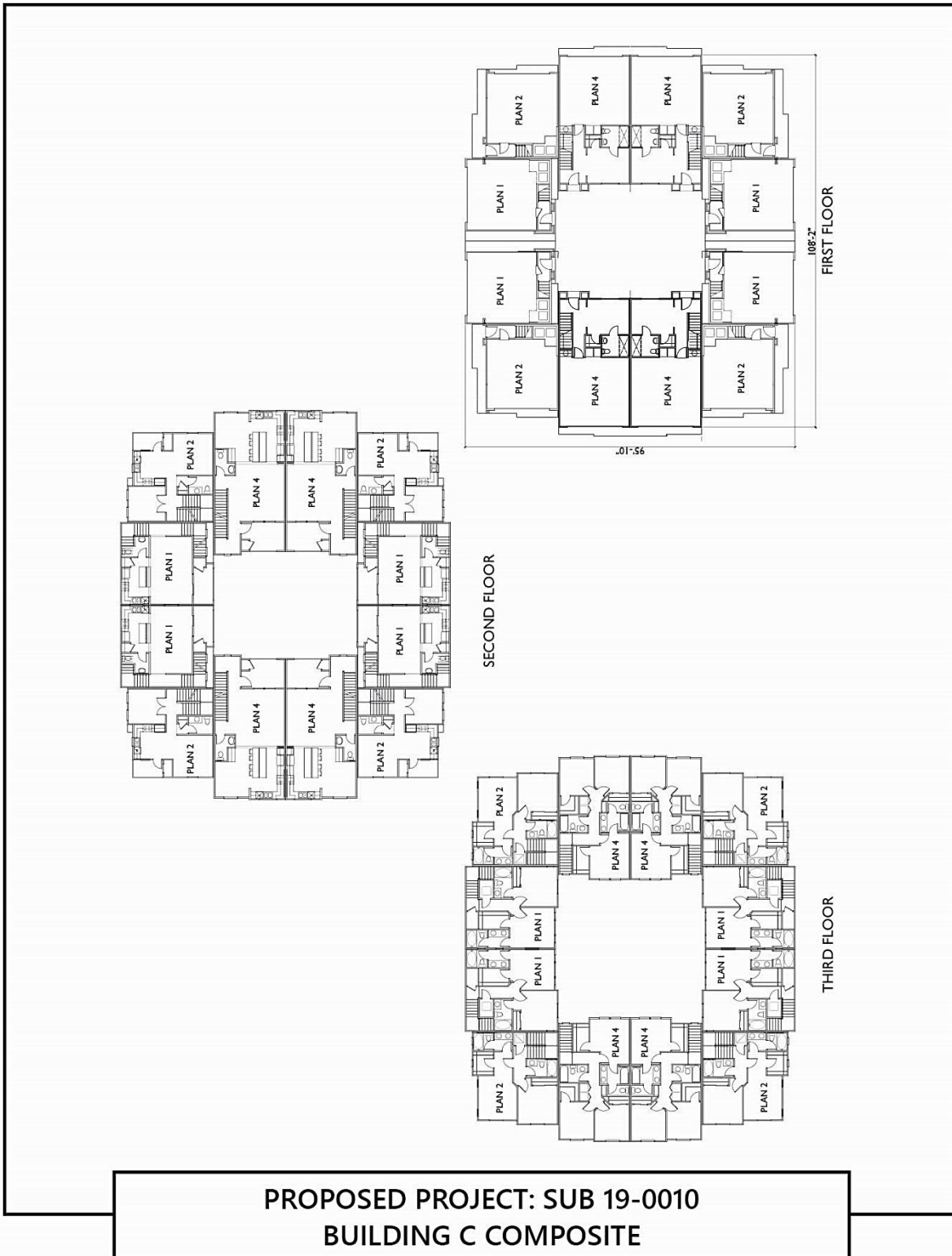
**PROPOSED PROJECT: SUB 19-0010
 UNITS FLOOR PLANS**

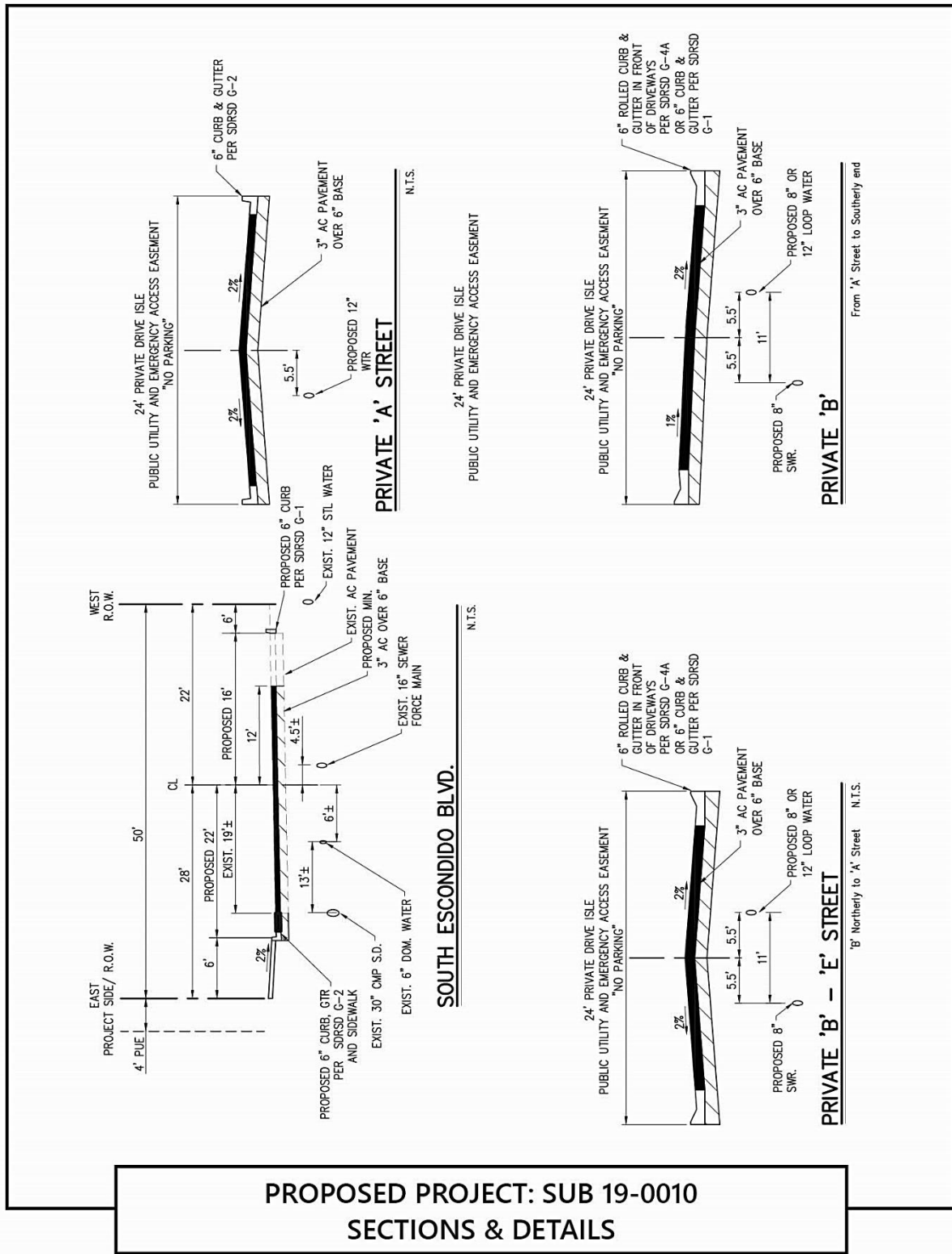












**PROPOSED PROJECT: SUB 19-0010
 SECTIONS & DETAILS**

EXHIBIT "E"

MITIGATION MONITORING REPORTING PROGRAM (MMRP)

PROJECT NAME: Hacienda de Vega Condominium Project (City File Nos.: SUB 19-0010 and PHG 19-0050)
NEG. NEC. NO. : ENV 19-0007
SCH NO.: N/A
APPROVAL BODY: Escondido City Council

PROJECT DESCRIPTION: Tentative Subdivision Map along with a Condominium Permit and Plot Plan for the proposed development of 42 air-space, three-story condominium units. A Non-Emergency Demolition Permit is requested for the proposed demolition of a Spanish Colonial Revival-style adobe structure constructed in 1946 that is classified as a historic resource. Access to the site would be provided from South Escondido Boulevard via a 24-foot-wide private street. South Escondido Boulevard would be improved across the project frontage (eastern side) to include curb, gutter, and sidewalk. A southbound left-turn lane would be stripped across the project frontage. Up to 95 parking spaces would be provided on-site (garages/open guest spaces).

PROJECT LOCATION: 2608 S. Escondido Boulevard (238-152-0600 and 238-152-0700)

APPLICANT/CONTACT PERSON: Tony Cassoloto, South Escondido L.P.

PROJECT MANAGER: Jay Paul, Senior Planner, City of Escondido Planning Division Phone No.: (760) 839-4537 Email: jpaul@escondido.org

Mitigation Monitoring and Reporting Program

Mitigated Negative Declaration/Initial Study Environmental Checklist

Project No. ENV 19-0007

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

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

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

The organization of the MMRP follows the subsection formatting style presented within the MND and Initial Study Environmental Checklist. Only those subsections of the environmental issues presented in the Initial Study Environmental Checklist that have mitigation measures are provided below in the MMRP table. All other subsections do not contain mitigation measures. For each mitigation measure, the MMRP table identifies the following: (1) mitigation measure; (2) implementation action; (3) responsible agency/party; (4) monitoring schedule; and (5) verification date.

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Cultural Resources						
CUL-1: The project applicant shall ensure Level I or II Historic American Buildings Survey documentation (or equivalent) of the residence be conducted in order to achieve mitigation by exhausting the research potential of the resource.	<ul style="list-style-type: none"> Applicant submit HABS documentation/survey 	Applicant: City of Escondido Community Development Department Planning Division	X			
CUL-2: Salvage Materials. Prior to demolition, distinctive representative architectural elements (interior and exterior features) shall be identified, and if feasible, salvaged for reuse in relation to the proposed plan. If reuse on-site is not feasible, opportunities shall be made for the features to be donated to various interested historical or archival depositories, to the satisfaction of the Director of Community Development.	<ul style="list-style-type: none"> Require salvage, reuse if feasible and make materials available for reuse. 	Applicant: City of Escondido Community Development Department Planning Division	X			
CUL-3: The project applicant shall prepare an interpretive program on-site that references the property's history and the contribution of the historical resource to the broader neighborhood or historic district. An example of an interpretive program may be installation of interpretive signs or commemorative plaques in a publicly accessible and visible location that describe the history of the site must be installed prior to certificate of occupancy. The project applicant shall submit the interpretative program for consideration and approval by the Historic Preservation Commission. Although implementation of this mitigation measure may reduce impacts on historical resources, it would not lessen the effects to a less than significant level.	<ul style="list-style-type: none"> Require interpretive program 	Applicant: City of Escondido Community Development Department Planning Division Historic Preservation Commission	X			
CUL-4: 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-	<ul style="list-style-type: none"> Applicant should enter into a Tribal Cultural Resource Treatment and Monitoring Agreement. 	Applicant; City of Escondido Community Development	X			

Resolution No. 2020-146
 Exhibit "E"
 Page 3 of 9

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
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 them. 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.		Department Planning Division				
CUL-5: 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.	<ul style="list-style-type: none"> Require verification and approval of qualified archaeologist and has retained Native American Monitor(s). 	Applicant; City of Escondido Community Development Department Planning Division	X			
CUL-6: The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.	<ul style="list-style-type: none"> Require monitoring program coordination. 	City of Escondido Community Development Department Planning Division; Qualified	X			

Resolution No. 2020-146
 Exhibit "E"
 Page 4 of 9

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
		Archaeologist; Grading Contractor				
CUL-7: During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.	<ul style="list-style-type: none"> Require on-site archaeological monitor and Native American Monitor(s). 	City of Escondido Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division	X	X		
CUL-8: In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.	<ul style="list-style-type: none"> Require identification and preservation of any unidentified cultural resources. 	City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner; Native American Monitor		X		

Resolution No. 2020-146
 Exhibit "E"
 Page 5 of 9

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-9: 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.</p>	<ul style="list-style-type: none"> Require identification and preservation of any significant tribal resource. Consultation with Native American Monitor. 	<p>City of Escondido Community Development Department Planning Division; Project Archaeologist; Native American Monitor; TCA Tribe</p>		X		
<p>CUL-10: The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City.</p>	<ul style="list-style-type: none"> Require research design and data recovery program. Consultation with Native American Monitor. 	<p>City of Escondido Community Development Department Planning Division; Project Archaeologist; TCA Tribe</p>		X		

Resolution No. 2020-146
 Exhibit "E"
 Page 6 of 9

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-11: 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.</p>	<ul style="list-style-type: none"> Require identification and preservation of any undiscovered cultural resources or human remains. 	<p>City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner</p>		X		

Resolution No. 2020-146
 Exhibit "E"
 Page 7 of 9

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
<p>CUL-12: 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 TCA Tribe’s cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p>	<ul style="list-style-type: none"> Require that a Native American monitor is present during any testing or cataloging. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe, and/or curated. 	<p>City of Escondido Community Development Department Planning Division; Project Archaeologist</p>		X	X	
<p>CUL-13: Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program on the project site shall be submitted by the qualified archaeologist to the City. The Native American monitor shall be responsible for providing any notes or comments to the qualified archaeologist in a timely manner to be submitted with the report. The report will include California Department of Parks and Recreation Primary and Archaeological Site Forms for any newly discovered resources.</p>	<ul style="list-style-type: none"> Require documentation of analysis and data by the qualified archaeologist. Consultation with Native American Monitor. 	<p>Qualified Archaeologist; Native American Monitor</p>			X	

Resolution No. 2020-146
 Exhibit "E"
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MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Implementation, Monitoring, and Reporting Action	Responsibility	Monitoring Schedule			Verification Date
			Before Construction	During Construction	After Construction	
Noise						
<p>NOI-1: Noise and groundborne vibration construction activities whose specific location on the project site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise- and vibration-sensitive land uses to the north. In addition, the use of vibratory rollers and packers should be avoided, as feasible, near sensitive areas.</p>	<ul style="list-style-type: none"> Require certain equipment to be located away from noise sensitive uses and avoid use of vibratory rollers and packers. 	Applicant; Construction Contractor	X	X		
<p>NOI-2: The operation of construction equipment that generates high levels of vibration, such as large bulldozers and loaded trucks, shall be prohibited between the hours of 6:00 p.m. and 7:00 a.m. Monday through Friday, 5:00 p.m. and 9:00 a.m. on Saturday, and all day on Sunday. Additionally, while construction would occur up to the property edge, the majority of construction would take place in the center of the site, which would be approximately 100 feet from the nearest sensitive receptor. With implementation of mitigation measures N-1 and N-2, impacts would be reduced to less than significant.</p>	<ul style="list-style-type: none"> Prohibit use of large equipment that generates high levels of vibration during certain hours. 	Applicant; Construction Contractor		X		

EXHIBIT "F"

FINAL IS/MND ENV 19-0007

Due to the number of pages of Exhibit "F," a link has been provided to review the document electronically on the City's web site at:

<https://www.escondido.org/2608-south-escondido-blvd-project.aspx>.

A hardcopy of the Final Initial Study/Mitigated Negative Declaration is available for review in the Office of the Planning Division of the Community Development Department during normal business hours. To obtain a copy, please contact the City Clerk at (760) 839-4617 or Planning Division at (760) 839-4671.

Note: The following documents are available under the link above:

- Draft IS/MND and technical documents
- Final IS/MND and technical documents
- Appendices A through H

RESOLUTION NO. 2020-147

RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, ACTING AS THE
LEGISLATIVE BODY OF COMMUNITY
FACILITIES DISTRICT NO. 2020-1 OF THE
CITY OF ESCONDIDO (SERVICES),
ANNEXING TERRITORY TO COMMUNITY
FACILITIES DISTRICT NO. 2020-1 OF THE
CITY OF ESCONDIDO (SERVICES)

WHEREAS, on April 8, 2020, the City Council (the “City Council”) of the City of Escondido adopted Resolution No. 2020-24 (the “Resolution of Intention”), declaring its intention to establish Community Facilities District No. 2020-1 of the City of Escondido (Services) (“Community Facilities District No. 2020-1” or the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 of Part 1 of Division 2 of Title 5 of the Government Code of the State of California (the “Act”); and

WHEREAS, pursuant to Section 53339.3 of the Act, the Resolution of Intention included a description of the future annexation area of the District (the “Future Annexation Area”), wherein property owners may be annexed into the District only with the unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed into the District; and

WHEREAS, the Resolution of Intention described (i) the services that may be provided by the District; (ii) the levy of special taxes pursuant to the rate and method of apportionment of the special tax, as set forth in Exhibit “C” attached to the Resolution of Intention (the “Rate and Method”); and (iii) the Future Annexation Area, and incorporated herein by this reference as though fully set forth; and

WHEREAS, on May 13, 2020, after a duly noticed public hearing, the City Council adopted Resolution No. 2020-44 (the “Resolution of Formation”) establishing Community Facilities District No. 2020-1 and calling a special election therein to authorize (i) the levy of special taxes pursuant to the Rate and Method, and (ii) the establishment of an appropriations limit for Community Facilities District No. 2020-1; and

WHEREAS, pursuant to a Unanimous Approval executed by Tony Cassolato on behalf of South Escondido, LP, a California limited partnership, (“Owner”), dated October 1, 2020, attached hereto as Exhibit “A” and incorporated herein by this reference as though fully set forth (the “Owner ~~4~~ Unanimous Approval”), Owner stated its intention to annex the territory described in Exhibit “B” and Exhibit “D” to this Resolution 2020-147e ~~Owner Unanimous Approval to the District~~ (the “Owner ~~4~~ Annexation Territory”), with no further hearings or procedures required with respect to such annexation to the District; and

WHEREAS, the Annexation Territory is within the Future Annexation Area of the District; and

WHEREAS, on the basis of all of the foregoing, the City Council has determined at this time to proceed with the annexation of the Annexation Territory to the District.

BE IT RESOLVED by the City Council of the City of Escondido that:

1. Each of the above recitals is true and correct.
2. The City Council hereby finds and determines that all prior proceedings taken with respect to the establishment of the District and the proposed annexation of

the Annexation Territory to the District were valid and in conformity with the requirements of law, including the Act, and the annexation of the Annexation Territory to the District in accordance with the Unanimous Approval is hereby approved.

3. The map showing the original boundaries of the District designated as “Boundary Map of Community Facilities District No. 2020-1 (Services) City of Escondido, County of San Diego, State of California”, which map is on file in the office of the City Clerk and was recorded pursuant to Sections 3111 and 3113 of the Streets and Highways Code in the County Book of Maps of Assessment and Community Facilities Districts in the Assessor-County Clerk-Recorder’s office of the County of San Diego in Book No. 48 Page Nos. 79-80 on April 13, 2020, as Instrument No. 2020-7000088.

4. The City Council hereby authorizes a map showing the Annexation Territory to be annexed to the District and be made subject to taxation in the form attached hereto as Exhibit “B”, and incorporated herein by this reference as though fully set forth, be recorded pursuant to Sections 3111 and 3113 of the Streets and Highways Code in the County Book of Maps of Assessment and Community Facilities Districts in the Assessor-County Clerk-Recorder’s office of the County of San Diego.

5. The City Council hereby adopts the Rate and Method attached as Exhibit “C” to the Resolution of Intention as the applicable rate and method for the Annexation Territory, and incorporated herein by this reference as though fully set forth. Except where funds are otherwise available, it is the intention of the City Council to levy the proposed special taxes at the rates within the Annexation Territory set forth in the Rate and Method on all non-exempt property within the Annexation Territory sufficient to pay

for (i) the Services (as defined in the Rate and Method), and (ii) Incidental Expenses (as defined in the Rate and Method). The District expects to incur, and in certain cases has already incurred, Incidental Expenses in connection with the annexation of the Annexation Territory to the District. The rate and method of apportionment of the special tax applicable to the Annexation Territory is described in detail in Exhibit "C" to the Resolution of Intention which is incorporated herein by this reference, and the City Council hereby finds that Exhibit "C" to the Resolution of Intention contains sufficient detail to allow each landowner within the Annexation Territory to estimate the maximum amount that may be levied against each parcel. The special tax is apportioned to each parcel on the foregoing bases pursuant to Section 53325.3 of the Act and such special tax is not on or based upon the ownership of real property.

6. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all non-exempt real property in the Annexation Territory and this lien shall continue in force and effect until the levy of the special tax by the District ceases in accordance with the Rate and Method.

7. Consistent with Section 53325.6 of the Act, the City Council finds and determines that the land within the Annexation Territory, if any, devoted primarily to agricultural, timber or livestock uses and being used for the commercial production of agricultural, timber or livestock products is contiguous to other land within the Annexation Territory and will be benefited by the Services proposed to be provided within Community Facilities District No. 2020-1 and the Annexation Territory.

8. It is hereby further determined that there is no ad valorem property tax currently being levied on property within the Annexation Territory for the exclusive purpose of paying for the same services as are proposed to be provided by Community Facilities District No. 2020-1.

This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 20__.

Mayor of the City of Escondido

ATTEST:

City Clerk of the City of Escondido

UNANIMOUS APPROVAL

Community Facilities District No. 2020-1 of the City of Escondido (Services)

OCTOBER 1, 2020

Community Facilities District No. 2020-1
of the City of Escondido (Services)
201 North Broadway
Escondido, CA 92025
Attention: City Manager

The City of Escondido (the “City”) has formed Community Facilities District No. 2020-1 of the City of Escondido (Services) (the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the “Act”). The purpose of the District is to finance (1) certain services caused by development within the District (collectively, the “Services”) described in Attachment “B” to Resolution No. 2020-24 of the City Council of the City adopted April 8, 2020 (the “Resolution of Intention,” attached hereto as Exhibit 2 and incorporated herein by this reference) and (2) “Incidental Expenses” as said term is defined in Attachment “C” to the Resolution of Intention (Rate and Method of Apportionment of Special Taxes).

The undersigned property Owner (the “Owner”) hereby states and certifies under penalty of perjury as follows:

1. This Unanimous Approval is submitted by the Owner who is the record owner of fee title to the real property and improvements thereon as described in Exhibit 1, attached hereto and incorporated herein by this reference (collectively, the “Annexation Territory”). The Owner has provided the District valid and current evidence of its ownership of fee title to the Annexation Territory and possesses all legal authority necessary to execute this Unanimous Approval.

2. There are no registered voters residing within the Annexation Territory and have been none during the 90-day period preceding OCTOBER 1, 2020.

3. This Unanimous Approval constitutes the unanimous approval of the Owners in favor of the following within the meaning of Sections 53329.6, 53339.2 and 53339.3 of the Act:

(a) Annexation. The annexation of the Annexation Territory to the District for the purpose of financing the Services and Incidental Expenses set forth in Attachment “B” to the Resolution of Intention (Exhibit 2 hereto).

(b) Special Tax. The levy of special taxes in the Annexation Territory to finance the Services and the Incidental Expenses in accordance with the Rate and Method of Apportionment of Special Taxes described within Attachment “C” to the Resolution of Intention (Exhibit 2 hereto) and this Unanimous Approval (the “Special Tax”).

4. Pursuant to Section 53329.6 of the Act, this Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in this Section 3 for purposes of the California Constitution, including but not limited to Articles XIII A and XIII C.

5. The Owner hereby acknowledges that no further hearings or procedures are required with respect to the approval of the matters set forth in Section 3 above.

6. The Owner understands and hereby unanimously approves that the Special Tax is authorized to be levied on the Annexation Territory annexed to the District, and the lien is a continuing lien that shall secure each annual levy of the Special Taxes and that shall continue in force and effect until the Special Tax obligation is canceled in accordance with law or until the Special Tax ceases to be levied and a Notice of Cessation of Special Tax is recorded in accordance with Section 53330.5 of the Government Code.

7. The Owner hereby waives any and all requirements with respect to the approval of the matters set forth in this Unanimous Approval, including without limitation the preparation of an impartial analysis, arguments, or rebuttals concerning elections as provided for by Sections 9160 to 9167, inclusive, and Section 9190 of the Elections Code, and preparation of a tax rate statement as provided in Section 9401 of the Elections Code and any further notices of such approvals as may be required pursuant to the Elections Code or the Government Code. Having been fully advised with respect to the approval process set forth herein, the Owner waives compliance with any and all provisions of the Elections Code and Government Code, and with any other time limits or requirements pertaining to this Unanimous Approval.

8. The Owner hereby represents that compliance with any additional procedural requirements for the Unanimous Approval provided for herein, including the receipt of any arguments for or against such approval and impartial analyses and the time limitations that may apply in connection with scheduling, mailing, and publishing notices, are unnecessary in light of the fact that the undersigned has received sufficient information regarding the imposition of the Special Tax as set forth in Resolution No. 2020-44 of the City Council of the City adopted May 13, 2020 (the "Resolution of Formation") to allow it to properly complete this Unanimous Approval. The Owner further waives its right to make any protest or complaint or undertake any legal action challenging the validity of this Unanimous Approval and any proceedings taken in connection therewith or the levy of the Special Tax to finance the costs of the Services for the benefit of the Annexation Territory.

9. The Owner hereby authorizes the District to execute and cause to be recorded in the Office of the County Recorder of the County of San Diego a Notice of Special Tax Lien in accordance with Streets and Highways Code section 3117.5, which shall give notice that a lien to secure payment of the Special Tax is imposed by the District. The Owner further represents that there is no currently pending transfer of the Annexation Territory, or anticipated transfer of the Annexation Territory, that will affect the ability to record a Notice of Special Tax Lien or complete any other procedural steps described in this Unanimous Approval.

10. The Owner hereby warrants to the District that the presentation of this Unanimous Approval, any vote, consent, or waiver contained herein, and any other action mandated by the City for the annexation of the Annexation Territory to the District, shall not constitute or be construed as an event of default or delinquency under any existing or proposed financing document entered into or to be entered into by the Owner for the Annexation Territory, including without limitation any "due-on-encumbrance" clause under any existing security instrument secured by the Annexation Territory.

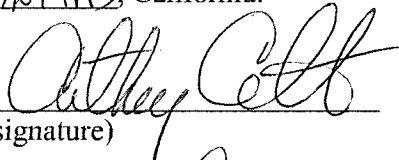
11. The Owner hereby agrees to comply with Section 53341.5 of the Government Code with respect to disclosures about the Special Tax to prospective purchasers of the Annexation Territory or any part of it.

12. The Owner hereby further agrees to execute any additional or supplemental agreements that may be reasonably required by the District to provide for any of the actions and conditions described in this Unanimous Approval.

13. The Owner hereby represents that (i) the signature page of this Unanimous Approval identifies all persons and entities holding title to the Annexation Territory, and (ii) no consent or approval of any third party is required for the Owner's execution of this Unanimous Approval except for any such consent or approval that the Owner has already obtained.

14. This Unanimous Approval shall be effective upon its execution and delivery.

I certify under the penalty of perjury under the laws of the State of California that the foregoing Unanimous Approval is true and correct; I have the authority to execute this Unanimous Approval as, or on behalf of, the Owner; and this Unanimous Approval is hereby executed this 151 day of OCTOBER 2020 in ESCONDIDO, California.


(signature)

Name: ANTHONY CASSOLATO

Title: MANAGING MEMBER

(Above signature must be notarized; Acknowledgement page follows.)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA]

COUNTY OF San Diego]

On October 1, 2020, before me,
Stacy Emerington, a Notary Public, personally appeared
Anthony Cassolato, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

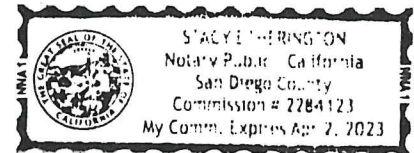


EXHIBIT 1

ANNEXATION TERRITORY

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

Assessor's Parcel Nos: 238-152-06-00
238-152-07-00

RESOLUTION NO. 2020-24

A RESOLUTION OF CITY COUNCIL OF THE CITY OF ESCONDIDO DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT NO. 2020-1 OF THE CITY OF ESCONDIDO (SERVICES), TO AUTHORIZE THE LEVY OF A SPECIAL TAX ON PROPERTY WITHIN THE DISTRICT TO PAY THE COSTS OF PROVIDING PUBLIC SERVICES

WHEREAS, the City of Escondido (the “City”) has received a petition (the “Petition”) signed by the owner of more than ten percent of the land within the boundaries of the territory which is proposed for inclusion in a proposed community facilities district which meets the requirements of Sections 53318 and 53319 of the Government Code of the State of California; and

WHEREAS, the City Council of the City (the “City Council”) desires to adopt this resolution of intention as provided in Section 53321 of the Government Code of the State of California to establish a community facilities district consisting of the territory described in Attachment “A” hereto and incorporated herein by this reference, which the City Council hereby determines shall be known as “Community Facilities District No. 2020-1 of the City of Escondido (Services)” (“Community Facilities District No. 2020-1” or the “District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, commencing with Section 53311 of the Government Code (the “Act”) to (1) finance the services described in Attachment “B” hereto and incorporated herein by this reference (the “Services”), and (2) finance the incidental expenses to be incurred in connection with forming and administering the District and financing the Services (the “Services Incidental Expenses”); and

WHEREAS, pursuant to Section 53339.3 of the Act, the City Council proposes to designate the remainder of the property outside of the District but within the City and its sphere of as territory proposed for future annexation into the District (the “Future Annexation Area”), with the condition that a parcel or parcels within such Future Annexation Area may be annexed and subjected to the special tax of the District only with the unanimous approval of the owner or owners of the parcel or parcels at the time of annexation or in compliance with other procedures established by the Act; and

WHEREAS, the City Council further intends to approve an estimate of the costs of the Services and the Services Incidental Expenses for the District; and

WHEREAS, it is the intention of the City Council to consider financing the Services and the Services Incidental Expenses through the formation of the District and the levy of a special tax to pay for such Services and Services Incidental expenses;

BE IT RESOLVED by the City Council of the City of Escondido that:

SECTION 1. The above recitals are true and correct.

SECTION 2. A community facilities district is proposed to be established under the terms of the Act. It is further proposed that the boundaries of the community facilities district shall be the legal boundaries as described in Attachment “A” hereto, which boundaries shall, upon recordation of

the boundary map for the District, include the entirety of any parcel initially subject to taxation by the District, and as depicted on the map of the proposed District which is on file with the Clerk of the Board. The City Clerk is hereby directed to sign the original map of the District and record it with all proper endorsements thereon with the County Recorder of the County of San Diego within 15 days after the adoption of this resolution, all as required by Section 3113 of the Streets and Highways Code of the State of California.

SECTION 3. The City Council further proposes to designate the Future Annexation Area as property proposed for annexation into the District in the future, with the condition that a parcel or parcels within such Future Annexation Area may be annexed to the District and subject to taxation by the District only with the unanimous approval of the owner or owners of such parcel or parcels at the time that such parcel or parcels are annexed to the District. Property within the Future Annexation Area may be annexed into the District in one or more Zones (as defined in the rate and method of apportionment attached as attachment "C" hereto (the "Rate and Method")) with Maximum Special Tax rates (as defined in the Rate and Method) designated by the District and unanimously approved by the property owners of such Zone.

SECTION 4. The name of the proposed community facilities district shall be "Community Facilities District No. 2020-1 of the City of Escondido (Services)."

SECTION 5. The Services proposed to be provided for the benefit of the District are public services as defined in the Act, and this City Council finds and determines that the Services to be financed are in addition to those provided in the territory of the District, including the Future Annexation Area, at the present time and do not supplant services already available within the territory of the District at the present time. The City Council hereby finds and determines that the description of the Services herein is sufficiently informative to allow taxpayers within the proposed District, including the Future Annexation Area, to understand what the funds of the District may be used to finance. The Services Incidental Expenses expected to be incurred include the costs of planning the Services, the costs of forming the District, the cost of levying and collecting a special tax within the proposed District and the cost of administration.

SECTION 6. Except where funds are otherwise available, it is the intention of the City Council to levy annually in accordance with the procedures contained in the Act a separate special tax, secured by recordation of a continuing lien against all nonexempt real property in the District, sufficient to pay for the Services and the Services Incidental Expenses. Notwithstanding the foregoing, the District shall not record a special tax lien on property within the Future Annexation Area until the owner or owners of the parcel or parcels thereof have given their unanimous approval of the parcel's or parcels' annexation to the District. The Rate and Method and manner of collection of the special taxes are described in detail in Attachment "C" attached hereto, which Attachment "C" is incorporated herein by this reference. Attachment "C" allows each landowner within the District to estimate the maximum amount that may be levied against each parcel.

The special taxes for Services may be increased based on the consumer price index by an amount not to exceed two percent (2%) per year to the extent permitted in the Rate and Method. The special tax for Services may be levied for such period as the Services are needed, as further described in Attachment "C" hereto, provided that under no circumstances will such special tax be increased with respect to residential property as a consequence of delinquency or default by the owner of any other parcel or parcels within the District by more than ten percent.

The special taxes are based on the expected demand that each parcel of real property within proposed District will place on the Services. The City Council hereby determines that the proposed Services are necessary to meet the increased demand placed upon the City to provide such services. The City Council hereby determines Rate and Method set forth in Attachment "C" to be reasonable. The special tax is apportioned to each parcel on the foregoing basis pursuant to Section 53325.3 of the Act and such special taxes are not on or based upon the value or ownership of real property.

SECTION 7. A public hearing (the "Hearing") on the establishment of the proposed Community Facilities District No. 2020-1, the proposed Rate and Method of the special taxes to finance the Services and the Services Incidental Expenses shall be held at 5:00 p.m., or as soon thereafter as practicable, on May 13, 2020, at the City Council Chambers at 201 North Broadway, Escondido, California. Should the City Council determine to form the District, a special election will be held to authorize the levy of the special taxes in accordance with the procedures contained in Government Code Section 53326. If held, the proposed voting procedure at the election will be a landowner vote with each landowner who is the owner of record of land within the District (excluding the Future Annexation Area) at the close of the Hearing, or the authorized representative thereof, having one vote for each acre or portion thereof owned within the proposed District. Ballots for the special election may be distributed by mail or by personal service.

SECTION 8. The City Council does not intend to make any adjustment in property taxation pursuant to Sections 53313.6 and 53313.7 of the Act.

SECTION 9. At the time and place set forth above for the Hearing, any interested person, including all persons owning lands or registered to vote within proposed Community Facilities District No. 2020-1, may appear and be heard.

SECTION 10. Each City officer who is or will be responsible for administering the proposed Community Facilities District No. 2020-1, if it is established, is hereby directed to study the proposed District and, at or before the time of the above-mentioned Hearing, file a report with the City Council containing a brief description of services by type which will in his or her opinion be required to meet adequately the needs of Community Facilities District No. 2020-1 and an estimate of the cost of providing those services, and an estimate of the fair and reasonable cost of Services Incidental Expenses to be incurred.

SECTION 11. The District may accept advances of funds or work-in-kind from any source, including, but not limited to, private persons or private entities, for any authorized purpose, including, but not limited to, paying any cost incurred in creating Community Facilities District No. 2020-1. The District may enter into an agreement with the person or entity advancing the funds or work-in-kind, to repay all or a portion of the funds advanced, or to reimburse the person or entity for the value, or cost, whichever is less, of the work-in-kind, as determined by the City Council, with or without interest.

SECTION 12. The City Clerk is hereby directed to publish a notice (the "Notice") of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of proposed Community Facilities District No. 2020-1. The City Clerk is further directed to mail a copy of the Notice to each landowner within the boundaries of the District at least 15 days prior to the Hearing. The Notice shall contain the text or a summary of this Resolution, the time and place of the Hearing, a statement that the testimony of all interested persons or taxpayers will be heard, a description of the protest rights of the registered voters and landowners

in the proposed district and a description of the proposed voting procedure for the election required by the Act. Such publication shall be completed at least seven (7) days prior to the date of the Hearing.

SECTION 13. This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED this 8th day of April, 2020.

Mayor of the City of Escondido

ATTEST:

City Clerk of the City of Escondido

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss
CITY OF ESCONDIDO)

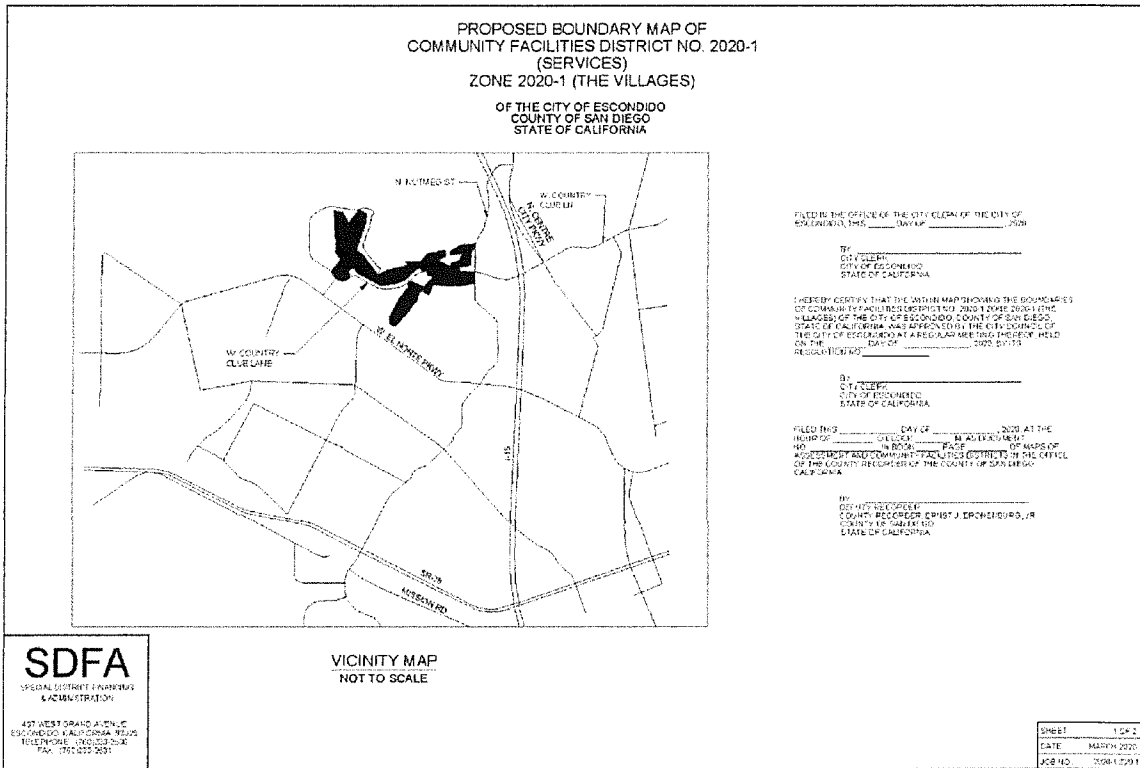
I, Zack Beck, City Clerk of said City, do hereby certify that the foregoing Resolution was duly adopted by the City Council of said City and was signed by the Mayor of said City at an adjourned regular meeting of said City Council held on the 8th day of April, 2020 and was approved by the following vote:

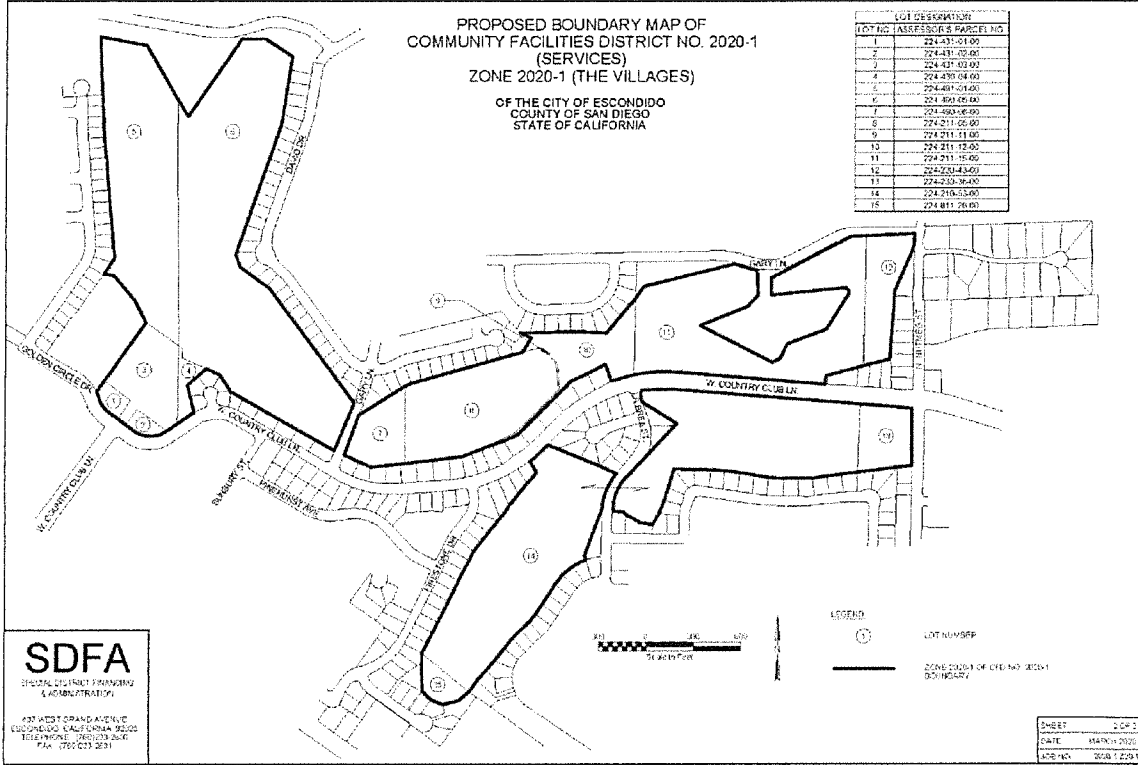
AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

CITY CLERK

BY: _____
City Clerk of the City of Escondido

ATTACHMENT A
PROPOSED BOUNDARIES
COMMUNITY FACILITIES DISTRICT NO. 2020-1
OF THE CITY OF ESCONDIDO
(SERVICES)





ATTACHMENT B

TYPES OF SERVICES TO BE FINANCED BY COMMUNITY FACILITIES DISTRICT NO. 2020-1 OF THE CITY OF ESCONDIDO (SERVICES)

The services which may be funded with proceeds of the special tax of CFD No. 2020-1, as provided by Section 53313 of the Act, include the following (collectively, the "Services"):

- (i) maintenance of parks, parkways, park lighting, sidewalks, signage, landscaping in public areas, easements or right of way and open space;
- (ii) flood and storm protection services;
- (iii) the operation of storm drainage systems;
- (iv) maintenance of streets and roadways, traffic signals and street lighting;
- (v) graffiti and debris removal from public improvements;
- (vi) public safety services including police, fire protection and fire suppression; and
- (vii) maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the City of Escondido.

In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay "Administrative Expenses" as said term is defined in the Rate and Method of Apportionment and to establish an operating reserve for the costs of services as determined by the CFD Administrator. Capitalized terms used and not defined herein shall have the meanings set forth in the Rate and Method of Apportionment of Special Tax for CFD No. 2020-1.

ATTACHMENT C
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES
COMMUNITY FACILITIES DISTRICT NO. 2020-1
(Services)
CITY OF ESCONDIDO

A Special Tax (as hereinafter defined) shall be levied on all Assessor's Parcels within Community Facilities District No. 2020-1 ("CFD No. 2020-1") of the City of Escondido ("City") and collected each Fiscal Year commencing in Fiscal Year 2020-2021, in an amount determined by the City Council, through the application of this Rate and Method of Apportionment of Special Taxes as described below. All of the real property within the boundaries of CFD No. 2020-1, unless exempted by law or by the provisions hereof, shall be subject to the Special Tax for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or **"Acreage"** means the acreage of an Assessor's Parcel as shown on an Assessor's Parcel Map. If the acreage is not shown on an Assessor's Parcel Map, the acreage shown on the applicable Final Map, parcel map, condominium plan, or other recorded County map shall be used. If the acreage information supplied by these alternative sources is not available, or in conflict, the acreage used shall be determined by the CFD Administrator or a designee.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the formation, annexation and administration of CFD No. 2020-1, including but not limited to the following: (i) the costs of computing the Special Taxes and preparing and presenting to City Council the Special Tax collection schedules (whether by the City or designee thereof or both); (2) the costs of collecting the Special Taxes (whether by the County or otherwise); (3) the costs to the City, CFD No. 2020-1 or any designee thereof in responding to property owner and public inquiries regarding CFD No. 2020-1, including its Special Taxes; (4) the costs of the City, CFD No. 2020-1 or any designee related to an appeal of the Special Tax; (5) the costs of the City, CFD No. 2020-1 or any designee related to preparing required reporting obligations; (6) the City's annual administration fees and third party expenses; (7) the costs of City staff time and reasonable overhead relating to CFD No. 2020-1; and (8) amounts estimated or advanced by the City or CFD No. 2020-1 for any other administrative purposes of CFD No. 2020-1, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor" means the County Assessor.

"Assessor's Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's parcel number located within the boundaries of CFD No. 2020-1.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by Assessor’s parcel number.

“Building Permit” means the first legal document issued by the City giving official permission for the construction of a building on an Assessor’s Parcel. For purposes of this definition and application of the Special Tax, “Building Permit” may or may not include any subsequent building permits issued or changed after the first issuance, as determined by the CFD Administrator.

“CFD Administrator” means the Finance Director or other official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Taxes and performing the other duties provided herein.

“CFD No. 2020-1” means Community Facilities District No. 2020-1 of the City of Escondido.

“City” means the City of Escondido, California.

“City Council” means the City Council of the City, acting as the Legislative Body of CFD No. 2020-1, or its designee.

“County” means the County of San Diego, California.

“Density” means the maximum number of dwelling units permitted per acre, including streets within the development, excluding all ultimate circulation element street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA) or the City, slope categories, and other environmental factors as designated in each land use category and/or open space/ conservation element. All as further defined within the City’s General Plan adopted May 2012 per Resolution 2012-52, as amended from time-to-time. Density shall be determined by the CFD Administrator prior to annexation.

“Developed Property” means, for each Fiscal Year, all Taxable Property for which a Building Permit for new construction was issued prior to March 1st of the prior Fiscal Year.

“Dwelling Unit” or “DU” means, as defined in the City of Escondido Municipal Code 32.102 and amended from time to time, each residential unit, without regard to the square footage of the Dwelling Unit, including but not limited to an individual single-family detached Dwelling Unit, small lot single-family Dwelling Unit, townhome, condominium, apartment, or other such residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure that comprises an independent facility capable of conveyance or rental separate from the primary Dwelling Unit(s). Dwelling Unit does not include an attached or detached accessory dwelling unit, as defined in the Section 33-8 of the Escondido Zoning Code, as amended from time-to-time.

“Exempt Property” means all Assessor’s Parcels designated as being exempt from Special Taxes pursuant to Section D.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Index” means the Consumer Price Index as published by the United State Department of Labor, titled “CPI for All Urban Consumers.” Further defined with the Series Title, “All items

in San Diego – Carlsbad, CA, all urban consumers, not seasonally adjusted”. If this Index is no longer available, an alternative comparable Index will be chosen by the CFD Administrator.

“**Land Use Category**” means any of the categories listed in Section C, Table 1 which resulted from the initial analysis of the impacts from new Dwelling Units for providing Services and Appendix A, as to the initial property within CFD No. 2020-1, which may be updated from time to time as annexations occur.

“**Maximum Special Tax**” means for each Assessor’s Parcel and each Fiscal Year, the Maximum Special Tax, determined in accordance with Section C, below, that may be levied on such Assessor’s Parcel in such Fiscal Year.

“**Non-Residential Property**” means all Assessor’s Parcels of Developed Property for which a Building Permit was issued for any type of non-residential use.

“**Proportionately**” means for Taxable Property, that the ratio of actual Special Tax levy to the Maximum Special Tax rate is equal for all applicable Assessor’s Parcels within the Zone.

“**Rate and Method of Apportionment**” means the “Rate and Method of Appointment of Special Taxes for Community Facilities District No. 2020-1 of the City of Escondido.”

“**Residential Property**” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing one or more Dwelling Units.

“**Services**” means services authorized to be funded by CFD No. 2020-1.

“**Special Tax(es)**” means the Special Tax authorized to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property within the boundaries of CFD No. 2020-1 in accordance with this Rate and Method of Apportionment.

“**Special Tax Requirement**” means, subject to the Maximum Special Tax, that amount to be collected in any Fiscal Year to pay for the Services as otherwise required to meet the needs of CFD No. 2020-1. The Special Tax Requirement include the costs for (1) the Services, and (2) Administrative Expenses, less (3) a credit for funds available to reduce the Special Tax levy, if any, as determined by the CFD Administrator.

“**State**” means the State of California.

“**Taxable Property**” means all of the Assessor’s Parcels within the boundaries of CFD No. 2020-1 which are not exempt from the Special Tax pursuant to law or Section D below.

“**Undeveloped Property**” means, for each Fiscal Year, all Assessor’s Parcels, or portions thereof, of Taxable Property not classified as Developed Property.

“**Zone**” means a mutually exclusive geographic area or areas, within which particular Special Tax rates may be levied pursuant to this Rate and Method of Apportionment. The initial Zone of CFD No. 2020-1 is identified as Zone 2020-1. Additional Zones may be created when property is annexed into CFD No. 2020-1.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2020-21, all property within CFD No. 2020-1 shall be classified as Taxable Property or Exempt Property. Each Assessor Parcel of Taxable Property shall be further classified as Developed Property or Undeveloped Property and shall be subject to Special Taxes in accordance with this Rate and Method of Apportionment determined pursuant to Section C below. Assessor's Parcels of Taxable Developed Property shall further be classified into Land Use Categories.

C. MAXIMUM SPECIAL TAX

An Assessor's Parcel may contain more than one Land Use Category. The Maximum Special Tax which may be levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax that can be imposed based on each Land Use Category applicable to such Assessor's Parcel.

1. Developed Property

a. Maximum Special Tax

Each Fiscal Year, each Assessor's Parcel of Developed Property shall be subject to the Maximum Special Tax. The Maximum Special Tax applicable for Developed Taxable Property within Zone 2020-1 was determined through the application of Table 1, and is as shown in Appendix A. Appendix A will be updated at the time of each annexation to reflect the Land Use Categories and applicable Maximum Special Taxes for each annexed Zone or by areas within each annexed Zone.

The Maximum Special Tax for Fiscal Year 2020-2021 applicable to an Assessor's Parcel of Developed Property shall be determined using Table 1 below.

**TABLE 1
Maximum Special Tax Rates
for Developed Residential Property per Dwelling Unit*
Fiscal Year 2020-2021**

Land Use Category	Density	Unit	Special Tax Per Unit
1	Less than 5.5 DU/Acre	DU	\$536.00
2	5.5 to less than 18 DU/Acre	DU	\$743.00
3	18.0 to less than 30 DU/Acre	DU	\$725.00
4	30 DU/Acre or Greater	DU	\$783.00

* The analysis performed to establish the Special Tax per DU shown above only considered the impacts from property within the current City boundary.

b. Escalation

Each July 1st, commencing July 1, 2021, the Maximum Special Taxes shall 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.

2. Undeveloped Property

No Special Tax shall be levied on Undeveloped Property.

D. EXEMPT PROPERTY

The CFD Administrator shall classify as Exempt Property within the boundaries of CFD No. 2020-1: (1) Any Assessor's Parcel that is owned or irrevocably dedicated to the State of California, Federal or other local governments, including school districts, (2) Assessor's Parcels which are owned by or irrevocably dedicated to a homeowners association, or (3) Assessor's Parcels with other types of public uses determined by the CFD Administrator.

E. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2020-2021 and for each following Fiscal Year, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year and shall levy the Special Tax Proportionately on each Assessor's Parcels of Developed Property up to 100% of the applicable Maximum Special Tax to satisfy the Special Tax Requirement.

F. PREPAYMENT OF SPECIAL TAX

No prepayments of the Special Tax are permitted.

G. APPEALS AND INTERPRETATIONS

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the CFD Administrator. The written notice of appeal must be filed within the same Fiscal Year as having paid the first installment of the Special Tax that is disputed and the property owner must be current and remain current in the payment of all Special Tax levied on or before the payment date.

The CFD Administrator shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and rule on the appeal. If the CFD Administrator's decision requires that the Special Tax for an Assessor's Parcel be modified or changed in favor of the property owner, an adjustment shall be made to the Annual Special Tax on that Assessor's Parcel in the subsequent Fiscal Year(s) and a refund, as described, shall be made representing the amount of the adjustment for only the most recent Fiscal Year. The CFD Administrator shall determine if funds are available to provide such refund or, if funds are not available in the sole discretion of the CFD Administrator to provide a cash refund, a credit to the levy of Special Tax in one or more subsequent Fiscal Years shall be made in the same amount. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal actions by such property owner.

The CFD Administrator may interpret this Rate and Method of Apportionment for purposes of clarifying ambiguity and make determinations relative to the amount of Administrative Expenses.

H. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2020-1 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

I. TERM OF THE SPECIAL TAX

For each Fiscal Year, the Special Tax shall be levied in perpetuity as long as the Services are being provided.

J. FUTURE ANNEXATIONS

It is anticipated that additional properties will be annexed into CFD No. 2020-1 from time to time. For Land Use Categories not included in the initial boundaries of CFD No. 2020-1, a study and report describing the Services to be provided to such properties and the estimated cost of such Services shall be provided to the City Council as the legislative body of the CFD No. 2020-1 in accordance with Section 53321.5 of the Mello-Roos Act. Based on this analysis, the property to be annexed, pursuant to California Government Code section 53339 et. seq. will be assigned an appropriate Maximum Special Tax rate for the Zone or areas within the Zone by Land Use Category as provided herein or as defined and detailed when annexed and included in Appendix A.

APPENDIX A
COMMUNITY FACILITIES DISTRICT NO. 2020-1
(Services)
CITY OF ESCONDIDO

MAXIMUM SPECIAL TAXES ASSIGNED TO EACH ZONE

ZONE 2020-1 (The Villages)
Maximum Special Tax Rates
for Developed Residential Property per Dwelling Unit
Fiscal Year 2020-2021

Zone	Land Use Category	Density	Unit	Special Tax Per Unit
2020-1	2	5.5 to less than 18 DU/Acre	DU	\$743.00

Increases in the Maximum Special Tax:

On each July 1, commencing July 1, 2021, the Maximum Special Tax shall be increased by the greater of the annual percentage change in the Index or 2%.

BOUNDARY MAP OF
 COMMUNITY FACILITIES DISTRICT NO. 2020-1
 (SERVICES)
 ANNEXATION ZONE 2020-3

OF THE CITY OF ESCONDIDO
 COUNTY OF SAN DIEGO
 STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF ESCONDIDO,
 THIS ____ DAY OF _____, 20__.

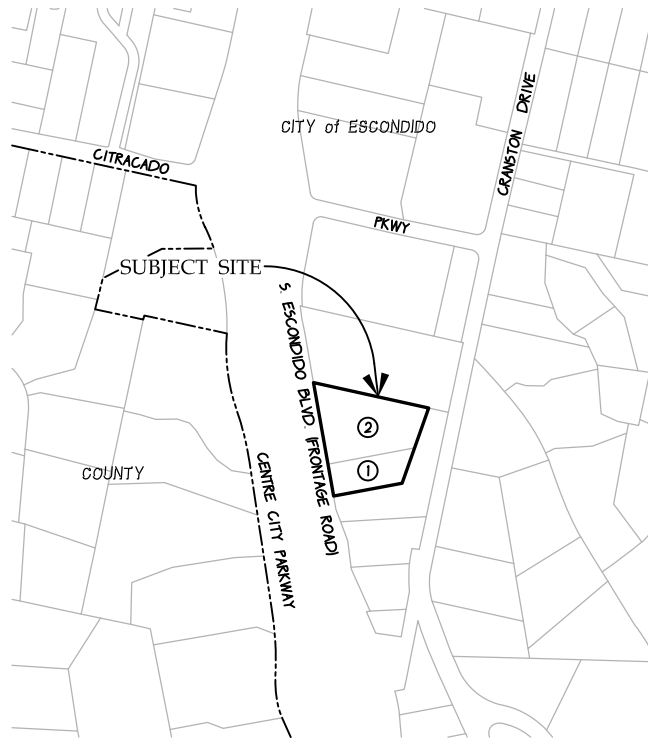
BY: _____
 CITY CLERK
 CITY OF ESCONDIDO
 STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE BOUNDARIES OF
 THE ANNEXATION OF ZONE 202 - TO COMMUNITY FACILITIES DISTRICT
 NO. 2020-1 OF THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE
 OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF
 ESCONDIDO AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY
 OF _____, 20__, BY ITS RESOLUTION NO. _____.

BY: _____
 CITY CLERK
 CITY OF ESCONDIDO
 STATE OF CALIFORNIA

FILED THIS ____ DAY OF _____, 20__, AT THE HOUR
 OF ____ O'CLOCK ____ M AS DOCUMENT NO. _____ IN BOOK
 PAGE(S) _____ OF MAPS OF ASSESSMENTS AND COMMUNITY FACILITIES
 DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY
 OF SAN DIEGO, CALIFORNIA.

BY: _____
 DEPUTY RECORDER
 COUNTY RECORDER, ERNEST J. DRONENBURG, JAR
 COUNTY OF SAN DIEGO
 STATE OF CALIFORNIA



LOT DESIGNATION	
LOT NO.	APN
①	238-152-06-00
②	238-152-07-00

LEGEND

- ① LOT NUMBER
- ANNEXATION BOUNDARY
- - - - - CITY OF ESCONDIDO / COUNTY OF SAN DIEGO BOUNDARY LINE



201 N. Broadway
 Escondido, Ca. 92025

SHEET 1 OF 1
DATE: OCTOBER, 2020
NO. CFD2020-1

EXHIBIT C

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES COMMUNITY FACILITIES DISTRICT NO. 2020-1 (Services) CITY OF ESCONDIDO

A Special Tax (as hereinafter defined) shall be levied on all Assessor's Parcels within Community Facilities District No. 2020-1 ("CFD No. 2020-1") of the City of Escondido ("City") and collected each Fiscal Year commencing in Fiscal Year 2020-2021, in an amount determined by the City Council, through the application of this Rate and Method of Apportionment of Special Taxes as described below. All of the real property within the boundaries of CFD No. 2020-1, unless exempted by law or by the provisions hereof, shall be subject to the Special Tax for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre" or "Acreage" means the acreage of an Assessor's Parcel as shown on an Assessor's Parcel Map. If the acreage is not shown on an Assessor's Parcel Map, the acreage shown on the applicable Final Map, parcel map, condominium plan, or other recorded County map shall be used. If the acreage information supplied by these alternative sources is not available, or in conflict, the acreage used shall be determined by the CFD Administrator or a designee.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the following actual or reasonably estimated costs directly related to the formation, annexation and administration of CFD No. 2020-1, including but not limited to the following: (i) the costs of computing the Special Taxes and preparing and presenting to City Council the Special Tax collection schedules (whether by the City or designee thereof or both); (2) the costs of collecting the Special Taxes (whether by the County or otherwise); (3) the costs to the City, CFD No. 2020-1 or any designee thereof in responding to property owner and public inquiries regarding CFD No. 2020-1, including its Special Taxes; (4) the costs of the City, CFD No. 2020-1 or any designee related to an appeal of the Special Tax; (5) the costs of the City, CFD No. 2020-1 or any designee related to preparing required reporting obligations; (6) the City's annual administration fees and third party expenses; (7) the costs of City staff time and reasonable overhead relating to CFD No. 2020-1; and (8) amounts estimated or advanced by the City or CFD No. 2020-1 for any other administrative purposes of CFD No. 2020-1, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

"Assessor" means the County Assessor.

"Assessor's Parcel" means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's parcel number located within the boundaries of CFD No. 2020-1.

“Assessor’s Parcel Map” means an official map of the Assessor of the County designating parcels by Assessor’s parcel number.

“Building Permit” means the first legal document issued by the City giving official permission for the construction of a building on an Assessor’s Parcel. For purposes of this definition and application of the Special Tax, “Building Permit” may or may not include any subsequent building permits issued or changed after the first issuance, as determined by the CFD Administrator.

“CFD Administrator” means the Finance Director or other official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Taxes and performing the other duties provided herein.

“CFD No. 2020-1” means Community Facilities District No. 2020-1 of the City of Escondido.

“City” means the City of Escondido, California.

“City Council” means the City Council of the City, acting as the Legislative Body of CFD No. 2020-1, or its designee.

“County” means the County of San Diego, California.

“Density” means the maximum number of dwelling units permitted per acre, including streets within the development, excluding all ultimate circulation element street rights-of-way, adjustments for floodways as defined by the Federal Emergency Management Agency (FEMA) or the City, slope categories, and other environmental factors as designated in each land use category and/or open space/ conservation element. All as further defined within the City’s General Plan adopted May 2012 per Resolution 2012-52, as amended from time-to-time. Density shall be determined by the CFD Administrator prior to annexation.

“Developed Property” means, for each Fiscal Year, all Taxable Property for which a Building Permit for new construction was issued prior to March 1st of the prior Fiscal Year.

“Dwelling Unit” or “DU” means, as defined in the City of Escondido Municipal Code 32.102 and amended from time to time, each residential unit, without regard to the square footage of the Dwelling Unit, including but not limited to an individual single-family detached Dwelling Unit, small lot single-family Dwelling Unit, townhome, condominium, apartment, or other such residential dwelling unit, including each separate living area within a half-plex, duplex, triplex, fourplex, or other residential structure that comprises an independent facility capable of conveyance or rental separate from the primary Dwelling Unit(s). Dwelling Unit does not include an attached or detached accessory dwelling unit, as defined in the Section 33-8 of the Escondido Zoning Code, as amended from time-to-time.

“Exempt Property” means all Assessor’s Parcels designated as being exempt from Special Taxes pursuant to Section D.

“Fiscal Year” means the period starting July 1 and ending on the following June 30.

“Index” means the Consumer Price Index as published by the United State Department of Labor, titled “CPI for All Urban Consumers.” Further defined with the Series Title, “All items

in San Diego – Carlsbad, CA, all urban consumers, not seasonally adjusted”. If this Index is no longer available, an alternative comparable Index will be chosen by the CFD Administrator.

“Land Use Category” means any of the categories listed in Section C, Table 1 which resulted from the initial analysis of the impacts from new Dwelling Units for providing Services and Appendix A, as to the initial property within CFD No. 2020-1, which may be updated from time to time as annexations occur.

“Maximum Special Tax” means for each Assessor’s Parcel and each Fiscal Year, the Maximum Special Tax, determined in accordance with Section C, below, that may be levied on such Assessor’s Parcel in such Fiscal Year.

“Non-Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit was issued for any type of non-residential use.

“Proportionately” means for Taxable Property, that the ratio of actual Special Tax levy to the Maximum Special Tax rate is equal for all applicable Assessor’s Parcels within the Zone.

“Rate and Method of Apportionment” means the “Rate and Method of Appointment of Special Taxes for Community Facilities District No. 2020-1 of the City of Escondido.”

“Residential Property” means all Assessor’s Parcels of Developed Property for which a Building Permit has been issued for purposes of constructing one or more Dwelling Units.

“Services” means services authorized to be funded by CFD No. 2020-1.

“Special Tax(es)” means the Special Tax authorized to be levied in each Fiscal Year on each Assessor’s Parcel of Taxable Property within the boundaries of CFD No. 2020-1 in accordance with this Rate and Method of Apportionment.

“Special Tax Requirement” means, subject to the Maximum Special Tax, that amount to be collected in any Fiscal Year to pay for the Services as otherwise required to meet the needs of CFD No. 2020-1. The Special Tax Requirement include the costs for (1) the Services, and (2) Administrative Expenses, less (3) a credit for funds available to reduce the Special Tax levy, if any, as determined by the CFD Administrator.

“State” means the State of California.

“Taxable Property” means all of the Assessor’s Parcels within the boundaries of CFD No. 2020-1 which are not exempt from the Special Tax pursuant to law or Section D below.

“Undeveloped Property” means, for each Fiscal Year, all Assessor’s Parcels, or portions thereof, of Taxable Property not classified as Developed Property.

“Zone” means a mutually exclusive geographic area or areas, within which particular Special Tax rates may be levied pursuant to this Rate and Method of Apportionment. The initial Zone of CFD No. 2020-1 is identified as Zone 2020-1. Additional Zones may be created when property is annexed into CFD No. 2020-1.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year, beginning with Fiscal Year 2020-21, all property within CFD No. 2020-1 shall be classified as Taxable Property or Exempt Property. Each Assessor Parcel of Taxable Property shall be further classified as Developed Property or Undeveloped Property and shall be subject to Special Taxes in accordance with this Rate and Method of Apportionment determined pursuant to Section C below. Assessor’s Parcels of Taxable Developed Property shall further be classified into Land Use Categories.

C. MAXIMUM SPECIAL TAX

An Assessor’s Parcel may contain more than one Land Use Category. The Maximum Special Tax which may be levied on an Assessor’s Parcel shall be the sum of the Maximum Special Tax that can be imposed based on each Land Use Category applicable to such Assessor’s Parcel.

1. Developed Property

a. Maximum Special Tax

Each Fiscal Year, each Assessor’s Parcel of Developed Property shall be subject to the Maximum Special Tax. The Maximum Special Tax applicable for Developed Taxable Property within Zone 2020-1 was determined through the application of Table 1, and is as shown in Appendix A. Appendix A will be updated at the time of each annexation to reflect the Land Use Categories and applicable Maximum Special Taxes for each annexed Zone or by areas within each annexed Zone.

The Maximum Special Tax for Fiscal Year 2020-2021 applicable to an Assessor’s Parcel of Developed Property shall be determined using Table 1 below.

**TABLE 1
 Maximum Special Tax Rates
 for Developed Residential Property per Dwelling Unit*
 Fiscal Year 2020-2021**

Land Use Category	Density	Unit	Special Tax Per Unit
1	Less than 5.5 DU/Acre	DU	\$536.00
2	5.5 to less than 18 DU/Acre	DU	\$743.00
3	18.0 to less than 30 DU/Acre	DU	\$725.00
4	30 DU/Acre or Greater	DU	\$783.00

* The analysis performed to establish the Special Tax per DU shown above only considered the impacts from property within the current City boundary.

b. Escalation

Each July 1st, commencing July 1, 2021, the Maximum Special Taxes shall 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.

2. Undeveloped Property

No Special Tax shall be levied on Undeveloped Property.

D. EXEMPT PROPERTY

The CFD Administrator shall classify as Exempt Property within the boundaries of CFD No. 2020-1: (1) Any Assessor's Parcel that is owned or irrevocably dedicated to the State of California, Federal or other local governments, including school districts, (2) Assessor's Parcels which are owned by or irrevocably dedicated to a homeowners association, or (3) Assessor's Parcels with other types of public uses determined by the CFD Administrator.

E. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2020-2021 and for each following Fiscal Year, the CFD Administrator shall determine the Special Tax Requirement for such Fiscal Year and shall levy the Special Tax Proportionately on each Assessor's Parcels of Developed Property up to 100% of the applicable Maximum Special Tax to satisfy the Special Tax Requirement.

F. PREPAYMENT OF SPECIAL TAX

No prepayments of the Special Tax are permitted.

G. APPEALS AND INTERPRETATIONS

Any property owner claiming that the amount or application of the Special Tax is not correct may file a written notice of appeal with the CFD Administrator. The written notice of appeal must be filed within the same Fiscal Year as having paid the first installment of the Special Tax that is disputed and the property owner must be current and remain current in the payment of all Special Tax levied on or before the payment date.

The CFD Administrator shall promptly review the appeal, and if necessary, meet with the property owner, consider written and oral evidence regarding the amount of the Special Tax, and rule on the appeal. If the CFD Administrator's decision requires that the Special Tax for an Assessor's Parcel be modified or changed in favor of the property owner, an adjustment shall be made to the Annual Special Tax on that Assessor's Parcel in the subsequent Fiscal Year(s) and a refund, as described, shall be made representing the amount of the adjustment for only the most recent Fiscal Year. The CFD Administrator shall determine if funds are available to provide such refund or, if funds are not available in the sole discretion of the CFD Administrator to provide a cash refund, a credit to the levy of Special Tax in one or more subsequent Fiscal Years shall be made in the same amount. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal actions by such property owner.

The CFD Administrator may interpret this Rate and Method of Apportionment for purposes of clarifying ambiguity and make determinations relative to the amount of Administrative Expenses.

H. MANNER OF COLLECTION

The Special Tax will be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that CFD No. 2020-1 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet its financial obligations, and may covenant to foreclose and may actually foreclose on delinquent Assessor's Parcels as permitted by the Act.

I. TERM OF THE SPECIAL TAX

For each Fiscal Year, the Special Tax shall be levied in perpetuity as long as the Services are being provided.

J. FUTURE ANNEXATIONS

It is anticipated that additional properties will be annexed into CFD No. 2020-1 from time to time. For Land Use Categories not included in the initial boundaries of CFD No. 2020-1, a study and report describing the Services to be provided to such properties and the estimated cost of such Services shall be provided to the City Council as the legislative body of the CFD No. 2020-1 in accordance with Section 53321.5 of the Mello-Roos Act. Based on this analysis, the property to be annexed, pursuant to California Government Code section 53339 et. seq. will be assigned an appropriate Maximum Special Tax rate for the Zone or areas within the Zone by Land Use Category as provided herein or as defined and detailed when annexed and included in Appendix A.

APPENDIX A

Zone 2020-3 Annexation Table Detailing Special Tax Rates Applicable for FY 2020/21:

APN(s)	Address	Land Use Category	Units	Annual Special Tax Per Unit*
238-152-06-00 and 238-152-07-00	2608 S. Escondido Boulevard	(3) 18 to less than 30 DU/Acre	42	\$725.00

** For FY 2020/21 in accordance with the Rate and Method of Apportionment for CFD 2020-1 (Services)*

**LEGAL DESCRIPTION FOR ASSESSOR PARCEL NUMBERS ANNEXING INTO COMMUNITY FACILITIES
DISTRICT 2020-1**

2608 S. ESCONDIDO BOULEVARD, ESCONDIDO, CA 92025

For APN/Parcel ID(s): 238-152-06-00 and 238-152-07-00

PARCEL 1:

ALL THAT PORTION OF LOT "C" OF THE RESUBDIVISION OF LOTS 9, 10, 11, 12 AND 13 IN BLOCK 30 AND LOTS 2, 3, 6, 17, 18, 19, 20 AND 21 IN BLOCK 32 OF HOMELAND ACRES ADDITION TO ESCONDIDO NO. 2, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1721, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1921 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT "C" DISTANT THEREON NORTH 77°48' WEST 75.03 FEET FROM THE NORTHEAST CORNER OF SAID LOT "C"; THENCE ALONG SAID NORTH LINE, NORTH 77°48' WEST 347.62 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED NOVEMBER 29, 1956 IN BOOK 6362, PAGE 146 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 10°21'58" EAST (RECORD 10°28'58" EAST) 244.87 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 10°21'58" EAST 97.82 FEET TO THE SOUTHERLY LINE OF THE LAND DESCRIBED IN DEED TO CHARLES H. PAXTON RECORDED AUGUST 28, 1948 IN BOOK 2928, PAGE 349 OF OFFICIAL RECORDS; THENCE ALONG SAID SOUTHERLY LINE, NORTH 79°08' EAST 204.14 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND; THENCE ALONG THE EASTERLY LINE OF SAID LAND, NORTH 19°03' EAST 112.83 FEET TO A LINE WHICH BEARS NORTH 79°08' EAST FROM THE TRUE POINT OF BEGINNING; THENCE SOUTH 79°08' WEST 259.50 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

ALL THAT PORTION OF LOT "C" OF RESUBDIVISION OF LOTS 9, 10, 11, 12 AND 13 IN BLOCK 30 AND LOTS 2, 3, 6, 7, 17, 18, 19, 20 AND 21 IN BLOCK 32 OF HOMELAND ACRES ADDITION NO. 2, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1721, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1921 DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID LOT "C" DISTANT THEREON NORTH 77°48' WEST 75.03 FEET FROM THE NORTHEAST CORNER OF SAID LOT "C"; THENCE ALONG SAID NORTH LINE NORTH 77°48' WEST 347.62 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED NOVEMBER 29, 1956 IN BOOK 6362, PAGE 146 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE SOUTH 10°21'58" EAST (RECORD 10°28'58" EAST) 244.87 FEET; THENCE NORTH 79°08' EAST 259.50 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN DEED TO CHARLES H. PAXTON RECORDED AUGUST 28, 1948 IN BOOK 2928, PAGE 349 OF OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE NORTH 19°03' EAST 125.35 FEET TO THE POINT OF BEGINNING.

CITY COUNCIL STAFF REPORT

Current Business Item No. 9

October 21, 2020

File No. 0480-45

SUBJECT: Escondido's Public Facilities Fee, Park Development Fee, Traffic Impact Fee, and Drainage Facilities Fee

DEPARTMENT: City Manager's Office

RECOMMENDATION:

It is requested that the City Council consider a two percent inflationary adjustment to the Public Facilities, Park Development, Traffic Impact, and Drainage Facilities Fees (collectively "Development Impact Fees"). After considering public input, and in compliance with the State Government Code, a separate public hearing to adopt the resolution enacting the proposed fees will be held on October 28, 2020.

FISCAL ANALYSIS:

New residential and nonresidential projects pay Development Impact Fees to offset the cost of Citywide public facilities that are necessary to serve the new development. Public facilities include those for parks, fire and medical emergencies, police, administration / technology, a public library, a senior citizen center, public works, drainage, and traffic improvements. The two percent adjustment will maintain the City's ability to fund public improvements at the rate previously approved by the City Council.

PREVIOUS ACTION

On December 20, 2017, the City Council adopted Resolution No. 2017-154RR updating Development Impact Fees necessary to serve new development. The fee adjustments cumulatively fund up to 82 percent of expected costs for facilities to serve new development, with anticipated grants and other one-time revenues to offset the shortfall. 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 also 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 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.

GENERAL PLAN CONFORMANCE:

This item is consistent with General Plan Public Facility Financing Policy 3.1 (page VIII-8) that states: *“Maintain and periodically update development impact fees and major infrastructure financing programs to assure that all new and infill developments contribute their proportionate share of funding for necessary municipal infrastructure and public facilities.”*

BACKGROUND:

In December 2017, the City Council approved the first comprehensive evaluation and adjustment of Development Impact Fees in more than a decade. The updated fees ensure that revenue is collected to offset impacts caused by new development and more accurately reflect the costs to serve new growth. Direction was given to adjust fees based on a schedule that cumulatively collects approximately 82 percent of the total infrastructure costs, and to rely on grants, bonds, and/or other one-time revenues to offset the 18 percent funding gap.

Staff originally planned to schedule a more comprehensive Development Impact Fee update that achieved full cost recovery for City Council consideration on a previous agenda. The matter was continued until October 21 at the request of the Building Industry Association (“BIA”) to review the fees and analysis prepared by staff. The BIA prepared a lengthy review and list of questions, and met with staff where they laid out their position objecting to the level of analysis substantiating the fees, and hence, the fees themselves. It was clear that if the City Council were to adopt the increased fees, regardless of the fact they were mid-range with other cities, the BIA would litigate the validity of the fees. The BIA’s position is that any substantive fee increases must be analyzed in much greater detail to withstand legal challenge, similar to the analysis prepared when adjusting water and sewer fees under Proposition 218.

Adjusting fees to achieve full cost recovery from new development’s impact on municipal services and facilities will help ensure that the needs of existing residents are prioritized and impacts to the City’s General Fund are minimized. Bolstering the analysis for establishing the updated fees will protect the City from potential legal challenges. The costs for conducting that analysis can be folded into the adjusted Development Impact Fee schedule. Staff is in the process of soliciting consultant bids for performing this fee analysis, and anticipates City Council consideration of the proposed updated Development Impact Fees in spring 2021.

The City Council directed staff to *annually* adjust Development Impact Fees for inflationary increases to avoid “rate shock” encountered when a long time elapses without reviewing fees necessitating large increases at any one time. The City Council accepted staff’s recommendation to rely on SANDAG’s method for annually adjusting the regional traffic impact fee (“RTCIP”) as a basis for calculating the City’s annual Development Impact Fee adjustments. The last annual fee adjustment occurred in November 2019 (effective February 19, 2020) when the City Council approved a two percent inflationary increase to the Development Impact Fees in order to maintain their purchasing power for completing necessary public improvements to serve new development.

DISCUSSION / RECOMMENDATION:

SANDAG uses The Engineering News Record Construction Cost Index (“ENR CCI”), but never less than two percent, to adjust for price changes and to translate set numbers into inflation-free dollars. Adjusting the fees according to the ENR CCI does not increase the Development Impact Fee revenue beyond the amount necessary to accommodate for future growth because an ENR CCI adjustment only keeps the current level of fee revenue at pace with inflation.

The ENR CCI is based on monthly price changes in lumber, cement, structural steel, and labor. Los Angeles construction costs are similar to those in San Diego. Between December 2018 and December 2019 (latest available data), the ENR Los Angeles CCI increased by 0.2 percent. It is worth noting that other Construction Cost Indexes grew faster during this same timeframe, with the ENR National CCI growing 1.7 percent, and the Caltrans CCI increasing 6.7 percent.

In compliance with Government Code Sections 66016 and 66018 which require a two-step process for increasing fees, a public hearing is scheduled to adopt the resolution enacting the adjusted fees on October 28, 2020. The proposed two percent inflationary adjustment for Development Impact Fees would go into effect on February 22, 2021, pursuant to Attachment 1, subject to adoption of the implementing resolution.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Jay Petrek, Assistant City Manager
10/15/20 8:42AM

ATTACHMENTS:

1. Attachment 1 - 2021 Inflationary Development Impact Fee Adjustment

ATTACHMENT 1
 2021 Development Impact Fee 2% Inflationary Adjustment

	Current Fee (2020)	2021 Adjustment
Public Facilities		
Single Family Residential	\$4,872.54 / DU	\$4,969.99 / DU
Multi-Family Residential	\$4,872.54 / DU	\$4,969.99 / DU
Commercial	\$2.21 / sq. ft.	\$2.25 / sq. ft.
Industrial	\$1.67 / sq. ft.	\$1.70 / sq. ft.
Parking Structure (primary use)	\$0.60 / sq. ft.	\$0.61 / sq. ft.
Park Development		
Single Family Residential	\$6,849.30 / DU	\$6,986.29 / DU
Multi-Family Residential	\$6,533.10 / DU	\$6,663.76 / DU
Drainage Facilities		
Single Family Residential	\$1,113.84 / DU	\$1,136.12 / DU
Multi-Family Residential	\$460.02 / DU	\$469.22 / DU
All other uses	\$0.72 / sq. ft.	\$0.73 / sq. ft.
Local Traffic Impact¹		
Category		
Single Family	\$4,109.58 / DU	\$4,191.77 / DU
Multi Family ²	\$2,054.28 / DU	\$2,095.37 / DU
Commercial/Retail/Service³	\$9.49 / sq. ft.	\$9.68 / sq. ft.
Bank	\$15.81 / sq. ft.	\$16.13 / sq. ft.
Sit Down (Quality) Restaurant	\$14.23 / sq. ft.	\$14.51 / sq. ft.
High Turnover or Deli	\$15.81 / sq. ft.	\$16.13 / sq. ft.
Fast food with or without drive-thru	\$47.42 / sq. ft.	\$48.37 / sq. ft.
Convenience Market	\$31.62 / sq. ft.	\$32.52 / sq. ft.
Convenience Market with Fueling	\$14,224.92 / fuel space	\$14,509.42 / fuel space
Car Wash	\$71,122.56 / each	\$72,545.01 / each
Office⁴	\$3.16 / sq. ft.	\$3.22 / sq. ft.
Medical / Dental Office	\$5.53 / sq. ft.	\$5.64 / sq. ft.
Hospital / Care Facility	\$3.95 / sq. ft.	\$4.03 / sq. ft.
Industrial⁵	\$2.37 / sq. ft.	\$2.42 / sq. ft.
Church	\$1.42 / sq. ft.	\$1.45 / 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

Development Impact Fees Inflationary Adjustment

October 21, 2020

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- 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

CITY COUNCIL STAFF REPORT

Current Business Item No. 10

October 21, 2020

File No. 0680-10

SUBJECT: Adoption of Ordinance Reducing Campaign Contribution Limits for Mayor and Councilmembers and Related Campaign Control Amendments

DEPARTMENT: City Attorney

RECOMMENDATION:

It is requested that the City Council consider and introduce Ordinance No. 2020-27 which amends the Escondido Municipal Election Campaign Control Ordinance to lower the maximum personal contributions from \$4,300 for city council candidates and mayoral candidates. It is further requested that the City Council consider and adopt additional and related amendments to the Campaign Control Ordinance.

FISCAL ANALYSIS:

Any changes to campaign contribution limits for local Escondido mayoral and council district seats in the existing Campaign Control Ordinance will have no fiscal impact on the City of Escondido. Other proposed changes will also have no fiscal impact for the City.

PREVIOUS ACTION:

The Campaign Control Ordinance was last amended in April 2018.

The issue of potentially lowering the campaign contribution limits was last heard by the City Council as a current business item on August 12, 2020. The Council gave direction to the City Attorney to return with proposed ordinance language consistent with the opinions expressed by the councilmembers.

BACKGROUND:

Mayor McNamara, Deputy Mayor Martinez and Councilmember Diaz expressed an interest in re-examining the campaign contribution limits and related Campaign Control Ordinance provisions in the Escondido Municipal Code ("EMC").

On August 12, 2020, in open session the City Attorney reviewed relevant state and local laws; constitutional issues; local campaign contribution limits enacted by other cities in San Diego County; and various other campaign contribution provisions related to voting restrictions and use of surplus campaign funds. A copy of that staff report is attached (see Attachment 1). The City Council provided feedback on the various issues and this item is intended to serve as a report and

recommendation for the adoption of an ordinance effecting the council's stated approach to these issues.

A. Campaign Contribution Limits.

Currently, Section 2-103(a) of the EMC provides as follows:

No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed four thousand three hundred dollars (\$4,300.00).

During council discussion of this matter on August 12, as it related to district races, councilmembers noted various preferred contribution limits.¹ Deputy Mayor Martinez noted that a gradual decrease in the limit may be appropriate at this time. Given these comments, and in an attempt to both obtain a successful vote and achieve a material reduction from the current amount of \$4,300, it appears that the council would find reasonable and adopt a city councilmember district campaign contribution limit of \$1,000.

The city council also considered and discussed the issue of allowing for a differential between district-only council seat campaigns and the city-wide races for mayor and city treasurer. Although there did not appear to be much debate on the appropriateness of allowing for such a differential, there was less clear consensus on the specific amount or the formula for the amount (e.g. district amount multiplied by 2, 3 or 4). Mayor McNamara initially suggested a district/citywide ratio of 4:1 and Councilmember Diaz believed a ratio of 2:1 would be reasonable given the existence of fixed costs making a straight district/citywide 4:1 ratio too high. In an effort to synthesize all councilmember comments, given the stated rationales for reductions, the proposed district contribution limitation, and examining first amendment, practicality, incremental decreases, and fairness issues, this office recommends a city-wide campaign contribution limit of \$1,750.

The above proposed district and city-wide campaign contribution limits would survive a first amendment challenge, are consistent with the underlying purpose of the City's campaign control ordinance and achieve a substantial reduction in the current contribution limit. Moreover, these numbers are also fairly within the range of local agencies in San Diego County which have either enacted their own ordinances or who will be governed by state law starting January 1, 2021. Further, the enactment of this local limitation would remove the City from the operation of AB 571 which provides for a default campaign contribution limit of \$4,700 on those local agencies which fail to adopt their own limits.

¹ Councilmember Morasco indicated that he did not favor any decrease in the current contribution limits.

Voting Limitations Related to Donations.

The City Council further discussed a restriction on councilmember voting and/or acceptance of contributions when a person/entity has a matter pending before the council or for a period of time after a council vote (e.g. 12 months). This type of provision can take various forms and includes variables relating to dollar amounts, timing of donations, etc. Deputy Mayor Martinez voiced some concerns over the potential for the new law being misinterpreted or creating technical violations. Councilmember Morasco was against this provision out of concerns over achieving quorums, potential unintended technical violations, and that the regulation was unnecessary to achieve fair and untainted council votes. Mayor McNamara did not express a strong or specific interest in the issue at the time of the meeting. A further follow up question to the mayor after the meeting made clear that he did not prefer adopting this item at this time.

Given that direction from a majority of the council is not clear on this issue, and a new council will be seated in a short period of time which may wish to take a fresh look at this question and its various forms, at this time no provision is being recommended by this office. As noted during the August presentation, all councilmembers are required to comply with the Political Reform Act, including Section 87100 which prohibits public officials from making decisions and/or using their official position to make or influence decisions in which they have a financial interest. Further, the EMC prohibits councilmembers from giving “any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.” EMC 19-88. Finally, the EMC prohibits councilmembers from (1) having any financial or personal interest which is incompatible with the discharge of their official duties; (2) accepting gifts, favors or things of value that may influence him/her; and (3) having any financial or private interest in any legislation without disclosing on the record that interest. EMC 19-90.

B. Indexing of Campaign Contribution Limits.

It is recommended that the ordinance account for changes in the cost of living. An indexing or preset adjustment schedule included within the ordinance itself may assist in allowing for a longer “shelf life” to the law so the council does not need to revisit and adjust the limitations repeatedly. It may also be that the politics associated with seeking to revisit the ordinance to increase the limits may prevent needed adjustments and an established and reasonable index will accommodate the need to keep the law current.

Councilmember Diaz expressed interest in using a fixed dollar increase as opposed to a percentage to avoid odd or unusual numbers (e.g. \$1,281). While that issue can be resolved through a rounding provision, no other councilmembers indicated a preference for a percentage index. Further, the use of a fixed dollar amount allows for the district and city-wide limitations to grow at the same rate relative to each other as opposed to increasing the different limits by the same percentage creating a widening gap between the amounts. As a result, the proposed ordinance includes a biennial \$50

increase which would amount to a \$25 per year. Using the proposed \$1,000 district number, that increase is only 0.025% per year.

C. Timing of Ordinance Effect.

The feedback from the council made it clear that the ordinance should be effective for the next election cycle. As a result, the timing of the adoption of this matter will ensure that the law as proposed would be effective after the current election and in place for the next general municipal election in November 2022. This would be consistent with the effective date of AB 571 and fundamental fairness for candidates in current races for the general municipal election to be held November 3, 2020.

D. Required Relinquishment of Surplus Funds.

An additional issue discussed during the August City Council meeting related to whether the EMC may prohibit the disbursement of surplus campaign funds into a candidate's next campaign account so that all candidates for office would start campaigns on an equal financial footing. Deputy Mayor Martinez expressed concern over the use of surplus campaign account funds being poured into a new campaign account allowing for an immediate advantage over opponents.

As noted at the open session on this item, state law addresses the issue of the use of surplus campaign funds held in a candidate's election campaign account. In particular, Government Code § 89519(b) provides that surplus funds may only be used in six (6) specific ways (e.g. payment of debt, repayment of contributions, donations to bona fide charitable organizations, contributions to political party committees, etc.).

However, this office has attempted to address the issue by (1) including a specific reference to the need for candidates to comply with Government Code § 89519 in EMC 2-107(a), and (2) including the following language to EMC 2-107(b):

No candidate for any city elected office, or his or her treasurer or committee, shall make a payment or contribution from an existing campaign account into a new campaign account for that candidate, except as allowed by state law.

E. Limits Related to Type of Donor.

Councilmember Morasco noted a concern that to the extent certain segments of potential campaign donors are affected by this ordinance, all types of donor groups should be equally impacted and restricted. Councilmember Diaz agreed with the principle that all types of donor groups, whether individual and entity, should be treated the same.

As written, the ordinance limitations apply to all “persons” which is defined as:

an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, Political Action Committee, Independent Committee and any other organization or group of persons acting in concert.

As defined, a “person” does not include a Political Party Committee thereby allowing a state or county central committee of a qualifying organization which meets the requirements for recognition as a political party pursuant to California Elections Code exempt from the restriction.

F. Miscellaneous Definitions.

In addition to the above substantive changes noted above, Ordinance No. 2020-27 also updates and/or includes definitions for the following terms used in the Campaign Control Ordinance in EMC 2-102: “Independent Committee,” “Political Party Committee,” “Person,” and “Political Action Committee.”

CONCLUSION:

The City Council has authority, and has exercised its authority in the past, to set campaign contribution limits consistent with state law. The council members are most knowledgeable about the difficulties and practicalities involved in raising money for a local election both as an incumbent and as a challenger in this jurisdiction.

This report and the proposed Ordinance is an attempt to synthesize the comments expressed by the council into a constitutionally sound ordinance that accomplishes the purposes of effecting campaign finance reform and be consistent with the City’s existing Campaign Control Ordinance.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Michael R. McGuinness, City Attorney
10/14/2020 4:35 PM

ATTACHMENTS:

1. Attachment 1 - August 12, 2020, Staff Report
2. Attachment 2 - (Redline version of Campaign Control Ordinance)
3. Ordinance No. 2020-27



CITY COUNCIL STAFF REPORT

Current Business Item No. 19

August 12, 2020

File No. 0680-10

SUBJECT: Consideration of Ordinance Reducing Campaign Contribution Limits for Mayor and Councilmembers and Related Campaign Control Amendments

DEPARTMENT: City Attorney

RECOMMENDATION:

It is requested that the City Council discuss, consider and take public input on potential amendments to the Escondido Municipal Election Campaign Control Ordinance to lower the maximum personal contributions from \$4,300 for city council candidates and mayoral candidates. It is further requested that the City Council discuss, consider, and take public input and give staff direction on additional campaign control amendments, if any.

FISCAL ANALYSIS:

Any changes to campaign contribution limits for local Escondido mayoral and council district seats currently in the Campaign Control Ordinance will have no fiscal impact on the City of Escondido.

PREVIOUS ACTION:

The Campaign Control Ordinance was last amended in April 2018.

This current matter has been continued twice from the December 18, 2019, and March 4, 2020, City Council agendas to allow for a full council review and consideration of issues by councilmembers.

BACKGROUND:

In October 2019, Mayor McNamara asked that the issue of local campaign contribution limits be placed on the future agenda for review and discussion and further recommended proposed limits for consideration. Subsequently, Councilmember Olga Diaz asked to supplement the agenda item to further consider a limitation on the acceptance of campaign contributions from persons having business before the City Council and for a period of time after a vote. Thereafter, Deputy Mayor Martinez asked that additional items related to campaign finance be addressed.

State Law Campaign Contribution Limits.

The Political Reform Act ("PRA") regulates campaign finance and disclosure requirements for state and local candidates and committees. A city may also impose its own limits on campaign contributions in municipal elections and impose additional requirements separate from the PRA

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provided those requirements do not prevent compliance with the PRA. (Government Code § 81013; Elections Code § 10202.) The PRA, first enacted in 1974, is intended to ensure that disclosure of political contributions is accurate, timely, and truthful; to keep voters informed; to make elections fair by abolishing laws and practices that favor incumbents; and, to provide adequate enforcement mechanisms of its provisions. (Government Code § 81002.) The California Fair Political Practices Commission (“FPPC”) has primary responsibility for the administration and implementation of the PRA.

On October 8, 2019, the State of California enacted AB 571, which amended various sections of California’s Elections and Government Codes. Generally, the new enactment establishes limitations on contributions to a candidate for local office in the case where the local governing body has not adopted its own limits. Starting on January 1, 2021, the “default” limit on campaign contributions shall be the amount provided for in the Government Code for contributions to candidates running in state legislative races. Today, the limit for a “person” (as defined by the FPPC) to contribute to a candidate is \$4,700 per election for state senate and assembly races. However, the law specifically allows a city by ordinance or resolution to impose limits on contributions to candidates for elective city offices that are different from the state limit. (Government Code § 85702.5(a).) That is, a local jurisdiction may enact campaign contribution limits for persons and committees for elective offices in the jurisdiction that are stricter or more liberal than the default limit statute. The law further provides that the FPPC is not responsible for the administration or enforcement of the local campaign limitations ordinances and the local agency may establish its own administrative, civil or criminal penalties.

The Escondido Campaign Control Ordinance.

In 1983, the City of Escondido adopted Ordinance No. 83-46, which provided for Controls on Campaign Contributions. The ordinance was adopted to supplement the PRA.

The Ordinance is commonly referred to as the Campaign Control Ordinance and it has undergone multiple amendments since it was first adopted. For example, in 1997, the Campaign Control Ordinance was amended to conform to Proposition 208, which contained newly adopted statewide campaign laws. However, in 1998, a federal court issued a preliminary injunction prohibiting enforcement of the new state law finding that the limitations on the amounts of contributions was not narrowly drawn to achieve a legitimate purpose in violation of the First Amendment. *California ProLife Council v. Scully* (E.D. Cal. 1998) 989 F. Supp. 1282. The Ninth Circuit Court of Appeals later affirmed the injunction in 1999.

In 2007, the campaign contribution limit was increased to \$500 and a Consumer Price Index (“CPI”) formula was added to allow for future increases over time. In 2013, the Campaign Control Ordinance was amended again to increase campaign contributions to \$4,100 and to remove the CPI adjustment. The 2013 amendment also removed the prohibitions on cash contributions by allowing such contributions up to \$25.

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In April 2018, the Campaign Control Ordinance was last amended in an effort to update the provisions to be largely consistent with the PRA. In addition to increasing the personal contribution limit to \$4,300, the Ordinance made changes to the definitions of "Committee" and "Contribution" to conform to the PRA, changed the amount of allowable cash contributions up to \$100, and repealed certain provisions relating to credit and checking accounts. No anonymous contributions are now allowable under Escondido's Campaign Control Ordinance.

Escondido Municipal Code Section 2-103(a), which limits campaign contributions by persons, provides:

No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed four thousand three hundred dollars (\$4,300.00).

Escondido Municipal Code Section 2-100 identifies the purpose and intent of the City's efforts to enact regulations and limitations in local campaigns. As stated, the purpose of the Code is to "preserve an orderly political forum in which individuals may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections; to prohibit contributions by organizations in order to develop a broader base of political efficacy within the community; to limit the use of loans and credit in the financing of municipal election campaigns; and to provide full and fair enforcement of all the provisions of this article."

The City's existing Campaign Control Ordinance governs the campaign contribution limits for local City Council seat races and allows for campaign contributions below the state-mandated limit. It is enforceable today and would continue to be valid and enforceable after AB 571 becomes effective on January 1, 2021. The City Council has the authority to make changes to its local campaign contribution limits provided they are generally compliant with the PRA and AB 571.

First Amendment Issues.

In addition to state and local laws, campaign finance laws can also touch on federal constitutional issues. Most notably, *Citizens United v. Federal Election Comm'n*, 572 U.S. 185 (2014) addressed the issue of whether the government may restrict independent expenditures for political communications by entities other than individuals (i.e. corporations, unions, non-profits, etc.). The case arose out of a private organization's efforts to air a film critical of Hillary Clinton who was a presidential candidate. At the time, federal law prevented corporations and unions from making campaign expenditures for broadcasts, also known as "electioneering communications," which mention a candidate for office within 60 days of a general election or 30 days before a primary. The United States Supreme Court struck down the law finding that the First Amendment protects

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associations of people in addition to individual speakers and that the identity of the speaker is not the proper province of the government to regulate. As a result, a federal law that prohibited all expenditures by corporations or associations would violate the free speech rights guaranteed by the First Amendment.

The decision has been the subject of debate since its inception. Its relevance to this discussion is that the Supreme Court has demonstrated an interest in examining the principles of potential First Amendment violations when the government attempts to limit campaign expenditures that may help or, in the case of *United Citizens*, be arguably detrimental to, a candidate for office. As a result, a city enacting controls over the amounts, timing and source of campaign contributions must be mindful of the exacting review of such constraints on candidates for office and their supporters.

Recently, the United States Supreme Court took up the issue of campaign contribution limits in *Thompson v. Hebdon*, 140 S.Ct. 348 (November 25, 2019) (*per curiam*). In *Hebdon*, the State of Alaska limited the amount an individual can contribute to a candidate for political office, or to an election-oriented group other than a political party, to \$500 per year. A contributor who wished to contribute more than the limit to a candidate for office sued the State of Alaska claiming that the low maximum contribution amount constituted a violation of the First Amendment. The District Court and Ninth Circuit Court of Appeal rejected the claim and upheld the restriction.

The United States Supreme Court vacated the Ninth Circuit's decision and remanded the case to determine whether "Alaska's contribution limits are consistent with our First Amendment precedents." *Hebdon* at 351. While not providing clear direction as to the Court's opinion on the merits of the question, the Court's decision discussed certain "danger signs" regarding a government limitation on campaign contributions. The Court looked at (1) whether the limit was "substantially lower than previously [judicially] upheld limits;" (2) whether the limit is substantially lower than comparable limits in other states; and (3) whether the amount is adjusted for inflation. While not exhaustive of potential problems with a potentially violative campaign finance law, these are helpful touchpoints for First Amendment judicial review of any City legislation.

Comparative Local Ordinance Limits.

A survey was conducted of the campaign contribution limits enacted by all municipalities in San Diego County. Attachment 1 provides a spreadsheet of the results of that survey.

To be clear, the campaign contribution limits in other San Diego cities are not controlling of the discretion this City Council has on establishing limits for races in this jurisdiction. However, they may serve as a helpful guide in examining the reasonableness and appropriateness of the City contribution limitations, particularly in jurisdictions with comparable geographic, population, and council district characteristics, and consistent with the *Hebdon* "danger sign" No. 2 identified above. Currently, several cities in the county have no campaign contribution limits (Carlsbad, El Cajon,

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Imperial Beach, and Oceanside). Assembly Bill 571 will apply to those jurisdictions unless they establish their own local limits.

Other cities in the County have enacted individual contribution limits for all elected offices that range from \$100 (Poway) to \$1,090 (Lemon Grove) for City Council races. The County of San Diego has a contribution limit of \$850 per individual for County Supervisor seat races. Some limits are indexed for inflation, others are not.

As can be seen from Attachment 1, the City of Escondido's campaign contribution limit is the highest for cities *who have adopted some local limitation*. After the implementation of AB 571, for those cities who have no limits and choose not to amend their laws, the limitation will default to the limits for state legislative races under state law (\$4,700).

In examining cities of generally comparable size in the County of San Diego (population of 100,000-500,000) which have adopted a local ordinance, Escondido's limit is materially higher. On the other hand, assuming the cities with no local controls will be set at the state limit of \$4,700 in January 2021, Escondido's limit would be lower than three of the six cities in that category. The Cities of Oceanside, Carlsbad and El Cajon would be set at the state level and only the Cities of Chula Vista and Vista would have lower amounts than Escondido.

The average campaign contribution limit in cities with populations between 50,000 and 100,000 is \$460. Those cities include San Marcos, Encinitas, National City, La Mesa, Santee and Poway. In April 2020, National City adopted a campaign contribution limit ordinance to place a local limit and in doing so, went from no limit to \$1,000 (CPI adjusted). Cities with a population lower than 50,000, including Imperial Beach, Lemon Grove, Coronado and Solana Beach, have an average campaign contribution limit of \$1,500. The City of San Diego has nine council districts with roughly 150,000 people in each district. The City's campaign contribution limit is \$600 for councilmember districts and \$1,150 for the two city-at-large elections for mayor and city attorney in a city with a total population of approximately 1.4 million.

In light of potential First Amendment issues, and in furtherance of the city's desire to eliminate the potential of "improper influence, real or potential," it is always helpful for a city to periodically examine the economics and fairness of its current campaign financing ordinance. The first version of the Staff Report for the December 2019 meeting suggested that the personal campaign contribution limit of \$4,300 be reduced to \$250 for councilmember races and from \$4,300 to \$800 for citywide mayoral races. Those reductions would likely survive a legal challenge. Staff at this time does not have a recommended contribution limit amount or whether any such limits should be differentiated between district and city-wide elections. Indeed, the final number(s) may be tied to considerations arising out of the other proposed campaign finance issues discussed below.

To be clear, the contribution amounts are entirely a function of City Council discretion and should reflect the real conditions of campaigning in this City. The Councilmembers are in a unique position

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to understand the practicalities and economics of raising and spending money for elective office in this City and must use that experience in identifying a limit that is consistent with the First Amendment and the stated purpose of the City's own Campaign Control Ordinance.

Limitation on Contributions from Political Action Committees.

Deputy Mayor Martinez inquired whether a local campaign control ordinance may limit or prohibit Political Action Committee ("PAC") contributions. A PAC is an organization that pools campaign contributions from its members and disburses those funds for candidates or ballot measures. PACs are a lawful and constitutional mechanism to accumulate money and then direct that financial support to achieve a particular election result, including influencing voters to vote one way or another for a matter or person.

A local campaign control ordinance may prohibit or limit contributions from entities other than individuals and political party committees, including PACs. As true with all such limitation decisions, the council must be mindful that any contribution limitations should be premised on findings that allowance of such organizational funding is inconsistent with the purpose of the City's Campaign Control Ordinance and further, that such restrictions do not unfairly burden, or allow for an advantage to, any candidate in relationship to his or her opponents.

Timing of Implementation.

It is anticipated that, should the City Council adopt a campaign control ordinance amending the contribution limits or take like or related actions, the law would take effect beginning at the next election cycle or January 1, 2021. This would be consistent with the effective date of AB 571 and fundamental fairness for candidates in current races for the general municipal election to be held November 3, 2020. As this council knows, three district seats will be on the ballot and candidates are already in campaign mode raising funds. Changing the law in the middle of the election cycle (before November 3) carries with it the risk that confusion may exist as to when the ordinance is actually effective and enforceable. A definitive date in the ordinance should eliminate any such confusion and have all candidates on an even playing field for future elections.

Disposition of Existing (Surplus) Campaign Funds.

An additional issue has been raised as to what impact a new limitation would have on existing campaign accounts. The suggestion has been made that campaign contribution funds lawfully received in the past should be disgorged or returned to allow for a level playing field going forward among all candidates, challengers and incumbents alike.

Neither federal nor state law directly address the issue of a local ordinance forcing such a disgorgement. While the council has discretion in the timing of the effectiveness of any ordinance limiting funding, a law requiring the involuntary disgorgement of lawfully received campaign

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contributions raises several constitutional and other legal concerns. First, an argument could be made that state law already controls the issue of the use of surplus campaign funds held in a candidate's election campaign account and therefore, a local ordinance directing a particular disbursement is preempted. Generally, preemption occurs when a city enacts a local law that duplicates, contradicts or enters a field which has been fully occupied by state law, whether expressly or by legislative implication. Here, the Government Code includes a comprehensive set of laws which regulate the campaign accounts and funds. For example, Government Code § 89519(b) provides that surplus funds may only be used in six (6) specific ways (e.g. payment of debt, repayment of contributions, donations to bona fide charitable organizations, contributions to political party committees, etc.). A local ordinance requiring uses at variance with state law would be preempted. Moreover, an attempt to require a particular result (e.g. return to contributor) would likely be preempted as state law allows the recipient of the contribution to determine the outcome of the use of the surplus funds as long as they are consistent with the law.

Second, even if not preempted, the effect of requiring a candidate to return contributions of properly contributed and acquired monies implicates (at least) the First Amendment rights of persons who had made the contributions in the first instance. The council would need to make legislative findings that there was a sufficiently important interest and the de-funding of existing accounts is "closely drawn" to achieve that interest. See, *Buckley v. Valeo*, 424 U.S. 1, 25-26 (1976) (campaign limits may be constitutional if the government demonstrates a sufficiently important interest and the employed means are closely drawn to avoid infringement of the candidate's and contributor's rights.) As noted above, the courts have looked very carefully at government attempts to interfere with a contributor's and candidate's efforts to participate in a campaign for elective office.

Third, an involuntary disgorgement of an existing campaign account containing properly received contributions in a particular manner may constitute an unconstitutional due process violation under state and federal law. The California Constitution provides that a "person may not be deprived of life, liberty, or property without due process of law..." (Cal. Const. Art. I, § 6.) The Fourteenth Amendment to the United States Constitution similarly provides that, "[n]o State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law..." The law is clear that the reference to the prohibitions on State actions in the United States Constitution applies to local public entity actions (laws). Should a candidate holding funds in an existing account prior to the effectiveness of such a law be involuntarily forced return those properly received funds, such a law would have all the hallmarks of a due process violation.

Finally, there may be fundamental fairness issues with such a proposal. For example, a candidate may have made certain strategic decisions regarding expenditures in a race assuming future campaign activity based on existing law. Further, a candidate's campaign may contend that it incurred costs in raising those campaign account funds now subject to return and there would be no means of recouping those costs under a disgorgement scheme. Under either of these scenarios, a

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change in the campaign contribution law may unfairly affect a candidate who had been operating lawfully under the current ordinance.

Voting and Limitations Related to Persons with City Business.

Councilmember Diaz has inquired about consideration and discussion of an additional limitation to local campaign contributions.

The question was posed whether the City could impose a further restriction on councilmember voting and/or acceptance of contributions when a person has a matter pending before the council or for a period of time after a council vote (e.g. 12 months). As an example, the City of San Marcos enacted Municipal Code Section 2.16.070 in 2003.

San Marcos Municipal Code Section 2.16.070 provides in relevant part as follows:

- (a) Within twelve (12) months after receiving a campaign contribution or other income totaling one hundred dollars (\$100) or more from any source ... no City Councilmember shall make, participate in making or attempt to influence any government decision or action that will have a reasonably foreseeable material financial effect on the campaign contributor or other source of income that is distinguishable from its impact on the public generally or a significant segment of the public, as defined by the Political Reform Act of 1974.
- (b) No City Councilmember shall accept any campaign contribution or other income from any source totaling one hundred dollars (\$100) or more within twelve (12) months after he or she has made, participated in making, attempted to influence or influenced any government decision or action that had a material financial effect on the campaign contributor or other source of income that is distinguishable from its impact on the public generally or a significant segment of the public, as defined by the Political Reform Act of 1974.

State law provides a similar statute touching on the subject of accepting contributions from persons having business before state agencies, boards and commissions.

Government Code § 84308(b) provides in relevant part that no agency officer may “accept, solicit or direct a contribution of more than \$250 from any party ... while a proceeding involving a license, permit or other entitlement for use is pending before the agency and for three months following the date of a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant has a financial interest.”

Subsection (c) of Section 84308 further provides that “prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use before an agency, each officer of the agency

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who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party ... shall disclose that fact on the record of the proceeding.”

Government Code § 84308 does *not* apply to city councilmembers in their role as representatives of their districts or as the mayor because they are directly elected by the voters from this jurisdiction. Government Code §84308(a)(3). However, these rules do apply to a councilmember who is acting as a voting member of another agency.

One issue to consider is whether the implementation of voting restrictions similar to those in the City of San Marcos could affect the City’s ability to achieve a quorum to conduct business. That is, to the extent past contributions force councilmembers to recuse themselves from voting, circumstances could arise where a quorum of three councilmembers may not be achievable and conducting city business could be hampered. Equally true, to the extent that the use of campaign contributions could be “weaponized” as a means of strategically eliminating a council member’s opposition to a project, the council may wish to consider whether that would ever be a realistic possibility. There also exists the prospect that opponents of council decisions may wish to use such an ordinance to prompt questionable litigation over issues such as whether the council member had a sufficient material or financial interest in the vote or decision thereby violating the ordinance. Clearly, if such a rule was implemented, councilmembers would need to be hyper-vigilant as they review the council agendas to ensure that there are no upcoming matters requiring their recusal.

Other than the need to consider the potential for impacts to voting on city business, this office has no recommendation on the implementation of a law similar to the City of San Marcos or Section 84308, or some version of it. This office seeks direction on what type of amendments the City Council is looking for, if any, in the City’s Campaign Control ordinance to address this subject.

CONCLUSION:

The City Council has authority, and has exercised its authority in the past, to set campaign contribution limits consistent with state law. The council members are most knowledgeable about the difficulties and practicalities involved in raising money for a local election both as an incumbent and as a challenger in this jurisdiction. The benchmark for setting any local limits should be that it neither advantages nor disadvantages any candidate, is consistent with First Amendment and state constitutional principles, will be an amount that is fair to all who seek to achieve an elective office and to contributors who wish to voice their First Amendment right to support local candidates. Moreover, any limits should be focused on achieving the goals in the City’s Campaign Control ordinance.

Although only used in one city in the County, the City of San Diego, the use of a proportional difference for district seat vs. citywide races is supportable from the perspective of the costs associated with running a citywide race for elective office such as the mayor compared to a district race. The appropriate amounts and ratios are best left to the sound discretion of the City Council provided the above constitutional principles of campaign fairness are observed.

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This office and staff are prepared to assist the City Council with making any further amendments to the Escondido Municipal Code on this matter and related matters.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Michael R. McGuinness, City Attorney

8/5/20 3:18 p.m.

ATTACHMENTS:

1. Attachment 1 (Survey of Local Agency Campaign Contribution Limits)

Attachment 1
Survey of Local Agency Campaign Contribution Limits

City	Contribution Limits	
CARLSBAD		N/A
CHULA VISTA	Individual Committee/Party	\$350* \$1,190*
CORONADO	Individual City Contractors Political Party	\$200 \$0 \$0
DEL MAR	Individual Committee	\$200 \$2,000
EL CAJON		N/A
ENCINITAS		\$250
ESCONDIDO		\$4,300
IMPERIAL BEACH		N/A
LA MESA		Voluntary Expenditure Limits
LEMON GROVE		\$1,090*
NATIONAL CITY	Individual Political Party	\$1,000 \$2,000
OCEANSIDE		N/A
POWAY		\$100
SAN DIEGO	City Council Mayor/City Attorney Committee	\$600* \$1,150* \$11,400/ \$22,750
SAN MARCOS	Individual Committee/Party	\$250 \$500
SANTEE		\$700*
SOLANA BEACH	Individual Aggregate	\$180* \$5,000*
VISTA		\$480*

* indexed for inflation, may be higher

ARTICLE 7. CONTROLS ON CAMPAIGN CONTRIBUTIONS

Sec. 2-100. Purpose and intent.

Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the city council of the City of Escondido in enacting this article to preserve an orderly political forum in which individuals may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections; to prohibit contributions by organizations in order to develop a broader base of political efficacy within the community; to limit the use of loans and credit in the financing of municipal election campaigns; and to provide full and fair enforcement of all the provisions of this article. This article is enacted in accordance with the terms of Section 7 of Article XI of the Constitution of the State of California. The contribution limitations of this article shall not apply to ballot measure elections or to that portion of a recall election in which the electorate determines whether or not to recall an officeholder, but shall apply to all candidate elections, including the candidate election portion of a consolidated recall election. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-101. Citation.

This article shall be cited as the Escondido Municipal Election Campaign Control Ordinance. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-102. Definitions.

As used in this article, the listed words or phrases shall be defined as follows:

(1) *Candidate* shall mean any individual who is listed on the ballot or who has begun to circulate nominating petitions or authorized others to circulate petitions in his or her behalf, for nomination for or election to any elective city office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution with a view to bringing about his or her nomination or election to any city office, whether or not the specific elective office for which nomination or election may be sought is known at the time the contribution is received or the expenditure is made and whether or not candidacy has been announced or a declaration of candidacy filed at such time. "Candidate" also includes any holder of any city office who is the subject of a recall election.

(2) *City office* shall mean the offices of mayor, councilmember and treasurer of the City of Escondido.

ATTACHMENT 2

(3) *Committee* shall be defined as the definition found in Government Code Section 82013, contained within the Political Reform Act, and any related provisions in the California Code of Regulations.

(4) *Contribution* shall be defined as the definition found in Government Code Section 82015, contained within the Political Reform Act, and any related provisions in the California Code of Regulations.

(5) *Controlled committee* shall mean a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent or any other committee he or she controls has a significant influence on the actions or decisions of the committee.

(6) *Election* shall mean any primary, general or special election held in the City of Escondido, including the candidate election portion of a consolidated recall election. The primary and general or special elections are separate elections for purposes of this article.

(7) *Enforcement authority* shall mean the officer, agent or organization designated by action of the city council to enforce the provisions of this article. Nothing in this article shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this article under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(8) *Expenditure* shall mean a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

(9) *Independent Committee* shall mean a committee that receives contributions or makes expenditures for the purpose of influencing or attempting to influence a City election, which is not made with the cooperation, consultation, or in concert with, or at the request or suggestion of, any candidate or his or her committee, or any of their agents.

(910) *Independent expenditure*:

(a) *Independent expenditure* Shall mean an expenditure by a person for a communication expressly advocating the support of or opposition to a clearly identified candidate which is not made with the cooperation or prior consent of a candidate, his or her agent, or a controlled committee of a candidate.

(b) For the purpose of this definition:

ATTACHMENT 2

1. “Expressly advocating” shall mean any communication containing a message advocating support or opposition. Content may include but not be limited to the name of a candidate, the title of a measure or any expression such as “vote for,” “elect,” “support,” “cast your ballot for,” “vote against,” “defeat,” or “reject” and an identifying phrase.

2. “Clearly identified candidate” shall mean that the name of a candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is otherwise apparent by unambiguous references.

3. “Made with the cooperation or with the prior consent of, or in consultation with, or at the behest or suggestion of, a candidate or his or her agent or a controlled committee of a candidate” shall mean any arrangement, coordination, or direction by a candidate, agent or committee prior to the publication, display or broadcast of the communication.

4. “Agent” shall mean any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities, he or she may authorize expenditures.

(c) An expenditure not qualifying under this section as an independent expenditure shall be considered a contribution to the candidate. _____

(119) *Measure* shall mean any proposition which is submitted to a popular vote at an election by action of the city council or which is submitted or is intended to be submitted to a popular vote at a city election by initiative or referendum procedure whether or not it qualifies for the ballot.

_____ (142) *Payment* shall mean payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

(123) *Person* shall mean an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, Political Action Committee, Independent Committee and any other organization or group of persons acting in concert. “Person” does not include a Political Party Committee. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07; Ord. No. 2018-09, § 1, 4-25-18)

(14) Political Action Committee shall mean an organization that generates, receives and/or pools campaign contributions from members or others and either makes direct expenditures on behalf of, or donates those contributions to campaigns for or against, candidates or ballot measures. As used herein, a labor union or employee bargaining group shall constitute a political action committee.

ATTACHMENT 2

(15) Political Party Committee shall mean the state central or county central committee of an organization that meets the requirements for recognition as a political party pursuant to California Elections Code sections 5100 or 5151.

Sec. 2-103. Campaign contributions; limitations.

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all controlled committees supporting ~~or opposing~~ such candidate, to exceed ~~four thousand three~~ one thousand hundred dollars (~~\$4,300~~1,000.00) for any single election for a City Council district office, or to exceed one thousand seven hundred and fifty dollars (\$1,700.00) for any single election for the office of mayor or city treasurer.

(b) A candidate shall not lend his or her own campaign more than one hundred thousand dollars (\$100,000.00) per election. A candidate may not charge interest on any loan he or she made to his or her campaign.

(c) The terms of this section are applicable to any contributions made to a candidate or committee, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.

(d) Contribution Amount Adjustment. The dollar amounts set forth in this section shall be adjusted and increased on a biennial basis by fifty dollars (\$50.00) commencing on January 1, 2023.

(e) City Clerk Notice. The city clerk shall publish a public notice of the adjustment by March 1, or as soon as practicable thereafter.

~~(df)~~ If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city treasurer for deposit in the general fund of the city. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07; Ord. No. 2013-04, § 1, 5-1-13; Ord. No. 2018-09, § 2, 4-25-18)

Secs. 2-104—2-106. Reserved.

Editor's note — Sections 2-104—2-106, pertaining to campaign contribution accounts and funds, derived from Ord. Nos. 88-60, 97-24 and 2007-26, were repealed by Ord. No. 2018-09, §§ 3—5, adopted April 25, 2018.

Sec. 2-107. Disbursements of unexpended surplus campaign funds.

(a) If the final campaign statement for a candidate or any committee discloses an unexpended surplus, the candidate or committee shall comply with Government Code Section 89519, as amended, in the disbursement of any such funds. within ninety (90) days after the election, disburse the whole of the surplus to the general fund or pro rata to the contributors. The candidate or committee, or authorized agent thereof, shall file a statement within thirty (30) days of such disbursement with the city clerk, verifying the closure and listing the donees of all disbursements by this section and the dollar amounts given to each donee.

(b) No candidate for any city elected office, or his or her treasurer or committee, shall make a payment or contribution from an existing campaign account into a new campaign account for that candidate, except as allowed by state law.

(Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97).

Sec. 2-108. Accountability.

Every candidate or committee establishing a campaign contribution checking account pursuant to this article shall make available on demand to any public officer having legal authority to enforce this article, the details of any such checking account requested and the records supporting it. Every candidate or committee establishing a campaign contribution checking account shall maintain a record of every contribution received and disbursement made from the checking account, which record shall include, but not be limited to, copies of checks, canceled checks, bank records, bills and invoices. Such records shall be kept by the candidate or treasurer of the committee establishing the account for the periods specified in Section 18401 of Title 2, Division 6 of the California Administrative Code. Each candidate and committee shall, on demand, make available to any public officer having authority to enforce this article, a written declaration of consent that such officer may have access to the campaign contribution checking account. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-109. Campaign statements.

Each candidate and committee shall file campaign statements in the time and manner required by the Political Reform Act of 1974 as amended (Government Code Section 84100 et seq.) and compliance with the requirements of that Act shall be deemed to be compliance with this section, provided that every campaign contribution, regardless of amount, is included in the statement. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 91-39, § 1, 10-2-91; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

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Sec. 2-109.1. Online or electronic filing of campaign disclosure statements of economic interest filings.

The purpose of this section is to require online or electronic filing of campaign statements and require online or electronic reporting of contributions and independent expenditures regarding elections of candidates to city offices and the qualification or passage of local ballot measures within the City of Escondido as currently required under the Political

Reform Act, commencing with California Code Section 84200 et seq., in order to facilitate review and maximize the availability of this information to the public.

Additionally, this section also requires online or electronic filing of statement of economic interest reports as required by the City's current conflict of interest resolutions and appendices and Government Code Section 87200.

(a) Definitions.

(1) "Statement of economic interest (SEI) filier" means any person holding a position that is listed in California Government Code Section 87200 or any person holding a position listed in the current City of Escondido conflict of interest resolutions and appendices and Government Code Section 87200.

(b) Electronic filings.

(1) Each elected official, candidate, candidate controlled committee and independent committee that is required to file a semi-annual campaign statement, a pre-election campaign statement or an amended campaign statement with the city clerk of the City of Escondido pursuant to Chapter 4 of the Government Code (commencing with Section 84100) and that receives a total of two thousand dollars (\$2,000.00) or more in contributions or makes a total of two thousand dollars (\$2,000.00) or more in independent expenditures, shall file the statement with the city clerk of the City of Escondido in an electronic format.

(2) Each person listed as a statement of economic interest filer that is required to file an assuming office, annual or leaving office statement with the city clerk of the City of Escondido pursuant to Government Code Section 87200 or the current City of Escondido conflict of interest resolutions and appendices shall file the statement with the city clerk of the City of Escondido in an electronic format.

(c) Exemption from filing paper copy. A candidate or committee or statement of economic interest filer that has filed an electronic statement or report is not required to file a paper copy.

(d) Option to file electronically. Any candidate or committee not required to file an electronic statement of report under Section 2-109.1 may voluntarily opt to file an

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electronic statement or report by submitting written notice to the city clerk. A candidate or committee that opts to file an electronic statement of report is not required to file a paper copy. (Ord. No. 2019-07, § 4, 7-17-19)

Sec. 2-110. Cash and anonymous contributions.

(a) No contribution of one hundred dollars (\$100.00) or more shall be made or received in cash. Any cash contributions of one hundred dollars (\$100.00) or more shall be paid promptly from available campaign funds, if any, to the city treasurer for deposit in the general fund of the city.

(b) No anonymous contributions shall be accepted by any candidate or committee. Any anonymous contributions received shall be paid promptly from available campaign funds, if any, to the city treasurer for deposit in the general fund of the city. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07; Ord. No. 2013-04, § 1, 5-1-13; Ord. No. 2018-09, § 6, 4-25-18)

Sec. 2-110.1. Assumed name contributions.

No contribution shall be made, directly or indirectly, by any person or combination of persons acting jointly in a name other than the name by which they are identified for legal purposes, nor in the name of another person or combination of persons. No person shall make a contribution in his, her or its name of anything belonging to another person or received from another person on the condition that it be used as a contribution. When it is discovered by the campaign treasurer that a contribution has been received in violation of this section, the campaign treasurer shall pay promptly, from available campaign funds, if any, the amount received in violation of this section to the city treasurer for deposit in the general fund of the city. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.2. Campaign expenditures; uncontrolled by candidate or committee.

Persons or organizations not subject to the control of a candidate or committee but who make independent expenditures for or against a candidate or committee shall indicate clearly on any material published, displayed or broadcast that it was not authorized by a candidate or committee, when such expenditures in whole or part would have been covered by the provisions of this article if they were subject to the control of a candidate or committee. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.3. Suppliers of goods and services; disclosure of records required.

No person who supplies goods or services or both goods and services to a candidate or committee for use in connection with the campaign of the candidate shall refuse knowingly to divulge or disclose to the enforcement authority his or her record of any expenditures made by the candidate or committee in payment for such goods or

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services or both. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.4. Duties of city clerk.

In addition to other duties required under the terms of this article, the city clerk shall:

(a) Supply appropriate forms and manuals prescribed by the State Fair Political Practices Commission. These forms and manuals shall be furnished to all candidates and committees, and to all other persons required to report.

(b) Determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of state law.

(c) Notify promptly all persons and known committees who have failed to file a document in the form and at the time required by state law.

(d) Report apparent violations of this article and applicable state law to the enforcement authority.

(e) Compile and maintain a current list of all statements or parts of statements filed pertaining to each candidate.

(f) Cooperate with the enforcement authority in the performance of the duties of the enforcement authority as prescribed in this article and applicable state law. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.5. Enforcement authority; duties, complaints, legal action, investigatory powers.

(a) The city attorney shall not investigate or prosecute any alleged violation of this article, but shall defend the constitutionality and legality of this article in any civil proceeding in which the city or the city council is a party.

(b) The enforcement authority shall enforce the provisions of this article.

(c) Special counsel shall be selected as the enforcement authority by the city attorney and appointed by the city council at least one hundred eighty (180) days prior to a city election. Should the appointment of additional special counsel become necessary or appropriate, the city attorney shall select, and the city council shall appoint, such additional special counsel as may be required. The review of complaints of violation of this article and any criminal prosecutions under this article shall be commenced by special counsel. Special counsel shall also commence and prosecute any necessary administrative proceeding or civil litigation to compel compliance with this article or to enjoin conduct in violation of this article. No enforcement or prosecution

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or action of special counsel shall be subject to the review or control of the city council or the city attorney.

(d) Any person residing in the City of Escondido who believes that a violation of any portion of this article has occurred may file a written complaint requesting investigation of such violation by the enforcement authority. If the enforcement authority determines that there is reason to believe a violation of this article has occurred, it shall conduct an investigation and may commence such administrative, civil or criminal legal action as it deems necessary for the enforcement of this article. Whenever the enforcement authority has reason to believe a willful violation of this article has occurred or is about to occur, it may institute such legal action at such time as it deems necessary to prevent further violations. The enforcement authority may decline to investigate any alleged violation of this article which is also an alleged violation of state law and is the subject of a complaint filed with the Fair Political Practices Commission, until the investigation of that complaint is complete.

(e) The enforcement authority shall have such investigative powers as are necessary for the performance of the duties prescribed in this article and may demand and be furnished records of campaign contributions and expenses at any time. In the event that production of such records is refused, the enforcement authority may commence civil litigation to complete such production.

(f) The enforcement authority shall determine whether required statements and declarations have been filed as required and, if so, whether they conform with the requirements of this article.

(g) The enforcement authority shall be immune to liability for the enforcement of this article.

(h) Any action alleging violation of this article must be commenced within two (2) years of the time the alleged violation occurred. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2002-21, § 1, 7-17-02; Ord. No. 2007-26, 9-19-07)

Sec. 2-110.6. Penalties.

Any person who knowingly or willfully violates any provision of this article is guilty of a misdemeanor. In addition to any other penalty provided by law, any willful or knowing failure to report contributions, done with intent to mislead or deceive, shall be punishable by a fine of not less than one thousand dollars (\$1,000.00). (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.7. Effect of violation on outcome of election.

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If, after election, a candidate is convicted of a violation of any provision of this article, the election to office of such candidate shall be void and such office shall become vacant immediately thereupon, or on the date upon which the candidate, if not an incumbent, would otherwise take office, whichever occurs later. In such event, the vacancy shall be filled in accordance with the procedures provided for the filing of vacant city offices. If a candidate is convicted of a violation of this article at any time prior to election, his or her candidacy shall be terminated immediately and such candidate shall be no longer eligible for election. Any person convicted of a violation of this article shall be ineligible to hold city elective office for a period of five (5) years from and after the date of his or her conviction. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.8. City measures; exemptions.

This article shall not apply to contributions or expenditures by a committee or a person on behalf of a committee supporting or opposing a city measure. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.9. Rules of construction.

This article shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this article which does not directly affect the jurisdiction of the council or the city to control campaign contributions and expenditures shall avoid the effect of this article. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

Sec. 2-110.10. Severability.

If any provision of this article, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the article and the applicability of such provision to other persons and circumstances shall not be affected. (Ord. No. 88-60, § 1, 1-4-89; Ord. No. 97-24, § 1, 10-8-97; Ord. No. 2007-26, § 1, 9-19-07)

ORDINANCE NO. 2020-27

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA,
TO REPEAL AND REPLACE PROVISIONS
OF ESCONDIDO MUNICIPAL CODE
CHAPTER 2, ARTICLE 2, CONTROLS ON
CAMPAIGN CONTRIBUTIONS

WHEREAS, the high cost of election campaigning creates problems of actual or perceived improper influence exercised by campaign contributors over elected officials; and

WHEREAS, the City Council for the City of Escondido (“City”) has enacted the Campaign Control Contribution Ordinance (“Ordinance”) to govern various aspects of campaign financing in the jurisdiction of the City; and

WHEREAS, the Ordinance at Escondido Municipal Code (“EMC”) Section 2-100 recites the purpose and intent of creating reasonable limits on the amounts and types of campaign contributions and it is incorporated herein as though fully set forth; and

WHEREAS, mindful of first amendment constitutional principles, fundamental due process and fairness, there exists a compelling need and it is in the best interests of the citizens of this City to update and adopt reasonable and enforceable regulations related to election campaign fundraising conducted in the City; and

WHEREAS, such campaign regulations may be enacted pursuant to the authority granted to the City by Article XI, Section 7 of the California Constitution, and specifically authorized by the Political Reform Act.

NOW, THEREFORE, IT IS HEREBY RESOLVED and the City Council of the City of Escondido DOES HEREBY ORDAIN as follows:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. That EMC Chapter 2, Administration, Article 7, Controls on Campaign Contributions, Section 2-102 shall be repealed and replaced as follows:

Section 2-102. Definitions.

As used in this article, the listed words or phrases shall be defined as follows:

(1) *Candidate* shall mean any individual who is listed on the ballot or who has begun to circulate nominating petitions or authorized others to circulate petitions in his or her behalf, for nomination for or election to any elective city office, or who receives a contribution or makes an expenditure or gives his or her consent for any other person to receive a contribution with a view to bringing about his or her nomination or election to any city office, whether or not the specific elective office for which nomination or election may be sought is known at the time the contribution is received or the expenditure is made and whether or not candidacy has been announced or a declaration of candidacy filed at such time. "Candidate" also includes any holder of any city office who is the subject of a recall election.

(2) *City office* shall mean the offices of mayor, councilmember and treasurer of the City of Escondido.

(3) *Committee* shall be defined as the definition found in Government Code Section 82013, contained within the Political Reform Act, and any related provisions in the California Code of Regulations.

(4) *Contribution* shall be defined as the definition found in Government Code Section 82015, contained within the Political Reform Act, and any related provisions in the California Code of Regulations.

(5) *Controlled committee* shall mean a committee which is controlled directly or indirectly by a candidate or which acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if he or she, his or her agent or any other committee he or she controls has a significant influence on the actions or decisions of the committee.

(6) *Election* shall mean any primary, general or special election held in the City of Escondido, including the candidate election portion of a consolidated recall election. The primary and general or special elections are separate elections for purposes of this article.

(7) *Enforcement authority* shall mean the officer, agent or organization designated by action of the city council to enforce the provisions of this article. Nothing in

this article shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this article under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(8) *Expenditure* shall mean a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier.

(9) *Independent Committee* shall mean a committee that receives contributions or makes expenditures for the purpose of influencing or attempting to influence a City election, which is not made with the cooperation, consultation, or in concert with, or at the request or suggestion of, any candidate or his or her committee, or any of their agents.

(10) *Independent expenditure*:

(a) *Independent expenditure* shall mean an expenditure by a person for a communication expressly advocating the support of or opposition to a clearly identified candidate which is not made with the cooperation or prior consent of a candidate, his or her agent, or a controlled committee of a candidate.

(b) For the purpose of this definition:

1. "Expressly advocating" shall mean any communication containing a message advocating support or opposition. Content may include but not be limited to the name of a candidate, the title of a measure or any expression such as "vote for," "elect," "support," "cast your ballot for," "vote against," "defeat," or "reject" and an identifying phrase.

2. "Clearly identified candidate" shall mean that the name of a candidate appears, a photograph or drawing of the candidate appears, or the identity of the candidate is otherwise apparent by unambiguous references.

3. "Made with the cooperation or with the prior consent of, or in consultation with, or at the behest or suggestion of, a candidate or his or her agent or a controlled committee of a candidate" shall mean any arrangement, coordination, or direction by a candidate, agent or committee prior to the publication, display or broadcast of the communication.

4. "Agent" shall mean any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate, or any person who has been placed in a position within the campaign organization where it would reasonably appear that in the ordinary course of campaign-related activities, he or she may authorize expenditures.

(c) An expenditure not qualifying under this section as an independent expenditure shall be considered a contribution to the candidate.

(11) *Measure* shall mean any proposition which is submitted to a popular vote at an election by action of the city council or which is submitted or is intended to be submitted to a popular vote at a city election by initiative or referendum procedure whether or not it qualifies for the ballot.

(12) *Payment* shall mean payment, distribution, transfer, loan, advance, deposit, gift or other rendering of money, property, services or anything else of value, whether tangible or intangible.

(13) *Person* shall mean an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, Political Action Committee, Independent Committee and any other organization or group of persons acting in concert. "Person" does not include a Political Party Committee.

(14) *Political Action Committee* shall mean an organization that generates, receives and/or pools campaign contributions from members or others and either makes direct expenditures on behalf of, or donates those contributions to campaigns for or against, candidates or ballot measures. As used herein, a labor union or employee bargaining group shall constitute a political action committee.

(15) *Political Party Committee* shall mean the state central or county central committee of an organization that meets the requirements for recognition as a political party pursuant to California Elections Code sections 5100 or 5151.

SECTION 3. That EMC Chapter 2, Administration, Article 7, Controls on Campaign Contributions, Section 2-103 shall be repealed and replaced as follows:

Section 2-103. Campaign Contributions; limitations.

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to all controlled committees supporting such candidate, to exceed one thousand dollars (\$1,000.00) for any single election for a City Council district office, or to exceed one thousand seven hundred and fifty dollars (\$1,750.00) for any single election for the office of mayor or city treasurer.

(b) A candidate shall not lend his or her own campaign more than one hundred thousand dollars (\$100,000.00) per election. A candidate may not charge interest on any loan he or she made to his or her campaign.

(c) The terms of this section are applicable to any contributions made to a candidate or committee, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in prior campaigns, or otherwise.

(d) Contribution Amount Adjustment. The dollar amounts set forth in this section shall be adjusted and increased on a biennial basis by fifty dollars (\$50.00) commencing on January 1, 2023.

(e) City Clerk Notice. The city clerk shall publish a public notice of the adjustment by March 1, or as soon as practicable thereafter.

(f) If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city treasurer for deposit in the general fund of the city.

SECTION 4. That EMC Chapter 2, Administration, Article 7, Controls on Campaign Contributions, Section 2-107 shall be repealed and amended as follows:

Section 2-107. Disbursement of surplus campaign funds.

(a) If the final campaign statement for a candidate or any committee discloses an unexpended surplus, the candidate or committee shall comply with Government Code Section 89519, as amended, in the closure of the account and disbursement of any such funds.

(b) No candidate for any city elected office, or his or her treasurer or committee, shall make a payment or contribution from an existing campaign account into a new campaign account for that candidate, except as allowed by state law.

SECTION 5. SEPARABILITY. If any section, subsection sentence, clause, phrase or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 6. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

CITY COUNCIL STAFF REPORT

Current Business Item No. 11

October 21, 2020

File No. 0680-10

SUBJECT: Ordinance Amending Escondido Municipal Code Chapter 2, Administration, Article 2, City Council, Section 2-24 for the Selection of a Deputy Mayor

DEPARTMENT: City Attorney

RECOMMENDATION:

It is recommended that the City Council introduce Ordinance No. 2020-28 amending Escondido Municipal Code (“EMC”) Chapter 2, Administration, Article 2, City Council, Section 2-24 for the selection of a deputy mayor.

FISCAL ANALYSIS:

There is no fiscal impact to the City in changing the selection process for a deputy mayor.

PREVIOUS ACTION:

The City Council has not changed the deputy mayor selection process since January 2011. Last November, the City Council discussed the selection process and directed staff to draft an amendment to the EMC based on a non-partisan process focused on experience, a one-year term, and a fair rotation between councilmembers.

BACKGROUND:

Applicable State Statutes.

Escondido is a general law city required to comply with controlling state law. In the absence of controlling state law on a subject matter, the City Council has discretion to develop and implement procedures for various matters within its general authority. State law provides little guidance on the issue of deputy mayor selection criteria and procedures and, as a result, the City Council has wide discretion to develop and implement its own process for this matter.

Pursuant to state law, the mayor is a member of the city council and has all of the powers and duties of a member of the city council. Further, by state law, a mayor pro tempore shall be chosen in the manner provided by Government Code Section 36801. Further, for purposes relevant to this matter, the terms “deputy mayor” and “mayor pro tempore” are functional equivalents.

Escondido Municipal Code.

Currently, EMC Section 2-24 provides as follows:

- (a) The city council shall meet on the first Wednesday following certification of the results of the general municipal election and select a deputy mayor by appointment from among the councilmembers.
- (b) Selection of the deputy mayor will be done on a rotating basis with priority given to the **most senior councilmember who has never served as deputy mayor.** (*emphasis added*) If two (2) new councilmembers are elected at the same time, the one (1) with the highest votes shall have first preference in the selection. After all councilmembers serve one (1) term as deputy mayor, the selection shall revert to a normal rotation process.
- (c) The deputy mayor shall serve until a new appointment is made in accordance with this Section.

In December 2018, newly elected Councilmember (now Deputy Mayor) Consuelo Martinez was the only councilmember who had never served as deputy mayor, thus she received her current appointment. Under current law, the deputy mayor serves a two-year term.

November 2019 Council Discussion.

The November 2019 staff report emphasized the City Council's wide discretion in selecting a methodology and appropriate term. A survey of the other cities in San Diego County found that almost all agencies provide for a one-year term for their deputy mayor/mayor pro tem.

The current law predates the establishment of council districts. During their public discussion, several councilmembers addressed support for a one-year term and a rotation to ensure representation in all council districts. Councilmember Morasco recommended a simple, fair and equitable selection process based on a rotation among the four councilmembers during their four-year term in office. He noted that he had been in office for ten years, yet had served only one term as deputy mayor. He added that former Councilmember Gallo had served on the city council for 16 years, yet had been deputy mayor one time. Councilmember Diaz likewise reported that she had served on the city council for 12 years with only one term as deputy mayor. Councilmember Masson and Deputy Mayor Martinez expressed support for a one-year term and a rotation during a councilmember's four-year term in office. Councilmember Diaz also asked for a provision to reflect the ability to abstain from the deputy mayor position.

Proposed Changes.

Attachment 1 to this staff report reflects the tracked changes in the proposed ordinance. The proposed amendment implements a one-year term, a seniority based rotation, and ensures that each councilmember can serve at least one year as deputy mayor during their four-year term in office. The one-year eligibility requirement for deputy mayor selection allows a new councilmember time to experience public meetings while still allowing for service as deputy mayor during their four-year term

in office. In recognition of the non-partisan direction to staff, if a councilmember were to decline the turn in the rotation, he/she would lose his/her place in the rotation. Finally, staff added a provision to address a midterm deputy mayor vacancy.

If the proposed ordinance is introduced on October 21, 2020, and a second reading occurs on October 28, the proposed changes would be adopted and effective in time for the selection of the next deputy mayor on December 9, 2020.

CONCLUSION:

Staff recommends the City Council approve Ordinance No. 2020-28 amending Chapter 2, Administration, Article 2, City Council, Section 2-24 of the EMC for deputy mayor selection.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Michael McGuinness, City Attorney
10/14/2020 4:35 PM

ATTACHMENTS:

1. Attachment 1 - EMC Chapter 2, Administration, Article 2, City Council, Section 2-24, Tracked Changes
2. Ordinance No. 2020-28

Attachment 1

Escondido Municipal Code ~~s~~Section 2-24, Tracked Changes

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Sec. 2-24. ~~Selection of deputy mayor~~ Deputy Mayor Selection.

~~___~~ (a) ~~__~~ The city council shall meet on the first Wednesday following certification of the results of the general municipal election and select a deputy mayor by appointment from among the councilmembers. If the deputy mayor leaves elected office, the city council shall appoint a new deputy mayor at the next regular city council meeting.

~~___~~ (b) ~~The deputy mayor shall serve until a new appointment is made in accordance with this section a one-year term.~~

~~___~~ (c) ~~the deputy mayor position shall rotate between councilmembers representing the four council districts.~~

- (1) The city council shall appoint the deputy mayor based on seniority in current office and should ensure each councilmember shall be the deputy mayor at least once during their four-year term in office.
- (2) If multiple councilmembers have the same seniority at time of appointment, the city council shall appoint the deputy mayor based on the highest votes received in the general election.
- (3) If a councilmember choses to not serve as deputy mayor, the councilmember shall not serve as deputy mayor until the other three councilmembers have an opportunity to be appointed.

~~Selection of the deputy mayor will be done on a rotating basis with priority given to the most senior councilmember who has never served as deputy mayor. If two (2) new councilmembers are elected at the same time, the one (1) with the highest votes shall have first preference in the selection. After all councilmembers serve one (1) term as deputy mayor, the selection shall revert to a normal rotation process.~~

~~(d) ___ No city councilmember should be appointed deputy mayor during their first year in office.~~

~~(e) ___ The city council retains the right to appoint the deputy mayor by majority vote, notwithstanding subsection (b), whenever it deems necessary.~~

ORDINANCE NO. 2020-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, TO REPEAL AND REPLACE ESCONDIDO MUNICIPAL CODE CHAPTER 2 ADMINISTRATION, ARTICLE 2, CITY COUNCIL, SECTION 2-24, SELECTION OF DEPUTY MAYOR

WHEREAS, California Government Code Section 36801 authorizes a City Council to appoint a mayor pro tempore; and

WHEREAS, the terms “mayor pro tempore” and “deputy mayor” are synonymous; and

WHEREAS, Escondido Municipal Code (“EMC”) Chapter 2, Administration, Article 2, City Council, Section 2-24 provides procedures for the City Council to appoint a deputy mayor; and

WHEREAS, in 2013, the City Council established four city council districts; and

WHEREAS, the City Council desires to update the deputy mayor selection procedures to better ensure a fair and equitable rotation among councilmembers representing their respective districts.

NOW, THEREFORE, IT IS HEREBY RESOLVED and the City Council of the City of Escondido DOES HEREBY ORDAIN as follows:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. That EMC, Chapter 2, Administration, Article 2, City Council, Section 2-24 is repealed and replaced as follows:

Sec. 2-24. Deputy Mayor Selection.

(a) The city council shall meet on the first Wednesday following certification of the results of the general municipal election and select a deputy mayor by appointment from among the councilmembers. If the deputy mayor

leaves elected office, the city council shall appoint a new deputy mayor at the next regular city council meeting.

(b) The deputy mayor shall serve a one-year term.

(c) The deputy mayor position shall rotate among councilmembers representing the four council districts.

(1) The city council shall appoint the deputy mayor based on seniority in current office. Each councilmember shall be appointed deputy mayor at least once during their four-year term in office.

(2) If multiple councilmembers have the same seniority at the time of appointment, the city council shall appoint the deputy mayor based on the highest votes received in the general election.

(3) If a councilmember fails or refuses to serve as deputy mayor, the councilmember shall not serve as deputy mayor until the other three councilmembers have another opportunity for appointment.

(d) No city councilmember should be appointed deputy mayor during their first year in office.

(e) The city council retains the right to appoint the deputy mayor by majority vote, notwithstanding subsection (b), whenever it deems necessary.

SECTION 3. 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 4. That as of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15

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

CITY COUNCIL STAFF REPORT

Current Business Item No. 12

October 21, 2020

File No. 0120-10

SUBJECT: Appointment to Planning Commission

DEPARTMENT: City Clerk's Office

RECOMMENDATION:

It is requested that the City Council ratify the Mayor's appointment of Nathan Serrato (Attachment 1) to fill an unscheduled vacancy on the Planning Commission, term to expire on March 31, 2022.

BACKGROUND:

On July 14, 2020, James McNair resigned from Planning Commission. Following his resignation, a Notice of Vacancy was duly posted in accordance with the State law and City policy.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Zack Beck, City Clerk

10/14/20 4:14 PM

1. Attachment 1 – Nathan Serrato Application



APPLICATION FOR APPOINTMENT CITY OF ESCONDIDO BOARD OR COMMISSION

Submit application to: City Clerk's Office 201 North Broadway Escondido, CA 92025-2798 (760) 839-4617

Application may be downloaded from the City's website: http://www.escondido.org/boards-commissions-information.aspx

- Answer all questions in black ink or by typewriter/computer. If using a computer, press the TAB key (not ENTER) to move through items. A separate application must be filed for each board or commission in which you are interested.

Mr. Mrs. Ms.

Name: Nathan Serrato Last Name First Name

Residence 11029 Arco Drive Zip: 92026

In City Limits?: Yes No In General Plan Area?: Yes No

Home Phone: 760-703-3393 Fax:

E-mail Address: yourfriendnathan@gmail.com

Length of time you have lived in the area: 29 years

Employer: Self-Employed

Occupation: Coach/Consultant

Business Address: 11029 Arco Drive

Escondido, CA 92026

Business Phone:

Board or Commission for which you are applying:**

Planning Commission

If you have filed additional applications for other boards or commissions, please list them in order of preference:

-

If you are an incumbent, how long have you served in your current position?

-

Have you ever been a member of any City board or Commission, or employed by the City of Escondido? Yes No

If so, in what capacity: -

Are any persons now employed by the City of Escondido related to you by blood or by marriage? Yes No

If so, list name and relationship:

**HISTORIC PRESERVATION COMMISSION applicants must include a resume with application form.

Certificate of Applicant: All answers and statements in this document are true and complete to the best of my knowledge and belief.

Nathan S Signature

10/07/2020 Date

ATTACHMENT 1

Personal References: Please list references of three people who have knowledge of your character, experience, and ability. Do not give names of relatives or present employer.

Full Name	Home Address City, State Phone	Business Address City, State Phone	Business Or Occupation
Ann Van Leer	3540 Via Ventada Escondido, CA 92029 (858) 442-0937	The Escondido Creek Conservancy 120 W Grand Ave suite 202, Escondido, CA 92025	Executive Director
Laura Hunter	744 Quiet Hills Farm Road Escondido, CA 92029 (619) 997-9983		Retired
Consuelo Martinez	(760) 855-9723	201 North Broadway Escondido, CA 92025	Deputy Mayor

Community Involvement: List present membership in any community service or civic organizations, if any.

Escondido Climate Action Plan Subcommittee

Gala Planning Committee for the North County LGBTQ+ Resource Center

Qualifications: Please explain why you want to be a board/commission member. Then describe your skills, talents, interests, training or experiences, and how the board or commission would benefit from them. If an incumbent, why do you wish to continue serving? (You may attach additional pages, if needed)

My degree in Environmental Studies and Communication has put me in a position to educate the general public on complex environmental issues. Environmental Studies also encompasses a large range of interconnected disciplines including physical sciences, environmental policy, the humanities, and social sciences to address complex contemporary environmental issues. My experience the last three years at The Escondido Creek Conservancy has given me insight in local planning efforts, community organizing, and sustainability. My experience working with the California Chaparral Institute has given me knowledge on local fire ecology, land management agencies, and our unique local ecosystems. Most importantly, as a 29 year old, I have a personal stake in the future of Escondido as I hope to grow old in a city that values all of its citizens, local businesses, unique history, and natural resources.

NOTE: All members of City Boards and Commissions must submit a Statement of Economic Interests (FPPC Form 700) on an annual basis. This requirement is in conformance with the City's Conflict of Interest Code.

The City Clerk's Office maintains a booklet containing specific information on qualifications or conditions of appointment, meeting schedules and the purpose of each Board or Commission. You may view this information by visiting the City's website at <http://www.escondido.org/boards-commissions-information.aspx> or request a copy by phone (760) 839-4617.

On behalf of the City Council and staff, thank you for your interest in serving on a City of Escondido Board or Commission.



CITY COUNCIL STAFF REPORT

Current Business Item No. 13

October 21, 2020

File No. 0250-82

SUBJECT: Discussion of 2015/2016 San Diego County Grand Jury Report on Citizen Oversight of Police Conduct

DEPARTMENT: Deputy Mayor Martinez

RECOMMENDATION:

It is requested the City Council discuss the Grand Jury Report that the 2015/2016 San Diego County Civil Grand Jury published making recommendations to multiple local law enforcement agencies to establish citizen review boards to investigate complaints against law enforcement officers.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

Consuelo Martinez, Deputy Mayor

10/13/2020 2:33 PM

ATTACHMENTS:

1. Attachment 1 - 2015/2016 San Diego County Civil Grand Jury Report
2. Attachment 2 - City of Escondido Response to the Grand Jury Report

CITIZEN OVERSIGHT BOARDS OF POLICE BEHAVIOR



A Report by the
2015/2016 San Diego County Grand Jury
May 25, 2016

CITIZEN OVERSIGHT BOARDS OF POLICE BEHAVIOR

SUMMARY

The 2015/2016 San Diego County Grand Jury investigated several citizen complaints regarding police officer behavior in local jurisdictions and found there are differing methods for handling citizen complaints. All local jurisdictions meet California requirements for reviewing complaints regarding police behavior, though several cities have no formal citizen oversight board. In San Diego County, there are two models for citizens' review boards, the City of San Diego Citizens' Review Board (CRB) and the San Diego County Sheriff's Department Citizens' Law Enforcement Review Board (CLERB). The Grand Jury recommends that all law enforcement agencies in the county establish independent citizens' review boards to investigate complaints against law enforcement officers. The openness and transparency of the complaint process, including citizen oversight and the prompt resolution of complaints, are essential to maintaining citizen trust in law enforcement.

The Grand Jury recommends the following:

The City of San Diego:

- Provide independent legal counsel to the CRB
- Prepare and submit annual reports of its actions
- Revise the recruitment and appointment processes for board members to encourage broader citizen involvement
- Provide limited compensation for board member time and involvement

The County of San Diego:

- Review CLERB recruitment and appointment processes to encourage broader citizen involvement
- Provide limited compensation for board member time and involvement

Cities of El Cajon, La Mesa, Escondido, Oceanside, Carlsbad, Chula Vista, and Coronado:

- Establish a Citizen Review Board or Commission or consider the formation of regional review boards that serve more than one jurisdiction

INTRODUCTION

In response to several citizen complaints the Grand Jury reviewed practices and procedures for resolving complaints against law enforcement officers for all eighteen cities in San Diego County and the San Diego County Sheriff's Department.

PROCEDURE

The Grand Jury interviewed members of CLERB and CRB, San Diego City Council members, police chiefs and Sheriff's Department command staff. The jury surveyed the seven cities in San Diego County (El Cajon, La Mesa, Escondido, Oceanside, Carlsbad, Chula Vista, and Coronado) that do not have CRBs. The jury received a response from every city.

The survey asked police departments to respond to the following items:

- The procedure to file a complaint against a police officer
- How complaints are investigated
- Who decides whether a complaint is sustained
- The process followed once a finding is reached
- The appeal process if a citizen disagrees with the outcome of the complaint
- If the city is considering implementing a citizens' oversight board

The Jury reviewed:

- The 2011/2012 Grand Jury report concerning the San Diego Citizens' Review Board
- Guidelines from the National Association for Civilian Oversight of Law Enforcement (NACOLE)
- The Final Report of the President's Task Force on 21st Century Policing

DISCUSSION

Federal Involvement

NACOLE is a national non-profit organization that assists with establishment and improvement of citizen oversight of police officer behavior.¹ The organization is dedicated to promoting greater police accountability through citizen oversight agencies. They do not promote a specific model but offers advice and support to citizen boards.

The Task Force on 21st Century Policing, established by President Obama, was created to "strengthen community policing and trust among law enforcement officers and the communities they serve, especially in light of recent events around the country that have underscored the need for and importance of lasting collaborative relationships between local police and the public."² The Executive Summary of the Final Report of President's Task Force on 21st Century Policing, dated May 2015, states: "Trust between law enforcement agencies and the people they protect and serve is essential in a democracy. It is key to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services."³

¹ <http://www.nacole.org/>

² www.cops.usdoj.gov/pd/taskforce/taskforce_finalreport.pdf

³ *ibid*

The report makes a variety of recommendations to improve that trust, including item 2.2.6: “Law enforcement agencies should establish a Serious Incident Review Board comprising sworn staff and community members to review cases of officer involved shooting and other serious incidents that have the potential to damage community trust or confidence in the agency. The purpose of this board should be to identify any administration, supervisory, training, and tactical or policy issues that need to be addressed.”⁴

State of California Involvement

California Penal Code §832.5 requires that all local agencies have a written procedure for handling citizen complaints against law enforcement officers. California has a procedure for processing citizen complaints⁵. However, it is the policy of the California Department of Justice that local government has primary responsibility for citizen complaints against law enforcement agencies or employees of law enforcement agencies, and that appropriate local resources (e.g. sheriff or police department, district attorney, citizens’ review commissions and/or grand jury) be utilized for resolution of such complaints prior to request for intervention by the Attorney General.

San Diego County

Of the eighteen cities in San Diego County, San Diego and National City have Citizens’ Review Boards to respond to complaints and advise their respective police departments. The other seven cities with independent police departments (listed above) investigate citizen complaints internally. The nine remaining cities (Santee, Vista, Lemon Grove, Poway, San Marcos, Del Mar, Solana Beach, Imperial Beach and Encinitas) contract with the Sheriff’s Department for law enforcement services and so use CLERB to investigate citizen complaints. CLERB also investigates deaths-in-custody in county jails and juvenile detention facilities.

The complaint review model used by each of these law enforcement agencies complies with state requirements, but there remain concerns about the independence, openness and accountability of the complaint processes, evidenced by the complaints received by the Grand Jury, media reports, and statements by local politicians and citizens.

The following dispositions are determined for each complaint regardless of whether the review was by a board or internal:

- **SUSTAINED** The investigation produced sufficient evidence to find that the officer(s) did commit the alleged act(s) of misconduct
- **NOT SUSTAINED** the investigation failed to produce sufficient evidence to find that the officer(s) did or did not commit the alleged acts(s) of misconduct

⁴ *ibid*

⁵ <http://oag.ca.gov/contact/general-commentquestion-or-complaint-form>

- **EXONERATED** The investigation produced sufficient evidence to find that the alleged act(s) occurred but was/were justified, legal and/or properly within department policy
- **UNFOUNDED** The investigation produced sufficient evidence to find that the officer(s) did not commit the alleged act(s) of misconduct

San Diego County Citizens' Law Enforcement Review Board (CLERB)

In November 1990, a public vote established the Citizens' Law Enforcement Review Board pursuant to County Charter §606.⁶ CLERB investigates complaints about the conduct of peace officers in the Sheriff's Department, Detention Facilities, and the Probation Department. §606 requires CLERB to receive, review, and investigate citizen complaints charging any of these actions:

- Use of excessive force
- Discrimination or sexual harassment in respect to members of the public
- Improper discharge of firearms
- Illegal search or seizure
- False arrest
- False reporting
- Criminal conduct
- Misconduct

CLERB consists of not less than nine or more than fifteen members nominated by the Chief Administrative Officer and appointed by the Board of Supervisors. Members serve without compensation for a term not to exceed three years and are limited to no more than two consecutive full terms. In order to avoid the appearance of bias, county employees, peace officers, or custodial officers are ineligible to serve. CLERB reviews 125- 150 complaints each year. In 2014, CLERB sustained fourteen complaints, roughly ten percent.

At present, CLERB has eleven members. It is supported by a small staff of county employees including two full-time independent investigators, allowing CLERB to act independently of Sheriff's Department internal investigations. CLERB has the power to subpoena and require attendance of witnesses and to administer oaths, though, according to interviewees, this power is rarely used. When CLERB was first established, officers were reluctant to cooperate or testify. In response, CLERB developed a procedure in which it submits written questions to the officers involved, who are allowed ten days to answer in writing. If, as a result of its preliminary investigation CLERB determines a potential finding, it can request a face-to-face interview.

⁶ <http://www.sandiegocounty.gov/clerb/docs/Section606.pdf>

FACTS AND FINDINGS

Fact: CLERB is a citizens' oversight committee that investigates complaints of behavior by Sheriff's Department officers in unincorporated San Diego County and nine county cities.

Fact: Board members serve without compensation or reimbursement of expenses such as mileage.

Finding 01: Due to the large geographic area under CLERB's jurisdiction, modest compensation and reimbursement of expenses to board members could encourage greater community involvement and increase board diversity.

City of San Diego Citizens' Review Board (CRB)

The purpose of the Citizens' Review Board on Police Practices "is to review and evaluate complaints brought by members of the public against officers of the Police Department of the City of San Diego (SDPD) and to review and evaluate the administration of discipline arising from sustained complaints. The Board also reviews and evaluates officer-involved shootings, all in-custody deaths, and all police actions that result in the death of a person."⁷

CRB was established in the mid-1980s after a controversial police shooting. Planned as a temporary commission, it proved successful and its existence extended. In 1988, San Diego voters approved Proposition G, which gave the City Manager authority to "create and establish a Citizens' Review Board on Police Practices to review and evaluate citizen's complaints against police officers and the discipline arising from such complaints."⁸ CRB is not incorporated into the City Charter.

CRB has twenty-three appointed members and twenty-three prospective members. All members serve as non-compensated volunteers. Members are selected by an interview committee, appointed by the Mayor, and approved by the City Council to renewable one-year terms, to a maximum of eight years. As of this writing, there are no prospective members. Three-member teams review each case; the Chair and the 1st Vice Chair do not participate in review teams.

Officials interviewed by the Grand Jury expressed concern over the lack of adequate diversity among current members. This concern is not limited to race, ethnicity or gender, but includes the perception that CRB members have a pro-police bias which may influence their decision making. The 2011/2012 Grand Jury report was also critical of the lack of CRB diversity. Providing CRB members with modest compensation for the

⁷ <http://www.sandiego.gov/citizenreviewboard/about/index.xshtml>

⁸ http://articles.latimes.com/1988-11-11/local/me-662_1_police-review

significant time and work commitment required of members, such as a stipend, mileage reimbursement, and paid parking, could increase and diversify the pool of nominees.

CRB relies exclusively on the investigations prepared by the SDPD Internal Affairs Unit (IA). CRB does not have professional independent investigators, does not have the power to subpoena witnesses, and does not independently interview witnesses or complainants. This complete reliance on the Internal Affairs Unit has generated criticism both from the public and the 2011/2012 San Diego County Grand Jury.

Staff and commission members interviewed by the Grand Jury asserted that SDPD has been responsive and forthcoming to CRB requests. They did not see the need or benefit of paid independent investigators, or the need for subpoena power.

Interviewed officials expressed dissatisfaction with the legal services provided by the office of the City Attorney, which serves as legal counsel for the CRB. The City Attorney also defends the Police Department, creating a potential conflict of interest.

CRB staff has fallen significantly behind in preparing annual reports as required by ordinance. These reports need to be current to improve accountability with the public.

FACTS AND FINDINGS

Fact: Legal counsel is provided to the CRB by the City Attorney's Office, which also defends SDPD.

Finding 02: Using the City Attorney as legal counsel to CRB while also defending SDPD represents a potential conflict of interest.

Fact: Board members serve without compensation or reimbursement of expenses.

Finding 03: Modest compensation and reimbursement of expenses to board members could encourage greater community involvement and increase board diversity.

Fact: Required annual reports of CRB activities have not been kept current.

Finding 04: Annual reports provide the public with timely information on CRB activities and increase transparency.

National City Community and Police Relations Commission

In October, 2003, the City Council of National City established the Community and Police Relations Commission (CPRC).⁹ The CPRC gives citizens a forum to voice their

⁹ <http://www.ci.national-city.ca.us/index.aspx?recordid=3073&page=111>

concerns about police conduct, practices, and policies, and improves communication between residents and the National City Police Department (NCPD).

Complaints of alleged NCPD misconduct are reviewed by CPRC, which also recommends changes to department policies and procedures. This long-standing volunteer commission does not employ independent investigators but reviews and comments on the investigations by the NCPD Internal Affairs Unit. The commission has complete access to information gathered by the NCPD.

CPRC consists of eight individuals appointed by the Mayor and approved by the City Council. Seven are voting members, of which five must be residents of National City. The non-voting member is a member of the National City Police Officers' Association. The make-up of the current CPRC is diverse.

Cities without a Community Review Board or Commission

Seven San Diego county cities (listed above) have Police Departments but do not have a community review board or commission. Complaints are investigated internally.

The Grand Jury distributed a written survey to the police departments in these seven cities. All stated that they have policies and procedures in place for the receipt and investigation of citizen complaints against police officers. None of them have plans to establish an oversight board or commission. One reason given for maintaining the status quo is the low number of complaints received; a second reason given is existing citizen input into complaint resolution.

Chula Vista does have a Police Chief's Advisory Commission (CAC) that includes Chula Vista citizens. The group meets quarterly to discuss subjects of concern with the Police Chief and senior staff. The department provides the CAC with complaint statistics and discusses complaint procedures. In its survey response, Chula Vista stated that the CAC, which has extensive insight into department operations and is in the best position to represent the concerns of the citizens of Chula Vista, has not advocated for or pressed for a citizens' review board and one is not being considered at this time.

This jury has received complaints from citizens in several of these cities who felt there was inadequate resolution of their grievances, suggesting the current process needs improvement. The presence of a review board gives citizens a means to seek justice in dealing with law enforcement; the absence of a citizens' review board can seriously erode public trust in its police department. If a city decides to establish a review board, there is more than one model available, as this report shows. Extensive public participation in adopting a model appropriate for the specific needs of the community and police will help ensure the board's effectiveness. It will also comply with California Department of Justice policy that holds local government responsible for dealing with citizen complaints.

The size of these cities makes it worthwhile to consider establishing regional citizen review boards through Joint Powers Agreements. This might include one board that oversees complaints in northern San Diego County (Escondido, Oceanside, Carlsbad), one serving eastern San Diego County (El Cajon and La Mesa), and one serving southern cities (Coronado and Chula Vista, and possibly incorporating National City).

FACTS AND FINDINGS

Fact: Seven cities with separate police departments (El Cajon, La Mesa, Escondido, Oceanside, Carlsbad, Chula Vista and Coronado) do not have citizen oversight committees.

Fact: Trust between law enforcement agencies and the people they protect and serve is essential.

Finding 05: Cities without a citizens' oversight board do not have public review of complaints of police behavior and risk losing the trust of their citizens.

Fact: There are different models of law enforcement citizens' review boards available to local jurisdictions.

Fact: California Department of Justice policy states that local government has primary responsibility for citizen complaints against law enforcement agencies.

Finding 06: A review board shaped with citizen input will promote confidence in actions taken by the board.

RECOMMENDATIONS

The 2015/2016 San Diego County Grand Jury recommends that the Mayor and City Council of San Diego:

- 16-26: Prepare and publish annual reports on Citizens' Review Board actions.**
- 16-27: Provide the Citizens' Review Board with independent legal counsel.**
- 16-28: Provide modest compensation for board member time and expenses.**

The 2015/2016 Grand Jury recommends that the San Diego County Board of Supervisors:

- 16-29: Provide modest compensation for board member time and expenses.**

The 2015/2016 Grand Jury recommends that Mayors and City Councils of El Cajon, La Mesa, Escondido, Oceanside, Carlsbad, Chula Vista, and Coronado:

16-30: Establish independent citizen commissions for oversight of police behavior.

16-31: Determine the specific commission model with community input to ensure acceptance, independence, and accountability.

REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required from the:

Responding Agency	Recommendations	Date
Mayor, City of San Diego	16-26, 16-27, 16-28	8/23/16
City Council, City of San Diego	16-26, 16-27, 16-28	8/23/16
San Diego County Board of Supervisors	16-29	8/23/16
Mayor, City Council—El Cajon	16-30, 16-31	8/23/16
Mayor, City Council—La Mesa	16-30, 16-31	8/23/16
Mayor, City Council—Carlsbad	16-30, 16-31	8/23/16
Mayor, City Council—Chula Vista	16-30, 16-31	8/23/16
Mayor, City Council—Coronado	16-30, 16-31	8/23/16
Mayor, City Council—Escondido	16-30, 16-31	8/23/16
Mayor, City Council—Oceanside	16-30, 16-31	8/23/16

RECEIVED
AUG 17 2016
BY:

Graham Mitchell
City Manager
201 North Broadway, Escondido, CA 92025
Phone: 760-839-4631 Fax: 760-839-4578

August 16, 2016

The Honorable Jeffrey B. Barton, Judge Presiding
c/o Clerk of the Court
San Diego Superior Court
220 W. Broadway, Dept. SD-P
San Diego, CA 92101-3888

Re: San Diego Grand Jury 2015/2016 Report: "Citizen Oversight Boards of Police Behavior"

Dear Judge Barton:

On May 25, 2016, the San Diego County Grand Jury released its report, "Citizen Oversight Boards of Police Behavior," to the public. Pursuant to California Penal Code Section 933(c), the City of Escondido provides this comment on behalf of the Mayor and City Council within ninety days of the report's release.

The report makes two findings and two recommendations requiring a response from the City of Escondido. The Grand Jury findings were as follows:

"Finding 05: Cities without a citizens' oversight board do not have public review of complaints of police behavior and risk losing the trust of their citizens.

Finding 06: A review board shaped with citizen input will promote confidence in action taken by the board."

The City disagrees with Finding 05, as public venues for voicing police-related complaints take many different forms. Just as the Grand Jury found "there are different models of law enforcement citizens' review boards," there are also different models of public review apart from a citizen review board. As more fully described below, the City already provides several public outlets for voicing police-related complaints to facilitate community input and maintain the public trust. With respect to Finding 06, the City generally agrees with the proposition that citizen input in establishing any board will promote confidence in that board's actions, but also maintains that establishment of a review board is not warranted.

The Honorable Jeffrey B. Barton
August 16, 2016
Page 2

Concerning the recommendations, it is important to note the Grand Jury recognized that local government has primary responsibility for citizen complaints according to California Department of Justice policy. Furthermore, the report acknowledged that all law enforcement agencies in San Diego County already employ citizen complaint procedures compliant with California Penal Code Section 832.5. Even so, the Grand Jury made the following specific recommendations:

“16-30: Establish independent citizen commissions for oversight of police behavior.

16-31: Determine the specific commission model with community input to ensure acceptance, independence, and accountability.”

Because the City of Escondido already employs a comprehensive, formal complaint procedure and provides several public outlets for voicing police-related complaints, the Grand Jury recommendations will not be implemented.

On the subject of formal complaints, all are rigorously and thoroughly investigated by a full-time sergeant specifically dedicated to this task. The Department has a robust history of imposing appropriate discipline when an investigation reveals it is warranted. Citizen complainants are advised of the general outcome of the investigation and may appeal that outcome to the City Manager.

Other forums for receiving public feedback include the numerous community groups and committees that assist in the Department's daily operation, from juvenile diversion (Escondido Education COMPACT) to gang reduction (Escondido Gang Reduction and Intervention, EGRIP). Moreover, the Chief of Police and his staff regularly hold town hall meetings in various locations throughout the community. Police officers also attend neighborhood meetings to connect with the public as well as receive valuable feedback. Finally, the City of Escondido has a comment form available on the City's webpage directed to the City Manager's Office and maintains multiple social media outlets accessible to the public. These alternate forums allow the public to express their views on policy changes and implementation, as well as any perceived misconduct on the part of Escondido officers.

Members of the Escondido Police Department have been, and will continue to be, answerable for their conduct and actions during the performance of their duties. At this time, the City feels confident that its complaint and investigation procedures are accepted by the public, are independent and unbiased, and hold officers accountable at the highest level.

The Honorable Jeffrey B. Barton
August 16, 2016
Page 3

The Escondido Police Department has a documented history of resolving complaints regarding police behavior through existing channels and procedures. Even though the City will not be implementing the Grand Jury's recommendations, the Escondido Police Department will continue to review and evaluate its current citizen complaint policy to ensure compliance with state law and the Peace Officers Bill of Rights, and attention to community feedback.

Sincerely,

A handwritten signature in black ink, appearing to read 'Graham Mitchell', with a horizontal line extending to the right from the end of the signature.

On behalf of the Mayor and City Council
Graham Mitchell, City Manager

cc: Honorable Mayor and Members of the City Council
Jeffrey R. Epp, City Attorney
Craig Carter, Chief of Police



FUTURE CITY COUNCIL AGENDA ITEMS

Updated October 15, 2020

*AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.
CHECK WITH THE CITY CLERK'S OFFICE AT (760) 839-4617*

<p>October 28, 2020 6:00 p.m.</p>
<p>CONSENT CALENDAR</p>
<p>Third Quarter 2020 Treasurer's Report (D. Shultz)</p> <p><i>In accordance with the City's Investment Policy, the City Treasurer is required to submit an investment report to the City Council for review on a quarterly basis. The report will include the type of investment, issuer, date of maturity, par value, book value, and market value for each security held by the City.</i></p>
<p>Approval of Contract Amendment for Archeological Services Required for the Citracado Parkway Extension Project (J. Procopio)</p> <p><i>On August 1, 2012, the City Council approved Phases I and II of archeological work necessary for the Citracado Pkwy project totaling \$971,000. On September 9, 2014 and January 14, 2020, the City Council approved amendments totaling \$619,438, as necessary to process the large volume of artifacts discovered, to prepare a National Historic Preservation Act Section 106 study and to screen culturally sensitive soils within the project footprint. This contract amendment, in the amount of \$399,000, completes pre-grading services including screening of all soils, cataloging of encountered cultural materials and Native American monitoring. It is anticipated that SDG&E will begin relocation of transmission poles in Spring 2021 so that project construction can begin in Summer 2021.</i></p>
<p>Bid Award and Public Improvement Agreement for Construction of the Hale Avenue Resource Recovery Facility Storm Water Treatment System Retrofit Project (C. McKinney)</p> <p><i>This project will construct a retrofit storm water treatment system at the Hale Avenue Resource Recovery Facility (HARRF) to meet storm water requirements in place during the 2014 construction of the Operations Building.</i></p>
<p>PUBLIC HEARINGS</p>
<p>Amendment to Chapter 16 of the Escondido Municipal Code to Establish a Tobacco Retail License and Regulations Regarding Licensing and Adoption of Tobacco Retail License Fee (M. Strong)</p> <p><i>The City began considering establishing tobacco controls in 2019. Ordinance 2020-06 was adopted in April to establish smoke-free air laws in public spaces. Since then, City staff has been working on a license program to additionally regulate tobacco product sales and new laws to limit youth access to tobacco products. The City is authorized to adopt and implement fees, rates, and charges for municipal services to recover the costs of staff time, administrative costs, and related expenses. The proposed resolution is to establish a cost recovery strategy to implement the tobacco retail license program.</i></p>

Development Impact Fee Inflationary Increase

(J. Petrek)

Government Code Section 66006 allows for the collection of Development Impact Fees to fund certain improvements necessary to accommodate future growth. An annual inflationary adjustment of Development Impact Fees was last approved in December 2019 based on the Engineering News Record Construction Cost Increase (ENR CCI) to retain purchasing power for constructing future facilities.

CURRENT BUSINESS

Proposed Annual Adjustment to Escondido Disposal, Inc.'s Solid Waste and Recycling Rates/Fees for Residential and Commercial Collections

(C. McKinney)

Escondido Disposal, Inc.'s Solid Waste and Recycling Services Rates and Fees are reviewed annually and adjusted based on a CPI formula as required in the City's Franchise Agreement with Escondido Disposal.

Economic Update

(D. Shultz)

Update on the current economic environment.

FUTURE AGENDA ITEMS

November 4, 2020

NO MEETING

November 11, 2020

NO MEETING (Veterans' Day)

Weekly Activity Report



October 15, 2020

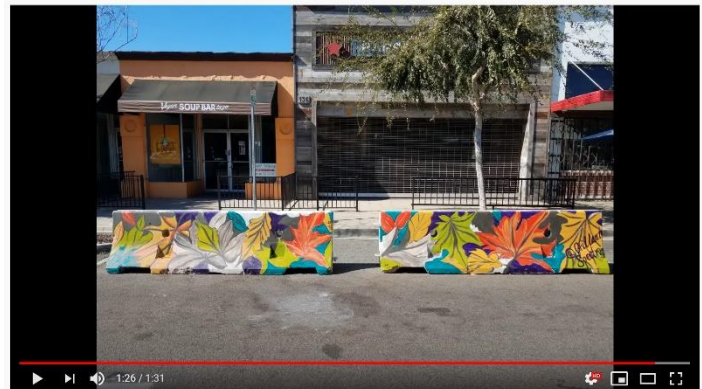
COVID-19 UPDATES



Street-side Dining Murals

Have you seen the new murals along Grand Avenue? Check out this time-lapse [video](#) of a local artist adding fall art to the street side dining barriers downtown.

Thank you to the artists and community partners that are making this possible: Escondido Downtown Business Association, Escondido Shines, Escondido Art Association, The Escondido Rotary Club, Beautify Escondido, and our downtown businesses. More murals are on the way!



Painting Autumn Leaves Barriers on Grand Avenue Escondido

198 views • Oct 11, 2020

7 0 SHARE SAVE ...

Escondido's Bimbo Bakery Wins Award

Bimbo Bakery, USA has won Food Processing's 2020 Green Plant of the Year Award! The Escondido plant has won many honors during their 29 years in town, and due to their sustainability practices now they can add another. Read more about the award in the Food Processing article [here](#).

Voter Registration Deadline

The 2020 general election is on Tuesday, November 3. The deadline for voter registration is on October 19.

To find your nearest polling place, ballot drop-off location, and to learn more about local candidates running for Council, visit:

<https://www.escondido.org/election2020.aspx>



POLICE DEPARTMENT UPDATES:

House Set on Fire after Homicide

On October 4, police and fire units were dispatched to a house on fire in the 600 block of Waverly Pl. The first police officer on scene reported heavy smoke visible flames coming from the house. Fire personnel entered the home to extinguish the fire and discovered an unconscious adult male down inside the house. He was transported to the hospital where he died. The victim sustained injuries consistent with being assaulted prior to the fire. Evidence obtained from the home indicated that the fire was deliberately set. As a result of the investigation, police detectives arrested Jose Trinidad Romero on Wednesday, October 7. He was booked into jail for murder and arson charges. This investigation is still ongoing.

Drugs Seized in Mail

Last week, Escondido Police narcotics detectives while working with the United States Postal Inspector investigated suspicious packages being mailed to an Escondido resident. A search warrant was obtained for one of the packages, which contained vials of fentanyl disguised as steroids. A search warrant was also served on the residence and more narcotics were recovered.



Serial Shoplifter Arrested

On October 6, officers were dispatched to the Target on Auto Park Way regarding a known shoplifter in the store. Target Loss Prevention staff were aware that the subject had been committing thefts from local stores. Officers detained the subject, identified as Siu Xin, near her vehicle and travel trailer in the parking lot. During the investigation, hundreds of items of stolen merchandise were recovered from her trailer. Among the items were jewelry, cosmetics, LEGO sets, camping equipment, and hover boards. Xin was arrested for theft related charges and booked into Vista jail.



Woman Arrested for DUI after Hit & Run

On October 9, citizens called the police to report a black vehicle driving recklessly with an unrestrained child in the back. While officers responded to the area, the car struck a pedestrian in her driveway causing minor injuries. The woman then fled in the car where it was later located in a field nearby. The woman and her 2-year-old child were contacted. The intoxicated woman was arrested for DUI, Hit & Run, and Child Endangerment charges. The child was taken into protective custody and later released to a family member.



Community Engagement:

On October 7, a local Harley Davidson riders group participated in a law enforcement support ride throughout the county. Their goal was to drive through the parking lots of every police/sheriff station in the county in order to show support. We appreciate the gesture and thank all those who took part.



Community Tools:

- www.arjis.org For crime data/mapping, Megan's Law info, etc.
- www.myneighborhoodupdate.net Search for Escondido, CA to see radio call information.

Events:

Detective Promotion

Officer Brittany Sheats was hired as a police officer in Escondido in September of 2011. Prior to that, she worked in the EPD Gang Unit as a department specialist managing gang documentation. While working as a patrol officer, she was assigned to several collateral duties, including the Emergency Negotiations Team and the PC 290 Enforcement Team. Officer Sheats holds a Masters Degree in Criminal Justice and Criminology from SDSU. Officer Sheats was promoted to detective and will fill an opening in the Crimes of Property Unit. Congratulations Brittany!



Tip of the Week:

Did you know that you can report graffiti from your phone? Call 760-839-4OFF(633) or use the Escondido Report It App. To download the app, visit: <https://www.escondido.org/report-it.aspx>

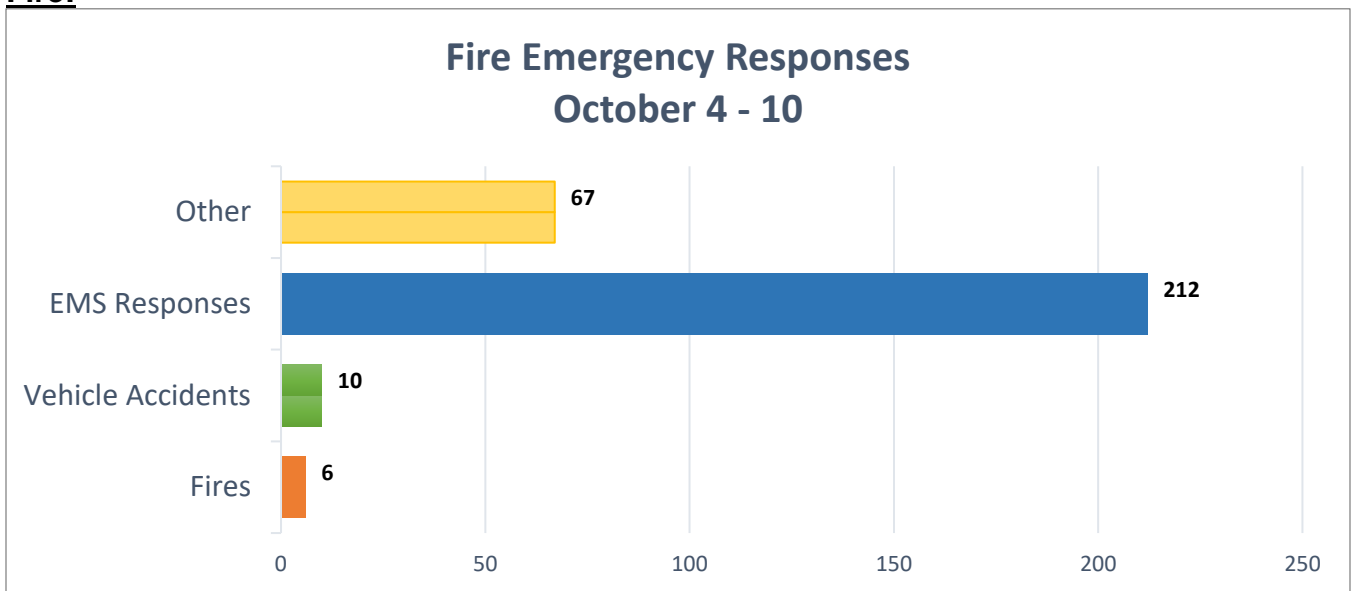
FIRE DEPARTMENT UPDATES:

On Friday October 9, at approximately 2 p.m., Escondido Fire Department, along with CAL FIRE, responded to a reported vegetation fire on Lake Wolford Road between Valley Center Road and Lake Wohlford. This area is within a “mutual threat zone” which triggers a coordinated multi-agency response. Firefighters found a brush fire burning on a steep hillside, about 50’x50’ in size, with a slow rate of spread. Fortunately, the first three engine companies on scene were able to contain the fire in about thirty minutes.

On Wednesday, October 7, Firefighter Paramedic Ricky Tlapala returned home from a two-week deployment at the Castle and Zogg fires in Northern California.

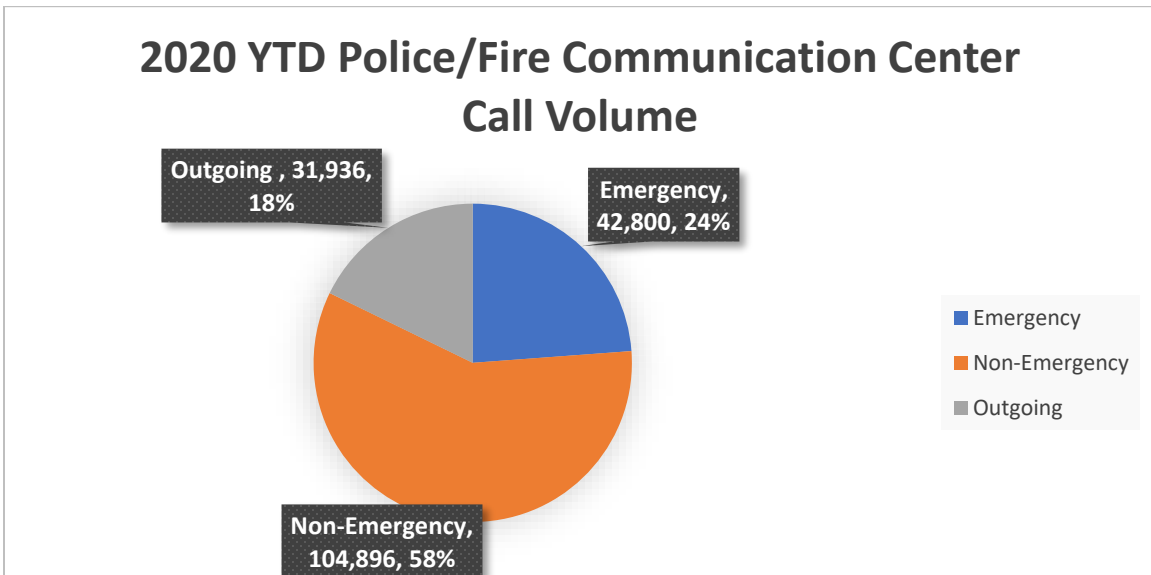
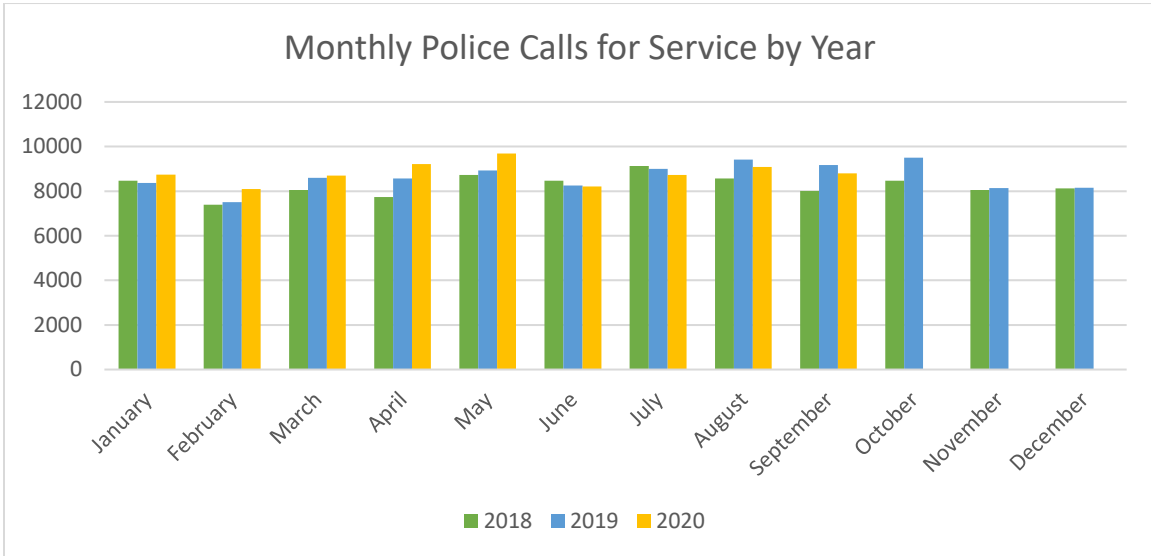
BY THE NUMBERS

Fire:

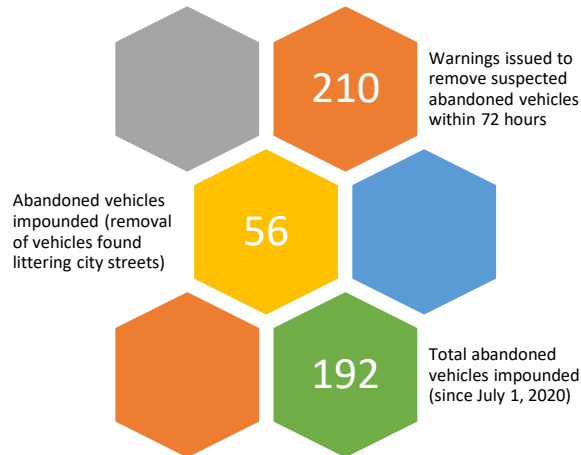


Total Emergency Responses (Year to Date)	11,464
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Police:

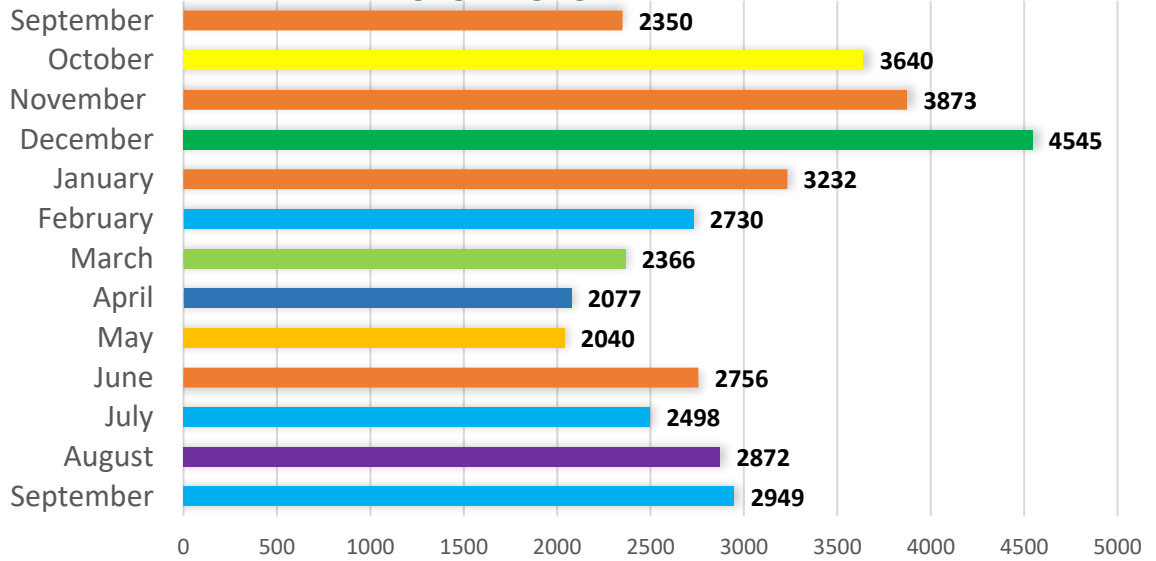


September Abandoned Vehicle Data

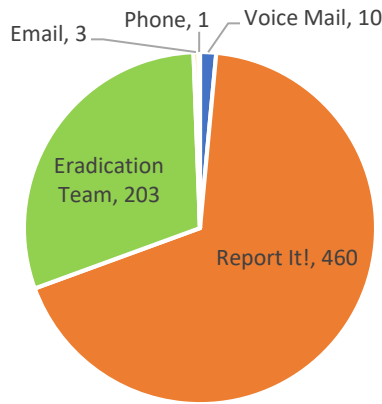


Public Works:

**Number of Graffiti Tags Removed
2019 - 2020**

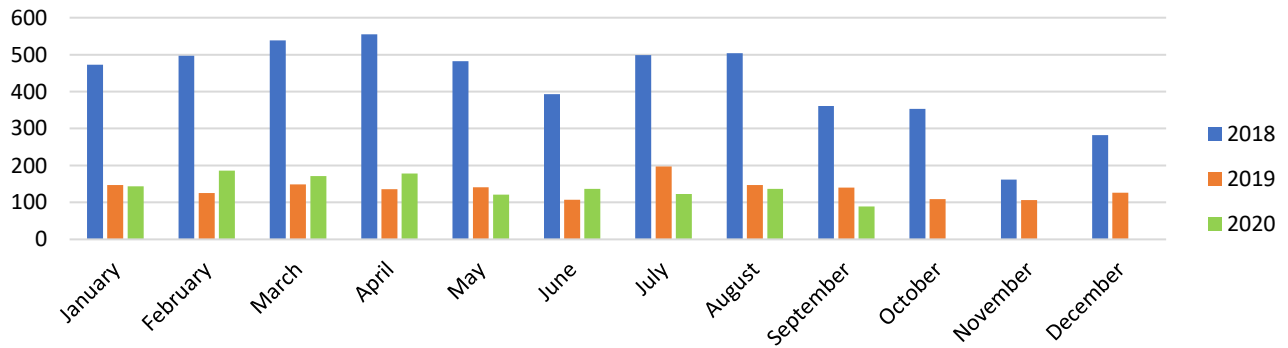


How Graffiti Was Reported - September 2020

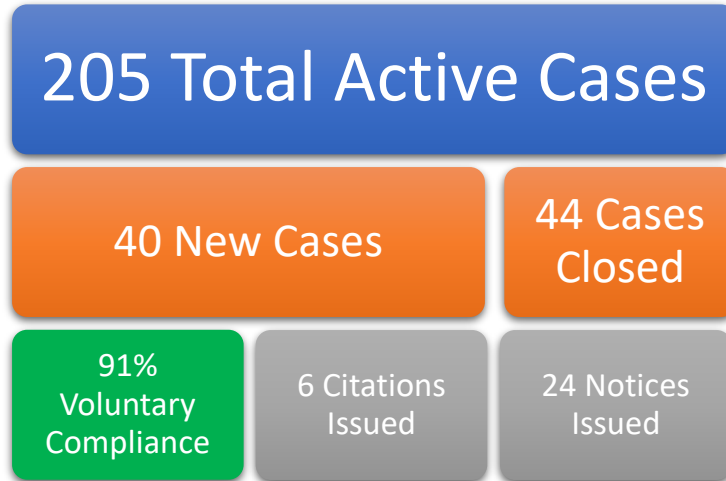


■ Voice Mail ■ Report It! ■ Eradication Team ■ Email ■ Phone

NUMBER OF SHOPPING CARTS REMOVED

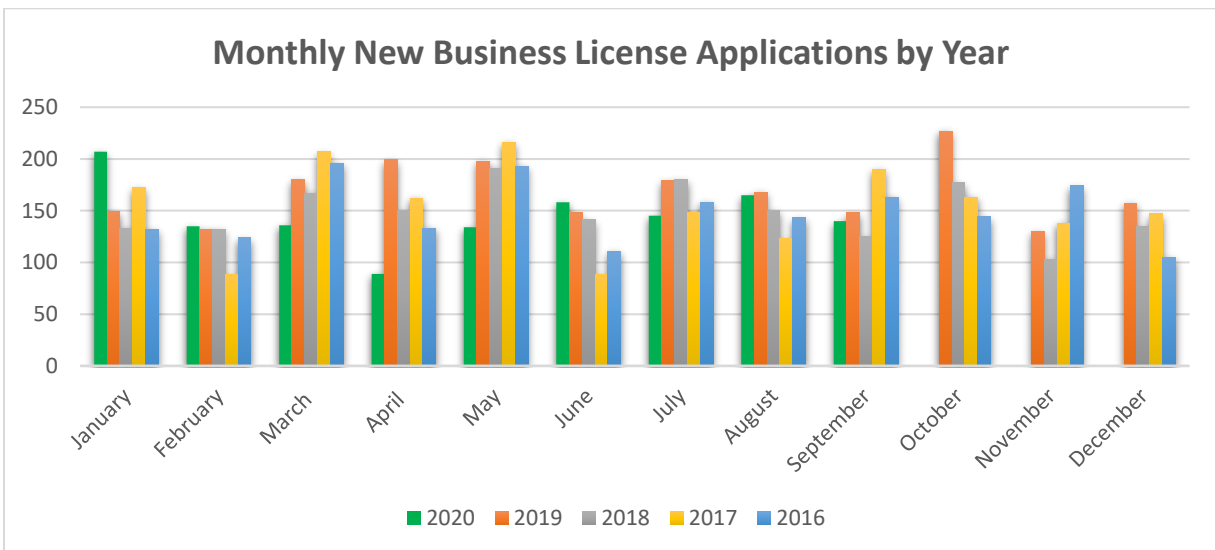


Code Enforcement:



Total Code Cases (Year To Date)	2,278
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Business Licenses:



Graffiti Restitution:

Collected Past Week	Collected Year to Date
\$58	\$9,204.17

COMMUNITY DEVELOPMENT & ENGINEERING

Building Permits and Inspections:

1. The counter staff conducted in person meetings with 154 applicants and were able to process 91 applications and issue 69 permits.
2. The total permit valuation for the week was \$1,565,476.00.
3. The inspection staff completed 209 building inspections.

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:

No updates this week.

Housing:

1. 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 nearly completed onsite water, storm drain and sewer utilities. Model homes have been opened to the public. Offsite work for the new traffic signal is on-going.
2. 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. The northern portion of the project was approved by the City Council in November 2019. The applicant is now requesting plan approvals for the southern portion. The southern portion was reviewed and approved by the Planning Commission at their meeting on October 13, 2020. City Council is the final decision-maker for this project. It is anticipated that this project will be presented to City Council on November 18, 2020.
3. 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. On-site improvements have started for the new water and sewer mains.
4. 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 was reviewed and considered by the Planning Commission at their meeting on September 22, 2020. With a 4-2 vote, the Planning Commission is

recommending City Council approval of the project. City Council is the final decision-maker for this project. This project will be considered by the City Council at their October 21, 2020 meeting.

5. 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 was reviewed and considered by the Planning Commission at their meeting on September 22, 2020. With a 4-2 vote, the Planning Commission is recommending City Council approval of the project, with the added condition that inclusionary housing be considered as part of the project. City Council is the final decision-maker for this project. A public hearing date has not been set. A project webpage containing draft documents and plans can be accessed at the following link: <https://www.escondido.org/palomarheights.aspx>
6. 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, and comments on Village 2 and Village 3 parks have been delivered. (City staff has approved of the park in Village 1.)
7. Pradera (Developer: Moses Kim, Lennar Homes) This approved project consists of a 70-unit single-family homes located at the northeastern corner of Ash Street and Lehner Avenue. The water main work included the construction and installation of a 12" water main, 779 feet in length, along Conway Drive, between Lehner Drive and Rincon Avenue.

City Projects or Other Capital Improvement Projects:

8. 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 16" gas main is currently in the county portion of Bear Valley Parkway. SDG&E and their contractor has started isolating, blowing down/purging and installing isolation caps on the newly installed 16" gas main. The area of the work is along the Midway corridor and at the intersection of La Honda and El Norte. A preconstruction meeting for Phase II will be held within the next few weeks.

9. Laurel Valley Wall Replacement - The contractor, Urban Corp, has completed the demolition of the existing stucco wall. The new vinyl wall installation is scheduled to start next week. 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.



10. Spruce Street/Transit Center Pedestrian Bridge Project – The contractor, Palm Engineering, has completed the grading of the channel walls. The planting of the new slope vegetation is almost complete. Overall, this project is nearing completion.
11. Lake Wohlford Replacement Dam – With the Environmental Impact Report certified by the City Council on September 23, 2020, City staff is coordinating additional permit review by the responsible agencies (e.g. California Department of Fish and Wildlife).
12. Storm Drain Pipe Lining and Rehabilitation Project Phase II - This project was awarded at the September 16, 2020, City Council meeting. The work consists 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:

13. Raising Cane's Restaurant – (Developer: Ada Fermin, PM Design Group) 1280 W. Valley Parkway – An approved demolition of vacant, former Coco's restaurant building and construction of new 3,744 SF drive-through restaurant for Raising Cane's.

14. Carvana – (Developer: Jo Ryan, Carvana) 559 N. Hale Avenue – An approved 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.
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 – An approved 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.
18. 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.

Housing:

19. Escondido Gateway, also called the Rowan (Developer: Carolyn Hillgren, Lyon Living) This is an approved residential 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.
20. Villa Portofino (Developer: Chris Post, ATC Design Group) 15 apartment units in a three-story building with parking garage at 2690 S. Escondido Blvd.
21. Canyon Grove Estates Tract 932 (Developer: John Vance, Shea Homes) – This is an approved residential project for 179-lot single-family residential development on the north side of Vista Avenue east of Conway Drive.
22. 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.
23. 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>
24. North Avenue Estates (Developer: Casey Johnson) – This is an approved residential project for 34 lots at North Avenue/Conway Drive.

25. 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>
26. Oak Creek (Builder: KB Homes) – this is an approved residential 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. Membrane-Filtration Reverse Osmosis Facility/MFRO (Developer: City of Escondido Utilities Department) 901 W. Washington.

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