



**SEPTEMBER 25, 2019**  
**CITY COUNCIL CHAMBERS**  
**5:00 P.M. Closed Session; 6:00 P.M. Regular Session**  
**201 N. Broadway, Escondido, CA 92025**

|                                   |                                                                  |
|-----------------------------------|------------------------------------------------------------------|
| MAYOR                             | <b>Paul McNamara</b>                                             |
| DEPUTY MAYOR                      | <b>Consuelo Martinez</b>                                         |
| COUNCIL MEMBERS                   | <b>Olga Diaz</b><br><b>John Masson</b><br><b>Michael Morasco</b> |
| CITY MANAGER                      | <b>Jeffrey Epp</b>                                               |
| CITY CLERK                        | <b>Zack Beck</b>                                                 |
| CITY ATTORNEY                     | <b>Michael McGuinness</b>                                        |
| DIRECTOR OF COMMUNITY DEVELOPMENT | <b>Bill Martin</b>                                               |
| DIRECTOR OF ENGINEERING SERVICES  | <b>Julie Procopio</b>                                            |

**ELECTRONIC MEDIA:**

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

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

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

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





# Council Meeting Agenda

**September 25, 2019**

**5:00 P.M. Meeting**

**Escondido City Council**

## CALL TO ORDER

**ROLL CALL:** Diaz, Martinez, Masson, 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-- EXISTING LITIGATION (Government Code 54956.9(d)(1))**
  - a. **Case Name:** Crown Castle Fiber LLC V. City of Escondido, U.S. District Court  
**Case No:** '19-CV-1056-DMS (WVG)
- II. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION/SIGNIFICANT EXPOSURE (Government Code 54956.9(d)(2))**
  - a. Consideration of Opposing the Wireless Infrastructure Association's Petition for Declaratory Ruling with the Federal Communications Commission, In the Matter of Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment (WT Docket No. 17-79).
- III. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code §54956.8)**
  - a. **Property:** 1201 E. Washington Avenue, APN 230-141-01  
**City Negotiator:** Jeffrey Epp, City Manager  
**Negotiating Parties:** KB Homes  
**Under Negotiation:** Review Unsolicited Offer

- b.      **Property:**                      APNs 233-022-21 & 233-022-23  
         **City Negotiator:**        Jeffrey Epp, City Manager  
         **Negotiating Parties:**   555 W. Grand LLC  
         **Under Negotiation:**    Price and Terms of Agreement

## **ADJOURNMENT**



# Council Meeting Agenda

**September 25, 2019  
6:00 P.M. Meeting**

**Escondido City Council**

## **CALL TO ORDER**

### **MOMENT OF REFLECTION:**

### **FLAG SALUTE**

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

**PROCLAMATIONS:** National Neighborhood Day  
San Diego Hunger Awareness

**PRESENTATIONS:** San Diego Gas & Electric Update  
San Diego County Water Authority

### **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:

- 334146 – 334356 dated September 4, 2019
- 334357 – 334565 dated September 11, 2019

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

**3. APPROVAL OF MINUTES: None Scheduled**

**4. FISCAL YEAR 2019 REGIONAL REALIGNMENT RESPONSE GRANT AND BUDGET ADJUSTMENT -**

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2019 Regional Realignment Response Grant funds in the amount of \$100,000; 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.

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

**5. FISCAL YEAR 2019-20 STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AND BUDGET ADJUSTMENT -**

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2019-20 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant in the amount of \$454,000; 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.

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

**6. FISCAL YEAR 2019-20 STATE OF CALIFORNIA OFFICE OF TRAFFIC PEDESTRIAN AND BICYCLE SAFETY PROGRAM GRANT AND BUDGET ADJUSTMENT -**

Request the City Council approve authorizing the Escondido Police Department to accept a Fiscal Year 2019-20 California Office of Traffic Safety (OTS) 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.

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

**7. RUBBERIZED PAVEMENT GRANT PROGRAM APPLICATION -**

Request the City Council approve authorizing the Director of Engineering Services or her designee to submit an application(s) for the Rubberized Pavement Grant Program funds for an amount up to \$350,000 from the California Department of Resources Recycling and Recovery (CalRecycle); and if awarded, to accept the grant funds and complete the necessary documents required by CalRecycle for participation in the Rubberized Pavement Program in conjunction with the Citywide annual pavement maintenance program.

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

RESOLUTION NO. 2019-140

**8. BID AWARD FOR THE PURCHASE OF LIVE RAINBOW TROUT -**

Request the City Council approve accepting the second lowest responsive and responsible bid from Mt. Lassen Trout to purchase live Rainbow Trout by unit price for stocking at Dixon Lake and Lake Wohlford; and authorize the Deputy City Manager to execute a Purchasing Contract with Mt. Lassen Trout effective September 25, 2019 through June 30, 2020, with the option to renew the Contract on an annual fiscal year basis not to exceed a total of four consecutive years. Contract renewal options are contingent upon budget appropriations and satisfactory performance by the contractor. The unit price bid for live rainbow trout is \$4.44 per pound with an estimated purchase quantity of 55,000 pounds per year for an estimated annual amount of \$244,200.

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

RESOLUTION NO. 2019-137

**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**

**9. APPEAL OF PLANNING COMMISSION DECISION TO APPROVE A CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATION FACILITY FOR PTI-T-MOBILE (PHG 18-0016)**

Request the City Council deny the appeal and uphold the Planning Commission decision to approve the project and adopt Resolution No. 2019-148. Staff has suggested two alternative options: Option A) Affirm the appeal, set aside the decision of the Planning Commission with findings reached by the City Council to deny the project, and adopt Resolution No. 2019-149; or Option B) Deny the appeal, but modify the decision of the Planning Commission (with or without amended conditions).

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

A) RESOLUTION NO. 2019-148 B) RESOLUTION NO. 2019-149

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

Request the City Council approve an amendment to the Downtown Specific Plan and a new Planned Development for the Quince Street Senior Housing Project located at 220 N. Quince Street (APN 229-331-10-00).

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

ORDINANCE NO. 2019-12 (First Reading and Introduction)

**11. TAX EQUITY AND FISCAL RESPONSIBILITY ACT HEARING FOR HEALTHRIGHT 360 FACILITIES -**

Request the City Council approve the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$65,000,000 by the California Municipal Finance Authority, of which approximately \$6,150,000 will be allocable to projects in the City of Escondido and the remaining amount will be allocable to projects in other cities.

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

RESOLUTION NO. 2019-141

## CURRENT BUSINESS

### 12. HOUSING RELATED PARKS PROGRAM PROJECT UPDATE -

Request the City Council receive and file an update on recreational facilities rehabilitation and improvements built with Housing Related Parks Program (HRP) grant funds.

Staff Recommendation: **Receive and File (Public Works Department: Joseph Goulart and Communications & Community Services Department: Joanna Axelrod)**

## WORKSHOP

### 13. COMMUNITY ADVISORY GROUP UPDATE -

The workshop will serve as an update on progress in forming five Community Advisory Groups and announce future meeting dates.

Staff Recommendation: **None (City Manager's Office: William L. Wolfe)**

## FUTURE AGENDA

### 14. FUTURE AGENDA -

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

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

## COUNCIL MEMBERS SUBCOMMITTEE REPORTS

## CITY MANAGER'S WEEKLY ACTIVITY REPORT

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

- [WEEKLY ACTIVITY REPORT](#)

## ORAL COMMUNICATIONS

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## ADJOURNMENT

### UPCOMING MEETING SCHEDULE

| Date       | Day       | Time             | Meeting Type    | Location         |
|------------|-----------|------------------|-----------------|------------------|
| October 2  | -         | -                | No Meeting      | -                |
| October 9  | Wednesday | 5:00 & 6:00 p.m. | Regular Meeting | Council Chambers |
| October 16 | -         | -                | No Meeting      | -                |
| October 23 | Wednesday | 5:00 & 6:00 p.m. | Regular Meeting | Council Chambers |

## TO ADDRESS THE COUNCIL

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

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

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

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

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

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

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

## LIVE BROADCAST

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

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

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

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

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



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

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





Consent Item No. 1

September 25, 2019

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**A F F I D A V I T S**

**O F**

**I T E M**

**P O S T I N G**

## **CITY COUNCIL STAFF REPORT**

**Consent Item No. 2**

**September 25, 2019**

**File No. 0400-40**

SUBJECT: Approval of Warrants

DEPARTMENT: Finance Department

RECOMMENDATION:

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

334146 – 334356 dated September 4, 2019

334357 – 334565 dated September 11, 2019

FISCAL ANALYSIS:

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

August 29 – September 4, 2019, is \$1,828,867.03

September 5 – September 11, 2019, is \$2,084,926.73

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.



**APPROVAL**

**OF**

**MINUTES**

## CITY COUNCIL STAFF REPORT

Consent Item No. 4

September 25, 2019

File No. 0480-70

SUBJECT: Fiscal Year 2019 Regional Realignment Response Grant and Budget Adjustment

DEPARTMENT: Police Department

RECOMMENDATION:

It is requested that the City Council authorize the Escondido Police Department to accept the FY 2019 Regional Realignment Response Grant funds in the amount of \$100,000; 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.

FISCAL ANALYSIS:

This action will have no impact on the FY 2019-20 General Fund Budget. Grant funds will be used for police officer overtime and associated overhead.

PREVIOUS ACTION:

On July 11, 2018, the City Council approved \$119,785 from the Regional Realignment Response Grant. These grant funds covered police officer overtime and associated overhead.

BACKGROUND:

The Escondido Police Department has been allocated funds under the FY 2019 Regional Realignment Response Grant. This funding was provided by the State of California Board of Community Corrections through Assembly Bill 118 and Senate Bill 89, initiatives to reduce state prison overcrowding and support local law enforcement efforts to efficiently manage offenders and parole-violators. Escondido's allocation is used to support regional and local suppression operations. Funds must be used for police officer overtime and associated overhead.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Craig Carter*, Chief of Police  
9/9/2019 2:17 p.m.

ATTACHMENTS:

1. Budget Adjustment



CITY OF ESCONDIDO  
BUDGET ADJUSTMENT REQUEST

Date of Request: September 9, 2019  
Department: Police  
Division: Administration  
Project/Budget Manager: Lisa Rodelo 4905  
Name Extension  
Council Date (if applicable): September 25, 2019  
(attach copy of staff report)

**For Finance Use Only**

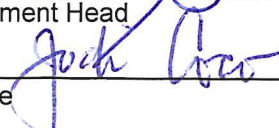
Log # \_\_\_\_\_  
Fiscal Year \_\_\_\_\_  
\_\_\_\_ Budget Balances  
\_\_\_\_ General Fund Accts  
\_\_\_\_ Revenue  
\_\_\_\_ Interfund Transfers  
\_\_\_\_ Fund Balance

| Project/Account Description | Account Number   | Amount of Increase | Amount of Decrease |
|-----------------------------|------------------|--------------------|--------------------|
| Revenue                     | 4127-451- RRRG19 | 100,000            |                    |
| Police Grants               | 451-RRRG19       | 100,000            |                    |
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Explanation of Request:

A budget adjustment is needed to spend FY 2019 Regional Realignment Response Grant funds for police officer overtime and associated overhead.

**APPROVALS**

  
Department Head \_\_\_\_\_ Date 9-10-19  
  
Finance \_\_\_\_\_ Date 9/11/19

City Manager \_\_\_\_\_ Date \_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

Distribution (after approval):

Original: Finance

## CITY COUNCIL STAFF REPORT

**Consent Item No. 5**

**September 25, 2019**

**File No. 0480-70**

**SUBJECT:** Fiscal Year 2019-20 State of California Office of Traffic Safety Selective Traffic Enforcement Program (STEP) Grant and Budget Adjustment

**DEPARTMENT:** Police Department

**RECOMMENDATION:**

It is requested that the City Council authorize the Escondido Police Department to accept the FY 2019-20 California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) Grant in the amount of \$454,000; 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.

**FISCAL ANALYSIS:**

This action will have no impact on the FY 2019-20 General Fund Budget. Grant funds will be used for salary and benefits for a full-time DUI traffic officer. The grant will also fund overtime expenses related to traffic safety enforcement activities and traffic safety supplies.

**PREVIOUS ACTION:**

The City Council accepted a FY 2018-19 California Office of Traffic Safety Selective Enforcement Grant in the amount of \$410,000 on September 19, 2018.

**BACKGROUND:**

The Escondido Police Department received a FY 2019-20 California Office of Traffic Safety STEP Grant in the amount of \$454,000. Grant funds will enhance traffic safety programs from October 1, 2019, through September 30, 2020. The Police Department will use grant funds to pay for salary and benefits for a full-time traffic enforcement officer, traffic safety supplies, and for police officer overtime expenses for DUI checkpoints, saturation patrols, and traffic safety enforcement details.

**APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:**

*Craig Carter*, Chief of Police  
9/9/2019 2:17 p.m.

**ATTACHMENTS:**

1. Budget Adjustment



CITY OF ESCONDIDO  
BUDGET ADJUSTMENT REQUEST

Date of Request: September 9, 2019  
Department: Police Department  
Division: Administration  
Project/Budget Manager: Lisa Rodelo 4905  
Name Extension  
Council Date (if applicable): September 25, 2019  
(attach copy of staff report)

**For Finance Use Only**

Log # \_\_\_\_\_

Fiscal Year \_\_\_\_\_

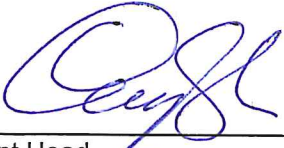
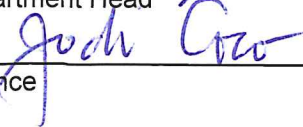
\_\_\_\_\_ Budget Balances  
\_\_\_\_\_ General Fund Accts  
\_\_\_\_\_ Revenue  
\_\_\_\_\_ Interfund Transfers  
\_\_\_\_\_ Fund Balance

| Project/Account Description | Account Number  | Amount of Increase | Amount of Decrease |
|-----------------------------|-----------------|--------------------|--------------------|
| Revenue                     | 4128-451-OTS020 | \$454,000          |                    |
| Police Grants               | 451-OTS020      | \$454,000          |                    |
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**Explanation of Request:**

Budget adjustments are needed to receive grant funds and establish a spending account for salary, overtime and supply expenses related to the FY 2019-20 State of California Office of Traffic Safety Selective Traffic Enforcement Program Grant.

**APPROVALS**

  
Department Head \_\_\_\_\_ Date 9-10-19  
  
Finance \_\_\_\_\_ Date 9/11/19

City Manager \_\_\_\_\_ Date \_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_

Distribution (after approval):

Original: Finance

## CITY COUNCIL STAFF REPORT

Consent Item No. 6

September 25, 2019

File No. 0480-70

SUBJECT: Fiscal Year 2019-20 State of California Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant and Budget Adjustment

DEPARTMENT: Police Department

RECOMMENDATION:

It is requested that the City Council authorize the Escondido Police Department to accept the FY 2019-20 California Office of Traffic Safety (OTS) 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.

FISCAL ANALYSIS:

This action will have no impact on the FY 2019-20 General Fund Budget. Grant funds will be used for police officer overtime expenses related to traffic safety education activities and traffic safety supplies.

PREVIOUS ACTION:

The City Council accepted a FY 2018-19 Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000 on September 19, 2018.

BACKGROUND:

The Police Department received a FY 2019-20 State of California Office of Traffic Safety Pedestrian and Bicycle Safety Program Grant in the amount of \$25,000. Grant funds will enhance traffic safety programs from October 1, 2019, through September 30, 2020. The Police Department will use grant funds to pay for police officer overtime for educational programs related to bicycle and pedestrian safety. Grant funds will also cover bicycle helmets, educational materials, and safety supplies for community members.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Craig Carter*, Chief of Police  
9/9/2019 2:17 p.m.

ATTACHMENTS:

1. Budget Adjustment





CITY OF ESCONDIDO  
BUDGET ADJUSTMENT REQUEST

Date of Request: September 9, 2019  
Department: Police Department  
Division: Administration  
Project/Budget Manager: Lisa Rodelo 4905  
Name Extension  
Council Date (if applicable): September 25, 2019  
(attach copy of staff report)

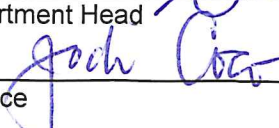
| For Finance Use Only |                     |
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| Log #                | _____               |
| Fiscal Year          | _____               |
| _____                | Budget Balances     |
| _____                | General Fund Accts  |
| _____                | Revenue             |
| _____                | Interfund Transfers |
| _____                | Fund Balance        |

| Project/Account Description | Account Number              | Amount of Increase | Amount of Decrease |
|-----------------------------|-----------------------------|--------------------|--------------------|
| Revenue                     | 4128-451-New project number | \$25,000           |                    |
| Police Grants               | 451-new project number      | \$25,000           |                    |
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Explanation of Request:

Budget adjustments are needed to receive grant funds and establish a spending account for salary, overtime and supply expenses related to the FY 2019-20 State of California Office of Traffic Safety Pedestrian Bike Safety Program Grant.

**APPROVALS**

|                                                                                                        |                        |              |      |
|--------------------------------------------------------------------------------------------------------|------------------------|--------------|------|
| <br>Department Head | <u>9-10-19</u><br>Date | City Manager | Date |
| <br>Finance         | <u>9/11/19</u><br>Date | City Clerk   | Date |

Distribution (after approval):

Original: Finance

## **CITY COUNCIL STAFF REPORT**

**Consent Item No. 7**

**September 25, 2019**

**File No. 0480-70**

**SUBJECT:** Rubberized Pavement Grant Program Application

**DEPARTMENT:** Engineering Services Department

**RECOMMENDATION:**

It is requested that the City Council adopt Resolution No. 2019-140 authorizing the Director of Engineering Services or her designee to submit an application(s) for the Rubberized Pavement Grant Program (Program) funds for an amount up to \$350,000 from the California Department of Resources Recycling and Recovery (CalRecycle); and if awarded, to accept the grant funds and complete the necessary documents required by CalRecycle for participation in the Rubberized Pavement Program in conjunction with the Citywide annual pavement maintenance program.

**FISCAL ANALYSIS:**

Grant funds will leverage funds programmed for the Citywide annual pavement program in order to use Rubberized Asphalt Concrete (RAC) products in addition to traditional asphalt paving materials. Grant awards are based on a flat rate of \$1.00 per square yard of installed rubberized chip seal material. Costs must be incurred for paving projects before April 1, 2022.

**PREVIOUS ACTION:**

On October 22, 2014, the City Council authorized the Public Works Director to apply for 2014 Rubberized Pavement Grant Program funds. The City of Escondido (City) received an award not to exceed \$147,144.

On October 19, 2016, the City Council authorized the Public Works Director to apply for 2016 Rubberized Pavement Grant Program funds. The City received an award not to exceed \$350,000.

**BACKGROUND:**

CalRecycle administers the Program in order to promote use of recycled-content surfacing products derived from waste tires generated in California, and decrease the adverse environmental impacts created by unlawful disposal and stockpiling of waste tires. Public Resources Code sections 40000 et seq. authorize CalRecycle to administer various grant programs in furtherance of the State of California's (State) efforts to reduce, recycle and reuse solid waste generated within the State, thereby preserving landfill capacity and protecting public health, safety and the environment.

RAC products are a proven road paving material that have been used in California since the 1970s. It is made by blending ground tire rubber with asphalt binder and conventional aggregate materials. Benefits include cost effectiveness, durability, safety, noise reduction, and an environmentally friendly alternative to traditional road paving materials.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Julie Procopio*, Director of Engineering Services  
9/18/2019 3:29 p.m.

ATTACHMENTS:

1. Resolution No. 2019-140

RESOLUTION NO. 2019-140

A RESOLUTION OF THE CITY COUNCIL CITY  
OF ESCONDIDO, CALIFORNIA, AUTHORIZING  
THE SUBMITTAL OF AN APPLICATION(S) TO  
CALRECYCLE FOR RUBBERIZED PAVEMENT  
GRANT PROGRAM

WHEREAS, Public Resources Code sections 48000, et seq., authorize the Department of Resources Recycling and Recovery ("CalRecycle") to administer various grant programs ("Grants") in furtherance of the State of California's ("State") efforts to reduce, recycle, and reuse solid waste generated within the State thereby, preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the application, awarding, and management of the Grants; and

WHEREAS, the CalRecycle grant application procedure require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

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

1. That the above recitations are true.
2. That the City Council authorizes the submittal of an application(s) to CalRecycle for the Rubberized Pavement Grant Program.
3. That the Director of Engineering Services, or his/her designee, is hereby authorized and empowered to execute, in the name of the City of Escondido, all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project.
4. That these authorizations are effective for five (5) years from the date of adoption of this Resolution.

## CITY COUNCIL STAFF REPORT

**Consent Item No. 8**

**September 25, 2019**

**File No. 0470-35**

SUBJECT: Bid Award for the Purchase of Live Rainbow Trout

DEPARTMENT: Finance Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2019-137 to approve the following:

1. Accept the second lowest responsive and responsible bid from Mt. Lassen Trout to purchase live Rainbow Trout by unit price for stocking at Dixon Lake and Lake Wohlford; and
2. Authorize the Deputy City Manager to execute a Purchasing Contract ("Contract") with Mt. Lassen Trout effective September 25, 2019, through June 30, 2020, with the option to renew the Contract on an annual fiscal year basis not to exceed a total of four consecutive years. Contract renewal options are contingent upon budget appropriations and satisfactory performance by the contractor.

FISCAL ANALYSIS:

In 2017, a Purchasing Contract was awarded to Calaveras Trout Farm for delivery of trout at a rate of \$3.89 per pound, with annual increases not to exceed 3 percent. In FY 2019, given these allowed price increases, the contract price with Calaveras Trout Farm would be \$4.13 per pound. However, due to circumstances beyond the control of Calaveras Trout Farm, they will not be able to supply Rainbow Trout to the City of Escondido ("City") for the remaining years of the contract because their fish stock had to be released.

To ensure the timely delivery of trout for stocking Lake Wohlford and Dixon Lake, staff recommends awarding the new contract to Mt. Lassen Trout, the second lowest bidder that submitted a responsive bid in 2017. Mt. Lassen Trout's original bid price was \$4.18 per pound with 3 percent annual increases similar to the bid of Calaveras Trout Farm. Including these annual price increases, the unit price bid from Mt. Lassen Trout will be \$4.44 per pound, with an estimated purchase quantity of 55,000 pounds per year for an estimated annual amount of \$244,200.

PREVIOUS ACTION:

On October 11, 2017, the City Council approved the bid award for stocking live Rainbow Trout to Calaveras Trout Farm, the lowest responsive and responsible bidder to City Request for Bid ("RFB") #18-03. Calaveras Trout Farm has successfully supplied fish to the City for the past two fiscal years. Due to circumstances beyond the control of the Calaveras Trout Farm, all of their fish stock had to be

released. On August 28, 2019, the City was notified via email that Calaveras Trout Farm was unable to supply live Rainbow Trout to the City per the Contract. The City's Purchasing department contacted the second lowest responsive and responsible bidder for RFB #18-03, Mt. Lassen Trout. They have agreed to supply live Rainbow Trout to the City at the same unit price on their original bid, including allowable annual contract price increases.

BACKGROUND:

The City operates and maintains Dixon Lake and Lake Wohlford. These lakes offer various outdoor activities including fishing. This Contract to purchase live Rainbow Trout is necessary to stock fish at these lakes. Load sizes shall be between 1,500 and 6,000 pounds per lake, and delivery will be required approximately fifteen times during the fishing season, which runs November through April. The total quantity of fish to be delivered will be up to a maximum of 55,000 pounds between the two lakes. Quantities required during renewal years may vary taking into consideration the City's needs and budget appropriations. On August 24, 2017, the City duly published a formal request for bids. Three (3) competitive bids were received and opened on September 7, 2017; the bid results were as follows:

|                          |                  |
|--------------------------|------------------|
| Calaveras Trout Farm     | \$3.89 per pound |
| Mt. Lassen Trout         | \$4.18 per pound |
| Chaulk Mound Trout Ranch | \$5.50 per pound |

On October 11, 2017, the Contract was awarded to Calaveras Trout Farm, who successfully supplied live Rainbow Trout to the City for two (2) consecutive contract years ending June 30, 2019. Calaveras Trout Farm notified the City on August 28, 2019, that they would be unable to provide live Rainbow Trout to the City for the foreseeable future. Due to this circumstance, Staff recommends awarding the Contract to Mt. Lassen Trout; the second lowest responsive and responsible bidder that conformed to the City's bid specifications and requirements.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Sheryl Bennett*, Deputy City Manager/Admin. Svs.  
9/18/2019 3:02 p.m.

*Joan Ryan*, Director of Finance  
9/18/2019 4:02 p.m.

ATTACHMENTS:

1. Resolution No. 2019-137

RESOLUTION NO. 2019-137

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
AUTHORIZING THE DEPUTY CITY  
MANAGER, TO EXECUTE, ON BEHALF OF  
THE CITY, A PURCHASING CONTRACT  
WITH MT. LASSEN TROUT FOR THE  
PURCHASE OF LIVE RAINBOW TROUT

WHEREAS, the City of Escondido ("City") operates and maintains Dixon Lake and Lake Wohlford; and

WHEREAS, the purchase of live Rainbow Trout is necessary to stock fish at the lakes to offer fishing activities; and

WHEREAS, the Calaveras Trout Farm supplied the City with live Rainbow Trout for two (2) consecutive contract periods, but advised the the City in August 2019 that they are unable to provide live Rainbow Trout for the foreseeable future; and

WHEREAS, Mt. Lassen Trout was determined to be the second lowest responsive and responsible bidder that conformed to the City's bid specifications and requirements; and

WHEREAS, Mt Lassen Trout has agreed to supply the City with live Rainbow Trout at their original unit price bid, with allowable increases for two contract periods; and

WHEREAS, the Deputy City Manager recommends awarding a Purchasing Contract ("Contract") to Mt. Lassen Trout effective September 25, 2019, through June

30, 2020, in the estimated amount of \$244,200, with four one-year renewal options for the purchase of live Rainbow Trout; and

WHEREAS, the Contract renewal options are conditional upon budget appropriations and satisfactory performance by the contractor; and

WHEREAS, price increases under the Contract renewal options are not to exceed three percent (3%) per each renewal year, subject to approval by the City; and

WHEREAS, the Contract amount is an estimated annual cost based on anticipated quantities; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to accept the recommendations by the Deputy City Manager, and award the bid to Mt. Lassen Trout.

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

1. That the above recitations are true.
2. That the City Council authorizes the Deputy City Manager to execute, on behalf of the City, a Contract for the remainder of this fiscal year with renewal options for the purchase of live Rainbow Trout in a form approved by the City Attorney.



## CITY COUNCIL STAFF REPORT

**Public Hearing Item No.9**

**September 25, 2019**

**File No. 0810-20**

SUBJECT: Appeal of Planning Commission Decision to Approve a Conditional Use Permit for a Wireless Communication Facility for PTI-T-Mobile (PHG 18-0016)

DEPARTMENT: Community Development Department, Planning Division

RECOMMENDATION:

It is requested that the City Council deny the appeal and uphold the Planning Commission decision to approve the project and adopt Resolution No. 2019-148.

Alternative Options:

Option A: Affirm the appeal, set aside the decision of the Planning Commission with findings reached by the City Council to deny the project, and adopt Resolution No. 2019-149.

Option B: Deny the appeal, but modify the decision of the Planning Commission (with or without amended conditions).

*Whether the City Council decides to uphold the Planning Commission's denial and approve the application (with or without amended conditions), or affirm the appeal and deny the application, the City Council should state the finding(s) along with reasons for its decision without prejudice.*

PROJECT DESCRIPTION:

The application consists of a Conditional Use Permit ("CUP") to construct a wireless communications facility consisting of twelve (12) panel antennas, twelve (12) remote radio units, and one (1) microwave dish antenna concealed within a new forty (40) foot tall stealth Monopine, and associated ground-mounted mechanical equipment within a twelve (12) foot by twenty (20) foot CMU block enclosure in the R-1-10 Zone (Single Family Residential, with 10,000 SF minimum lot size). The Planning Commission considered the application and voted to approve the project on July 23, 2019. The staff report and meeting minutes from that hearing are included as Attachments 2 and 3. The Office of the City Clerk received a timely filed appeal of the Planning Commission decision on August 1, 2019. The appeal, submitted by Mike Hendel on behalf of approximately fifteen (15) neighbors, is included with this report as Attachment 1. The appeal stated objections to the Planning Commission's approval. Staff's responses to the objections are provided in the Analysis section to the report.

LOCATION:

The 4.52-acre is located at 2534 East El Norte Parkway (APN 225-270-63-00), on the north side of East El Norte Parkway between East Tangelo Place and Sungold Way.

FISCAL ANALYSIS:

The action before the City Council is to consider a timely filed appeal of the Planning Commission's approval of the project. Application fees for entitlement permit services, including appeals of planning decisions, are collected at the time an application is submitted. These fees were established by the City Council to more fully recover the costs of staff time spent reviewing and processing the applications. City staff time to analyze the project and the basis of appeal. There is no fiscal impact associated with the staff recommendation.

PLANNING COMMISSION DECISION AND SUMMARY:

On July 23, 2019, the Planning Commission considered the project and received public testimony. The property owner and the applicant spoke in favor of the project indicating that the proposed facility was an allowed use in this zone and that the antenna was needed in this approximate location to fill gaps in coverage. One (1) business owner occupying the site spoke to Code Enforcement-related issues the neighbors had raised. Five (5) neighbors spoke against the project and expressed concerns regarding radio frequency ("RF") emissions, the intensification of uses, and the general condition of the site. The owners of eleven (11) neighboring properties, only some of whom spoke, provided letters detailing specific issues which were attached to the Planning Commission staff report.

The Planning Commission's preliminary review of the project resulted in a lengthy discussion about the activities occurring on the subject property and any health-related impacts associated with the proposed wireless communication facility. The Planning Commission's deliberations resulted in comments/suggestions regarding the occupancy and use intensity of the property. Initially the Planning Commission expressed deep concerns with the approval of the project and spent a considerable amount of time discussing whether the proposed CUP would exacerbate and expand the deterioration of bordering land uses or have a special effect on an area. The Planning Commission ultimately stated that the project's special conditions would help ensure a more lawful operation of the site. As conditioned by the Planning Commission, all code violations must be addressed prior to building permit issuance. This would ensure that corrective measures are in place to make the site more compatible with the aesthetics, mass, bulk, and character of existing and potential uses on adjoining properties in the general vicinity. With respect to RF emissions and any health-related risks, the Planning Commission determined that RF emissions cannot serve as a basis for denying or regulating wireless facilities to the extent that such facilities comply with the Federal Communications Commission ("FCC") regulations. At the conclusion of the deliberations, the Planning Commission voted 5-2 to approve the proposed CUP based on findings that the wireless communication facility was suitable for the site and surrounding neighborhood and that the special

conditions would re-establish lawful occupancy and use intensity, which would benefit the surrounding neighborhood.

The Planning Commission staff report and Planning Commission meeting minutes are provided as Attachments 1 and 2, respectively.

#### BACKGROUND:

The subject property was annexed to the City in 1988. Prior to the time of annexation, there existed certain non-residential uses on the property in addition to an existing residence. At the time of annexation, the property became subject to a residential zoning designation of R-1-10, which rendered the non-residential uses nonconforming. On May 13, 1988, a Certificate of Nonconforming Use was recorded honoring the scope and extent of land use activities in place at the time of annexation. With the construction of East El Norte Parkway in 2007, the property's original 4.52 acres was bifurcated so that 0.98 acres of the parcel remained south of El Norte Parkway and 2.56 acres remained to the north.

A Conditional Use Permit ("CUP") is required in order to construct a wireless communication facility within a residential zone, in accordance with Article 34 (Communication Antennas) of the Escondido Zoning Code. Per Article 61, Division 3, new, conforming uses can be placed on nonconforming properties. A CUP was issued by the Planning Commission, authorizing the project, on July 23, 2019. The appellant requests that the City Council overturn the Planning Commission's approval of the CUP. The City Council, in its de novo review of this appeal, must determine whether the proposed project meets the findings required for a CUP. The City Council may uphold the appeal or uphold the decision of the Planning Commission, in whole or in part, based upon these findings.

#### ANALYSIS:

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

The General Plan land-use designation for the subject site is Suburban (S), requiring single-family residential development. The zoning is R-1-10 (10,000 SF minimum lot size).

##### **2. Site Modifications and Site Standards**

The permit request consists of a modification to a previously recorded Certificate of Nonconformity. The Project proposal includes the construction of a wireless antenna array disguised as a faux pine tree and associated ground mounted equipment. The proposed use for a wireless communication facility within a residential zone is allowed with approval of a CUP in accordance with Article 34 (Communication Antennas) of the Escondido Zoning Code. The subject site is zoned residential with numerous nonconforming uses allowed on site. Article 61, Division 3, allows conforming uses to be placed on nonconforming properties. The 1988 Certificate of Nonconformity allows for other uses of the property, which may be permitted by the residential zoning so long as

they do not contribute in any way to the extension, enlargement or increase intensity of the uses described in the Certificate's Exhibit B. The physical/aesthetic aspects of this project include:

- Site Orientation: Integrated into the existing landscaping in front of the main residence
- Buffer: Existing trees, structures and a solid perimeter fence
- Topography: The highest point on the property is the northeastern corner closest to Hamlin Court. The proposed monopine will be installed at a lower area between the existing Building A and El Norte Parkway.
- Fencing: The property is enclosed with a chain link fence and slats at six (6) feet in height (maximum height allowable in the R-1 zone)
- Stealth Design: The antenna pole is clad in faux tree bark and faux pine foliage covers it to forty-five (45) feet in height to approximate a pine and integrate with other existing trees onsite of similar height

### **3. Site Operations**

In general, homes are more sensitive to changes that may result in increased noise, vibrations, or increased levels of traffic congestion. Non-residential uses are typically less sensitive to these types of changes because they interfere less with normal commercial, office, or industrial activities. The project would not result in the constant generation of any adverse noise, dust, odor or traffic impacts. The communications equipment is unmanned and will operate 24/7 without the need of onsite personnel. If the facility's backup generating equipment is needed, it will come on automatically and is contained within the block containment enclosure to buffer noise.

The subject, residentially zoned site has been operating with nonresidential land uses for some time. The nature and scope of the nonconforming uses was documented by the City with a certificate of nonconformity, issued in 1988. This essentially approves a specific amount of land use activity and authorizes the continuance of the nonconforming use of land. As such, nonconforming use may be continued even though such use does not conform to the revised provisions of applicable regulatory ordinances. This only applies if such use constitutes a legal nonconforming use as determined by the provisions of the Zoning Code. During the course of processing the CUP application, City staff learned that the actual land use activities occurring onsite exceeded the amount authorized by the 1988 Certificate of Nonconforming Use. These investigations are ongoing. To date, the Code Enforcement Division has to date issued two (2) Notices of Violation to occupants of the subject site and further investigations continue. It is important to note that these subsequent investigations concerning the project site were not available to the Planning Commission when they considered the CUP request on July 23, 2019. Copies of the Notices are included in this report as Attachment 6 and a full history of Code Enforcement activities is documented in Attachment 7.

#### 4. Supplemental Details of Request

1. Property Size (total): 4.52 acres
2. Property Size (north): 2.56 acres
3. Equipment Enclosure: CMU block enclosure with stucco finish to resemble adjacent residence. Size is proposed as twelve (12) feet wide, twenty (20) feet long and eight (8) feet tall without a roof
4. Antennas: Twelve (12) panel antennas each approximately six (6) feet high and twelve (12) inches wide, and one (1) microwave dish four (4) feet in diameter; Maximum antenna height is 35 feet
5. Antenna Structure: 40-foot tall faux Monopine designed to resemble a real pine tree in color and needle density
6. Proposed Buildings: 12' x 20' x 8' concrete block enclosure with stucco-finish to match adjacent residence and six-inch wood-trim cap
7. Equipment: Cabinets and other associated equipment within the block enclosure.
8. Hours of Operation: 24 hours (unmanned facility).
9. Setbacks to adjacent Properties from Monopine Structure:

|                                               |      |
|-----------------------------------------------|------|
| El Norte Parkway (front)                      | 85'  |
| South (nearest existing offsite resident)     | 225' |
| Northwest (nearest existing offsite resident) | 175' |
| Northeast (nearest existing offsite resident) | 290' |
10. Landscaping/screening: 3-foot screen wall around base of Monopine and additional shrubs around the equipment enclosure

#### 5. Appeal

The following is an overview of the appellant's position filed, along with staff's response:

- 1a. *Appellant's position* – The appellant stated that approximately fifteen (15) neighbors oppose the Planning Commission's CUP approval due to the uncertain risks of RF emissions.

- 1b. *Staff response* – While the applicant's original submittal included the required emissions summary indicating the proposal would operate below FCC limits, Planning staff requested further studies detailing those emissions and effects to the surrounding neighborhood. A RF Electromagnetic Fields Exposure Report was received on August 30, 2019, and corroborates their earlier summary. A copy of that report is included as Attachment 4.
- Federal law prohibits cities from considering RF emissions as a basis for denying or regulating wireless facilities if (as is the case here) the applicant has demonstrated that the proposed wireless facility complies with the FCC's RF emissions regulations. The City Council is therefore limited to reviewing and discussing the proposed design and location of the wireless facility and making findings based on the requirements in the ordinance and within the constraints of federal and state law governing the regulation of telecommunications facilities. The City Council should therefore focus its consideration of the appeal and the required findings based on the evidence in the record and considering the wireless facilities design and location criteria set forth in Article 34 of the Zoning Code.
- 2a. *Appellant's position* – The cell tower proposal does not use the latest, safest, and least noticeable equipment.
- 2b. *Staff response* – The proposed tower for PTI-T-Mobile is to fill gaps in current cell service. 5G has not been implemented in the City yet and is not proposed for this location.
- 3a. *Appellant's position* – The subject site is nonconforming as to land use agreements recorded in 1988. Neighbors want conditions that require the site to stay in compliance for a minimum period of 90 days and that perimeter walls be built.
- 3b. *Staff response* – When Planning staff learned of possible expansions of uses beyond those allowed by the 1988 Certificate of Nonconforming Use, they referred these matters to the Code Enforcement Division for further investigation. Code Enforcement subsequently opened an investigation and those investigations are ongoing. The issue of nonconformance and these two (2) conditions requested by

the appellant were raised and discussed by the Planning Commission on July 23, 2019. The Planning Commission ultimately voted not to include the conditions in their approval of the project.

- 4a. *Appellant's position* – The expansion of nonconforming uses has impacted surrounding property values and the introduction of a forty (40) foot cell tower only further compounds this issue.
- 4b. *Staff response* – Code Enforcement has to date issued two (2) Notices of Violation to occupants of the subject site and further investigations continue. Copies of the Notices are included in this report as Attachment 6 and a full history of Code Enforcement activities is documented in Attachment 7. In the opinion of City staff, the introduction of a permitted structure or use on a nonconforming site does not constitute an expansion of nonconformity as defined in the City's Zoning Code Sec. 33-1242(d).
- 5a. *Appellant's position* – Approval of the cell tower makes it less likely property will ever cycle into its intended residential use.
- 5b. *Staff response* – Wireless service facilities are allowed on R-1 zoned private properties after obtaining a Conditional Use Permit ("CUP") pursuant to Sec. 33-94. FCC regulations do not permit the City to arbitrarily deny such facilities otherwise allowed in the Code.
- 6a. *Appellant's position* – The Planning Commission's notice period was too short for neighbors to work with Code Enforcement and Planning Divisions.
- 6b. *Staff response* – Sec. 33-1300 requires all public hearings to be noticed within ten (10) days of the hearing. The Planning Commission hearing for this item on July 23, 2019 was properly noticed by: (1) mailing public notices out to property owners within 500' of the subject property on July 8, 2019, (2) running a legal notice in Times-Advocate on July 11, 2019; and (3) posting two (2) public notice signs on the subject property facing East El Norte Parkway on July 12, 2019. All duly noticed mailers and signs were made in advance of the Planning Commission meeting in accordance with law.

## **6. Allowed Uses, Structures, Vehicles and Storage per 1988 Certificate of Nonconformity**

1. Parking lots: Main lot is in the northeastern corner with additional parking available between the east edge of the tennis court and the eastern property line. No parking of equipment or vehicles in daily use are allowed in Area 1.
2. Number of Vehicles: Limited to fifteen (15) licensed heavy (dual rear axles) vehicles, ten (10) pieces of unlicensed equipment, ten (10) miscellaneous trailers and sixty (60) various cars and light duty (single rear axle) trucks.
3. Number of businesses: Due to the nonconforming nature of the site, the number of businesses are to remain at the same levels existing at the time of the Certificate's recordation.
4. Number of persons: The total number of employees and onsite residents are to remain at the same levels established in 1988.
5. Storage: Materials, parts, trailers and vehicles can be stored in areas 1, 2 and 3.
6. Maintenance activity: None allowed in Area 1. Light maintenance (defined as brake work and other minor equipment repairs) is allowed in Area 2. Heavy maintenance (defined as engine rebuilding, welding, etc.) is allowed in Area 3.
7. Hours of Operation: Monday through Friday seven (7) a.m. to six (6) p.m. and Saturdays, Sundays and holidays nine (9) a.m. and five (5) p.m.
8. Fueling of vehicles: No daily fueling of vehicles is allowed from any storage tanks except for the original underground tank and pump adjacent to Building A (the residence at the northwestern corner of the site).
9. Fuel Tank: One (1) 1000-gallon underground storage tank dating back to 1959 is noted in the 1965 Assessor's Building Record and mentioned in 1988 Exhibit B. County DEH has no record of this tank, yearly inspections or certifications. If no longer useable, such a structure cannot be replaced.
10. Fencing: A solid fence is to be maintained around the property. Storage in Area 1 cannot exceed the height of the fencing. Because this site and the surrounding properties all are zoned R-1, the maximum fence height allowed is six (6) feet.



11. Buildings: Only the buildings shown in Exhibit B's site plan may remain. These are:

- Building A: 5,208 SF single-story office/living space (original residence)
- Building A-1: 1,025 SF carport attached to Building A
- Building B: 561 SF pool area storage room
- Building C: 2,720 SF 2-story office building (original garage)
- Building D: 3,277 SF cabinet/woodworking shop building
- Building E: 3,177 SF storage/maintenance building
- Building F: 2,208 SF storage/light maintenance building

A 7,564 SF tennis court exists between Building E and El Norte Parkway. The swimming pool depicted west of Building A has been filled in. No expansion of existing buildings or construction of new buildings is allowed and no buildings may be erected in the El Norte Parkway right-of-way. Any structures listed above partially or completely destroyed for any reason shall not be replaced or rebuilt.

## **7. Supplemental Radio Frequency Report**

To be fully responsive to neighborhood concerns regarding RF emissions, Planning staff requested further RF information of the project applicant, asking for more detail on anticipated emissions and effects to the surrounding neighborhood. Dtech Communications, LLC was retained by the applicant to determine whether its proposed wireless communications facility at this location complies with the FCC's RF safety guidelines. A RF Electromagnetic Fields Exposure Report prepared by Dtech was received by Planning staff on August 30, 2019, and contains a computer-simulated analysis of the electromagnetic fields ("EMF") exposure resulting from the facility. A copy of that report is included as Attachment 4.

For persons standing in accessible areas on the ground and adjacent roof, calculations resulted in exposure levels below the FCC's most stringent General Population Maximum Permissible Exposure ("MPE") limits. At antenna elevation, the highest calculated exposure level, the overexposure area extends just forty-one (41) feet from the front face of the antennas. There are no buildings or surrounding structures at antenna elevation. Beyond forty-one feet, exposure levels are predicted to be below the FCC's most stringent MPE limits. The antennas are mounted on a tall tower and therefore not accessible by the general public. In all areas outside the subject property, exposure is shown as being at or below five (5) percent of MPE. Per FCC standards, individuals can safely occupy areas at or below MPE for an indefinite amount of time. As noted previously in the report, federal law prohibits cities from considering RF emissions as a basis for denying or regulating wireless facilities if (as is the case here) the applicant has demonstrated that the proposed wireless facility complies with the FCC's RF emissions regulations.

PUBLIC INPUT:

Eight (8) public speakers addressed the Planning Commission during the July 23, 2019, public hearing on this item. Although it was expected that radio frequency emissions would be brought up by surrounding residents, it was the predominant theme of oral testimony. They also raised concerns regarding intensification of uses at the site and various perceived Code violations.

- Kerrigan Diehl, Plancom, Inc., Applicant for the project, available for questions.
- Brian Wilson, owner of the property, spoke in favor of the project.
- Christina King, spoke in opposition to the project
- Mike Hendel, spoke in opposition to the project
- Andre White, spoke in opposition of the project
- Rosalie McChesney, spoke in opposition of the project
- Lisa Brown, spoke in opposition of the project
- Gail McMorran, owner of the AirX business on the subject site

The Planning Division of the City of Escondido requested further RF information of the project applicant, asking for more detail on anticipated emissions and effects to the surrounding neighborhood. The resulting RF Electromagnetic Fields Exposure Report was received on August 30, 2019 and corroborates their earlier summary reviewed at Planning Commission. A copy of that report is included as Attachment 4. Copies of additional public correspondence received as of the draft date of this report are included as Attachment 5.

ENVIRONMENTAL REVIEW:

The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15303, "New Construction of Small Structures." The Secretary of the California Resources Agency has determined that the projects in this class do not have a significant effect on the environment, and therefore are categorically exempt from CEQA.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Bill Martín*, Director of Community Development  
9/19/2019 10:57 a.m.

ATTACHMENTS:

1. Attachment 1 – Appeal of Planning Commission decision, filed Mike Hendel on August 1, 2019.
2. Attachment 2 – July 23, 2019 Planning Commission Staff Report
3. Attachment 3 – July 23, 2019 Planning Commission Minutes
4. Attachment 4 – RF Electromagnetic Fields Exposure Report of August 30, 2019
5. Attachment 5 – Public Correspondences Received Since the Planning Commission Hearing

T-Mobile Monopine Appeal (PHG18-0016)  
September 25, 2019  
Page 11

6. Attachment 6 – Copies of Code Enforcement's Notices of Violation
7. Attachment 7 – Code Enforcement History
8. Resolution No. 2019-148
9. Resolution No. 2019-148 - Exhibits A, B, C, and D
10. Resolution No. 2019-149
11. Resolution No. 2019-149 - Exhibits A and B



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

| FOR CITY USE ONLY                      |                    |
|----------------------------------------|--------------------|
| Application Code(s)                    |                    |
| Fee (Non-Refundable)                   | <u>11415</u>       |
| Receipt No.                            | <u>478451</u>      |
| Date Filed                             | <u>8/1/19</u>      |
| Council Hearing Date                   | <u>7/30</u>        |
| Planning Case File No. (if applicable) | <u>PHS-18-0016</u> |

## APPLICATION TO APPEAL A DECISION TO THE CITY COUNCIL

Applicant: Mike Hendel Phone: 619-540-0799  
 (Print)  
 Mailing Address: 743 Sungold Way Escondido 92027  
 (Street) (City) (Zip)  
 E-mail: mjhhendel@gmail.com Fax: NA  
 Legal Owner: C.E. Wilson or Wilson Family Phone:   
 (Print)  
 Property Address: 2534 E El Norte Parkway, Escondido  
 (Subject of Appeal)

Assessor Parcel Number: 225-270-63-00

Project Case Number (if appropriate): PHG 18-0016/Wireless Communication Facility, PTI-T-Mobile

Is legal owner aware of this application? ☐ Yes ☒ No

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

I am submitting this appeal on behalf of the approximately 15 neighbors who submitted their comments

in opposition to the Conditional Use Permit request for a cell tower and voiced their concerns about the current level of activity and noise on the property already. We oppose the CUP for the following reasons:

1. The uncertain risk associated with RF emissions. The staff report indicates the antennas will be 35' high but nearby homes are at a higher elevation than the tower base and therefore closer than 35' increasing the risk for these residents. Three new homes are being built west of the proposed tower site and they will be very close.

2. Reports on 5G technology state the antennas are much smaller and minimally obtrusive. If the tower must be approved legally, insist T-Mobile use the very latest, safest and least noticeable equipment.

(Justification for Appeal continued on additional page)

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

Michael Hendel  
 Signature of Applicant  
8/1/2019  
 Date

Conditional Use Permit PHG 18-0016 Wireless Communication Facility  
2534 E El Norte Parkway  
Justification for Appeal (continued)

3. The current property owner and businesses operating on the property are non-conforming to land use agreements and city residential ordinances and maybe more. At the Planning Commission meeting, neighbors requested additional conditions be placed on the property owner and businesses to ensure violations are permanently corrected and the property is brought up to the same wall/landscaping standards as the neighboring residential areas before building permits are issued. The Planning Commission did not discuss any of the proposed additional conditions. The following conditions need to be reviewed and approved for the best possible outcome for the city and the neighbors.

- the property must be in conformance with all relevant land use and residential ordinance requirements for a period of 90 days without Code Enforcement involvement before building permits are issued. This is requested because the property owner and tenants have continually abused the land use agreements and residential ordinances.
- The property owner must bring the El Norte Parkway property fence line up to the standards of the residential areas to the east and west of the property, which includes block walls and abundant landscaping/vegetation to minimize the negative effect of a business in the middle of single-family homes.
- The property owner must build block walls with landscaping and sound barriers to reduce the visual and noise pollution created by the businesses along all borders that connect with residential areas to minimize the negative effect of a business in the middle of single-family homes.

4. The business uses, which have expanded significantly since Chaparral Glen and Chaparral Ridge communities were built, impacts the property values of homes near the property. Several home sales were lost due to prospective buyers cancelling their contracts because of the noise, dust and activity coming from the property. The 40' cell tower will only compound this issue and make a bad situation worse.

5. Current revenue already received by the property owner for the significantly expanded current activities likely motivates the owner to never sell the site to be used for its single family residential zoned purpose. Approving the cell tower and the significant rental revenue the owner will receive from T-Mobile will essentially make this property a permanent business site as the marketability of the property to developers and prospective buyers will be significantly reduced which in turn impacts the values of all surrounding homes.

6. Although the notice of the CUP was distributed according to state regulations, the neighbors only received the notice a week before the Planning Department staff had to issue their report. The Planning Department received significant feedback on the opposition to the tower and the other violations occurring on the site. The neighbors want to work more closely with the Planning Department, Code Enforcement and other departments to ensure the interests of the neighbors receive greater consideration than the Planning Department and the Commission were able to give them due to the very short time frame from notice to voting.



# PLANNING COMMISSION

Agenda Item No.: G.2  
Date: July 23, 2019

**PROJECT NUMBER / NAME:** PHG 18-0016 / Wireless Communication Facility, PTI-T-Mobile

**REQUEST:** A Conditional Use Permit to install a wireless communications facility consisting of 12 panel antennas, 12 remote radio units, and one microwave dish antenna concealed within a new 40' tall stealth mono-pine, and associated ground-mounted mechanical equipment within a 12' x 20' CMU block enclosure in the R-1-10 (Single Family Residential, 10,000 SF minimum lot size) zone. The proposal also includes the adoption of the environmental determination prepared for the project.

**LOCATION:** 2534 East El Norte Parkway

**APPLICANT:** Plancom for  
PTI-T-Mobile

**APN / APNS:** 225-270-63-00

**PRIMARY**

**GENERAL PLAN / ZONING:** Suburban / R-1-10

**REPRESENTATIVE:** Kerrigan Diehl

**DISCRETIONARY ACTIONS REQUESTED:** Conditional Use Permit

**PREVIOUS ACTIONS:** Planning Case 88-89-PPL

**PROJECT PLANNER:** Paul K. Bingham, Assistant Planner II  
[pbingham@escondido.org](mailto:pbingham@escondido.org)

**CEQA RECOMMENDATION:** Exempt (CEQA Guidelines Section 15303, "New Construction of Small Structures")

**STAFF RECOMMENDATION:** Conditional Approval

**REQUESTED ACTION:** Approve Planning Commission Resolution No. 2019-14

**CITY COUNCIL HEARING REQUIRED:** ☐ YES ☒ NO

**REPORT APPROVALS:** ☐ Bill Martin, Community Development Director  
☒ Mike Strong, Assistant Planning Director

**A. BACKGROUND:**

The subject property was annexed to the City in 1983. Prior to the time of annexation, there existed certain non-residential uses on the property in addition to an existing residence. At the time of annexation, the property became subject to a residential zoning designation of R-1-10, which rendered the non-residential uses nonconforming. On May 13, 1988, a Certificate of Nonconforming Use was recorded honoring the scope and extent of land use activities in place at the time of annexation. With the construction of East El Norte Parkway in 2007, the property's original 4.52 acres was bifurcated so that 0.98 acres of the parcel remained south of El Norte Parkway and 2.56 acres remained to the north. A letter issued by the Director of Community Development on October 2, 2007 restated and clarified the allowable nonconforming uses for the new configuration.

The requested Conditional Use Permit is required in order to construct a wireless communication facility within a residential zone, in accordance with Article 34 (Communication Antennas) of the Escondido Zoning Code. Per Article 61, Division 3, new, conforming uses can be placed on nonconforming properties.

**B. PROJECT ANALYSIS:**

T-Mobile is proposing to install a wireless communications facility on the subject property consisting of 12 panel antennas and 12 remote radio units concealed within a new 40' tall stealth mono-pine. This is proposed to be on the northern portion of the property in the front yard area of the existing residence/office known as building "A". Adjacent to this antenna structure, the applicant proposes to install the ground-mounted mechanical equipment necessary to operate the facility hidden behind a 12' x 20' CMU block enclosure. All utilities and cabling from the enclosure to the mono-pine are to be undergrounded.

The antennas placed on the proposed mono-pine structure will reach a maximum height of 35 feet, in conformance with the height limit of the property's R-1-10 zoning. The applicant proposes an additional 5' of matching simulated pine foliage to round out the top of the tree and help the structure better resemble a natural pine tree. Past practice has been to allow antenna structures concealed as faux trees to include simulated foliage beyond the zone's height limit to create a more natural looking tree.

The mono-pine would be located approximately 215 feet from the closest off-site residence, and would be set back approximately 85 feet from the sidewalk along East El Norte Parkway. The facility would be at least 20 feet away from the closest existing structure on the subject property, however an emissions study prepared for the project shows that the levels of exposure in surrounding structures and on the ground are within the required levels of safety.

Pursuant to Article 34, Section 33-703 of the Escondido Zoning Code, the five principles described below shall serve as general guidelines for the placement of wireless communication facilities:

- (a) Height guidelines- Utilizes lowest profile technology. Personal wireless facilities should be designed to be in scale with surrounding buildings and tree heights. Use existing structures as opposed to introducing new ones. Encourage facilities that meet the zone's height standards;
- (b) Location guidelines- which requires the avoidance of proliferations that create or compound undesirable visual impacts, but also encourage co-locations, where appropriate. The principle also applies to wireless communication facilities proposed to be located in residential zones, to encourage single sites utilizing stealth designs and latest technology, ensure full aesthetic integration of new facilities into the proposed locations, ensure the mass and scale of the proposed facility are not excessive in order to meet the carrier's reasonable coverage objectives;
- (c) Stealth technology guidelines- Encourage creative, unobtrusive stealth technology;
- (d) Older facility guidelines- encourage older facilities to upgrade using less obtrusive technology; and
- (e) Emission guidelines- Ensure that emissions do not exceed federal thresholds.

City staff reviewed the plans for issues such as siting, architecture, zoning compliance, landscaping, engineering, building requirements, safety, and other standards described in Article 34 of the Zoning Code. On June 27, 2019, the Design Review committee considered the project and recommended approval with the conditions that all utilities running between the CMU enclosure and the base of the mono-pine be placed underground, and that a three-foot high screen wall be added at the mono-pine's base. The applicant has subsequently agreed to these added conditions.

### **C. NEIGHBORHOOD CONCERNS**

Public notice was provided for this project pursuant to Section 33-1300 of the Escondido Zoning Code. Upon receipt of the notice, property owners in the project vicinity contacted City staff to voice their concerns with the project, as well as the general conditions and use of the project site. Copies of all correspondence received by the Planning Division prior to publication of this report have been attached hereto.

Project-related concerns focused primarily on RF emissions, as well as the expansion of the non-residential nature of the project site. Staff has reviewed the RF report, and has determined that emissions from the proposed facility would fall below the maximum allowed by the FCC for wireless communication facilities. As long as this is the case, the City cannot take RF-related concerns into consideration when making a decision to approve or deny an application for a wireless communication facility.



The concerns raised by neighboring property owners with regard to the general condition and use of the subject property involve a possible expansion of its legal nonconforming uses which would be in violation of the City Code and the Certificate on Nonconforming Use that was recorded shortly after annexation. Specific issues identified in the correspondence received by the City so far include daily worker and equipment noise at all hours, extensive storage of campers, trucks, trailers and cargo containers on site, piles of tree trimming debris, the dumping of slurry in multiple pits to dry and be hauled off later, large numbers of cars and trucks coming and going, a sign advertising available contractor storage, and trailers being parked temporarily in the adjacent residential neighborhood.

Planning Division staff has requested that the Code Enforcement Division investigate the issues identified above. As of the date of publication of this staff report, a code enforcement case has opened and an investigation will be conducted to determine the nature of any code violations on the subject property, and identify actions necessary to resolve said violations. A condition of approval has been added to the Draft Resolution No. 2019-14 that would require all code violations to be corrected prior to issuance of any building permits necessary to construct the subject wireless communication facility. This will have the effect of bringing the property into conformance with the Certificate of Nonconforming Use recorded against the property in 1988 and modified by the Director of Community Development in 2007, as described in the Background section of this report.

**D. SUPPLEMENTAL DETAILS OF REQUEST**

1. Property Size (total): 4.52 acres
2. Property Size (north side): 2.56-acres
3. Concealment Structure: 40-foot tall faux mono-pine designed to resemble a real pine tree in color and needle density
4. Equipment Enclosure: 12' x 20' x 8' block enclosure with stucco-finish to match adjacent residence and six-inch wood-trim cap.
5. Antennas: Twelve (12) panel antennas each approximately six (6) feet high and twelve (12) inches wide, and one (1) microwave dish four (4) feet in diameter. Maximum antenna height is 35 feet.
6. Equipment: Cabinets and other associated equipment within equipment enclosure
7. Hours of Operation: 24 hours, unmanned

8. Setbacks to Adjacent Properties from Mono-pine:

|                               |      |
|-------------------------------|------|
| El Norte Pkwy (Front)         | 85'  |
| South (nearest resident)      | 225' |
| Northwest (nearest resident): | 175' |
| Northeast (nearest resident)  | 290' |

9. Landscaping/screening: 3-foot screen wall around base of mono-pine and additional shrubs around the equipment enclosure.

**E. ENVIRONMENTAL STATUS:**

The proposed project is exempt from environmental review in conformance with the California Environmental Quality Act (CEQA) Section 15303, "New Construction of Small Structures".

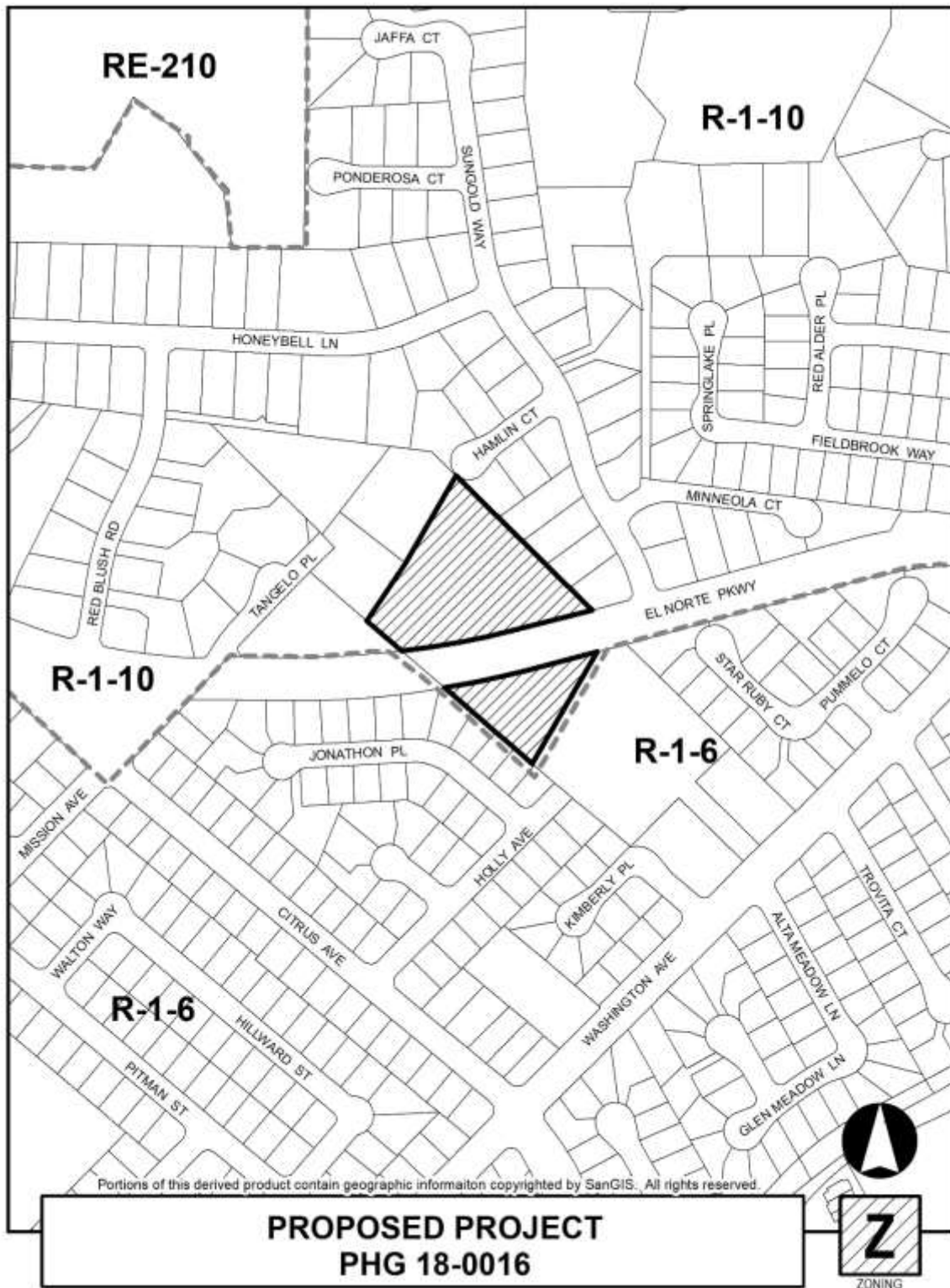
**F. CONCLUSION AND RECOMMENDATION:**

The Planning Commission is the authorized agency for reviewing, denying and granting discretionary approvals related to major Conditional Use Permits. The Planning Commission is being asked to consider this Conditional Use Permit for a forty (40) foot tall wireless communication facility designed to resemble a pine tree. The Planning Commission may approve, conditionally approve, or deny the proposed plan. No other discretionary permits are requested or required for the proposed scope of work.

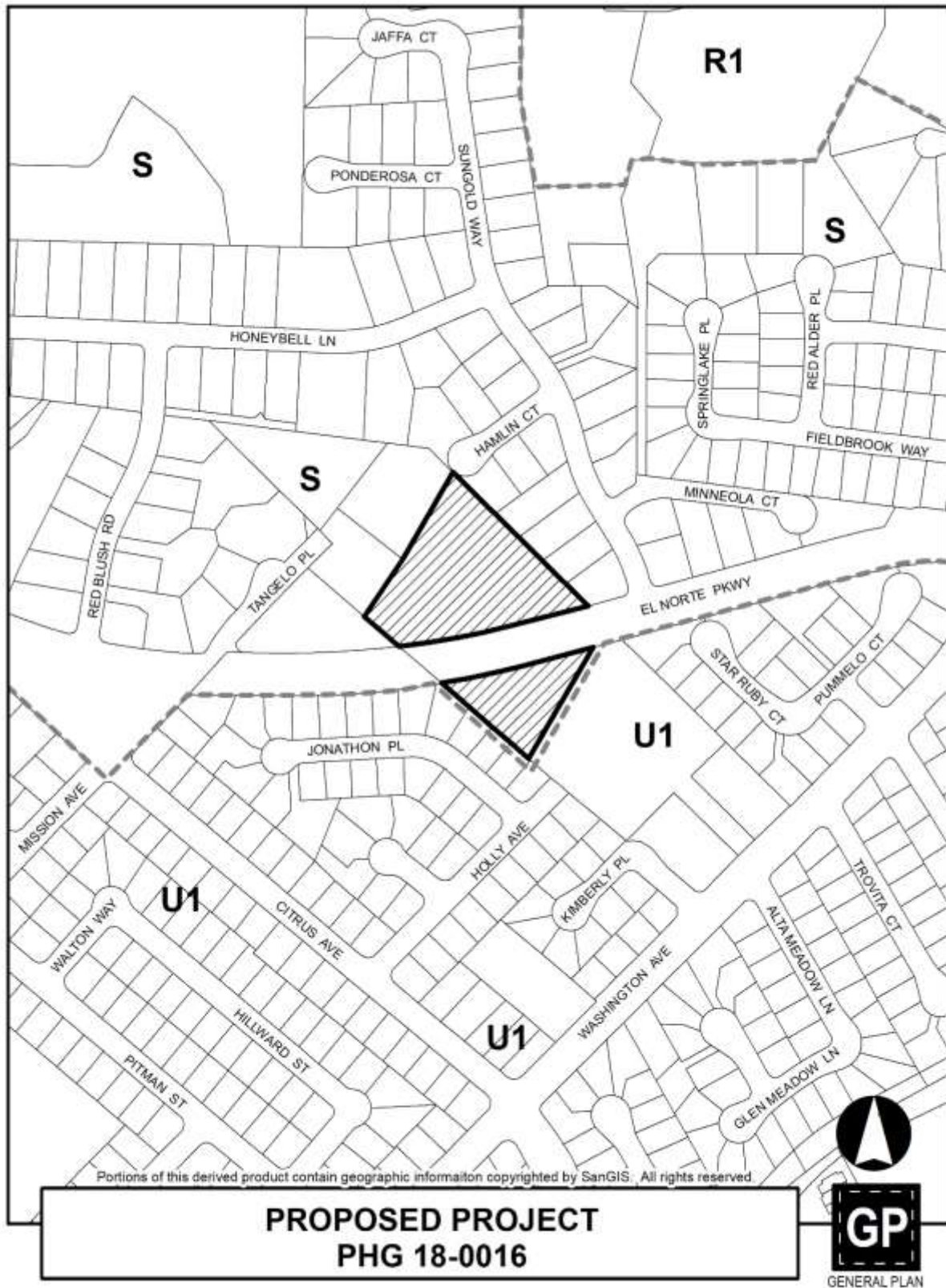
City staff recommends the Planning Commission approve Planning Case No. PHG18-0016 based on the Findings of Fact and subject to the Conditions of Approval attached to Planning Commission Resolution 2019-14 as Exhibits "C" and "D," respectively. The proposed project is consistent with the Article 34 of the Escondido Zoning Code, and the location, size, design and operating characteristics of the proposed project will be compatible with adjacent land uses. The Conditions of Approval cited above will ensure that any nonconforming uses that were not legally established will be abated prior to installation of the proposed project.

**ATTACHMENTS:**

1. Location and General Plan Map
2. Draft Planning Commission Resolution No. 2019-14
3. Public Correspondence



## ATTACHMENT 1



## ATTACHMENT 2

Planning Commission

Hearing Date: July 23, 2019

Effective Date: August 3, 2019

### PLANNING COMMISSION RESOLUTION NO. 2019-14

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A CONDITIONAL USE PERMIT TO  
INSTALL A WIRELESS COMMUNICATIONS  
FACILITY FOR PTI-T-MOBILE AT 2534 EAST EL  
NORTE PARKWAY

APPLICANT: Plancom, Inc. (for PTI-T-Mobile)

CASE NO: PHG 18-0016

WHEREAS, Plancom, Inc., on behalf of PTI-T-Mobile (herein after referred to as "Applicant"), filed a land use development application (Planning Case No. PHG 18-0016) constituting a request for a Conditional Use Permit (CUP) to allow installation of a Wireless Communication Facility consisting of 12 panel antennas, twelve 12 remote radio units, and one (1) microwave dish antenna, concealed within a new 40-foot tall stealth mono-pine, and associated ground-mounted mechanical equipment within a 12' x 20' CMU block enclosure, as provided in Exhibit "B" attached hereto, on a 4.52 acre site located at 2534 East El Norte Parkway (APN 225-270-6300), in the R-1-10 Zone; and

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

WHEREAS, the land use development application was submitted to, and processed by, the Planning Division of the Community Development Department in accordance with the rules and regulations of the Escondido Zoning Code and the

applicable procedures and time limits specified by the Permit Streamlining Act (Government Code Section 65920 et seq.) and California Environmental Quality Act (“CEQA”) (Public Resources Code Section 21000 et seq.); and

WHEREAS, Wireless Communication Facilities are conditionally permitted uses within the R-1-10 Zone, subject to the approval of a Conditional Use Permit, in accordance with Section 33-703 of the Escondido Zoning Code; 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; and

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

WHEREAS, the Planning Commission of the City of Escondido did, on July 23, 2019, hold a duly noticed public hearing as prescribed by law. At said hearing, this Planning Commission received and considered the reports and recommendation of the Planning Division and gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter. Evidence was submitted to and considered by the Planning Commission, including, without limitation:

- a. Written information including plans, studies, written and graphical information, and other material, submitted by the Applicant;
- b. Oral testimony from City staff, interested parties, and the public;

- c. The staff report, dated July 23, 2019, with its attachments as well as City staff's recommendation on the Project, which is incorporated herein as though fully set forth herein; and
- d. Additional information submitted during the public hearing; and

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

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

1. That the above recitations are true and correct.
2. The proposed project is exempt from environmental review in conformance with the California Environmental Quality Act (CEQA) Section 15303, "New Construction of Small Structures".
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 "C," 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 "D" is hereby **approved** by the Planning Commission. 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, directs that a Notice of Exemption be filed with the County Clerk of the County of San Diego in accordance with CEQA Guidelines.

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. This Project is conditionally approved as set forth on the application and project drawings, all designated as approved by the Planning Commission, and shall not be altered without the express authorization by the Planning Division. Any deviations from the approved plans shall be reviewed by the City for substantial compliance and may require amendment by the appropriate hearing body.

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

1. NOTICE IS HEREBY GIVEN that the Project is subject to dedications, reservations, and exactions, as specified in the Conditions of Approval. The Project is subject to certain fees described in the City of Escondido's Development Fee Inventory on file in both the Community Development and Engineering Services Departments. The Applicant shall be required to pay all development fees of the City then in effect at the time and in such amounts as may prevail when building permits are issued. It is the City's



intent that the costs representing future development's share of public facilities and capital improvements be imposed to ensure that new development pays the capital costs associated with growth. The Applicant is advised to review the Planned Fee Updates portion of the web page, [www.escondido.org](http://www.escondido.org), and regularly monitor and/or review fee-related information to plan for the costs associated with undertaking the Project.

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

PASSED, ADOPTED AND APPROVED by a majority vote of the Planning Commission of the City of Escondido, California, at a regular meeting held on the 23<sup>rd</sup> day of July, 2019, by the following vote, to wit:

|            |                |
|------------|----------------|
| AYES:      | COMMISSIONERS: |
| NOES:      | COMMISSIONERS: |
| ABSTAINED: | COMMISSIONERS: |
| ABSENT:    | COMMISSIONERS: |

\_\_\_\_\_  
JAMES SPANN, Chairman  
Escondido Planning Commission

ATTEST:

\_\_\_\_\_  
MIKE STRONG, Secretary of the  
Escondido Planning Commission

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

\_\_\_\_\_  
KIRSTEN PERAINO, Minutes Clerk  
Escondido Planning Commission

Decision may be appealed to City Council  
pursuant to Zoning Code Section 33-1303

**EXHIBIT "A"**  
**Legal Description**  
**PHG 18-0016**

SITUATE IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA:

PARENT PARCEL:

ALL THOSE PORTIONS OF LOTS 3 AND 8 IN BLOCK 175 OF THE SUBDIVISION OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723 BY J.M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

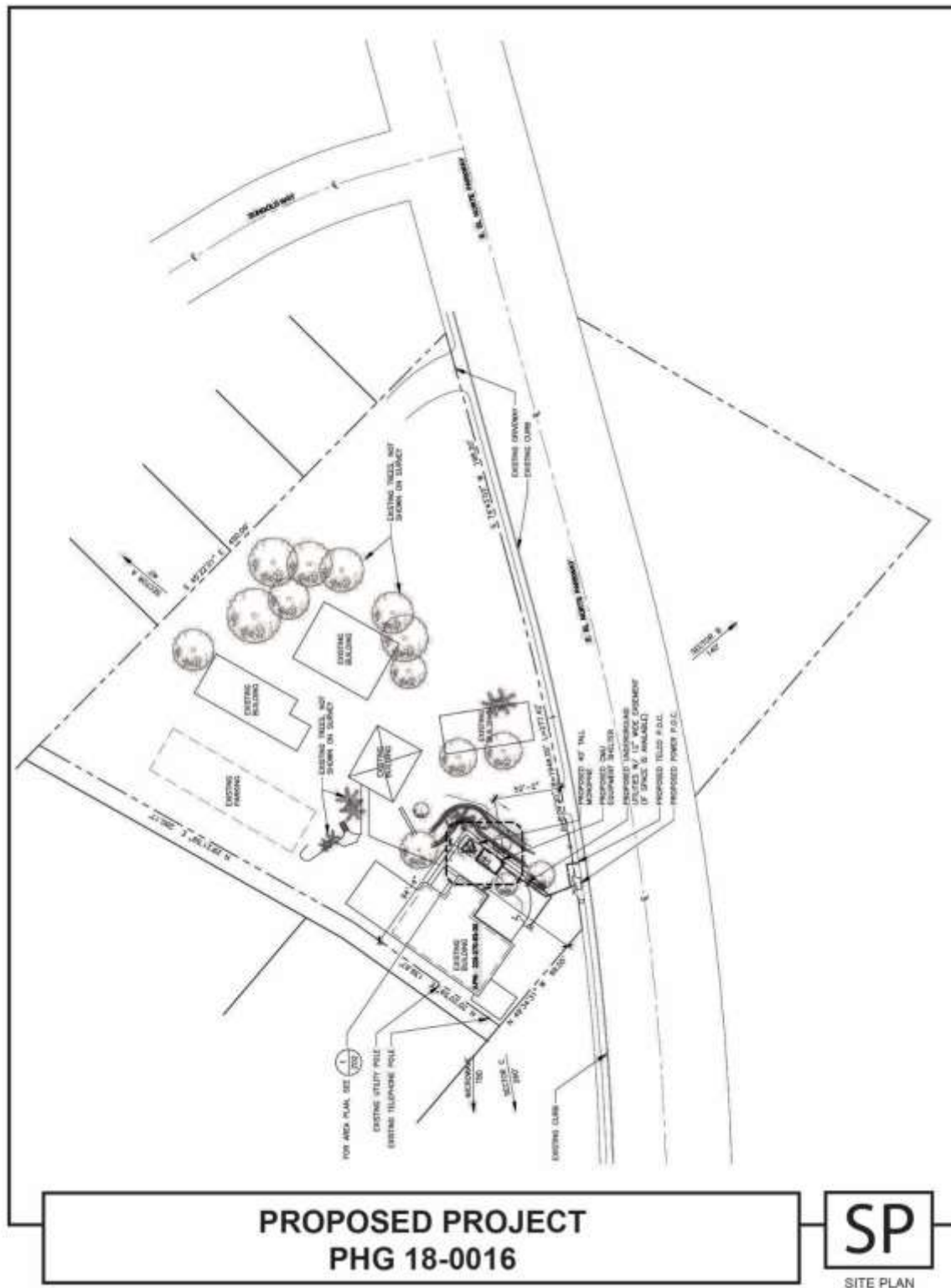
BEGINNING AT A POINT ON THE LINE COMMON TO LOT 2 OF SAID BLOCK 175 AND SAID LOT 3 FROM WHICH THE CORNER COMMON TO SAID LOTS 2 AND 3 OF BLOCK 175 ON THE NORTHWESTERLY LINE OF THAT CERTAIN UNNAMED ROAD LYING SOUTHEASTERLY OF AND ADJACENT TO SAID LOTS 2 AND 3 OF BLOCK 175 BEARS SOUTH 45°35'15" EAST A DISTANCE OF 634.69 FEET; THENCE NORTH 45°35'15" WEST ALONG THE SAID LINE COMMON TO LOTS 2 AND 3 A DISTANCE OF 513.85 FEET; THENCE SOUTH 29°08'45" WEST 280.17 FEET; THENCE SOUTH 35°07'45" WEST 139.67 FEET, MORE OR LESS TO THE SOUTHWESTERLY LINE OF SAID LOT 8; THENCE SOUTH 49°47'45" EAST ALONG SAID SOUTHWESTERLY LINE 516.10 FEET TO A POINT FROM WHICH THE CORNER COMMON TO LOTS 3, 8 AND 4, BLOCK 175 ON THE NORTHWESTERLY LINE OF THAT CERTAIN UNNAMED STREET LYING SOUTHEASTERLY AND ADJACENT TO SAID LOTS 3, 8 AND 4, BLOCK 175 BEARS SOUTH 49°47'45" EAST A DISTANCE OF 540.35 FEET; THENCE NORTH 29°42'45" EAST A DISTANCE OF 382.68 FEET TO THE POINT OF BEGINNING.

TAX I.D. NUMBER: 225-270-63-00

BEING THE SAME PROPERTY CONVEYED TO CARROLL E. WILSON AND PATRICIA J. WILSON, HUSBAND AND WIFE, AND BRIAN C. WILSON AND SHARON A. WILSON, HUSBAND AND WIFE, ALL AS TENANTS IN COMMON, GRANTEE, FROM CARROLL E. WILSON AND PATRICIA J. WILSON, TRUSTEE, OR HIS/HER SUCCESSORS IN TRUST, UNDER THE WILSON LIVING TRUST, DATED AUG. 9, 1990, AND ANY AMENDMENTS THERETO, AS TO AN UNDIVIDED 50% INTEREST AND BRIAN C. WILSON AND SHARON A. WILSON, TRUSTEES OF THE WILSON REVOCABLE DECLARATION OF TRUST DATED MAY 5, 1998, AS TO AN UNDIVIDED 50% INTEREST, GRANTOR, BY DEED RECORDED 06/16/1999, AS INSTRUMENT #1999-0422211 OF THE SAN DIEGO COUNTY RECORDS.

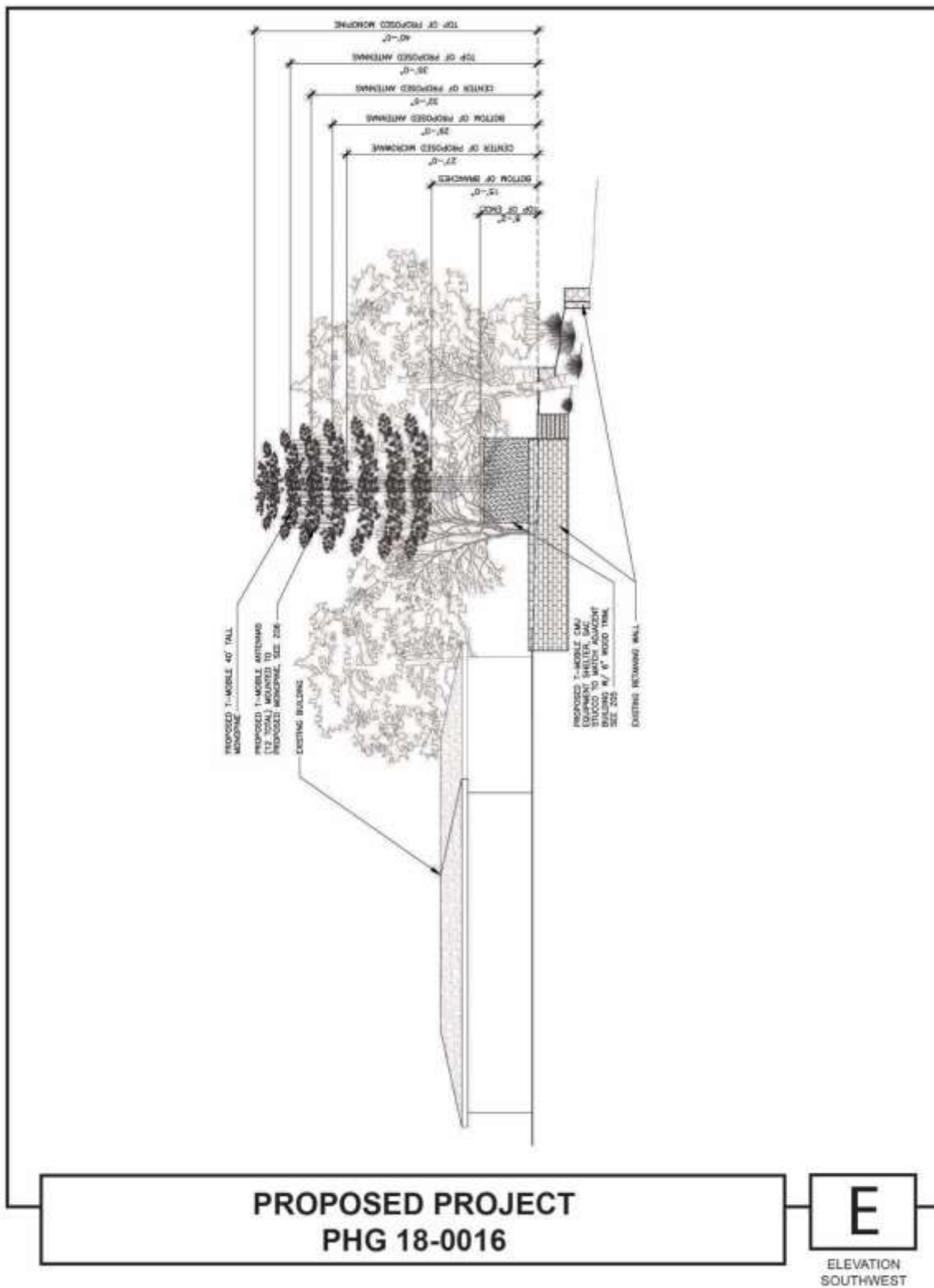
END OF SCHEDULE A

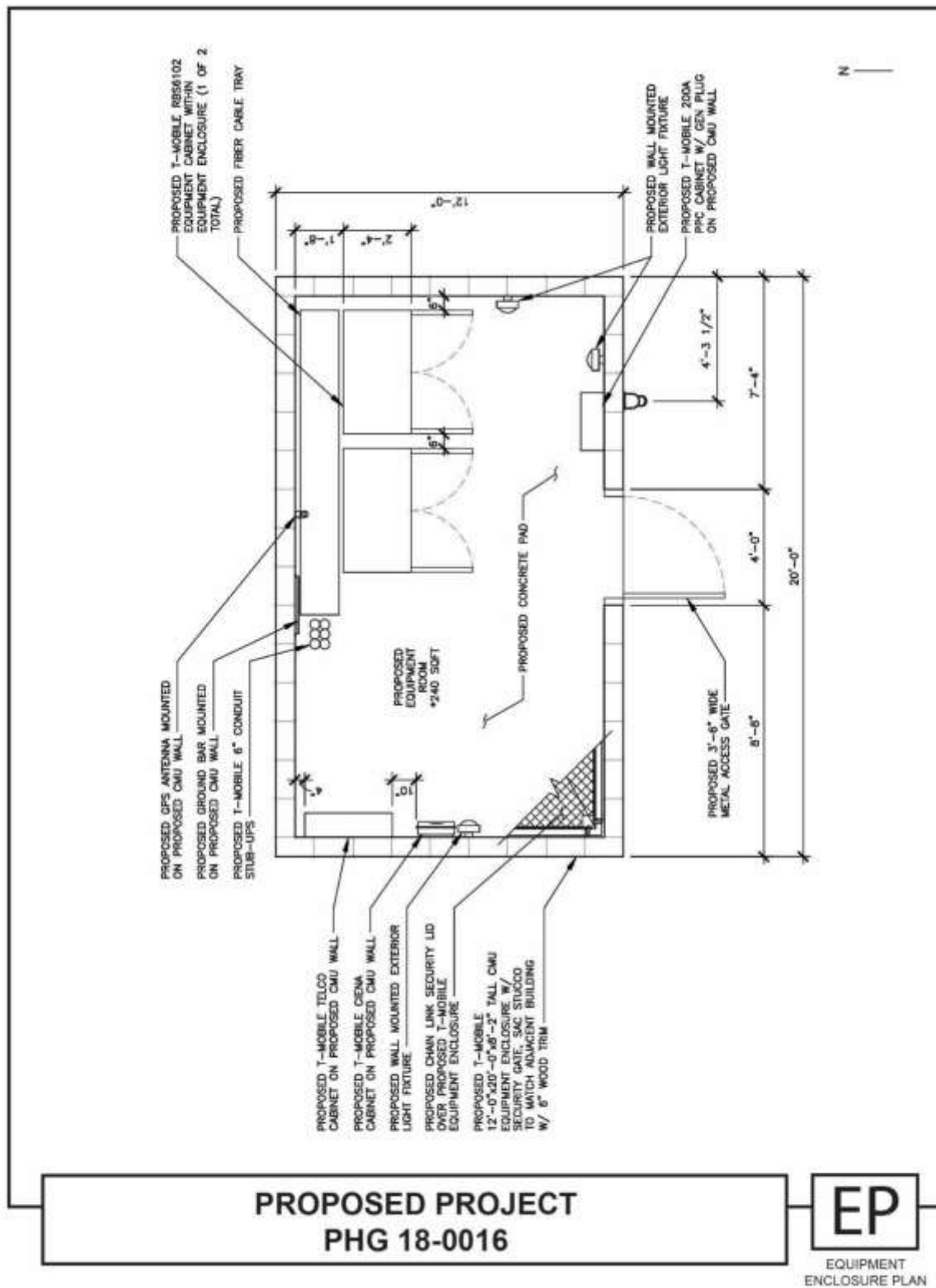
EXHIBIT "B"  
PROJECT PLANS  
PHG 18-0016















**EXHIBIT “C”  
FINDINGS OF FACT  
PHG 18-0016**

**Environmental Determination:**

The proposed project is exempt from environmental review in conformance with the California Environmental Quality Act (CEQA) Section 15303, “New Construction of Small Structures.”

**Conditional Use Permit:**

1. All decisions granting or denying Conditional Use Permits shall be made in accordance with Section 33-1203 of the Escondido Zoning Code (Findings for Conditional Use Permits). The new construction of a wireless communication facility has been reviewed and the Planning Commission concludes and finds, based on the analysis of the project described in the July 23, 2019, Planning Commission Staff Report, that:
  - a. Approving the proposed Conditional Use Permit to allow the installation of a wireless communication facility would be based upon sound principles of land use and in response to the services required by the community because the placement of the wireless antenna structure will facilitate wireless communication services in the northeast portion of the City. In addition, the facility has been designed to resemble a pine tree and will not create a substantial alteration of the visual environment.
  - b. Granting the proposed Conditional Use Permit will not cause deterioration of bordering land uses or create special problems for the area in which it is located because the facility has been designed to blend in with existing vegetation and structures on the site, and RF emissions generated by the proposed facility would be below the FCC’s accepted safety standards. Additionally, Conditions of Approval will also be placed on the project which would help minimize adverse impacts to the property and address existing and future nuisance issues.
  - c. The proposed Conditional Use Permit has been considered in relationship to its effect on the neighborhood. It has been determined to be compatible with the surrounding neighborhood because it will be located on a property with other mature trees, all antennas and radio units will be appropriately screened by the branches and needles of the proposed faux mono-pine tree on which they are mounted, and all associated ground-mounted equipment will be placed within a block equipment enclosure in scale with and stucco-finished and painted to match the adjacent residential structure.

**EXHIBIT “D”  
PROJECT CONDITIONS OF APPROVAL  
PHG 18-0016**

1. All construction and operations shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the City. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City requirements in effect at the time of building permit issuance.
2. The applicant shall be required to pay all development fees of the City in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
3. The proposed wireless communication facility shall be in substantial conformance with the plans attached as Exhibit “B” hereto, to the satisfaction of the Planning Division, except as modified by these Conditions of Approval.
4. Any proposed construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Building Division, Fire Department and Engineering Services Department.
5. The legal description attached as Exhibit “A” hereto, 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.
6. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting.
7. All new utility service shall be installed underground or kept within the structure.
8. The proposed antennas shall reach a maximum height of 35 feet, with the overall height of the mono-pine “tree” being 40 feet high.
9. The proposed equipment enclosure shall be stucco-finished and painted to match the adjacent residential structure, and shall include a wooden trim cap.
10. Socks shall be installed over and around the antennas and all antennas, radio units, associated equipment, brackets, mounting arrays, etc., shall be painted to match the needles on the faux mono-pine tree.
11. Faux pine needles shall be of a sufficient density to adequately screen the proposed antennas and other equipment mounted on the faux mono-pine from view, to the satisfaction of the Planning Division.
12. A screen wall three feet high shall be installed around the base of the mono-pine to screen the bolts and other footing material from view.
13. Additional vines, shrubs or other landscaping material shall be installed in front of the proposed block wall enclosure facing El Norte Parkway and shown on the building plans to the satisfaction of the Planning Division.

14. The trunk and branches of the faux pine tree shall be textured and finished to appear as natural tree bark and so noted on the building plans, to the satisfaction of the Planning Division.
15. The GPS antenna units shall be painted to match the building or wall, which shall be noted on the building plans to the satisfaction of the Planning Division.
16. No equipment placed within the equipment enclosure shall protrude above the top of the enclosure.
17. Any support poles, brackets, cable runs and other support equipment shall be painted to match/blend with the varying colors and textures of the tree, and/or equipment enclosure. These shall be clearly noted on the building plans to the satisfaction of the Planning Division.
18. An appropriate number of branches shall be incorporated into the faux pine tree to create a natural shape and to appropriately screen the antenna panels. This shall clearly be indicated on the building plans and an example in the form of a photo of another faux mono-pine tree with the same number of antennas and RRUs as proposed shall be submitted with the building plans for approval.
19. This project shall conform to the Public Art Partnership Program, Article 37 of the Escondido Zoning Code.
20. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning, Engineering, and Building Divisions have been completed.
21. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.
22. An inspection by the Planning Division will be required prior to operation of the project. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4306 to arrange a final inspection.
23. If at the time of Planning final inspection, it is determined that sufficient screening has not been provided, the applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
24. The applicant, or any subsequent operator/leaseholder, hereby agrees to investigate complaints related to possible interference with electronic equipment in the surrounding area, to determine the cause of the interference. If this facility is determined to be the cause of the electronic interference, T-Mobile, or any subsequent operator/leaseholder, shall solve the problem in a timely manner to the satisfaction of the complainant and the Director of Community Development. Any interference with Fire Department or public safety communications shall be corrected immediately to the satisfaction of the City of Escondido.
25. The applicant shall coordinate with the City of Escondido to select a qualified, independent, third party to conduct actual power density measurements of the facility within ninety (90) days of installation and full operation. The results of the study shall be submitted to the Director of

Community Development so that the theoretical power density study can be compared to the actual output and ensure compliance with FCC requirements.

26. The applicant, or any subsequent operator/leaseholder, shall be responsible for all ongoing maintenance of the facility, including the antennas, faux branches, associated equipment and live plantings, to ensure that the condition of the facility does not deteriorate and the faux pine does not appear weathered.
27. Signage proposed for the facility shall be limited to that required by law, and shall comply with the City of Escondido Sign Ordinance (Ord 92-47). Appropriate signs providing notice, caution or warning, and other necessary markings shall be placed at the main access point(s) and other locations, as may be required, in order to alert the general public, maintenance or other workers approaching the antennas to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits. The requirement for the appropriate signage/notice shall be indicated on the building plans.
28. No additional antennas or expansion of this facility shall be permitted without a modification of the Conditional Use Permit and a public hearing before the Planning Commission, or as allowed by relevant State or Federal law. T-Mobile shall not oppose co-location on the pole for another wireless carrier (subject to the City of Escondido approval) if it can be proven that the additional carrier would not adversely affect the operation and function of T-Mobile Wireless Service antennas. Minor changes within the approved size and design parameters may be permitted by the Director of Community Development and the Building Division.
29. All municipal and zoning code violations, whether currently known or identified as part of any code enforcement investigation of the project site, shall be resolved, abated, or otherwise addressed, and the property must be in full compliance with all aspects of the Escondido Municipal and Zoning Codes prior to issuance of any building permit for the project. A written determination of such compliance by the Director of Community Development or his or her designee shall be required prior to issuance of said building permit.
30. After installation of the wireless communication facility, the entire property must be maintained in compliance with the legal nonconforming status of said property or if discontinued, pursuant to the timelines provided in Article 61, which may be amended, must be found to be in conformance with applicable measures of the Escondido Zoning Code, to the satisfaction of the Director of Community Development. Noncompliance with the foregoing shall constitute cause for immediate revocation of this Conditional Use Permit through a noticed public hearing before the Planning Commission. The wireless communication facility approved by this Conditional Use Permit shall be immediately abated upon notice of permit revocation.
31. This item may be referred to the Planning Commission for review and possible revocation or modification of the Conditional Use Permit at a noticed public hearing upon receipt of nuisance complaints and/or non-compliance with the conditions of approval.
32. This CUP shall become null and void unless utilized within twelve (12) months of the effective date of approval.

**ATTACHMENT 3**  
**Public Correspondence**  
**PHG 18-0016**

TO: City Council Members and Escondido Planning Commission  
FROM: Mike and Mary Hendel  
RE: Conditional Use Permit PHG 18-0016  
DATE: July 18, 2019

We live at 743 Sungold Way in the Chaparral Ridge community. We received the notice of public hearing from Escondido for a Conditional Use Permit for a wireless communications facility to be located at 2534 East El Norte Parkway. Our home backs up to this property and we have lived here since we bought our home in July 2011 when the community's final home sites were being sold.

We strongly oppose the conditional use permit request for the following reasons:

- Although the site is zoned single family residential, there is no single family residential home on the property.
- Instead, there currently appears to be at least five businesses or space rental activities in operation on the site:
  - El Norte House – only residence on the site; is listed as a group home on the North County San Diego Alcoholics Anonymous site
  - AirX Utility Surveyors – occupies and utilizes approximately 50% of the site with 2 buildings, a parking area and 2 work areas with dumping pits
  - Soapstone Werks – custom soapstone counters, sinks, and other items
  - Contractor storage space rental – approximately 15-20 semi-trailers and shipping containers usually stored on the site
  - Landscape equipment and material storage – usually 1 or 2 trucks with some materials
  - Multiple shipping containers which appear to be used as storage by the landscape equipment
- The current commercial activity on this site is far beyond what was existing and grandfathered when Shea built this community and far beyond the zoned purpose of the site for single-family residential.
- 2534 is the last non-residential site on either side of El Norte Parkway in this area now that grading work just began in the last few weeks to build 3 new single family residences on the open lot between 2534 and E. Tangelo Pl to the west. The addition of new single family residential is definitely the right use of property in this area and is consistent with the area's single family residential zoning
- The cell tower and block enclosure will be a very permanent fixture and is again not consistent with the zoning and intended use of this property.

The combination of these factors negatively impacts the surrounding homeowners on both the north and south side of the site in the following manner:

- Addition of the cell tower moves the site even further away from being single-family residences as it is zoned and makes a bad situation even worse.
- Increased revenue received by the property owner for the significantly expanded current activities plus a cell tower likely makes it even more profitable for them and motivates them to never sell the site to be used for it's single family residential zoned purpose.



- Reduces property values as prospective buyers do not want to have businesses next to their homes. We personally had our home for sale in the spring of 2018 and every prospective buyer always questioned what was going on at the businesses behind us and some specifically stated they would not buy because of the businesses.
- Impacts the tranquility of the surrounding neighborhoods with multiple businesses and activities regularly operating as much as 7 days a week and far beyond normal business hours including middle of the night disturbances from trucks, pumps, music, etc.
- Potential health risks from cell tower activity

Again, we strongly oppose the approval of this conditional use permit. Additional background information is provided below to support our comments and position.

Sincerely,

Mike and Mary Hendel  
743 Sungold Way  
home: 760-204-0743

#### Additional Background/Comments:

- Although the site was already zoned residential at the time we purchased our home (July 2011), the property was grandfathered for existing business use.
- At that time there were 3 businesses on the property - AirX, Soapstone Werks, and El Norte House.
- Since July 2011, AirX has grown significantly with more trucks, dumping pits, equipment, activity and noise (trucks, equipment backup safety beeping, pumps, bobcat, etc.), throughout the day and night including periodic 10 PM to 4 AM arrivals and departures of trucks. AirX is now using approximately 50% of the site's space with operations on both the north and south sides of the property, which is split by El Norte Parkway. AirX trucks and equipment now create significantly more noise than when the community was built.
- AirX has over 20 trucks and equipment parked in the north parking lot and enclosure plus storage. They also have some equipment and dumping pits on the south side of El Norte. Two photos below show the sludge/slurry and mounds of dirt that are pumped/dumped in the pits and in the yard from their activities.
- Redfin, Realtor.com and Zillow listings for 2534 El Norte Parkway show the property type/construction as being multifamily or apartments which would be consistent with a group home but not single family residential as zoned.
- The storage area for semi-trailers and shipping containers is on the south side of the property.
- The landscaper trucks, shipping containers for storage and towable camper parking are located on the north side of El Norte Parkway near the street and behind the fence.
- The need is to keep 2534 East El Norte Parkway zoned residential with no further business use additions.

- Commercial usage of 2534 has gone far beyond its grandfathered state with AirX's expansion and the addition of contractor storage, and landscaper, shipping containers and camper parking uses.
- Please see photos with notes below



Google maps photo showing 2534 El Norte Parkway.

- The entrance drive into the property runs along the back of our home (743) and 3 others on Sungold Way with the north parking lot next to homes on Hamlin Court.
- El Norte House (ENH) is the building on the north side of El Norte Parkway in the southwest corner
- AirX's office (AX1) is also shown by the red marker. AirX's mechanic shop (AX2) is just northeast of the office.
- AirX's employee cars, some storage and some truck parking during off hours are at the top of the property (AX3).
- AirX's north work yard and dumping pits (AX4) are located on the north side of El Norte Parkway in the southeast corner. Truck parking, equipment and storage are located here as well.
- AirX's south work yard and dumping pits (AX5) are located on the south side of El Norte in the northwest corner.
- Soapstone Werks (SW) is the building in the middle of AirX's office, mechanics shop and north work yard and dumping pits
- A landscaper parks a truck and some materials (LT) just south of El Norte House near the storage containers.
- Contractor storage (CS) is available on the south side of El Norte Parkway in the south and northeast corners of the site. Trailers and storage containers are visible in the picture.
- Several campers (CP) are parked on the north side of El Norte Parkway just to the west of AirX's work yard and dumping pits.
- Lot preparation work has started on 3 new single-family homes (SFR) on the open lot just to the west of the property and east of Tangelo Pl (not shown)





The following 2 pictures were taken in the past of the work yard and dumping pits which shows the mounds of dirt and sludge/slurry that are dumped/pumped by their activity. At the time the only pits were located on the north side of El Norte Parkway in the southeast corner next to the entrance road. There are now several additional pits on the south side of El Norte Parkway in the northeast corner. No pictures are available of the new pits.



The following 7 pictures were taken in July 2019. There were over 20 AirX trucks and equipment parked in the north parking lot and the north work yard which is common. You can see the north parking lot is right next to homes on Hamlin Court. The entrance drive into the property runs right behind the backyard fences of 4 homes on Sungold Way which is where we live.













The following two photos were taken in July 2019 and are of the contractor storage area on the south side of El Norte. The first photo faces south and the second photo faces east. AirX's work yard and dumping pits are not visible but are on the other side of the fence.



TO: Paul Bingham, Assistant Planner  
FROM: Mike and Mary Hendel  
RE: Conditional Use Permit – PHG 18-0016 2534 East El Norte Parkway  
DATE: July 17, 2019

Thanks for the discussion we had yesterday regarding this CUP and the other businesses on this property. Here is some additional information for your review and use with your staff report and contacts with Code Enforcement and the Police.

As we discussed, we are strongly opposed to the addition of the cell tower and structure because this site is zoned for and intended to be used for single family residential but it is clear that the site has no single family housing on it and is exclusively for businesses and the existing businesses have expanded significantly over the years. Adding a very permanent cell tower and structure is inconsistent with zoning and the intent of this neighborhood. As stated in our first communication, the existing and any additional business uses negatively impacts the quality, safety, livability and value of the surrounding neighborhoods and homes. Homeowners surrounding the site have and continue to make significant investments in their homes and properties and adding the tower and structure in the middle of what is almost exclusively residential area – except for the city owned property next to this site - does not make sense and is not consistent with the zoning intent.

Please review this information and let us know if you have any questions.

Mike and Mary Hendel  
743 Sungold Way  
cell: 619-540-0799  
mjhhendel@gmail.com



[illegible]



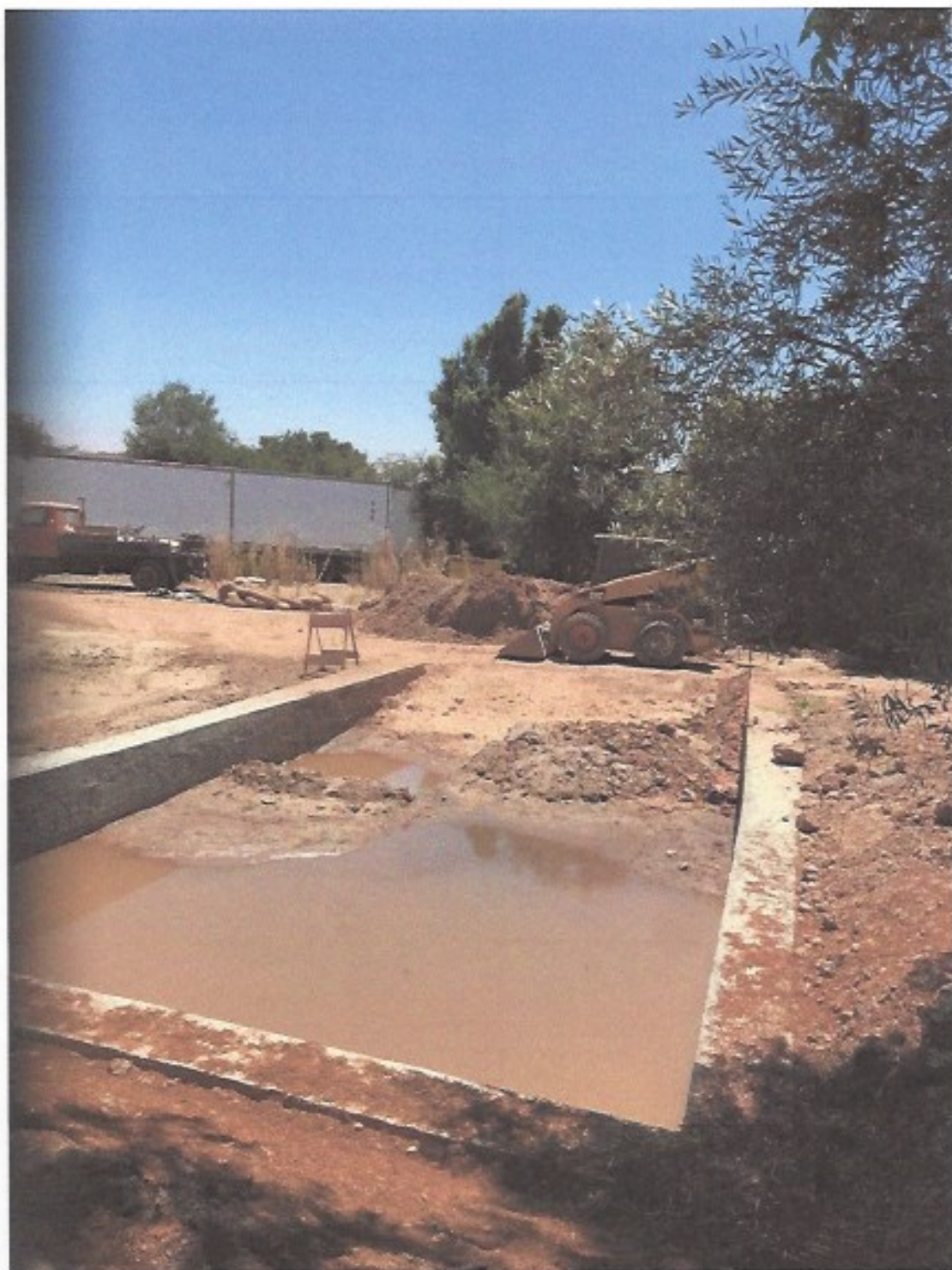
[illegible]

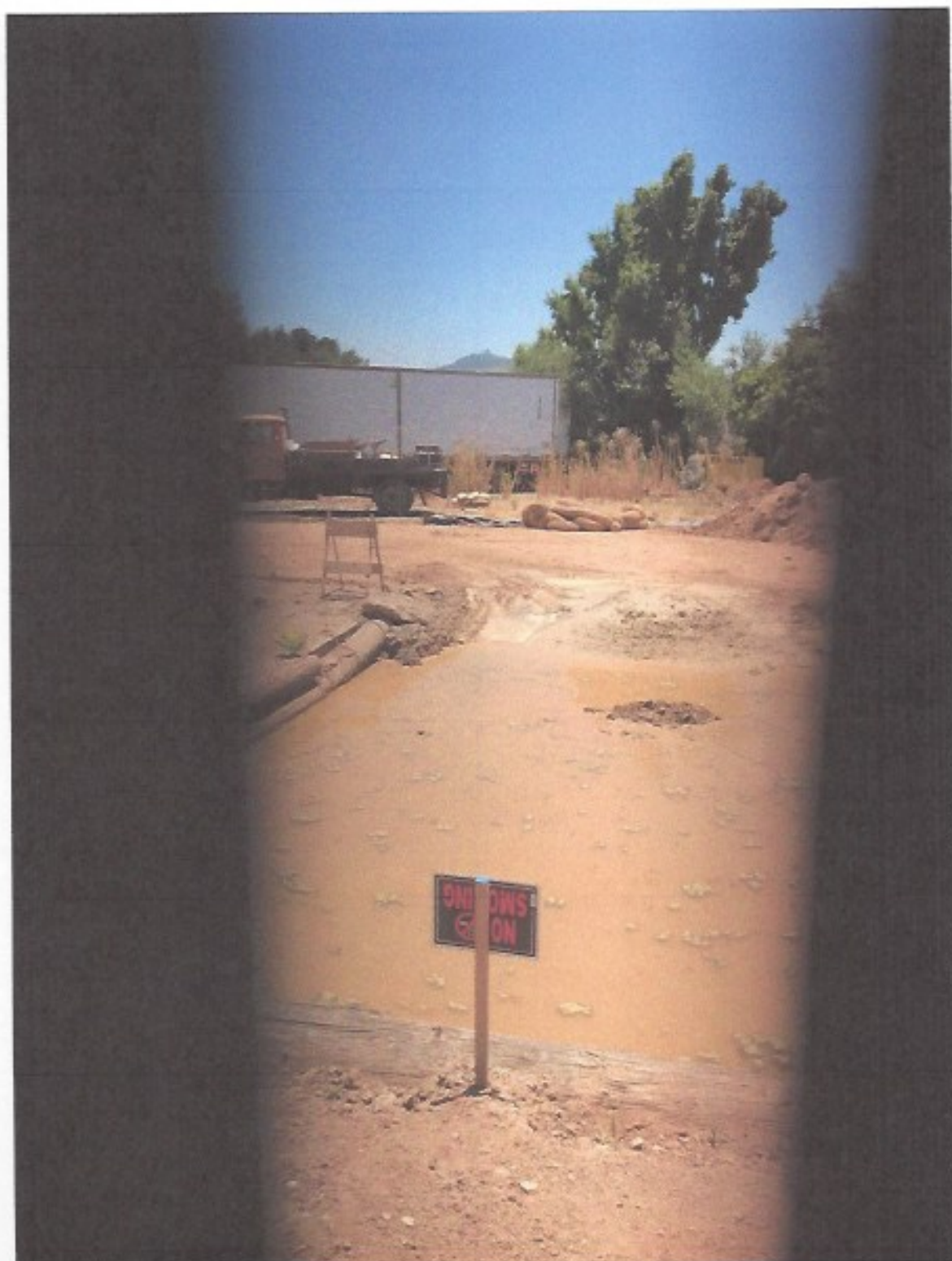
The following photos were taken today of some of AirXs operation to provide information on the use of the site

1. Shows a set of the gates that goes into the north yard with no smoking signs. There are other such signs in the north and south work yards. There is some information on hydrovac excavation at the end of this information that gives some background on it and why there is no smoking allowed.
2. Dumping pit on the south side of El Norte Parkway against the north fence along El Norte Parkway. You can see the slurry in the pit
3. A second dumping pit on the south side of El Norte. Please note the no smoking sign near the deep end of the pit.
4. A third dumping pit on the south side of El Norte. Please note the no smoking sign near the deep of of the pit.
5. A fourth dumping pit on the south side of El Norte. Again note the no smoking sign but also how the slurry stays in the pit until it dries out. While some of the liquid is evaporating, what liquid and how much of it is leaching into the soil?
6. A mound of dirt next to the dumping pits. It looks like the slurry dries out and the bobcat is used to put it in mounds until it is removed from the site at some point. We have seen dump trucks come to the AirX site to be loaded with dirt in the past.

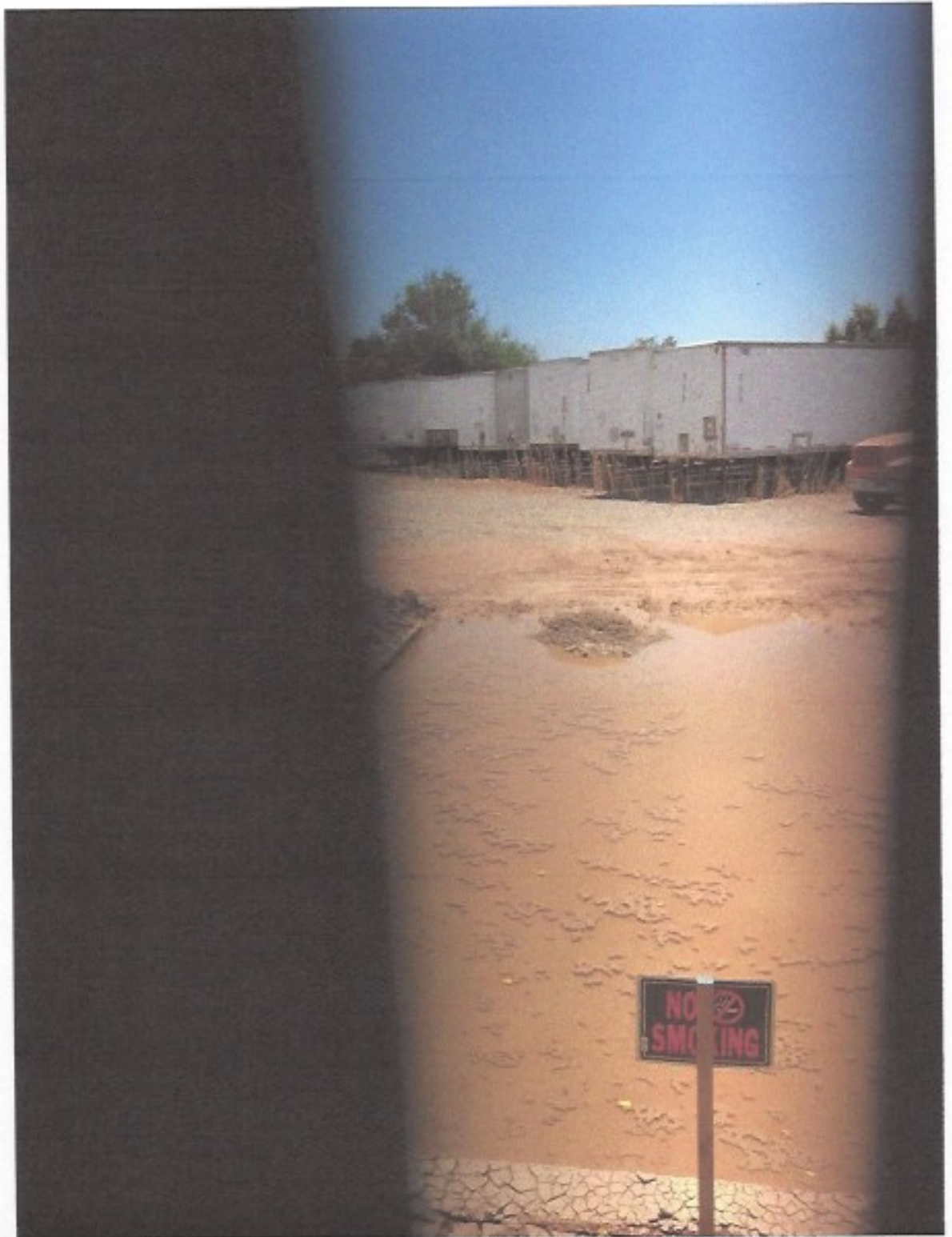


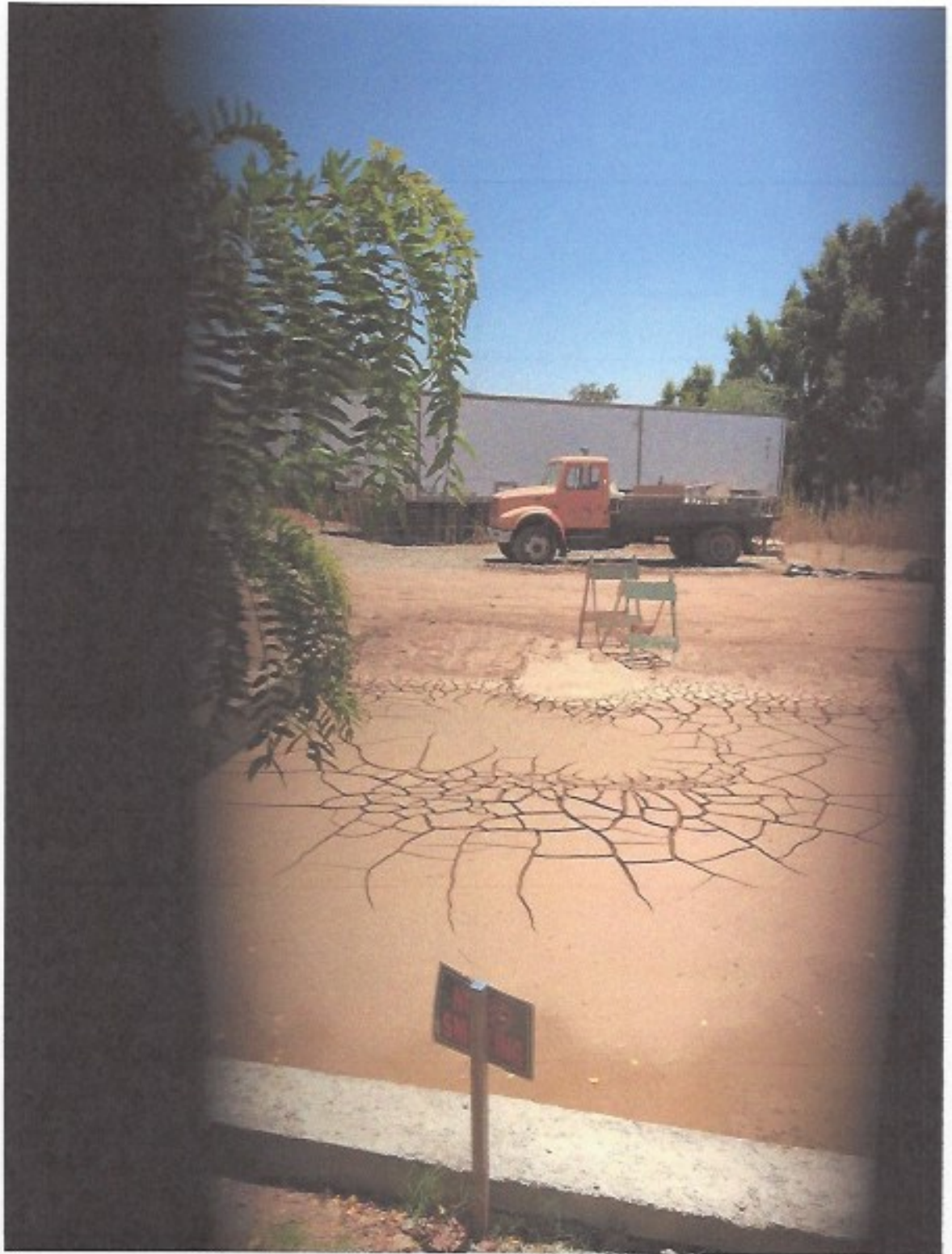




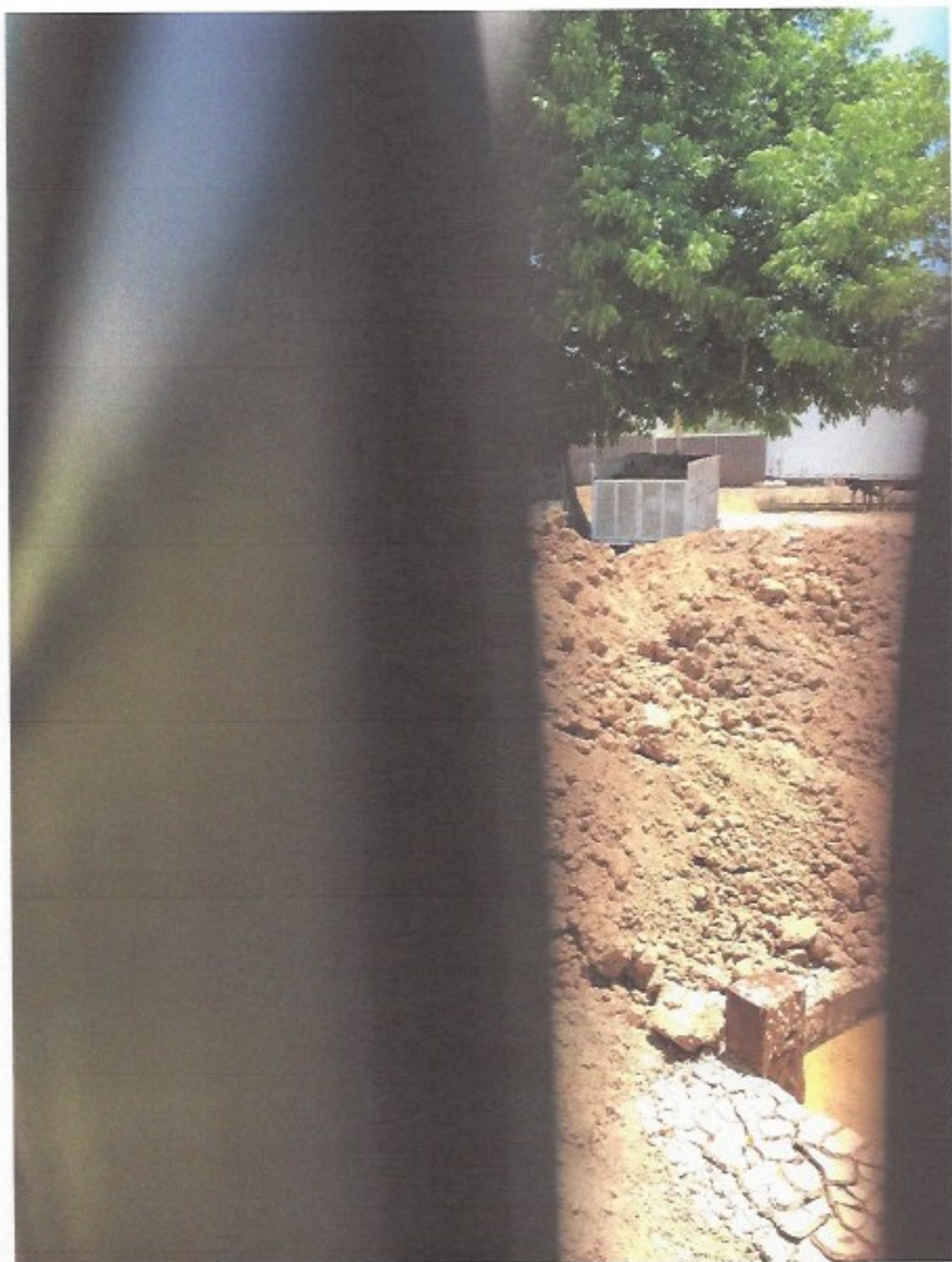






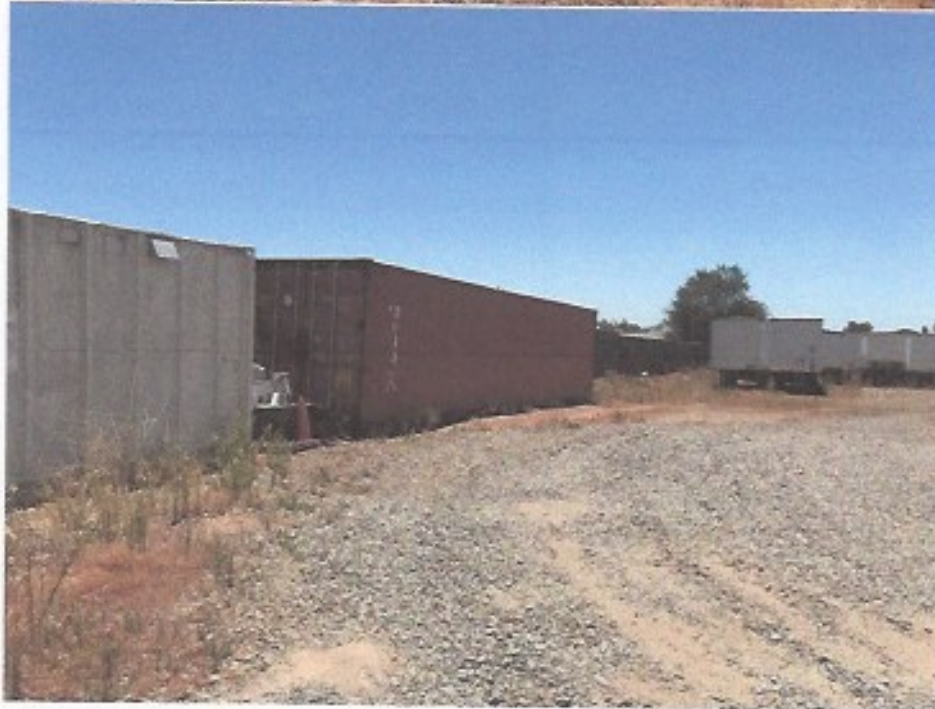






The following photos are taken at the open entry gate of the south side portion of the property.

1. Storage trailer
2. Storage trailers and bobcat between them
3. Trailers stored in the south end of the site
4. Additional vehicles and containers stored near the fence on El Norte Parkway.







Two campers stored on the north portion of the site and just to the west of AirXs work yard.

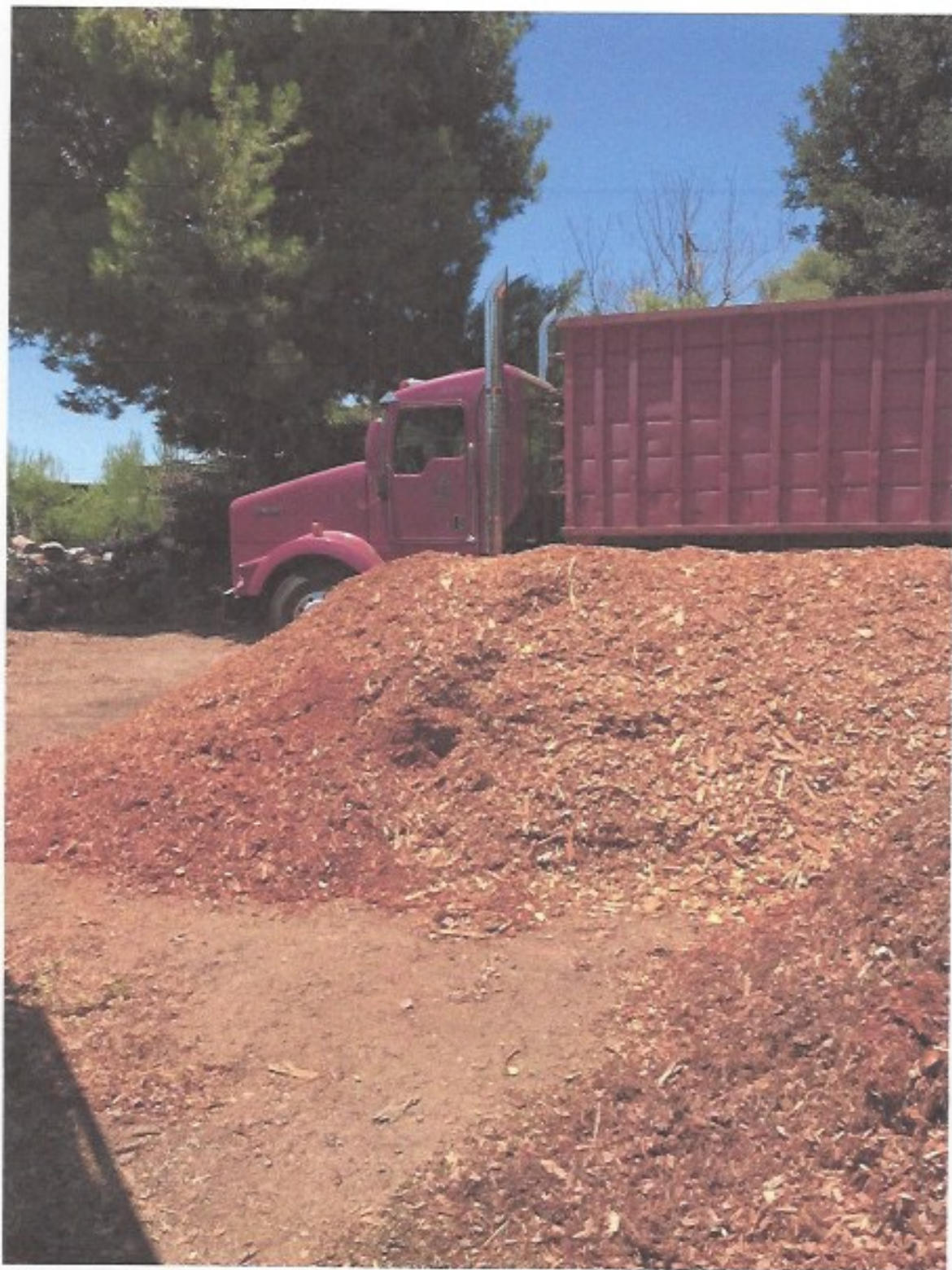




The following photos are of the landscape company storage on the north side of the property in the south west corner. The name on the truck is Union Tree Service. The photos show the truck, mulch piles, old cut tree stumps and some other equipment stored in the section of the property. There are also several storage containers in this area which you can see in the 4<sup>th</sup> photo.







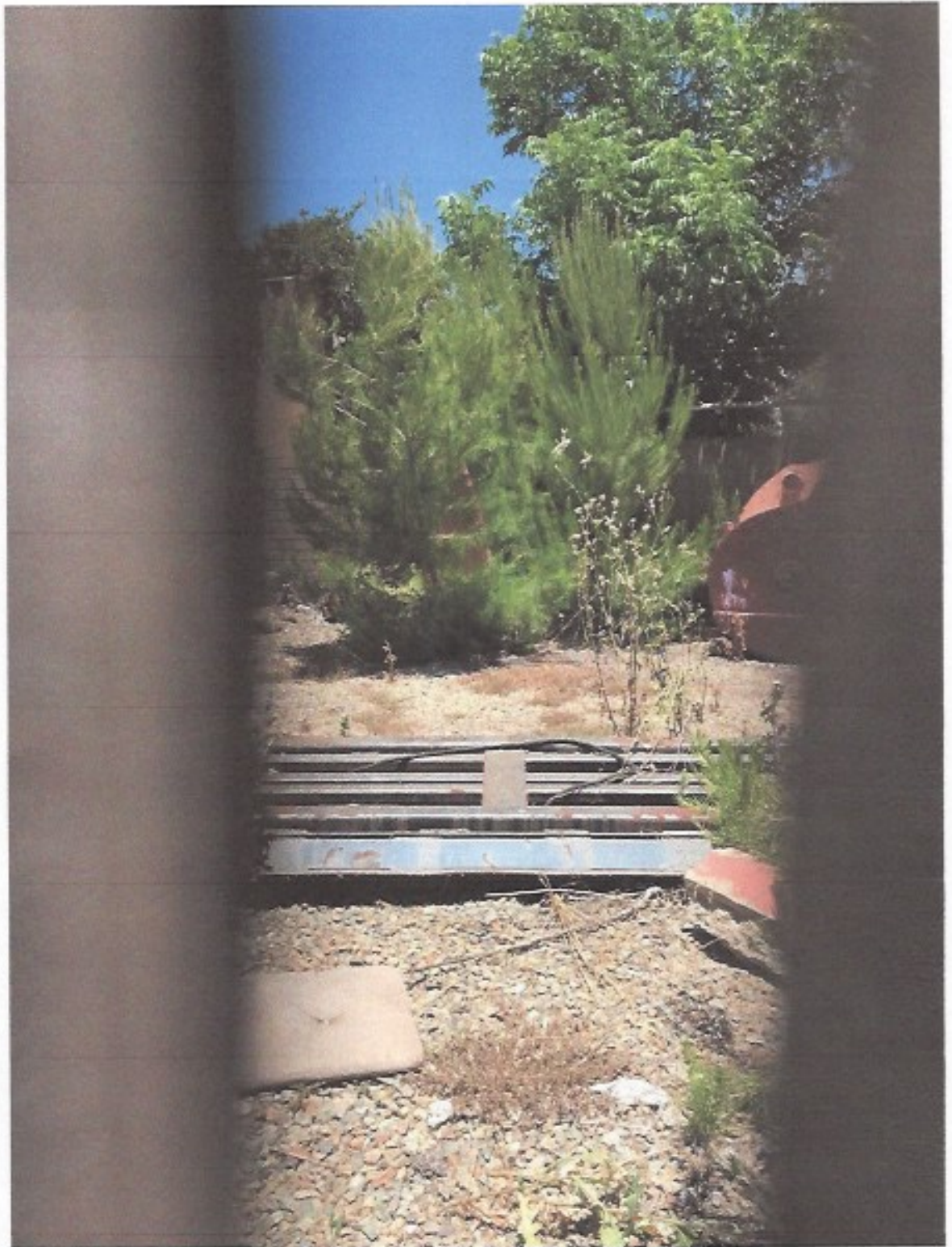






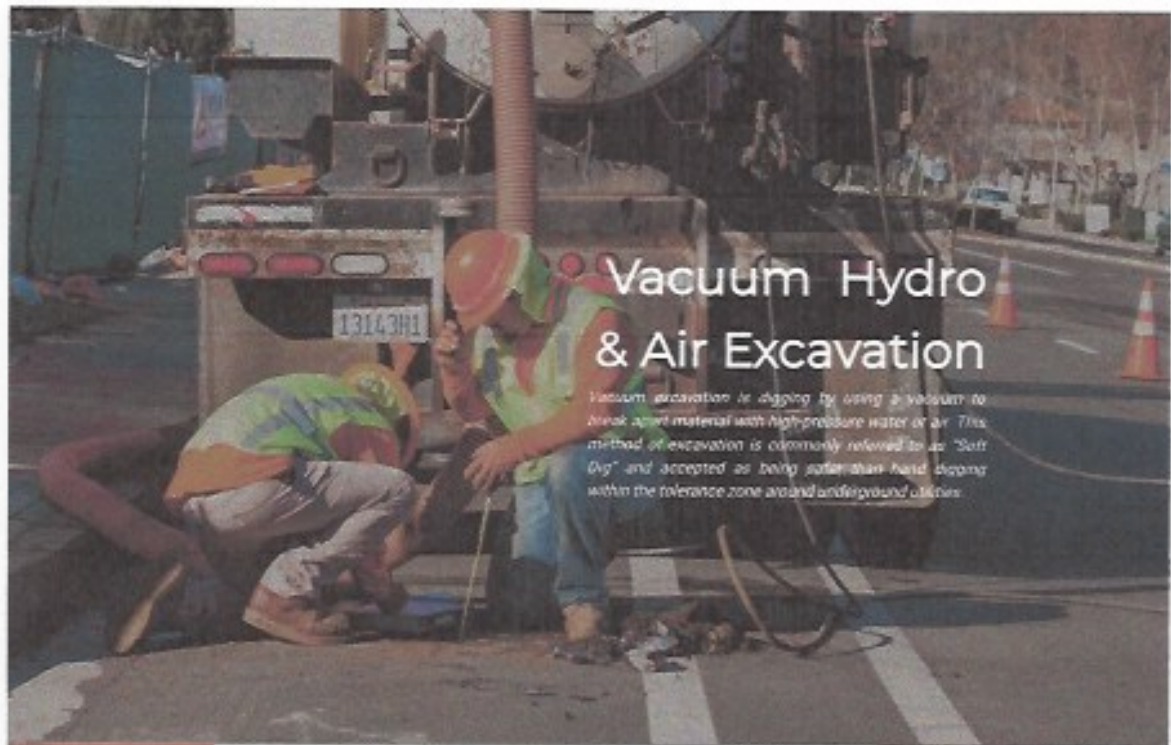






During our call yesterday you asked where was the slurry coming from. We looked at it further and here's what we think explains it. The first image is from AirXs website and Vacuum Hydro & Air Excavation is listed as a service. We researched to find out more about it and the other slides below come from a presentation on hydrovac in Alberta CN. While it's not from the US or CA it at least explains the process and some concerns with it and how to handle it. The full presentation can be found at the following link:

<https://www.esaa.org/wp-content/uploads/2018/04/ET2018R3.pdf>



Alberta

## What is Hydrovac Anyways?

- Hydrovac is a process which creates a slurry mixture of liquid with a high solids content.
- The resulting hydrovac slurry is approximately 60% liquid and 40% solids.





## So, Why is the Province Looking at Hydrovac Slurry Suddenly?

- Increase in hydrovac activity across the province resulting in unauthorized dumping or unauthorized land applications
- Repeated application of the slurry mixture to top soil results in the degradation of the top soil.
- High potential for degradation of groundwater and surface water bodies.
- Potential to contaminate lands



## What We Know So Far ...

- We know hydrovac slurry is a waste
- We know we can manage hydrovac slurry onsite
- We know if we manage hydrovac slurry offsite it must occur at an authorized waste management facility
- We know that there is no beneficial use to agricultural land applications
- We know there is potential for a wide range of contaminants





## I Get It's a Waste. But It's Also Just Wet Soil – So What's the Big Deal?

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- Hydrovac is most often used in sensitive areas where underground utility damage from conventional excavations could occur.
  - These utility corridors serve as conduits for contamination to travel: be aware of activities nearby.
- Unlike conventional excavation techniques the hydrovac process:
  - does not separate soil horizons.
    - What results when dried is a clay like mixture that does not support plant growth
  - mobilizes potential contaminants through the excavation addition of water (solvent) and agitation
    - Chlorides (road salt), hydrocarbons (pipelines, gas stations), halogens (drycleaners), metals (gas stations, service stations)

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: Case No: PHG 18-0016  
**Date:** Thursday, July 18, 2019 1:21:57 PM

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## Forward #1



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

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**From:** rcocom <rcocom@gmail.com>  
**Sent:** Wednesday, July 17, 2019 11:23 PM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Subject:** Case No: PHG 18-0016

To be included in the staff report.

I've recently learned of cell phone towers being installed near our homes and there was no mention of health effects whatsoever. Thousands of studies link low-level wireless radio frequency radiation exposures to a long list of adverse biological effects, including:

- DNA single and double strand breaks
- oxidative damage
- disruption of cell metabolism
- increased blood brain barrier permeability
- melatonin reduction
- disruption to brain glucose metabolism
- generation of stress proteins

Compared to earlier versions of cell towers, 5G is ultra high frequency and intensity which are shorter length millimeter waves that do not travel as far (or through objects). To compensate many more mini cell towers must be installed and/or this particular one is going to be very powerful. This will greatly increase the community's risk of continuous RF Radiation exposure. Homeowner will be almost sleeping next to this site and raising our kids yet the effects of this radiation on public health have yet to undergo the rigors of long-term testing.

There's also the devaluation of the properties, particularly those closer to the site. These additions are not going to make the area a desirable place to live.

Thanks,

Robert Cocom

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: [Website Feedback]: Installation of wireless communication Facility  
**Date:** Thursday, July 18, 2019 1:22:20 PM

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## Forward #2



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

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**From:** Mike Strong <mstrong@escondido.org>  
**Sent:** Wednesday, July 17, 2019 9:11 PM  
**To:** Adam Finestone <afinestone@escondido.org>; Paul Bingham <pbingham@escondido.org>  
**Subject:** Fwd: [Website Feedback]: Installation of wireless communication Facility

Sent from my iPhone

Begin forwarded message:

**From:** <[noreply@escondido.org](mailto:noreply@escondido.org)>  
**Date:** July 17, 2019 at 9:00:06 PM PDT  
**To:** <[mstrong@escondido.org](mailto:mstrong@escondido.org)>  
**Subject:** [Website Feedback]: Installation of wireless communication Facility  
**Reply-To:** <[dmopia@yahoo.com](mailto:dmopia@yahoo.com)>

Dason Mopia  
[dmopia@yahoo.com](mailto:dmopia@yahoo.com)

To whom it may concern,

I would like to voice my concerns of the installation of a 40ft cell tower at 2534 E El Norte Parkway. I feel that the installation of such a structure would devalue mine and my neighbors' homes. I also believe that having such a structure in close proximity would cause an increased risk of harm to our health. Cell phone towers emit RF radiation which can cause headaches, memory loss, cardiovascular stress, low sperm count, birth defects and various types of cancer.

Sincerely,

Dason & Noemie Mopia

Home owners 2565 Hamlin CT, Escondido 92027

HTTP\_USER\_AGENT: Mozilla/5.0 (Windows NT 10.0; Win64; x64)  
AppleWebKit/537.36 (KHTML, like Gecko) Chrome/75.0.3770.142  
Safari/537.36  
REMOTE\_HOST: 68.7.157.19  
REMOTE\_ADDR: 68.7.157.19  
LOCAL\_ADDR: 10.255.2.55



**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: Installation of wireless communication Facility  
**Date:** Thursday, July 18, 2019 1:22:39 PM

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### Forward #3



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

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**From:** Dason Mopia <dmopia@yahoo.com>  
**Sent:** Wednesday, July 17, 2019 9:05 PM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Subject:** Installation of wireless communication Facility

I would like to voice my concerns of the installation of a 40ft cell tower at 2534 E El Norte Parkway. I feel that the installation of such a structure would devalue mine and my neighbors' homes. I also believe that having such a structure in close proximity would cause and increased risk of harm to our health. Cell phone towers emit RF radiation which can cause headaches, memory loss, cardiovascular stress, low sperm count, birth defects and various types of cancer.

Sincerely,

Dason & Noemie Mopia  
Home owners 2565 Hamlin CT, Escondido 92027

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: Conditional Use Permit PHG 18-0016  
**Date:** Thursday, July 18, 2019 1:22:54 PM

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#### Forward #4



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

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**From:** Tom <tbyoung@cox.net>  
**Sent:** Wednesday, July 17, 2019 8:12 PM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Subject:** Conditional Use Permit PHG 18-0016

Hello Paul,

I am writing in opposition to the cell tower in our residential neighborhood.

Even disguised as a pine tree, it would discourage people from wanting to live in the neighborhood and would have a negative impact on our quality of life.

The businesses currently located on the site are already disruptive (excessive noise) and this would make the situation worse.

It would be better to not allow this construction at this time instead of having to get rid of it at a later time, after the fact.

Please get this issue before the City Council so that the citizens and voters can make their voices heard.

Thank You,

Tom Young  
2481 Honeybell Ln  
Escondido CA 92027  
(760)504-4564  
[tbyoung@cox.net](mailto:tbyoung@cox.net)

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: PHG18-0016  
**Date:** Thursday, July 18, 2019 1:23:12 PM

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Forward #5

Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

-----Original Message-----

From: lisa Brown <lisaangel65@hotmail.com>  
Sent: Wednesday, July 17, 2019 6:38 PM  
To: Paul Bingham <pbingham@escondido.org>  
Subject: PHG18-0016

Hi, my name is Lisa Brown I live at 720 Jonathon Place right near the subject site. I will be attending the meeting on Tuesday. I and my husband mostly definitely oppose the installation of cell towers near our home. We know there is no 100% proof of whether it is harmful to be near or not but we would rather be safe then sorry. We have made efforts in our home to keep wireless to a minimum, like paying SDG&E an extra fee to keep the analog reader instead of the newer wireless one, also some protection in our home. The owner of the property involved in wanting the tower will make money from it, and doesn't care if maybe there could be harmful waves if so close but we do. There are so many homes near that property that could be affected if someday it's a 100% proven fact that being close could be harmful. We do not want to take that chance. We have two young daughters and have lived in Escondido since we have been kids, it is not fair to allow something like this so close to homes. This is all for profit for the owner, nothing else. It makes me upset that this should even be questioned, it should never be allowed so close to homes. Hopefully the planning department and city has the best interest for residents. I question a lot of things that went on at that property since we moved in December 1995. Before the Great Wall we heard and saw a lot of weird things. This is a topper. Because we don't know the long term effect and nobody else 100% knows we don't want to live close to any cell towers. Thank you for your time. Lisa Brown 760 807-4643 I'll be there Tuesday....

Sent from my iPhone

July 17, 2019

Escondido Planning Commission

Reference: (APN No. 225-270-63-00) proposed Conditional Use Permit PHG 18-0016, a proposed 40ft cell phone tower and 12'x20' block enclosure at 2534 East El Norte Parkway

Our property is approximately 40 ft from the main driveway that is used by the Soapstone Werks company. We have the following concerns that are all centered around the safety:

1. The biggest concern is long term health risk of the constant exposure to the signals going to and from the tower. These risks may be described as minimal from your studies, but we don't want to be the test subjects to "see" if the calculations were correct. I certainly don't want anyone to die from direct long term exposure to the transmissions or by a reaction to the transmission with a chemical or element that a person has consumed that causes a fatal reaction. We have children and we do not know if the constant exposure will affect their younger bodies or their fertility should they want to have children or if this could put their children at more risk for birth defects.
2. The traffic that goes through Soapstone can be quite noisy during the day from the vehicle traffic. We are concerned that more people coming into and out of the property will create more noise and the transmission itself at different frequencies could lead to hearing loss.
3. The traffic going into and out of the facility, especially those on foot that literally lean against my fence at night and smoke, add a security risk. I certainly don't want to offend anyone who belongs there. But we are on constant guard for anyone who crosses the property line and have install a light near the back fence as a deterrent.
4. Lastly, which is indirectly safety related, our property value will most likely go down as many people would not want to put their families at risk unless we practically give them the house.

For us, the risk is too great and we protest against anything that put our family and future generations safety at risk. Please help us by supporting my family and neighbors as valuable people of our community and deny this and any other project that could potential put our health and safety at risk.

Sincerely,

André and Darlene White

731 Sungold Way

Escondido, Ca 92027

317-626-7700



**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: PHG 18-0016  
**Date:** Thursday, July 18, 2019 1:25:00 PM

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Forward #7

Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

-----Original Message-----

From: Diane Moritz <dddipat@cox.net>  
Sent: Wednesday, July 17, 2019 2:04 PM  
To: Paul Bingham <pbingham@escondido.org>  
Subject: Re: PHG 18-0016

Thank you, Mr. Bingham. I appreciate your quick response and the clarification.  
Diane Moritz

Sent from my iPhone

> On Jul 17, 2019, at 1:08 PM, Paul Bingham <pbingham@escondido.org> wrote:

>

> Hi Diane,

> I appreciate you contacting me with your questions.

> The subject property actually extends on both sides of El Norte Parkway because the El Norte roadway extension bisected the property. That said, the proposed project for the T-Mobile monopine will be located on the northern portion of the property on the western side close to the existing single-story house.

> The studies the carrier submitted say emissions from this antenna array are below what the FCC sets as a safe level. None of those emissions is supposed to be audible.

> If you have any further questions, please let me know.

> Thanks,

>

> Paul Bingham

> Assistant Planner II

> Planning Division | City of Escondido

> Direct: 760-839-4306

> [www.escondido.org](http://www.escondido.org)

>

>

>

>

> -----Original Message-----

> From: Diane Moritz <dddipat@cox.net>

> Sent: Wednesday, July 17, 2019 12:25 PM

> To: Paul Bingham <pbingham@escondido.org>

> Subject: PHG 18-0016

>

> The map is unclear to me. Is the site just on the north side of El Norte Pkwy or does it include part of the field behind the houses on Jonathon Pl.? Will the communications facility/mechanical equipment emit audible noise that will disturb the surrounding neighborhoods?

> Thank you.

> Diane Moritz

>

> Sent from my iPhone

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: conditional use permit-PHG 18-0016  
**Date:** Thursday, July 18, 2019 1:25:26 PM

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## Forward #8



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

---

**From:** shelumiel@cox.net <shelumiel@cox.net>  
**Sent:** Wednesday, July 17, 2019 10:52 AM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Subject:** conditional use permit-PHG 18-0016

Dear Sir, My name is Richard Micheletti and I reside at 668 Jonathon Place. My back yard is located at the southwest corner of the property in question.

My concerns are:

1. We already had the city try to locate an illegal "water reclamation plant" (sewer treatment) on the adjoining property which I thought was all one piece of property, not a separate lot. If this a veiled attempt to change the zoning for future use, it will be met with legal resistance. Like the notice points out, this is a single family residential area.
2. Again, this is a single family residential area! Why does the city continue to want to use this property for commercial use? When I bought my property, I went to city planning and inquired about the status of the property behind me and was told it was a wildlife corridor!
3. I do not know the whole history of why the property in question is being used commercially in the first place, as vehicle storage lot(s), except when the original ranch was split up, the owners gave the city this parcel as a concession but, again, this is a single family residential area!
4. The bunker and fake pine tree may adversely effect the surrounding property values.
5. Having a broadcast and electro-mechanical background, I am aware of harmful magnetic fields produced by the equipment mentioned, not to mention microwave transmission exposure, both presenting potential health risks.
6. This notice is severely lacking in lead time and actual facts, like placing an x as to where this bunker style building and tower would be located for a start.

Aside from this notice, I also want to lodge a complaint about the fire hazard due to a lack of care of the city owned lot behind my property. I have formally complained online but nothing has been done. I have spent months for the last 3 years eradicating tumble weed

the blow over my fence.

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: Challenge to Request for Conditional Use Permit - PHG 18-0016  
**Date:** Thursday, July 18, 2019 1:26:04 PM

---

Forward #9



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Miranda Marlow <mirandamarlow@gmail.com>  
**Sent:** Wednesday, July 17, 2019 10:31 AM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Cc:** Miranda Marlow <mirandamarlow@gmail.com>  
**Subject:** Challenge to Request for Conditional Use Permit - PHG 18-0016

Dear Mr. Bingham,

**Please accept this notice as an official challenge to the request to install a wireless communications facility in my neighborhood (Case No. PHG 18-0016).** Unfortunately as a mom to 2 young children, and my husband on travel for work, I will not be able to attend the Public Hearing July 23 at 7pm in person. I am submitting this official notice to you in lieu of my physical attendance at the public hearing.

I have lived on Hamlin Court with my husband, and 2 young daughters for the past 9 years. We have dealt with the noise and disruption from the business operations adjacent to us since the beginning. The business operations noise and disruption from its trucks and machinery have steadily increased over time without any notification or consideration of the impact to their residential neighbors. **We are very disappointed this business is requesting to build and expand by installing a wireless communication facility, without any consideration for its residential neighbors, especially those of us who are directly adjacent.**

Our property values will decrease due to the unsightly "faux pine tree" and "bunker style building" as well as the stigma of health risks yet unknown caused by such a facility. **It was noticeable and disturbing that this permit request is "exempt from environment review".** We are a neighborhood of families with young children, the lack of consideration for



our general health, safety and well-being is unsettling to say the least.

We understand that wireless communications is an important infrastructure for our city, but **I beg you to reconsider the impact and appropriateness of this structure in a residential neighborhood with young children.** We hope that you will respect our neighborhood, stand up to this business on our behalf and relocate this structure to a more appropriate location.

Thank you for your time and service to our community.

Sincerely,  
Miranda Marlow (also on behalf of Madeleine and Carl Rodoni)  
2552 Hamlin Court  
Escondido, CA 92027  
M: 858-997-5485  
[mirandamarlow@gmail.com](mailto:mirandamarlow@gmail.com)

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: New Studies Link Cell Phone Radiation with Cancer - Scientific American  
**Date:** Thursday, July 18, 2019 1:33:38 PM

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Forward #10

Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

-----Original Message-----

From: roland hanson <[fielder681@gmail.com](mailto:fielder681@gmail.com)>  
Sent: Wednesday, July 17, 2019 10:27 AM  
To: Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
Cc: Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>  
Subject: New Studies Link Cell Phone Radiation with Cancer - Scientific American

Mr Bingham,

As regards the city's plan to place a cell tower in our area, please be advised of the below linked article on a recent study of biological affects of cell phone radiation.

Regards,

Roland Hanson PSM, Health Physics  
681 Star Ruby Court  
Escondido, CA 92027

<https://www.scientificamerican.com/article/new-studies-link-cell-phone-radiation-with-cancer/>

Sent from my iPhone

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: PHG 18-0016 2576 E. El Norte Parkway  
**Date:** Thursday, July 18, 2019 1:34:12 PM

---

Forward #11



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

---

**From:** Pam Albergo <palbergo@sbcglobal.net>  
**Sent:** Tuesday, July 16, 2019 4:56 PM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Subject:** Re: PHG 18-0016 2576 E. El Norte Parkway

Thank you for your attention to this issue. I look forward to hearing from you with further information.

Pam

On Tuesday, July 16, 2019, 02:20:17 PM PDT, Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)> wrote:

Hi Pam,

Thank you for sending this to me. Someone else had already forwarded it, which prompted me to do more research.

I appreciate all of your concerns and please know that your letters will be attached to my staff report sent to Planning Commission and we will discuss the issues at hearing.

FYI: I am having some internal meetings on these issues and will get back to you with more.

Thanks,

Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido



Direct: 760-839-4306

[pbingham@escondido.org](mailto:pbingham@escondido.org)

**From:** Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>  
**Sent:** Tuesday, July 16, 2019 1:54 PM  
**To:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Subject:** PHG 18-0016 2576 E. El Norte Parkway

Paul,

My name is Pam Albergo. My husband Tom and I have sent emails to the planning commission and city council previously but realized that we should also send a copy to you.

We oppose the cell tower and concrete building and also have grave concerns about the businesses in that location as stated in our letter I have attached.

Please feel free to contact us.

Pam Albergo 760-802-369

Tom Albergo 760-644-1030

Thank you,

Pam

[Sent from Yahoo Mail on Android](#)

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: PHG 18-0016 2576 E. El Norte Parkway  
**Date:** Thursday, July 18, 2019 1:34:49 PM  
**Attachments:** [letter to planning and city council Conditional Use Permit PHG 18-1.docx](#)

---

Forward #12



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Pam Albergo <palbergo@sbcglobal.net>  
**Sent:** Tuesday, July 16, 2019 1:54 PM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Subject:** PHG 18-0016 2576 E. El Norte Parkway

Paul,

My name is Pam Albergo. My husband Tom and I have sent emails to the planning commission and city council previously but realized that we should also send a copy to you.

We oppose the cell tower and concrete building and also have grave concerns about the businesses in that location as stated in our letter I have attached.

Please feel free to contact us.  
Pam Albergo 760-802-369  
Tom Albergo 760-644-1030

Thank you,  
Pam

[Sent from Yahoo Mail on Android](#)



We are writing today to air our concerns about the proposed Conditional Use Permit PHG 18-0016, a proposed 40ft cell phone tower and 12'x20' block enclosure at 2534 East El Norte Parkway (APN No. 225-270-63-00). The Planning Commission hearing is scheduled for July 23, 2019.

We are traveling and will be unable to attend the meeting, but wanted you to know our concerns. As residents whose property is approximately 100 yards away from the proposed tower and block building we have a number of concerns.

First, when we moved into our home in 2013, the property was used primarily by Soapstone Werks and our noise/appearance concerns were minimal. The business operated primarily on weekdays and seemed to adhere to normal business hours. A number of years later Airx either expanded or located their business at that location. Since then, we have had constant issues with hearing the loud backup warning device from their numerous trucks and vehicles at all hours of the day and night including many from 4am to 6am. We have previously contacted, on numerous occasions the Code Enforcement Department. This has had some, but minimal impact in lessening the noise. In addition to the vehicle noises their employees routinely play loud, thumping music from their stereos at the various shift changes at all times of the day and night.

The parcel is zoned as R-1-12 Single Family Residential, 12,00 SF minimum lot size, not light industrial. In addition to the two businesses on the property (not in a property zoned light industrial), there exists multi-family residential units. Occupants of those residences have on numerous occasions have had live bands playing late into the night prompting us and other neighbors to have to call for police assistance.

The owners of this parcel have been poor neighbors as outlined above and now they are seeking to put a profit making tower on their property at the expense of the residents surrounding this property yet again impacting our property values, our tranquility and now quite possibly our health.

Please disallow this request for conditional use to go forward. Over the years the property owners have demonstrated that they do not care about their impact on the surrounding neighborhood and therefore should not be granted their request to further negatively impact the residents of the surrounding neighborhood.

Respectfully submitted,

Pam and Tom Albergo

2576 Hamlin Court

Escondido, CA 92027

[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)

[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)

**From:** [Paul Bingham](#)  
**To:** [Joanne Tasher](#)  
**Subject:** FW: Conditional Use Permit - PHG 18-0016  
**Date:** Thursday, July 18, 2019 1:35:54 PM

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## Forward #13



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Friday, July 12, 2019 2:17 PM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Cc:** Michael Hendel <mjhhendel@gmail.com>  
**Subject:** Conditional Use Permit - PHG 18-0016

Hi Paul,

My wife and I live at 743 Sungold Way in the Chaparral Ridge community. We received the notice of public hearing from Escondido for a Conditional Use Permit for a wireless communications facility to be located at 2534 East El Norte Parkway. Our home backs up to this property.

Although the site was zoned residential, the property was grandfathered for existing business use at the time we bought the model home (July 2011) when the community was nearing completion. At that time there were 3 businesses on the property - Soapstone Werks, AirX and a halfway house. Since that time, AirX has grown significantly with more trucks, dumping pits, equipment, activity and noise throughout the day and are now using space on both the north and south sides of the property which is split by East El Norte Parkway. Besides part of AirX's operation, the south side of the property is also a contractor storage area for trailers and other items. Also, on the north side of El Norte Parkway near the street and behind the fence, we also see landscaper trucks, shipping containers, and RVs.

Our major concern is the site is zoned R-1-12 but since we've moved in the site has moved progressively further away from single family residential and now has more commercial business uses than what was disclosed and active at the time of our purchase and with more 24 hour activity. The addition of a wireless communications facility, which is likely a very permanent use, adds to the site being basically for business use longer term.

Work has just started on prepping the land on the east side of Tangelo Place for 3 single family homes which is great to see. We feel the need is to keep 2534 East El Norte Parkway zoned residential with no further business use additions so it is preserved in the state it was when Shea Homes built this community. We feel it's already gone far beyond that with AirX's

expansion, contractor storage, and landscaper, shipping containers and RVs parking uses.

We would like to talk to you about this as soon as possible to gain additional information and your insights prior to the council meeting on July 23. We will also be looking to make comments on this at the council meeting.

Please let us know your schedule and when we can talk to you hopefully on Monday 7/15 or Tuesday 7/16. Thanks for your help in advance and we look forward to talking to you soon.

Mike and Mary Hendel  
743 Sungold Way  
Escondido, CA 92027

Mike's cell: 619-540-0799  
Home: 760-294-0743

Parcel # 225-760-31-00

**CITY OF ESCONDIDO**

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

**July 23, 2019**

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

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

**Commissioners absent:** None.

**Staff present:** Mike Strong, Assistant Planning Director; Elizabeth Lopez, Associate Engineer; Adam Phillips, Senior Deputy City Attorney; Adam Finestone, Principal Planner; Paul Bingham, Assistant Planner II; and Kirsten Peraino, Minutes Clerk.

**MINUTES:**

Moved by Commissioner Weiler, seconded by Commissioner Watson to approve the Action Minutes of the June 25, 2019 meeting. Motion carried (6-0-1). Ayes: Cohen, Garcia, Romo, Spann, Watson and Weiler. Noes: None. Abstained: McNair; Absent: None

**WRITTEN COMMUNICATIONS:** – Received.

**FUTURE NEIGHBORHOOD MEETINGS:** – None.

**ORAL COMMUNICATIONS:** – None.



**PUBLIC HEARINGS:****1. ZONING CODE AMENDMENT – AZ 19-0001 (Continued from June 25, 2019):**

REQUEST: A proposed amendment to Article 34 (Communication Antennas Ordinance) of the Escondido Zoning Code to update the requirements for wireless communication facilities within the right-of-way. The amendment includes an update to the entitlement process to streamline deployment of 5G networks and simplified language to be consistent with Federal Communications Commission Order. The proposal also includes new guidelines for wireless communications facilities in the right-of-way, as well as the environmental determination prepared for the project. No development project is proposed.

PROPERTY SIZE AND LOCATION: Citywide

ENVIRONMENTAL STATUS: Exemption under the General Rule, CEQA Section 15061(b)(3).

PUBLIC SPEAKERS: None.

**COMMISSION ACTION:**

Moved by Commissioner Weiler, seconded by Commissioner Cohen to approve the staff's request for a continuance to a future date. Motion carried unanimously (7-0-0).

**2. CONDITIONAL USE PERMIT – PHG 18-0016:**

REQUEST: A Conditional Use Permit to install a wireless communications facility consisting of 12 panel antennas, 12 remote radio units, and one microwave dish antenna, concealed within a new 40-foot tall stealth mono-pine, and associated ground-mounted mechanical within a 12' x 20' CMU block enclosure in the R-1-10 (Single Family Residential, 10,000 SF minimum lot size) zone. The proposal also includes the adoption of the environmental determination prepared for the project.

PROPERTY SIZE AND LOCATION: A 4.52 acre site located on both sides of East El Norte Parkway between East Tangelo Place and Sungold Way, addressed as 2534 East El Norte Parkway (APN 225-270-63-00).

**ENVIRONMENTAL STATUS:** The proposed project is categorically exempt from environmental review in conformance with CEQA Section 15303, "New Construction of Small Structures."

**PUBLIC SPEAKERS:**

**Kerrigan Diehl, Plancom, Inc.**, Applicant for the project, available for questions

**Brian Wilson**, spoke in favor of the project.

**Christina King**, spoke in opposition to the project.

**Mike Hendel**, spoke in opposition to the project.

**Andre White**, spoke in opposition to the project.

**Rosalie McChesney**, spoke in opposition to the project.

**Lisa Brown**, spoke in opposition to the project.

**Gail McMorran**, owner of the AirX business.

**COMMISSIONER DISCUSSION AND QUESTIONS**

The Commissioners discussed various aspects of the project.

**COMMISSION ACTION:**

Moved by Commissioner McNair, seconded by Commissioner Weiler to approve the staff recommendation. Motion carried (5-2-0). Ayes: Cohen, McNair, Romo, Spann, and Weiler. Noes: Garcia and Watson. Absent: None.

**ADJOURNMENT:**

Chairman Spann adjourned the meeting at 8:47 p.m. to the next regularly scheduled Planning Commission meeting to be held at 7:00 p.m. on Tuesday, August 13, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.



Mike Strong, Secretary to the  
Escondido Planning Commission



Kirsten Peraino, Minutes Clerk



**YOUR RF SAFETY PARTNER**

---

## **RADIO FREQUENCY ELECTROMAGNETIC FIELDS EXPOSURE REPORT**

**Prepared for T-Mobile**

**c/o PlanCom, Inc.**

**Site Name:** [El Norte Parkway](#)  
**Site ID:** [SD07212A](#)  
**Site Type:** [Monopine](#)

**Located at:**

**2534 E El Norte Parkway  
Escondido, CA 92027  
Latitude: 33.1500 / Longitude: -117.0487**

**Report Date:** [8/30/2019](#)  
**Report By:** [Jamie Santos](#)

**Based on FCC Rules and Regulations, T-Mobile is will be compliant  
provided recommendations are implemented.**

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## 1.0 EXECUTIVE SUMMARY

Dtech Communications, LLC (“Dtech”) has been retained by PlanCom Inc., contractors to T-Mobile, to determine whether its wireless communications facility complies with the Federal Communications Commission (“FCC”) Radio Frequency (“RF”) Safety Guidelines. This report contains a computer-simulated analysis of the Electromagnetic Fields (“EMF”) exposure resulting from the facility. The analysis also includes assessment of existing wireless carriers on site, where information is provided. The table below summarizes the results at a glance:

*Table 1: EMF Summary*

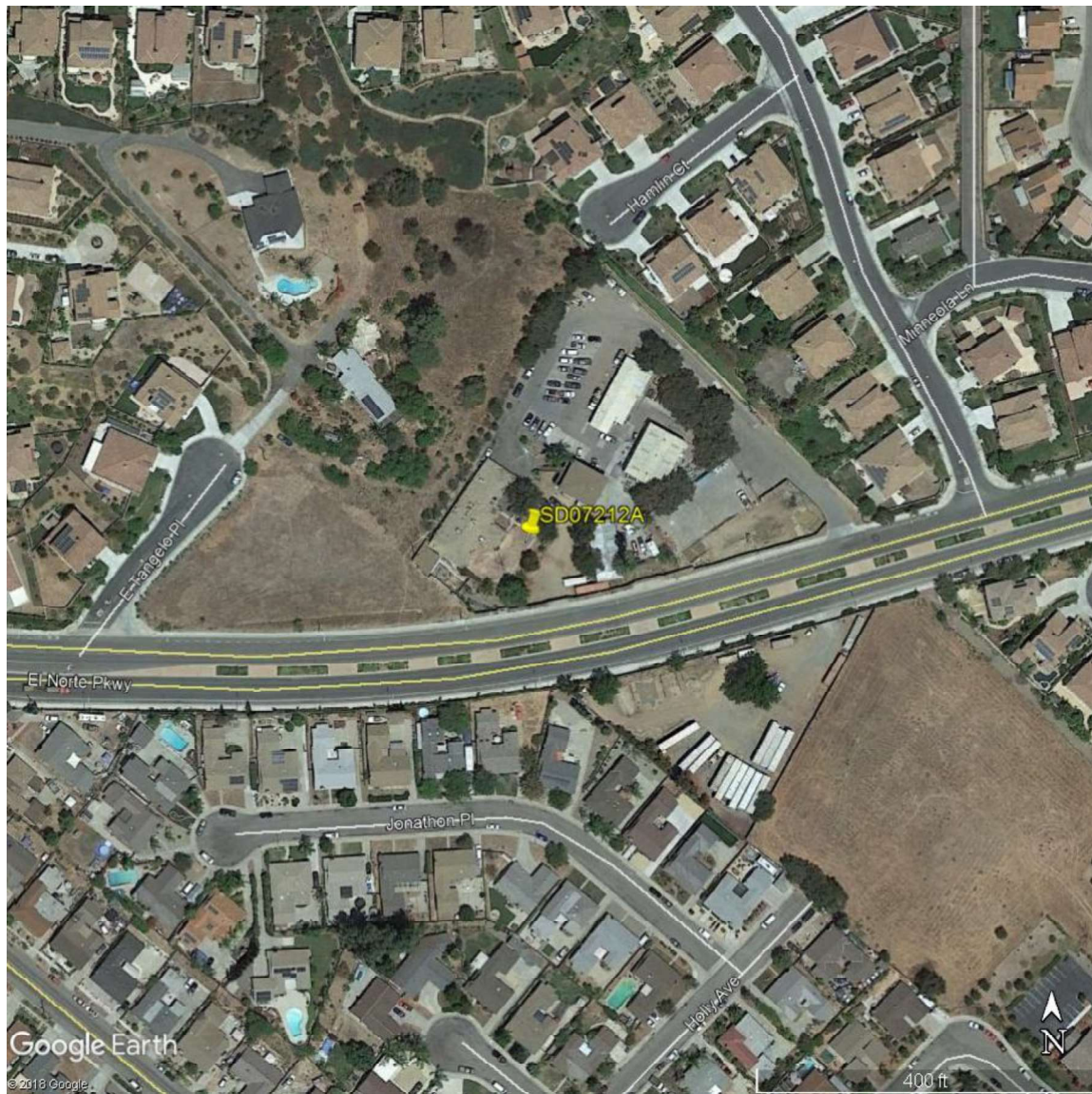
| <b>T-Mobile</b>                                                    | <b>Summary</b>                                  |
|--------------------------------------------------------------------|-------------------------------------------------|
| <b>Access Type</b>                                                 | Walk-up/Man-lift                                |
| <b>Access to antennas locked</b>                                   | NA                                              |
| <b>RF Sign(s) @ access point(s)</b>                                | NOC, Guidelines & Caution<br>(Recommended)      |
| <b>RF Sign(s) @ antennas</b>                                       | None                                            |
| <b>Barrier(s) @ sectors</b>                                        | NA                                              |
| <b>Max EMF level for<br/>T-Mobile on Ground</b>                    | 1.5% General Population                         |
| <b>Max EMF level for<br/>T-Mobile on Adjacent Roof</b>             | 34.5% General Population<br>(6.9% Occupational) |
| <b>Min Clearance Distance from Face of<br/>T-Mobile’s Antennas</b> | 41 Feet                                         |



## 2.0 SITE DESCRIPTION

The wireless telecommunication facility is located on a building rooftop. The facility consists of 1 wireless carrier(s) or operator(s): T-Mobile. The antennas are typically grouped into sectors pointing in different directions to achieve the desired areas of coverage. T-Mobile's antennas are mounted on a monopine tower and are connected to the equipment via coaxial cables.

### 2.1 Site Map



## 2.2 Antenna Inventory

Technical specifications in the table below are provided by our clients and/or gathered from physical field surveys where applicable and/or possible. Conservative estimates are used where information is not provided or available.

*Table 2: Site Technical Specifications*

| Antenna ID | Operator | Antenna Mfg | Antenna Model        | Type  | Frequency (MHz) | Technology | Orientation (°T) | Horizontal BWidth (°) | Antenna Aperture (ft) | Antenna Gain (dBd) | Total ERP (Watts) | Bottom Tip Height Above Ground (Z) (ft) | Bottom Tip Height Above Adj. Roof (Z) (ft) | Bottom Tip Height At Ant. Level (Z) (ft) |
|------------|----------|-------------|----------------------|-------|-----------------|------------|------------------|-----------------------|-----------------------|--------------------|-------------------|-----------------------------------------|--------------------------------------------|------------------------------------------|
| A1         | T-Mobile | Ericsson    | AIR3246              | Panel | 2100            | LTE        | 40               | 27.1                  | 4.9                   | 19.4               | 13934             | 29.7                                    | 15.7                                       | 0.0                                      |
| A2         | T-Mobile | RFS         | APXVAARR24 43-U-NA20 | Panel | 700             | LTE        | 40               | 61.01                 | 8.0                   | 13.3               | 2999              | 28.1                                    | 14.1                                       | 0.0                                      |
| A3         | T-Mobile | Commscope   | TMBXX-6516-R2M       | Panel | 1900            | UMTS/LTE   | 40               | 65                    | 4.2                   | 15.4               | 4866              | 30.0                                    | 16.0                                       | 0.0                                      |
| B1         | T-Mobile | Ericsson    | AIR3246              | Panel | 2100            | LTE        | 140              | 27.1                  | 4.9                   | 19.4               | 13934             | 29.7                                    | 15.7                                       | 0.0                                      |
| B2         | T-Mobile | RFS         | APXVAARR24 43-U-NA20 | Panel | 700             | LTE        | 140              | 61.01                 | 8.0                   | 13.3               | 2999              | 28.1                                    | 14.1                                       | 0.0                                      |
| B3         | T-Mobile | Commscope   | TMBXX-6516-R2M       | Panel | 1900            | UMTS/LTE   | 140              | 65                    | 4.2                   | 15.4               | 4866              | 30.0                                    | 16.0                                       | 0.0                                      |
| C1         | T-Mobile | Ericsson    | AIR3246              | Panel | 2100            | LTE        | 260              | 27.1                  | 4.9                   | 19.4               | 13934             | 29.7                                    | 15.7                                       | 0.0                                      |
| C2         | T-Mobile | RFS         | APXVAARR24 43-U-NA20 | Panel | 700             | LTE        | 260              | 61.01                 | 8.0                   | 13.3               | 2999              | 28.1                                    | 14.1                                       | 0.0                                      |
| C3         | T-Mobile | Commscope   | TMBXX-6516-R2M       | Panel | 1900            | UMTS/LTE   | 260              | 65                    | 4.2                   | 15.4               | 4866              | 30.0                                    | 16.0                                       | 0.0                                      |
| D1         | T-Mobile | Commscope   | Unknown              | Dish  | 10500           | -          | 270              | 2                     | 4.0                   | 38.0               | 65                | 25.0                                    | 11.0                                       | 0.0                                      |

## 3.0 ANALYSIS

### 3.1 Emission Predictions

Figure 1: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits. Gray represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red – greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in gray and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.

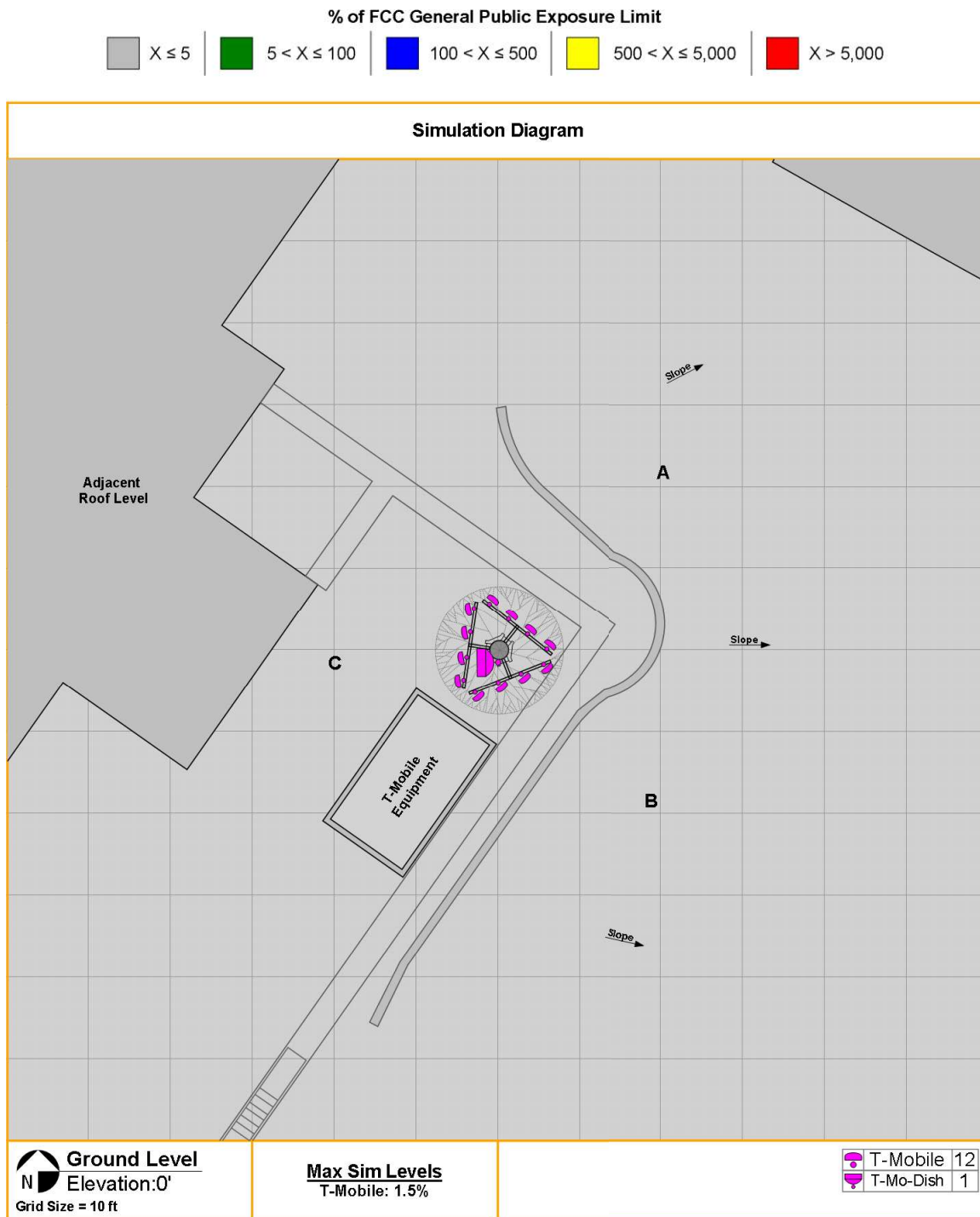


Figure 2: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits. Gray represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red – greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in gray and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.

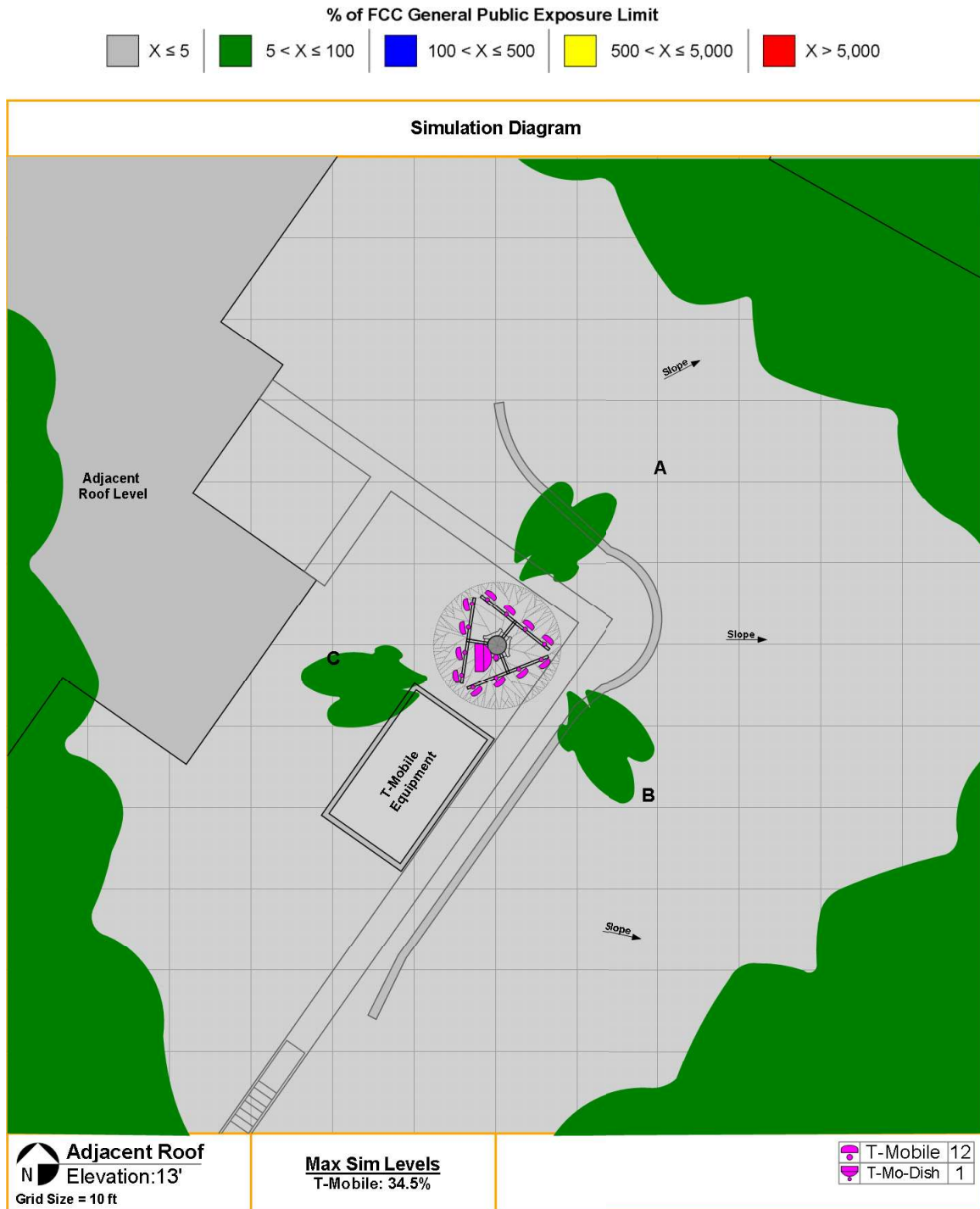
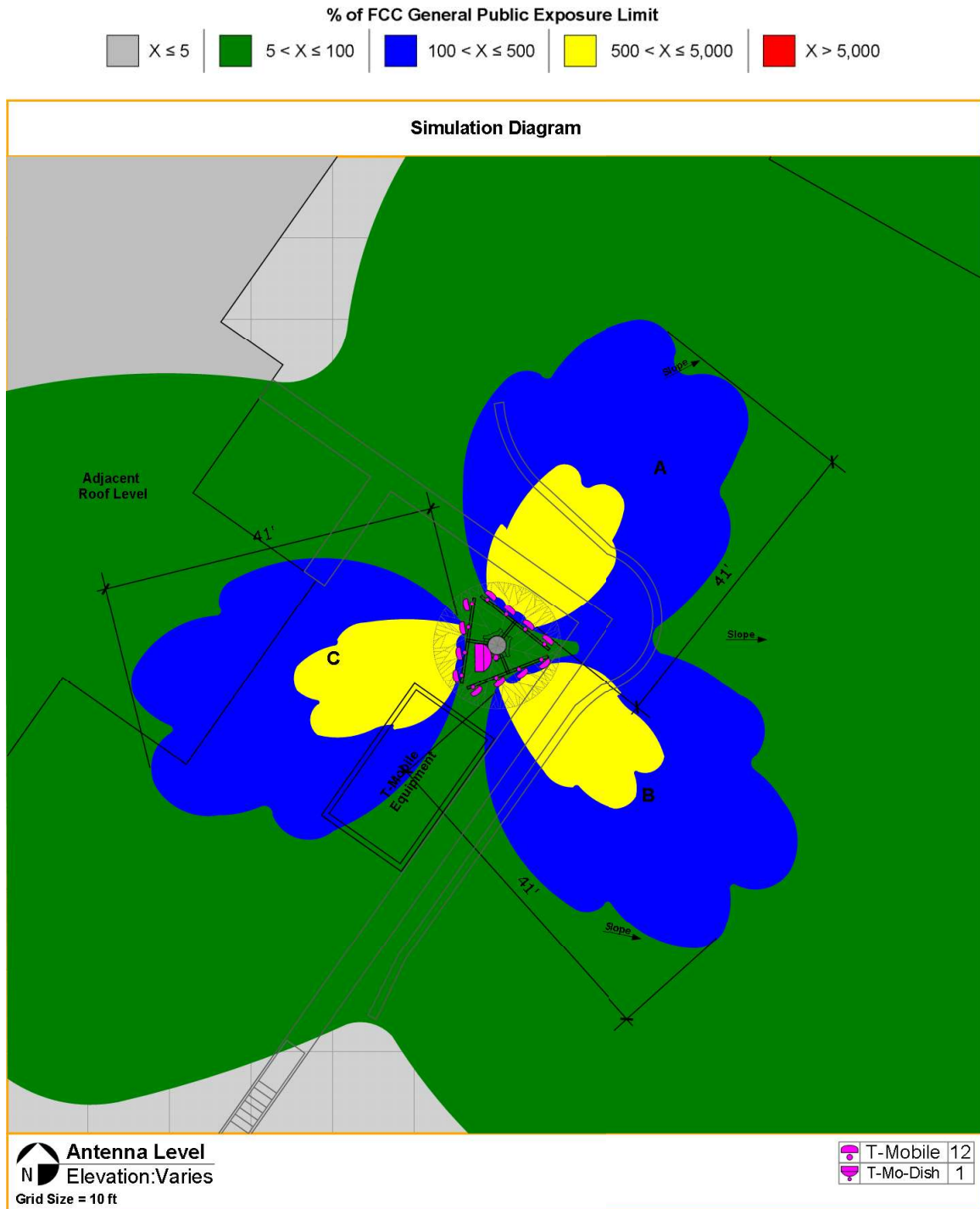




Figure 3: Plan (bird's eye) view map of results compared to FCC's General Population MPE (Maximum Permissible Exposure) Limits. Gray represents areas where exposure levels are calculated to be at or below 5%; Green- between 5% & 100% (below MPE limits); blue, yellow & red – greater than 100% (exceeds MPE limits). Individuals can safely occupy areas in gray and green for indefinite amount of time; whereas areas in blue, yellow & red must be restricted to RF trained personnel who has been made fully aware of potential for exposure, has control and knows how to reduce their exposure with the use of personal protection equipment or has the ability to power down the transmitters.



## 4.0 CONCLUSION

### 4.1 Results

For a person standing in accessible areas on the ground and adjacent roof, calculations for T-Mobile's site resulted in exposure levels below the FCC's most stringent General Population MPE Limits (see figure 1 & 2).

At antenna elevation, the highest calculated exposure level is above the FCC's General Population MPE Limits near the T-Mobile antenna(s) (see figure 3). The overexposed (yellow and blue) areas extend 41-feet from the front face of the T-Mobile antenna(s). From the provided drawings, there are no other buildings or surrounding structures at antenna elevation within 41-feet of the T-Mobile antenna(s). Beyond 41-feet, exposure levels are predicted to be below the FCC's most stringent General Population MPE Limits.

The antennas are mounted on a tall tower and therefore not accessible by the general public. It is presumed that T-Mobile employees and facility owners are aware of the transmitting antennas and will take appropriate precautions when working near them.

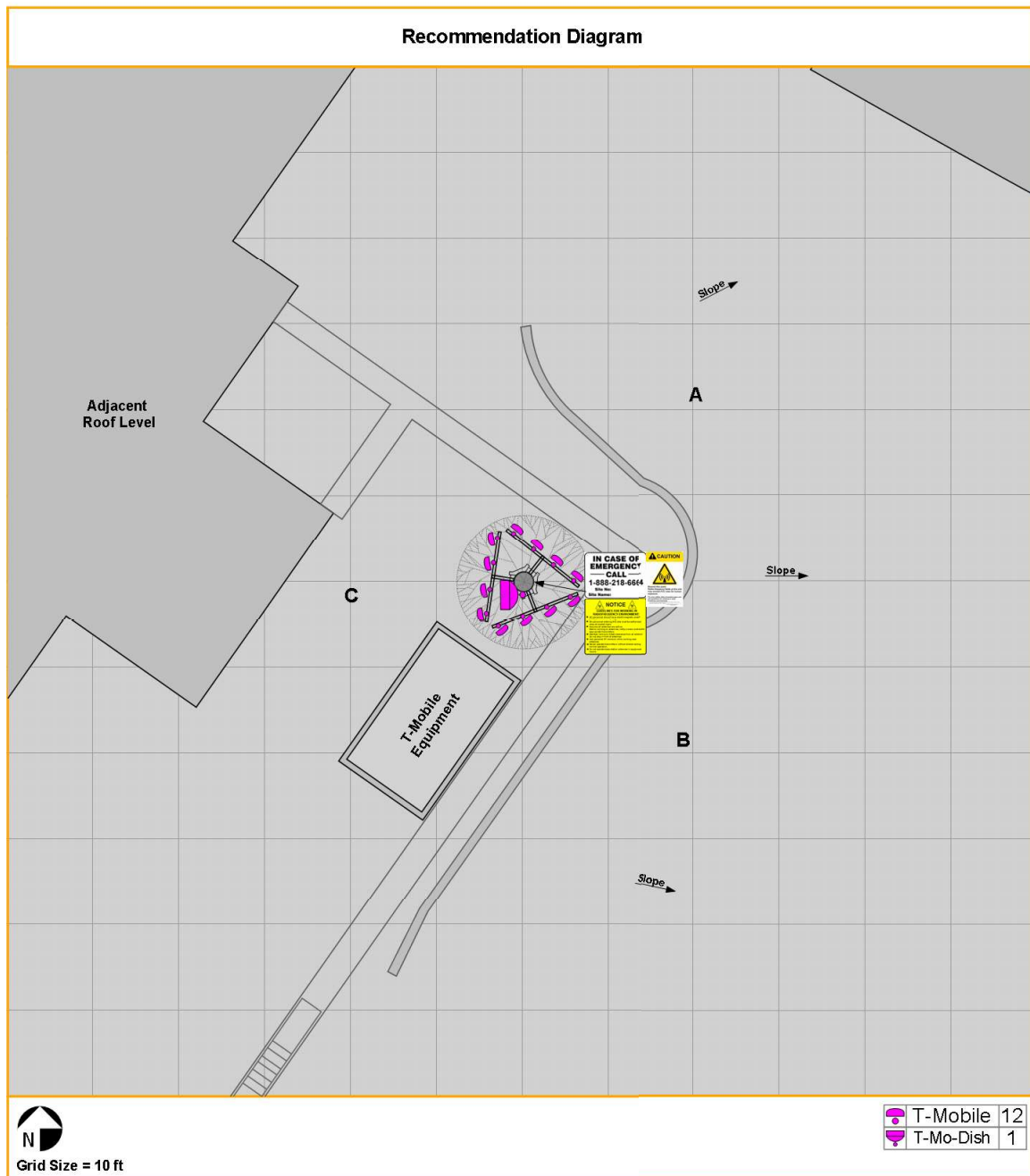
### 4.2 Recommendation(s)

The following compliance action(s) would be sufficient to meet the FCC's RF Safety Guidelines (see figure 4):

- 1) Install NOC Sign(s), GUIDELINES Sign(s) and CAUTION Sign(s) at each tower climbing access point or base of the tower, where they will be clearly visible to tower climbers.
  - a. Signage should be mounted preferably away from public view and high on the tower to minimize unnecessary alarm.



Figure 4: Recommendation(s)



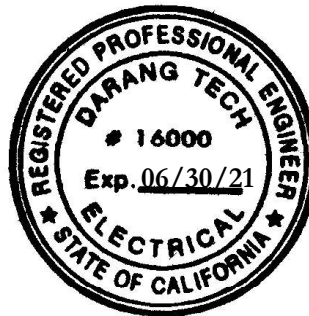
### 4.3 Statement of Compliance

Based on the above results, analysis and recommendation(s), it is the undersigned's professional opinion that T-Mobile's site will be compliant with the FCC's RF Safety Guidelines provided recommendation(s) are implemented.

### 4.4 Engineer Certification

This report has been prepared by or under the direction of the following Registered Professional Engineer: Darang Tech, holding California registration number 16000. I have reviewed this report and believe it to be both true and accurate to the best of my knowledge.

  
Darang Tech, P.E.



## Appendix A: Background

Dtech uses the FCC's guidelines described in detail in Office of Engineering & Technology, Bulletin No. 65 ("OET-65") "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields". The table below summarizes the current Maximum Permissible Exposure ("MPE") safety limits classified into two groups: General population and Occupational.

Table 3: FCC MPE Limits (from OET-65)

| Frequency (Mhz)   | General Population/<br>Uncontrolled MPE<br>(mW/cm <sup>2</sup> ) | Averaging<br>Time<br>(minutes) | Occupational/<br>Controlled MPE<br>(mW/cm <sup>2</sup> ) | Averaging<br>Time<br>(minutes) |
|-------------------|------------------------------------------------------------------|--------------------------------|----------------------------------------------------------|--------------------------------|
| 30 - 300          | 0.2                                                              | 30                             | 1.0                                                      | 6                              |
| 300 - 1500        | Frequency (Mhz)/1500<br>(0.2 – 1.0)                              | 30                             | Frequency (Mhz)/300<br>(1.0 – 5.0)                       | 6                              |
| 1500 -<br>100,000 | 1.0                                                              | 30                             | 5.0                                                      | 6                              |

**General population/uncontrolled** limits apply in situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment, and may not be fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public always fall under this category when exposure is not employment-related.

**Occupational/controlled** limits apply in situations in which persons are exposed as a consequence of their employment, and those persons have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general population/uncontrolled limits, as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

It is important to understand that the FCC guidelines specify *exposure* limits not *emission* limits. For a transmitting facility to be out of compliance with the FCC's RF safety guidelines an area or areas where levels exceed the MPE limits must, first of all, be in some way *accessible* to the public or to workers. When accessibility to an area where excessive levels is appropriately restricted, the facility or operation can certify that it complies with the FCC requirements.

## Appendix B: Measurement and/or Computer Simulation Methods

Spatial averaging measurement technique is used. An area between 2 and 6 feet, approximately the size of an average human, is scanned in single passes from top to bottom in multiple planes. When possible, measurements were made at very close proximity to the antennas and inside the main beam where most of the energy is emitted. The spatial averaged values were recorded.

Dtech uses an industry standard power density prediction computer Model<sup>1</sup> to assess the worse-case, cumulative EMF impact of the surrounding areas of the subject site. The Model does not take into account losses due to buildings. Its methodologies are conservative enough to account for typical down-tilts deployed in wireless communications. In addition, the analysis is performed at 100% duty cycle-all transmitters are active at all times and transmitting at maximum power. For purposes of a cumulative study, nearby transmitters are included where possible. The result is a surrounding area map color-coded to percentages of the applicable FCC's MPE Limits. A result higher than 100% exceeds the Limits.

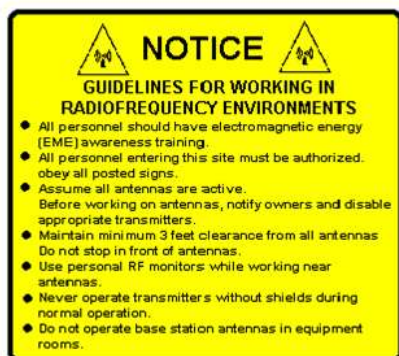
## Appendix C: Limitations

The conclusions in this document rendered by Dtech are based solely upon the information collected during the site survey and/or furnished by our Client which Dtech believes is accurate and correct. Dtech, however, has no responsibility should such Client provided information prove to be inaccurate or incorrect. Third party specification estimates used for cumulative computer simulation purposes, where applicable, are based on common industry practices and our best interpretation of available information. Data, results and conclusions in this document are valid as of its date. However, as mobile technologies continuously change, these data, results and conclusions may also be at variance with such future changes. Dtech has no responsibility to update its survey or report to account for such future technology changes. This document was prepared for the use of our Client only and cannot be utilized by any third party for any purpose without Dtech's written consent. Dtech shall have no liability for any unauthorized use of this document and any such unauthorized user shall defend, indemnify and hold Dtech and its owners, directors, officers and employees harmless from and against any liability, claim, demand, loss or expense (including reasonable attorney's fees) arising from such unauthorized use.

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<sup>1</sup> Roofmaster(tm) 2015 Version 15.7.2.18

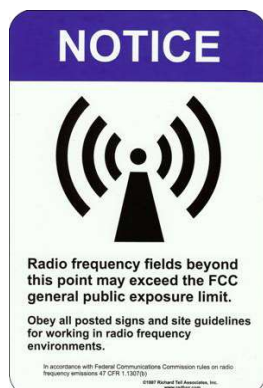
## Appendix D: T-Mobile RF Advisory Signs



GUIDELINES Sign



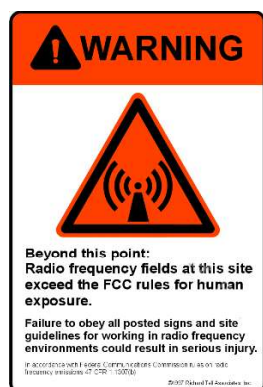
NOC Sign



NOTICE Sign



CAUTION Sign



WARNING Sign



**Paul Bingham**

---

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Tuesday, September 17, 2019 3:51 PM  
**To:** Paul Bingham  
**Subject:** [EXT] Couple of questions

**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 Paul,

We're trying not to bother you as you finish up the staff report which given all that you and other staff d and all we've sent I'm sure it will be big! Are you still on target to post it to the city's website on Thursday?

We had some questions on the process for the city council meeting. You said that you or someone else will present the staff report and any recommendations. Is anyone else able to give a presentation such as T Mobile, CE Wilson or some other party? or is it just open to speakers to say what they want in the 2-3 minute time frame? I recall we also had a chance to make comments later on maybe after the commissioners talked about it amongst themselves and before they voted.

Is it the same process for the city council meeting or something different?

Let us know if you need anything else from us.

Thanks.

Mike Hendel

*Susan Dana Foster*

---

15957 Avenida Calma  
Rancho Santa Fe, California 92091  
susan.foster04@gmail.com  
(858) 756-3532

September 15, 2019

Mayor Paul McNamara: [pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)  
Deputy Mayor Consuelo Martinez: [cmartinez@escondido.org](mailto:cmartinez@escondido.org)  
Council member Olga Diaz: [odiaz@escondido.org](mailto:odiaz@escondido.org)  
Council member John Masson: [jmasson@escondido.org](mailto:jmasson@escondido.org)  
Council member Mike Morasco: [mmorasco@escondido.org](mailto:mmorasco@escondido.org)  
Assistant Planner Paul Bingham: [pbingham@escondido.org](mailto:pbingham@escondido.org)

Dear Mayor McNamara, Deputy Mayor Martinez, and Councilmembers Diaz, Masson, Morasco, and Assistant Planner Bingham:

I'm writing on behalf of families whose properties surround a proposed, and partially approved, 40-foot cell tower disguised as a metal pine tree. I understand you will be discussing whether or not to approve this tower at your September 25 meeting. **I would urge you in the strongest possible terms not to approve this tower.** These families and their property values will be irreparably harmed unless the approval granted by the Escondido Planning Commission is rescinded. Cell towers, particularly macro towers of this nature that will begin with 12 or more antenna including a dish antenna, do not belong near residences.

I would like to share briefly what I have learned through working with firefighters throughout California and across country for almost two decades. Cell towers were originally permitted for fire stations in most communities. Therefore our firefighters, ironically, have become the canaries in the coal mine. What applies to the strongest of the strong among us, our firefighters, indeed applies to the population at large, and I am particularly concerned about the vulnerability of children.

In 2001 I was asked by San Diego firefighters to write an appeal when cell towers were permitted for their station. I began hearing more and more stories of firefighters who literally could not function in the job that clearly establishes firefighters as the guardians of society. Once these macro cell towers were activated on or adjacent to their stations, many of them could no longer function due to severe headache, inability to sleep, and foggy thinking. These are not symptoms we wish to see in our First Responders.

In 2004 I organized a SPECT brain scan pilot study of firefighters who has been exposed to a cell tower on their station for over five years. We found brain abnormalities in all firefighters tested. Attached is my 2013 filing with the FCC detailing this study.

In 2004 I co-authored Resolution 15 which was passed overwhelmingly by the International Association of Firefighters. Res. 15 urged a moratorium on the placement of cell towers on fire stations in the US and Canada. In large part because of the 2004 brain scan study, the California firefighters as a whole fought for and received exemptions to 5G towers on their stations in AB 57 and SB 649. Unfortunately, the FCC's 5G directive allows no such provision. However, on August 7, 2019 the San Diego County Board of Supervisors passed their 5G ordinance that allows for 300 foot setback from all fire stations, sheriff stations, schools, daycare, hospitals and churches from 5G towers. The setback included fire stations in very large part because of our SPECT brain scan study.

There is direct application of this study to what could happen to the families living in close proximity to this proposed T-Mobile macro tower.

The symptoms experienced by the firefighters who participated in the SPECT brain scan study were similar to firefighters in other stations who live in the shadow of cell towers. Yet specific to the men we studied, it is important to note all the men had passed rigorous physical and cognitive exams prior to being hired by the fire department. Their symptoms included:

- headaches
- extreme fatigue
- cognitive impairment
- anesthesia-like sleep where the men woke up for 911 calls "as if they were drugged"
- inability to sleep
- depression
- anxiety
- unexplained anger
- immune-suppression manifest in frequent colds and flu-like symptoms

Real life examples of these symptoms are best briefly characterized by:

- 1) Firefighters got lost on 911 calls in the town they grew up on several occasions.
- 2) In one instance, four firefighters sat in the rig in a stupor with the alarm sounding in the background, unable to remember how to start the engine.
- 3) A medic with 20 years of experience who had never made a mistake forgot basic CPR in the midst of resuscitating a coronary victim.

The brain scans of these six men revealed a pervasive, hyper-excitability of the neurons in certain parts of the brain. These findings suggested the exposure to RF (microwave) radiation was causing the neurons to continually fire in these areas without benefit of rest. When neurons (brain cells) cannot rest, they ultimately die. The scans further revealed that other sections of the brain that should have been functional showed hypoperfusion, or decreased blood flow, suggesting impairment in these particular areas.

The firefighters most important lesson to us as a county, as a state, and as a nation, may be that if we allow a buildout of cell towers such that they are as commonplace near homes and schools as they are now on fire stations, we may be facing a tsunami of neurodegenerative disorders, including Alzheimer's and dementia, as well as learning disabilities and the possibility of even higher increases in the rate of Autism.

The Escondido City Attorney and County Counsel may have advised you all that health cannot be taken into consideration when approving or denying a cell tower. Section 704 of the Telecommunications Act of 1996 is very precise in its wording. As long as the proposed tower is going to stay within the FCC permissible guidelines for radiation output, environmental concerns – frequently interpreted by the courts to mean health – cannot be the main consideration for denial of the tower. Therefore, when people have sued for illnesses related to radiation exposure following installation of the tower near them, and this includes the fire department where we tested the six firefighters in 2004, these cases have been dismissed because judges have ruled that if health cannot be taken into consideration when fighting a tower, damages cannot be taken into consideration because of the tower.

Yet with this macro tower which invariably will have 5G on it because the law allows antenna to be added from top to bottom with no restriction, I can guarantee the FCC limits will be breached. 5G utilizes the millimeterwave, and that millimeterwave has the ability to heat tissue. The FCC permissible limit of radiation is right at the thermal level. Therefore it is likely the safety limit will be breached with some regularity.

If this macro tower(s) is approved or any other tower on this property is approved, I will advise the families where to buy the appropriate equipment to professionally measure the output of radiation from the tower. I will advise them to retain the top measurements expert in the country who lives locally. I will advise them which medical tests to have to secure a baseline with respect to their health and that of their children. And once that safety limit is breached, I will advise them to assert their legal rights to bring a lawsuit against all parties who are currently being advised of the following: This is a dangerous technology. The placement of this macro tower adjacent to residential properties is unnecessary, unsafe, and unhealthy. It shows a reckless disregard for introducing what should be industrial zoning within the confines of a residential environment. It puts everyone in close proximity at risk. It is an unnecessary risk. It is an avoidable risk, and I want the Escondido City Council to be fully informed of these risks.

To that end, I am including two excellent letters from Beatrice Golomb, M.D., PhD, Professor of Medicine at University of California's San Diego School of Medicine, and principal of the Golomb Research Group at UCSD. Dr. Golomb has studied EMF health effects and submitted a letter with attachments to the San Diego County Board of Supervisors prior to the August 7 vote on the Ordinance. <http://www.electrosmogprevention.org/wp-content/uploads/2019/08/Golomb-letter-to-BOS-8.7.19.pdf>

Dr. Golomb has researched and in some instances helped to solve mystery illnesses that include but are not limited to Gulf War Syndrome and the diplomats' mystery illness initially thought to

be linked to sonic waves directed at the U.S. Embassy in Cuba. Dr. Golomb was among the first to link the diplomats' illnesses with exposure to pulsed radiofrequency/microwave radiation.

In a non-weaponized form, the public is being exposed through wireless technology to pulsed radiofrequency/microwave radiation (4G) and pulsed radiofrequency/millimeterwave radiation (5G). The proposed macro tower to be discussed at the September 25<sup>th</sup> meeting is very likely to have both technologies from multiple carriers. Even though T-Mobile is the applicant, it is customary for the applicant to turn around and lease space on the tower to other carriers.

In a 2017 letter to Gov. Brown when California was considering legislation that looked similar to the current FCC 5G directive, Dr. Golomb issued a strong warning and some words of education and enlightenment. Ultimately Gov. Brown vetoed the bill in October 2017. Here are three key paragraphs from Dr. Golomb's 2017 letter, also included in the link above.

**Mechanisms by which health effects are exerted** have been shown to include oxidative stress (the type of injury against which antioxidants protect ,see optional section below), damage to mitochondria (the energy producing parts of cells), damage to cell membranes<sup>1, 21</sup>, and via these mechanisms, an impaired "blood brain barrier"<sup>3-5</sup> (the blood brain barrier defends the brain against introduction of foreign substances and toxins; additionally, disruption can lead to brain edema<sup>6</sup>), constriction of blood vessels and impaired blood flow to the brain<sup>7</sup>, and triggering of autoimmune reactions<sup>8, 9</sup>. Following a large exposure, that depresses antioxidant defenses, magnifying vulnerability to future exposures, some persons no longer tolerate many other forms and intensities of electromagnetic radiation that previously caused them no problem, and that currently cause others no problem. But this group deserves – nay needs -- the right to be able to avoid these exposures.

**Affected individuals not only experience "symptoms"** that "merely" cause them distress and suffering, when they are exposed – symptoms like headaches<sup>10, 11</sup>, ringing ears<sup>10, 11</sup> and chest pain<sup>10</sup> from impaired blood flow, heart rhythm abnormalities<sup>10, 11</sup>, and inability to sleep<sup>10, 11</sup>. These symptoms arise from physiological injury. Moreover, **many experience significant health problems that can include seizures<sup>11</sup>, heart failure, hearing loss<sup>12-14</sup> and severe cognitive impairment<sup>11, 15</sup>**. The mechanisms involved are those also involved in development and progression of neurodegenerative conditions including Alzheimer's disease<sup>16</sup>.

**Fully half who were employed when their problems developed lost their job because of the problem**, among participants of a survey we conducted. They reported that their condition had cost them up to 2 million dollars to date. Many had lost their homes. A number became homeless, and have swelled the ranks of so-called "EMF refugees"<sup>17-19</sup>. Among those affected, many were previously high functioning individuals – engineers, doctors, lawyers. The best and the brightest are among those whose lives – and ability to contribute to society –will be destroyed. High profile individuals with acknowledged electrohypersensitivity include, for instance, Gro Harlem Brundtland – the former 3-time Prime Minister of Norway and former Director General of the World Health Organization<sup>20</sup>; Matti Niemela, former Nokia Technology chief<sup>21</sup>; as well as the wife of

Frank Clegg<sup>22</sup>, who formerly headed Microsoft Canada and is current head of Canadians for Safe Technology<sup>23</sup>.

As you know you cannot deny a tower based on health concerns alone. It may be a factor, but not the predominant factor. My specialty is understanding the various medical complexities that go along with exposure to RF radiation.

However, I have a reasonable appreciation for zoning laws because I was appointed to the 2002 cell tower ordinance siting committee by the County of San Diego. We came up with a four-tiered order of preference, and our ordinance was litigated all the way to the U.S. Supreme Court and upheld. It then served as a model for similar ordinances across the country. For six months during 2019, I worked with zoning planners with the County regarding protective language for the 5G ordinance that was passed by San Diego County on August 7. Therefore, I am reasonably well acquainted with the law and the obligations of those approving and disapproving of these towers.

From a zoning perspective I would have profound concerns about approving any additional industrial use of this property owned by C. E. Wilson. I understand a shed will be included with dimensions of 12' x 20'. This would be for the generator and backup generator for the macro tower. It is not in keeping with community character. It poses a noise risk, and it also poses a safety risk. Factual safety is a factor you may consider very carefully in denying a tower. Studies have shown an increased incidence of lightning strikes at the site of cell towers. These generators and their backup generators run on a variety of fuels. Some are lead acid batteries, some natural gas, and others diesel fuel. Different carriers use different backup generators. One of my biggest concerns when I hear of towers of this size has to do with the incidence of lightning strikes and the possibility of a fire near combustible fuels. You could be putting all the residential properties at risk for fire, particularly during a fire season which – as we all know – is now year-round.

Again, in the strongest possible terms, I urge you to deny the permit for this tower put forward by C. E. Wilson.

If you have any questions, please feel free to contact me.

Respectfully,

*/s/ Susan Foster*

SUSAN FOSTER

U.S. Adviser, Radiation Research Trust (UK)

Honorary Firefighter, San Diego Fire Department

Medical Writer

Rancho Santa Fe CA 92091

858 756-3532

[susan.foster04@gmail.com](mailto:susan.foster04@gmail.com)

Attachment



**FCC 13-39**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|                                               |   |                      |
|-----------------------------------------------|---|----------------------|
| In the Matter of                              | ) |                      |
|                                               | ) |                      |
| Reassessment of Federal Communications        | ) | ET Docket No. 13-84  |
| Commission Radiofrequency Exposure Limits and | ) |                      |
| Policies                                      | ) |                      |
|                                               | ) |                      |
| Proposed Changes in the Commission's Rules    | ) | ET Docket No. 03-137 |
| Regarding Human Exposure to Radiofrequency    | ) |                      |
| Electromagnetic Fields                        | ) |                      |
|                                               | ) |                      |

To: Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

Comment Filed by: Susan D. Foster, MSW  
15957 Avenida Calma  
Rancho Santa Fe, CA 92091  
susan.foster04@gmail.com  
858 756-3532

September 2, 2013

**AFFIDAVIT OF Susan D. Foster, MSW**

State of California                    ]

San Diego County        ]

I, Susan D. Foster, MSW, attest that my statements are true to the best of my knowledge.

**Comment** round for FCC ET Docket No. 13-84 and ET Docket No. 03-137

1. My name is Susan D. Foster, MSW. My address is 15957 Avenida Calma, Rancho Santa Fe, CA 92091.

2. I am a medical writer and the organizer of a brain study of California firefighters exposed to RF radiation from a cell tower adjacent to their fire station of over 5 years.

3. In 2004 I organized a pilot study of California firefighters who worked up to ninety (90) hours per week in fire stations with cell towers in close proximity to the two (2) stations where the firefighters work, eat, and sleep. The men were experiencing profound neurological symptoms following activation of the towers in 1999.

4. The symptoms experienced by the firefighters, all of whom had passed rigorous physical and cognitive exams prior to being hired by the fire department, included but were not limited to the following: headaches, extreme fatigue, sleep disruption, anesthesia-like sleep where the men woke up for 911 calls “as if they were drugged”, inability to sleep, depression, anxiety, unexplained anger, getting lost on 911 calls in the town they grew up in, a twenty (20) year medic forgetting basic CPR in the midst of resuscitating a coronary victim, immune-suppression manifest in frequent colds and flu-like symptoms.

5. The neurological testing and SPECT scans [single-photon emission computed tomography] of the brain were conducted by Gunnar Heuser, MD, PhD and J. Michael Uszler, MD. All six (6) firefighters were found to have brain abnormalities on SPECT scan. The doctors thought they would find areas of limited function in the brain based on the

symptomatology. Instead, they found a pervasive, hyper-excitability of the neurons which suggested the exposure to RF (microwave) radiation was causing the neurons to continually fire, without rest. RF radiation appeared to act as a constant stimulant even when the men were away from the station, and in repose. The SPECT scans were considered abnormal in all 6 firefighters.

6. Cognitive function, reaction time, and impulse control were measured objectively using T.O.V.A. testing [Test of Variables of Attention]. In all six (6) firefighters, impairment was found with cognitive function, reaction time and impulse control. Three (3) of the six (6) firefighters were captains. The captain on each shift is in charge of making life altering decisions for all firefighters and potential victims. They order firefighters into a burning building, and conversely, they order them out before a roof may collapse, for example. Impairment of all three critical functions could cost firefighters and the community they serve either life or limb.

7. The testing was conducted in 2004. The cell towers are in place at the two (2) fire stations where the test subjects work for the duration of a twenty-two (22) year lease. The men we tested have remained at the stations as this is the only work they know in the only community they have ever lived in. One (1) of the six (6) men tested did move to another department after his wife gave birth to a boy who was diagnosed with Autism at age 2. This was the first live birth experienced by the “firefighter family” at this department since activation of the tower three (3) years earlier.

8. I have followed up with the firefighters who report continued symptoms as described in paragraph 4. Additionally, all firefighters report profound memory loss.

9. Two (2) of the firefighters, men we did not test in the pilot study but men who were exposed to RF radiation from the cell tower since their installation and activation in 1999, have gone out on psychiatric disability. This is almost unheard of among firefighters. The diagnosis was Post Traumatic Stress Disorder for one firefighter; he went out on an emergency run, and simply stopped talking after he returned to the station. The second

firefighter suffered an apparent break with reality. This occurred in the fire station when he returned following a short term disability for an unrelated injury. This break with reality was followed by an abrupt collapse and loss of consciousness. Because two (2) women have suffered strokes while in the fire station with the towers fully activated, Vascular Spasm Stroke (VSS) is suspected as a possible cause by Dr. Heuser and myself of having caused not only the strokes, but it is suspected in the potentially inaccurate diagnoses of the two (2) “psychiatric” cases among the firefighters. If not treated with rest and supplemental oxygen, it is possible for some VSS patients to have difficulty regaining speech and full cognitive abilities. This may be a case of misdiagnosis by the treating physicians who were unfamiliar with the potential of cell towers to create thermal effects well under the FCC limit of 1,000  $\mu\text{W}/\text{cm}^2$ , thus heating blood in the brain and inducing VSS. Further study of these men is imperative.

10. What is particularly germane to the critical decisions the FCC is currently facing regarding RF safety guidelines is the fact the FCC currently allows 1,000 microwatts per centimeter squared ( $\mu\text{W}/\text{cm}^2$ ) as an emission standard from cell towers. Yet all the symptoms attributed by the firefighters, as well as measurable brain and central nervous system abnormalities described above, occurred within close proximity to a cell tower measured at between 1 - 2  $\mu\text{W}/\text{cm}^2$  by Peter Sierck, BBEC, CEO of Environmental Testing & Technology in Encinitas, CA. Thus the emissions from towers were measured at approximately  $1/1000^{\text{th}}$  to  $1/500^{\text{th}}$  of the FCC’s allowable limit. “Hot spots” of reflected radiation were measured at 15 and 30  $\mu\text{W}/\text{cm}^2$ , yet these “hot spots” were still a fraction of what the FCC allows. Therefore, **I strongly suggest the FCC is not basing its standards on biological effects by taking into consideration non-thermal effects, but rather physics with respect to the belief only thermal effects can be deleterious.** The FCC must recognize the principles of physics do not protect the brains and central nervous systems of the strongest among us, our firefighters.

11. The failure to protect our populations based on biological effects of exposure to RF (microwave) radiation at non-thermal levels is an inherent shortcoming of the current FCC policy with respect to cell tower emissions and cell phone absorption. The adverse biological

impact of these exposures are grossly underestimated. The FCC does not have independent science that can justify the massive exposure to RF radiation that currently exists from cell towers and cell phones. The story told by our small pilot study of firefighters in California should be a warning with respect to the current failure to recognize **harmful neurological impact of non-thermal levels of RF radiation**.

12. Based on the neurological abnormalities Dr. Heuser and I found in the firefighters, including hyper-excitability of the neurons which can result in cell death and consequent neuro-degenerative diseases such as Alzheimer's, Parkinson's Disease and ALS, I urge the FCC to reflect on the gravity of the decision facing you now, and I implore all Commissioners to reduce the allowable level of RF radiation immediately, and to not only recognize the adverse health effects from non-thermal levels of RF radiation, but to actively and aggressively protect and educate the general public through policy change and PSAs.

13. Finally, the FCC is not a health agency, yet it is entrusted with making decisions that impact the health of every American, including the unborn and those who cannot – through inability or lack of knowledge of the issues and dangers at hand – speak for themselves. Many consumers are encouraged through industry advertising to believe that their children will be disadvantaged if they do not have the latest wireless technology. Given the most recent culling of science in the BioInitiative Report 2012, this reckless promotion without any proof of safety puts them and their progeny at risk for neurological, immunological and reproductive harm. Furthermore, the “revolving door”-culture between the FCC and the telecommunications industry works against the best interest of consumers' health and safety. Both the FCC and the industry reach for a common refrain to hang on to their egregiously high regulatory limits which the FCC tries to pass off as “safety limits”, but clearly they are not. That refrain tells the public time and again that “there is a lack of scientific consensus about the adverse health effects” at exposure levels at or below the existing FCC limits. **No, there is not a true lack of consensus.** There is a flagrant disregard by the FCC for excellent, peer review science showing adverse health effects at less than 1% of what the FCC allows. Even if this were not the case, when have we determined everyone must be on the same side, the same page, before precautionary approaches are implemented? Did we

wait for this 100% accord on the science regarding DDT? No, if we had done that, Dow Chemical would never have agreed their product was dangerous and the world would be a less safe place than it is now. The same argument can be used for tobacco. It is past time for the FCC to lean toward the side of protecting human life rather than telecommunications industry profits. I contend a true Precautionary Approach would be both efficient and practical. It would protect human life, the quality of those lives, prevent disease, enhance the opportunity for human potential by not insidiously eroding our greatest natural resource – the human brain, and it would keep health care costs down. I implore the FCC to recognize that six (6) out of six (6) SPECT brain scans were abnormal for the firefighter subjects, and they are the strongest of the strong among us.

Respectfully submitted by

Susan D. Foster, MSW  
15957 Avenida Calma  
Rancho Santa Fe, CA 92091  
September 2, 2013

*Susan D. Foster, MSW*

(Electronically submitted)



## Paul Bingham

---

**From:** divineosiris . <yennyfer@gmail.com>  
**Sent:** Sunday, September 15, 2019 5:03 PM  
**To:** Paul McNamara; Consuelo Martinez; John Masson; Olga Diaz; Michael Morasco; Michael McGuinness; William Wolfe; Bill Martin; Monica Pinaglia; Paul Bingham  
**Cc:** Michael Hendel; Pam Albergo; Robert Cocom  
**Subject:** [EXT] Conditional Use Permit - PHG 18-0016

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Good Afternoon,

I am writing to you to express my opposition to the proposed Cell Tower at 2534 East El Norte Parkway (APN No. 225-270-63-00). I would like to have my comments included in the upcoming hearing on the matter on September 25, 2019.

I hope that you deny this permit for the following reasons:

1. This property has been out of compliance with its current NCU permit for some time. Approving this permit will convey to the land owner that he can disregard these rules and continue to operate as business as usual, all while continuing to collect rental income. I believe you have received all the documentation regarding the blatant violations on the property and that you are aware that it is a long way from being compliant. The most egregious of them all being the dumping of slurry into pits without a proper permit. This is a perfect example of the landowner not being able to police his own property and making sure that his tenants are following the rules in which his NCU permit is founded on.
2. Property values will be impacted by the construction of this Cell Tower. It has been shown all around communities in California that property values are negatively impacted. A number of cases have documented the detrimental effects of cell towers on property values. Below are specific cases:
  1. During the January 7, 2009 Glendale City Council public hearing about a proposed T-Mobile cell tower in a residential neighborhood, local real estate professional Addora Beall described how a Spanish home in the Verdugo Woodlands, listed for 1 million dollars, sold \$25,000 less because of a power pole across the street. "Perception is everything," said Ms. Beall. "If the public perceives it to be a problem, then it is a problem. It really does affect property values." See Glendale City Council meeting, January 7, 2009, video of Addora Beall comments @ 2:35:24: [http://glendale.granicus.com/MediaPlayer.php?view\\_id=12&clip\\_id=1227](http://glendale.granicus.com/MediaPlayer.php?view_id=12&clip_id=1227)
  2. Residents who were fighting off a T-Mobile antenna in their neighborhood Windsor Hills/View Park, CA, received letters from real estate companies, homeowner associations and resident organizations in their community confirming that real estate values would decrease with a cell phone antenna in their neighborhood. To see copies of their letters to city officials, look at the . Report from Los Angeles County Regional Planning Commission regarding CUP Case No. 200700020-(2), from L.A. County Board of Supervisors September 16, 2009, Meeting documents, Los Angeles County website, here at: <http://file.lacounty.gov/bos/supdocs/48444.pdf>
  3. One of our own homeowners in the Chaparral Community was unable to sell his home earlier this year due to the activity of the existing businesses on this property. Therefore, adding a cell

tower will only compound the problem and make it even harder for those of us in close proximity to this property to ever be able to sell our homes for a fair price.

4. The builder of new homes adjacent to this property will also have a hard time selling his homes if this tower is constructed. He will have to disclose that this tower is being built and the buyers will likely choose a different property as a result due the unappealing aesthetics of a cell tower and health concerns. No matter how much you try to hide it or make it look like a pine tree, everyone knows what a cell tower looks like and of the health concerns that it poses to our bodies.
3. There is mounting research and science supporting the health risks associated with exposure to radio frequency electromagnetic fields. The World Health Organization's International Agency for Research on Cancer has classified radio frequency electromagnetic fields as possibly carcinogenic to humans, based on an increased risk for glioma, a malignant type of brain cancer associated with wireless phone use. This is why many organizations want to repeal or modify the U.S. Telecommunications Act of 1996 because the current exposure standards do not take into account recent scientific findings. Several organizations and federal agencies voiced their concern with the proposed guidelines. The EPA did not believe "exposure limits for these frequencies are not sufficiently protective for public exposure" ([http://www.fcc.gov/Bureaus/Engineering\\_Technology/Orders/1996/fcc96326.pdf](http://www.fcc.gov/Bureaus/Engineering_Technology/Orders/1996/fcc96326.pdf)). Let us not forget the history of lead paint in which many children had to suffer in order for the federal government to outlaw lead from being used in paint and gasoline. How many people have to get cancer, how many children have to get tumors in order for the FCC to enforce stricter regulations on wireless technology. I do not want my two children ages 5 and 3 to be part of this experiment. Yes, we all have cell phones in our pocket, but I can choose to turn my cell phone off and my wireless network off at night to reduce exposure. I cannot however, turn off a cell tower a few hundred feet away from my home. This is why I put my trust in the elected official of my city, who are given the power to protect the welfare of the public.
4. I am aware that the city of San Diego under Council Policy 600-43 has provided guidelines for the placement of Wireless Communication Facilities. The Council Policy establishes a hierarchy from most preferred location to least preferred location, encouraging the placement of WCFs in commercial and industrial zones. I urge the city of Escondido to adopt these guidelines so that cell towers are not placed in residential areas, which are the least preferred location under this policy.

I look forward to a denial of this conditional permit and of this property to get back to its original long-term goal or residential zoning.

Very Respectfully,  
Yennyfer Solorzano  
2549 Hamlin Court

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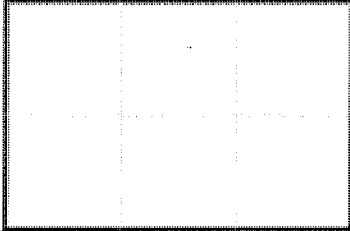
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PUBLIC HEALTH

# New Studies Link Cell Phone Radiation with Cancer

Researchers call for greater caution, but skeptics say the evidence from rat studies is not convincing

By Charles Schmidt on March 29, 2018



Credit: Getty Images

Does cell phone radiation cause cancer? New studies show a correlation in lab rats, but the evidence may not resolve ongoing debates over causality or whether any effects arise in

people.

The ionizing radiation given off by sources such as x-ray machines and the sun boosts cancer risk by shredding molecules in the body. But the non-ionizing radio-frequency (RF) radiation that cell phones and other wireless devices emit has just one known biological effect: an ability to heat tissue by exciting its molecules.

Still, evidence advanced by the studies shows prolonged exposure to even very low levels of RF radiation, perhaps by mechanisms other than heating that remain unknown, makes rats uniquely prone to a rare tumor called a schwannoma, which affects a type of neuron (or nerve cell) called a Schwann cell.

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The studies are notable for their sizes. Researchers at the National Toxicology Program, a federal interagency group under the National Institutes of Health, tested 3,000 rats and

mice of both sexes for two years—the largest investigation of RF radiation and cancer in rodents ever undertaken in the U.S. European investigators at the Ramazzini Institute in Italy were similarly ambitious; in their recent study they investigated RF effects in nearly 2,500 rats from the fetal stage until death.

Also noteworthy is that the studies evaluated radiation exposures in different ways. The NTP looked at “near-field” exposures, which approximate how people are dosed while using cell phones. Ramazzini researchers looked at “far-field” exposures, which approximate the wireless RF radiation that bombards us from sources all around us, including wireless devices such as tablet and laptop computers. Yet they generated comparable results: Male rats in both studies (but not mice or female animals) developed schwannomas of the heart at statistically higher rates than control animals that were not exposed.

Taken together, the findings “confirm that RF radiation exposure has biological effects” in rats, some of them “relevant to carcinogenesis,” says Jon Samet, a professor of preventive medicine and dean of the Colorado School of Public Health, who did not participate in either study. Samet, however, cautioned the jury is still out as to whether wireless technology is similarly risky to people. Indeed, heart schwannomas are exceedingly rare in humans; only a handful of cases have ever been documented in the medical literature.

When turned on, cell phones and other wireless devices emit RF radiation continually, even if they are not being actively used, because they are always communicating with cell towers. The dose intensity tails off with increasing distance from the body, and reaches a maximum when the devices are used next to the head during phone calls or in front of the body during texting or tweeting.

Launched at the U.S. Food and Drug Administration’s request 10 years ago, the NTP study



dosed rats and mice of both sexes with RF radiation at either 1.5, 3 or 6 watts of radiation per kilogram of body weight, or W/kg. The lowest dose is about the same as the Federal Communications Commission's limit for public exposure from cell phones, which is 1.6 watts W/kg. The animals were exposed nine hours a day for two years (about the average life span for a rat), and the exposures were cranked up steadily as the animals grew, so the absorbed doses per unit body weight remained constant over time.

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Initially leaked in 2016, results from that \$25-million study provided the most compelling evidence yet that RF energy may be linked to cancer in lab rodents. The strongest finding connected RF with heart schwannomas in male rats, but the researchers also reported elevated rates of lymphoma as well as cancers affecting the prostate, skin, lung, liver and brain in the exposed animals. Rates for those cancers increased as the doses got higher but the evidence linking them with cell phone radiation specifically was weak by comparison, and the researchers could not rule out that they might have increased for reasons other

than RF exposure. Paradoxically, the radiation-treated animals also lived *longer* than the nonexposed controls. The study results were reviewed by a panel of outside experts during a three-day meeting that ended on March 28. They concluded there was "clear evidence" linking RF radiation with heart schwannomas and "some evidence" linking it to gliomas of the brain. It is now up to the NTP to either accept or reject the reviewer's conclusions. A final report is expected within several months.

Limited to rats only, the Ramazzini study tested three doses expressed as the amount of radiation striking the animal's bodies: either 5, 25 or 50 volts per meter. The exposure measures therefore differed from the absorbed doses calculated during the NTP study. But the Ramazzini scientists also converted their measures to W/kg, to show how the doses compared with RF limits for cell phones and cell towers set by the FCC and the International Commission on Non-Ionizing Radiation Protection; they ranged down to a 1,000 times lower. The exposures began when the rats were fetuses and continued for 19 hours a day until the animals died from natural causes.

As in the NTP study, Ramazzini investigators detected statistically elevated rates of heart schwannomas in male rats at the highest dose. They also had weaker findings linking RF exposure to cancer of glial cells in the brain, which were limited to females. Ronald Melnick, a retired NTP toxicologist who designed the NTP study, says a measure of consistency between the two studies is important, because "reproducibility in science increases our confidence in the observed results."



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Just why Schwann and glial cells appear to be targets of cell phone radiation is not clear.

David Carpenter, a physician who directs the Institute for Health and the Environment at the University at Albany, S.U.N.Y., explained the purpose of these cells is to insulate nerve fibers throughout the body. These are electrical systems, so that may be some sort of factor, he wrote in an e-mail. “But this is only speculation.”

A few epidemiology studies have reported higher rates of tumors inside the skull among people who use cell phones heavily for 10 years or more. Of particular concern are benign Schwann cell tumors called acoustic neuromas, which affect nerve cells connecting the inner ear with structures inside the brain. These growths can in some instances progress to malignant cancer with time. But other studies have found no evidence of acoustic neuromas or brain tumors in heavy cell phone users.

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Samet adds a major challenge now would be to draw a biologically relevant connection between acoustic neuromas and other glial tumors in the brains of humans with Schwann tumors in rat hearts. “The mechanism is uncertain,” he says. “There’s a lot of information we still need to fill in.”

Since 2011 RF radiation has been classified as a Group 2B “possible” human carcinogen by the International Agency on Cancer (IARC), an agency of the World Health Organization. Based on the new animal findings, and limited epidemiological evidence linking heavy and prolonged cell phone use with brain gliomas in humans, Fiorella Belpoggi, director of research at the Ramazzini Institute and the study’s lead author, says IARC should consider

changing the RF radiation designation to a “probable” human carcinogen. Even if the hazard is low, billions of people are exposed, she says, alluding to the estimated number of wireless subscriptions worldwide. Véronique Terrasse, an IARC spokesperson, says a reevaluation may occur after the NTP delivers its final report.

Stephen Chanock, who directs the Division of Cancer Epidemiology and Genetics at the National Cancer Institute, remains skeptical, however. Cancer monitoring by the institute and other organizations has yet to show increasing numbers of brain tumors in the general population, he says. Tracking of benign brain tumors, such as acoustic neuromas, was initiated in 2004 by investigators at the institute’s Surveillance, Epidemiology and End Results program, which monitors and publishes statistics on cancer incidence rates. According to Chanock’s spokesperson, the acoustic neuroma data “haven’t accumulated to the point that we can say something meaningful about them.”

Asked if brain cancer’s long latency might explain why higher rates in the population have not appeared yet, Chanock says, “Cell phones have been around a long time. We are by no means dismissing the evidence, and the Ramazzini study raises interesting questions. But it has to be factored in with other reports, and this is still work in progress.”

Epidemiology studies investigating cell phone use patterns with human cancer risk have produced inconsistent results. Some studies enrolled people who already had tumors with suspected links to RF radiation, such as gliomas, acoustic neuromas and salivary gland tumors. Researchers compared the self-reported cell phone use habits of the cancer patients with those of other people who did not have the same diseases. Other studies enrolled people while they were still healthy, and then followed them over time to see if new cancer diagnoses tracked with how they used cell phones. All the epidemiology studies, however, have troubling limitations, including that enrolled subjects often do not report their cell phone use habits accurately on questionnaires.

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In a February 2 statement, Jeffrey Shuren, director of the FDA's Center for Devices and Radiological Health, wrote that despite the NTP study's results, the combined evidence on RF exposure and human cancer—which by now amounts to hundreds of studies—has “given us confidence that the current safety limits for cell phone radiation remain acceptable for protecting the public health.” Chonock says that for him, evidence from the Ramazzini study does not alter that conclusion. “We continue to agree with the FDA statement,” he says.

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**ABOUT THE AUTHOR(S)****Charles Schmidt**

Charles Schmidt is a science journalist based in Portland, Me.

*Credit: Nick Higgins*

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## Paul Bingham

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**Cc:** Tom; Michael Hendel; Mary Hendel; Pam Albergo; everett@delanoanddelano.com  
**Subject:** [EXT] Documents Related to 2536 El Norte Parkway  
**Attachments:** Compelling evidence.pdf; Court rejects FCC exemption of 5G small cell site reviews FierceWireless.pdf; Firefighters Living Next to Cell Towers Suffer Neurological Damage – Scientists for Wired Technology.pdf; Human Exposure to Radio Frequency Fields Guidelines for Cellular Antenna Sites Federal Communications Commission.pdf; Bill Text - SB-649 Wireless telecommunications facilities..pdf

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Please be advised that the following documents and link will be referred to during the September 25 hearing.

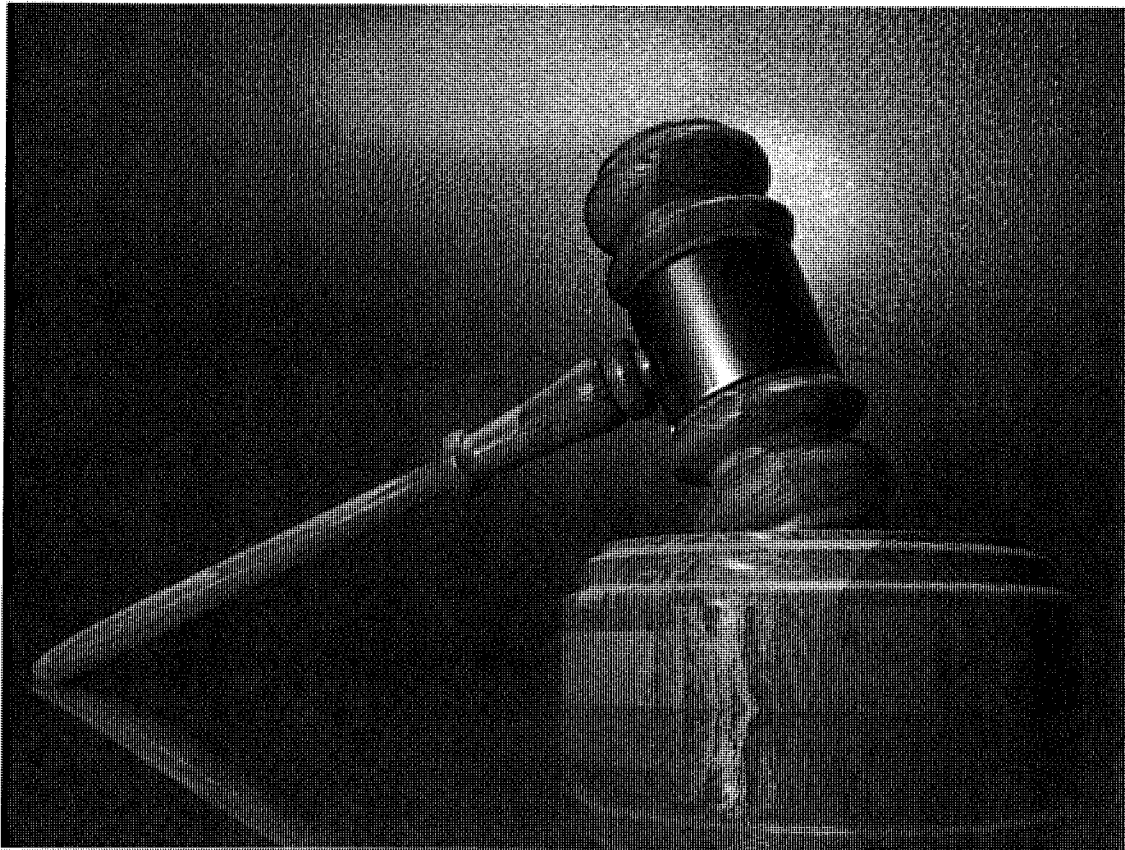
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Regulatory

## Court rejects FCC exemption of 5G small cell site reviews

<https://www.fiercewireless.com/regulatory/court-rejects-fcc-exemption-5g-small-cell-site-reviews>

by Bevin Fletcher | Aug 13, 2019 11:00am



*A U.S. appeals court found the FCC's deregulation of small cell site review was "arbitrary and capricious." (Pixabay)*

The Federal Communications Commission was dealt a partial blow last week as a U.S. appeals court vacated the agency's move to exempt 5G small cell sites from federal environmental and historic preservation review.

The FCC passed the deregulation order last year alongside other rule changes to 5G infrastructure meant to speed deployment of next-generation networks and help secure U.S. leadership in the global 5G race.

Groups including the Natural Resources Defense Council and Native American tribal organizations petitioned a U.S. appeals court to vacate the order including the portion eliminating oversight of small cell installations required under the National Historic Preservation Act and National Environmental Policy Act.

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#### About the Author

Bevin Fletcher  
Associate Editor

On Aug. 9, the court sided in part with plaintiffs, finding (PDF) the FCC's small cell site review deregulation was "arbitrary and capricious."

RELATED: States contest FCC's small cell rule, prompting Senate bill

The court said the Commission failed to justify its stance that previously required reviews were not in the public interest or that small cell deployments "pose little no cognizable religious, cultural, or environmental risk, particularly given the vast number of proposed deployments" needed for 5G.

In addition to remanding in part back to the FCC, the court upheld provisions that implement accelerated "shot clock" approval timelines for needed reviews and prohibit upfront fees for macro or small cell site reviews.

FCC Commissioner Brendan Carr spearheaded the 5G infrastructure rule changes and released a statement praising elements of the order that were not vacated by the court.

"Most importantly, the court affirmed our decision that parties cannot demand upfront fees before



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continue greatly diminishing unnecessary and costly delays."

RELATED: Editor's Corner— Small cells can actually be quite big

Of the court's decision impacting small cell site reviews, Carr said:

"We are reviewing the portion of last March's decision that the D.C. Circuit did not affirm and look forward to next steps, as appropriate." FCC Commissioner Jessica Rosenworcel, who dissented in the March 2018 vote, Tweeted the court decision meant it's time for the FCC "to go back to the drawing board":



**Jessica Rosenworcel**

@JRosenworcel

**BREAKING:** The court just vacated a large part of the @FCC's 5G deployment strategy.

For those paying attention, that means the agency tasked with the future of connectivity didn't get it right.

It's time to go back to the drawing board and do better.  
[better.cadc.uscourts.gov/internet/opini...](https://www.cadc.uscourts.gov/internet/opini...)

117 8:35 AM - Aug 9, 2019

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What immediate or long-term impact this will have on the FCC's accelerated 5G strategy is unclear. Last March, ahead of the FCC vote, industry group CTIA released a study indicating the deregulation order could save \$1.6 billion (PDF) in NHPA- and NEPA-related costs through 2026 if required small cell reviews were reduced by two-thirds.

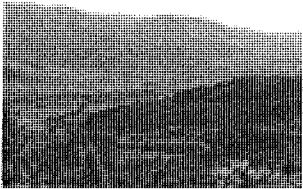
That same study, compiled by Accenture Strategy, projected the number of small cells needed to support 5G would hit more than 800,000 by the end of the forecast window, up from about 13,000 in 2017.

In its decision, the court pointed to FCC's expectations for the number of small cell deployments and said given the scale, it's "impossible on this record to credit the claim that small cell deregulation will 'leave little to no environmental footprint.'"

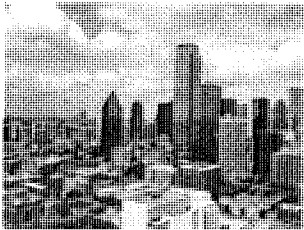
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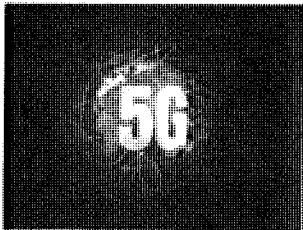
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# SCIENTISTS FOR WIRED TECHNOLOGY

Advocacy based on "intentions" regarding the hazards of pulsed, data-modulated, radio-frequency microwave radiation

JULY 26, 2018 6Y PM6

## Firefighters Living Next to Cell Towers Suffer Neurological Damage

Original 'Smart Meter Harm' article [here](#). Original Susan Foster letter [here](#).

### **A. Pulsed, data-modulated, Radio-frequency Electromagnetic Microwave Radiation (RF-EMR) exposure levels measured were well within what the FCC commercial guideline for RF-EMR exposures**

*"The fire station cell tower measured at 1/1000th to 2/1000th of the allowable FCC limit of non-ionizing radiation. That means the towers could be almost 1000 times more powerful than the level the firefighters were exposed to, and still be considered within FCC guidelines. And yet even at these levels of radiation, we found brain abnormalities and measurable neurological deficits."*

### **President, Los Angeles County Firefighter's Union, Local 1014, Opposes Cell Towers**



President, Los Angeles County Firefighter's Union, Loc...



**Result: LA County suspends decision to construct the cell towers!** Congratulations  
local 1014!

**B. Cell Tower Hypocrisy Rescuing Firefighters, Not Kids**

<http://fearlessparent.org/cell-tower-hypocrisy-rescuing-firefighters-not-kids/>

**C. Assembly Appropriations Letter – Fire Station Exemption from SB 649**

*Pilot study confirms harm from allowable levels of RF radiation*

August 14, 2017

Assembly Member Lorena S. Gonzalez Fletcher  
Chair, Appropriations Committee  
State Capitol  
P.O. Box 942849  
Sacramento, CA 94249-0080

**Re: Strongly Oppose SB 649**

Dear Assembly Member Gonzalez Fletcher:

I respectfully oppose SB 649. I recognize your charge as Chair of the Appropriations Committee is to evaluate the potential costs to the State. I have concerns germane to the cost issue, yet **I would like to take this opportunity to address the firefighter exemption.** I believe the firefighters, whose health risks from Close Proximity Microwave Radiation Antenna – Wireless Telecommunications Facilities (CPMRA-WTFs) the state has accommodated to an extent, are the harbingers of a substantial cost risk to the state.

I can attest to the California firefighters' fight against cell towers on their stations for over 17 years based on myriad symptoms they have experienced following activation of cell towers on or adjacent to their stations. This is relevant because we are looking at 50,000 or more new Wireless Telecommunications Facilities (WTFs) sites in California if SB.649 becomes law. Former FCC Chair Tom Wheeler has talked about "millions and millions" of new WTFs across the nation for the coming 4G/5G densification and build out.

In 2001, I was asked by San Diego firefighters to write appeals when cell towers were permitted for their stations. I began hearing more and more stories of firefighters who literally could not function in the job that clearly establishes firefighters as the guardians of society. **Once cell towers were activated on or adjacent to their fire stations, they could no longer function without severe headache, inability to sleep, and foggy thinking.** These are not symptoms we wish to see in our First Responders.

In 2004, I organized a SPECT brain scan pilot study of firefighters who had been exposed to a cell tower on their station for over five years. **We found brain abnormalities in all firefighters tested.** Enclosed is my filing with the FCC detailing this study.

Also in 2004, I co-authored Resolution 15 which was passed overwhelmingly by the International Association of Firefighters. Res. 15 urging a moratorium on the placement of cell towers on fire stations in the US and Canada. I then helped the Los Angeles IAFF locals as they aligned with law enforcement unions to fight FirstNET towers on their stations. I am currently following a brain tumor cluster in a California fire station with a

wireless hub next door to their station. There is a solid history of these men and women becoming ill in close proximity to cell towers. **There are human and financial costs associated and the state needs to hear their story.**

The symptoms experienced by the firefighters who participated in the SPECT brain scan study were similar to firefighters in other stations who live in the shadow of cell towers. Yet specific to the men we studied, it is important to note all the men had passed rigorous physical and cognitive exams prior to being hired by the fire department. Their symptoms included:

- Headaches
- Extreme fatigue
- Cognitive impairment
- Anesthesia-like sleep where the men woke up for 911 calls “as if they were drugged”
- Inability to sleep
- Depression
- Anxiety
- Unexplained anger
- Immune-suppression manifest in frequent colds and flu-like symptoms

**Real life examples of these symptoms are best briefly characterized by:**

- Firefighters got lost on 911 calls in the town they grew up on several occasions.

- In one instance, four firefighters sat in the rig in a stupor with the alarm sounding in the background, unable to remember how to start the engine.
- A medic with 20 years of experience who had never made a mistake forgot basic CPR in the midst of resuscitating a coronary victim.

*See additional details following this letter.*

The brain scans of these six men revealed a pervasive, excitability of the neurons which suggested the exposure to pulsed, data-modulated, Radio-frequency Electromagnetic Microwave Radiation (RF-EMR) was **causing the neurons to continually fire without benefit of rest**. When neurons (brain cells) cannot rest, they ultimately die.

The firefighters most important lesson to us as a state, and as a society, may be that if we allow a build out of cell towers such that they are as commonplace in front of homes and schools as they are now on fire stations, **we will be facing a tsunami of Alzheimer's and dementia**.

The rate of people dying from **Alzheimer's disease in the United States rose by 55% over a 15-year period** according to new data from the Centers for Disease Control. In May 2017 Acting CDC Director Dr. Anne Schuchat issued the following statement in response to this alarming increase:

*"As the number of older Americans with Alzheimer's disease rises, more family members are taking on the emotionally and physically challenging role of caregiver than ever before."*

The direct and indirect costs to the state for Alzheimer's and a host of related neurological and immunological diseases could be catastrophic for California. Clearly the state honors the sacrifice of California's firefighters and is concerned about the health risks they face from cell towers, having granted an exemption to them first in the 2015 Assembly Bill 57 on and now in the 2017 Senate Bill 649.

The firefighters are the strongest of the strong. **What does that imply for the rest of**

us?

With SB.649 the risks continue for all, and then the question becomes **what benefits can possibly be gained that outweigh the considerable risks imposed by this technology proliferating at a speed far greater than our bodies' ability to adapt?**

Who is going to be liable for the health damages, loss of life, fire damages, and property devaluation?

At a hearing in which Sen. Hueso testified, he was asked a question about liability. A wireless lobbyist told the senator “the companies” have that covered. Wireless carrier policy limits, however, are often just \$50,000 for fire, and up to \$1 million for property damage, including death.

Having worked closely with the firefighters for nearly two decades, let me address one fire and safety issue with respect to liability that I believe highlights a shortcoming of this bill. This one shortcoming alone could prove very costly to the state. Imagine a single cell tower in the right of way on land owned by the city, land the state will have forced the city to lease to a wireless carrier. OSHA lists telecommunications sites as higher risk for lightning strikes, so imagine a fire starts with a cell tower (case in point, the costly Malibu fire).

California weather conditions make us candidates for fires getting out of control quickly. \$50,000 in damages can be reached in an instant. Where do those harmed by this fire go next – after the carrier's \$50,000 limit is reached? Do they go to the city that rented out the right of way, or the state that forced this land to be leased by way of SB 649? As an attorney, you know the law is as nuanced as it is complex.

I contacted Sen. Hueso's office for clarification on liability, as some attorneys have told me liability will rest in large part with the state. **I was told by the state that liability rests with the cities/counties.** I was told by the cities they don't want to accept liability if they lose all local control and are forced by the state to lease out their land to Telecom. In addition, a Telecom lobbyist's brief assertion to Sen. Hueso that the companies are responsibility is a reflection of each company's limit per occurrence only.

The law is uncertain when it comes to state mandates that trump local authority when that local authority was originally granted by an act of Congress. The Telecommunications Act of 1996 guaranteed local control, and that is precisely what SB 649 would be taking away.

**No one seems to know where liability rests**, so I am turning to you not only for clarification, but with a plea to understand the message the firefighters have for this state. Often fiscal restraint is the most protective action one can take.

We can put a face on this bill. SB.649. The firefighters with their fire station exemption from AB.57 and now SB.649 are here to remind us this vote is not just about cell towers. It is about our future. **Based on the exemption the state has granted to firefighters on health grounds**, the face of this bill — firefighters — have been looking to you for relief since 2001 and is looking to you for relief into the future.

**The firefighters do not want these cell towers on their stations, and they do not want them radiating in their children's second-story bedroom windows.**

Respectfully,

Susan Foster  
U.S. Adviser, Radiation Research Trust  
Honorary Firefighter, San Diego Fire Department  
Medical Writer

cc: Speaker Anthony Rendon

In 2013, Susan Foster submitted these formal comments to the FCC, describing the study. To date, the FCC has not taken action to reassess exposure limits or reduce them significantly. Ms. Foster also gave additional detail on the study here.

#### **D. Excerpt**



<http://www.odwyerpr.com/story/public/9385/2017-09-13/firefighters-exempt-selves-from-calif-bill-save-others.html>

The firefighters' fight against the towers extended into 2015 when firefighters in Los Angeles threatened to pull their rigs into the streets to block traffic if FirstNet – the first responders telecommunications network – went ahead with plans to cell towers on fire stations.

### **E. Excerpt:**

<http://fearlessparent.org/cell-tower-hypocrisy-rescuing-firefighters-not-kids/>

On several occasions firefighters got lost on 911 calls in the town they grew up in. They used to ride their bikes down these streets. Yet they got lost driving a fire engine.

In another instance, the emergency bell sounded, and four firefighters awakened from what can only be described as a severe stupor. They got dressed in their protective gear as quickly as they could, slid down the pole, climbed in the truck – two in front and two in back – and just sat in the rig with the alarm sounding in the background. Finally the captain turned to the engineer who was holding the keys in his hand and said, 'Hey, aren't we supposed to be doing something?'

A medic with 20 years of experience who had never made a mistake and prided himself on that fact forgot basic CPR in the midst of resuscitating a coronary victim. Because the men knew they were struggling to function in the face of the classic radiation poisoning, they looked out for each other. The captain had been counting chest compressions and took over, but it was a potential risk to the victim and a shattering personal experience for the medic.

This is a relatively small fire department, but most of the men were at an age where they were starting families or adding to them. Yet for three years there were no live births among their wives. There appeared to be an inability to conceive, and there were several miscarriages. Three years after the tower was installed, a healthy son was born to one firefighter and his wife. At age two he was diagnosed with autism.

### **F. Excerpt:**

<http://emfsafetynetwork.org/help-los-angeles-firefighters-stop-cell-towers/>

*"This is fire captain Lew Currier. Los Angeles County is installing cell towers on 26 fire stations near you. The radiation generated by these seven story eye cores can cause debilitating health effects. Studies suggest nearby families could get sick too, yet the board of supervisors is erecting these toxic towers without public hearings or required studies. This time be there for us, your firefighters. Call the Board of Supervisors at 213-274-1411. Tell them to stop the cell towers, NOW! This message is brought to you by Los Angeles County firefighters local 1014."*

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# Human Exposure to Radio Frequency Fields: Guidelines for Cellular Antenna Sites

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Primary antennas for transmitting wireless telephone service, including cellular and personal communications service (PCS), are usually located outdoors on towers and other elevated structures like rooftops, water tanks and sides of buildings. The combination of antenna towers and associated electronic equipment is referred to as a "cellular or PCS cell site" or "base station." Cellular or PCS cell site towers are typically 50-200 feet high. Antennas are usually arranged in groups of three, with one antenna in each group used to transmit signals to mobile units, and the other two antennas used to receive signals from mobile units.

At a cell site, the total radio frequency (RF) power that can be transmitted from each transmitting antenna depends on the number of radio channels (or transmitters) that have been authorized by the Federal Communications Commission and the power of each transmitter. Although the FCC permits an effective radiated power (ERP) of up to 500 watts per channel (depending on the tower height), the majority of cellular or PCS cell sites in urban and suburban areas operate at an ERP of 100 watts per channel or less.

An ERP of 100 watts corresponds to an actual radiated power of 5-10 watts, depending on the type of antenna used. In urban areas, cell sites commonly emit an ERP of 10 watts per channel or less. For PCS cell sites, even lower ERPs are typical. As with all forms of electromagnetic energy, the power density from a cellular or PCS transmitter rapidly decreases as distance from the antenna increases.

Consequently, normal ground-level exposure is much less than the exposure that might be encountered if one were very close to the antenna and in its main transmitted beam. Measurements made near typical cellular and PCS cell sites have shown that ground-level power densities are well below the exposure limits recommended by RF/microwave safety standards used by the FCC.

## Guidelines

In 1996, the FCC adopted updated guidelines for evaluating human exposure to RF fields from fixed transmitting antennas such as those used for cellular and PCS cell sites. The FCC's guidelines are identical to those recommended by the National Council on Radiation Protection and Measurements, a non-profit corporation chartered by Congress to develop information and recommendations concerning radiation protection. The FCC's guidelines also resemble the 1992 guidelines recommended by the Institute of Electrical and Electronics Engineers (IEEE), a non-profit technical and professional engineering society, and endorsed by the American National Standards Institute (ANSI), a nonprofit, privately-funded membership organization that coordinates development of voluntary national standards in the United States.

In the case of cellular and PCS cell site transmitters, the FCC's RF exposure guidelines recommend a maximum permissible exposure level to the general public of approximately 580 microwatts per square centimeter. This limit is many times greater than RF levels typically found near the base of cellular or PCS cell site towers or in the vicinity of other, lower-powered cell site transmitters. Calculations corresponding to a "worst-case" situation (all transmitters operating simultaneously and continuously at the maximum licensed power) show that, in order to be exposed to RF levels near the FCC's guidelines, an individual would essentially have to remain in the main transmitting beam and within a few feet of the antenna for several minutes or longer. Thus, the possibility that a member of the general public could be exposed to RF levels in excess of the FCC guidelines is extremely remote.

When cellular and PCS antennas are mounted on rooftops, RF emissions could exceed higher than desirable guideline levels on the rooftop itself, even though rooftop antennas usually operate at lower power levels than free-standing power antennas. Such levels might become an issue for maintenance or other personnel working on the rooftop. Exposures exceeding the guidelines levels, however, are only likely to be encountered very close to, and directly in front of, the antennas. In such cases, precautions such as time limits can avoid exposure in excess of the guidelines. Individuals living or working within the building are not at risk.

## Print Out

[Human Exposure to Radio Frequency Fields: Guidelines For Cellular and PCS Sites Guide \(/sites/default/files/human\\_exposure\\_to\\_radio\\_frequency\\_fields\\_-\\_guidelines\\_for\\_cellular\\_antenna\\_sites.pdf\)](#) (pdf)

**Date Last Updated/Reviewed:** Friday, March 30, 2018

**Bureau/Office:**

Consumer and Governmental Affairs (<https://www.fcc.gov/consumer-governmental-affairs>)

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# California LEGISLATIVE INFORMATION

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ENROLLED SEPTEMBER 19, 2017

PASSED IN SENATE SEPTEMBER 14, 2017

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AMENDED IN SENATE MAY 02, 2017

AMENDED IN SENATE MARCH 28, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

**SENATE BILL****NO. 649**

**Introduced by Senator Hueso**  
**(Principal coauthor: Assembly Member Quirk)**  
**(Coauthor: Senator Dodd)**  
**(Coauthor: Assembly Member Dababneh)**

**February 17, 2017**

An act to add Sections 65964.2 and 65964.5 to the Government Code, relating to telecommunications.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 649, Hueso. Wireless telecommunications facilities.

(1) Existing federal law prohibits a state or local statute, regulation, or legal requirement from prohibiting an interstate or intrastate telecommunications service, but recognizes the ability of a state to impose, on a competitively neutral basis, requirements necessary to preserve and advance universal service, protect the

public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. If the Federal Communications Commission (FCC) determines that this prohibition has been violated, existing federal law requires the FCC to preempt the enforcement of the offending statute, regulation, or legal requirement to the extent necessary to correct the violation. Existing federal law additionally recognizes the authority of a state or local government to manage public rights-of-way or to require fair and reasonable compensation from telecommunications providers, on a competitively neutral and nondiscriminatory basis, for the use of public rights-of-way on a nondiscriminatory basis, if the compensation required is publicly disclosed by that government. Existing federal law provides that no state or local government has the authority to regulate the entry of, or the rates charged by, a commercial mobile service, but permits a state to regulate the other terms and conditions of commercial mobile services.

Under existing law, the placement or installation of certain wireless facilities, including antennas and related equipment, on or immediately adjacent to a wireless telecommunications facility, as specified, is a permitted use not subject to a city or county discretionary permit, but certain other wireless telecommunications facilities are subject to city or county discretionary permitting and are required to comply with specified criteria.

This bill would provide that a small cell, as defined, is a permitted use, subject only to a specified permitting process adopted by a city or county, if the small cell meets specified requirements. By imposing new duties on local agencies, this bill would impose a state-mandated local program. The bill would authorize a city or county to require an encroachment permit or a building permit, and any additional ministerial permits, for a small cell, as specified. The bill would authorize a city or county to charge 3 types of fees relating to these small cells: an annual charge for each small cell attached to city or county vertical infrastructure, an annual attachment rate, and a one-time reimbursement fee. The bill would require the city or county to comply with notice and hearing requirements before imposing the annual attachment rate. The bill would require an action or proceeding to challenge a fee imposed under the provisions of this bill to be commenced within 120 days of the effective date of the ordinance or resolution. This bill would require each wireless service provider, on or before July 1, 2019, and again on or before December 31, 2020, to submit a report to the Legislature specifying the number of, and geographical location by ZIP Code of, the small cells that the wireless service provider has commenced operating within the state during the 18 months preceding the date of each report.

(2) Existing law requires a local publicly owned electric utility, as defined, to make available appropriate space and capacity on and in certain utility poles and related structures. Existing law requires fees adopted to cover the costs to provide this use, and the terms and conditions of access, to meet specified requirements, and specifies the manner in which these fees and terms and conditions of access may be challenged.

This bill would provide that it does not authorize or impose an obligation to charge a different use fee on a local publicly owned electric utility, and does not change or remove any obligation by the owner or operator of a small cell to comply with a local publicly owned electric utility's reasonable and feasible safety, reliability, and engineering policies.

(3) The Digital Infrastructure and Video Competition Act of 2006 establishes a procedure for the issuance of state franchises for the provision of video service and cable service and designates the Public Utilities Commission as the sole franchising authority for a state franchise under the act. The act requires the holder of a state franchise to pay franchise fees, as specified. The act prescribes the extent of the obligation of a holder of a state franchise to provide public, educational, and governmental access (PEG) channels, but authorizes a local entity, as defined, to establish a fee to support the costs of PEG channel facilities, in the amount of 1% of gross revenues, or more in specified circumstances.

This bill would prohibit a city or county from requiring a provider of video or cable service to obtain any additional authorization or permit not described above to provide any communications services that are provided by a provider that holds a franchise pursuant to the act. The bill would prohibit a city or county from requiring the provider of video or cable service to pay any tax, fee, assessment, or other charge not authorized by the act, this bill, or other state laws.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain



costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** (a) The Legislature finds and declares that, to ensure that communities across the state have access to the most advanced communications technologies and the transformative solutions that robust wireless and wireline connectivity enables, such as Smart Communities and the Internet of Things, California should work in coordination with federal, state, and local officials to create a statewide framework for the deployment of advanced wireless communications infrastructure in California that does all of the following:

- (1) Reaffirms local governments' historic role and authority with respect to communications infrastructure siting and construction generally.
- (2) Reaffirms that deployment of telecommunications facilities in public rights-of-way is a matter of statewide concern, subject to a statewide franchise, and that expeditious deployment of telecommunications networks generally is a matter of both statewide and national concern.
- (3) Recognizes that the impact on local interests from individual small cells will be sufficiently minor and that such deployments should be a permitted use statewide and should be subject only to encroachment or building permits, or their functioning equivalents, while requiring providers to comply with all applicable federal, state, and local health and safety regulations, including the federal Americans with Disabilities Act of 1990 and the California Public Utilities Commission's General Order 95.
- (4) Makes small cell installations on vertical infrastructure, and on property outside a public right-of-way, subject to feasible design and collocation standards, including reasonable and objective specifications regarding the appearance and location of the small cell installation.
- (5) Grants providers access to locally owned vertical infrastructure located within public rights-of-way under reasonable terms and conditions.
- (6) Grants providers nondiscriminatory access to property owned or controlled by a local jurisdiction that is not in a public right-of-way and is already being used for comparable purposes under similar terms and conditions.
- (7) Provides for full recovery by local governments of the costs of attaching communications facilities to utility poles, streetlights, and other suitable host infrastructure in a manner that is consistent with existing federal and state laws governing utility pole attachments generally, and of an additional charge of up to two hundred fifty dollars (\$250) for small cell attachments to vertical infrastructure owned or controlled by a city or county.
- (8) Permits local governments to charge permit fees that are fair, reasonable, nondiscriminatory, and cost based.
- (9) Preserves existing agreements between wireless service providers and local governments for the leasing or licensing of vertical infrastructure for small cell attachments.
- (10) Advances technological and competitive neutrality while not adding new requirements on competing providers that do not exist today.
- (11) Limits the creation or erection of unreasonable requirements for access to public rights-of-way by communications providers, including excessive delays in negotiations and approvals for communications facilities.

(b) The Legislature further finds and declares that wireless service providers deploy small cells to areas based on demand for services regardless of the income characteristics of the areas, that this act will complement

efforts to close the digital divide by creating a framework that will incentivize private industry to invest or accelerate investment in the deployment of small cells, and that this act will complement current state and federal government efforts to subsidize the deployment of broadband, including all of the following:

- (1) The Federal Communications Commission's Mobility Fund II Program, a program to help expand mobile coverage across rural America and tribal lands by providing \$4.5 billion in subsidies within the next 10 years.
- (2) The Connect America Fund, a Federal Communications Commission program that expands access to voice and broadband services to unserved locations across the country.
- (3) The California Advanced Services Fund, a program promoting, on a technologically neutral basis, the deployment of broadband infrastructure to unserved and underserved areas with a goal of providing broadband access to 98 percent of Californian households.

**SEC. 2.** Section 65964.2 is added to the Government Code, to read:

**65964.2.** (a) A small cell shall be a permitted use subject only to a permitting process adopted by a city or county pursuant to subdivision (b) if it satisfies the following requirements:

(1) The small cell is located in a public right-of-way in any zone or in any zone that includes a commercial or industrial use.

(2) The small cell complies with all applicable federal, state, and local health and safety regulations, including the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

(3) The small cell is not located on a fire department facility.

(b) (1) A city or county may require that a small cell be approved pursuant to a building permit or its functional equivalent in connection with placement outside of public rights-of-way or an encroachment permit or its functional equivalent issued consistent with Sections 7901 and 7901.1 of the Public Utilities Code for placement in public rights-of-way, and any additional ministerial permits, provided that all permits are issued within the timeframes required by state and federal law.

(2) Permits issued pursuant to this subdivision may be subject to the following:

(A) The same permit requirements as for similar construction projects and applied in a nondiscriminatory manner.

(B) A requirement to submit additional information showing that the small cell complies with the Federal Communications Commission's regulations concerning radio frequency emissions referenced in Section 332(c)(7)(B)(iv) of Title 47 of the United States Code.

(C) A condition that the applicable permit may be rescinded if construction is not substantially commenced within one year. Absent a showing of good cause, an applicant under this section may not renew the permit or resubmit an application to develop a small cell at the same location within six months of rescission.

(D) A condition that small cells no longer used to provide service shall be removed at no cost to the city or county.

(E) Compliance with building codes, including building code structural requirements.

(F) A condition that the applicant pay all electricity costs associated with the operation of the small cell.

(G) A condition requiring compliance with feasible design and collocation standards on a small cell to be installed on property not in public rights-of-way.

(H) A condition to indemnify a city, county, or city and county, against claims brought by third parties against the city, county, or city and county, associated with the installation of a small cell.

(3) Permits issued pursuant to this subdivision shall not be subject to any of the following conditions:

(A) Requirements to provide additional services, directly or indirectly, including, but not limited to, in-kind contributions from the applicant such as reserving fiber, conduit, or pole space.

(B) The submission of any additional information other than that required of similar construction projects, except as specifically provided in this section.

(C) Limitations on routine maintenance or the replacement of small cells with small cells that are substantially similar, the same size or smaller.

(4) A city or county shall not impose permitting requirements or fees on the installation, placement, maintenance, or replacement of micro wireless facilities that are suspended, whether embedded or attached, on communication cables strung between utility poles in compliance with state safety codes.

(c) A city or county shall not preclude the leasing or licensing of its vertical infrastructure located in public rights-of-way or public utility easements under the terms set forth in this subdivision. Vertical infrastructure shall be made available for the placement of small cells under fair and reasonable fees, subject to the requirements in subdivision (d), terms, and conditions, which may include feasible design and collocation standards. A city or county may reserve capacity on vertical infrastructure if the city or county adopts a resolution finding, based on substantial evidence in the record, that the capacity is needed for projected city or county uses.

(d) (1) A city or county may charge the following fees:

(A) An annual charge not to exceed two hundred fifty dollars (\$250) for each small cell attached to city or county vertical infrastructure.

(B) An annual attachment rate that does not exceed an amount resulting from the following requirements:

(i) The city or county shall calculate the rate by multiplying the percentage of the total usable space that would be occupied by the attachment by the annual costs of ownership of the vertical infrastructure and its anchor, if any.

(ii) The city or county shall not levy a rate that exceeds the estimated amount required to provide use of the vertical infrastructure for which the annual recurring rate is levied. If the rate creates revenues in excess of actual costs, the city or county shall use those revenues to reduce the rate.

(iii) For purposes of this subparagraph:

(I) "Annual costs of ownership" means the annual capital costs and annual operating costs of the vertical infrastructure, which shall be the average costs of all similar vertical infrastructure owned or controlled by the city or county. The basis for the computation of annual capital costs shall be historical capital costs less depreciation. The accounting upon which the historical capital costs are determined shall include a credit for all reimbursed capital costs. Depreciation shall be based upon the average service life of the vertical infrastructure. Annual cost of ownership does not include costs for any property not necessary for use by the small cell.

(II) "Usable space" means the space above the minimum grade that can be used for the attachment of antennas and associated ancillary equipment.

(C) A one-time reimbursement fee for actual costs incurred by the city or county for rearrangements performed at the request of the small cell provider.

(2) A city or county shall comply with the following before adopting or increasing the rate described in subparagraph (B) of paragraph (1):

(A) At least 14 days before the hearing described in subparagraph (C), the city or county shall provide notice of the time and place of the meeting, including a general explanation of the matter to be considered.

(B) At least 10 days before the hearing described in subparagraph (C), the city or county shall make available to the public data indicating the cost, or estimated cost, to make vertical structures available for use under this section if the city or county adopts or increases the proposed rate.

(C) The city or county shall, as a part of a regularly scheduled public meeting, hold at least one open and public hearing at which time the city or county shall permit the public to make oral or written presentations relating to the rate. The city or county shall include a description of the rate in the notice and agenda of the public meeting in accordance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(D) The city or county may approve the ordinance or resolution to adopt or increase the rate at a regularly scheduled open meeting that occurs at least 30 days after the initial public meeting described in subparagraph (C).

(3) A judicial action or proceeding to attack, review, set aside, void, or annul an ordinance or resolution adopting, or increasing, a fee described in this subdivision, shall be commenced within 120 days of the effective date of the ordinance or resolution adopting or increasing the fee. A city or county or interested person shall bring an action described in this paragraph pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure in a court of competent jurisdiction.

(4) This subdivision does not prohibit a wireless service provider and a city or county from mutually agreeing to a rate, charge, term, or condition that is different from that established pursuant to the procedures in this subdivision, provided that either party may withdraw from negotiations seeking such an agreement by written notice.

(e) A city or county shall not discriminate against the deployment of a small cell on property owned by the city or county and shall make space available on property not located in public rights-of-way under terms and conditions that are no less favorable than the terms and conditions under which the space is made available for comparable commercial projects or uses. These installations shall be subject to reasonable and nondiscriminatory rates, terms, and conditions, which may include feasible design and collocation standards.

(f) This section does not alter, modify, or amend any franchise or franchise requirements under state or federal law, including Section 65964.5.

(g) For purposes of this section, the following terms have the following meanings:

(1) "Feasible design and collocation standards" means reasonable and objective specifications concerning the physical structure, construction, location, and appearance of a small cell, provided that those specifications facilitate the installation of the small cell and may be waived by the city or county on a nondiscriminatory basis.

(2) "Micro wireless facility" means a small cell that is no larger than 24 inches in length, 15 inches in width, 12 inches in height, and that has an exterior antenna, if any, no longer than 11 inches.

(3) (A) "Small cell" means a wireless telecommunications facility, as defined in paragraph (2) of subdivision (d) of Section 65850.6, or a wireless facility that uses licensed or unlicensed spectrum and that meets the following qualifications:

(i) The small cell antennas on the structure, excluding the associated equipment, total no more than six cubic feet in volume, whether an array or separate.

(ii) Any individual piece of associated equipment on pole structures does not exceed nine cubic feet.

(iii) The cumulative total of associated equipment on pole structures does not exceed 21 cubic feet.

(iv) The cumulative total of any ground-mounted equipment along with the associated equipment on any pole or nonpole structure does not exceed 35 cubic feet.

(v) The following types of associated ancillary equipment are not included in the calculation of equipment volume:

(I) Electric meters and any required pedestal.

(II) Concealment elements.

(III) Any telecommunications demarcation box.

(IV) Grounding equipment.

(V) Power transfer switch.

(VI) Cutoff switch.

(VII) Vertical cable runs for the connection of power and other services.

(VIII) Equipment concealed within an existing building or structure.

(B) "Small cell" includes a micro wireless facility.

(C) "Small cell" does not include the following:

(i) A wireline backhaul facility, which is defined to mean a facility used for the transport of communications data by wire from wireless facilities to a network.

(ii) Coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna or collocation.

(iii) Wireless facilities placed in any historic district listed in the National Park Service Certified State or Local Historic Districts or in any historical district listed on the California Register of Historical Resources or placed in coastal zones subject to the jurisdiction of the California Coastal Commission.

(iv) The underlying vertical infrastructure.

(4) (A) "Vertical infrastructure" means all poles or similar facilities owned or controlled by a city or county that are in public rights-of-way or public utility easements and meant for, or used in whole or in part for, communications service, electric service, lighting, traffic control, or similar functions.

(B) For purposes of this paragraph, facilities are "controlled" by a city or county if the city or county has the right to allow subleases or sublicensing. A city or county may impose feasible design or collocation standards for small cells placed on vertical infrastructure, including the placement of associated equipment on the vertical infrastructure or the ground.

(5) "Wireless service provider" means a provider of "commercial mobile radio service" or "commercial mobile data service," as those terms are defined in Section 20.3 of Title 47 of the Code of Federal Regulations, using spectrum radio frequencies licensed to it by the Federal Communications Commission or any successor agency.

(h) Existing agreements with a wireless provider or its agent regarding the leasing or licensing of vertical infrastructure entered into before the operative date of this section remain in effect, subject to applicable termination provisions. The operator of a small cell may accept the rates of this section for small cells that are the subject of an application submitted after the agreement is terminated pursuant to the terms of the agreement.

(i) Nothing in this section shall be construed to authorize or impose an obligation to charge a use fee different than that authorized by Part 2 (commencing with Section 9510) of Division 4.8 of the Public Utilities Code on a local publicly owned electric utility.

(j) This section does not change or remove any obligation by the owner or operator of a small cell to comply with a local publicly owned electric utility's reasonable and feasible safety, reliability, and engineering policies.

(k) A city or county shall consult with the utility director of a local publicly owned electric utility when adopting an ordinance or establishing permitting processes consistent with this section that impact the local publicly owned electric utility.

(l) This section shall not be construed to modify the rules and compensation structure that have been adopted for an attachment to a utility pole owned by an electrical corporation or telephone corporation, as those terms are defined in Section 216 of the Public Utilities Code pursuant to state and federal law, including, but not limited to, decisions of the Public Utilities Commission adopting rules and a compensation structure for an attachment to a utility pole owned by an electrical corporation or telephone corporation, as those terms are defined in Section 216 of the Public Utilities Code.

(m) This section shall not be construed to modify any applicable rules adopted by the Public Utilities Commission, including General Order 95 requirements, regarding the attachment of wireless facilities to a utility pole owned by an electrical corporation or telephone corporation, as those terms are defined in Section 216 of the Public Utilities Code, and shall not preclude a city or county from exercising authority granted to a local government to enforce state safety regulations.

(n) The Legislature finds and declares that small cells, as defined in this section, have a significant economic impact in California and are not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution, but are a matter of statewide concern.

(o) On or before July 1, 2019, and again on or before December 31, 2020, each wireless service provider shall submit a report to the Legislature specifying the number of, and geographical location by ZIP Code of, the small cells that the wireless service provider has commenced operating within the state during the 18 months preceding the date of each report. In order to protect competitively sensitive information, the wireless service provider may aggregate and submit that information through a third party.

**SEC. 3.** Section 65964.5 is added to the Government Code, to read:

**65964.5.** Except as provided in Sections 65964, 65964.2, and 65850.6, or as specifically required by state law, a city or county may not require a provider of video or cable service to obtain any additional authorization or permit to provide any communications services that are provided by a provider that holds a franchise pursuant to the Digital Infrastructure and Video Competition Act of 2006 (Division 2.5 (commencing with Section 5800) of the Public Utilities Code), nor may a city or county require such a provider of video or cable service to pay any tax, fee, assessment, or other charge not authorized by the Digital Infrastructure and Video Competition Act of 2006.

**SEC. 4.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

## Paul Bingham

---

**From:** Torrence Allen <trexallen@yahoo.com>  
**Sent:** Friday, September 13, 2019 2:13 PM  
**To:** Paul Bingham  
**Subject:** [EXT] Cell Tower

**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.

Good Afternoon,

I am writing you in support of the proposed cell tower at 2534 E El Norte Parkway. We need cell towers in areas like this to provide uninterrupted service. I urge you to approve CUP PHG 18-0016

Thank you.  
Torrence



## Paul Bingham

---

**From:** Pam Albergo <palbergo@sbcglobal.net>  
**Sent:** Friday, September 13, 2019 1:51 PM  
**To:** Monica Pinaglia; Paul Bingham; Paul McNamara; Olga Diaz; Consuelo Martinez; John Masson; Michael Morasco; Tom Albergo; Michael Hendel  
**Subject:** [EXT] Noise Issues with 2534 E. El Norte Parkway/AirX

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This email is being sent to be added to the long list of complaints with the property located at 2534 E. El Norte Parkway. This information is being sent for documentation purposes only and I request this email be added to the report for the upcoming hearing.

This morning starting at 6:19am, like most mornings in what should be the peace and tranquility of my home; I was woken up by the back up alarm from a truck housed at the 2534 E. El Norte Parkway property. I was able to fall back to sleep when at 6:24am I was woken again. Then after falling back asleep again, I was woken up at 6:36am. Almost every night I wake up at 3:15am. I have heard from one of my neighbors that the trucks are beeping their back up alarms at that time. We no longer have a peaceful neighborhood since AirX and the property owner have intensified the amount of businesses and trucks on this property.

This noise should not be allowed to happen in an R-1 zoned neighborhood. I again ask that you remove the NCU for the 2534 E. El Norte property and allow the property to be used per its R-1 zoning for building of the much needed housing in our city.

SANDAG's formula for future housing that needs be built in Escondido is over 9,600 homes, so why would the City Council take away the use of precious R-1 land? Why isn't the City directing TMobile to the appropriately zoned land for this monstrosity of a tower?

Pam Albergo  
2576 Hamlin Court  
Escondido, CA 92027

## Paul Bingham

---

**From:** Sharon Wilson <sharon@cewilsoncorp.com>  
**Sent:** Friday, September 13, 2019 12:18 PM  
**To:** Paul Bingham  
**Cc:** Brian Wilson; pattysigh@aol.com; wilsonranch@aol.com; wilson-6@cox.net  
**Subject:** [EXT] Conditional Use Permit - PHG 18-0016

**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. Bingham,

As the owners of the property located at 2534 E. El Norte Parkway, we would like to express concerns that we have related to the appeal of the proposed Conditional Use Permit – PHG 18-006.

We have a copy of the application for the appeal that Mr. Hendel submitted to the City of Escondido. We believe that Mr. Hendel and others have every right to oppose the cell tower for reasons related to health, the appearance of the tower, and any disturbances that may be associated with the cell tower itself. But, some of his reasons for the appeal have no basis to even be considered.

First, Mr. Hendel refers to violations that must be corrected for a period of 90 days before a permit can be issued. At the Planning Commission meeting on 7/23/2019, we were blindsided by the allegations that Mr. Hendel and other neighbors made related to the use of the property. This prompted a code enforcement investigation. On 8/5/2019, we were given four violations which were later withdrawn because there was no authority for their issuance. On 8/30/2019, we were given another violation that we responded to on 9/5/2019. As of this date, the City has not provided a reply. We are operating legally within the limits of the Non-Conforming Use permit, so any reference to code violations as a reason to appeal the cell phone tower should not be allowed.

Next, Mr. Hendel has requested that we ‘bring the El Norte Parkway property fence line up to the standards of the residential areas to the east and west of the property’. The extension of El Norte Parkway resulted in bifurcating our property to allow Shea Homes to build a residential development. The City of Escondido or Shea Homes should have constructed a wall as part of the street improvements at that time. It is ridiculous to even consider that we should have to bear the cost of a wall along a right-of-way that was taken by Order of Condemnation (and resulted in a confidential settlement with the City), so this condition should not be permitted to be introduced at the appeal.

In addition, Mr. Hendel has suggested that we be required to ‘build block walls with sound barriers’ at borders with our residential neighbors. The Non-Conforming Use Permit was issued on 5/13/1998, well before Shea Homes constructed the Chaparral Glen and Chaparral Ridge communities. Shea Homes had the responsibility to disclose the activities on our property to their buyers, and should have built sound walls if noise was an issue. Again, this is not a valid reason for opposing the cell tower and is a condition that has no basis for consideration.

The appeal claims that the businesses on our property have resulted in the loss of home sales because of ‘noise, dust and activity’ coming from our property. These allegations have been investigated by the City and appropriate agencies and were determined to be unfounded.

Since the Planning Commission meeting, we have endured countless visits from Code Enforcement and other departments on an almost daily basis. Neighbors have entered the property to take pictures of the activities taking place. It has become a source of stress for us and our tenants, and is bordering on harassment.

In closing, untrue and unsupported assertions should be prohibited from being introduced at the Public Hearing for Conditional Use Permit – PHG 18-006. Concerns need to be limited to those related to the cell phone tower.

We would welcome the opportunity to speak with you regarding our concerns.

Sincerely,

C.E. Wilson, Patricia Wilson, Brian Wilson and Sharon Wilson

(619) 520-6564

## Paul Bingham

---

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Thursday, September 12, 2019 12:08 PM  
**To:** Paul McNamara; Consuelo Martinez; John Masson; Olga Diaz; Michael Morasco; Michael McGuinness; William Wolfe; Bill Martin  
**Cc:** Monica Pinaglia; Paul Bingham; Pam Albergo; Tom; Christina King; Alex - Symbolic Builders; Mary Hendel; Michael Hendel  
**Subject:** [EXT] Fwd: Slurry pits tested before AirX moves

**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.

We sent the following message to Monica Pinaglia and Paul Bingham last night and wanted to share our concern and request with all of you. We are specifically looking to have the slurry pits tested as research shows that hydrovac slurry should be tested. In-ground slurry pits have been on the property since around 2011 and there are now 6 and they could be leaking into the ground and groundwater as well. We understand AirX is looking to move to another location in the city and we want to make sure the pits are tested prior to them moving.

We are also concerned about other contaminants on the property from the long-term business uses. Hydrovac slurry or some other brown water has come out of a drain pipe multiple times over the last few years onto Holly Ave with the pipe originating at a culvert on the south portion of the property. There is an underground fuel tank that no one seems to know if it's still there and in what condition and a diesel fuel tank was added by AirX in their north work yard at some point with no permit being issued. There have been a lot of business uses on this property over the years including vehicle, equipment, shipping container and trailer storage with no understanding of what is stored in the containers or trailers.

Please make sure the slurry pits are tested before AirX moves and also plan for a full testing to be completed as soon as possible to ensure the property is not contaminated before any additional uses are considered.

Thanks.

Mike and Mary Hendel  
743 Sungold Way

----- Forwarded message -----

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Date:** Wed, Sep 11, 2019 at 11:08 PM  
**Subject:** Slurry pits tested before AirX moves  
**To:** Paul Bingham <pbingham@escondido.org>, Monica Pinaglia <mpinaglia@escondido.org>  
**Cc:** Pam Albergo <palbergo@sbcglobal.net>, Tom <talbergo@sbcglobal.net>, Mary Hendel <maryhendel@cox.net>, Michael Hendel <mjhhendel@gmail.com>

We as a neighborhood group are very concerned that no one has ever tested the slurry pits to see if they are contaminated. We don't believe AirX has ever tested the slurry and if they have where are the records and we don't believe the city has ever tested them either. We don't know where AirX is working and what potential contaminants could be in the ground where they are working.

What is needed for the city to get them tested as many times as possible before AirX moves their operations? Who do we need to discuss this with to get the testing completed?

Thanks.

Mike Hendel

## Paul Bingham

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**From:** Tom Albergo <talbergo@sbcglobal.net>  
**Sent:** Thursday, September 12, 2019 8:42 AM  
**To:** Paul Bingham; William Wolfe  
**Cc:** Pam Albergo; Michael Hendel; Mary Hendel  
**Subject:** [EXT] Question about Cell tower proposal on 2534 East El Norte for your report/consideration

**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.

At our August 21 meeting, you said that the applicant had not provided the required report to the City regarding RF or their study. I'm wondering why the incomplete CUP request was even sent to the Planning Commission when the required documentation wasn't provided. Has it ever been submitted?

Additionally, we would like to know if EMC 33-704 was included in the evaluation of the proposal. Here is an excerpt:

| Escondido Municipal Code                           |          |      |      |  |        |       |           |
|----------------------------------------------------|----------|------|------|--|--------|-------|-----------|
| Up                                                 | Previous | Next | Main |  | Search | Print | No Frames |
| <a href="#">Chapter 33 ZONING</a>                  |          |      |      |  |        |       |           |
| <a href="#">ARTICLE 34. COMMUNICATION ANTENNAS</a> |          |      |      |  |        |       |           |

**Sec. 33-704. Personal wireless service facilities—Development and operating standards.**

(C) Zoning administrator findings. In addition to the findings in section 33-1203, the zoning administrator must also make the following findings in approving a minor conditional use permit for a personal wireless service facility:

- (i) That the applicant has demonstrated that the site is necessary to close a significant gap in service;
  - (ii) That the location proposed conforms to the requirements of this article and any adopted guidelines to the maximum extent possible;
  - (iii) That the design proposed conforms to the requirements of this article and any adopted guidelines to the maximum extent possible; and
  - (iv) That the applicant has demonstrated a good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible or potentially available.
- (9) The city council may, by resolution, establish additional criteria and guidelines for the location, operation, design and review of personal wireless service facilities in the public right-of-way.

**Lastly, we know the City is contemplating a cell antenna request at Citrus and El Norte, as neighbors were sent a notice of hearing. That's in close proximity to C.E. Wilson's property. Isn't that sufficient to "close the gap" without approving Wilson's?**

## Paul Bingham

---

**From:** Pam Albergo <palbergo@sbcglobal.net>  
**Sent:** Thursday, September 5, 2019 3:38 PM  
**To:** SUDComplaints@dhcs.ca.gov  
**Cc:** Paul Bingham; Monica Pinaglia  
**Subject:** [EXT] RE: El Norte House residential alcohol facility 09-03  
**Attachments:** 20190905\_151851.jpg; 20190905\_152005.jpg; 20190905\_152008.jpg; Screenshot\_20190903-125228\_Chrome.jpg

**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.

The facility has been running as a residential rehabilitation facility which also included twice weekly AA meetings. In the past the El Norte House had a Facebook page which I cannot find any longer.

I have attached four photographs. The first photograph is of the sign advertising the facility on the entrance to the property. The second and third photographs are of the exterior of the residence. The last photograph is from the website of ncsandiegoaa.org which shows AA meetings twice weekly on Thursday and Saturday nights. Just last week we observed numerous cars that were heading to the residence for what I believe was one of those meetings.

I hope this will be helpful.

Pam Albergo

Sent from Yahoo Mail on Android

On Thu, Sep 5, 2019 at 2:57 PM, DHCS LCBCOMP@DHCS  
<SUDComplaints@dhcs.ca.gov> wrote:

Ms. Albergo,

Thank you for your correspondence. You stated that the facility has been running services. Aside from the Alcoholics Anonymous (AA) meetings, what other activities are being held at that address? Additionally, can you provide any evidence that the facility has been running services? This would be helpful.

We appreciate your communication and look forward to hearing from you again.

Department of Health Care Services





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**From:** Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>

**Sent:** Tuesday, September 03, 2019 1:24 PM

**To:** DHCS LCBCOMP@DHCS <[SUDComplaints@dhcs.ca.gov](mailto:SUDComplaints@dhcs.ca.gov)>

**Cc:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>; Monica Pinaglia <[mpinaglia@escondido.org](mailto:mpinaglia@escondido.org)>; Tom Albergo <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>; Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>; Mary Hendel <[maryhendel@cox.net](mailto:maryhendel@cox.net)>

**Subject:** El Norte House residential alcohol facility

I have just gotten off a phone call to your office about a residential rehabilitation program called El Norte House located at 2534 E. El Norte Parkway, Escondido, CA 92027. The woman I spoke to indicated after she checked your database that the El Norte House facility does not have either a license or certification for their services. This facility has been running its services for at least three to four years, if not longer. I have attached a screenshot of [NCSanDiegoAA.org](http://NCSanDiegoAA.org) website showing the facility also holds AA meetings on Thursdays and Saturdays.

My concern is whether the facility is running legally and in compliance with any rules and regulations that are required.

I would appreciate a follow up email that addresses my concerns.

Pam Albergo

[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)

760-802-3691

## Paul Bingham

---

**From:** Torrence Allen <trexallen@yahoo.com>  
**Sent:** Friday, September 13, 2019 2:13 PM  
**To:** Paul Bingham  
**Subject:** [EXT] Cell Tower

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Good Afternoon,

I am writing you in support of the proposed cell tower at 2534 E El Norte Parkway. We need cell towers in areas like this to provide uninterrupted service. I urge you to approve CUP PHG 18-0016

Thank you.  
Torrence

## Paul Bingham

---

**From:** Pam Albergo <palbergo@sbcglobal.net>  
**Sent:** Friday, September 13, 2019 1:51 PM  
**To:** Monica Pinaglia; Paul Bingham; Paul McNamara; Olga Diaz; Consuelo Martinez; John Masson; Michael Morasco; Tom Albergo; Michael Hendel  
**Subject:** [EXT] Noise Issues with 2534 E. El Norte Parkway/AirX

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This noise should not be allowed to happen in an R-1 zoned neighborhood. I again ask that you remove the NCU for the 2534 E. El Norte property and allow the property to be used per its R-1 zoning for building of the much needed housing in our city.

SANDAG's formula for future housing that needs be built in Escondido is over 9,600 homes, so why would the City Council take away the use of precious R-1 land? why isn't the City directing TMobile to the appropriately zoned land for this monstrosity of a tower?

Pam Albergo  
2576 Hamlin Court  
Escondido, CA 92027

## Paul Bingham

---

**From:** Holly Manion <hollymanion@gmail.com>  
**Sent:** Friday, September 13, 2019 10:46 AM  
**To:** Paul McNamara; Consuelo Martinez; Olga Diaz; John Masson; Michael Morasco; Paul Bingham  
**Subject:** [EXT] T-Mobile Cell Tower proposal and Property Devaluation  
**Attachments:** City of Escondido.pdf; DECLARATION Holly Manion (1) copy.pdf; seller property disclosure.pdf; San Diego Local Area Disclosures copy.pdf; DECLARATION Heather Gallagher (1) copy.pdf; DECLARATION Julie Flores (1) copy.pdf

**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 Members of the City Council of Escondido:

Please see my attached letter regarding "Devaluation of Property Values in close proximity to Cell Towers". I also have included three Declarations of local Realtors who have first hand knowledge and experience with selling in close proximity to a cell site. It is important to note that the Board of Realtors has two forms where the proximity of cell tower is disclosed.

If you have any questions regarding property devaluation and cell sites, please do not hesitate to call me.

Sincerely,

**Holly Manion**

DRE# 00646025

**TEAM MANION-Rancho Santa Fe Realty**

Pacific Sotheby's International Realty

[HollyManion@gmail.com](mailto:HollyManion@gmail.com)

**858-756-3007 - Office**

**858-395-5287 - Cell**

Please Note: Cybercrime is on the Rise! I will never request you send funds or personal information such as credit card numbers, bank account numbers, routing numbers or social security numbers through email. If you receive an email requesting such, please notify me immediately.

**Holly Manion  
P.O. Box 5  
Rancho Santa Fe, CA 92067**

September 12, 2019

**Escondido City Council**

Mayor Paul McMamara  
Deputy Mayor Consuelo Martinez  
Council Member Olga Diaz  
Council Member John Masson  
Council Member Mike Morasco  
Assistant Planner Paul Bingham

**Re: Cell Tower Installation and Property Values**

Dear Members of the Escondido City Council:

I'm writing to you as a real estate broker of 40 years and a member of the North San Diego Association of Realtors regarding my deep concern for property devaluation for the homes that are near and surrounding the proposed 40 foot T-Mobile cell tower at 2534 East El Norte Parkway in Escondido.

My experience as a residential realtor, and the literature as well as increasing industry norms, suggest that any resident who faces any cell tower near their property is going to experience devaluation of property and difficulty selling their home and property. I have attached three Declarations from Realtors in the North San Diego County area expressing their personal experience and the difficulty of selling property near a telecommunication cell site. Many buyers will not even get out of their car

to see a property if there is a cell site in view or within 500 feet of a cell tower.

An EMF Real Estate survey was completed in 2014 by 1000 respondents. "Neighborhood Cell Towers & Antennas—Do They Impact a Property's Desirability?" The overall majority of respondents (94%) reported that the cell towers and antennas in a neighborhood or on a building would impact interest in a property and the price they would be willing to pay. 79% said under no circumstances would they purchase or rent a property within a few blocks of a cell tower or antenna. 89% said they were generally concerned about the increasing number of cell towers and antennas in their residential neighborhood.

<http://electromagnetichealth.org/electromagnetic-health-blog/survey-property-desirability/>

A survey conducted in New Zealand in 2003 showed there were concerns 16 years ago about living next to a cell site. "The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods" by Sandy Bond, PhD, and Ko-Kang Wang presents the results from both an option survey and a market sales analysis. The results of the sales analysis show prices of properties were reduced by around 21% after a cell site was built in the neighborhood. Please note this survey was conducted prior to all the adverse media publicity that has grown regarding cell sites.

<http://electromagnetichealth.org/wp-content/uploads/2014/06/TAJSummer05p256-277.pdf>

There are many articles addressing the devaluation of property in close proximity to cell sites. Here are two links of the many.

*Proposed 4G and 5G WTF's Lower Property Values* Scientists for wired Technology  
<https://scientists4wiredtech.com/2019/01/proposed-4g-and-5g-wtfs-lower-property-values/>



*Burgoyne Appriaser on Cell Tower Home Values*

<http://www.keepcellantennasawayfromoureikgrovehomes.org/wp-content/uploads/2019/01/Burgoyne-appraiser-on-Cell-Towers-Home-Values.pdf>

Please ask TMobile to place their cell antennas in other locations away from homes, children, and schools, preferably in areas zoned for industrial and commercial.

Respectfully,

*Holly Manion*

Holly Manion DRE 00646025

Broker Associate: Pacific Sotheby's International Realty

6024 D Paseo Delicias Rancho Santa Fe, CA 92067



CALIFORNIA  
ASSOCIATION  
OF REALTORS®

## SELLER PROPERTY QUESTIONNAIRE

(C.A.R. Form SPQ, Revised 6/18)

This form is not a substitute for the Real Estate Transfer Disclosure Statement (TDS). It is used by the Seller to provide additional information when a TDS is completed. If Seller is exempt from completing a TDS, Seller should complete an Exempt Seller Disclosure (C.A.R. Form ESD) or may use this form instead.

I. Seller makes the following disclosures with regard to the real property or manufactured home described as situated in \_\_\_\_\_, Assessor's Parcel No. \_\_\_\_\_, County of \_\_\_\_\_ California ("Property").

II. The following are representations made by the Seller and are not the representations of the Agent(s), if any. This disclosure statement is not a warranty of any kind by the Seller or any agents(s) and is not a substitute for any inspections or warranties the principal(s) may wish to obtain. This disclosure is not intended to be part of the contract between Buyer and Seller. Unless otherwise specified in writing, Broker and any real estate licensee or other person working with or through Broker has not verified information provided by Seller. A real estate broker is qualified to advise on real estate transactions. If Seller or Buyer desires legal advice, they should consult an attorney.

III. **Note to Seller:** PURPOSE: To tell the Buyer about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.

- Answer based on actual knowledge and recollection at this time.
- Something that you do not consider material or significant may be perceived differently by a Buyer.
- Think about what you would want to know if you were buying the Property today.
- Read the questions carefully and take your time.
- If you do not understand how to answer a question, or what to disclose or how to make a disclosure in response to a question, whether on this form or a TDS, you should consult a real estate attorney in California of your choosing. A broker cannot answer the questions for you or advise you on the legal sufficiency of any answers or disclosures you provide.

IV. **Note to Buyer:** PURPOSE: To give you more information about known material or significant items affecting the value or desirability of the Property and help to eliminate misunderstandings about the condition of the Property.

- Something that may be material or significant to you may not be perceived the same way by the Seller.
- If something is important to you, be sure to put your concerns and questions in writing (C.A.R. form BMI).
- Sellers can only disclose what they actually know. Seller may not know about all material or significant items.
- Seller's disclosures are not a substitute for your own investigations, personal judgments or common sense.

V. **SELLER AWARENESS:** For each statement below, answer the question "Are you (Seller) aware of..." by checking either "Yes" or "No." Explain any "Yes" answers in the space provided or attach additional comments and check section VI.

A. STATUTORILY OR CONTRACTUALLY REQUIRED OR RELATED:

ARE YOU (SELLER) AWARE OF...

- |                                                                                                                                                              |                              |                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| 1. Within the last 3 years, the death of an occupant of the Property upon the Property .....                                                                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. An Order from a government health official identifying the Property as being contaminated by methamphetamine. (If yes, attach a copy of the Order.) ..... | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. The release of an illegal controlled substance on or beneath the Property .....                                                                           | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Whether the Property is located in or adjacent to an "industrial use" zone .....                                                                          | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (In general, a zone or district allowing manufacturing, commercial or airport uses.)                                                                         |                              |                             |
| 5. Whether the Property is affected by a nuisance created by an "industrial use" zone. ....                                                                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Whether the Property is located within 1 mile of a former federal or state ordnance location. ....                                                        | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| (In general, an area once used for military training purposes that may contain potentially explosive munitions.)                                             |                              |                             |
| 7. Whether the Property is a condominium or located in a planned unit development or other common interest subdivision. ....                                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 8. Insurance claims affecting the Property within the past 5 years .....                                                                                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 9. Matters affecting title of the Property .....                                                                                                             | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 10. Material facts or defects affecting the Property not otherwise disclosed to Buyer .....                                                                  | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 11. Plumbing fixtures on the Property that are non-compliant plumbing fixtures as defined by Civil Code Section 1101.3 .....                                 | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Explanation, or ☐ (if checked) see attached; \_\_\_\_\_

Buyer's Initials ( ) ( )

Seller's Initials ( ) ( )

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SPQ REVISED 6/18 (PAGE 1 OF 4)

### SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 1 OF 4)



Property Address: 1 1st.

Date: \_\_\_\_\_

**B. REPAIRS AND ALTERATIONS:**

**ARE YOU (SELLER) AWARE OF...**

1. Any alterations, modifications, replacements, improvements, remodeling or material repairs on the Property (including those resulting from Home Warranty claims) ..... ☐ Yes ☐ No
2. Any alterations, modifications, replacements, improvements, remodeling, or material repairs to the Property done for the purpose of energy or water efficiency improvement or renewable energy? ..... ☐ Yes ☐ No
3. Ongoing or recurring maintenance on the Property (for example, drain or sewer clean-out, tree or pest control service) ..... ☐ Yes ☐ No
4. Any part of the Property being painted within the past 12 months. .... ☐ Yes ☐ No
5. Whether the Property was built before 1978. .... ☐ Yes ☐ No
  - (a) If yes, were any renovations (i.e., sanding, cutting, demolition) of lead-based paint surfaces started or completed. .... ☐ Yes ☐ No
  - (b) If yes to (a), were such renovations done in compliance with the Environmental Protection Agency Lead-Based Paint Renovation Rule? ..... ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**C. STRUCTURAL, SYSTEMS AND APPLIANCES:**

**ARE YOU (SELLER) AWARE OF...**

1. Defects in any of the following, (including past defects that have been repaired): heating, air conditioning, electrical, plumbing (including the presence of polybutylene pipes), water, sewer, waste disposal or septic system, sump pumps, well, roof, gutters, chimney, fireplace, foundation, crawl space, attic, soil, grading, drainage, retaining walls, interior or exterior doors, windows, walls, ceilings, floors or appliances ..... ☐ Yes ☐ No
2. The leasing of any of the following on or serving the Property: solar system, water softener system, water purifier system, alarm system, or propane tank (s) ..... ☐ Yes ☐ No
3. An alternative septic system on or serving the Property. .... ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**D. DISASTER RELIEF, INSURANCE OR CIVIL SETTLEMENT:**

**ARE YOU (SELLER) AWARE OF...**

1. Financial relief or assistance, insurance or settlement, sought or received, from any federal, state, local or private agency, insurer or private party, by past or present owners of the Property, due to any actual or alleged damage to the Property arising from a flood, earthquake, fire, other disaster, or occurrence or defect, whether or not any money received was actually used to make repairs ..... ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**E. WATER-RELATED AND MOLD ISSUES:**

**ARE YOU (SELLER) AWARE OF...**

1. Water intrusion into any part of any physical structure on the Property; leaks from or in any appliance, pipe, slab or roof; standing water, drainage, flooding, underground water, moisture, water-related soil settling or slippage, on or affecting the Property ..... ☐ Yes ☐ No
2. Any problem with or infestation of mold, mildew, fungus or spores, past or present, on or affecting the Property ..... ☐ Yes ☐ No
3. Rivers, streams, flood channels, underground springs, high water table, floods, or tides, on or affecting the Property or neighborhood ..... ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**F. PETS, ANIMALS AND PESTS:**

**ARE YOU (SELLER) AWARE OF...**

1. Pets on or in the Property ..... ☐ Yes ☐ No
2. Problems with livestock, wildlife, insects or pests on or in the Property ..... ☐ Yes ☐ No
3. Past or present odors, urine, feces, discoloration, stains, spots or damage in the Property, due to any of the above ..... ☐ Yes ☐ No
4. Past or present treatment or eradication of pests or odors, or repair of damage due to any of the above. .... ☐ Yes ☐ No  
If so, when and by whom \_\_\_\_\_

Explanation: \_\_\_\_\_

Buyer's Initials ( ) ( )  
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Seller's Initials ( ) ( )

**SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 2 OF 4)**

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Property Address: 1 1st,

Date: \_\_\_\_\_

**G. BOUNDARIES, ACCESS AND PROPERTY USE BY OTHERS:**

**ARE YOU (SELLER) AWARE OF...**

1. Surveys, easements, encroachments or boundary disputes ..... ☐ Yes ☐ No
2. Use or access to the Property, or any part of it, by anyone other than you, with or without permission, for any purpose, including but not limited to, using or maintaining roads, driveways or other forms of ingress or egress or other travel or drainage ..... ☐ Yes ☐ No
3. Use of any neighboring property by you ..... ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**H. LANDSCAPING, POOL AND SPA:**

**ARE YOU (SELLER) AWARE OF...**

1. Diseases or infestations affecting trees, plants or vegetation on or near the Property ..... ☐ Yes ☐ No
2. Operational sprinklers on the Property ..... ☐ Yes ☐ No
  - (a) If yes, are they ☐ automatic or ☐ manually operated.
  - (b) If yes, are there any areas with trees, plants or vegetation not covered by the sprinkler system ... ☐ Yes ☐ No
3. A pool heater on the Property ..... ☐ Yes ☐ No
  - If yes, is it operational? ..... ☐ Yes ☐ No
4. A spa heater on the Property ..... ☐ Yes ☐ No
  - If yes, is it operational? ..... ☐ Yes ☐ No
5. Past or present defects, leaks, cracks, repairs or other problems with the sprinklers, pool, spa, waterfall, pond, stream, drainage or other water-related decor including any ancillary equipment, including pumps, filters, heaters and cleaning systems, even if repaired ..... ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**I. CONDOMINIUMS, COMMON INTEREST DEVELOPMENTS AND OTHER SUBDIVISIONS: (IF APPLICABLE)**

**ARE YOU (SELLER) AWARE OF...**

1. Any pending or proposed dues increases, special assessments, rules changes, insurance availability issues, or litigation by or against or fines or violations issued by a Homeowner Association or Architectural Committee affecting the Property. .... ☐ Yes ☐ No
2. Any declaration of restrictions or Architectural Committee that has authority over improvements made on or to the Property ..... ☐ Yes ☐ No
3. Any improvements made on or to the Property without the required approval of an Architectural Committee or inconsistent with any declaration of restrictions or Architectural Committee requirement. .... ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**J. TITLE, OWNERSHIP LIENS, AND LEGAL CLAIMS:**

**ARE YOU (SELLER) AWARE OF...**

1. Any other person or entity on title other than Seller(s) signing this form ..... ☐ Yes ☐ No
2. Leases, options or claims affecting or relating to title or use of the Property ..... ☐ Yes ☐ No
3. Past, present, pending or threatened lawsuits, settlements, mediations, arbitrations, tax liens, mechanics' liens, notice of default, bankruptcy or other court filings, or government hearings affecting or relating to the Property, Homeowner Association or neighborhood ..... ☐ Yes ☐ No
4. Any private transfer fees, triggered by a sale of the Property, in favor of private parties, charitable organizations, interest based groups or any other person or entity ..... ☐ Yes ☐ No
5. Any PACE lien (such as HERO or SCEIP) or other lien on your Property securing a loan to pay for an alteration, modification, replacement, improvement, remodel or material repair of the Property? ☐ Yes ☐ No
6. The cost of any alteration, modification, replacement, improvement, remodel or material repair of the Property being paid by an assessment on the Property tax bill? ..... ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**K. NEIGHBORHOOD:**

**ARE YOU (SELLER) AWARE OF...**

1. Neighborhood noise, nuisance or other problems from sources such as, but not limited to, the following: neighbors, traffic, parking congestion, airplanes, trains, light rail, subway, trucks,

Buyer's Initials ( ) ( )

Seller's Initials ( ) ( )

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**SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 3 OF 4)**

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Property Address: 1 1st

Date: \_\_\_\_\_

freeways, buses, schools, parks, refuse storage or landfill processing, agricultural operations, business, odor, recreational facilities, restaurants, entertainment complexes or facilities, parades, sporting events, fairs, neighborhood parties, litter, construction, air conditioning equipment, air compressors, generators, pool equipment or appliances, underground gas pipelines, cell phone towers, high voltage transmission lines, or wildlife . . . . . ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**L. GOVERNMENTAL:**

**ARE YOU (SELLER) AWARE OF...**

1. Ongoing or contemplated eminent domain, condemnation, annexation or change in zoning or general plan that applies to or could affect the Property . . . . . ☐ Yes ☐ No
2. Existence or pendency of any rent control, occupancy restrictions, improvement restrictions or retrofit requirements that apply to or could affect the Property. . . . . ☐ Yes ☐ No
3. Existing or contemplated building or use moratoria that apply to or could affect the Property . . . . . ☐ Yes ☐ No
4. Current or proposed bonds, assessments, or fees that do not appear on the Property tax bill that apply to or could affect the Property . . . . . ☐ Yes ☐ No
5. Proposed construction, reconfiguration, or closure of nearby Government facilities or amenities such as schools, parks, roadways and traffic signals . . . . . ☐ Yes ☐ No
6. Existing or proposed Government requirements affecting the Property (i) that tall grass, brush or other vegetation be cleared; (ii) that restrict tree (or other landscaping) planting, removal or cutting or (iii) that flammable materials be removed . . . . . ☐ Yes ☐ No
7. Any protected habitat for plants, trees, animals or insects that apply to or could affect the Property . . . . . ☐ Yes ☐ No
8. Whether the Property is historically designated or falls within an existing or proposed Historic District . . . . . ☐ Yes ☐ No
9. Any water surcharges or penalties being imposed by a public or private water supplier, agency or utility; or restrictions or prohibitions on wells or other ground water supplies . . . . . ☐ Yes ☐ No

Explanation: \_\_\_\_\_

**M. OTHER:**

**ARE YOU (SELLER) AWARE OF...**

1. Reports, inspections, disclosures, warranties, maintenance recommendations, estimates, studies, surveys or other documents, pertaining to (i) the condition or repair of the Property or any improvement on this Property in the past, now or proposed; or (ii) easements, encroachments or boundary disputes affecting the Property whether oral or in writing and whether or not provided to the Seller. . . . . ☐ Yes ☐ No  
(If yes, provide any such documents in your possession to Buyer.)
2. Any occupant of the Property smoking on or in the Property. . . . . ☐ Yes ☐ No
3. Any past or present known material facts or other significant items affecting the value or desirability of the Property not otherwise disclosed to Buyer . . . . . ☐ Yes ☐ No

Explanation: \_\_\_\_\_

VI. ☐ (IF CHECKED) **ADDITIONAL COMMENTS:** The attached addendum contains an explanation or additional comments in response to specific questions answered "yes" above. Refer to line and question number in explanation.

**Seller represents that Seller has provided the answers and, if any, explanations and comments on this form and any attached addenda and that such information is true and correct to the best of Seller's knowledge as of the date signed by Seller. Seller acknowledges (i) Seller's obligation to disclose information requested by this form is independent from any duty of disclosure that a real estate licensee may have in this transaction; and (ii) nothing that any such real estate licensee does or says to Seller relieves Seller from his/her own duty of disclosure.**

Seller \_\_\_\_\_

Date \_\_\_\_\_

Seller \_\_\_\_\_

Date \_\_\_\_\_

**By signing below, Buyer acknowledges that Buyer has read, understands and has received a copy of this Seller Property Questionnaire form.**

Buyer \_\_\_\_\_

Date \_\_\_\_\_

Buyer \_\_\_\_\_

Date \_\_\_\_\_

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**SELLER PROPERTY QUESTIONNAIRE (SPQ PAGE 4 OF 4)**

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### Declaration of Heather Gallagher

I, Heather Gallagher, declare as follows:

1. I am a licensed real estate broker in the State of California. My license number is 00792625. I have been a real estate professional since 1983 and I am currently licensed with Pacific Sotheby's International Realty. My market consists primarily of residential properties in North County San Diego, California.
2. I have become increasingly aware of health concerns related to cell towers in close proximity to homes. This has been a topic at various formal meetings we have had among fellow realtors, and I have become better educated on the subject of wireless radiation in order to more fully serve my clients and understand their needs.
3. In January 2019 I had a client who suffers from a compromised immune system and was particularly allergic to various things. In addition to allergies in the classic sense, i.e. mold and inhaled allergens, this woman was also Electro-Hypersensitive (EHS).
4. I was able to find a property for her that was reasonably distant from cell towers. She selected this property in large part because it was as far away from some of the major towers as we could find.
5. I further found a highly qualified Industrial Hygienist Peter Sierck, a Principal at Environmental Testing & Technologies. Mr. Sierck has renowned expertise in the area of RF radiation measurements and was able to come up with a plan for shielding my client's new home from Wi-Fi coming from her neighbors' homes. My client accepted that she was going to have to deal with neighbors' Wi-Fi through various shielding materials suggested by Mr. Sierck. However, she opted to buy a home away from cell towers, something that would be more difficult to shield from given her extreme sensitivity.
6. In the area I sell homes in, North County San Diego, I find that people are becoming increasingly well-informed about the health risks associated with RF radiation. It is a fact that the vast majority of my clients use some form of wireless at home and/or in their work life. I do find there is increasing concern about radiation from cell towers, and even those clients who are not concerned about the health risks that have been associated with RF radiation are inclined to prefer the property without a cell tower nearby – as opposed to property with a cell tower within sight. They know the presence of the cell tower affects property values and they know it affects

resale. Increasingly I find clients wanting to avoid living near cell towers, and as a realtor I am obligated to disclose their locations.

I declare under penalty of perjury that the foregoing is true and correct.

April 25, 2019

  
Heather Gallagher



## Declaration of Holly E. Manion

I, Holly E. Manion, declare as follows:

1. I am a licensed real estate broker in the State of California, and I have lived in Rancho Santa Fe my entire life. My license number is DRE 00646025. I have been a real estate professional full time for 40 years, and I founded Rancho Santa Fe Realty located in Rancho Santa Fe, California. My firm is now part of Pacific Sotheby's International Realty.

2. I represent buyers and sellers in North San Diego County. I have had numerous experiences with clients who when informed that wireless cell sites are located on or near properties in which they were interested initially, have refused to pursue transactions because of these wireless facilities. Currently, I represent sellers who have placed their home in Rancho Santa Fe on the market. It is a 4 bedroom, 3 bathroom house designed by a master architect in San Diego with stunning views. It is located on two usable acres. My clients are asking in excess of \$2 million for the property. A utility pole to which three wireless antennas are attached is located on the County right of way close to the front garden. Three potential buyers came to tour the property, but would not even walk in the door because they were so concerned about the close proximity of the wireless cell site and its potential health risks. There is one prospective buyer who loves the property as it is perfect for her family of four. Her mother, however, will not lend her daughter the necessary down payment to purchase the property due to her concern about the potential health hazard resulting from the wireless antenna especially for her grandchildren who would play in the front yard. The property has been on the market for more than four months, with no offers and few showings. The current market for equivalent homes in this area is strong.

3. Another example of which I am familiar involves two of the least expensive lots in Rancho Santa Fe Covenant. They are listed for less than \$1 million, an exceptionally low price for the area. One of the lots is 2.9 useable acres, with lovely views. It was just reduced in price from \$715,000 to \$630,000. It has been on the market 325 days with no offers. I have shown this property twice this year to qualified buyers. They had no interest in making offers after they learned that there is a wireless cell site disguised as palm trees near these properties. These fake palm trees with their wireless facilities are at least 1,500 feet away in an adjacent community, Hacienda Santa Fe. Although the lots are gorgeous, neither of these two clients were interested in pursuing a purchase at any price.

4. Numerous of my clients have refused to purchase properties near a well-known sports park in Encinitas because of the wireless antennas that are mounted on athletic field light standards towering over the playing fields.

5. I am a member of the San Diego County Board of Realtors, and I use the "Local Area Disclosures for San Diego County" in all of my transactions as required by the Board. This form includes a disclosure of Electrical and Magnetic Fields and notes the

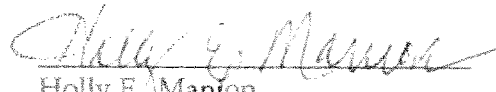
"public concern with EMFs" affecting a property's value. Attached as Exhibit A to my declaration is a true and correct copy of the current version of the "Local Area Disclosures for San Diego County." In addition, I use the "Seller Property Questionnaire" for all my transactions. The Questionnaire states "Note to Seller: Purpose: To tell the Buyer about known material or significant items affecting the value or desirability of the Property ...." It includes a disclosure for "[neighborhood noise, nuisance or other problems from sources such as, but not limited to, the following: ... cell phone towers...." Attached as Exhibit B to my declaration is a true and correct copy of the current version of the Questionnaire.

6. In my professional experience, wireless sites that generate radio frequency emissions on or near residential properties cause a diminution in the value of these properties. This is due to the fact that some likely buyers refuse to even look at them, which leads to the properties staying on the market longer than like properties that do not have cell sites in the vicinity. Over time, this inevitably leads to sellers lowering prices to ensure they can sell their properties.

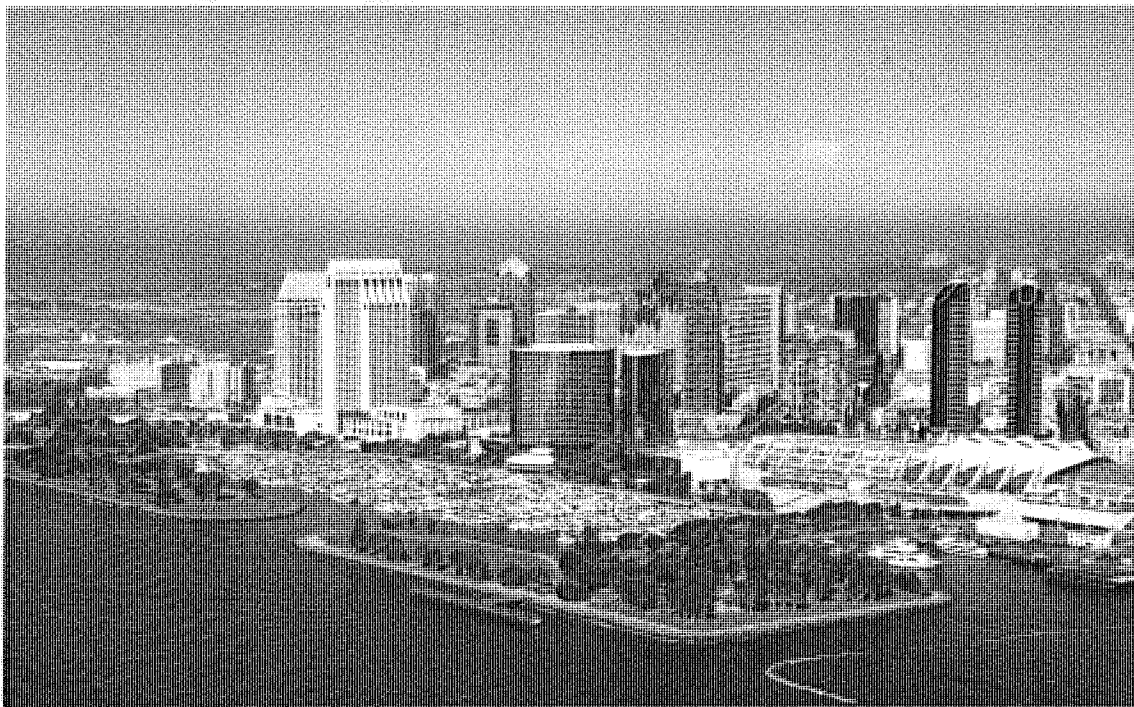
7. My neighbors and I are extremely happy that Rancho Santa Fe Association is installing 60 miles of underground fiber optic cable network. The trenching for fiber optics is almost completed and we will have the system up and running this year. We believe this network is going to provide us with better quality, faster, safer, and more secure Internet connection than we currently have with the wireless systems available to us. It is my understanding that fiber optics do not emit radio frequency radiation like wireless systems. It is my professional opinion that if the communities in which I work only had fiber optics and no wireless facilities, my clients would no longer have the health and safety concerns I discussed above. I also believe I would then be able to sell their properties more quickly and at top dollar.

I declare under penalty of perjury that the foregoing is true and correct.

April 8, 2019

  
Holly E. Manion

# Local Area Disclosures for San Diego County



# Local Area Disclosures for San Diego County

**The Local Area Disclosures for San Diego County (LAD) is intended to be reviewed by Buyer and Seller along with the Statewide Buyer and Seller Advisory (California Association of Realtor form SBSA). If you do not have the SBSA, request a copy.**

- The LAD provides information on conditions in San Diego County which may impact Buyer's decision to purchase the Property, and is an advisory to Buyer and Seller.
- The LAD does not relieve Seller or Brokers from making disclosures legally required of them.
- The LAD does not eliminate Buyer's duty to conduct a thorough physical inspection of the Property.
- Buyer is advised to investigate, and obtain additional information on, all issues of concern to Buyer and not to rely solely on the information received from Seller and Brokers.
- Buyer is advised to obtain in writing all information on the condition or area of the Property received from Seller and Brokers.
- Buyer is advised to consult with qualified professional advisors, consultants and appropriate governmental authorities in evaluating all information related to the Property.
- Buyer is advised that Brokers do not verify the results of any inspections, or guarantee the performance of any inspector.
- Buyer's waiver of the right to conduct a physical inspection of the Property, or to rely on someone other than an appropriate professional for such inspection, is against the advice of Brokers.

**DISCLAIMER:** The LAD was prepared by the Greater San Diego Association of REALTORS® ("SDAR") based on information obtained primarily from its members who conduct business throughout San Diego County and are familiar with commonly used local disclosures in those areas. SDAR believes the sources of information is reliable but has not verified all information. Conditions impacting the Property or area (especially those listed in "Specific Area Disclosures") may have changed since the LAD was published.

THE LAD HAS BEEN APPROVED BY SDAR. NO REPRESENTATION OR WARRANTY IS MADE AS TO THE VALIDITY OR ADEQUACY OF ANY OF ITS PROVISIONS IN ANY PARTICULAR TRANSACTION.

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## A. General Disclosures

The best source for regional information of all kinds, but especially for transportation, is San Diego County's regional agency, the San Diego Association of Governments (SANDAG): [www.sandag.org](http://www.sandag.org).

### 1. Attractions, Amusement Parks and Casinos

Buyer and Seller are advised that various public attractions and amusement parks may impact the traffic in the area near the Property or create noise which may concern some Buyers. Buyer is advised to investigate the impacts from such attractions, including the San Diego Zoo and Safari Park, SeaWorld, Qualcomm Stadium, Petco Park, Legoland, Mattress Firm Amphitheater, Aquatica Waterpark, Mission Bay, various casinos and resorts throughout the county and other public event venues.

### 2. County of San Diego County General Plan Update

The County of San Diego adopted a new General Plan on August 3, 2011. During the 2011 hearings a number of property owners expressed concerns with the land use designations that were applied to their land. On June 27, 2012, the Board of Supervisors directed staff to process a General Plan Amendment (GPA) for 47 separate property specific requests along with their associated study areas. It is currently estimated that this GPA should be ready for Board of Supervisors consideration by summer 2017. For more information on the General Plan, the Property Specific Requests GPA and its impact, contact the City of San Diego or visit [www.sandiegocounty.gov/pds.generalplan.html](http://www.sandiegocounty.gov/pds.generalplan.html).

### 3. Construction and Soils Defects—Prior, Pending or Threatened Litigation

Buyer and Seller are advised that many subdivisions and condominiums in San Diego County have been subject to litigation for construction and soils defects arising out of the original construction of homes. The status of any legal action and the repairs to remedy the defect may impact the value and use of the Property. It is important to verify the status of any threatened, pending or resolved legal action, including what repairs were made, for the residence and subdivision. For further information, contact the Homeowners Association, if one exists, or the original home builder.

### 4. Fireplaces

Buyer and Seller are advised that some areas of San Diego County, including areas in Santee, Tierrasanta, Scripps Ranch, Rancho Peñasquitos and Rancho Bernardo, may have Rampart General fireplaces in some homes. Rampart General fireplaces were pre-cast concrete fireplaces, brought to the site and erected instead of built at the site through masonry work. These fireplaces have been known to crack, and repairs are limited and difficult. Many San Diego County fireplace inspectors, chimney sweeps and contractors will not attempt to repair Rampart General fireplaces. Repairs may be costly, if available, and replacement may be necessary.

### 5. High Wind and Flooding Conditions

Buyer and Seller are advised that if the Property is located in an area subject to high winds, or during storms, the Property may experience damage from blowing dust, sand and debris which can disengage roof tiles, shingles or other materials and cause trees to fall. Flooding can also occur throughout the county during storms, resulting in property damage, slippage of embankments, or leaks to structures that occur during such weather conditions.

### 6. Homeowners' Associations

Buyer and Seller are advised that the Property may be subject to mandatory membership in one or more Homeowners' Associations (HOAs). HOAs may impose restrictions on the use and development of the Property according to the HOA's Conditions, Covenants and Restrictions (CC&Rs) and Bylaws. If there are multiple HOAs, they may each charge separate dues.

### 7. Prisons and Jails

Buyer and Seller are advised that there are prisons, jails and detention centers located in the County of San Diego which may influence Buyer's decision to purchase. Buyer is advised to investigate the impact, if any, of such facilities.

**8. Proposition 65**

Buyer and Seller are advised that the California Safe Drinking Water and Toxic Enforcement Act of 1986, also known as Proposition 65, which became effective on January 1, 1988, concerns potential health danger from hazardous chemicals. Proposition 65 requires all businesses (including all builders of residential homes) to provide a warning to the public of the danger of potential harm by exposure to these chemicals.

**9. Historic Review/Historic Districts**

Buyer and Seller are advised that many municipalities in San Diego County have historic resource ordinances which can impact a property owner's ability to modify or demolish a property. In the City of San Diego, for example, a building not located in an exempt area that is at least 45 years old may be subject to historic review before demolition or exterior modification is permitted. The City of San Diego also has a number of Historic Districts that may impact whether a property may be modified. Buyer should contact the planning department of the city (or the county) to determine what impact a historic ordinance may have on the Property. For properties located in unincorporated areas, contact the County Department of Planning and Land use, Historic Site Board, (858) 694-2960, or visit [www.sandiego.gov/planning/programs/historical/districts](http://www.sandiego.gov/planning/programs/historical/districts). For more information on historic districts, visit [www.sohosandiego.org/resources/historicdistricts.htm](http://www.sohosandiego.org/resources/historicdistricts.htm).

**10. Sycamore to Peñasquitos Electric Transmission Line**

Construction is underway on a new 230-kv transmission line that will run between SDG&E's existing Sycamore Canyon and Penasquitos substations. SDG&E anticipates completion of the project in Summer of 2018. For more information on the affected neighborhoods, visit [www.sdge.com/sx-pq](http://www.sdge.com/sx-pq).

**11. Trolley and Trains**

Buyer and Seller are advised that trolleys and trains run throughout San Diego County which may create noise and impact traffic. New or expanded tracks may also be proposed. For further information regarding train routes, development and possible expansions, visit [www.gonctd.com](http://www.gonctd.com) for maps and updates. Trolley and train information can be accessed at [www.511sd.com](http://www.511sd.com). Refer to Section C.7 below for additional information.

**12. Water Retrofit**

Buyer and Seller are advised that various cities, including Del Mar and San Diego, may require installation of low-flow water devices in sinks, shower heads and toilets upon transfer of a property. Compliance with these local regulations may be required in addition to those imposed under California Civ. Code section 1101.4 and 1101.5. It is generally Seller's responsibility to comply with these requirements, unless exemptions apply. Any necessary waiver or certificate showing compliance should be obtained from the applicable city authority before closing escrow on the property.

**13. Illegal Encampments**

Illegal encampments are located throughout San Diego County, often in open space or canyon areas. Law enforcement authorities have not been able to eradicate all such encampments. Concerned Buyers should investigate this potential issue.

**14. Soil and Geologic Conditions**

See paragraphs 3 and 4 of the California Association of REALTORS® Statewide Buyer and Seller Advisory (SBSA).

**15. Gas Pipelines**

Buyer and Seller are advised of the existence of underground "transmission" pipelines used to transport natural gas, crude petroleum, and refined petroleum liquids such as gasoline, jet fuel, and ethanol in San Diego County. In addition, smaller "distribution" pipelines that operate at lower pressures also exist in San Diego County. Each home that uses natural gas is connected to an underground gas distribution pipeline. Pipeline proximity has become a concern to some homeowners following a number of pipeline disasters in the U.S. While buried pipelines can pre-sent a risk of explosion, fire, and other health hazards, proximity to a pipeline does not of itself indicate a safety risk. Information on the location of transmission pipelines can be obtained from Natural Hazard Disclosure (NHD) providers. At this time, not all NHD providers report this information. Information on the location of hazardous liquid and natural gas transmission pipelines can also be obtained from the National Pipeline Mapping System at <http://www.npms.phmsa.dot.gov/default.htm>. San Diego Gas & Electric provides gas pipeline information which can be accessed at <http://www.sdge.com/safety/gas-safety/putting-safety-first>.



**16. Property Photographs and Data Online**

Buyer and Seller acknowledge and understand that the Property was likely listed in the Multiple Listing Services and advertised for sale on the internet. As such, persons listing or entering onto the Property may have photos and/or videos of the Property. Once images of

the Property are taken or put on the internet or otherwise, neither the Broker nor the Seller has control over the use of the images, how long they are available to the public via the internet, or who views such images after the sale of the Property.

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## **B. Environmental Disclosures**

**1. Animals and Insects**

Buyer and Seller are advised that the Property may be inhabited by various species of animals and pests, from insects and bees, rodents and bugs to large animals such as mountain lions, bobcats, coyotes, bears, snakes and reptiles, which may pose hazards. Areas may also be subject to domestic and farm animals, including non-native and endangered species which may pose a hazard to, or affect the potential development of a property.

**2. Coastal Cliffs and Beach Areas**

Buyer and Seller are advised that building structures located near or on the edge of coastal cliffs and beach areas may be prone to erosion and resulting damage. The stability of the soils and other geological characteristics can impact the Property and the ability to build on the Property.

**3. Electrical and Magnetic Fields (EMFs)**

Buyer and Seller are advised that Electric and Magnetic Fields (EMFs) are found wherever there is electricity, including underground power lines. Brokers are not qualified to explain potential risks associated with EMFs, if any. It is generally believed that public concern with EMFs may affect the value of a property in close proximity to high-voltage power lines. For further information, visit [www.sdge.com](http://www.sdge.com) and type "emf" in the search line.

**4. Flooding Valleys**

Buyer and Seller are advised that properties in river valleys, including Mission Valley, San Dieguito River Valley and San Luis Rey River Valley may be subject to flooding in periods of heavy rain. A property's history of flooding and potential to flood may impact its value and use, and availability and cost of flood insurance.

**5. Landfills**

Buyer and Seller are advised that within San Diego County there are several active landfills, including the Borrego Landfill, Las Pulgas Landfill, Miramar Landfill, Otay Landfill, San Onofre Landfill and Sycamore Landfill located in Santee. There may be other known or undiscovered, inactive landfills located within San Diego County. For more information about these and other possible landfills visit [www.sandiego.gov/environmental-services.com](http://www.sandiego.gov/environmental-services.com).

**6. Chinese Drywall**

Buyer and Seller are advised that some homes built between 2003 and 2008 may contain imported defective drywall known in the press as "Chinese drywall." Some residents of properties with this drywall have reported problems, including a strong sulfur smell, like rotten eggs; health issues, like irritated and itchy eyes and skin; difficulty breathing; a persistent cough and headaches; and premature corrosion or deterioration of certain metal components in their homes, like air conditioner coils and wiring behind electrical outlets and inside electrical panel boxes. Eliminating problems associated with the drywall may require its removal from the home. For more information, visit the Consumer Product Safety Commission website at [www.cpsc.gov/info/drywall/index.html](http://www.cpsc.gov/info/drywall/index.html).

**7. Hazardous Materials**

Buyer and Seller are advised that the Property may contain hazardous materials, including asbestos, lead, radon, and formaldehyde. Various hazardous materials, such as paint, solvents, cleaning supplies or insecticides, may remain on the Property after close of escrow and require special handling, removal and disposal. Information on these and other hazards is contained in the Homeowner's Guide to Environmental Hazards.

**8. Lead Hazard Inspection**

Buyer and Seller are advised that the Centers for Disease Control and Prevention (CDC) has identified lead poisoning as the number-one preventable environmental hazard facing children. The primary source of poisoning is found in deteriorated lead-based paint and associated dust in residential units built before 1978, the year lead was banned from residential paint. For residences built before 1978, Buyer is to receive the Federal Lead-Based Paint Pamphlet and disclosure by seller of any known lead-based paint. Review this information carefully and consider hiring a certified lead-based paint inspector to assess potential lead hazards. For further information, contact the California Department of Health Services certified inspector/ assessor at [www.cdph.ca.gov/programs/CLPPB](http://www.cdph.ca.gov/programs/CLPPB) or [www.epa.gov/lead](http://www.epa.gov/lead).

**9. Methane Gas**

Buyer and Seller are advised that methane gas has been found in many areas of San Diego County. Methane is a colorless and odorless gas that exists naturally. When found in high concentrations, if not properly mitigated in accordance with county and city standards, methane can cause breathing problems and can burn or explode. For more information, visit [www.sdge.com/methane-gas/methane-gas](http://www.sdge.com/methane-gas/methane-gas).

**10. Nuclear Energy/Material**

**a. San Onofre Nuclear Generation Station**

Buyer and Seller are advised that this inactive nuclear power facility located on the San Diego coast, near the Orange County line, contains two nuclear power generators and stores radioactive waste. For further information, including an Emergency Plan and Evacuation Zone Map, please view the following websites:  
U.S. Government Nuclear Regulatory Commission: [www.nrc.gov](http://www.nrc.gov)  
Southern California Edison: [www.sce.com](http://www.sce.com) and type "San Onofre" in the search line.  
Beyond Nuclear Institute: [www.beyondnuclear.org](http://www.beyondnuclear.org)  
Union of Concerned Scientists: [www.ucsusa.org](http://www.ucsusa.org)  
Nuclear Information & Resource Service: [www.nirs.org](http://www.nirs.org)  
Alliance for Nuclear Responsibility: [www.a4nr.org](http://www.a4nr.org)

**b. Naval & Military Bases**

Buyer and Seller are advised that various military bases, including North Island Naval Air Station,

Naval Amphibious Base, Pt. Loma Submarine Base and 32nd Street Naval Station contain naval vessels which may carry nuclear weapons and/or may be nuclear powered. For further information, visit [www.militarybases.com](http://www.militarybases.com).

**11. Trees, Crops and Vegetation—Economic Significance**

Buyer and Seller are advised that if any trees or crops located on the Property are of economic significance to Buyer, Buyer should obtain from a qualified professional a grove report, verifying tree or plant count and the costs to maintain the trees or crops. Commercial and private agriculture areas are also subject to land and air insecticide spraying which may impact surrounding areas.

**12. Private Waste Disposal Systems**

Buyer and Seller are advised that if the Property is serviced by a private waste disposal or septic system, its condition, capacity and future expansion potential will affect the value and use of the Property. Changes in the use or condition of the system may also require that the Property be connected to the municipal sewer system, at the owner's expense. For more information, contact the local municipal water and sewer department.

**13. Toxic Mold Advisory**

Buyer and Seller are advised that the presence of certain kinds of mold, fungi, mildew and other organisms may cause health problems in certain individuals. Not all hazardous organisms are detectable by visual inspection by Brokers or even by a professional home inspector. If concerned, Buyer should retain the services of an environmental expert to conduct appropriate tests of the property. For more information on toxic mold and other health hazards, visit California Dept. of Public Health (CDPH): [www.cdph.ca.gov](http://www.cdph.ca.gov)  
U.S. Environmental Protection Agency (EPA): [www.epa.gov/mold](http://www.epa.gov/mold)

**14. General Environmental Concerns**

Buyer and Seller are advised that environmental concerns may affect the development and use of a Property including local restrictions on use, contamination of grounds and wells, proximity to a county dump, requirement of an Environmental Impact Report prior to building, preservation of endangered plants and animals, preservation of Native American artifacts, percolation tests for septic systems and utility pumps.

## C. Traffic, Roads and Transportation

Buyer is advised to investigate road conditions and traffic in the areas Buyer intends to travel. For highway conditions, call 1-800-427-7623. The CalTrans website, [www.dot.ca.gov](http://www.dot.ca.gov), includes information on traffic, road closures and upcoming projects. Its local San Diego telephone number is (619) 688-6699. These traffic and road disclosures are not an exhaustive list. If concerned, Buyer should investigate further.

### 1. Major Freeways – Traffic

Buyer and Seller are advised that Interstates 5 (I-5), 15 (I-15) and 805 (I-805) and State Routes 125 and 163 are major San Diego County north-south freeways. Highways 52, 56, 76, 78 and 94 and Interstate 8 (I-8) are major San Diego County east-west freeways. Due to increased traffic volume and timing, these freeways and their interconnecting roads may regularly experience traffic resulting in delays. For current traffic information, visit <https://traffic.511sd.com>.

### 2. Route 76 Expansion

Buyer and Seller are advised that a project widening and realigning a portion of State Route 76 East, from Mission Road west to Jeffrey's Ranch is underway. CalTrans expects this final phase of the project to be completed in the summer of 2017. For further information, visit [www.keepsandiegomoveing.com](http://www.keepsandiegomoveing.com).

### 3. Mass Transit

Buyer and Seller are advised that construction is underway on a Mid-Coast Trolley Blue Line to run adjacent to I-5 between Old Town and Voight Drive, then to a new transit center at Westfield UTC. Completion of this project is set for Fall 2021. For further information, contact the Metropolitan Transit Development Board at (619) 231-1466 or visit [www.sandiego.gov/planning/programs](http://www.sandiego.gov/planning/programs) and look for the "Transportation Planning" link.

### 4. Buses

For information on bus routes and/or potential bus routes, contact:

- a. For San Diego, visit [www.sdmts.com](http://www.sdmts.com).
- b. For North County, call the North San Diego County Transit District (NCTD) at (760) 966-6500, or visit [www.gonctd.com](http://www.gonctd.com).

If you are aware of any local disclosure that should be included in this booklet and is not, please contact the SDAR Risk Management Department via e-mail at [legal@sdar.com](mailto:legal@sdar.com). Thank you.

## D. Air Traffic and Airport Disclosures

Buyer is advised to investigate the area in which the Property is located before purchasing for potential impacts from aircraft noise, flyovers or airports. These disclosures are not an exhaustive list of airport or air fields that may affect county residents:

### 1. Aircraft Noise—General

Buyer and Seller are advised that some areas are subject to noise emitted by military and/or civilian aircraft including helicopters. Properties near a commercial airport or military facility may impact the Property. If a Property is in the vicinity of the following civilian airports or military air fields, further information may be obtained by contacting the appropriate airport management:

(a) Agua Caliente Springs, (b) Borrego Valley Airport, (c) Brown Field, (d) Fallbrook Airpark, (e) Gillespie Field, (f) Jacumba, (g) Marine Corps Air Station Miramar, (h) Marine Corps Base Camp Pendleton, (i) McClellan-Palomar, (j) Montgomery Field, (k) Naval Air Station North Island, (l) Naval Outlying Field Imperial Beach, (m) Oceanside, (n) Ocotillo, (o) Ramona, (p) San Diego International, or private airports. Buyer and Seller are further advised that flight paths may be temporarily or permanently altered without notice to affected residents.

### 2. Aircraft Noise—MCAS Miramar, Camp Pendleton

- a. Buyer and Seller are advised that the Property may be located in an area subject to aircraft noise or over flights of aircraft, including helicopters transitioning to and from Marine Corps Air Station (MCAS) Miramar. Helicopters regularly fly over the coast and I-15 corridor to reach Camp Pendleton. Currently, there are no restrictions on the hours of operation for MCAS Miramar, and if necessary can operate 24 hours a day, seven days a week.
- b. Buyer and Seller are advised that impacts generated by the use of aircraft at MCAS Miramar can affect the use and enjoyment of the Property. Further information may be obtained by reviewing the Final Environmental Impact Statement for Realignment of MCAS Miramar, available at many San Diego area public libraries, and contacting the Commanding General, Community Plans and Liaisons, MCAS Miramar, P.O. Box 452000, San Diego, CA 92145; (858) 577-6603.

- c. Buyer and Seller are advised that if the Property is located within a 25-mile radius of the U.S. Marine Corps Air Station or Camp Pendleton, military operations may have an impact on the Property.

### 3. Proposed Airport Sites

Buyer and Seller are advised that various areas in San Diego County have been proposed, or are being considered, as sites for a future international airport, including expanding Lindberg Field. For further information contact the San Diego County Regional Airport Authority at [www.san.org](http://www.san.org) or visit SANDAG at [www.sandag.org](http://www.sandag.org).

### 4. Air Installation Compatible Use Zone (AICUZ) Program

The goal of the Department of Defense's (DOD) Air Installation Compatible Use Zone (AICUZ) Program is to protect the health, safety, and welfare of those living on and near a military airfield while preserving the operational capability of the airfield. AICUZ seeks to identify areas near airfields that might be impacted by noise or aircraft mishaps. If you are considering a property purchase in Coronado, Imperial Beach, Point Loma or areas surrounding MCAS Miramar, the studies may be of interest to you.

- a. The San Diego Airport Land Use Commission has issued a draft (May 2017) of their latest Airport Land Use Compatibility Plan (ALUCP) for North Island/Imperial Beach based on the Navy AICUZ study released in 2011. This ALUCP may mandate the City of Coronado to change the zoning, specific use, and permitting process for parcels located in the zones identified in the AICUZ and ALUCP. Prospective purchasers are advised to read both reports, and should contact the Coronado and Imperial Beach Planning Departments for additional information.
- b. The USMC AICUZ study for Marine Corps Air Station (MCAS) Miramar is more dated, but is available at the MCAS Miramar website: [www.miramar.usmc.mil](http://www.miramar.usmc.mil). Portions of Sorrento Valley, Carmel Valley and University City are included in what the Marine Corps refer to as Accident Potential Zones.

## E. Specific Area Disclosures

These disclosures cover various communities and are not exhaustive. Buyer should not assume that any community not listed is free of concerns. Buyer is advised to investigate the area to learn what specific conditions may exist. Because services to the Property are affected by whether the Property is in an incorporated city or unincorporated area of the county, Buyer should verify the Property status.

### 1. COASTAL

#### a. California Coastal Commission

Buyer and Seller are advised that development or construction on property within the coastal zone may be subject to the jurisdiction and regulations of the California Coastal Commission, or local regulations approved by the Coastal Commission. The coastal zone extends a great distance inland in various areas of San Diego County, depending upon the location of coastal habitat, sloughs, and other waterways affected by ocean tides. The development of beachfront property may also be impacted by the determination of "mean high tide lines" in relation to the boundary lines for beachfront property. For further information, contact the California Coastal Commission at (619) 767-2370 or [www.coastal.ca.gov](http://www.coastal.ca.gov).

#### b. Camp Pendleton

Buyer and Seller are advised that a live-fire artillery range exists at the Marine Corps Base, Camp Pendleton. Periodic training exercises occur at Camp Pendleton which includes the detonation of military ordnance. During training exercises, noise from the artillery and ordnance can be heard in some areas of North San Diego County. For further information, contact Camp Pendleton at (760) 725-4111 or visit [www.pendleton.marines.mil](http://www.pendleton.marines.mil). For noise inquiries, contact Range Operations Division Office at (760) 725-0358 during the hours of 7:30 a.m. to 4:30 p.m., Monday through Friday. After normal business hours (and weekends), contact the Command Duty Officer at (760) 725-5061.

#### c. Coronado Island (City of Coronado)

Buyer and Seller are advised that:

- i. **Naval Base Coronado.** This base comprises North Island Naval Station, Naval Amphibious Base Coronado, Outlying Landing Field Imperial Beach, and a number of other small facilities. Military ordnance, possibly including

nuclear weapons, may be stored at these facilities. Nuclear powered warships moor at NAS North Island. For more information about Naval Base Coronado, visit its website:

[www.cnic.navy.mil/coronado/index.htm](http://www.cnic.navy.mil/coronado/index.htm).

#### ii. Coastal Campus Expansion - Coronado Cays.

The Navy is currently developing 170 acres on the south end of Coronado for a training and administrative center.

#### iii. Traffic.

Traffic to and from Naval Base Coronado can be heavy. Streets particularly affected are: First, Third, Fourth, Orange, Alameda, Ocean, Pomona, and Silver Strand Boulevard. For more information, visit [www.cnic.navy.mil/coronado/index.htm](http://www.cnic.navy.mil/coronado/index.htm).

#### iv. Development.

City of Coronado development and zoning standards have changed in recent years. Buyer should verify with the City of Coronado any proposed changes to existing structures and/or zoning constraints on new construction. Many structures no longer comply with the current zoning code.

#### v. Historic Demolition Ordinance.

The City of Coronado has implemented an ordinance which may limit a Buyer's ability to modify or demolish older homes. Homes older than 75 years are automatically subject to City review before any significant changes are allowed. Buyer is urged to consult with the City if demolition or modifications are contemplated.

#### vi. Coronado Shores Condominiums.

Of the 10 Coronado Shores buildings, the following five buildings are without fire sprinklers: 1720, 1730, 1760, 1770 and 1830 Avenida del Mundo. The same buildings have tested positive for asbestos. 1830 Avenida Del Mundo has leased rooftop space for wireless communication carriers. Buyers are urged to contact individual building managers for building specific information.

#### vii. Hotel Del Coronado.

The City of Coronado has approved a master plan for expansion of the Hotel Del Coronado. Details can be found at [www.coronado.ca.us](http://www.coronado.ca.us).

## 2. NORTH COUNTY INLAND

### a. Fallbrook (Unincorporated)

Buyer and Seller are advised that:

- i. **Naval Weapons Station.** The Naval Weapons Station stores explosive munitions, including napalm, and is located along the westerly boundary of Fallbrook. For further information, contact (760) 731-3609, or [www.cnmc.navy.mil](http://www.cnmc.navy.mil). (See also Sections D.2 and E.1.b, above.)
- ii. **Public Utility District.** If the utility account of a previous owner of a Property within the Fallbrook Public Utility District is closed, delinquent or remains unpaid, the amount due will be transferred to the new owner of the Property after normal collection procedures are exhausted. As a result, and to prevent conflict, the District will accept payment of closing bills through escrow. For further information, obtain the status of a Property's account by calling the District's Customer Service number at (760) 728-1125. Additional information is at [www.fpubd.com](http://www.fpubd.com).
- iii. **Rosemary's Mountain Quarry.** Rosemary's Mountain Quarry is an active rock quarry located near the San Luis Rey River. Properties in the vicinities of the rock quarries may experience occasional explosion and equipment noise, increased industrial traffic and dust from the quarry operations.
- iv. **New Development.** Construction is underway on a master planned community known as Horse Creek Ridge located east of the I-15 and Highway 76 junction. When completed the residential segment of the development will include 500+ single family residence and 230 condominiums. For more information, visit [www.drhorton.com](http://www.drhorton.com).

### b. Bonsall (Unincorporated)

Buyer and Seller are advised that a mushroom farm is located in Bonsall between Old River Road and Gopher Canyon Road. Under certain atmospheric conditions, odors can emanate from the mushroom farm and may affect properties in the area.

### c. Escondido (City of Escondido)

Buyer and Seller are advised that:

- i. **Agricultural Activity and Odors.** Areas of Escondido may contain farms, chicken ranches,

horse ranches and dairies. As a result, there may

be odors and noise from these activities that affect a property.

- ii. **Chatham Brothers Barrel Yard.** The Chatham Brothers Barrel Yard, once used as a solvent recycling facility and oil drum storage area, is located near the intersection of Gamble Lane and Bernardo Avenue. Designated a hazardous waste site, it is subject to an ongoing State cleanup project. In 1987 the County of San Diego established an area around the site within which proposed residential projects required special review. Residential construction has been approved within that area. For further information, contact the Project Manager, California Environmental Protection Agency, Department of Toxic Substances Control at (800) 728-6942, or visit [www.dtsc.ca.gov/database](http://www.dtsc.ca.gov/database) and request a search on Document ID 37490029.

### d. Ramona (Unincorporated)

Buyer and Seller are advised that:

- i. **Noise, Barona Raceway and Off-Road Vehicles.** Potential noise exists from farms, ranches, factories, animals, civilian/military aircraft, heavy equipment, off-road vehicles, motorcycles, schools, and related activities. Marine helicopters and other aircraft from MCAS Miramar may travel over this area. See Section D.2 above. The Ramona Airport has a variety of aircraft that use the facility, including the California Department of Forestry.
- ii. **Odors, Fumes and Dust.** Potential odors and fumes exist from county waste facilities, farms, ranches and residences, herbicides, pesticides, chemical fertilizers, soil amendments, fumes and odors.
- iii. **Environmental Concerns.** Ramona strictly enforces the rules regarding the use of private waste disposal or septic systems. See B.12 above.
- iv. **Sewage.** The Ramona Municipal Water District operates the water, sewer, and related systems in the Ramona area. An expansion and upgrading of the sewer system may be necessary in the future and may affect the ability to connect to the sewer. Some unimproved lots in the San Diego Country Estates and Ramona may not have the ability to hook up to the public

sewer system or may be subject to special fees or assessments. There may be additional fees in the future. For further information, contact the Water District to verify sewer availability for a Property. A Property that is not hooked up to the sewer will need to have a septic system to construct a home. Not all properties can support a septic system. For more information, visit [www.rmwd.org](http://www.rmwd.org) or call (760) 789-1330.

**v. Unavailability of Natural Gas.** Natural gas is not yet readily available in Ramona and, therefore, propane is used. Propane tanks are available for purchase or lease from vendors.

**vi. Explosive Ordnance.** Areas in and immediately around the Ramona Airport have been used in the past (1942 through 1946) by the military for bombing practice. Some live, unexploded military ordnance has been found and other ordnance may exist.

**e. Rancho Bernardo (City of San Diego)**

Buyer and Seller are advised that:

**i. Groundwater Seepage.** There are areas in Rancho Bernardo where groundwater emerges, even in summertime, including certain areas of the Seven Oaks subdivision.

**ii. Methane Gas.** See Section B.8 above.

**iii. Soils.** Rancho Bernardo is known to have significant areas of expansive soils. Any area that has had substantial grading may have locations where fill has been inadequately or improperly compacted. There is a potential for subsidence and resultant structural or cosmetic problems in such locations. See paragraph 3 of the Statewide Buyer and Seller Advisory.

**iv. Poway Unified School District.**

See next paragraph.

**f. Poway Unified School District**

Buyer and Seller are advised that owners of properties in the Poway Unified School District, except those in Mello-Roos assessment districts, are annually assessed \$55 per \$100,000 of the assessed property value for school bonds approved by the district's voters in November 2002 (Proposition U). For further information, visit the school district's website at [www.powayusd.com](http://www.powayusd.com).

**g. Rancho Santa Fe / Del Rayo (Unincorporated)**

Buyer and Seller are advised that the Rancho Santa Fe area is known to have significant areas of expansive soils. Any areas (such as the greater Fairbanks Ranch area) that have had substantial grading may have locations where fill has been inadequately or improperly compacted. There is a potential for subsidence and resultant structural or cosmetic problems in such locations. See Section B.5. A soils report dated January 13, 1992, prepared by MV Engineering, Inc., concluded that a soils problem exists with the retaining wall behind 5867, 5859, 5851 and 5843 Saratoga Corte (lots 36-39, inclusive), in the Del Rayo Downs development.

**h. Fairbanks Ranch (Unincorporated)**

Buyer and Seller are advised that:

**i. There are easement areas throughout**

**Fairbanks Ranch**, including various open space easement requirements that may be applicable to the Property. For further information, review a preliminary title report and contact the Fairbanks Ranch Association at (858) 756-4415 or [www.fairbanksranch.org](http://www.fairbanksranch.org).

**ii. There is fill soil on many lots in Fairbanks**

**Ranch**, and soils problems on specific lots may affect a lot's suitability for development. See paragraph 3 of the Statewide Buyer and Seller Advisory.

**iii. Fairbanks Ranch is a private community,**

managed by and through its homeowners association, and subject to applicable CC&Rs and Bylaws. See Section A.6 above.

**iv. There are common areas throughout**

**Fairbanks Ranch**, including tennis courts, clubhouse, equestrian center, equestrian trails, roads, greenbelts and open space. The proximity of these areas to the Property may impact its value or use.

**v. The Fairbanks Ranch Equestrian Center is an amenity of the Fairbanks Ranch community.**

The Fairbanks Ranch Association's long-range plans for the Equestrian Center, and the benefits and use of the Center impact the value of the Property. For further information, contact the Fairbanks Ranch Association at (858) 756-4415.



### 3. EAST COUNTY

#### a. Santee (City of Santee)

Buyer and Seller are advised that:

- i. **The Las Colinas Women's Jail** is to be significantly enlarged in the future.
- ii. **The Sycamore Landfill** facility is due to be enlarged by approximately three times its current capacity.

For information on these and other matters in Santee, visit [www.ci.santee.ca.us](http://www.ci.santee.ca.us).

#### b. Fletcher Hills (City of El Cajon)

Buyer and Seller are advised that portions of Fletcher Hills in the area of El Cajon have been designated as an ancient landslide area, and may contain unstable soils conditions. See Statewide Buyers and Sellers Advisory (SBSA), paragraph 3, "Soils and Geologic Conditions," and paragraph 4, "Geologic Hazards."

#### c. Tierra Del Sol/Boulevard/Campo Area

Buyer and Seller are advised that there is a proposed landfill known as the "Campo Municipal Solid Waste Landfill and Recycling" to be built near the southern end of the Campo Indian Reservation. This proposed landfill may impact the environment, including creating additional traffic. For further information on this, visit [www.campo-nsn.gov/campolandfill.html](http://www.campo-nsn.gov/campolandfill.html).

### 4. SAN DIEGO (City of San Diego)

#### a. Tierrasanta

Buyer and Seller are advised that:

- i. **Explosive Ordnance.** The Tierrasanta community was previously the site of a World War II military training base. Some live, unexploded military ordnance has been found and is known to exist in the open space and canyon areas of Tierrasanta and may underlie other areas of the community. A comprehensive program to clean up this ordnance began in 1990 and was completed in 1994. Caution is required when traveling in the canyons and Mission Trails Park areas.
- ii. **Quarry Noise.** El Dorado Terrace, El Dorado Ridge, Sunset Ridge, El Dorado Greens, Canterbury Hills, and Monte De Oro may occasionally experience quarry explosion noise caused by V.R. Dennis Construction Company, which is planning to upgrade the existing asphalt plant on its property. For further information, contact the V.R. Dennis Construction Company.

#### b. Navajo/San Carlos Area

Buyer and Seller are advised that due to a high incidence of landslides over the past few years, the City of San Diego has established a geological hazard area in the Navajo community bounded by Mission Gorge Road, Golfcrest Drive, Navajo Road, Waring Road and Princess View Drive in San Diego. Development in this area may be restricted by City requirements for geologic reports and warranties against landslides.

#### c. Downtown San Diego

Buyer and Seller are advised that:

- i. **Traffic and Noise.** Downtown San Diego (including the Gaslamp Quarter) is subject to noise from trolley, trains, and heavy traffic at times, especially when there is a baseball game or other event at Petco Park. There are also other events such as Mardi Gras, symphony Summer Pops Concerts, marathons, and music and sports events that cause street closures and other traffic problems, and noise, including but not limited to fireworks.
- ii. **New Buildings.** Views may be altered or obstructed by new buildings, parks, trees and other projects. From time to time, there are noise issues related to construction.
- iii. **The Homeless.** Downtown and adjacent areas experience the congregation of homeless and transients. Programs exist that service them, such as temporary housing, food distribution centers, and healthcare outreach facilities.
- iv. **Governments.** Downtown is home to administrative offices of the City of San Diego, the County of San Diego, the State of California, and the U.S. (federal) government, including the U.S. District Court, IRS, Navy, Customs, Social Service Administration, and others. Both the federal government and the County operate correctional facilities downtown. For specific information, visit the websites of the appropriate agencies.
- v. **Information.** For more information, visit the website of the agency in question. Information may also be obtained from Civic San Diego at (619) 235-2200 or visit [www.civicsd.com](http://www.civicsd.com). For Gaslamp Quarter events: [www.gaslamp.org](http://www.gaslamp.org).

## 5. SOUTH COUNTY

### a. Chula Vista

Buyer and Seller are advised that:

- i. **Mattress Firm Amphitheater**, located in south Chula Vista east of I-805 off the Main Street/Otay Valley Road exit, creates noise from concerts and events, as well as traffic, which may impact properties in the area.
- ii. **Aquatica SeaWorld Waterpark** is located east of I-805 at Main Street/Otay Valley Road exit.
- iii. **Tijuana International Airport** is located approximately five miles south of the U.S.-Mexico border.
- iv. **Trolley Lines**. A trolley line is proposed to run along Palomar Street in Chula Vista. The median within East Palomar Street contains a right-of-way for a proposed trolley line and station. The station is proposed to be located east of the intersection of Palomar Street and Santa Cora Avenue. For more information, refer to Section A.10.
- v. **Bayfront Development**. Both Chula Vista and National City may be subject to bay front development including a Convention Center and resort hotel. If approved, the project is expected to be carried out in four major phases over the next two decades.
- vi. **Eastern Urban Center (EUC)**. Chula Vista has approved a 20-year project, the Eastern Urban Center, which will create an urban epicenter in the middle of the suburban 23,000-acre Otay Ranch community in eastern Chula Vista. The EUC is currently being designed to include over 3.4 million square feet of commercial space (office, civic and retail) and approximately 3,000 multifamily housing units. The EUC is located along the recently opened South Bay Expressway between Birch Road and Hunte Parkway.

### b. All Border Areas – Impacts from Mexico

- i. South County may experience air, water, sewage, and noise pollution from activities in Mexico. For information on air pollution go to [www.sdapcd.org](http://www.sdapcd.org). For water pollution, go to [www.waterboards.ca.gov/sandiego/](http://www.waterboards.ca.gov/sandiego/). The noise is primarily from the Tijuana airport.
- ii. Buyer should evaluate the impact to the Property that illegal crossings along the U.S.-Mexico border may have, as well as any new construction or activity along the border. For further information, visit [www.usborderpatrol.com](http://www.usborderpatrol.com).

## 6. DESERT

### a. Borrego Springs

The Salton Sea, east of Borrego Springs, occasionally experiences wind conditions that cause odors to be transmitted from the Salton Sea to the Borrego Valley. For more information, visit the County of San Diego website: [www.saltionsea.ca.gov/about/faq.htm](http://www.saltionsea.ca.gov/about/faq.htm).

### b. Border Problems. See Section E.5.b., above.



**If you are aware of any local disclosure that should be included in this booklet and is not, please contact the SDAR Risk Management Department via e-mail at [legal@sdar.com](mailto:legal@sdar.com). Thank you.**

**SIGNATURE PAGE**

The LAD does not list all conditions in San Diego County that may affect the Property. There may also be new conditions since the LAD was published, or conditions of concern to the Buyer. BUYER SHOULD INVESTIGATE AND OBTAIN ADDITIONAL INFORMATION ON ALL ISSUES OF CONCERN, AND NOT RELY SOLELY ON THE INFORMATION RECEIVED FROM SELLER AND BROKERS. SHOULD BUYER FAIL TO DO SO, BUYER IS ACTING AGAINST THE ADVICE OF BROKERS.

**Buyer and Seller are encouraged to read the LAD carefully. By signing below, Buyer and Seller acknowledge that each has read, understands and received a copy of the LAD (16 pages).**

**BUYERS**

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Date

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Date

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Buyer Signature

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Buyer Signature

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Buyer Printed Name

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Buyer Printed Name**SELLERS**

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Date

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Date

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Seller Signature

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Seller Signature

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Seller Printed Name

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Seller Printed Name



## Declaration of Julie M. Flores

I, Julie M. Flores, declare as follows:

1. I am a licensed real estate agent in the State of California. My license number is 01054934. I have been involved in real estate since 1989. I work for Pacific Sotheby's International Realty and sell residential properties throughout San Diego County.
2. In 2018 I was showing a beautiful Spanish house on Crest Drive in Encinitas, California to a group of real estate agents. One of the agents pointed out a cell tower within 100 feet of the house. It was located at the Cardiff by the Sea, Sports Park on top of a stadium light post. This agent expressed the opinion to the entire group of real estate agents touring the house that she did not think she could get one client to buy this home once she pointed out the close proximity of the cell antenna. I believe this Realtor, who has been selling real estate for over three decades. She does have her finger on the pulse of what is going on in the community. This Realtor took some time to educate me about RF radiation which she described as being the same radiation whether coming from a cell phone, Wi-Fi, or a cell tower. She said the frequencies could differ and certainly the output could differ, but it is all data carried on microwaves.
3. The California Association of Realtors' Property Sellers Questionnaire specifically "cell towers" listed on the disclosure form for sellers of real estate. The seller must note "neighborhood noise, nuisance or other problems from.." and includes cell towers on the long list problems.
4. The home on Crest Drive had been on the market for almost a year listed with several Realtors before it sold for a much lower price. I believe the close proximity of cell tower was one of the main reasons it took so long to sell and for a much lower price.
5. I can relate to the concern the Realtor on our agent caravan expressed when looking at the proximity of the Crest Drive home to the nearby cell tower. From a personal perspective, I am increasingly experiencing symptoms that are associated

with electro hypersensitivity. I use my cell phone "all the time". I am on this phone a great deal for business. I absolutely believe it is as a direct result of the cumulative exposure to my phone that I am experiencing more headaches, ringing in my ears, tingling in my fingers when holding the phone for any appreciable period of time, insomnia, memory lapses, and a lack of focus when I've been on my cell phone for more than a few minutes at a time. This constant exposure is concerning me, and I share and personally appreciate the concern of other Realtors, and concern that my clients may have associated with living near cell towers. I believe living near a cell tower decreases property values. It is something that must be disclosed, and given a house with a cell tower and a house without one, I show my clients the house without the cell tower. It is a very simple economic issue. Cell towers devalue property, from what we read in industry literature, and from my own personal experience.

I declare under penalty of perjury that the foregoing is true and correct.

April 21, 2019

  
Julie M. Flores

## Paul Bingham

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**From:** Holly Manion <hollymanion@gmail.com>  
**Sent:** Friday, September 13, 2019 10:46 AM  
**To:** Paul McNamara; Consuelo Martinez; Olga Diaz; John Masson; Michael Morasco; Paul Bingham  
**Subject:** [EXT] T-Mobile Cell Tower proposal and Property Devaluation  
**Attachments:** City of Escondido.pdf; DECLARATION Holly Manion (1) copy.pdf; seller property disclosure.pdf; San Diego Local Area Disclosures copy.pdf; DECLARATION Heather Gallagher (1) copy.pdf; DECLARATION Julie Flores (1) copy.pdf

**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 Members of the City Council of Escondido:

Please see my attached letter regarding "Devaluation of Property Values in close proximity to Cell Towers". I also have included three Declarations of local Realtors who have first hand knowledge and experience with selling in close proximity to a cell site. It is important to note that the Board of Realtors has two forms where the proximity of cell tower is disclosed.

If you have any questions regarding property devaluation and cell sites, please do not hesitate to call me.

Sincerely,

**Holly Manion**

DRE# 00646025

**TEAM MANION-Rancho Santa Fe Realty**

Pacific Sotheby's International Realty

[HollyManion@gmail.com](mailto:HollyManion@gmail.com)

**858-756-3007 - Office**

**858-395-5287 - Cell**

**Please Note: Cybercrime is on the Rise!** I will never request you send funds or personal information such as credit card numbers, bank account numbers, routing numbers or social security numbers through email. If you receive an email requesting such, please notify me immediately.



## Paul Bingham

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**From:** Alex Ahmadian <alexahmadian@gmail.com>  
**Sent:** Friday, September 13, 2019 10:59 AM  
**To:** Consuelo Martinez; Olga Diaz; John Masson; Paul McNamara; Michael Morasco  
**Cc:** Monica Pinaglia; Paul Bingham; Pam Albergo; Tom; Christina King; Alex - Symbolic Builders; Mary Hendel; Michael Hendel; Saeid Ghorbani  
**Subject:** [EXT] Real estate development impacted by proposed by Cell Tower on El Norte Parkway

**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 City Council Members,

My name is Alex Ahmadian, Owner/president of Symbolic Builders, the developer of three new luxury homes adjacent to the proposed 40 foot antenna and corresponding structure and an opponent of such antenna/structure. To

get to the main points:

1. Symbolic Builders, was never notified of the impending proposed 40 foot antenna in full view of the luxury homes we're building. I have made a significant investment into Escondido, and stand to face a financial devaluation if the antenna and structure are allowed to be built in front of these new homes (some in direct view). Studies have shown the negative impact of cell antennas on home purchase bias, desirability and ultimately devaluation. Had we known of this pending action, it would have strongly influenced our decision to build.
2. Application for the requested C.U.P PHG-18-0016, did not include the study documents as required as Planner Bingham noted in our August 21 meeting. We also believe that under the Escondido Municipal Code Sec. 33-704\*, the applicant is required to prove there is a significant gap in cell coverage in this area. Based on the 1988 NCU limitations of the parcel, and that no additional structures were allowed, the Planning Commission should have realized that adding anything, including the proposed 40 foot tall cell tower and a 12' by 20' structure was prohibited.
3. Had the Planning Commission, during that July 23, 2019 meeting, denied the owner's request to build the new structure/building and cell antenna in the CUP (PHG-18-0016) based on those facts alone, the surrounding residents of that property and us as the developer would not have been forced to file an appeal to City Council, thereby incurring filing costs of over \$1400 and additional stress surrounding the issues. At a minimum, we ask that the \$1415 fee be returned regardless of the outcome of the appeal. We feel it is our right to due process.

**\*Sec. 33-704. Personal wireless service facilities—Development and operating standards.**

(C) Zoning administrator findings. In addition to the findings in section 33-1203, the zoning administrator must also make the following findings in approving a minor conditional use permit for a personal wireless service facility:

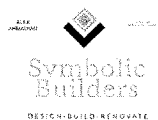
- (i) That the applicant has demonstrated that the site is necessary to close a significant gap in service;
- (ii) That the location proposed conforms to the requirements of this article and any adopted guidelines to the maximum extent possible;
- (iii) That the design proposed conforms to the requirements of this article and any adopted guidelines to the maximum extent possible; and

(iv) That the applicant has demonstrated a good-faith effort to identify and evaluate more preferred locations and that alternative locations are not feasible or potentially available.

(v) The city council may, by resolution, establish additional criteria and guidelines for the location, operation, design and review of personal wireless service facilities in the public right-of-way.

We appreciate your consideration of the due process in this matter.

Best,  
Alex Ahmadian



(858)736-6218

## Paul Bingham

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**From:** Sharon Wilson <sharon@cewilsoncorp.com>  
**Sent:** Friday, September 13, 2019 12:18 PM  
**To:** Paul Bingham  
**Cc:** Brian Wilson; pattysigh@aol.com; wilsonranch@aol.com; wilson-6@cox.net  
**Subject:** [EXT] Conditional Use Permit - PHG 18-0016

**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. Bingham,

As the owners of the property located at 2534 E. El Norte Parkway, we would like to express concerns that we have related to the appeal of the proposed Conditional Use Permit – PHG 18-006.

We have a copy of the application for the appeal that Mr. Hendel submitted to the City of Escondido. We believe that Mr. Hendel and others have every right to oppose the cell tower for reasons related to health, the appearance of the tower, and any disturbances that may be associated with the cell tower itself. But, some of his reasons for the appeal have no basis to even be considered.

First, Mr. Hendel refers to violations that must be corrected for a period of 90 days before a permit can be issued. At the Planning Commission meeting on 7/23/2019, we were blindsided by the allegations that Mr. Hendel and other neighbors made related to the use of the property. This prompted a code enforcement investigation. On 8/5/2019, we were given four violations which were later withdrawn because there was no authority for their issuance. On 8/30/2019, we were given another violation that we responded to on 9/5/2019. As of this date, the City has not provided a reply. We are operating legally within the limits of the Non-Conforming Use permit, so any reference to code violations as a reason to appeal the cell phone tower should not be allowed.

Next, Mr. Hendel has requested that we ‘bring the El Norte Parkway property fence line up to the standards of the residential areas to the east and west of the property’. The extension of El Norte Parkway resulted in bifurcating our property to allow Shea Homes to build a residential development. The City of Escondido or Shea Homes should have constructed a wall as part of the street improvements at that time. It is ridiculous to even consider that we should have to bear the cost of a wall along a right-of-way that was taken by Order of Condemnation (and resulted in a confidential settlement with the City), so this condition should not be permitted to be introduced at the appeal.

In addition, Mr. Hendel has suggested that we be required to ‘build block walls with sound barriers’ at borders with our residential neighbors. The Non-Conforming Use Permit was issued on 5/13/1998, well before Shea Homes constructed the Chaparral Glen and Chaparral Ridge communities. Shea Homes had the responsibility to disclose the activities on our property to their buyers, and should have built sound walls if noise was an issue. Again, this is not a valid reason for opposing the cell tower and is a condition that has no basis for consideration.

The appeal claims that the businesses on our property have resulted in the loss of home sales because of ‘noise, dust and activity’ coming from our property. These allegations have been investigated by the City and appropriate agencies and were determined to be unfounded.

Since the Planning Commission meeting, we have endured countless visits from Code Enforcement and other departments on an almost daily basis. Neighbors have entered the property to take pictures of the activities taking place. It has become a source of stress for us and our tenants, and is bordering on harassment.

In closing, untrue and unsupported assertions should be prohibited from being introduced at the Public Hearing for Conditional Use Permit – PHG 18-006. Concerns need to be limited to those related to the cell phone tower.

We would welcome the opportunity to speak with you regarding our concerns.

Sincerely,

C.E. Wilson, Patricia Wilson, Brian Wilson and Sharon Wilson

(619) 520-6564

## Paul Bingham

---

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Wednesday, September 11, 2019 11:09 PM  
**To:** Paul Bingham; Monica Pinaglia  
**Cc:** Pam Albergo; Tom; Mary Hendel; Michael Hendel  
**Subject:** [EXT] Slurry pits tested before AirX moves

**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.

We as a neighborhood group are very concerned that no one has ever tested the slurry pits to see if they are contaminated. We don't believe AirX has ever tested the slurry and if they have where are the records and we don't believe the city has ever tested them either. We don't know where AirX is working and what potential contaminants could be in the ground where they are working.

What is needed for the city to get them tested as many times as possible before AirX moves their operations? Who do we need to discuss this with to get the testing completed?

Thanks.

Mike Hendel

## Paul Bingham

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**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Tuesday, September 10, 2019 9:12 AM  
**To:** Paul Bingham  
**Cc:** Adam Finestone; Pam Albergo; Tom  
**Subject:** Re: [EXT] Follow-up questions

Thank you! We'll let everyone know the deadline. We'll also reach out to Ms Gurrola too.

Thanks.

Mike

On Tue, Sep 10, 2019 at 9:06 AM Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)> wrote:

Hi Mike,

If you want to be sure and have something submitted and attached to the Planning staff report that will be then sent to the City Council members, I would say the deadline is Monday, September 16<sup>th</sup> before close of business.

FYI: Alma Gurrola in our City Attorney's Office is the one working with Monica on this case.

Thanks,



Paul Bingham

Assistant Planner II

Planning Division | City of Escondido

Direct: 760-839-4306

[www.escondido.org](http://www.escondido.org)

**From:** Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>  
**Sent:** Monday, September 9, 2019 10:38 PM  
**To:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Cc:** Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>; Tom <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>; Adam Finestone <[afinestone@escondido.org](mailto:afinestone@escondido.org)>; Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>  
**Subject:** Re: [EXT] Follow-up questions

Hi Paul,

Thanks for your quick response and I apologize for my slow response back. What is the deadline for getting any input to you for inclusion in your report? You have plenty already but we want to share the deadline again to give everyone the chance to get you their input.

If a group of us wanted to meet with the City Attorney, should we reach out to Mr McGuinness directly or is there one of the deputy city attorneys we should contact? We want to discuss the 1988 NCU and provide our thoughts on the standards in getting the property to compliance now and in the future.

We sent a list of questions to Monica too and I'm pretty sure we asked her about the halfway house permit and intensification but I'll double check.

I now see the last two questions got accidentally combined. the first one was on cell tower permits on residentially zoned properties which you touched on. Let us know when you have updates on that. The second question was on getting new conditions for block/landscape walls and paved driveways/parking into the Planning departments recommendation or in front of the city council to vote on adding these conditions. What do we need to do to get this new condition up for review/approval?

Thanks again.

Mike Hendel

On Thu, Sep 5, 2019 at 2:51 PM Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)> wrote:

Hi Mike,

Just back from a few days off and now trying to get through my calls and e-mails.

Let me comment on the items I can quickly, and will get back to you after some research on the others. (Please see my comments in red below.)

Thanks,

## Paul Bingham

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**From:** Tom <tbyoung@cox.net>  
**Sent:** Sunday, September 8, 2019 9:52 AM  
**To:** 'Michael Hendel'; Monica Pinaglia; Paul Bingham; William Wolfe  
**Cc:** 'Pam Albergo'; 'Tom'; 'Mary Hendel'  
**Subject:** [EXT] RE: 2nd Fuel tank at 2534 E El Norte

**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 All,

I looked the property over again this morning and did not see any signs of the underground fuel storage tank – there is the possibility that it has either been abandoned or removed.

- The 1988 Certificate of Nonconforming Use states: “No daily fueling of equipment will be done on site from storage tanks except the underground tank and pump adjacent to Building A.”
- The existence of the aboveground tank that Mike pointed out shows that the owner is in violation of the current nonconforming use permit.
- In the package for the July 23, 2019 Planning Commission Meeting it states “This is proposed to be on the northern portion of the property in the front yard area of the existing residence/office known as building “A”. Adjacent to this antenna structure, the applicant proposes to install the ground-mounted mechanical equipment necessary to operate the facility hidden behind a 12’ x 20’ CMU block enclosure.”
- This puts the proposed cell tower near or on top of the abandoned or removed fuel tank and any contaminated soil that usually exists around old fuel tanks.

Based on the information from these documents I feel that the City should deny the request for Conditional Use Permit and not reconsider it until the owner brings the property into full conformance with the existing Certificate of Nonconforming Use and provides documentation of the decommissioning of the underground storage tank with soil tests to show there is no residual contamination.

Regards,

Tom Young

**From:** Michael Hendel  
**Sent:** Thursday, September 05, 2019 3:39 PM  
**To:** Monica Pinaglia <mpinaglia@escondido.org>; Paul Bingham <pbingham@escondido.org>; wwolfe@escondido.org  
**Cc:** Tom <tbyoung@cox.net>; Pam Albergo <palbergo@sbcglobal.net>; Tom <talbergo@sbcglobal.net>; Mary Hendel <maryhendel@cox.net>; Michael Hendel <mjhhendel@gmail.com>  
**Subject:** 2nd Fuel tank at 2534 E El Norte

Hi Monica, Paul and Bill,



Monica and I talked yesterday and I mentioned there is a second fuel tank to look at on the north side of El Norte. There is the in-ground tank that is supposed to be by the home and is referenced in the 1988 CNU. We still don't know if it's functioning, in the ground or decommissioned in some manner.

Last week I saw a fuel truck from Flyers Transportation pull into AirX's north work yard and I took the pictures below. Monica said she saw the fuel tank when she went out with the annual inspection team several weeks ago. They inspected it for leakage/stormwater containment and everything was in order. Monica can clarify if I missed anything here.

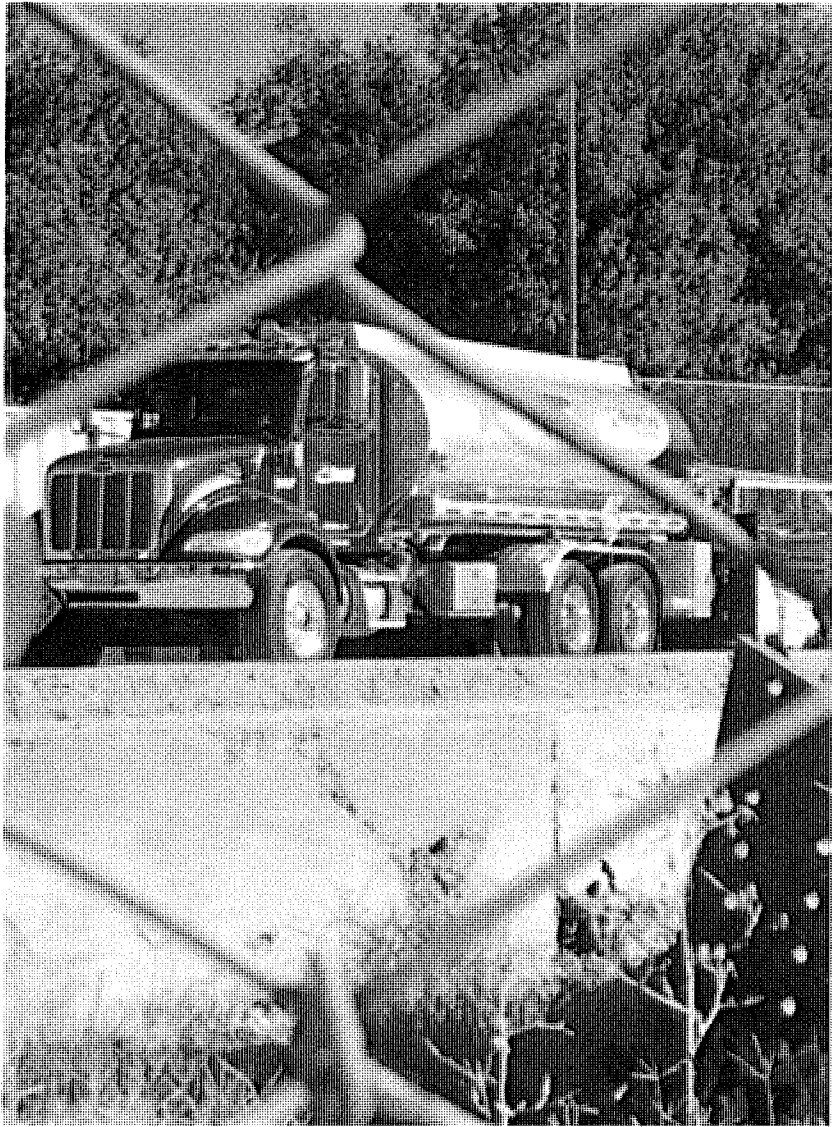
Did AirX submit a permit request for a fuel tank and if so, was it approved and why? Did AirX add a fuel tank on the site with no review by the city or any other governing body? Did the owner know this was done? This is another case of AirX and the owner taking actions that carry on a use or maintain a structure that threatens the public health, safety or welfare nor allow uses in violation of federal, state and city laws or regulations (1988 CNU Section 9) and we believe a tank threatens our health and safety and it likely violates a law or regulation for residentially zoned property.

Tom Young reached out to Paul about the in-ground tank status and Paul said the county DEH doesn't have records of any tanks on the site. Monica said the above ground tank would go when AirX goes but I'm sure the neighbors want to see that tank be removed immediately because of the health and safety risk associated with it. You can see there are trees and structures nearby that would easily catch on fire and potentially spread rapidly to all surrounding homes if something happened to the tank.

Please review with the appropriate parties and let us know what action will be taken as soon as possible. While we know AirX is looking to move out, we don't have a definite time table and we need this use to cease and desist immediately.

Thanks.

Mike Hendel





## Paul Bingham

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**From:** Paul Bingham  
**Sent:** Thursday, September 5, 2019 10:23 AM  
**To:** 'Tom '  
**Subject:** RE: [EXT] RE: Conditional Use Permit PHG 18-0016

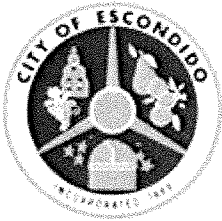
Hi Tom,

Yes, we spotted this in our review a couple of weeks ago. County DEH are the ones that are supposed to inspect and certify fuel tanks annually, so I called them to find out more. They were not able to find any listing of a tank being inspected at this location and were going to do more research and get back to me.

I have not heard back from them yet, but it was troubling to me that they could not immediately find record of a tank out there.

We plan to follow up with them, but you are certainly free to also inquire.

Thanks,



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Tom <tbyoung@cox.net>  
**Sent:** Thursday, September 5, 2019 9:58 AM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Subject:** [EXT] RE: Conditional Use Permit PHG 18-0016

**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 Paul,

Upon reviewing the 1988 Certificate of Nonconforming Use it refers to an underground fuel tank adjacent to building "A".

I am trying to determine if the tank is still there and was wondering if a permit was issued for its removal since it would require considerable excavation.

Would you be able to provide any information about this or is there another individual or department I should contact?

Thanks,

Tom

**From:** Paul Bingham  
**Sent:** Thursday, July 18, 2019 8:01 AM  
**To:** Tom <tbyoung@cox.net>  
**Subject:** RE: Conditional Use Permit PHG 18-0016

Hello Tom,

I appreciate you contacting us and sharing your experiences and objections. A copy of your concerns will be attached to the Planning Commission staff report so this can be brought to their attention. You are also invited to attend the hearing next Tuesday night and speak if you so desire.

Thank you,



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Tom <[tbyoung@cox.net](mailto:tbyoung@cox.net)>  
**Sent:** Wednesday, July 17, 2019 8:12 PM  
**To:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Subject:** Conditional Use Permit PHG 18-0016

Hello Paul,

I am writing in opposition to the cell tower in our residential neighborhood.

Even disguised as a pine tree, it would discourage people from wanting to live in the neighborhood and would have a negative impact on our quality of life.

The businesses currently located on the site are already disruptive (excessive noise) and this would make the situation worse.

It would be better to not allow this construction at this time instead of having to get rid of it at a later time, after the fact.

Please get this issue before the City Council so that the citizens and voters can make their voices heard.

Thank You,

Tom Young  
2481 Honeybell Ln  
Escondido CA 92027  
(760)504-4564  
[tbyoung@cox.net](mailto:tbyoung@cox.net)

## Paul Bingham

---

**From:** Paul Bingham  
**Sent:** Thursday, September 5, 2019 2:52 PM  
**To:** 'Michael Hendel'  
**Cc:** Pam Albergo; Tom; Adam Finestone  
**Subject:** RE: [EXT] Follow-up questions

Hi Mike,

Just back from a few days off and now trying to get through my calls and e-mails.

Let me comment on the items I can quickly, and will get back to you after some research on the others.  
(Please see my comments in red below.)

Thanks,



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Wednesday, September 4, 2019 4:33 PM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Cc:** Pam Albergo <palbergo@sbcglobal.net>; Tom <talbergo@sbcglobal.net>  
**Subject:** [EXT] Follow-up questions

**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 Paul,

Hope all is well with you and you enjoyed the extended weekend. We have some questions that have come up and wanted to get your input on them. I believe most of these would be related to city planning topics. We have another list that we'll talk to Monica about too.

Please review and let us know your thoughts. I can give you a call or stop by - whatever works best for you. Let me know what you'd like to do and we'll get something scheduled.

Thanks.

Mike Hendel

- What is the city council actually voting on? They can only agree with or deny the CUP approval? Or something else?

They will be voting to approve or deny your appeal of the Planning Commission's approval of the T-Mobile mono-pole tower request. It is my understanding that they can also give direction to Planning, Code Enforcement, etc. to look at related issues if they felt motivated to do so.

- In the Planning Department hearing report, will you be presenting all the findings on all topics and then a recommendation? Is the recommendation the result of the joint review by all involved city departments/staff - planning, code enforcement, stormwater group, etc?

The Planning Staff Report will cover the issues raised in your appeal. However, we will be attaching any correspondence received so Council has it. More things have come up in e-mails, and Council will have the ability to see those in the attachments.

- What are the agreed upon property uses, vehicle/equipment limits and other standards that will be used to conclude the property is in conformance with the CNUs and relevant codes?

We are still discussing those with the City Attorney's office.

- What has the City determined to be in Area 1, 2 or 3? Is there any Area 3 left? How is the old tennis court designated?

We are still discussing those with the City Attorney's office

- The site plan from the 1988 CNU shows the main residence as existing office/living space. Currently this residence is used as a halfway house. Was a permit request submitted and approved to begin using this residence as a multi-family residence? Does this constitute an intensification of use as well?

Not sure. I believe Code is investigating this.

- Escondido approved other cell tower permits on residentially zoned properties? If so, where are they and when were they built? Were any denied and if so, why? can we get new conditions for block/landscape walls and paved driveways/parking into Planning recommendation or in front of City Council to vote on adding these conditions.\

The short answer is yes. There are reportedly over 1000 cell sites in the City. I do not usually process cell towers, so will have to research among my fellow Planners.

## Paul Bingham

---

**From:** Pam Albergo <palbergo@sbcglobal.net>  
**Sent:** Tuesday, September 3, 2019 1:24 PM  
**To:** sudcomplaints@dhcs.ca.gov  
**Cc:** Paul Bingham; Monica Pinaglia; Tom Albergo; Michael Hendel; Mary Hendel  
**Subject:** [EXT] El Norte House residential alcohol facility  
**Attachments:** Screenshot\_20190903-125228\_Chrome.jpg

**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 have just gotten off a phone call to your office about a residential rehabilitation program called El Norte House located at 2534 E. El Norte Parkway, Escondido, CA 92027. The woman I spoke to indicated after she checked your database that the El Norte House facility does not have either a license or certification for their services. This facility has been running its services for at least three to four years, if not longer. I have attached a screenshot of NCSanDiegoAA.org website showing the facility also holds AA meetings on Thursdays and Saturdays.

My concern is whether the facility is running legally and in compliance with any rules and regulations that are required.

I would appreciate a follow up email that addresses my concerns.

Pam Albergo  
palbergo@sbcglobal.net  
760-802-3691

Sent from Yahoo Mail on Android



## Paul Bingham

---

**From:** Kerrigan Diehl <kerrigan.diehl@plancominc.com>  
**Sent:** Friday, August 30, 2019 4:44 PM  
**To:** Paul Bingham  
**Cc:** 'Darrell Daugherty'  
**Subject:** RE: [EXT] RE: Monopine appeal on E El Norte Pkwy, PHG18-0016  
**Attachments:** SD07212A.EMF.S.DTECH.08.30.19.pdf

Hi Paul,  
Attached is the EME Report for your use.

Very Best,  
kd

**From:** Paul Bingham <pbingham@escondido.org>  
**Sent:** Tuesday, August 27, 2019 1:43 PM  
**To:** Kerrigan Diehl <kerrigan.diehl@plancominc.com>  
**Cc:** Darrell Daugherty <darrell.daugherty@plancominc.com>  
**Subject:** RE: [EXT] RE: Monopine appeal on E El Norte Pkwy, PHG18-0016

Hi Kerrigan,  
It's been nearly two weeks and I still have not heard anything from you or T-Mobile.  
Can you give me some status please? Is the requested study available - or is T-Mobile reconsidering its plans for this site - or ??  
Thank you for any update you can give me.



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Kerrigan Diehl <kerrigan.diehl@plancominc.com>  
**Sent:** Wednesday, August 14, 2019 6:07 PM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Cc:** Darrell Daugherty <darrell.daugherty@plancominc.com>  
**Subject:** [EXT] RE: Monopine appeal on E El Norte Pkwy, PHG18-0016

**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 Paul,  
You'll absolutely have them. I had the figures available the night of the PC Hearing as requested but on the extreme short notice of the request did not have time to have them included into a formal report. As I recall the EME figures didn't factor into any of the discussion from PC, Neighbors etc.

So let Bill know it is forthcoming and I don't think suggesting taking it to PC for a revocation action is necessary.

Thanks,  
kd

**From:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Sent:** Wednesday, August 14, 2019 5:23 PM  
**To:** Kerrigan Diehl <[kerrigan.diehl@plancominc.com](mailto:kerrigan.diehl@plancominc.com)>  
**Subject:** Monopine appeal on E El Norte Pkwy, PHG18-0016

Hi Kerrigan,

Bill Martin, the Director of Community Development, just came by my office. He said the RF study submitted with this project is unclear and he wants the MPE percentage at some baseline (like 100'). I remember I had asked you for this before we went to the July 23<sup>rd</sup> Planning Commission hearing, but I didn't get anything from T-Mobile then or since.

So as a heads-up, if those figures aren't forthcoming, he wants me to schedule this project for the next possible Planning Commission hearing for revocation.

If you have any questions, please let me know.

Thanks,



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

## Paul Bingham

---

**From:** Paul McNamara  
**Sent:** Friday, August 30, 2019 11:13 AM  
**To:** N N; Paul Bingham; Consuelo Martinez; John Masson; Olga Diaz; Michael Morasco; William Wolfe; bmartin@escondido.org; Monica Pinaglia  
**Subject:** RE: [EXT] Wireless Cell Tower Approval

Dear Najdat,

Thank you for your note and concern.

I would like to assure you that the public welfare is the #1 priority of the city's elected officials. More importantly, it is the #1 priority of the city staff who have the grave responsibility to maintain, improve and implement new technology for the city. They take this responsibility very seriously, and understand that the safety of the city is not a trivial matter. Any action we take complies with the highest public standards and best practices. I will pass on your concerns to them.

Thank you.

V/r  
Paul

**From:** N N <nnissan1@hotmail.com>  
**Sent:** Thursday, August 29, 2019 9:35 PM  
**To:** Paul McNamara <pmcnamara@escondido.org>; Paul Bingham <pbingham@escondido.org>; Consuelo Martinez <cmartinez@escondido.org>; John Masson <jmasson@escondido.org>; Olga Diaz <Odiaz@escondido.org>; Michael Morasco <Mmorasco@escondido.org>; William Wolfe <wwolfe@escondido.org>; bmartin@escondido.org; Monica Pinaglia <mpinaglia@escondido.org>  
**Subject:** [EXT] Wireless Cell Tower Approval

**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 writing to you in regard your decision of approving cell tower installation at the AIRX facility off the El Norte parkway.

I would like you to take a moment and rethink your decision of approving new business of wireless cell phone tower installation in an existing questionable business. Would you allow such business to be installed into your backyards and affects your kids and your families residing home on daily basis because someone want to make profit at the cost of other people health, wellbeing, environmental contamination and pollution?

There are no regards nor consideration made to families lives in this residential area by those who proposed and approved such project. They were driven by individual greed and selfishness.

We live on Sungold way for 9-10 years as of now. I bought my house sometime around 2012. No one disclosed to us the presence of AIRX business across from our back yard. Once we lived in the house, we started having problems of load machinery noises, smoke, dust, slurry pits and drainage. The noises, smoke and dust would get into the house even our bedrooms despite closing all the doors and windows. We were unable and still unable to use our back yard because off the AIRX activities. I did question the presence of this business in our residential area from my neighbors and was informed that the AIRX existed in the area before I moved in but they were limited in conducting their activities. What we noticed during all those past years that they become more load and start effecting our home even more. I came to

learn that they expand and exceed their use limitation and grow significantly. They start omitting more dust, smoke, noise and draining more slurry water into the drainage systems.

My kids were and are exposed to those hazards material they omit and continue omitting across our back yard which affected us directly. They caused and continue causing significant pollution to our environments.

We reported such pollution before and we have case established.

I came to know lately that there are several violations and problems with their permit use, cods and activities. How is this new profitable business is allowed and permitted on existing business place? How the city would approve such project without looking into details and discuss them with the residents before making decision?

I would like to invite you to come and visit our place whenever you can so you could witness our problem yourselves.

I would highly encourage you to put yourselves in our position and think rationally about our kids and families health and future. How you would protect them from such harms? What would be your action if this happen to you?

Thanks for your consideration and help.

Najdat Nissan

Sent from [Mail](#) for Windows 10

## Paul Bingham

---

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Wednesday, August 28, 2019 4:19 PM  
**To:** Paul Bingham  
**Subject:** Re: [EXT] Meeting date and photo

as soon as I hit send on my response the image showed up - I have it now and can share with John. the photo/markings one was also nice to be able to share with the owner and the group.

Thanks.

Mike

On Wed, Aug 28, 2019 at 4:16 PM Michael Hendel <mjhhendel@gmail.com> wrote:  
Hi Paul,

Thanks for the update. We'll let everyone know to still hold that date and will confirm once you confirm.

I couldn't see or download the drawing for some reason. The one I was thinking of was what looked like a google maps view of the homes with some dotted lines you'd drawn to show the underground pipe and then you had some markings to show the headwall culvert. You had that along with a couple of other google maps/street views of the area/property with one showing the flow of the slurry going across Jonathon Place.

Thanks.

Mike

On Wed, Aug 28, 2019 at 2:39 PM Paul Bingham <pbingham@escondido.org> wrote:

Hi Michael,,

I am meeting with the Director of Community Development later this afternoon and we'll be discussing the Council date for this item. That said, I believe we're pretty firm on going September 25<sup>th</sup> as planned.

Below is an Engineering Department drawing showing the drainage easement and structures at Holly and Jonathan. Is this what you were looking for? FYI: John Masson is a very qualified Civil Engineer and will have no trouble reading this drawing.

Thanks,



Paul Bingham

Assistant Planner II

Planning Division | City of Escondido

TRANS.

CONST. 160'-18' CONC. PI.

1.25' CONST. MODIFIED TYPE 'U' HEADWALL (SEE DETAIL)

61.50'

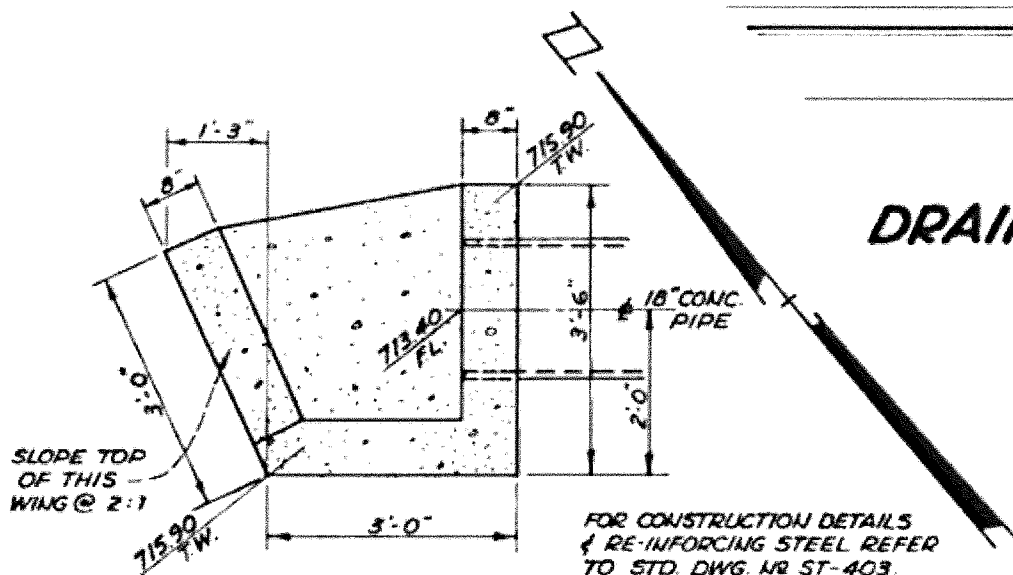
61.50'

61.50'

44

45

46



SCALE 1" = 2'-0"

SCALE 1"=40'

CITY

**JONAS**

***DRAIN***

LOTS 44

DRAWN: W.S.

DATE: JUNE 30/6

Roy L. Klema  
ROY L. KLEMA, R.C.E. 6486

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Wednesday, August 28, 2019 1:56 PM  
**To:** Paul Bingham <pbingham@escondido.org>  
**Subject:** [EXT] Meeting date and photo

**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 Paul,

Hope all is well with you. John Masson is coming by to talk to us today around 5 PM. Mike Morasco met with Pam and Tom Albergo yesterday. We appreciate them taking the time to come by and look into this personally.

Has the date of 9/25 for the council meeting been confirmed so we can advise all the neighbors?

Also, you showed us a photo of Jonathon Place/Holly area with the drain pipe and the headwall culvert marked on it. Can you send that to me when you get a chance so I can share it with Richard Micheletti the home owner?

Is there any information you need from the neighbors as you continue to review the situation and develop the report?

Thanks and likely we'll talk again soon.

Mike Hendel

## Paul Bingham

---

**From:** Tom Albergo <talbergo@sbcglobal.net>  
**Sent:** Wednesday, August 28, 2019 10:04 AM  
**To:** Monica Pinaglia; William Wolfe  
**Cc:** Pam Albergo; Paul Bingham; Michael Hendel  
**Subject:** Re: [EXT] 2534 E. El Norte activities

Bill, thank you for your response. I'm sorry to say, but I am a little confused. We had been under the impression that ongoing violations of the property, including the noise, were supposed to be directed to Code Enforcement. In 2016, we had been in communication with the assigned Code Enforcement officer for these issues for two months on a twice weekly basis, and then on a weekly basis for a week's worth of reporting.

We will anticipate your follow up information and to find out that if these have to go to PD, how we obtain the 2016 and current City Complaints to forward to the appropriate Unit in the PD, if it hasn't already been done. Thank you so much for understanding my frustration.

Tom

On Wednesday, August 28, 2019, 09:06:02 AM PDT, William Wolfe <wwolfe@escondido.org> wrote:

Good Morning Tom,

I will look into this and get you some answers. I think you already have my personal cell number, but my work cell number is (442) 777-8807.

William L. Wolfe  
Deputy City Manager  
City Manager's Office | City of Escondido  
Direct: 760-839-4631  
www.escondido.org

-----Original Message-----

From: Tom <talbergo@sbcglobal.net>  
Sent: Wednesday, August 28, 2019 7:55 AM  
To: Monica Pinaglia <mpinaglia@escondido.org>  
Cc: Pam Albergo <palbergo@sbcglobal.net>; Paul Bingham <pbingham@escondido.org>; Michael Hendel <mjhhendel@gmail.com>; William Wolfe <wwolfe@escondido.org>  
Subject: [EXT] 2534 E. El Norte activities

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.

Good morning Monica. We've been sending you complaints, photos and videos now for at least 6 weeks on the expanding and continual violations occurring by AirX. This morning they started with the backup beepers on their trucks at 6:15.

I recall hearing that you couldn't provide the neighbors feedback on the "ongoing investigation". At what point is this situation going to improve? When is AirX going to be forced to stop the constant violations of the residential noise ordinance, the expanded uses of the 1988 non conforming use agreement? We at least deserve acknowledgement that you have received our nearly daily correspondence on this matter.

When will our rights to a peaceful residential environment be preserved? Refusal to communicate with us and no results



are bringing the neighborhood to a very frustrating point.

Mr. Wolfe, can we at least receive acknowledgment of receipt of our complaints, etc and a potential status update as to how much longer this investigation will go on? We do appreciate the efforts of staff to this point but are frustrated that the violations continue. Thank you all.

Tom and Pam Albergo

Sent from my iPhone

## Paul Bingham

---

**From:** divineosiris . <yennyfer@gmail.com>  
**Sent:** Wednesday, August 28, 2019 9:27 AM  
**To:** Paul McNamara  
**Cc:** Consuelo Martinez; Jeffrey Epp; John Masson; Michael Hendel; Michael Morasco; Monica Pinaglia; Olga Diaz; Pam Albergo; Paul Bingham  
**Subject:** Re: [EXT] 2534 El Norte Parkway.

Dear Mayor Paul,

Thank you for taking the time to promptly address my email.

I have no doubts that the city staff has a responsibility to maintain, improve and implement new technology for the city. My hope is that they are able to balance this with the public welfare.

In regards to the proposed cell tower, I strongly believe this is not the best location for it. This type of tower should not be placed so close to a residential community.

I look forward to hearing from the city staff and I'm optimistic they can address and take action regarding my concerns.

Best regards,  
Yennyfer Solorzano

On Tue, Aug 27, 2019 at 09:08 Paul McNamara <[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)> wrote:

Dear Ms. Solorzano,

Thank you for your note and concern.

I would like to assure you that the public welfare is the #1 priority of the city's elected officials. More importantly, it is the #1 priority of the city staff who have the grave responsibility to maintain, improve and implement new technology for the city. They take this responsibility very seriously, and understand that the safety of the city is not a trivial matter. Any action we take complies with the highest public standards and best practices.

That said, I will pass on your concerns to them for a response.

v/r

Paul



Paul "Mac" McNamara

Mayor

City of Escondido

760-839-4610

[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)

Confidentiality Statement: This communication contains information that may be confidential, and it may also be legally privileged or otherwise exempt from required disclosure. If you are not the intended recipient, please do not read, distribute or copy this communication and please delete the message from your computer.

**From:** divineosiris . <[yennyfer@gmail.com](mailto:yennyfer@gmail.com)>

**Sent:** Monday, August 26, 2019 2:23 PM

**To:** Paul McNamara <[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)>; Consuelo Martinez <[cmartinez@escondido.org](mailto:cmartinez@escondido.org)>; John Masson <[jmasson@escondido.org](mailto:jmasson@escondido.org)>; Olga Diaz <[Odiaz@escondido.org](mailto:Odiaz@escondido.org)>; Michael Morasco <[Mmorasco@escondido.org](mailto:Mmorasco@escondido.org)>

**Cc:** Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>; Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>; Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>; Monica Pinaglia <[mpinaglia@escondido.org](mailto:mpinaglia@escondido.org)>

**Subject:** [EXT]

**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.

City Council Members,

I am writing to you today as a concerned tax payer and a mother of two toddlers ages three and five to make you aware of my disappointment in what I've recently discovered to be a series of shocking events in regards to the property located at [2534 El Norte Parkway](#).

My husband and I purchased the home at 2549 Hamlin Ct in late 2013 in hopes of raising our family in the quiet cul-de-sac surrounded by mountains and what looked like a very peaceful area of Escondido. We knew about the business directly next to our house and the only signage at the time was from Soapstone Werks. We were not too concerned as we figure that as a business, the business would operate during normal business hours and as a working family, my husband and I were out of the house during business hours.

Over the years we've become aware of the increased activity on the property and the amount of trucks now parked just a few feet away from our home. I always wondered what kind of activities were going on at the property since every time I looked out the window or over the fence, there were trucks coming and going, and making lots of noise while being idle. The fact is only recently, did I find out of all the questionable activities that have been going on at the property for a long time thanks to a group of very active neighbors who care about our neighborhood and want to protect our well-being and preserve property values. All along, I was ignorant to the fact that there were conditions set in place on the property in what they could and couldn't do and that we could do something about all the nuances we have had to put up with over the years.

The last straw was when we received a notice of the hearing for the construction of a cell tower on the same property. Since that day, I have kept in touch with our neighbors as they are spearheading the effort to raise awareness to all the appropriate agencies so that the property can be back into compliance with the conditions set forth both in the 1988 and 2007 NCU documents. I want to add my voice especially because I live directly next to this property and after finding out the extent of blatant violations and carelessness for the environment and well-being of the neighborhood on the part of the property owner and the business owner of AirX.

I am outlining my specific grievances below along with an extensive summary of all concerns regarding activities at the property.

- I do not agree with having to pay \$1,415 to file an appeal for the Planning Commission's decision to approve the proposal for a new cell tower at 2534 El Norte Parkway on 7/23/19. This shows that big companies with a lot of money have more power than the voice of the tax payers.
- I am very disappointed in the fact that after a complaint made to the City's Environmental Division, there has not been more extensive inspections on the property in regards to the slurry pits and their contents. AirX has continued to deny that there's Hazardous materials in the slurry they dump without any shred of evidence. The fact that the Environmental Division would take their word for it is just disconcerting. Again, it shows that businesses have more power than the voices of concerned tax payers. If property values decline in the area because of a possible contamination due to hazardous slurry being dumped in the grown without testing, the city will lose out on property taxes. Worse, the water supply could be contaminated and could be potentially making people sick.

I urge you to do the right thing in regards to this property.

- Deny the CUP for the cell tower and enclosure

- Ensure that all conditions placed on the property by the 1988 Certificate of Non-Conforming Use (CNU), the 2007 clarification of the CNU and all applicable residential codes be enforced so as to return the property to the allowable land uses and within residential municipal code requirements
- Upgrade the property walls along El Norte Parkway and between the property and adjacent homes to the standards set by the City for all surrounding areas which include block wall and landscaping
- Regularly inspect the property to ensure ongoing compliance
- Make decisions based on the long term goal to have single family homes on this property

Best Regards,

Yennyfer Solorzano

## Paul Bingham

---

**From:** Tom <talbergo@sbcglobal.net>  
**Sent:** Wednesday, August 28, 2019 7:55 AM  
**To:** Monica Pinaglia  
**Cc:** Pam Albergo; Paul Bingham; Michael Hendel; William Wolfe  
**Subject:** [EXT] 2534 E. El Norte activities

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.

Good morning Monica. We've been sending you complaints, photos and videos now for at least 6 weeks on the expanding and continual violations occurring by AirX. This morning they started with the backup beepers on their trucks at 6:15.

I recall hearing that you couldn't provide the neighbors feedback on the "ongoing investigation". At what point is this situation going to improve? When is AirX going to be forced to stop the constant violations of the residential noise ordinance, the expanded uses of the 1988 non conforming use agreement? We at least deserve acknowledgement that you have received our nearly daily correspondence on this matter.

When will our rights to a peaceful residential environment be preserved? Refusal to communicate with us and no results are bringing the neighborhood to a very frustrating point.

Mr. Wolfe, can we at least receive acknowledgment of receipt of our complaints, etc and a potential status update as to how much longer this investigation will go on? We do appreciate the efforts of staff to this point but are frustrated that the violations continue. Thank you all.

Tom and Pam Albergo

Sent from my iPhone

## Paul Bingham

---

**From:** Tom <talbergo@sbcglobal.net>  
**Sent:** Tuesday, August 27, 2019 5:34 PM  
**To:** Paul Bingham  
**Subject:** Re: [EXT] Fwd: Property located at 2534 E. El Norte Parkway

Thank you Paul. In the 1988 NCU it talks about the fuel tank. Looking on geotracker it does appear there is or was one. Take care. Talk to you soon. Tom

Sent from my iPhone

On Aug 27, 2019, at 5:13 PM, Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)> wrote:

Hi Tom,

I just got off the phone with DEH. They couldn't immediately find record of a tank out there, but were going to look into it further and get back to me tomorrow. If there is no record of a tank, they said will go out and inspect the site.

I will follow up with you once I know more.

Thanks,

<image001.jpg> Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Tom <talbergo@sbcglobal.net>  
**Sent:** Tuesday, August 27, 2019 4:49 PM  
**To:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Subject:** Re: [EXT] Fwd: Property located at 2534 E. El Norte Parkway

Should we send a report? Or are your folks going to? We found on [Geotracker.waterboards.ca.gov](http://Geotracker.waterboards.ca.gov). (At Juan's advice) that there is an underground storage tank on the property. Councilman Morasco this morning was interested to know about it, saying if it's from the 80's it's probably leaking!

Sent from my iPhone

On Aug 27, 2019, at 4:03 PM, Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)> wrote:

Hi Tom,

Well, that didn't take long!

County of San Diego HazMat Division has regulatory oversight on fuel storage tanks, not us or the State. Here's their link:

[https://www.sandiegocounty.gov/deh/hazmat/hmd\\_cupa.html](https://www.sandiegocounty.gov/deh/hazmat/hmd_cupa.html)

Thanks,

<image001.jpg>

Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Tom <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>  
**Sent:** Tuesday, August 27, 2019 2:00 PM  
**To:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Subject:** [EXT] Fwd: Property located at 2534 E. El Norte Parkway

**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.

Paul, for your thoughts. Also a Question: is the fuel tank still on property? Is it underground, and does it get inspected to insure its integrity?

Thanks, Tom

Sent from my iPhone

Begin forwarded message:

**From:** Tom Albergo <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>  
**Date:** August 27, 2019 at 1:39:04 PM PDT  
**To:** Michael Morasco <[mmorasco@escondido.org](mailto:mmorasco@escondido.org)>, Olga Diaz <[odiaz@escondido.org](mailto:odiaz@escondido.org)>, McNamara Paul <[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)>, John Masson <[jmasson@escondido.org](mailto:jmasson@escondido.org)>, Consuelo Martinez <[cmartinez@escondido.org](mailto:cmartinez@escondido.org)>  
**Subject:** Property located at 2534 E. El Norte Parkway

Mr. Morasco, (and esteemed council members)

I would like to take this opportunity to thank you for taking time from your busy schedule to stop by the property and also to meet with us this morning. I feel that seeing the property, the proximity to houses, and the uses that are occurring is much more meaningful than the written e mails, photos and videos that I'm sure by now you all have received.

I believe the bottom line to us is summed up in :

**The Escondido General Plan, page II – 108, under Goal 4,**  
states in part: . *Neighborhood Maintenance & Preservation Policy 4.2*  
**Residential neighborhoods shall be protected from the encroachment of incompatible activities or land uses such as heavy service commercial businesses which may have a negative impact on the residential living environment.**



AirX, while I'm sure a valuable business to our City, has been and continues to be operating in violation of so many rule/laws/terms of NCU conditions, that our quality of life has been greatly affected. The property use has far exceeded what was approved in the 1988 Non Conforming Use for this parcel, zoned R-1. The requested CUP for a cell tower and building is explicitly prohibited by the 1988 NCU, and we ask that it be denied. The research on the new 5g technology is untested, and concerns over health risks are worrisome. The height of the proposed tower and homes that are above the elevation would place many of us in direct transmission line of the RF waves. The businesses belong in a properly zoned location, perhaps the Industrial area has a more suited parcel. The property owner should be made to cease and desist all non conforming practices that exceed the approved use from 1988. We ask Council to terminate the NCU due to constant violations dating for decades, and turn the property into R-1 homes. Thank you again. We welcome the rest of Council to come visit us.

Tom and Pam Albergo, 760-644-1030

Here are my detailed thoughts:

The property at 2534 E. El Norte Parkway, APN 225-270-22, is currently owned by C. E. Wilson, from Spring Valley. It is a several acre lot, divided by El Norte Parkway, and is adjacent to many single family homes.

A brief history shows that the surrounding area and this property was annexed by the City and zoned R-1 1200, single family residences with 12000 square foot lots. At the time of annexation, Louetta Construction occupied the said parcel and became governed by a Non Conforming Use permit which was recorded May 13, 1988 as Document No. 88-226543.

The 1988 NCU limits the owner and any subsequent owners to what is described and depicted in Exhibit B of the document and the accompanying map. No other structures, uses, vehicles beyond the set limits described may be intensified or added.

Currently, Wilson has several businesses operating on the parcel ; AirX (underground utility surveyor), Soapstone Werks, (granite countertops) a landscape company leasing space, and leased tractor trailer parking. In addition, there is a multi family half way house (El Norte House) occupying what was once designated as offices. Over the years, the residential areas were developed that surround the parcel in question. In 2007, El Norte Parkway was developed which split the parcel into two; one part on the north and one part south of El Norte. An amended agreement was written in 2007, further limiting the NCU terms due to the reduced parcel size.

During 2016, we sent multiple complaints to Code Enforcement about AirX's continued noise violations as to time of day, often in the middle of the night and before 6am. Basically we were told that the property was grandfathered in and there was little we could do. While the violations have continued and increased, we felt hopeless and didn't bother to complain to the City.

The owner of the parcel recently attempted to further expand by forming an effort with T Mobile to build a 40 foot tall cell antenna and 12' by 20' equipment /mechanical building. The request was set forth in a CUP (PHG-18-0011). The Planning Department notified the surrounding neighbors of the intention and the Planning Commission meeting that was set for July 23, 2019 at which time approval or denial of the CUP would be discussed. This caused the nearby residents to take notice of what was occurring, and what conditions the property was operating under. We obtained the 1988 NCU and the 2007 amendment which outlines exactly what was and is approved there. We also learned a lot of disturbing things that were going on at the property.

At the Planning Commission meeting, residents voiced their objections based on numerous ongoing violations, health risks and activity by the owner and business. The Planning Commissioners approved the CUP request, commenting that they should just let the City staff do their job of keeping AirX and the property owner in conformance, rather than to deny it at their level.

Based on the 1988 NCU limitations of the parcel, and that no additional structures were allowed, the Planning Commission should have realized that adding anything, including the proposed 40 foot tall cell tower and a 12' by 20' structure was prohibited. EMC 6.3 Definitions, describe a structure: *Structure* is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. *Building* is a structure used or intended for supporting or sheltering a use or occupancy.

Had the Planning Commission, during that July 23, 2019 meeting, denied the owner's request to build the new structure/building and cell antenna in the CUP (PHG-18-0011) based on those facts alone, the surrounding residents of that property would not have been forced to file an appeal to City Council, thereby incurring filing costs of over \$1400 and additional stress and harassment by AirX employees:

- The constant and continuous violations of the noise ordinance, both in time of day (before 7AM) and far exceeding the allowable decibel readings in a residential zone (80 + Db as opposed to a maximum allowable 50) -

violations of EMC section 17-229(a) and table, and 17-226(a)

- Dust from their vehicles driving on the dirt lot, making our backyards unusable
- Overflow parking of their vehicles in front of our homes, due to AirX surpassing their parking availability and the limits stated in their NCU
- The health and environmental issues associated with their daily pumping of liquid “slurry” containing unknown contaminants into open, unlined pits that gushes out of the City storm drain after it is dumped recklessly,- violation of EMC 22-175
- The increased mosquito breeding in their open pits, as evidenced by SD County Vector Control testing/inspection during August 21 and 22.

AirX has installed 6 “open and unlined slurry pits” and now a seventh above ground slurry pond starting somewhere during 2010 to 2012 as evidenced by Historical Google Maps. The slurry pits are allowed to slowly air dry. AirX pumps a mixture of mud, water and any unknown substances that might have been in the ground, every day after their work. Slurry then gushes out of the storm drain adjacent to the south part of their lot, and exits onto Holly Avenue at Jonathon Place, ending up in the storm drain at Washington and Citrus. There are videos and photographs of all of this. This violates among other environmental laws, EMC section 22-175 (a) and (b);

**Sec. 22-175. Prohibited discharge locations.**

*(a) It is unlawful for any person to discharge or cause to be discharged into any storm drain or stormwater channel or natural watercourse, whether currently carrying water or not, or into any pipe or waterway leading to such drain, channel or watercourse, any solid or fluid material which will or has the potential to impair the useful functioning of such drain, channel or water course or cause expense to the city, or other public agency, in maintaining the proper functioning of same, or cause public nuisance or public hazard or cause detrimental pollution of natural surface or subsurface waters.*

*(b) It is unlawful for any person to deposit or discharge into any sump which is not impermeable or into any pit or well, or onto the ground, or into any storm drain or watercourse any material which, by seeping underground or by being leached or by reacting*

*with the soil, is detrimental to the usable underground waters and exceeds the range of the effects of ordinary nonindustrial land uses on underground waters into which such wastes seep, or which violate any requirements of the San Diego regional water quality control board. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)*

The listed issues are all violations of various Escondido Municipal Codes, violations of County Codes, and I'm sure Environmental and Water safety standards. They have been occurring continuously and without regard for the neighborhood, and have even been intensified immediately after the Planning Commission meeting of July 23. It should be noted that the owner/CEO of AirX, Gail McMarron, told a group of us at City Hall on Wednesday, August 21 that she was tired of the harassment to her and her company by the various agencies and inspectors that have come to her property.

The next day, August 22, several City Code and Environmental Storm water staff visited AirX. After they left, one of AirX's trucks was moved into the nearest corner of their parcel to our homes, left unoccupied, and a pump or generator was left to run at high speed for over thirty minutes, emitting an incredibly loud noise. I recorded the noise for several minutes, both with video and a decibel app on my phone, 15 feet from the property line. The decibel reading was over 80, peaking at 84 at one point. Maximum allowable by EMC is not more than 50 in our R-1 zone. A vindictive move?

See;

**Escondido Municipal Code Section 17-226(a), General Provisions of the Noise Ordinance, in part states;**

*(3) The making, creation or continuance of such excessive noises which are prolonged or unusual in their time, place and use effect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Escondido;*

*(4) Every person is entitled to an environment in which the noise is not detrimental to his or her life, health and enjoyment of property; and*

*(5) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of legislative determination and public policy and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in the pursuance of and for the purpose of securing and promoting the public health, comfort,*

*convenience, safety, welfare, prosperity, peace and quiet of the City of Escondido and its inhabitants.*

**See also; Sec. 17-243. Manner of**

**enforcement.** (a) Violations and Penalties. (1) It is a violation for any property owner(s) and/or person(s) in control of property to permit, or cause, a noise disturbance to be produced upon property owned by them or under their control.

(2) It is a violation for any person or persons to create or allow the making of noise disturbance as provided by this article at any location in the city.

**CONCLUSION:**

We ask this Council, and the City Departments that have become involved during this complaint and investigation, to

- 1) Deny the Conditional Use request to build a new structure and tower, CUP (PHG-18-0011). It would be an intensification of the land use prohibited by the 1988 NCU.
- 2) Require the property owner and the businesses located at 2534 E. El Norte to immediately cease all operations which violate the NCU and various laws, particularly the dumping of slurry, the noise violations, the excessive number of vehicles on their property
- 3) Put the property use back to the 1988 legal use as outlined in the 1988 NCU and accompanying map. That means eradicating the slurry pits and ponds, clearing the debris and trash piles, adhering to the height limits of vehicles behind fencing, adhering to the number and types of vehicles allowed on site, etc.
- 4) Institute an ongoing inspection process of a team of City staff to verify adherence to the various conditions.

## Paul Bingham

---

**From:** Juan Magdaraog  
**Sent:** Tuesday, August 27, 2019 4:01 PM  
**To:** Paul Bingham; Marcus Leso  
**Subject:** RE: [EXT] Fwd: Property located at 2534 E. El Norte Parkway

County of San Diego HazMat Division has regulatory oversight on fuel storage tanks.  
[https://www.sandiegocounty.gov/deh/hazmat/hmd\\_cupa.html](https://www.sandiegocounty.gov/deh/hazmat/hmd_cupa.html)

Regards,  
Juan



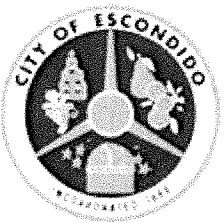
Juan Magdaraog  
Sr. Environmental Programs Specialist  
Utilities | City of Escondido  
Direct: 760-839-4074 | Mobile: 760-215-1446  
[www.escondido.org](http://www.escondido.org)

**From:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Sent:** Tuesday, August 27, 2019 3:52 PM  
**To:** Juan Magdaraog <[jmagdaraog@escondido.org](mailto:jmagdaraog@escondido.org)>; Marcus Leso <[mleso@escondido.org](mailto:mleso@escondido.org)>  
**Subject:** FW: [EXT] Fwd: Property located at 2534 E. El Norte Parkway

Hello Gentlemen,

Who oversees and inspects the fuel storage they have for their trucks on site which he is referring to? I know this fuel tank was grandfathered, but not sure who has oversight.

Thanks,



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

**From:** Tom <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>  
**Sent:** Tuesday, August 27, 2019 2:00 PM  
**To:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Subject:** [EXT] Fwd: Property located at 2534 E. El Norte Parkway

**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.

Paul, for your thoughts. Also a Question: is the fuel tank still on property? Is it underground, and does it get inspected to insure its integrity?

Thanks, Tom

Sent from my iPhone

## Paul Bingham

---

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Monday, August 26, 2019 4:26 PM  
**To:** richrose1977@cox.net; shelumiel@cox.net; Juan Magdaraog; Monica Pinaglia; Paul Bingham; Pam Albergo; Tom; Marcus Leso; Michael Hendel  
**Subject:** Fwd: [EXT] Fw: Possible illegal slurry/sludge pits within City of Escon

Hi Juan,

The links to the two videos that you weren't able to access are blow. Let me know if you can get to them now.

I also copied Richard Micheletti on this email. In our discussions Richard has mentioned several times that this has occurred multiple times since he bought the home in 2015 and that this is not a one time occurrence nor is it likely to have been caused by excessive truck washing. He can review the comments below and share his experiences directly with this group.

Thanks.

Mike Hendel

 IMG\_4663.MOV

 IMG\_4815.MOV

----- Forwarded message -----

**From:** Juan Magdaraog <jmagdaraog@escondido.org>  
**Date:** Mon, Aug 26, 2019 at 12:32 PM  
**Subject:** RE: [EXT] Fw: Possible illegal slurry/sludge pits within City of Escon  
**To:** Pam Albergo <palbergo@sbcglobal.net>, Marcus Leso <mleso@escondido.org>, Monica Pinaglia <mpinaglia@escondido.org>, Paul Bingham <pbingham@escondido.org>  
**Cc:** Tom Albergo <talbergo@sbcglobal.net>, Michael Hendel <mjhhendel@gmail.com>

Good Morning Pam,

Please be assured that we take all complaints seriously. The information that we collect from you and your neighbors does help to inform past and future inspections of the site. We do our best to gather information from multiple sources and to draw sound conclusions based on all the information at hand.

I was able to view the July 17 photo, but am unable to view the videos that were provided by Mr. Hendel and that are linked below in this email thread. I believe I have seen the August 9 video from a previous email; I assume it is the same one. As you read in the update that I provided to the Regional Board, AirX provided an explanation for the August 9



discharge and, unless we have direct evidence to refute the claim, we must take them at their word. I don't have much to add at this time beyond what was reported to the Regional Board.

However, based on my phone conversation with Mr. Micheletti and the inspection Marcus conducted last Thursday, there is no evidence of regular discharges of slurry pit waters to the storm drain and there has been no evidence of any discharge to Holly Avenue since August 9. We certainly want to be notified right away if any discharge occurs so that we can respond as quickly as possible.

Monica's code enforcement case is ongoing, so I cannot comment on that end.

As a follow up to our call last week, I checked on the Geotracker website (<https://geotracker.waterboards.ca.gov/>) and do not see any record of any underground storage tanks or any other cleanup sites or investigations related to the parcel in question.

Please contact me if you have any other questions or feedback.

Regards,

Juan



Juan Magdaraog  
Sr. Environmental Programs Specialist  
Utilities | City of Escondido  
Direct: 760-839-4074 | Mobile: 760-215-1446  
[www.escondido.org](http://www.escondido.org)

**From:** Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>  
**Sent:** Saturday, August 24, 2019 7:44 AM  
**To:** Juan Magdaraog <[jmagdaraog@escondido.org](mailto:jmagdaraog@escondido.org)>; Marcus Leso <[mleso@escondido.org](mailto:mleso@escondido.org)>; Monica Pinaglia

<mpinaglia@escondido.org>; Paul Bingham <pbingham@escondido.org>

Cc: Tom Albergo <talbergo@sbcglobal.net>; Michael Hendel <mjhhendel@gmail.com>

Subject: [EXT] Fw: Possible illegal slurry/sludge pits within City of Escon

**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 received a deeply concerning email from the waterboard that AirX is claiming that the discharge was a one time event due to the washing of their truck when in fact per Richard Michaletti, this has been ongoing for at least 4 years (he moved into the 668 Jonathon Place in 2015) and possibly longer.

I have asked the waterboard and am now asking you to not take AirX at their word, when numerous videos and photographs show otherwise.

Pam & Tom Albergo

2576 Hamlin Court

Escondido, CA 92027

760-802-3691

760-644-1030

----- Forwarded Message -----

From: Pam Albergo <palbergo@sbcglobal.net>

To: mjhhendel@gmail.com <mjhhendel@gmail.com>; Tom <talbergo@sbcglobal.net>

Cc: Mireille.Garcia@Waterboards.ca.gov <Mireille.Garcia@waterboards.ca.gov>; Walsh, Laurie@Waterboards <Laurie.Walsh@waterboards.ca.gov>; Michael Hendel <mjhhendel@gmail.com>

Sent: Saturday, August 24, 2019, 07:22:30 AM PDT

Subject: Re: Possible illegal slurry/sludge pits within City of Escon

Mireille, please see the attached information, videos and photographs from Michael Hendel as to the storm drain runoff from the slurry pits.

This issue is not a one time event. This slurry is seeping out of these pits and into the storm drain at Citrus and El Norte Parkway quite often and seems to be related to the days AirX pumps sludge into these multiple pits.

I feel that further investigation is imperative.

Pam Albergo

Sent from Yahoo Mail on Android

On Fri, Aug 23, 2019 at 6:42 PM, Michael Hendel

<mjhhendel@gmail.com> wrote:

Here are links to the photos and video taken of the south side of 2534 E. El Norte Parkway in the last 5 weeks.

- The first image if from 7/17 and shows there is no dirt berm slurry pit/pond in the area where the headwall culvert is located. You can see that there is really no space near the culvert where they would back up and truck and clean it out there.
- The video from 8/9 shows the slurry coming out of the drain pipe on Holly Ave. Richard Micheletti emailed me that the slurry was running from the drain pipe at 4:54 PM and I took the video at 5:18 PM or 24 minutes later and the slurry was still running.
- The second video from 8/11 is taken of the south side of the property 2 days later and now there is a very large dirt berm slurry pit/pond.

It is far more likely that the trucks either dumped slurry directly into the culvert or that the slurry pond overflowed or some combination of the two to create the slurry running out of the drain pipe just two days earlier and for at least 26 minutes. I walked by the property in the last two weeks when they were using the pumps to clean off a truck and they are doing it in the middle of the south side area which is about 50 yards to the left of the area in the photo and the 2nd video. Also Mr Micheletti has stated this has been occurring for at least 4 years and we seriously doubt it is caused by cleaning the trucks.

7/17 - View of south side - headwall culvert is to the right of the yellow pump on the far right of the picture; Note there is no dirt berm slurry pit/pond behind the truck

IMG\_4499.JPG

8/9 - View of drain pipe on Holly Ave with slurry running out of it

IMG\_4663.MOV

8/11 - View of south side - now there is a dirt berm slurry pit/pond behind the truck. The headwall culvert is behind the far right side of the pond.

IMG\_4815.MOV

Mike Hendel

743 Sungold Way

619-540-0799

On Fri, Aug 23, 2019 at 4:37 PM Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)> wrote:

This storm drain issue is not a one time issue. This has been going on since at least 2015. The runoff happens regularly. Also, there are no water utilities on the site where the runoff happens, but there is an open slurry pit that they fill with sludge.

I am not satisfied with you believing AirX and am disappointed in your email.

Our neighbor at 668 Jonathon Place, Escondido has been in his home since 2015 and has had to deal with this constant problem.

I am copying my neighbor Michael Hendel who has video, photographs and additional information. I am asking him to send these to you for further review.

Please review the materials he will forward and reconsider your assessment.

Pam Albergo

Sent from Yahoo Mail on Android

On Fri, Aug 23, 2019 at 4:21 PM, Garcia, Mireille@Waterboards

<[Mireille.Garcia@Waterboards.ca.gov](mailto:Mireille.Garcia@Waterboards.ca.gov)> wrote:

Pam,

Juan Magdaraog has notified us that Marcus Leso of Environmental Programs conducted the inspection of AirX Utility Surveyors on Thursday August 22, 2019. He informed us that the company admitted to exterior vehicle washing that they performed for an extended period of time on August 9, 2019. As noted in the complaint, the activity resulted in the discharge to a drain pipe that outlets onto Holly Avenue.

AirX will make some specific corrections to perimeter control and drain protection BMPs. In addition, the company has agreed to work with the City to clean the storm drain through which the discharge occurred in order to remove any residual sediment that may potentially be released in a future rain event. The goal is to accomplish this next week.

Respectfully,

Mireille Garcia

Engineering Student Assistant

Storm Water Management Unit

San Diego Regional Water Quality Control Board

2375 Northside Dr. Suite 100

San Diego, CA 92108

Phone: (619) 521-8041

**From:** Pam Albergo <paalbergo@sbcglobal.net>  
**Sent:** Thursday, August 22, 2019 9:45 AM  
**To:** Walsh, Laurie@Waterboards <Laurie.Walsh@waterboards.ca.gov>  
**Cc:** Michael Hendel <mihhendel@gmail.com>; Tom Albergo <talbergo@sbcglobal.net>; Mary Hendel <maryhendel@cox.net>; Loflen, Chad@Waterboards <Chad.Loflen@waterboards.ca.gov>; Clemente, Chiara@Waterboards <Chiara.Clemente@waterboards.ca.gov>; Garcia, Mireille@Waterboards <Mireille.Garcia@Waterboards.ca.gov>  
**Subject:** RE: Possible illegal slurry/sludge pits within City of Escon

I'm sure you can understand our deep concern about our environment as neighbors of this company.

I and my neighborhood appreciate your diligence in this matter and am pleased Juan and Marcus are moving forward with this investigation. We did see them this morning at the AirX site.

We look forward to hearing from you and them as to the results of their investigation.

Pam & Tom Albergo

Sent from Yahoo Mail on Android

On Thu, Aug 22, 2019 at 9:27 AM, Walsh, Laurie@Waterboards

<Laurie.Walsh@waterboards.ca.gov> wrote:

Pam,

I received an email from Juan Magdaraog Sr. Environmental Program Specialist with the City of Escondido. He informed me he spoke with you on Monday afternoon along with Marcus Leso, Environmental Compliance Supervisor with the City of Escondido. By this time he was able to see the video and photos from the neighbors. The City obtained more details about the situation and it is my understanding that Marcus will be inspecting AirX this morning. Juan also spoke to the neighbor on Jonathon Place on Monday afternoon to get additional information on the nature and frequency of the discharges.

City staff from several departments met internally to discuss the case on 8/21/19, and Juan reports that that City Planning has a meeting scheduled with a cohort of the neighbors on 8/22/19. Marcus will be performing an inspection of AirX this morning (Thursday, August 22) along with Code Enforcement. Juan will provide follow-up information to the San Diego Water Board as to their findings no later than tomorrow (Friday, August 23). My staff will update you after we hear from the City.

**Laurie Walsh, PE**

Senior Water Resource Control Engineer | Storm Water Management

San Diego Water Board | 2375 Northside Drive, Suite 100 | San Diego, CA 92108

P: (619) 521-3373

Error! Filename not specified.

**Error! Filename not specified.**

**From:** Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>  
**Sent:** Monday, August 19, 2019 3:23 PM  
**To:** Walsh, Laurie@Waterboards <[Laurie.Walsh@waterboards.ca.gov](mailto:Laurie.Walsh@waterboards.ca.gov)>  
**Cc:** Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>; Tom Albergo <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>; Mary Hendel <[maryhendel@cox.net](mailto:maryhendel@cox.net)>; Loflen, Chad@Waterboards <[Chad.Loflen@waterboards.ca.gov](mailto:Chad.Loflen@waterboards.ca.gov)>; Clemente, Chiara@Waterboards <[Chiara.Clemente@waterboards.ca.gov](mailto:Chiara.Clemente@waterboards.ca.gov)>; Garcia, Mireille@Waterboards <[Mireille.Garcia@Waterboards.ca.gov](mailto:Mireille.Garcia@Waterboards.ca.gov)>  
**Subject:** RE: Possible illegal slurry/sludge pits within City of Escon

Laurie,

My husband and I have just completed a phone call with Juan Magdaraog and a gentleman by the name of Marcus (no last name given) from the City of Escondido Environmental Programs Division.

These gentlemen believe that the water and mud being pumped into the ground by Airx is simply water and mud because that is what Airx told them. The reason for no smoking signs next to each pit were excused by these men so that Airx employees would not flick cigarette butts into the water. They said no testing has ever been done on this slurry because the city does not require it. They both seemed unconcerned and not very helpful and did not believe there was an issue although they have never tested the slurry from these pits. We provided the name and contact information of the neighbor who first hand has observed muddy water gushing out of a culvert down the street to the storm drain and we can also provide it to you upon request. We have not been told whether Airx even has permits for any of these slurry pits.

Our concern is that this issue is not being taken seriously while these slurry pits and discharge is yards from hundreds of homes, two churches and a preschool.

We would appreciate further consideration from your agency.

Thank you,

Pam & Tom Albergo

760-802-3691

760-644-1030

Sent from Yahoo Mail on Android

On Fri, Aug 16, 2019 at 6:23 PM, Walsh, Laurie@Waterboards

<[Laurie.Walsh@waterboards.ca.gov](mailto:Laurie.Walsh@waterboards.ca.gov)> wrote:

Ok thank you Pam. I will let the City know.

**Laurie Walsh, PE**

Senior Water Resource Control Engineer | Storm Water Management

San Diego Water Board | 2375 Northside Drive, Suite 100 | San Diego, CA 92108

P: (619) 521-3373

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**From:** Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>

**Sent:** Friday, August 16, 2019 6:15 PM

**To:** Walsh, Laurie@Waterboards <[Laurie.Walsh@waterboards.ca.gov](mailto:Laurie.Walsh@waterboards.ca.gov)>

**Cc:** Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>; Tom Albergo <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>; Mary Hendel <[maryhendel@cox.net](mailto:maryhendel@cox.net)>; Loflen, Chad@Waterboards <[Chad.Loflen@waterboards.ca.gov](mailto:Chad.Loflen@waterboards.ca.gov)>; Clemente,



Chiara@Waterboards <Chiara.Clemente@waterboards.ca.gov>; Garcia, Mireille@Waterboards <Mireille.Garcia@Waterboards.ca.gov>

**Subject:** RE: Possible illegal slurry/sludge pits within City of Escon

Thank you Laurie. I do not want to be anonymous and welcome the contact and updates on this issue.

Pam

Sent from Yahoo Mail on Android

On Fri, Aug 16, 2019 at 6:02 PM, Walsh, Laurie@Waterboards

<Laurie.Walsh@waterboards.ca.gov> wrote:

Hi Pam,

I referred your CalEPA compliant 45781 to the City of Escondido today. Is it your desire to remain anonymous? Please let me know, otherwise I would want the City staff to be able to speak to you and Michael directly to get photo and video documentation you reference.

For now I have sent the contents of your email to the City of Escondido contact we deal with for follow up.

Once I hear back from the City of Escondido I will update you. If you don't hear from me please do send me an email reminder and I will get back to you.

Laurie Walsh, PE

Senior Water Resource Control Engineer | Storm Water Management

San Diego Water Board | 2375 Northside Drive, Suite 100 | San Diego, CA 92108

P: (619) 521-3373

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**Error! Filename not specified.Error! Filename not specified.**

**From:** Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>  
**Sent:** Friday, August 16, 2019 12:21 PM  
**To:** Loflen, Chad@Waterboards <[Chad.Loflen@waterboards.ca.gov](mailto:Chad.Loflen@waterboards.ca.gov)>; Walsh, Laurie@Waterboards <[Laurie.Walsh@waterboards.ca.gov](mailto:Laurie.Walsh@waterboards.ca.gov)>; Clemente, Chiara@Waterboards <[Chiara.Clemente@waterboards.ca.gov](mailto:Chiara.Clemente@waterboards.ca.gov)>  
**Cc:** Michael Hendel <[mihhendel@gmail.com](mailto:mihhendel@gmail.com)>; Tom Albergo <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>; Mary Hendel <[maryhendel@cox.net](mailto:maryhendel@cox.net)>  
**Subject:** RE: Possible illegal slurry/sludge pits

Thank you for your prompt reply. Two days ago we filed a complaint with CalEpa, but have not heard back from them.

I will send another message to them via the link you have attached.

Thank you. We look forward to hearing from you regarding progress on this issue.

Pam & Tom Albergo

2576 Hamlin Court

Escondido, CA 92027

760-644-1030

760-802-3691

Sent from Yahoo Mail on Android

On Fri, Aug 16, 2019 at 12:05 PM, Loflen, Chad@Waterboards

<[Chad.Loflen@waterboards.ca.gov](mailto:Chad.Loflen@waterboards.ca.gov)> wrote:

Pam and Tom,

Thank you for the email. I have sent your email and maps to our stormwater and enforcement staff to follow-up on. They may reach out to you for additional information and pictures.

I would also suggest you fill out a formal complaint in the CalEPA system. This helps us formally document the complaint and you can request to be updated on follow-up actions taken. You can also choose to remain anonymous in the system if you'd like. The link can be found here:

<https://calepacomplaints.secure.force.com/complaints/>

Thanks again for documenting the issue and sending it to our attention.

Regards,

Chad

Chad L Loflen

Senior Environmental Scientist

Monitoring Assessment & Research Unit

California Water Quality Control Board – San Diego Region

2375 Northside Drive, Suite 100

San Diego, CA 92108

619-521-3370

<http://www.waterboards.ca.gov/sandiego/>

Error! Filename not specified.

**From:** Pam Albergo <[palbergo@sbcglobal.net](mailto:palbergo@sbcglobal.net)>

**Sent:** Friday, August 16, 2019 11:45 AM

**To:** Loflen, Chad@Waterboards <[Chad.Loflen@waterboards.ca.gov](mailto:Chad.Loflen@waterboards.ca.gov)>

**Cc:** Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>; Tom Albergo <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>; Mary Hendel <[maryhendel@cox.net](mailto:maryhendel@cox.net)>

**Subject:** Possible illegal slurry/sludge pits

It has recently come to the attention of our neighborhood that the business located at 2534 E. El Norte Parkway, Escondido CA called AirX has been dumping large quantities of liquid slurry/sludge from their construction trucks into numerous open pits on their property, which is bifurcated by El Norte Parkway. Please refer to the attachments referenced AirX aerial #1 and #2. The location of the slurry pits is marked in red. Please note that this is an old Google map and does not show the six or

more individual pits on both the north and south portions of their property. The neighbor who lives at 658 Jonathon Place reports that after the AirX trucks pump this unknown liquid waste into their slurry pits, large amounts of sludge/slurry pours out of the culvert/drain adjacent to his house. Please refer to attachment referenced AirX aerial #2. It flows east along Holly, then south along Citrus before entering the storm drain at the northeast corner of Citrus and Washington in front of TLC Daycare.

From there we believe it is possibly entering Escondido Creek and flowing downstream. It is also seeping into the ground on both lots because not all of the pits are lined, therefore directly absorbing into the ground.

We have numerous photographs and videos of the slurry pits and the slurry flowing down the street which Michael Hendel can supply upon request. We have cc'd him on this email so you have his email address as well.

We are asking for guidance and investigation on this important issue from you and other appropriate environmental agencies.

Thank you,

Pam and Tom Albergo

2576 Hamlin Court

Escondido, CA 92027

760-644-1030

Sent from Yahoo Mail on Android

## Paul Bingham

---

**From:** Bill Martin  
**Sent:** Tuesday, August 27, 2019 3:35 PM  
**To:** Paul Bingham; Adam Finestone  
**Subject:** FW: [EXT] Property located at 2534 E. El Norte Parkway

**From:** Jeffrey Epp <Jepp@escondido.org>  
**Sent:** Tuesday, August 27, 2019 1:58 PM  
**To:** Bill Martin <bmartin@escondido.org>; Mike Strong <mstrong@escondido.org>  
**Subject:** FW: [EXT] Property located at 2534 E. El Norte Parkway



Jeffrey R. Epp  
City Manager  
City of Escondido  
Direct: 760-839-4897  
[jepp@escondido.org](mailto:jepp@escondido.org)

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**From:** Paul McNamara <[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)>  
**Sent:** Tuesday, August 27, 2019 1:47 PM  
**To:** Jeffrey Epp <[Jepp@escondido.org](mailto:Jepp@escondido.org)>  
**Subject:** FW: [EXT] Property located at 2534 E. El Norte Parkway

In case you haven't seen this.

**From:** Tom Albergo <[talbergo@sbcglobal.net](mailto:talbergo@sbcglobal.net)>  
**Sent:** Tuesday, August 27, 2019 1:39 PM  
**To:** Michael Morasco <[Mmorasco@escondido.org](mailto:Mmorasco@escondido.org)>; Olga Diaz <[Odiaz@escondido.org](mailto:Odiaz@escondido.org)>; Paul McNamara <[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)>; John Masson <[jmasson@escondido.org](mailto:jmasson@escondido.org)>; Consuelo Martinez <[cmartinez@escondido.org](mailto:cmartinez@escondido.org)>  
**Subject:** [EXT] Property located at 2534 E. El Norte Parkway

**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.

Mr. Morasco, (and esteemed council members)

I would like to take this opportunity to thank you for taking time from your busy schedule to stop by the property and also to meet with us this morning. I feel that seeing the property, the proximity to houses, and the uses that are occurring is much more meaningful than the written e mails, photos and videos that I'm sure by now you all have received.

I believe the bottom line to us is summed up in :

**The Escondido General Plan, page II – 108, under Goal 4, states in part: . *Neighborhood Maintenance & Preservation Policy 4.2 Residential neighborhoods shall be protected from the encroachment of incompatible activities or land uses such as heavy service commercial businesses which may have a negative impact on the residential living environment.***

AirX, while I'm sure a valuable business to our City, has been and continues to be operating in violation of so many rule/laws/terms of NCU conditions, that our quality of life has been greatly affected. The property use has far exceeded what was approved in the 1988 Non Conforming Use for this parcel, zoned R-1. The requested CUP for a cell tower and building is explicitly prohibited by the 1988 NCU, and we ask that it be denied. The research on the new 5g technology is untested, and concerns over health risks are worrisome. The height of the proposed tower and homes that are above the elevation would place many of us in direct transmission line of the RF waves. The businesses belong in a properly zoned location, perhaps the Industrial area has a more suited parcel. The property owner should be made to cease and desist all non conforming practices that exceed the approved use from 1988. We ask Council to terminate the NCU due to constant violations dating for decades, and turn the property into R-1 homes. Thank you again. We welcome the rest of Council to come visit us.

Tom and Pam Albergo, 760-644-1030

Here are my detailed thoughts:

The property at 2534 E. El Norte Parkway, APN 225-270-22, is currently owned by C. E. Wilson, from Spring Valley. It is a several acre lot, divided by El Norte Parkway, and is adjacent to many single family homes.

A brief history shows that the surrounding area and this property was annexed by the City and zoned R-1 1200, single family residences with 12000 square foot lots. At the time of annexation, Louetta Construction occupied the said parcel and became governed by a Non Conforming Use permit which was recorded May 13, 1988 as Document No. 88-226543.

The 1988 NCU limits the owner and any subsequent owners to what is described and depicted in Exhibit B of the document and the accompanying map. No other structures, uses, vehicles beyond the set limits described may be intensified or added.

Currently, Wilson has several businesses operating on the parcel ; AirX (underground utility surveyor), Soapstone Werks, (granite countertops) a landscape company leasing space, and leased tractor trailer parking. In addition, there is a multi family half way house (El Norte House) occupying what was once designated as offices. Over the years, the residential areas were developed that surround the parcel in question. In 2007, El Norte Parkway was developed which split the parcel into two; one part on the north and one part south of El Norte. An amended agreement was written in 2007, further limiting the NCU terms due to the reduced parcel size.

During 2016, we sent multiple complaints to Code Enforcement about AirX's continued noise violations as to time of day, often in the middle of the night and before 6am. Basically we were told that the property was grandfathered in and there was little we could do. While the violations have continued and increased, we felt hopeless and didn't bother to complain to the City.

The owner of the parcel recently attempted to further expand by forming an effort with T Mobile to build a 40 foot tall cell antenna and 12' by 20' equipment /mechanical building. The request was set forth in a CUP (PHG-

18-0011). The Planning Department notified the surrounding neighbors of the intention and the Planning Commission meeting that was set for July 23, 2019 at which time approval or denial of the CUP would be discussed. This caused the nearby residents to take notice of what was occurring, and what conditions the property was operating under. We obtained the 1988 NCU and the 2007 amendment which outlines exactly what was and is approved there. We also learned a lot of disturbing things that were going on at the property.

At the Planning Commission meeting, residents voiced their objections based on numerous ongoing violations, health risks and activity by the owner and business. The Planning Commissioners approved the CUP request, commenting that they should just let the City staff do their job of keeping AirX and the property owner in conformance, rather than to deny it at their level.

Based on the 1988 NCU limitations of the parcel, and that no additional structures were allowed, the Planning Commission should have realized that adding anything, including the proposed 40 foot tall cell tower and a 12' by 20' structure was prohibited. EMC 6.3 Definitions, describe a structure: *Structure* is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. *Building* is a structure used or intended for supporting or sheltering a use or occupancy.

Had the Planning Commission, during that July 23, 2019 meeting, denied the owner's request to build the new structure/building and cell antenna in the CUP (PHG-18-0011) based on those facts alone, the surrounding residents of that property would not have been forced to file an appeal to City Council, thereby incurring filing costs of over \$1400 and additional stress and harassment by AirX employees:

- The constant and continuous violations of the noise ordinance, both in time of day (before 7AM) and far exceeding the allowable decibel readings in a residential zone (80 + Db as opposed to a maximum allowable 50) -violations of EMC section 17-229(a) and table, and 17-226(a)
- Dust from their vehicles driving on the dirt lot, making our backyards unusable
- Overflow parking of their vehicles in front of our homes, due to AirX surpassing their parking availability and the limits stated in their NCU
- The health and environmental issues associated with their daily pumping of liquid "slurry" containing unknown contaminants into open, unlined pits that gushes out of the City storm drain after it is dumped recklessly,- violation of EMC 22-175
- The increased mosquito breeding in their open pits, as evidenced by SD County Vector Control testing/inspection during August 21 and 22.

AirX has installed 6 "open and unlined slurry pits" and now a seventh above ground slurry pond starting somewhere during 2010 to 2012 as evidenced by Historical Google Maps. The slurry pits are allowed to slowly air dry. AirX pumps a mixture of mud, water and any unknown substances that might have been in the ground, every day after their work. Slurry then gushes out of the storm drain adjacent to the south part of their lot, and exits onto Holly Avenue at Jonathon Place, ending up in the storm drain at Washington and Citrus. There are videos and photographs of all of this. This violates among other environmental laws, EMC section 22-175 (a) and (b);

#### **Sec. 22-175. Prohibited discharge locations.**

*(a) It is unlawful for any person to discharge or cause to be discharged into any storm drain or stormwater channel or natural watercourse, whether currently carrying water or not, or into any pipe or waterway leading to such drain, channel or watercourse, any solid or fluid material which will or has the potential to impair the useful functioning of such drain, channel or water course or cause expense to the city, or other public agency, in maintaining the proper functioning of same, or cause public nuisance or public hazard or cause detrimental pollution of natural surface or subsurface waters.*

*(b) It is unlawful for any person to deposit or discharge into any sump which is not impermeable or into any pit or well, or onto the ground, or into any storm drain or watercourse any material which, by seeping underground or by being leached or by reacting with the soil, is detrimental to the usable underground waters and exceeds the range of the effects of ordinary nonindustrial land uses on underground waters into which such wastes seep, or which violate any requirements of the San Diego regional water quality control board. (Ord. No. 95-8, § 1, 7-12-95; Ord. No. 2008-07, § 1, 2-27-2008; Ord. No. 2011-18, § 8, 12-14-11)*

The listed issues are all violations of various Escondido Municipal Codes, violations of County Codes, and I'm sure Environmental and Water safety standards. They have been occurring continuously and without regard for the neighborhood, and have even been intensified immediately after the Planning Commission meeting of July 23. It should be noted that the owner/CEO of AirX, Gail McMarron, told a group of us at City Hall on Wednesday, August 21 that she was tired of the harassment to her and her company by the various agencies and inspectors that have come to her property.

The next day, August 22, several City Code and Environmental Storm water staff visited AirX. After they left, one of AirX's trucks was moved into the nearest corner of their parcel to our homes, left unoccupied, and a pump or generator was left to run at high speed for over thirty minutes, emitting an incredibly loud noise. I recorded the noise for several minutes, both with video and a decibel app on my phone, 15 feet from the property line. The decibel reading was over 80, peaking at 84 at one point. Maximum allowable by EMC is not more than 50 in our R-1 zone. A vindictive move?

See;

**Escondido Municipal Code Section 17-226(a), General Provisions of the Noise Ordinance**, in part states;

*(3) The making, creation or continuance of such excessive noises which are prolonged or unusual in their time, place and use effect and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the City of Escondido;*

*(4) Every person is entitled to an environment in which the noise is not detrimental to his or her life, health and enjoyment of property; and*

*(5) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared to be a matter of legislative determination and public policy and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in the pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, prosperity, peace and quiet of the City of Escondido and its inhabitants.*



**See also; Sec. 17-243. Manner of enforcement.** (a) Violations and Penalties. (1) It is a violation for any property owner(s) and/or person(s) in control of property to permit, or cause, a noise disturbance to be produced upon property owned by them or under their control.

(2) It is a violation for any person or persons to create or allow the making of noise disturbance as provided by this article at any location in the city.

### **CONCLUSION:**

We ask this Council, and the City Departments that have become involved during this complaint and investigation, to

- 1) Deny the Conditional Use request to build a new structure and tower, CUP (PHG-18-0011). It would be an intensification of the land use prohibited by the 1988 NCU.
- 2) Require the property owner and the businesses located at 2534 E. El Norte to immediately cease all operations which violate the NCU and various laws, particularly the dumping of slurry, the noise violations, the excessive number of vehicles on their property
- 3) Put the property use back to the 1988 legal use as outlined in the 1988 NCU and accompanying map. That means eradicating the slurry pits and ponds, clearing the debris and trash piles, adhering to the height limits of vehicles behind fencing, adhering to the number and types of vehicles allowed on site, etc.
- 4) Institute an ongoing inspection process of a team of City staff to verify adherence to the various conditions.

## Paul Bingham

---

**From:** Bill Martin  
**Sent:** Tuesday, August 27, 2019 1:33 PM  
**To:** Adam Finestone; Paul Bingham  
**Subject:** FW: [EXT] Protect the people, not telecoms!!

**From:** Jeffrey Epp <[Jepp@escondido.org](mailto:Jepp@escondido.org)>  
**Sent:** Tuesday, August 27, 2019 11:08 AM  
**To:** Bill Martin <[bmartin@escondido.org](mailto:bmartin@escondido.org)>; Mike Strong <[mstrong@escondido.org](mailto:mstrong@escondido.org)>  
**Subject:** FW: [EXT] Protect the people, not telecoms!!

FTR (For the Record)



Jeffrey R. Epp  
City Manager  
City of Escondido  
Direct: 760-839-4897  
[jepp@escondido.org](mailto:jepp@escondido.org)

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**From:** Paul McNamara <[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)>  
**Sent:** Tuesday, August 27, 2019 8:57 AM  
**To:** Pat Kenitz <[kenitz@yahoo.com](mailto:kenitz@yahoo.com)>  
**Cc:** Jeffrey Epp <[Jepp@escondido.org](mailto:Jepp@escondido.org)>; Michael McGuinness <[mmcguinness@escondido.org](mailto:mmcguinness@escondido.org)>  
**Subject:** RE: [EXT] Protect the people, not telecoms!!

Hi Pat,

Thank you for your note and concern.

I would like to assure you that the public welfare is the #1 priority of the city's elected officials. More importantly, it is the #1 priority of the city staff who have the grave responsibility to maintain, improve and implement new technology for the city. They take this responsibility very seriously, and understand that the safety of the city is not a trivial matter. Any action we take complies with the highest public standards and best practices. I will pass on your concerns to them.

Thank you.

v/r  
Paul

Paul "Mac" McNamara  
Mayor  
City of Escondido  
760-839-4610  
[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)



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**From:** Pat Kenitz <[myvoice@oneclickpolitics.com](mailto:myvoice@oneclickpolitics.com)>  
**Sent:** Tuesday, August 27, 2019 7:57 AM  
**To:** Paul McNamara <[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)>  
**Subject:** [EXT] Protect the people, not telecoms!!

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Re: Protect the people, not telecoms!!

Dear Hon. McNamara,

You are my elected representative. This legal notice of liability is designed to be used as evidence in court if needed and intends to enlighten you and to protect you from attracting civil and criminal liability in relation to your actions and/or omissions surrounding the deployment of 5G technology within your constituency. 4G/LTE small cells form an integral part of the 5G deployment. This 5G technology will cause me to be exposed to wireless non-ionizing electromagnetic radiation against my consent and in my home.

Contamination of my home with 5G may cause damage to my home if it becomes a health risk to me and thus render my home uninhabitable. Irradiating me with wireless non-ionizing electromagnetic radiation against my consent would be an application of force against my person and which causes fear of bodily injury and could be classed as a civil trespass and/or a criminal assault.

Any level of exposure of man-made non-ionizing electromagnetic radiation can be diagnosed by my medical practitioner as an adverse health effect pursuant to the WHO's International Classification of Diseases ICD-10, code W90 thus rendering any safety limit as set by the government safety standards obsolete as to protecting my health. As needed, I may see my doctor for advice on the 5G issue.

If 5G technology is deployed within your constituency, I expect that you as my elected representative will exercise due diligence to certify that all parties deploying 5G technologies have sufficient insurance cover to compensate for damage or harm caused by the emission of wireless non-ionizing electromagnetic radiation. Please note that this could be a problem, since underwriters such as Lloyds of London do not insure for such harm and damage.

I urge you, as my elected official, to act in the public interest by addressing the potential cumulative harms of densification (the crowding of small cells into a limited area to enable 5G) and insisting that public safety regulatory authorities need to prove that such densification of 5G technology is safe and that any deployment of 5G, Artificial Intelligence (AI), and/or the Internet of Things (IoT), is regulated appropriately to ensure that the national security and the safety and privacy of the public and myself is not compromised.

You need to protect the public from other harmful wireless technologies such as Wi-Fi in schools, “smart” meters on dwellings, and the like, and to replace those technologies with safe and efficient wired technologies, such as Ethernet and/or fiber optics, as the end-nodes of internet delivery systems to dwellings, schools and commercial buildings. Forward-thinking cities are already doing this.

I implore you, as my elected official, to act in the public interest by protecting the public and myself from being persecuted by the passing of laws that restrict the Courts, law enforcement agencies, municipal councils and local governments from taking action to protect the public from harm to health and damage, caused by 5G and other wireless technologies.

I am genuinely concerned for your welfare, the general public and mine, and this is a situation of the utmost urgency. I have studied the relevant facts and am thus aware of the danger. As a result I am in fear and I take the risk of harm and damage to me very seriously.

To help bring you up to speed on this extremely important topic, please go to [the5Gsummit.com](http://the5Gsummit.com), and listen for free to what 40 highly regarded experts inclusive of scientists, medical practitioners and lawyers from around the world have to say on the 5G subject. Experts who are not censored by the telecommunications industry, nor their captured governments, nor the captured media. Further, to assist with your education, please look at the Bio-initiative Report 2012 (updated 2017) - A Rationale for Biologically-based Public Exposure Standards for Electromagnetic Fields (ELF and RF) [bioinitiative.org](http://bioinitiative.org) and Physicians for Safe Technology – 5G Mobile Communications [mdsafe.org](http://mdsafe.org).

I implore you as my civic leader, and as my elected representative to get educated on this important topic, and show me by your decisions, actions and omissions that you are taking precautionary steps to address the risk of harm to me and all the people within your constituency.

As an elected official you are deemed accountable if you do not take appropriate action to attempt to abate, or prevent such harm, to me or the public. Therefore you attract liability in either the civil or criminal jurisdiction.

Your people are rising up and I implore you to take leadership and be a champion for the health and safety of all of us. If you do, many voters, legislators and I will wholeheartedly support and campaign for you.

[Settled by Ray Broomhall, Barrister-at-Law"]

Sincerely,  
Pat Kenitz  
[kenitz@yahoo.com](mailto:kenitz@yahoo.com)

749 Cleveland Avenue  
Escondido, CA 92026  
Constituent

## Paul Bingham

---

**From:** Paul McNamara  
**Sent:** Tuesday, August 27, 2019 9:09 AM  
**To:** divineosiris.; Consuelo Martinez; John Masson; Olga Diaz; Michael Morasco  
**Cc:** Michael Hendel; Pam Albergo; Paul Bingham; Monica Pinaglia; Jeffrey Epp  
**Subject:** RE: [EXT]

Dear Ms. Solorzano,

Thank you for your note and concern.

I would like to assure you that the public welfare is the #1 priority of the city's elected officials. More importantly, it is the #1 priority of the city staff who have the grave responsibility to maintain, improve and implement new technology for the city. They take this responsibility very seriously, and understand that the safety of the city is not a trivial matter. Any action we take complies with the highest public standards and best practices.

That said, I will pass on your concerns to them for a response.

v/r  
Paul

Paul "Mac" McNamara  
Mayor  
City of Escondido  
760-839-4610  
[pmcnamara@escondido.org](mailto:pmcnamara@escondido.org)



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**From:** divineosiris . <yennyfer@gmail.com>  
**Sent:** Monday, August 26, 2019 2:23 PM  
**To:** Paul McNamara <pmcnamara@escondido.org>; Consuelo Martinez <cmartinez@escondido.org>; John Masson <jmasson@escondido.org>; Olga Diaz <Odiaz@escondido.org>; Michael Morasco <Mmorasco@escondido.org>  
**Cc:** Michael Hendel <mjhhendel@gmail.com>; Pam Albergo <palbergo@sbcglobal.net>; Paul Bingham <pbingham@escondido.org>; Monica Pinaglia <mpinaglia@escondido.org>  
**Subject:** [EXT]

**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.

City Council Members,

I am writing to you today as a concerned tax payer and a mother of two toddlers ages three and five to make you aware of my disappointment in what I've recently discovered to be a series of shocking events in regards to the property located at 2534 El Norte Parkway.

My husband and I purchased the home at 2549 Hamlin Ct in late 2013 in hopes of raising our family in the quiet cul-de-sac surrounded by mountains and what looked like a very peaceful area of Escondido. We knew about the business directly next to our house and the only signage at the time was from Soapstone Werks. We were not too concerned as we figure that as a business, the business would operate during normal business hours and as a working family, my husband and I were out of the house during business hours.

Over the years we've become aware of the increased activity on the property and the amount of trucks now parked just a few feet away from our home. I always wondered what kind of activities were going on at the property since every time I looked out the window or over the fence, there were trucks coming and going, and making lots of noise while being idle. The fact is only recently, did I find out of all the questionable activities that have been going on at the property for a long time thanks to a group of very active neighbors who care about our neighborhood and want to protect our well-being and preserve property values. All along, I was ignorant to the fact that there were conditions set in place on the property in what they could and couldn't do and that we could do something about all the nuances we have had to put up with over the years.

The last straw was when we received a notice of the hearing for the construction of a cell tower on the same property. Since that day, I have kept in touch with our neighbors as they are spearheading the effort to raise awareness to all the appropriate agencies so that the property can be back into compliance with the conditions set forth both in the 1988 and 2007 NCU documents. I want to add my voice especially because I live directly next to this property and after finding out the extent of blatant violations and carelessness for the environment and well-being of the neighborhood on the part of the property owner and the business owner of AirX.

I am outlining my specific grievances below along with an extensive summary of all concerns regarding activities at the property.

- I do not agree with having to pay \$1,415 to file an appeal for the Planning Commission's decision to approve the proposal for a new cell tower at 2534 El Norte Parkway on 7/23/19. This shows that big companies with a lot of money have more power than the voice of the tax payers.
- I am very disappointed in the fact that after a complaint made to the City's Environmental Division, there has not been more extensive inspections on the property in regards to the slurry pits and their contents. AirX has continued to deny that there's Hazardous materials in the slurry they dump without any shred of evidence. The fact that the Environmental Division would take their word for it is just disconcerting. Again, it shows that businesses have more power than the voices of concerned tax payers. If property values decline in the area because of a possible contamination due to hazardous slurry being dumped in the ground without testing, the city will lose out on property taxes. Worse, the water supply could be contaminated and could be potentially making people sick.

I urge you to do the right thing in regards to this property.

- Deny the CUP for the cell tower and enclosure
- Ensure that all conditions placed on the property by the 1988 Certificate of Non-Conforming Use (CNU), the 2007 clarification of the CNU and all applicable residential codes be enforced so as to return the property to the allowable land uses and within residential municipal code requirements
- Upgrade the property walls along El Norte Parkway and between the property and adjacent homes to the standards set by the City for all surrounding areas which include block wall and landscaping
- Regularly inspect the property to ensure ongoing compliance
- Make decisions based on the long term goal to have single family homes on this property

Best Regards,  
Yennyfer Solorzano

**CUP PHG 18-0016 CELL TOWER NEIGHBOR COMMENTS AND CONCERNS**  
**August 19, 2019**

**SUMMARY COMMENTS**

- The primary financial beneficiary of the approval of the CUP is the owner of the property. Cell tower leasing is very lucrative with owners receiving \$40,000-50,000 per year in rent and potentially a startup bonus. The owner may receive rental payments of \$500,000 for a minimum 10-year lease.
- While the owner benefits from the tower, it will be at the expense of 25 or more Escondido residents whose homes are in close proximity to 2534 E El Norte Pkwy.
- Neighbors face health risks which have been deemed sufficient to exempt towers at fire stations and to shut down a tower at an elementary school
- Neighbors potentially stand to lose \$2-4M in home values due to installation of cell tower
- Many activities on the property are not allowed by the conditions included in the 1988 and 2007 NCUs
- Activities on the property present a health risk to the neighborhood and should no longer be allowed in a single family residential area
- Allowable vehicle and equipment storage limits based on the modified limits in the 2007 NCUs are exceeded regularly
- City residential codes are violated on an almost daily basis

**TOWER APPEAL – We object to approval of cell tower for following reasons:**

- **TOWER VIOLATES NCU'S RESTRICTION ON NEW STRUCTURES**
  - **The NCU's from 1988 and 2007 specifically prohibit the addition of new structures on the property. The installation of the tower and the proposed "12' by 20' CMU block enclosure" equipment building violate this covenant of the NCU's.** Peabody, MA denied cell tower permit because existing business lease included condition that the license holder shall not sublease the premises to any other party for any other use. The 1988 NCU states that no additional structures can be added to the property. Link to article:  
<https://www.itemlive.com/2019/05/12/peabody-resident-fighting-construction-of-a-verizon-cell-tower-may-have-proof-it-violates-the-companys-license/>
- **TOWER APPROVAL CONFLICTS WITH CITY'S DESIRE OF LONG TERM SFR**
  - Approval and installation of **tower and equipment in effect rezones this property as a commercial property forever. The tower and enclosure makes this property less desirable for a developer to buy and build single family residential if a tower is already in place.**
  - Cell towers are expensive to build and space is leased for long periods. Once the tower is built, the tower is likely a permanent installation with no/minimal additional oversight by the city.
  - This property will likely remain as a business despite the city's designation of it as single family residential.
- **HEALTH RISKS**
  - **CA State Assembly Bill 57 and SB 649 prohibit placing cell tower by/on fire station property because of health risk; Firefighters at Carpinteria, CA fire station all had evidence of brain abnormalities in all men after 5 years living at the firehouse (2017).** Link to article:



<https://www.mercurynews.com/2017/08/31/california-bill-to-ease-permits-for-cellular-antennas-could-impact-health/>

- **Cell tower on Ripon, CA elementary school campus shut down after four students in 3 years diagnosed with cancer (2019) – link to article:**  
<https://sacramento.cbslocal.com/2019/04/04/cell-tower-cancer-ripon-school-soil/>
- **T-Mobile can make any changes to the tower/equipment without city review once the tower is installed;** T-Mobile could move to more powerful/riskier equipment with no city oversight putting neighbors at even greater risk
- **Some existing surrounding homes are higher than the site of the tower. New homes being developed on E. Tangelo Place will also sit higher** than the tower base likely making both first and second stories very close to antennas increasing health risks
- **Half-way House residents and employees of business operating on the site will be extremely close to antennas** and in similar proximity to towers as firefighters and children noted above which resulted in high incidence of cancer
- **DEVELOPER OF NEW HOMES ON E TANGELO PLACE NOT ADVISED OF TOWER PERMIT IN PROCESS**
  - **Alex Ahmadian, new owner and developer of 3 new home on E Tangelo Place, had no notice** during his development review process with Planning Department or through the commission hearing mail notice of a CUP request for a tower next to his new homes
  - This **creates a potential financial burden on development** as the tower makes new homes less desirable than recently approved new homes in Henry Ranch development
- **TOWER DECREASES PROPERTY VALUES IN SURROUNDING AREAS**
  - Studies show homes with cell towers nearby are less desirable/ marketable – **estimate of 10-20% reduction in home value** according to 2014 study by the National Institute for Science, Law & Public Policy titled “Neighborhood Cell Towers & Antennas – Do They Impact a Property’s Desirability”; Link to article: <https://scientists4wiredtech.com/what-are-4g-5g/cell-tower-installation-plans-lower-property-values/>
  - **Estimated value of homes on streets next to the property is over \$20M – a 10- The presence of the tower and enclosure reduces the demand for nearby homes which reduces the value of these homes.**
  - **20% loss in home value equates to a loss of \$2-4M** for residents, many of whom are retired and home value may be a key component of their retirement assets
- **The neighbors requested additional conditions be added to the CUP and no discussion was held by the commissioners to consider them. We want the City to add the following conditions to the CUP before it is presented to City Council or for the Planning Department to recommend to City Council that these conditions be added if approved:**
  - Construct a block wall with landscaping on then north and south sides of El Norte Parkway that is consistent with the existing walls/landscaping requirements to the east and west of the property
  - Construct block walls with landscaping and sound barriers on all sides of the property that back up to residential areas.

- Pave the entrance road and parking areas to minimize the current dusty conditions impacting the neighbors
- **If the CUP is not approved, we still ask the city to impose the above conditions on the owner. We ask this because the area around the property has significantly changed since the owner acquired it in 1992 and the requested changes will upgrade the property to the same standards as have been placed on all areas surrounding the property. The city needs to impose the same standards on 2534 as it has recently imposed on the developer of the 3 new homes on E. Tangelo Place**
- **Additional questions regarding the cell tower:**
  - Will the city receive any revenue from T-Mobile for this cell tower? How much and for how long will the city receive revenue?
  - Does the City of Escondido consider cell towers/block enclosure as a HAZMAT location? What warning signs are going to be placed on or near the tower or enclosure?
  - What testing will the city conduct and how frequently to ensure the equipment is operating at levels at or below federal regulations?
  - How will the city advise nearby residents if additional cell service providers co-locate on the T-Mobile tower? Does the owner of the property receive additional lease revenue from each co-located service provider? Does the city receive additional revenue from each co-located service provider? If so, how much and for how long?
  - Cell towers have fallen over and have started on fire. Given the existing residence and buildings nearby, potentially an underground fuel tank and pump, the current slurry pits with “No Smoking” signs posted on each and 3 new homes being built just to the west of the tower, how is T-Mobile and the city ensuring the safety of nearby residents and employees on the property?
  - What is the distance the tower and enclosure will be from the lot line and closest wall(s) of the closest new homes being built to the west of the proposed location? What is the height of the antennas above the 1<sup>st</sup> and 2<sup>nd</sup> stories of the closest home?
  - What type of barrier is around the base of the monopine to prevent anyone climbing or damaging it?
  - How will construction and ongoing maintenance workers access the tower and enclosure? Will there be a direct entrance into the area from El Norte Parkway? Will all construction and maintenance materials, equipment, workers be using the only access road into the north side of the property which runs along the back of homes off of Sungold Way and Hamlin Ct? What are the work hours for construction of the tower/enclosure? How long will it take to install the tower and enclosure?
  - How many other cell towers in single-family residentially zoned properties has Escondido approved? What are the addresses for them? When were the CUPs submitted and approved for them?
  - Planning Commission Chairman James Spann stated the following in his comments:
    - I drive by this property once a week and when I drove by this week I wondered how did we let it get this way?
    - We need to make the right decision for the long term.

The decision to approve the CUP and allow the current uses of the property will continue the deterioration of this property in the middle of high quality single family housing and is NOT the right decision for the long term.

**HAZARDOUS MATERIALS AND HEALTH RISKS – We are very concerned about the possibility of hazardous materials and related health risks on the property**

- The 1988 NCU states that daily fueling of vehicles may only be done onsite from the underground tank and pump adjacent to Building A. Is the tank still in the ground today? Is the pump still standing? Are they both functional? Is the city testing the pump if it's still functional and in-ground?
- AirX's representative stated in the planning commission hearing that the slurry pits have a concrete base. At least one of the pits has wooden poles as the sides of the in-ground pit, which would allow slurry to seep between the poles and into the land and groundwater. Even with concrete bottoms, the concern still exists that slurry and contaminants could always be seeping between the base and the sides and then into the land and groundwater.
- Has the city been testing the slurry pits since inception? How often? What were the results of the testing? Have there been violations in the past and have they been permanently addressed to be in compliance?
- Does AirX test every load of hydrovac slurry pumped and dumped on the property? Who does the testing? What are the results and how are they recording test results for city review?
- Is the dirt that is left after the slurry is dewatered tested after it leaves the property? Where is the dirt taken and how is it used?
- As the work yards, driveways and parking areas are not paved, truck and equipment movement creates dusty conditions with dust blowing into the surrounding homes. Given the potential presence of contaminants from the daily hydrovac slurry pumping, dumping and dewatering and the history of construction activity and underground fuel tanks, we are concerned that the property may be contaminated.
- Has the ground been tested for contaminants from the tank or other activities conducted on the property for the last 30+ years?
- Rich Micheletti from 668 Jonathon Place has reported to Escondido city representatives multiple times over the last 4 years that he sees a slurry run OUT from a pipe/drain next to his driveway on Holly Ave on the south side of his home, west on Holly Ave and then south on Citrus before going into a storm drain at the corner of Citrus and Washington next to a pre-school. To date, he has not heard back from anyone from the city who has inspected it and determined where the slurry originates. Because the Micheletti home is right next to the south side portion of 2534 E El Norte Parkway and because AirX pumps slurry just to the north of his home and he has sometimes noticed the slurry when pumping is going on, the concern is it could be coming from the AirX pits.
- Neighbors have reached out to multiple organizations – Federal EPA, CalEPA, San Diego Water Board, Escondido Creek Conservancy, and San Diego Vector Control – to advise them of the slurry pits and increased presence of mosquitos noticed by nearby residents.

**CODE ENFORCEMENT VIOLATIONS – We believe the property owner and the various businesses are conducting illegal/non-conforming activities on site, have expanded any allowable uses over the past 15 years despite conditions in the NCUs to not do so, and far exceed the vehicle limits after adjusting for the removal of approximately 23% of the land when El Norte was extended.**

**• 1988 NCU allowable uses and limitations**

- Paragraph 5 - Property use is limited to uses depicted and described on Exhibit B which are:

- Area 1 has and will be used for material, parts, trailer and vehicle storage. No vehicles or equipment may exceed fence or landscaping height. Intent is to prevent obstruction or cluttering of neighbors' views. No vehicles in daily usage shall be parked in this area
  - Area 1 is along the western border of the property on the north side of El Norte and also all of the south side of El Norte.
  - Usage of this area must conform to city code regarding hours of work
- Area 2 has and will be used for material, parts, trailer and vehicle storage and/or parking. Light vehicle maintenance has been performed in this area. Vehicles may exceed fence and landscaping height
  - Area 2 is the land between 3 existing buildings – AirX's office, AirX's maintenance shop and SoapstoneWerks
  - No other areas are noted as Area 2 other than the space between the buildings
  - Night and early morning operations may only occur in Area 2 and existing parking lots.
- Area 3 is and has been used for material, parts, equipment and vehicle storage and/or parking. Heavy maintenance is performed in this area.
  - Area 3 was eliminated when El Norte bifurcated the property. The 2007 NCU stated that heavy maintenance was no longer permitted.
- No daily fueling of equipment will be done on the site from storage tanks except the underground tank and pump adjacent to building A.
- Solid fencing shall be maintained as depicted in the attached site plan
- **Paragraph 5/Exhibit B issues/violations:**
  - **Only allowed property uses are for storage and parking with some light maintenance in Area 2.**
  - **AirX's operations go far beyond storage and parking and light maintenance.**
  - **AirX operations which include pumping, dumping and dewatering slurry are not allowed by the 1988 NCU**
  - **AirX's north side work yard is located in an area that is not designated in the Site Plan from 1988. The site plan notes that it's an existing tennis court with no further allowed use stated. Vehicles are parked in an area which was identified as a tennis court in 1988 and was not designated for parking, storage or business operations**
  - **Union Tree service also dumps landscape mulch, cuttings and tree trunk sections in Area 1, which does not appear to be allowed.**
  - **Vehicles and equipment parked in Area 1, the existing parking lot and the old tennis court area exceed the height of the chain link fence and landscaping.**
  - **The site plan from the 1988 NCU shows the main residence as existing office/living space. Currently this residence is used as a halfway house for recovering alcoholics. Was a permit request submitted and approved to begin using this residence as a multi-family residence and therefore the property being designated as such by the county? On what grounds was it approved if there was a permit request?**

- Paragraph 6 - There shall be no other use of the property except as described in Exhibit B. Other uses permitted by residential designation are allowed as long as they do not contribute in any way to the extension, enlargement or increase in intensity of uses described on Exhibit B.
  - **Paragraph 6/Exhibit D issues/violations:**
  - **The following activities are not permitted by the 1988 NCU and 2007 confirmation or the residential designation and have clearly extended, enlarged and increased the intensity of uses since AirX first began renting space somewhere between 2/2006 and 1/2008:**
    - **Activities associated with hydrovac slurry pumping, dumping, management are clearly not allowed by the NCU conditions**
      - No slurry pits existed in historical images from 1/2008
      - The first pit appeared sometime between 2010 and 2012 which is 3-5 years after the 2007 NCU
      - As of Aug 11, 2019, there are 6 in-ground slurry pits and 1 above ground pit surrounded by an earthen berm
      - Since the first pit was constructed, there is almost daily weekday and sometimes weekend pumping and dumping of hydrovac slurry with increased activity as new equipment was purchased and slurry pits were constructed
      - Running of multiple hydrovac pumps each day to dump the slurry with each pump sometimes running for 20 minutes or longer clearly increases the intensity of use
    - **The first image of semi-trailers being stored on the south side of El Norte is 11/2013 which would count toward the property limits for double axle vehicles stored**
    - **Historical images shows a wide range of trailer, shipping container, truck, and trailer storage with all of these contributing to the storage limitations noted below**
- Paragraph 9 – This certificate does not entitle the owner of the property...to carry on a use...that threatens the public health, safety, or welfare nor does it allow uses or structures in violation of any federal, state, or city law or regulation
  - **Paragraph 9 Issues/Violations**
  - **Hydrovac slurry dewatering and remediation pits potentially contain hazardous pollutants. The slurry pits have no smoking signs by each and employees are not allowed to smoke in the work yard areas.**
  - **Research indicates that hydrovac slurry should be tested and treated at approved treatment facilities. We do not know how AirX is testing and treating the slurry nor if they are keeping any records of test results for appropriate authority inspections.**
  - **Periodically AirX will have a trucking company come to haul away the dirt which remains after the slurry dries out. We do not know where the dirt is taken to or how it is used after it leaves the property.**
  - **Various authorities – including federal EPA, CalEPA, Escondido Creek Conservancy, San Diego Vector Control and San Diego Water Board - have been contacted by members of the neighborhoods.**
- Exhibit B

- **#3– Only existing buildings will remain – The intent of the conditions is to prevent additional structures to be added to the site.** AirX has added 6 in-ground structures – specifically slurry pits - in violation of the NCU conditions.
  - **#5 – Solid Fencing shall be maintained as depicted in the attached site plan. The intent is to prevent obstruction or cluttering of neighbors’ views. The current chain link fence with slats fails to accomplish this.** You can see between the slats as you drive or walk by the property and see trucks, trailers, equipment, dirt piles, weeds, debris which definitely clutter the neighbors’ views. This condition along with the condition in Exhibit B Item A that says that no material or vehicles may exceed fence or landscaping height in Area 1 which is also not being met. Vehicles, equipment and trailers exceed the fence height in multiple areas, which again clutters the neighbors’ view, obstructs views and generally leaves a poor impression of the property and the surrounding neighborhoods.
- **2007 Certificate of Nonconforming Use Confirmation Letter**
  - Owner’s intent was to maintain the existing nonconforming uses, consistent with the Certificate of Nonconforming Use, on the lot north of El Norte Parkway as the owner was considering developing the area south of El Norte Parkway.
  - Applying the Director of Community Development methodology from the 2007 confirmation letter on vehicle and equipment limits to the parcel after being bifurcated by El Norte but not developing the south side for residential, the limits would be reduced by 23% due to the loss of property and would now be:
    - 12 licensed heavy vehicles (dual rear axles)
    - 8 pieces of unlicensed equipment
    - 8 miscellaneous trailers
    - 46 various cars and light duty trucks (single rear axles)
  - The City Attorney reviewed a discrepancy in Exhibit B and the site plan regarding where light and heavy maintenance could be conducted. The City Attorney determined that the text of the Certificate and Exhibit “B” would take precedence which states that light maintenance is conducted in Area 2 (land between AirX office and maintenance shop and SoapstoneWerks) and heavy maintenance is conducted in Area 3 which was confirmed by other correspondence with the owner in 1988 when the initial NCU was developed. However, Area 3 was essentially eliminated by construction of El Norte improvements and it was stated that heavy maintenance activities would no longer be allowed on site.
  - **2007 CNU Confirmation issues/violations**
    - **The impact of the 2007 confirmation was to further reduce the limits on vehicles and equipment limits and the elimination of heavy vehicle and equipment maintenance activities.**
    - **There was no expansion of the land use beyond vehicle and equipment storage.**
    - **Activities not conforming to the land use have continued and expanded including AirX’s hydrovac slurry pits/ponds and pumping, dumping and dewatering and Union Tree Service dumping landscape mulch and tree trucks.**
    - **The collective number of AirX trucks, trailers, and bobcats, Union Tree Service trucks, shipping container storage, semi-trailers and other miscellaneous equipment far exceeds the allowable limits. In mid-July we**

**took photos of parts of the property and identified approximately 20 double-axle trucks, 14 pieces of equipment (bobcats, small trailers, traffic management flashers, etc) and 17 semi-trailers/shipping containers.**

**PERMITS AND TESTING – We are requesting information related to issuance of any permits for hydrovac slurry pit construction and testing of pit contents on a daily basis and retention of testing records**

- When was the city first aware of the existence of the slurry pits?
- Were permits requested and approved to dig the in-ground slurry pits or the above ground slurry pond?
- If yes, what was the basis for approving them given the NCU limitations and the location of them in a residentially zoned property in the middle of homes?
- How often and what were the results of the city's inspection of the property and the businesses on the property?
- Has the city been testing the slurry pits? What have the results been and how are records of testing maintained?
- Have there been violations in the past and have they been permanently addressed to be in compliance?

**RESIDENTIAL CODES – We are requesting specific guidance on applicable city codes and limits to assist in the monitoring of the property conforming to these codes and limits.**

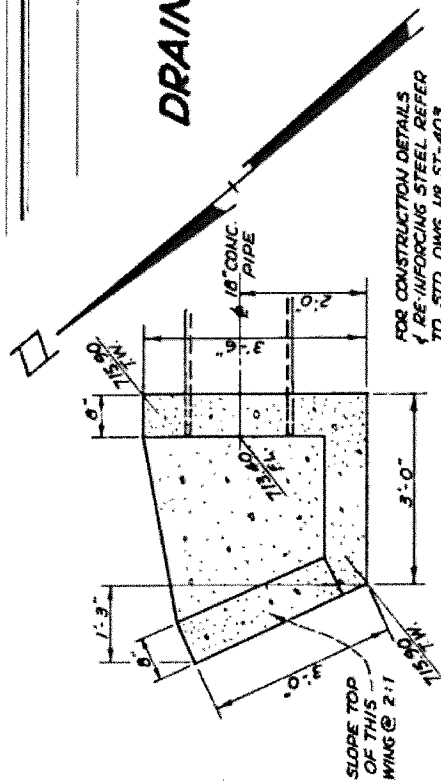
- The neighbors request specific code information on hours of work, noise limits and any other relevant residential codes so we can help identify violations when they occur. We also need clarification on the standard of "one-hour average sound level" as used in section 17-229 of the Escondido Municipal Code.
- We have reviewed multiple sections of the Escondido Municipal Code including 17-226 General Provisions, 17-227 Definitions, 17-229 Sound level limits, and 17-240 General noise regulations.
- **Based on our review of residential codes for work hours and decibel levels in residential areas, there are regular violations of the decibel level and work hour limits in the code.**
  - **Work activity after 6 PM and even later**
  - **Work activity periodically over weekends**
  - **Decibel levels exceeding the 50 dB limit noted for residential areas for extended periods and throughout the day when various trucks, pumps and backup beepers are operating.**
  - **It is a daily occurrence for pumps to be run for 20 minutes or more from multiple trucks at decibel levels averaging 80 dB.**
  - **Readings were taken using the Decibel X phone app and were taken from the southwest corner of 743 Sungold Way property line which backs up to 2534 and was approximately 80-100' from the pumps and even closer for backup beepers.**

#### **OTHER ISSUES/QUESTIONS**

- For the last few weeks, we have noticed multiple passenger vehicles parking on Sungold Way and Minneola Lane. The drivers park their vehicle and then walk to 2534 and to AirX's office or work areas. Generally the vehicles arrive between 6:30-7:30 AM and can be there for 4-8 hours. We first noticed this happening on July 30.

- At the bottom of the 1988 site map is written “Please Note; traffic and parking should use access to minimize impact on surrounding property”. Parking vehicles on the surrounding streets would be therefore discouraged.
- It seems to be an amazing coincidence that T-Mobile’s ideal spot for this in-fill tower – per T-Mobile representative at the commission hearing - is right on a property that is zoned residential but is currently operating under an NCU and has multiple businesses on the property.
- The only person benefiting from the approval of the CUP is the owner of the property and it is at the expense of all the neighbors of 2534 E El Norte Pkwy. Cell tower leasing is very lucrative with owners receiving \$40-50,000 per year in rent and potentially a startup bonus. The owner may receive rental payments of \$500,000 for a minimum 10-year lease.
- Homeowners on the other hand stand to lose significant value of their home with the addition of a tower nearby – potentially as much as \$2-4M based on real estate study estimates.
- Why would the City allow another “Conditional Use” for the cell tower, when the owner of the parcel has demonstrated over the years that they have no intent to follow the terms of their conditions imposed by the 1988 and 2007 NCU?
- At what point will the City decide to terminate the existing NCU based on continuous violations and illegal expanded use, and issue a cease and desist or injunction against the owners of AirX and the property owner for allowing such violations. The business should be forced to move to a commercially or industrial zoned location, and the parcel should be developed as single family homes as it is zoned for.





**DRAINAGE EASEMENT**  
**PLAN**

SCALE 1"=40'

**ESCONDIDO TRACT NO. 128**

CITY OF ESCONDIDO

## PLAN AND PROFILE OF IMPROVEMENTS IN

**JONATHON PLACE**

FROM HOLLY AVE. NW'LY TO 6+65.86 (CULDE SAC)

**DRAINAGE EASEMENT**

LOTS 44, 45, & 46 TO HOLLY AVE.

PREPARED IN THE OFFICE OF  
ROY L. KLEMA, ENGINEERS, INC.  
415 HALE AVE.

ESCONDIDO, CALIFORNIA.

ESCONDIDO, CALIFORNIA.

*Roy L. Klema*  
ROY L. KLEMA, R.C.E. 6486

APPROVED: John A. Williamson DATE 7/31/67

CITY ENGINEER, R.C.E. 7967

DRAWN: W.S. SCALE: DWNG. NO. 6704

DATE: JUNE 30/67 AS SHOWN. SHEET 4 OF 4

FILE NO. 1523



## Paul Bingham

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**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Thursday, August 15, 2019 12:27 PM  
**To:** Paul Bingham; Monica Pinaglia  
**Cc:** Tom; Pam Albergo; Christina King; Alex - Symbolic Builders; N N; Mary Hendel  
**Subject:** [EXT] Re: Update Meeting with Neighbors - CUP PHG 18-0016  
**Attachments:** 2534 E El Norte Parkway 1995-2019.pdf

**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 Monica and Paul,

Monica and I have been leaving messages for each other since she followed-up on our first email. I'm going to be out the rest of the day but we can talk tomorrow.

We wanted to share some updates on the historical expansion of AirX's business - specifically the slurry pits/ponds that have been added over the years. We took the images on the attached file from Google Earth's historical images and some from pictures we've taken. The historical photos show the first slurry pit was added somewhere between 2010-2012 which was 3 years after the 2007 NCU communications and after Chaparral Ridge started developing and selling homes. You will see the expansion from 1 slurry pit in the beginning to now having 6 slurry pits and 1 brand new slurry retention pond with a dirt berm which likely does not have a concrete base. This retention pond was added since the Planning Commission hearing.

Please review and let's set up a day/time for us to meet next week. We have many other questions/topics to discuss and it's important that we begin talking as a group in person.

Thanks,

Mike and Mary Hendel  
619/540-0799

On Wed, Aug 14, 2019 at 2:21 PM Michael Hendel <mjhhendel@gmail.com> wrote:  
Hi Monica and Paul,

A group of neighbors would like to meet with you to get a status update on the allowable land use determination and current investigations as well as some other topics.

Please review your schedules and let us know some possible dates/times that we could meet with you next week and we'll work with you to finalize a day and time that fits as many schedules as possible.

Thanks and talk to you soon.

Mike Hendel  
743 Sungold Way  
619-540-0799



**10/1995 - EARLIEST GOOGLE EARTH IMAGE OF 2534 E. EL NORTE PARKWAY;  
ALL BUILDINGS NOTED IN 1998 NCU PERMIT VISIBLE**



12/2003

2534E [E] Norte Pkwy

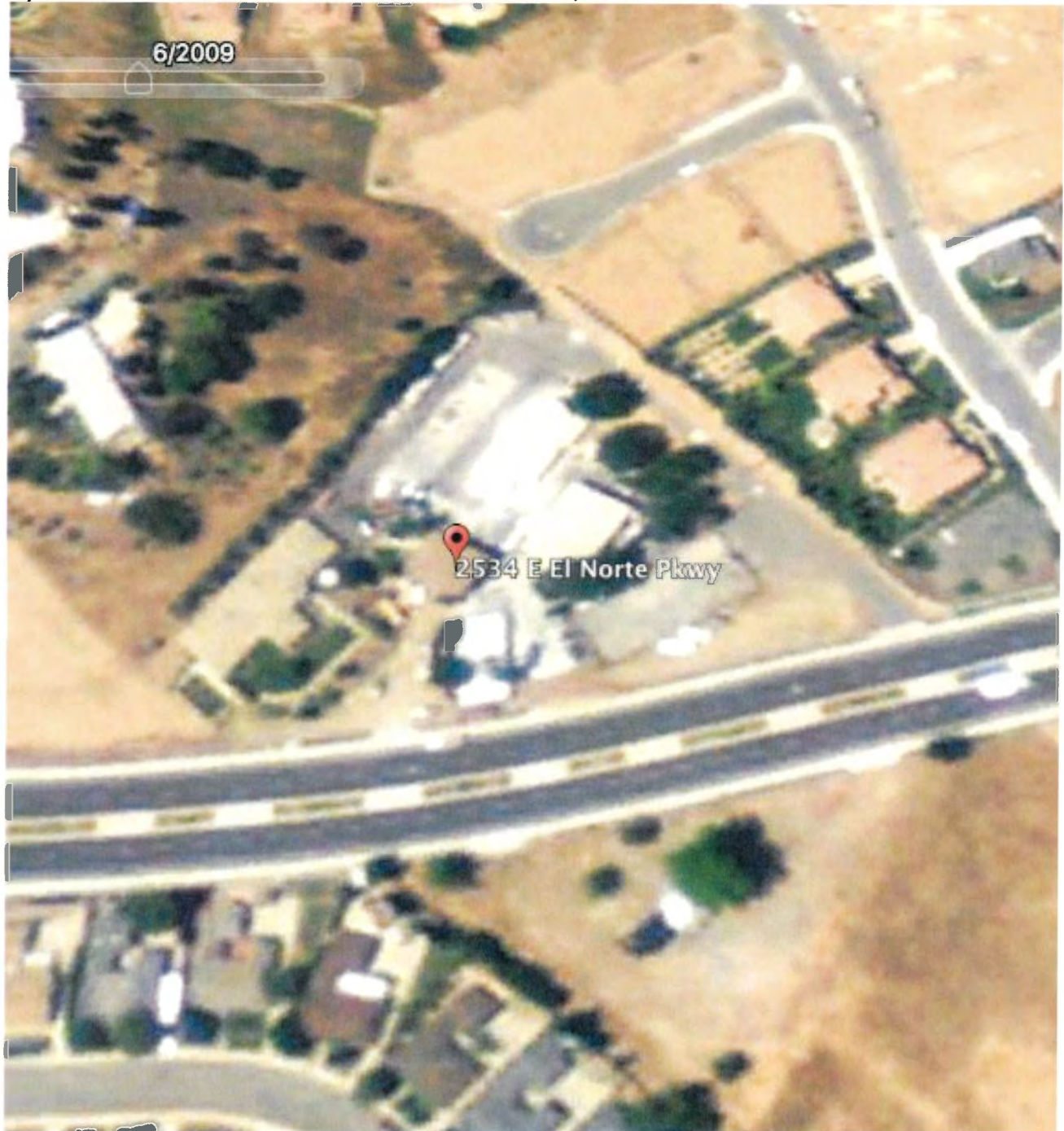




**2/2006 - CHAPARRAL RIDGE STARTED; EL NORTE EXTENSION BEGINNING**



**6/2009 - EL NORTE PARKWAY COMPLETE; MODELS COMPLETED**





**5/2010 - FIRST SLURRY PIT MAY BE VISIBLE IN NORTH WORK YARD**





**5/2010 - CLOSE UP OF NORTH YARD; FIRST PIT MAY BE VISIBLE IN BOTTOM CENTER OF IMAGE**



**10/2012 - FIRST PIT CLEARLY SEEN IN NORTH WORK YARD**





**12/2014 - NORTH SIDE APPEARS TO HAVE 1 PIT AND MULTIPLE OVAL  
RETENTION PONDS**



**12/2014 - CLOSE UP OF NORTH WORK YARD WITH 1 PIT AND WHAT APPEAR  
TO BE SLURRY RETENTION PONDS/DIRT PILES**





**4/2015 - 2 PITS NOW ON SOUTH SIDE WORK YARD; TOTAL OF 3 PITS SEEN**





**11/2016 - STILL 3 PITS VISIBLE - 1 ON NORTH SIDE AND 2 ON SOUTH SIDE**





**8/2018 - NOW HAVE 2 PITS ON NORTH SIDE AND 4 PITS ON SOUTH SIDE**





**7/18/2019 - PHOTO OF SOUTH PITS; NO EARTHEN BERM RETENTION POND TO SOUTH OF PITS BEHIND TRUCK IN PHOTO (SEE 8/11 PHOTO)**





**7/18/2019 - PHOTO OF SOUTH FAR WEST PIT; NO EARTHEN BERM  
RETENTION POND TO THE SOUTH BY TRUCK/DIRT PILE (SEE 8/11 PHOTO)**



8/11/2019 - 4 PITS IN SOUTH SIDE YARD TAKEN FROM SIDEWALK





**8/11/2019 – NEWLY ADDED (SINCE THE PLANNING COMMISSION HEARING!)  
SLURRY RETENTION POND INSIDE DIRT BERM IN SOUTH SIDE WORK YARD  
NEXT TO EXISTING 4 PITS**



## Paul Bingham

---

**From:** Kerrigan Diehl <kerrigan.diehl@plancominc.com>  
**Sent:** Wednesday, August 14, 2019 6:07 PM  
**To:** Paul Bingham  
**Cc:** Darrell Daugherty  
**Subject:** [EXT] RE: Monopine appeal on E El Norte Pkwy, PHG18-0016

**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 Paul,  
You'll absolutely have them. I had the figures available the night of the PC Hearing as requested but on the extreme short notice of the request did not have time to have them included into a formal report. As I recall the EME figures didn't factor into any of the discussion from PC, Neighbors etc.

So let Bill know it is forthcoming and I don't think suggesting taking it to PC for a revocation action is necessary.

Thanks,  
kd

---

**From:** Paul Bingham <pbingham@escondido.org>  
**Sent:** Wednesday, August 14, 2019 5:23 PM  
**To:** Kerrigan Diehl <kerrigan.diehl@plancominc.com>  
**Subject:** Monopine appeal on E El Norte Pkwy, PHG18-0016

Hi Kerrigan,  
Bill Martin, the Director of Community Development, just came by my office. He said the RF study submitted with this project is unclear and he wants the MPE percentage at some baseline (like 100'). I remember I had asked you for this before we went to the July 23<sup>rd</sup> Planning Commission hearing, but I didn't get anything from T-Mobile then or since.

So as a heads-up, if those figures aren't forthcoming, he wants me to schedule this project for the next possible Planning Commission hearing for revocation.

If you have any questions, please let me know.

Thanks,



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

## Paul Bingham

---

**From:** Brian Wilson <brian@cewilsoncorp.com>  
**Sent:** Thursday, July 25, 2019 1:30 PM  
**To:** Paul Bingham  
**Subject:** [EXT] RE: Nonconforming Use Documents for 2534 E. El Norte Pkwy

**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.

Paul,  
Thank you for sending over the letter from Mr. Brindle to Mr. Axelson.

Brian Wilson  
C. E. Wilson Corp.  
619-464-6721 office  
619-520-6564 cell  
[brian@cewilsoncorp.com](mailto:brian@cewilsoncorp.com)  
[www.cewilsoncorp.com](http://www.cewilsoncorp.com)

---

**From:** Paul Bingham [mailto:[pbingham@escondido.org](mailto:pbingham@escondido.org)]  
**Sent:** Wednesday, July 24, 2019 10:28 AM  
**To:** Brian Wilson  
**Subject:** Nonconforming Use Documents for 2534 E. El Norte Pkwy

Hi Brian,  
It was nice to meet you last night. As promised, attached please find PDF copies of the two documents we discussed.  
If you have any questions, please let me know.  
Thanks,



Paul Bingham  
Assistant Planner II  
Planning Division | City of Escondido  
Direct: 760-839-4306  
[www.escondido.org](http://www.escondido.org)

## Paul Bingham

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**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Thursday, July 25, 2019 8:19 PM  
**To:** Paul Bingham  
**Cc:** Monica Pinaglia; Adam Finestone  
**Subject:** Re: [EXT] Commission meeting follow-up

Thank you for the information Paul. We'll follow up with Monica shortly. Have a great vacation!

Mike and Mary Hendel

On Thu, Jul 25, 2019 at 5:32 PM Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)> wrote:

Hi Mike,

Just getting ready to leave. I believe the deadline is August 2<sup>nd</sup> for appeal. You can appeal based on most anything you feel is amiss with the project or its location. The City Council will hear it and make determinations at hearing.

The Code Officer is Monica Pinaglia CC:ed on this e-mail. Work through her with your questions. They will be reviewing the 1988 and 2007 documents with the City Attorney's office to determine the current extent of allowable uses.

Thanks,



Paul Bingham

Assistant Planner II

Planning Division | City of Escondido

Direct: 760-839-4306

[www.escondido.org](http://www.escondido.org)

**From:** Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>  
**Sent:** Thursday, July 25, 2019 4:20 PM  
**To:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>; Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>  
**Subject:** Re: [EXT] Commission meeting follow-up

You'll be happy to be on vacation and not have to hear from us for a while! Enjoy your vacation and whatever you plan on doing.

I believe the neighbors will likely want to appeal so we'll go to the City Clerk with that. what is the exact deadline for filling an appeal?

Who can we talk to in the meantime to find out what the violations and investigations specifically entail? Should we talk to Mike Strong or someone else? In reading the 1988 and 2007 agreements it's not clear what their non-conforming issues are and we don't know what the residential zoning ordinances are that are being violated. I feel we have the concept of their violations but not the specifics and we should be able to get that. Mary called today to file a CE complaint regarding the noise of their hydrovac trucks when they pump out the slurry. The pumping and the backup beeping are daily occurrences as well as other noises.

Also, if we appeal is there anyone who reviews the justification submitted on the appeal and can dismiss it? Or if there is an appeal will it definitely be heard by City Council at some future date - you said it would be a while which would be a good thing.

Can we contact the City Attorney to have discussions with them directly? I'm curious if there is anyway to deny a cell tower use permit if it likely means that a zoned single family parcel that is currently not used for single family will never be used for that purpose. The placement of the tower in that lot and the revenue the owner will get - online search indicates \$30-50K/ year which may be more than he gets now - has virtually no incentive to sell and means this location will always be a business right in the middle of single family housing.

Who owns and who is developing the lot to the west of 2534 where the 3 new homes are being built?

These are the main ones now. I want to provide an update to everyone who responded and would like to have some additional insights on next steps, especially while you're out.

thanks again and have a great vacation.

Mike and Mary Hendel

On Thu, Jul 25, 2019 at 3:59 PM Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)> wrote:

Hi Mike,

I'm just wrapping up today to go on vacation for a week. I'll be happy to meet with you when I get back on August 5th or after.

Remember, if the neighborhood wants to appeal this, you will go through the City Clerk upstairs, so my being gone would not impede that.

Is there maybe a quick question I can answer today before I leave?

Thanks,



Paul Bingham

Assistant Planner II

Planning Division | City of Escondido

Direct: 760-839-4306

[www.escondido.org](http://www.escondido.org)

**From:** Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>

**Sent:** Thursday, July 25, 2019 3:34 PM

**To:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>

**Subject:** [EXT] Commission meeting follow-up

**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 Paul,

I'd like to see if you are going to be available on Friday for a call or visit to go over some questions from the commission meeting. Late morning or early afternoon likely will work best for me.



Thanks again.

Mike Hendel

## Paul Bingham

---

**From:** Pam Albergo <palbergo@sbcglobal.net>  
**Sent:** Saturday, August 3, 2019 7:53 AM  
**To:** Monica Pinaglia; Paul Bingham  
**Cc:** William Wolfe  
**Subject:** [EXT] Airx

**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.

Monica,

This is a copy of the complaint that I submitted online on 8/3/19 in regards to Airx property at 2534 East El Norte Parkway:

*This is an ongoing situation with AirX beginning in 2016 when I had dealt with Jamie Zeller on these very same issues. It is my understanding that Monica Pinaglia is now in charge of the code violations as to this property.*

*AirX continues to disobey the residential noise ordinance. This morning, Saturday August 3, 2018 starting at 6:30am and again at 6:42am (continuing for 4 or 5 minutes) AirX's truck backup alarms started. This causes me to not be able to sleep and is disturbing my peace and well being. This must stop. The property owner has continually abused the residents of the surrounding neighborhood and should be made to comply with residential noise ordinances.*

My husband and I have been out of state for 9 days and returned to this continuing situation. We understand that in addition to the continuing noise violations, AirX is continuing to dump large amounts of industrial waste water which is a grave concern to all of our neighbors and should be a grave concern to the City. We have tried to be patient with this situation for many years, but this is a constant problem that we can no longer ignore. Our peace and well being is disturbed almost daily. In addition, we are concerned that if we ever attempt to sell our property this untenable continuing disturbance is likely to result in devalued property or potentially unsaleable property.

It is evident that the property owner continues to violate multiple city ordinances and has no intention of coming into compliance or if coming into compliance, remaining in compliance.

We will continue to keep you apprised of future violations.

Thank you,  
Pam and Tom Albergo

## Paul Bingham

---

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Monday, August 5, 2019 7:27 AM  
**To:** Paul Bingham  
**Subject:** [EXT] CUP appeal  
**Attachments:** Planning Commission Appeal - Mike Hendel.pdf

**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 Paul,

We hope you had a good vacation and not coming back to a big pile of stuff to do.

I wanted to let you know the neighbors did appeal the planning commission decision on the CUP for the wireless tower at 2534 E El Norte Parkway. You likely already are aware of it. Here's a copy of the appeal.

Thanks again for your help before and after the hearing! Talk to you again soon.

Mike and Mary Hendel

## Paul Bingham

---

**From:** Michael Hendel <mjhhendel@gmail.com>  
**Sent:** Wednesday, August 7, 2019 7:39 AM  
**To:** Paul Bingham  
**Subject:** Re: [EXT] CUP appeal

Thanks for the update Paul. At some point I'd like to talk to you to understand the process moving forward and what if anything we can be doing now to review neighbors concerns and additional recommended conditions with you and/or others before going to City Council. Let me know if you'll have time to talk on Friday or maybe early next week.

Thanks.

Mike Hendel

On Tue, Aug 6, 2019 at 11:54 AM Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)> wrote:

Hi Michael,

I'm back in the office now and did see the appeal had been filed.

I have a meeting later this week with our Assistant Planning Director to discuss next steps and agendizing the appeal.

I'll get back to you after that meeting.

Thanks,



Paul Bingham

Assistant Planner II

Planning Division | City of Escondido

Direct: 760-839-4306

[www.escondido.org](http://www.escondido.org)

**From:** Michael Hendel <[mjhhendel@gmail.com](mailto:mjhhendel@gmail.com)>  
**Sent:** Monday, August 5, 2019 7:27 AM  
**To:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Subject:** [EXT] CUP appeal

**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 Paul,

We hope you had a good vacation and not coming back to a big pile of stuff to do.

I wanted to let you know the neighbors did appeal the planning commission decision on the CUP for the wireless tower at 2534 E El Norte Parkway. You likely already are aware of it. Here's a copy of the appeal.

Thanks again for your help before and after the hearing! Talk to you again soon.

Mike and Mary Hendel

## Paul Bingham

---

**From:** Kerrigan Diehl <kerrigan.diehl@plancominc.com>  
**Sent:** Friday, August 9, 2019 3:14 PM  
**To:** Paul Bingham  
**Subject:** RE: [EXT] RE: PHG18-0016, 2534 E. El Norte Monopine

Hi Paul,  
Wanted to find out if there was an update on the status of any appeal(s) received by the neighbors. Please and thanks.

kd

**From:** Paul Bingham <pbingham@escondido.org>  
**Sent:** Monday, July 22, 2019 9:45 PM  
**To:** Kerrigan Diehl <kerrigan.diehl@plancominc.com>  
**Subject:** Re: [EXT] RE: PHG18-0016, 2534 E. El Norte Monopine

Hi Kerrigan,

Yes, a number showing what percentage towards the maximum allowable is what we are looking for.

Thanks for notifying the Wilsons, too.

- Paul

---

**From:** Kerrigan Diehl <kerrigan.diehl@plancominc.com>  
**Sent:** Monday, July 22, 2019 6:04 PM  
**To:** Paul Bingham  
**Subject:** [EXT] RE: PHG18-0016, 2534 E. El Norte Monopine

**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 Paul,

We've spoken to the Wilsons but I do not know if/how he as communicated with the on sites tenant(s).

I will work with T-Mobile to provide percentages. I am making an assumption that you are wanting a number like contributes 2.5% of the allowable threshold...etc. Can you just confirm that is what you are looking for so I can tailor the request.

Thanks!

kd

**From:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Sent:** Monday, July 22, 2019 5:30 PM  
**To:** Kerrigan Diehl <[kerrigan.diehl@plancominc.com](mailto:kerrigan.diehl@plancominc.com)>  
**Subject:** RE: PHG18-0016, 2534 E. El Norte Monopine  
**Importance:** High

Hi Kerrigan,

I just left you a voicemail. We are preparing for tomorrow night's T-Mobile Monopine hearing. I now have a dozen neighbors opposing the proposal and also sending complaints against the property owner (the Wilsons) and "AirX" business to City Council and Planning Commissioners

Our Director said the property owner and the owner of AirX need to be contacted to warn them that their activities on this site will be discussed in a public forum tomorrow night.

Have you contacted either of them about this yet?

Also, our Director was looking at T-Mobile's MPE pages in the case file. Do you have these figures in percentages, too? We are going to need to present those with all the neighborhood opposition that will show up.

Thanks,



Paul Bingham

Assistant Planner II

Planning Division | City of Escondido

Direct: 760-839-4306

[www.escondido.org](http://www.escondido.org)

**From:** Kerrigan Diehl <[kerrigan.diehl@plancominc.com](mailto:kerrigan.diehl@plancominc.com)>  
**Sent:** Wednesday, July 17, 2019 9:53 AM  
**To:** Paul Bingham <[pbingham@escondidoorg](mailto:pbingham@escondidoorg)>  
**Subject:** RE: PHG18-0016, 2534 E. El Norte Monopine

Paul,

Please find attached.

Thanks,

kd

**From:** Paul Bingham <[pbingham@escondido.org](mailto:pbingham@escondido.org)>  
**Sent:** Tuesday, July 16, 2019 6:53 PM  
**To:** Kerrigan Diehl <[kerrigan.diehl@plancominc.com](mailto:kerrigan.diehl@plancominc.com)>  
**Subject:** RE: PHG18-0016, 2534 E. El Norte Monopine

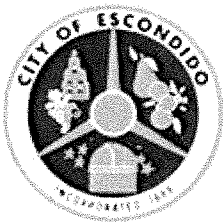
Hi Kerrigan,

Can you please send me digital versions of the photos, photosims and most recent project plans?

I'll need them to include in the staff report.

Note: because of size limitations, you may need to send them as attachments in several e-mails.

Thanks,



Paul Bingham

Assistant Planner II

Planning Division | City of Escondido

Direct: 760-839-4306

[www.escondido.org](http://www.escondido.org)





Code Enforcement Division  
201 North Broadway, Escondido, CA 92025  
Phone: 760-839-4650 Fax: 760-432-6819

## NOTICE OF VIOLATION

**August 5, 2019**

Wilson Revocable Trust  
Carroll & Patricia Wilson  
3404 Victoria Heights Pl  
Alpine, CA 91901

Property Owner

Brian Wilson  
662 Grand Ave  
Spring Valley, CA 91977

Property Owner

AirX Utility Surveyors, Inc.  
Gail McMorran  
2534-C E El Norte Pkwy  
Escondido, CA 92027

Tenant

**CASE NUMBER: CE2019-1427**

**SUBJECT: 2534 E El Norte Pkwy, Escondido CA**

**DESCRIPTION: Assessor's Parcel Number 225-270-6300**

Pursuant to the Escondido Municipal Code, a Code Enforcement Officer inspected the above referenced property on July 23, 2019. The property was found to be in violation of the Escondido Municipal Code (EMC), Escondido Zoning Code (EZC).

The violations noted are as follows:

1. There are unpermitted cargo containers throughout the property. EZC 33-721(a)

August 5, 2019  
2534 E El Norte Pkwy  
Wilson Revocable Trust, et al.  
Page 2

2. There are businesses operating on the property without a valid City of Escondido Business License. **EMC 16-17(a)**
3. Construction noise, including but not limited to running equipment and vehicle back-up alarms, is taking place beyond the lawful hours of operation. **EMC 17-234(a)**
4. The south lot is being used and maintained for storage of equipment belonging to the unlicensed businesses. **EZC 33-96**

**AS THE OWNER OF RECORD, YOU ARE HEREBY ORDERED WITHIN FIVE (5) DAY OF THE DATE OF THIS NOTICE TO:**

1. Submit an application to the City of Escondido Planning Department for a minor development permit to allow cargo containers on the property, *or* remove all cargo containers from the property.
2. Submit application(s) to the City of Escondido Business License Department for all unlicensed businesses on the property.
3. Discontinue operating construction equipment beyond the lawful hours of operation. Park equipment in daily use in a manner that does not require backing up to leave the yard.
4. Discontinue using the southern portion of the lot for equipment storage.

If you fail to comply with this notice in abating all violations as required, within the time allotted, reinspection fees may be assessed and, or you may be issued an administrative citation. The first citation has a mandatory fine of \$100.00, the second citation is \$250.00 and each subsequent citation is \$500.00. Each day a violation exists is a separate violation and may be cited. Additionally, the case may be referred to the City Attorneys Office for other appropriate legal action.

August 5, 2019  
2534 E El Norte Pkwy  
Wilson Revocable Trust, et al.  
Page 3

If you have any questions regarding this case, please contact me at (760)839-6375. My work days are Monday through Friday and my work hours are from 8:00AM to 5:00PM. If I am not available, please leave me a message and I will return your phone call as quickly as possible.

Sincerely,

A handwritten signature in black ink, appearing to be 'Monica Pinaglia', with a large, stylized loop at the end.

Monica Pinaglia  
Code Enforcement Officer II



Code Enforcement Division  
201 North Broadway, Escondido, CA 92025  
Phone: 760-839-4650 Fax: 760-432-6819

## NOTICE OF VIOLATION

**August 30, 2019**

Wilson Revocable Trust  
Carroll & Patricia Wilson  
3404 Victoria Heights Pl  
Alpine, CA 91901

Property Owner

Brian Wilson  
662 Grand Ave  
Spring Valley, CA 91977

Property Owner

AirX Utility Surveyors, Inc.  
Gail McMorran  
2534-C E El Norte Pkwy  
Escondido, CA 92027

Tenant

**CASE NUMBER: CE2019-1427**

**SUBJECT: 2534 E El Norte Pkwy, Escondido CA**

**DESCRIPTION: Assessor's Parcel Number 225-270-6300**

Pursuant to the Escondido Municipal Code, a Code Enforcement Officer inspected the above referenced property on August 22, 2019. The property was found to be in violation of the Escondido Zoning Code (**EZC**).

The violations noted are as follows:

1. Slurry pits have been constructed on the property that have contributed to the intensification of the non-conforming use set forth in the Certificate of Nonconforming Use that was recorded May 13, 1988 as Document No. 88-226543. **EZC 33-1241(b)**

August 30, 2019  
2534 E El Norte Pkwy  
Wilson Revocable Trust, et al.  
Page 2

**AS THE OWNER OF RECORD, YOU ARE HEREBY ORDERED WITHIN THIRTY (30) DAYS OF THE DATE OF THIS NOTICE TO:**

1. Discontinue use of slurry pits and remove pits from the property. Obtain required permits to demolish pits.

All work done under permit must be completed, all corrections required by the building official made, and the permits must be finalized within 30 days of receiving this notice.

Please Note: You must bring this or a copy of this notice with you when applying for the required permits. Failure to do so may result in the permits not being issued until the officer handling this case can be reached.

If you fail to comply with this notice in abating all violations as required, within the time allotted, reinspection fees may be assessed and, or you may be issued an administrative citation. The first citation has a mandatory fine of \$100.00, the second citation is \$250.00 and each subsequent citation is \$500.00. Each day a violation exists is a separate violation and may be cited. Additionally, the case may be referred to the City Attorneys Office for other appropriate legal action.

If you have any questions regarding this case, please contact me at (760)839-6375. My work days are Monday through Friday and my work hours are from 8:00AM to 5:00PM. If I am not available, please leave me a message and I will return your phone call as quickly as possible.

Sincerely,



Monica Pinaglia  
Code Enforcement Officer II

Enclosure: Document No. 88-226543

## ATTACHMENT 7

### CODE ENFORCEMENT SUMMARY

- Request for Investigation received by Code Enforcement on July 16, 2019. Submitted by Paul Bingham on behalf of reporting party Mike Hendel. Concerns include: unpermitted storage, cargo containers, intensification of use of property, unpermitted slurry pits, parking commercial vehicles on adjacent residential street.
- Code case opened July 18; case #CE2019-1427; case received by Officer Pinaglia on July 22.
- Phone call made to Marcus Leso, Environmental Compliance Supervisor. Marcus stated that annual inspections of the property, including making sure any slurry pits found complied with State law and above ground fuel tanks had proper containment beneath them, have been conducted. No Environmental Compliance violations have been noted. County DEH is tasked with inspection and certification of fuel tanks. DEH was contacted and had no record of tanks at this location. They stated they would investigate.
- Code Enforcement inspection performed on July 23, 2019. Items noted during inspection: multiple cargo containers throughout the property, diesel fuel storage tank located in AirX staging area (former tennis courts), total of 6 slurry pits in various stages of processing, commercial storage of semi-trailers, vehicles, and miscellaneous equipment, businesses without valid City business license, statement from AirX manager Darek Spizewski regarding hours of operation beginning as early as 0600 hours.
- Requested and received information regarding active business licenses on the property. 3 current business licenses are for: AirX, Soapstone Works, and CE Wilson. Requested and received a copy of the original business license application for AirX, which was submitted to the business license department on July 20, 2009.
- Additional noise complaint received.
- On July 24, received an email from Paul Bingham regarding the Planning Commission's approval of cell tower. Question arose regarding validity of 2007 restatement letter.
- Meeting held with City Attorneys Gary McCarthy, and Deputy Alma Gurrola. Also in attendance Adam Finestone, Bill Kaw, and myself to present the case and receive some clarification on the Certificate of Non-Conforming Use, and restatement letter of 2007.
- Initial contact with property owner, Brian Wilson, on August 2. I explained complaints on the property, and that I was waiting for more information from the City Attorney. Wilson declined to provide me with a list of the businesses operating on the property.
- On August 2, received a copy of the Condemnation Settlement Agreement from Owen Tunnell. Forwarded the information to Alma Gurrola and Gary McCarthy.
- Notice of Violation issued on August 5, 2019. Violations cited: 1) Unpermitted cargo container 2) Businesses without valid business license 3) Construction noise beyond lawful hours 4) Unpermitted use—commercial storage.
- August 5, additional noise complaints received.

- Phone call with property owner, Sharon Wilson, on August 14. She stated the 2007 restatement letter was invalid, and merely a proposal.
- Email received from AirX stating application for cargo container has been denied by the Planning Department.
- Email received from reporting party, requesting a meeting with himself and the neighborhood group.
- Additional noise complaints August 14.
- Written response from the Nalu Law Firm regarding Notice of Violation received on August 14. Forwarded response to the City Attorney.
- Additional complaint received regarding standing water and mosquitos on the property; August 15.
- On August 19, complaint received regarding slurry draining into the street near Jonathan Place. Went to the area for an inspection. No violation found. Documented with photos.
- Business license application received for "Wilson Storage" on August 20.
- Business license application received for "Wilson Brothers Construction" on Aug 20.
- Meeting with Brian and Sharon Wilson on the property. We discussed the case and the business of Wilson Brothers Construction. Mr. Wilson stated this business license application was in anticipation of AirX company leaving his property. He said the new company would perform maintenance on heavy duty, civil engineering equipment. Wilson stated this business use would be louder than the current use.
- Additional complaint received on August 20, regarding construction noise.
- On August 21, a meeting was held with the City Attorneys. In attendance were Gary McCarthy, Alma Gurrola, Jim Kurupas, Adam Finestone, Paul Bingham, Marcus Leso, and Juan Magdaraog. It was determined that the 2007 letter does not apply to this case. The 1988 Certificate of Non-Conforming Use will be to determine actions necessary to bring the property into compliance. The certificate includes an "Exhibit B", as well as a "Site-Plan", and that Exhibit B would take precedent for any discrepancies. It was also determined at this time that an addendum Notice of Violation would be issued for the slurry pits, citing that the addition of the pits was an "intensification" of the non-conforming use.
- On August 21, Gail McMorran, president of Airx, came to the front counter. She expressed her frustration regarding the number of inspections her business has undergone in the recent weeks. Gail said she felt she was being harassed. She also spoke with Grant in Planning Department, inquiring about the possibility of relocating her business to 559 N Hale, formerly Talone's Meat Market. Gale said it would take her "at least a year" to relocate her business and that she had 71 employees that would be unemployed if she was forced to stop operating.
- On August 22, attended annual storm water inspection with Marcus Leso. Performed concurrent vehicle/ equipment inventory on the property.
- Received email with attached report from recent storm water inspection.
- On August 22, received email complaint of standing water on El Norte. Went to the property and inspected the area. No standing water found.
- Additional complaint on August 26, regarding noise and slurry.

- Additional complaint on August 27, regarding noise level of slurry pump.
- Additional complaint on Aug 28, regarding noise level and slurry pump.
- On August 29, a meeting was held with Deputy City Manager Bill Wolfe. Also in attendance were Bill Martin, Paul Bingham, Bill Kaw, and myself. I briefed Mr. Wolfe on the case, and the previous meeting with the City Attorney. It was reiterated that the slurry pit violation would be the focus of this case at this time. I asked for guidance on a time frame for compliance. I was given an initial time frame of 30 days. Bill Martin recommended AirX contact Michelle Gellar for assistance in relocating.
- August 30, I issued an addendum Notice of Violation regarding the slurry pits.
- Phone call with Mr. Wilson, to schedule meeting to deliver NOV. Wilson was unavailable to meet. He asked for information. I told him the contents of the new NOV and said he would receive a copy in the mail.
- Meeting scheduled with Gail McMorran of AirX to deliver the Notice of Violation.
- On August 30, I met with Gail and her partner Steve Tweeting, on the property. I delivered the Notice of Violation and had a lengthy conversation regarding its contents. Gail's biggest concern was the 30-day time frame. I gave her Michelle Gellar's contact information and told her I would follow-up in 30 days to check on the progress of her move.
- On August 30, attempted contact at the home of the reporting party, Mike Hendel. There was no response. Left door hanger with note asking for a call.
- On August 30, contacted second RP, Tom Albergo. Met with Mr. and Mrs. Albergo at their home. Gave them a brief update on the case and the direction the City will take regarding the slurry pits. Tom had follow-up questions regarding the underground fuel tank, and testing of the slurry.
- On September 3, I received an email chain between Pam Albergo and the County Dept. of Health Care Services. Mrs. Albergo was requesting an investigation into the sober-living facility on the property.
- On September 3, received a call from RP Mike Hendel. Gave him a brief update on the case. He had follow-up questions regarding the underground fuel tank, and testing of the slurry.
- On September 4, received email from RP, Hendel, with an extensive list of follow-up questions.
- On September 5, request for investigation email received from RP, Hendel, regarding the diesel fuel tank.
- On September 5, received a voicemail message from both Gail McMorran of Airx, and her partner Steve. Gail had contacted Michelle Gellar and was told no properties available for relocating within the city.
- On September 5, additional complaint received regarding construction noise.
- On September 5, received a written response from the Nalu Law Firm regarding the Notice of Violation issued August 30, on behalf of the property owner.
- On September 6, complaint received regarding broken sewer line. Property was inspected by CEO Don Simpkins, and Sr. CEO Jim Kurupas. No broken sewer line or sewage was present at the time.
- Between the dates of September 4-8, received several emails from AirX employees regarding their opposition to the City's enforcement.



- On September 10, received email from RP Hendel, again requesting an informational meeting on the case.
- On September 10, received additional noise complaint.
- On September 11, went to the property to inspect the sober-living facility. Found unpermitted construction in the dwelling, as well as violations of the CA Health and Safety Code, and property maintenance violations. Notice of Violation and separate case number pending.
- On September 11, received information from Building Inspector, Luke Storno, that a building permit would not be required to build the pits. I also sent an email inquiry to Cynthia in Engineering, per Luke's request.
- On September 12, checked the microfiche and reviewed county assessor building records. No permit found for diesel fuel storage tank related to AirX business.
- Pending Notice of Violation for diesel fuel tank.
- On September 13, complaint received from real estate developer developing property just west of this parcel.
- On September 13, received additional noise complaint.
- On September 16, received 2 emails: one opposition letter and one health advisory letter from members of the neighborhood group.
- September 16, phone call to Keith James, resident manager of the sober-living facility to schedule second inspection, to be attended by a building official and fire marshal. Inspection scheduled for September 19.

RESOLUTION NO. 2019-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, TO DENY AN APPEAL AND UPHOLD THE PLANNING COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATION FACILITY AT 2534 EAST EL NORTE PARKWAY

APPLICANT: Plancom, Inc. (for PTI-T-Mobile)  
CASE NO.: PHG 18-0016

WHEREAS, the project applicant, Plancom, Inc., on behalf of PTI-T-Mobile (hereinafter referred to as "Applicant"), filed a land use development application (Planning Case No. PHG18-0016) constituting a request for a Conditional Use Permit to allow the installation of a wireless communication facility on a 4.52-acre site located at 2534 East El Norte Parkway (APN 225-270-63-00), zoned single-family residential (R-1-10), and more accurately described in Exhibit "A," attached to this Resolution and incorporated herein by this reference as though fully set forth; and

WHEREAS, the land use development application site plan (attached hereto as Exhibit "D" and incorporated herein by this reference as though fully set forth) 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 ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, wireless communication facilities are conditionally permitted uses within the R-1-10 Zone, subject to approval of a Conditional Use Permit, in accordance

with Division 1 of Article 61 in all residential and open space zones and Article 34 (Wireless Communication Facilities Ordinance); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on July 23, 2019, to review and consider the Conditional Use Permit request. At the conclusion of said hearing, the Planning Commission adopted Planning Commission Resolution No. 2019-14, approving the project without prejudice; and

WHEREAS, the appellant, Mike Hendel, filed a timely appeal received by the Office of the City Clerk on August 1, 2019; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code and applicable State law, and the City Council held a public hearing on September 25, 2019, to consider the appeal. At said hearing, a staff report was presented discussing the issues in the matter, and all persons desiring to speak did so; and

WHEREAS, the City Council may reach a decision on the matter without deference to the decision of the Planning Commission. The City Council reviewed the findings of the Planning Commission and may utilize or adopt any, all, or none of them.

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

1. That the above recitations are true.
2. That the 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 the City Council in Exhibit "B" shall be the final and determinative Findings of Fact on this matter.

3. That upon consideration of the September 25, 2019, City Council Staff Report, the comments provided at the Planning Commission public hearing on July 23, 2019; public testimony presented at the City Council hearing; and the findings of fact and applicable law; the City Council denies the appeal and upholds the Planning Commission approval, subject to the Conditions of Approval attached as Exhibit "C" to this Resolution, and incorporated herein by this reference as though 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 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 Government Code Section 66020.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**PHG18-0016**

SITUATE IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA:

PARENT PARCEL:

ALL THOSE PORTIONS OF LOTS 3 AND 8 IN BLOCK 175 OF THE SUBDIVISION OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 723 BY J.M. GRAHAM, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 13, 1892, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE LINE COMMON TO LOT 2 OF SAID BLOCK 175 AND SAID LOT 3 FROM WHICH THE CORNER COMMON TO SAID LOTS 2 AND 3 OF BLOCK 175 ON THE NORTHWESTERLY LINE OF THAT CERTAIN UNNAMED ROAD LYING SOUTHEASTERLY OF AND ADJACENT TO SAID LOTS 2 AND 3 OF BLOCK 175 BEARS SOUTH 45°35'15" EAST A DISTANCE OF 634.69 FEET; THENCE NORTH 45°35'15" WEST ALONG THE SAID LINE COMMON TO LOTS 2 AND 3 A DISTANCE OF 513.85 FEET; THENCE SOUTH 29°08'45" WEST 280.17 FEET; THENCE SOUTH 35°07'45" WEST 139.67 FEET, MORE OR LESS TO THE SOUTHWESTERLY LINE OF SAID LOT 8; THENCE SOUTH 49°47'45" EAST ALONG SAID SOUTHWESTERLY LINE 516.10 FEET TO A POINT FROM WHICH THE CORNER COMMON TO LOTS 3, 8 AND 4, BLOCK 175 ON THE NORTHWESTERLY LINE OF THAT CERTAIN UNNAMED STREET LYING SOUTHEASTERLY AND ADJACENT TO SAID LOTS 3, 8 AND 4, BLOCK 175 BEARS SOUTH 49°47'45" EAST A DISTANCE OF 540.35 FEET; THENCE NORTH 29°42'45" EAST A DISTANCE OF 382.68 FEET TO THE POINT OF BEGINNING.

TAX I.D. NUMBER: 225-270-63-00

BEING THE SAME PROPERTY CONVEYED TO CARROLL E. WILSON AND PATRICIA J. WILSON, HUSBAND AND WIFE, AND BRIAN C. WILSON AND SHARON A. WILSON, HUSBAND AND WIFE, ALL AS TENANTS IN COMMON, GRANTEE, FROM CARROLL E. WILSON AND PATRICIA J. WILSON, TRUSTEE, OR HIS/HER SUCCESSORS IN TRUST, UNDER THE WILSON LIVING TRUST, DATED AUG. 9, 1990, AND ANY AMENDMENTS THERETO, AS TO AN UNDIVIDED 50% INTEREST AND BRIAN C. WILSON AND SHARON A. WILSON, TRUSTEES OF THE WILSON REVOCABLE DECLARATION OF TRUST DATED MAY 5, 1998, AS TO AN UNDIVIDED 50% INTEREST, GRANTOR, BY DEED RECORDED 06/16/1999, AS INSTRUMENT #1999-0422211 OF THE SAN DIEGO COUNTY RECORDS.

END OF SCHEDULE A

**EXHIBIT "B"**  
**FACTORS TO BE CONSIDERED/FINDINGS OF FACT**  
**PHG18-0016**

**Environmental Determination:**

1. The project is categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. This exemption includes projects that involve the construction and location of limited numbers of new, small facilities or structures. This project consists of a Conditional Use Permit ("CUP") to construct and operate a wireless cellular facility. All public services and facilities are available and the area is not considered environmentally sensitive. Based on staff's review of the project, findings of the Planning Commission, and the independent findings of the City Council, no special circumstances exist that would create a reasonable possibility that granting a CUP for this project will have a significant effect on the environment. Therefore, the proposed project qualifies for this exemption and no further environmental review is required.

**Conditional Use Permit Determinations:**

1. Under the State Constitution, the City may make and enforce within its limits all local ordinances and regulations not in conflict with general laws, often referred to as the "police power." Escondido Zoning Code, Article 34 et. seq. is a valid City enactment regulating the time, place, and manner upon which facilities are installed, which the City's Planning Commission relied upon and made applicable when it approved the application on July 23, 2019, through written findings.
2. The establishment, maintenance or operation of the use applied for will not under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use, or the general welfare of the City. The proposed facility would be constructed in compliance with the Uniform Building Code, Public Utilities Commission of the State of California, and the Federal Communication Commission regulations. As noted in the September 25, 2019 City Council Staff Report, which is incorporated herein as though fully set forth herein, federal law prohibits cities from considering radio frequency ("RF") emissions as a basis for denying or regulating wireless facilities if (as is the case here) the applicant has demonstrated that the proposed wireless facility complies with the FCC's RF emissions regulations. Therefore, the establishment and operation of the facility will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area.

3. The proposed facility complies with the requirements of Article 34 and with all applicable requirements of other chapters of the Zoning Code, including Article 61, Section 33-1203 to which establishes findings for all decisions granting or denying a CUP. For the reasons stated herein this exhibit and in the September 25, 2019 City Council Staff Report, the CUP is being granted upon sound principles of land use and in response to services required by the community. The CUP has been duly considered for its relationship to its effect on the community. The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity. The proposed use will be located and conducted in a manner in accord with the Escondido General Plan and the purposes of the Zoning Code.
4. The City may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the Zoning Code and to assure operation of the use in a manner compatible with the aesthetics, mass, bulk, and character of existing and potential uses on adjoining properties in the general vicinity and to ensure compliance with the provisions of the Municipal Code and Zoning Code and the provisions of any other applicable laws and regulations. Special conditions have been added the permit to achieve the stated purpose and intent of all complying regulations contained in Article 34 and Article 61 of the Zoning Code. It is further determined by the City Council that these special conditions are necessary and desirable to preserve the public health, safety and general welfare.
5. The Planning Commission's findings are sufficient under the City's police power, as authorized by Article 34 regulation and within the constraints of federal and state law governing the regulation of telecommunications facilities. The appeal does not offer any new evidence that had not been previously considered by the Planning Commission, nor does the appeal offer new substantiated evidence, which is required to support a denial of an application like this. The proposed wireless communications facility complies with the General Plan and development standards for site design, safety design, location, lighting, landscaping, and design/finish. The proposed facility will increase the wireless coverage for residents and people traveling through the City.

**EXHIBIT "C"**  
**PROJECT CONDITIONS OF APPROVAL**

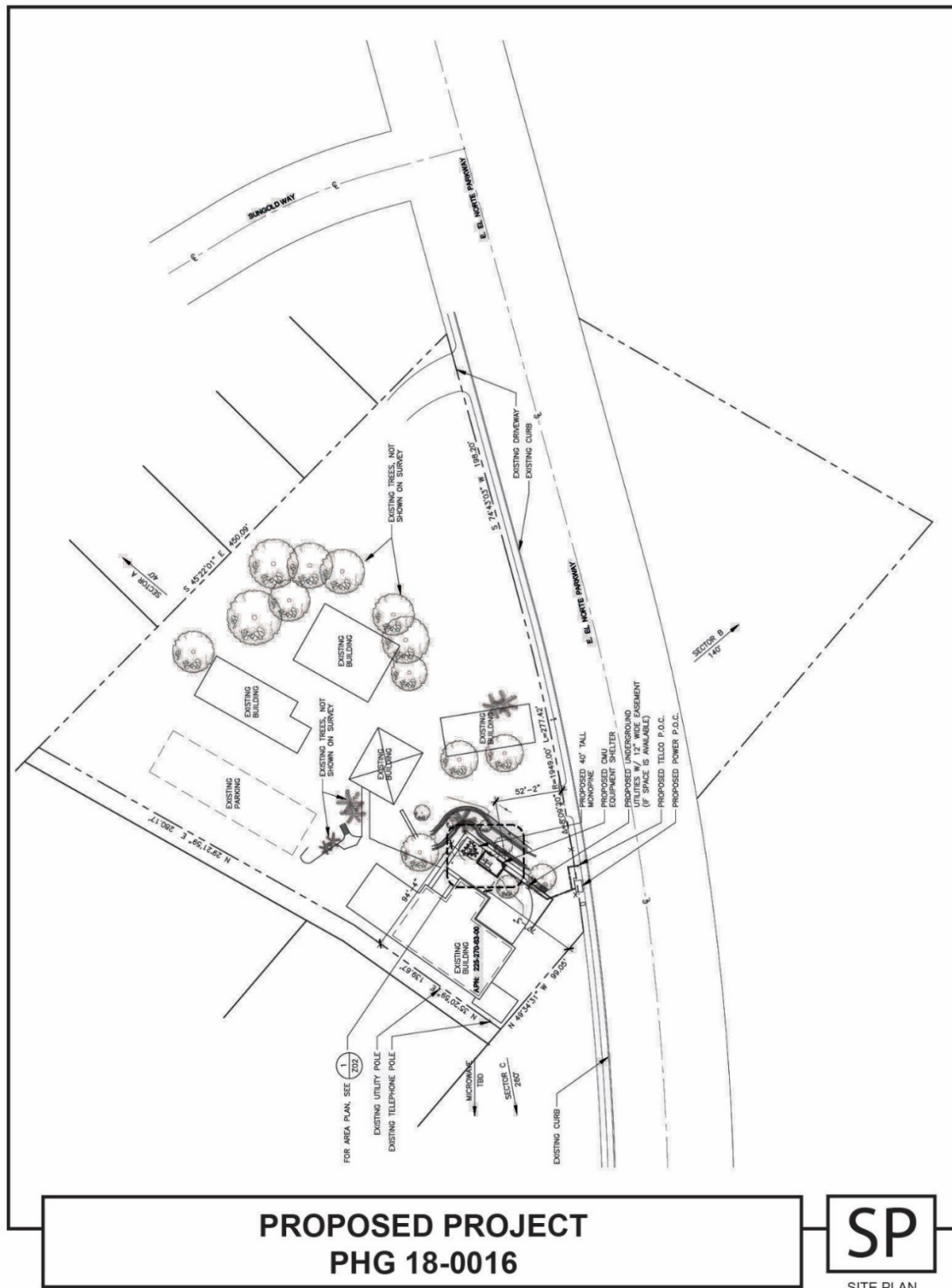
**PHG 18-0016**

1. All construction and operations shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the City. Approval of this request shall not waive compliance with any sections of the Municipal Code and all other applicable City requirements in effect at the time of building permit issuance.
2. The applicant shall be required to pay all development fees of the City in effect at the time and in such amounts as may prevail when building permits are issued, including any applicable City Wide Facilities fees.
3. The proposed wireless communication facility shall be in substantial conformance with the plans attached as Exhibit "D" hereto, to the satisfaction of the Planning Division, except as modified by these Conditions of Approval.
4. Any proposed construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Division, Building Division, Fire Department and Engineering Services Department.
5. The legal description attached as Exhibit "A" hereto, 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.
6. All exterior lighting shall conform to the requirements of Article 35, Outdoor Lighting.
7. All new utility service shall be installed underground or kept within the structure.
8. The proposed antennas shall reach a maximum height of 35 feet, with the overall height of the mono-pine "tree" being 40 feet high.
9. The proposed equipment enclosure shall be stucco-finished and painted to match the adjacent residential structure, and shall include a wooden trim cap.
10. Socks shall be installed over and around the antennas and all antennas, radio units, associated equipment, brackets, mounting arrays, etc., shall be painted to match the needles on the faux mono-pine tree.
11. Faux pine needles shall be of a sufficient density to adequately screen the proposed antennas and other equipment mounted on the faux mono-pine from view, to the satisfaction of the Planning Division.
12. A screen wall three feet high shall be installed around the base of the mono-pine to screen the bolts and other footing material from view.



13. Additional vines, shrubs or other landscaping material shall be installed in front of the proposed block wall enclosure facing El Norte Parkway and shown on the building plans to the satisfaction of the Planning Division.
14. The trunk and branches of the faux pine tree shall be textured and finished to appear as natural tree bark and so noted on the building plans, to the satisfaction of the Planning Division.
15. The GPS antenna units shall be painted to match the building or wall, which shall be noted on the building plans to the satisfaction of the Planning Division.
16. No equipment placed within the equipment enclosure shall protrude above the top of the enclosure.
17. Any support poles, brackets, cable runs and other support equipment shall be painted to match/blend with the varying colors and textures of the tree, and/or equipment enclosure. These shall be clearly noted on the building plans to the satisfaction of the Planning Division.
18. An appropriate number of branches shall be incorporated into the faux pine tree to create a natural shape and to appropriately screen the antenna panels. This shall clearly be indicated on the building plans and an example in the form of a photo of another faux mono-pine tree with the same number of antennas and RRUs as proposed shall be submitted with the building plans for approval.
19. This project shall conform to the Public Art Partnership Program, Article 37 of the Escondido Zoning Code.
20. No utilities shall be released for any purpose or Certificate of Occupancy issued until all requirements of the Planning, Engineering, and Building Divisions have been completed.
21. The plans submitted for building permit shall include notes or details containing the necessary work involved in complying with these project conditions.
22. An inspection by the Planning Division will be required prior to operation of the project. Everything should be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4306 to arrange a final inspection.
23. If at the time of Planning final inspection, it is determined that sufficient screening has not been provided, the applicant shall be required to provide additional landscaping improvements to the satisfaction of the Planning Division.
24. The applicant, or any subsequent operator/leaseholder, hereby agrees to investigate complaints related to possible interference with electronic equipment in the surrounding area, to determine the cause of the interference. If this facility is determined to be the cause of the electronic interference, T-Mobile, or any subsequent operator/leaseholder, shall solve the problem in a timely manner to the satisfaction of the complainant and the Director of Community Development. Any interference with Fire Department or public safety communications shall be corrected immediately to the satisfaction of the City of Escondido.

25. The applicant shall coordinate with the City of Escondido to select a qualified, independent, third party to conduct actual power density measurements of the facility within ninety (90) days of installation and full operation. The results of the study shall be submitted to the Director of Community Development so that the theoretical power density study can be compared to the actual output and ensure compliance with FCC requirements.
26. The applicant, or any subsequent operator/leaseholder, shall be responsible for all ongoing maintenance of the facility, including the antennas, faux branches, associated equipment and live plantings, to ensure that the condition of the facility does deteriorate and the faux pine does not appear weathered.
27. Signage proposed for the facility shall be limited to that required by law, and shall comply with the City of Escondido Sign Ordinance (Ord 92-47). Appropriate signs providing notice, caution or warning, and other necessary markings shall be placed at the main access point(s) and other locations, as may be required, in order to alert the general public, maintenance or other workers approaching the antennas to the presence of RF transmissions and to take precautions to avoid exposures in excess of FCC limits. The requirement for the appropriate signage/notice shall be indicated on the building plans.
28. No additional antennas or expansion of this facility shall be permitted without a modification of the Conditional Use Permit and a public hearing before the Planning Commission, or as allowed by relevant State or Federal law. T-Mobile shall not oppose co-location on the pole for another wireless carrier (subject to the City of Escondido approval) if it can be proven that the additional carrier would not adversely affect the operation and function of T-Mobile Wireless Service antennas. Minor changes within the approved size and design parameters may be permitted by the Director of Community Development and the Building Division.
29. All municipal and zoning code violations, whether currently known or identified as part of any code enforcement investigation of the project site, shall be resolved, abated, or otherwise addressed, and the property must be in full compliance with all aspects of the Escondido Municipal and Zoning Codes prior to issuance of any building permit for the project. A written determination of such compliance by the Director of Community Development or his or her designee shall be required prior to issuance of said building permit.
30. After installation of the wireless communication facility, the entire property must be maintained in compliance with the legal nonconforming status of said property or if discontinued, pursuant to the timelines provided in Article 61, which may be amended, must be found to be in conformance with applicable measures of the Escondido Zoning Code, to the satisfaction of the Director of Community Development. Noncompliance with the foregoing shall constitute cause for immediate revocation of this Conditional Use Permit through a noticed public hearing before the Planning Commission. The wireless communication facility approved by this Conditional Use Permit shall be immediately abated upon notice of permit revocation.
31. This item may be referred to the Planning Commission for review and possible revocation or modification of the Conditional Use Permit at a noticed public hearing upon receipt of nuisance complaints and/or non-compliance with the conditions of approval.
32. This CUP shall become null and void unless utilized within twelve (12) months of the effective date of approval.



RESOLUTION NO. 2019-149

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, TO GRANT AN APPEAL, OVERTURN THE PLANNING COMMISSION'S APPROVAL, AND DENY A PERMIT REQUEST TO INSTALL A WIRELESS COMMUNICATION FACILITY AT 2534 EAST EL NORTE PARKWAY

APPLICANT: Plancom, Inc. (for PTI-T-Mobile)  
CASE NO.: PHG 18-0016

WHEREAS, the project applicant, Plancom, Inc., on behalf of PTI-T-Mobile (hereinafter referred to as "Applicant"), filed a land use development application (Planning Case No. PHG18-0016) constituting a request for a Conditional Use Permit to allow the installation of a wireless communication facility on a 4.52-acre site located at 2534 East El Norte Parkway (APN 225-270-63-00), zoned single-family residential (R-1-10); and

WHEREAS, the land use development application site plan (attached hereto as Exhibit "B" and incorporated herein by this reference as though fully set forth) 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 ("CEQA") (Public Resources Code Section 21000 et seq.); and

WHEREAS, wireless communication facilities are conditionally permitted uses within the R-1-10 Zone, subject to approval of a Conditional Use Permit, in accordance with Division 1 of Article 61 in all residential and open space zones and Article 34 (Wireless Communication Facilities Ordinance); and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on July 23, 2019, to review and consider the Conditional Use Permit request. At the conclusion of said hearing, the Planning Commission adopted Planning Commission Resolution No. 2019-14, approving the project without prejudice; and

WHEREAS, the appellant, Mike Hendel, filed a timely appeal received by the Office of the City Clerk on August 1, 2019; and

WHEREAS, a notice was published and mailed as required by the Escondido Zoning Code and applicable State law, and the City Council held a public hearing on September 25, 2019, to consider the appeal. At said hearing, a staff report was presented discussing the issues in the matter, and all persons desiring to speak did so; and

WHEREAS, the City Council may reach a decision on the matter without deference to the decision of the Planning Commission. The City Council reviewed the findings of the Planning Commission and may utilize or adopt any, all, or none of them; and

WHEREAS, the approval or rejection of wireless communication facilities is addressed in the Federal Telecommunications Act of 1996. In that Act, Congress delegated to the local governments the power to consider cell tower applications and required that a denial of an application “be in writing and supported by substantial evidence contained in a written record.”

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

1. That the above recitations are true.
2. That the Findings of Fact, attached as Exhibit “A,” and incorporated herein by this reference as though fully set forth herein, are hereby made by this City Council, and represent the City Council’s careful consideration of the record. The findings of the

City Council in Exhibit "A" shall be the final and determinative Findings of Fact on this matter.

3. That upon consideration of the September 25, 2019, City Council Staff Report, the comments provided at the Planning Commission public hearing on July 23, 2019; public testimony presented at the City Council hearing; and the findings of fact and applicable law; the City Council determines that substantial evidence exists to support the appellant's position and the grounds for appeal is valid by itself to overrule the Planning Commission's decision. The City's requirements have not been met.

4. The decision of the City Council to deny a request to place, construct, or modify personal wireless service facilities has been made in writing and supported by substantial evidence contained in a written record.

**EXHIBIT "A"**  
**FACTORS TO BE CONSIDERED/FINDINGS OF FACT**  
**PHG18-0016**

**Environmental Determination:**

1. The proposed project is statutory exempt from environmental review in conformance with the California Environmental Quality Act (CEQA) Section 15270, "Projects Which Are Disapproved." CEQA does not apply to projects rejected or disapproved by a public agency.

**Conditional Use Permit Determinations:**

1. Under the State Constitution, the City may make and enforce within its limits all local ordinances and regulations not in conflict with general laws, often referred to as the "police power." Escondido Zoning Code, Article 34 et. seq. is a valid City enactment regulating the time, place, and manner upon which facilities are installed. More specifically, the purpose of this ordinance is to regulate, as allowed by state and federal law, the placement of wireless communications facilities in Escondido in a manner that recognizes the community benefits of communications technology, which provides clear guidance to the communications industry but also recognizes the strong need to base decisions upon sound principles of land use.
2. The City of Escondido shall not regulate the placement, construction, and modification of wireless communication facilities on the basis of the environmental effects of radio frequency (RF) emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions. The City Council finds that this determination is not based on any actual or perceived effect from RF emissions as the proposed wireless facility. However, the City Council retains the ability, based on substantial evidence, to either grant or deny the appeal, depending on the Council's evaluation of the facts and evidence provided, regulating the time, place, and manner of that proposed facility.
3. As detailed in the September 25, 2019 City Council Staff Report, which is incorporated herein as though fully set forth herein, the volume of nonconforming use activity on the subject site constitutes a public safety issue, of life and property, and the permit request further intensifies, alters, and expands the use of the property. Subsequent to the July 23, 2019 Planning Commission meeting, the Community Development Department, Code Enforcement Division learned of the full nature and scope of code violations on the property and only recently established the full extent of such nonconforming activities, which exceeds City requirements. Pursuant to Article 61, Section 33-1241, a nonconforming use may be continued even though such use does not conform to the revised provisions of applicable regulatory ordinances, but only if such use constitutes a

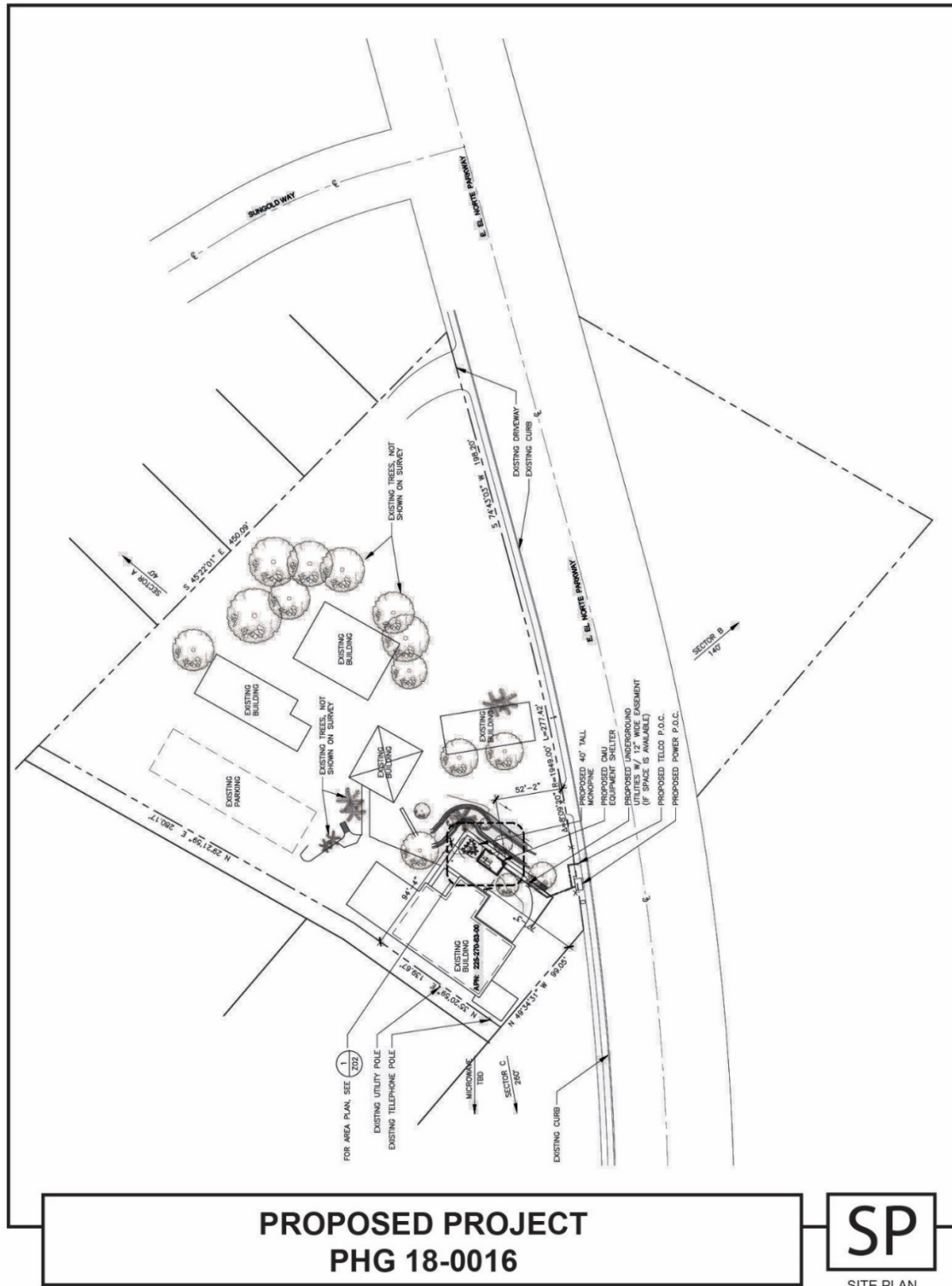
legal nonconforming use as determined by the provisions of this division. A nonconforming use shall not be physically extended or enlarged, except as permitted in Section 33-1243. The division is not applicable when a nonconforming building or use has been changed to another nonconforming use.

4. Denying the proposed Conditional Use Permit ("CUP") to allow the construction of a wireless communication facility would be based upon sound principles of land use, because the project does not conform to Article 34 or Article 61 of the Escondido Zoning Code adopted by the City Council. The current standards for the establishment, maintenance or operation of the use applied for encourages co-location, rather than proliferations that create or compound undesirable visual impacts. The alternative site analysis and gap coverage analysis is insufficient to shift the burden to the City of disproving the inaccessibility of the applicant's proposed site. The applicant has failed to fully substantiate that it is technically infeasible to locate in more preferred locations – and that potentially available location alternatives may more closely conform to the local values as expressed in local law.
5. The proposed project lacks compatibility with the surrounding development given that the proposed facility makes those existing nonconforming uses more permanent and taken together, the uses don't fit in within the residential setting. Granting the proposed CUP could potentially cause deterioration of bordering land uses or create special problems for the area in which it is located, since the facility would not fit into the context of the existing neighborhood, and the volume of nonconforming uses (in absolute and relative terms) is out of scale as evidenced by both oral and written public testimony. The proposed CUP for a wireless communication facility has been considered in relationship to its effect on the neighborhood and it has been determined not to be compatible with the surrounding neighborhood and not in conformance with City standards, and would result in a negative impact to the adjacent neighborhood. Based on the foregoing, substantial evidence exists to support the appeal, overturning the Planning Commission's approval, which is comprised of the Planning Commission Resolution No. 2019-14, in its entirety.
6. The denial of the particular placement, construction, and modification of the proposed wireless communication facility by the City of Escondido is not unreasonably discriminating among providers of functionally equivalent services. The City Council finds that the decision attached hereto was carefully made and considered taking into account the nature and scope of such request - independent of the project proponent's relationship and/or desired use of the installation.
7. Denial of one permit application does not constitute a denial of service. Under Federal law, the denial of a single permit is not generally a prohibition of service under 47 U.S.C 332(c)(7). The alternative site analysis is insufficient to shift the burden to the City of disproving the inaccessibility of the applicant's proposed sites. The applicant has failed to fully substantiate that it is technically infeasible to locate in more preferred locations –



and that potentially available location alternatives may more closely conform to the local values as expressed in local law. Alternative equipment/locations within structures should have been provided for consideration.

**EXHIBIT "B"**  
**DEVELOPMENT APPLICATION SITE PLAN**  
**PHG18-0016**



## **CITY COUNCIL STAFF REPORT**

**Public Hearing Item No. 10**

**September 25, 2019**

**File No. 0800-70**

**SUBJECT:** Downtown Specific Plan Amendment and Master and Precise Development Plan for the Quince Street Senior Housing Project (PHG 17-0028)

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

**RECOMMENDATION:**

It is requested that the City Council introduce Ordinance No. 2019-12 approving an amendment to the Downtown Specific Plan (DSP) and a new Planned Development (Master and Precise Development Plan) for the Quince Street Senior Housing Project.

**PROJECT DESCRIPTION:**

The project involves the following two requests:

1. Amendment to the DSP
  - Allow ground-floor residential uses at subject property
  - Modify parking requirements for senior housing projects
  - Modify open space requirements
2. Planned Development Permit (Master and Precise Development Plan)
  - 145-unit senior housing project

Specifically, the project would modify the parking requirements for senior housing projects in the DSP so that they match those identified in the Escondido Zoning Code. Open space requirements for residential and mixed-use projects in the DSP would be modified to encourage higher density development by allowing less open space per unit on a sliding scale for projects with higher densities. The Specific Plan Amendment would also remove the requirement to provide ground-floor retail or office uses along both street frontages on the project site, subject to approval of a Planned Development Permit.

The senior housing project would consist of 145 dwelling units (four studio units, 129 one-bedroom units and 12 two-bedroom units) on four floors above an at-grade parking garage with 142 parking spaces. The project would have a net density of 98.6 units per acre, and would be age-restricted for rental to seniors only. Additional detail on the project can be found in the background and analysis sections of this report, below.

The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION:

The parking and open space modifications would apply throughout the DSP area. The proposed senior housing project would be located on a 1.47 acre parcel on the northeast corner of N. Quince Street and W. Valley Parkway, addressed as 220 N. Quince Street (APN 229-331-10-00). The project site is directly across N. Quince Street from the Escondido Transit Center, and immediately south of the Escondido Creek Trail and flood control channel, and is depicted in Attachment 1 to the Planning Commission staff report, which itself is attached as Attachment 1 hereto.

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. The applicant has indicated that they may request affordable housing grants from the City, however no request has yet been made.

PREVIOUS ACTION:

On February 14, 2018, the City Council voted 3 – 1 – 1 (Diaz no, Abed abstained) to authorize the processing of a request for an amendment to the DSP that is part of the current project. (It should be noted that this authorization allowed the processing of two separate and unrelated requests to amend the DSP, the other of which would allow drive-thru facilities in certain districts of the DSP.)

On August 13, 2019, the Planning Commission voted 7 – 0 to forward the proposed project to the City Council with a recommendation for approval. Two members of the public spoke against the project, voicing general concerns with parking in the project vicinity. The aforementioned Planning Commission staff report and the Planning Commission meeting minutes are included as Attachments 1 and 2, respectively, to this staff report.

BACKGROUND:

Downtown Escondido is a dynamic city center offering cultural events, retail, services, business and medical offices, employment opportunities, and a range of housing types within the City's urban core. The proposed project would be located in the Gateway Transit District of the DSP, in a location designed to take advantage of proximity to transit and other commercial goods and services. The property is currently occupied by three large warehouse buildings and a smaller maintenance building, all of which would be demolished to make way for the project.

The applicant proposes to construct a 145-unit senior housing project on the 1.47-acre site, with a resulting density of 98.6 units per acre. The project would contain four stories of residential units on a podium deck above a grade-level parking garage. The podium would contain a large plaza and courtyard, and other interior and exterior open space areas would be provided on the project site. The residential unit mix would include four studio units, 129 one-bedroom units, and 12 two-bedroom units, ranging in size from 612 square feet to 869 square feet. The building would reach a maximum height

of 61-feet, and would include a variety of colors and materials, as well as decorative illuminated panels at the corner of W. Valley Parkway and N. Quince Street. A passenger loading and delivery zone would be provided at the main building entrance along N. Quince Street, with additional access available from within the garage. The project would be responsible for widening W. Valley Parkway to its ultimate width and would provide landscaping and other enhancement along both street frontages and adjacent to the Escondido Creek Trail. Emergency access would be provided to the site along the existing alley on the east side of the building and from the creek trail, which would be widened and enhanced as part of the project. Project plans are attached to draft City Council Ordinance No. 2019-12 as Exhibit "C."

## ANALYSIS:

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

The City's General Plan and the Downtown Specific Plan (DSP) encourage high-density residential development in urbanized areas that are within close proximity to commercial uses, offer recreational opportunities, and provide convenient access to public transit. The subject property is located directly across N. Quince Street from the Escondido Transit Center, within the Gateway Transit District of the DSP, which makes it a prime candidate for this type of high-density development. At a yield of 145 dwelling units, the proposed project takes full advantage of the allowable density of 100 units per acre, with a density of 98.6 units per acre. Thus, the development embodies the land use densities envisioned for this area

### **2. Downtown Specific Plan Amendment**

Three revisions to the DSP are proposed as part of this amendment. Each revision is summarized below, and analyzed in more detail in the aforementioned Planning Commission staff report. Revisions to DSP text and graphics are included as Exhibit "B" to draft City Council Resolution No. 2019-12.

#### *Ground Floor Residential Use at the Project Site*

The DSP currently requires ground-floor retail or office uses along both street frontages on the project site. The proposed project includes a parking garage on the entire ground floor, which would be an accessory use to the residential development above. Thus, the applicant has requested that Figure II-4 of the DSP be modified to allow ground-floor residential uses through a Planned Development Permit process.

#### *Modification to Parking Requirements for Senior Housing Projects*

Parking requirements for residential projects in the DSP do not identify different requirements for senior housing projects versus other residential projects that are not age-restricted. An amendment to the Escondido Zoning Code was recently adopted which modified parking requirements for senior housing projects elsewhere in the city. That amendment is not applicable to properties in the DSP area, so the

proposed DSP amendment would create consistency with parking requirements for senior housing projects City-wide.

#### *Modification to Open Space Requirements*

Recent experience has demonstrated that the current open space requirement in the DSP (300 square feet per unit) has been very difficult to achieve for higher-density projects. The only project above 50 dwelling units per acre that have been approved or constructed in the DSP area over the past decade, which provided the full 300 square feet of open space per unit, was able to do so because it included subterranean parking. The majority of recent downtown projects have provided approximately 250 square feet of open space per unit. (Reductions have been a result of density bonus concessions or through Development Agreement.)

The proposed modification is intended to incentivize the provision of higher density projects in the DSP area by reducing one of the impediments to their construction. Specifically, the open space requirement would be reduced on a sliding scale in relation to the project density. Projects proposing less than 30 dwelling units per acre would see no change in the current open space requirement (300 square feet per unit), however projects between 30 and 50 units per acre would have their open space requirement reduced to 250 square feet per unit, and those greater than 50 units per acre would see a reduction to 200 square feet per unit. Additionally, senior housing projects would have their open space requirement reduced to 150 square feet per dwelling unit, regardless of project density. Staff believes the reductions described above would be appropriate since higher density and senior housing projects tend to have smaller units (more studio and one-bedroom units), and therefore fewer residents per unit. Open space would be a reflection anticipated number of residents rather than number of units.

Another minor change to the open space requirements would revise the definition of “Useable Open Space” to ensure that it is, in fact, useable. To do so, minimum size of an area that could be counted as open space would be increased from 100 square feet to 200 square feet, and required setbacks from rights-of-way would be excluded. The last change would remove the requirement for a Development Agreement to allow reductions in minimum open space, and to remove the 50 percent limitation of that reduction. (A Planned Development Permit and commensurate publicly accessible open space or other public benefit would still be required.)

### **3. Planned Development Permit (Master and Precise Development Plan)**

One of the proposed revisions to the DSP described above would allow the ground floor of the project site to be used for residential purposes, subject to issuance of a Planned Development Permit. In this instance, the ground floor of the site would consist of a parking garage, which is an accessory use to the residential uses proposed above. As such, the applicant has requested approval of a Planned Development Permit, consisting of a Master and Precise Development Plan, to construct the proposed 145-unit senior housing project. The project is briefly described in the Background section above, and discussed in-detail in the attached Planning Commission staff report.

#### 4. Supplemental Details of Request

1. Property Size: 1.47 acres (net)
2. Density: 98.6 dwelling units per acre
3. Building Size: 205,670 SF including 145 residential units and garage  
4-stories over grade-level garage
4. Parking:

|                              |            |
|------------------------------|------------|
| Current Requirement:         | 254 spaces |
| Per Specific Plan Amendment: | 119 spaces |
| Provided:                    | 142 spaces |
5. Setbacks

|                              | <u>Required</u>             | <u>Proposed</u>                 |
|------------------------------|-----------------------------|---------------------------------|
| Front (W. Valley Pkwy):      | 14' from ultimate curb face | 14' from ultimate curb face     |
| Street Side (N. Quince St.): | 14' from ultimate curb face | 14' from ultimate curb face     |
| Interior Side (alley)        | 0'                          | 10' (PL), 0' (edge of easement) |
| Rear (flood control channel) | 0'                          | 11'                             |
6. Signage: No signage has been proposed. All signage will be subject to conformance with the DSP and Article 66 (Sign Ordinance) of the Escondido Zoning Code.
7. Landscaping: New ornamental landscaping, irrigation, and street trees to be provided along W. Valley Parkway, N. Quince Street, and the Escondido Creek Trail. On-site landscaping on podium deck. Biofiltration basins built-in to the landscaped areas.
8. Street Improvements Widening of W. Valley Parkway by 7 feet to its ultimate width, including Class 2 bike lane. Drop-off zone to be provided along N. Quince Street. Median islands at creek trail crossing to be modified to accommodate emergency access vehicles.
9. Trash: Trash and recycling shoots on each residential floor; bins located in garage. Bins to be placed by utility gate along alley by staff on pick-up day(s)

#### ENVIRONMENTAL REVIEW:

A Draft Mitigated Negative Declaration (ENV 17-0008) was issued for the project for a thirty (30) day public review period beginning on June 7, 2019. Mitigation measures were developed to reduce potential impacts in the areas of cultural and tribal cultural resources, geology and soils, hazards and hazardous materials, and noise to a less than significant level. Three comments were received on the Draft document during the public review period, and have been addressed and incorporated into the Final Mitigated Negative Declaration which can be found at the following link:

<https://www.escondido.org/north-quince-street-senior-housing-project.aspx>

In staff's opinion, no significant issues remain unresolved through compliance with mitigation measures, code requirements and the recommended conditions of approval. The project will have no impact on fish and wildlife resources as no sensitive or protected habitat occurs on-site or will be impacted by the proposed development.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Mike Strong*, Assistant Director of Planning  
9/18/2019 4:27 p.m.

ATTACHMENTS:

1. Attachment 1 – August 13, 2019 Planning Commission staff report
2. Attachment 2 – August 13, 2019 Planning Commission Minutes
3. Ordinance No. 2019-12
4. Ordinance No. 2019-12 – Exhibits A through F



**ATTACHMENT 1**  
**PLANNING COMMISSION STAFF REPORT PACKET**  
**PHG17-0028**

**(August 13, 2019)**

Due to the number of pages of Attachment 1, the following link has been provided to review the document electronically on the City's web site:

<https://www.escondido.org/Data/Sites/1/media/agendas/PC/2019/08.13.19PCAgendaPacket.pdf>

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

**CITY OF ESCONDIDO****ACTION MINUTES OF THE REGULAR MEETING OF THE  
ESCONDIDO PLANNING COMMISSION****August 13, 2019**

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

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

**Commissioners absent:** None.

**Staff present:** Mike Strong, Assistant Planning Director; Owen Tunnell, Assistant City Engineer; Adam Phillips, Senior Deputy City Attorney; Adam Finestone, Principal Planner; Jasmin Perunovich, Assistant Planner I; Ann Dolmage, Associate Planner; and Kirsten Peraino, Minutes Clerk.

**MINUTES:**

Moved by Commissioner Weiler, seconded by Commissioner Watson to approve the Action Minutes of the July 23, 2019 meeting with a modification to state that Brian Wilson spoke in favor of Item G.2, not in opposition. Motion carried unanimously (7-0).

**WRITTEN COMMUNICATIONS:** – Received.

**FUTURE NEIGHBORHOOD MEETINGS:** – None.

**ORAL COMMUNICATIONS:** – None.

**PUBLIC HEARINGS:****1. CONDITIONAL USE PERMIT – PHG 19-0012:**

**REQUEST:** A Conditional Use Permit to increase the capacity of an existing licensed residential care facility for the elderly (aged 60 and above), from six (6) to twelve (12) beds, on a 17,000 SF lot in the R-1-10 zone (Single-Family Residential, 10,000 SF minimum lot size). The request includes a proposed 1,656 SF, one (1) story, addition to the existing 2,450 SF, one (1) story, house and would increase the number of bedrooms from four (4) to nine (9). The proposal also includes the adoption of the environmental determination prepared for the project.

**PROPERTY SIZE AND LOCATION:** Approximately 0.39-acres, at the western terminus of Heather Place, west of S. Orleans Avenue, addressed as 2512 Heather Place (APN: 231-640-25-00).

**ENVIRONMENTAL STATUS:** Categorical Exemption pursuant to California Environmental Quality Act (CEQA) Section 15303, Class 3 "New Construction or Conversion of Small Structures."

**STAFF RECOMMENDATION:** Approval, with changes to the project's conditions of approval.

**PUBLIC SPEAKERS:**

**Jacob Enriquez**, spoke in opposition to the project.

**Chris Keyser**, spoke in opposition to the project.

**Michael Van Linge**, spoke in opposition to the project.

**Debra Rogers**, spoke in opposition to the project.

**Gary Groenberg**, spoke in opposition to the project.

**Anthony Barber**, spoke in opposition to the project.

**Ronald Shook**, spoke in opposition to the project.

**Arni Montazer**, Applicant, spoke in favor of the project.

**Hamid Montazer**, Applicant, spoke in favor of the project.

**COMMISSIONER DISCUSSION AND QUESTIONS**

The Commissioners discussed various aspects of the project.

**COMMISSION ACTION:**

Moved by Commissioner Weiler, seconded by Commissioner Watson to deny staff's recommendation for the proposed CUP. Motion carried unanimously (7-0); project was denied.

**2. MASTER AND PRECISE DEVELOPMENT PLAN AND SPECIFIC PLAN AMENDMENT – PHG 17-0028:**

**REQUEST:** A Master and Precise Development Plan and an amendment to the Downtown Specific Plan to allow for a 145-unit affordable senior housing project in the Gateway Transit District of the Downtown Specific Plan. The proposed senior housing project involves the demolition of three existing buildings; and the construction of a four-story structure above podium parking, with 142 parking spaces, and other associated improvements. The Specific Plan Amendment would allow ground-floor residential uses to be considered on the subject property, change the parking requirement for senior housing projects to be consistent the Escondido Zoning Code, and change the open space requirements for multi-family projects. The proposal also includes the adoption of the environmental determination prepared for the project.

**PROPERTY SIZE AND LOCATION:** A 1.47-acre lot on the northeast corner of W. Valley Parkway and N. Quince Street, addressed as 220 N. Quince Street (APN 229-331-10-00)

**ENVIRONMENTAL STATUS:** An Initial Study/Mitigated Negative Declaration (City File No. ENV 17-0008) was prepared and issued in compliance with all requirements contained in the California Environmental Quality Act (CEQA) and Article 47 (Environmental Quality Regulations) of the Escondido Zoning Code. Mitigation measures were developed to reduce potential impacts related to Cultural and Tribal Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, and Noise.

**STAFF RECOMMENDATION:** Approval, with changes to the project's conditions of approval.

**PUBLIC SPEAKERS:**

**Matthew Jumper**, Applicant, available for questions.

**Maritza Ruvalcaba**, spoke in opposition to the project.

**Alicia Ruvalcaba**, spoke in opposition to the project.

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed various aspects of the project.

**COMMISSION ACTION:**

Moved by Commissioner Cohen, seconded by Commissioner Watson to approve staff's recommendation with a change to Architecture and Design Condition #9 to read, "Louvered vents or other method of screening acceptable to the Director of Community Development shall be provided on the ground floor in order to screen the garage from public view. Wrought iron fencing is not sufficient." Motion carried unanimously (7-0).

**CURRENT BUSINESS:**

1. **Precise Development Plan (PHG 18-0047)** for a single-family residential development known as North Avenue Estates, containing 34 residential lots and five (5) open space lots. The proposal also includes the adoption of the environmental determination prepared for the project.

LOCATION: North Avenue and Conway Drive (APNs: 224-153-19; -20)

STAFF RECCOMENDATION: Approval

PUBLIC SPEAKERS:

**Sean Doyle**, Applicant, available for questions.

COMMISSIONER DISCUSSION AND QUESTIONS

The Commissioners discussed various aspects of the project.

**COMMISSION ACTION:**

Moved by Commissioner McNair, seconded by Commissioner Weiler to approve staff's recommendation carried unanimously (7-0).

**ADJOURNMENT:**

Chairman Spann adjourned the meeting at 9:01 p.m. to the next regularly scheduled Planning Commission meeting to be held at 7:00 p.m. on Tuesday, August 27, 2019 in the City Council Chambers, 201 North Broadway Escondido, California.



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Mike Strong, Secretary to the  
Escondido Planning Commission



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Kirsten Peraino, Minutes Clerk

ORDINANCE NO. 2019-12

AN ORDINANCE OF THE CITY COUNCIL OF  
THE CITY OF ESCONDIDO, CALIFORNIA,  
APPROVING A SPECIFIC PLAN  
AMENDMENT AND A MASTER AND PRECISE  
DEVELOPMENT PLAN FOR A 145-UNIT  
SENIOR HOUSING PROJECT

APPLICANT: San Diego Interfaith Housing Foundation  
CASE NO.: PHG 17-0028

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

SECTION 1. The City Council makes the following findings:

a) San Diego Interfaith Housing Foundation (herein after referred to as  
"Applicant"), filed a verified application with the City of Escondido regarding property  
located at 220 N. Quince Street (APN: 229-331-10-00), in the Gateway Transit District  
of the Downtown Specific Plan, more particularly described as shown on Exhibit "A" ("the  
property"), attached to this Ordinance and incorporated herein by this reference as though  
fully set forth. Said verified application constitutes a request for an amendment to the  
Downtown Specific Plan and a Planned Development Permit (Master and Precise  
Development Plan) to construct a 145-unit senior housing project as shown on Exhibits  
"B" (Downtown Specific Plan revisions) and "C" (Master and Precise Development Plan),  
and on file in the Planning Division, Planning Case No. PHG 17-0028, and incorporated  
herein by this reference as though fully set forth.

b) The Planning Division of the Community Development Department  
completed its review and scheduled a public hearing regarding the application before the  
Planning Commission on August 13, 2019. Following the public hearing on August 13,

2019, the Planning Commission adopted Resolution No. 2019-15, which recommended that the City Council approve the amendment to the Downtown Specific Plan and the Master and Precise development Plan to construct a 145-unit senior housing project (the "Project").

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

SECTION 3. The City Council did on September 25, 2019, hold a duly noticed public hearing as prescribed by law. Evidence was submitted to and considered by the City Council, including, without limitation:

- a) Written information including all application materials and other written and graphical information posted on the Project website;
- b) Oral testimony from City staff, interested parties, and the public;
- c) The City Council staff report, dated September 25, 2019, which along with its attachments, is incorporated herein by this reference as though fully set forth herein, including the Planning Commission's recommendation on the request; and
- d) Additional information submitted during the public hearing.



SECTION 4. Pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.), the State CEQA Guidelines (Article 14 of the 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. The City Council, in its independent judgement, has reviewed the Final Initial Study/Mitigated Negative Declaration prepared for the project (City File No. ENV 17-0008), as described in the September 25, 2019, City Council staff report, including the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit "D" and incorporated herein by this reference. The City Council hereby adopts the Final Initial Study/Mitigated Negative Declaration, and instructs staff to file a Notice of Determination with the County Clerk.

SECTION 5. Upon consideration of the Findings of Fact, attached as Exhibit "E," and the Conditions of Approval, attached as Exhibit "F," both of which are incorporated herein by this reference as though fully set forth herein, the City Council approves the Project.

SECTION 6. All references within this Ordinance to "Applicant" or "Developer," shall be equally applicable to the current property owner and to any successors-in-interest or assigns, whether such successors or assigns own, control, or otherwise have development authority for all, a portion, or portions of that property included within the Project site.

SECTION 7. 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 8. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. The City Council authorizes all subsequent action to be taken by City Officials consistent with this Ordinance.

SECTION 10. The City Clerk is hereby directed to certify to the passage of this Ordinance and to cause the same or a summary to be prepared in accordance with Government Code Section 36933, to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the County and circulated in the City of Escondido.

SECTION 11. The Ordinance shall become effective 30 days from the date of the passage.

## EXHIBIT "A"

### LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ESCONDIDO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1: APN 229-331-10-00

THAT PORTION OF LOT 1, BLOCK 11 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 527, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 10, 1888, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF SAID LOT 1 WHICH IS DISTANT THEREON NORTH 29°19' WEST 444.50 FEET FROM THE MOST SOUTHERLY CORNER OF SAID LOT 1; THENCE ALONG SAID SOUTHWESTERLY LOT LINE SOUTH 29°19' EAST 444.50 FEET TO SAID MOST SOUTHERLY CORNER; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT NORTH 59°08'52" EAST 443 FEET, MORE OR LESS, TO THE SOUTHWESTERLY CORNER OF THAT PARCEL OF LAND DESCRIBED UNDER PARCEL 6 OF FINAL ORDER OF CONDEMNATION IN SUPERIOR COURT, CASE NO. 146391, RECORDED DECEMBER 23, 1948, AS DOCUMENT NO. 126694, IN BOOK 3059, PAGE 454 OF OFFICIAL RECORDS, BEING A POINT IN A 3880 FOOT RADIUS CURVE CONCAVE EASTERLY IN THE SOUTHWESTERLY LINE OF SAID PARCEL 6, THE TANGENT TO SAID CURVE BEARING NORTH 24°26'14" WEST TO SAID POINT; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 6 NORTHERLY ALONG SAID CURVE 71.37 FEET THROUGH AN ANGLE OF 1°03'14" AND TANGENT TO SAID CURVE NORTH 23°23' WEST 507.88 FEET TO A POINT WHICH IS DISTANT ALONG SAID SOUTHWESTERLY LINE SOUTH 23°23' EAST 190.00 FEET FROM THE NORTHERLY LINE OF SAID LOT THENCE SOUTH 44°44' WEST 522.10 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM A PORTION OF LOT 1, BLOCK 11 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 527, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 10, 1888, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 1; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, NORTH 28°49'01" WEST A DISTANCE OF 444.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 45°13'55" EAST 523.23 FEET; THENCE SOUTH 22°51'21" EAST 54.47 FEET; THENCE SOUTH 47°13'55" WEST A DISTANCE OF 339.75 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1453 FEET; THENCE ALONG SAID CURVE, IN A SOUTHWESTERLY DIRECTION, THROUGH AN ANGLE OF 6°43'54" A DISTANCE OF 170.71 FEET TO AN INTERSECTION WITH SAID SOUTHWESTERLY LINE OF LOT 1, A RADIAL BEARING FROM SAID POINT OF INTERSECTION TO THE CENTER OF SAID CURVE BEARS NORTH 36°02'11" WEST; THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 28°49'01" WEST A DISTANCE OF 23.64 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM A PORTION OF LOT 1 IN BLOCK 11 OF THE RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 349, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, JULY 10, 1886, DESCRIBED AS FOLLOWS:

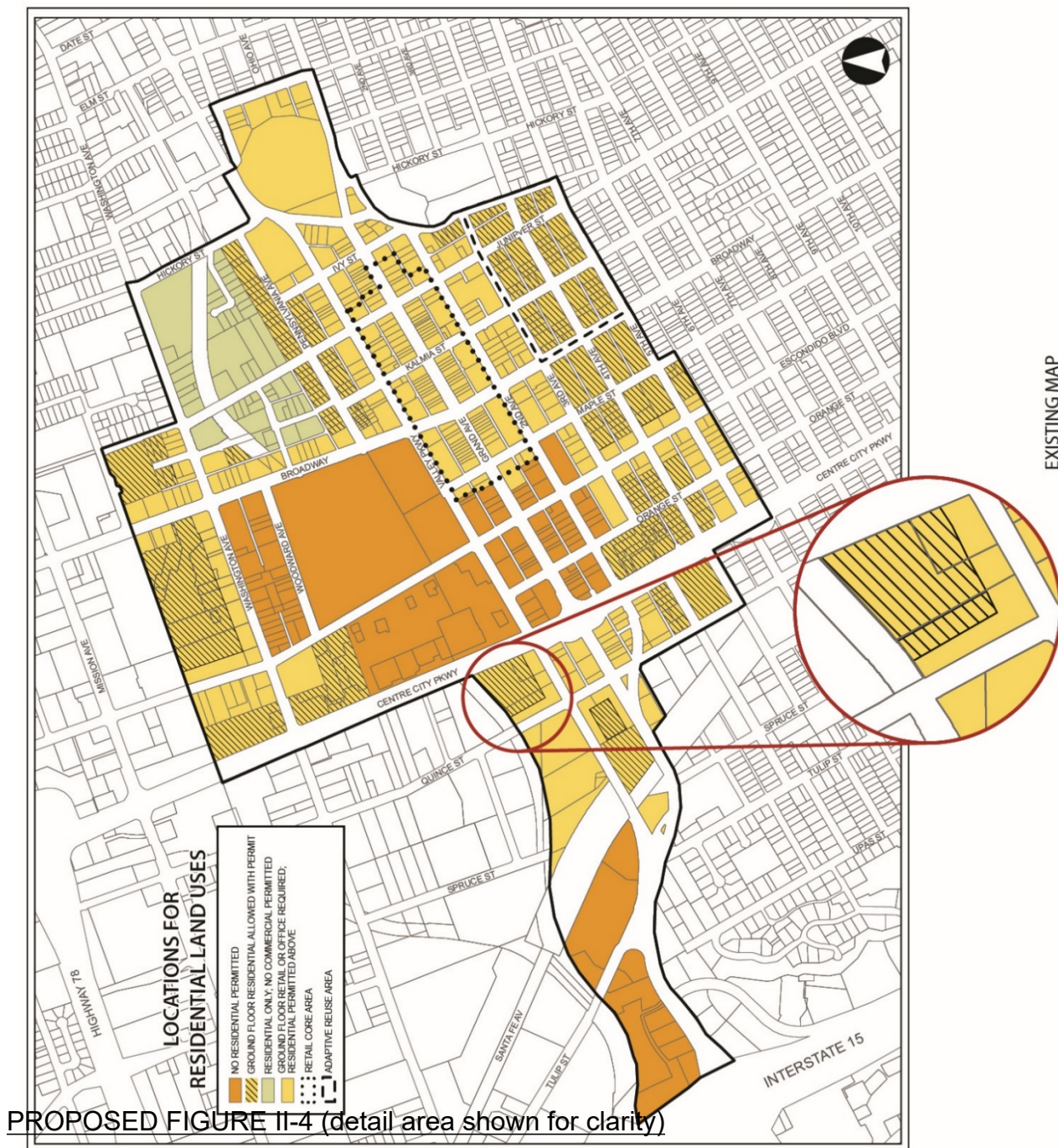
BEGINNING AT A POINT IN THE SOUTHERLY BOUNDARY OF SAID LOT 1 DISTANT THEREON NORTH 59°37'09" EAST 150.37 FEET FROM THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE NORTH 28°49'01" WEST ALONG A LINE PARALLEL WITH THE WESTERLY BOUNDARY OF SAID LOT 1 A DISTANCE OF 443.89 FEET TO A POINT IN THE ARC OF A 1453.00 FOOT RADIUS CURVE CONCAVE NORTHERLY IN THE SOUTHERLY BOUNDARY OF LAND DESCRIBED IN FINAL ORDER OF CONDEMNATION FOR THE CITY OF ESCONDIDO RECORDED JUNE 1, 1965, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AS FILE NO. 97472, A RADIAL OF SAID CURVE BEARING SOUTH 42°03'44" EAST TO SAID POINT IN SAID ARC; THENCE EASTERLY ALONG SAID ARC AND ALONG SAID SOUTHERLY BOUNDARY OF SAID CITY OF

ESCONDIDO LAND THROUGH A CENTRAL ANGLE OF  $0^{\circ}42'21''$  A DISTANCE OF 17.90 FEET TO THE POINT OF TANGENCY; THENCE CONTINUING ALONG THE SOUTHERLY BOUNDARY OF SAID CITY OF ESCONDIDO LAND NORTH  $47^{\circ}13'55''$  EAST 339.75 FEET TO THE SOUTHEASTERLY CORNER THEREOF, BEING ALSO A POINT IN THE WESTERLY BOUNDARY OF U. S. HIGHWAY 395; THENCE ALONG THE WESTERLY BOUNDARY OF SAID U. S. HIGHWAY 395, SOUTH  $22^{\circ}51'21''$  EAST 453.47 FEET TO THE BEGINNING OF A TANGENT 3880 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY AND ALONG SAID CURVE IN A SOUTHERLY DIRECTION THROUGH A CENTRAL ANGLE OF A DISTANCE OF 71.31 FEET TO AN INTERSECTION WITH THE SOUTHERLY BOUNDARY OF SAID LOT 1; THENCE ALONG SAID SOUTHERLY BOUNDARY SOUTH  $59^{\circ}37'09''$  WEST 293.38 FEET TO THE POINT OF BEGINNING.

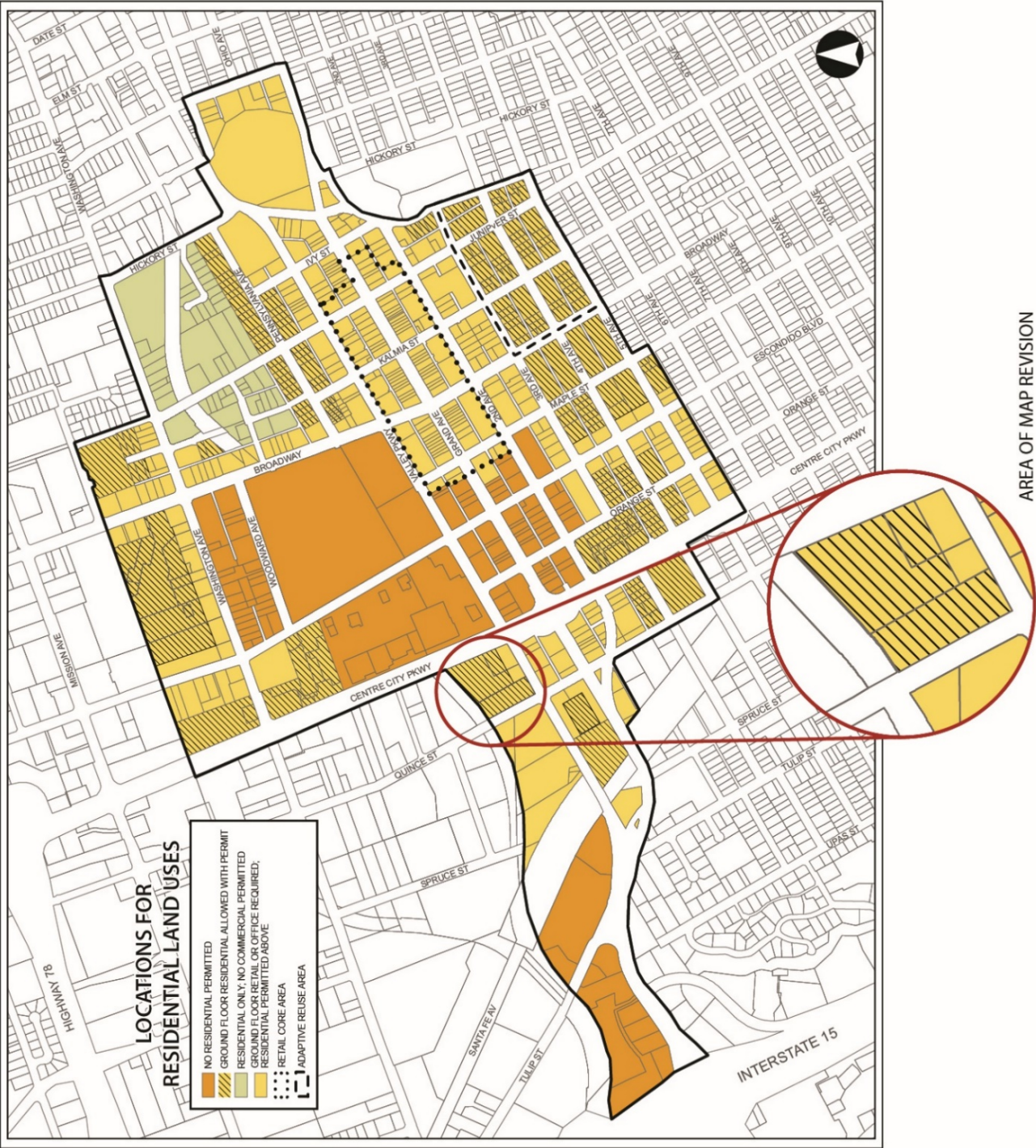
PARCEL 2:

AN EASEMENT FOR ROAD AND PUBLIC UTILITIES OVER AND ACROSS A STRIP OF LAND 10.00 FEET IN WIDTH LYING WITHIN LOT 1, BLOCK 11 OF ESCONDIDO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 527, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 10, 1888, THE WESTERLY BOUNDARY LINE OF WHICH, BEING THE EASTERLY LINE OF PARCEL 1 DESCRIBED ABOVE.

EXISTING FIGURE II-4 (detail area shown for clarity)







Revise Figure III-3 of the Downtown Specific Plan as shown below. Underline typeface indicates new text.

**FIGURE III-3**  
**Downtown Residential Parking Matrix<sup>1, 4</sup>**

| <b>Apartments, Townhomes, Row Homes, Flats, Duplexes, Condominiums</b>                                                                                                | <b>Mixed Use, Shopkeeper</b><br>(Defined in this Chapter)                                                                                                      | <b>Artisan Loft / Live-Work</b><br>(Defined in this Chapter)               | <b>Conventional Single Family Dwelling</b>                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Spaces per dwelling unit:<br><i>Studio: 1</i><br><i>1 Bdrm: 1.5</i><br><i>2 Bdrm: 1.75</i><br><i>2+ Bdrm: 2</i><br><i>(Minimum 1 covered space per dwelling unit)</i> | Same as apartments<br>In addition:<br>1 space / 250 SF gross floor area of commercial space <sup>2</sup><br><i>(Minimum 1 covered space per dwelling unit)</i> | 1.75 spaces per unit<br><i>(Minimum 1 covered space per dwelling unit)</i> | 2 spaces per unit<br><i>(Minimum 2 covered spaces per dwelling unit)</i> |
| Guest: 0.25 / dwelling unit or fraction thereof <sup>3</sup>                                                                                                          | Guest: 0.25 / dwelling unit or fraction thereof <sup>3</sup>                                                                                                   | Guest: 0.5 / dwelling unit or fraction thereof <sup>3</sup>                | Guest: no minimum                                                        |

<sup>1</sup> Parking may be modified through the Planned Development application process. Justification shall be based on a peak-hour parking demand utilizing a methodology approved by the City.

<sup>2</sup> Mixed Use and Shopkeeper units within Vehicle Parking Districts 1 and 2 are exempt from non-residential parking requirements (see Vehicle Parking District information in this Chapter).

<sup>3</sup> On-street guest parking may be approved by the City on a case-by-case basis.

<sup>4</sup> Parking for senior housing projects, as defined in Article 41 of the Escondido Zoning Code, shall be provided in compliance with Article 39 of the Escondido Zoning Code, unless modified through the Planned Development application process

Revise Chapter III, Section B.6. of the Downtown Specific Plan as shown below. ~~Strikeout~~ typeface indicates deletions and underline typeface indicates new text.

## 6. *USABLE OPEN SPACE*

### **a. Definition**

Usable open space is defined as an open area or recreational facility that is integrated into the development, in addition to the following:

- 1) Does not exceed a grade of 10% and excludes parking areas and required setbacks from rights-of-way;
- 2) Common areas measure must contain a minimum of 200 square feet and have minimum dimensions of 10 feet in all directions;
- 3) Private areas directly accessed from residential units measure a minimum of 5 feet in all directions; and,
- 4) Includes outdoor landscaping, walks, fountains, recreational facilities, etc. and interior common recreation areas.



### **b. Residential-Only and Mixed-Use Residential Open Space**

Projects with net densities below 30 dwelling units per acre shall provide a ~~A~~ minimum of 300 square feet of usable open space shall be provided per residential unit. Projects with net densities between 30 and 50 dwelling units per acre shall provide a minimum of 250 square feet of usable open space per unit. Projects equal to or greater than 50 dwelling units per acre shall provide a minimum of 200 square feet of usable open space per unit. Senior housing projects, as defined in Article 41 of the Escondido Zoning Code, shall provide a minimum of 150 square feet of usable open space per unit.

Required open space may be reduced ~~up to 50% subject to through the Planned Development application process and Development Agreement approval~~ in exchange for alternative open space benefitting the public including but not limited to:

- 1) Paying a per-square-foot in-lieu fee that contributes toward the cost of installing, improving and/or expanding parkland or facilities in the downtown area.
- 2) Providing on-site, publically accessible outdoor, street-level open space (i.e. plaza, courtyard, etc.) maintained by the property owner.





Ordinance No. 2019-12

| DEVELOPMENT SUMMARY                                                                                                                                                                                                                                                                                                                                                                            |                                                                   |                                    |                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------|---------------------------------|
| <b>1. Summary of Request:</b><br>THE PROPOSED PROJECT IS A SENIOR HOUSING DEVELOPMENT IN THE CITY OF ESCONDIDO, CALIFORNIA. THE DEVELOPMENT SHALL INCLUDE 145 UNITS OF AFFORDABLE SENIOR APARTMENTS, COMMUNITY CENTER, LEASING OFFICES, LAUNDRY FACILITIES, COMMUNITY GATHERING SPACE, AND LANDSCAPED AREAS. THIS PROJECT WILL REPLACE EXISTING WAREHOUSE BUILDINGS, BUILT IN THE LATE 1980'S. |                                                                   |                                    |                                 |
| <b>2. Address:</b> 220 NORTH QUINCE STREET, ESCONDIDO, CA.                                                                                                                                                                                                                                                                                                                                     |                                                                   |                                    |                                 |
| <b>3. Legal Description:</b> PARCEL 17, PORTION OF LOT 1, BLOCK 11, AS SHOWN ON PARCEL MAP NO.527, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED APRIL 10, 1988 AT FILE NO. 210913, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY                                                                                                                       |                                                                   |                                    |                                 |
| <b>4. Type of Development:</b>                                                                                                                                                                                                                                                                                                                                                                 | SENIOR HOUSING                                                    | <b>6. Permits Requested:</b>       | SPECIFIC PLAN AMENDMENT         |
| <b>7. Assessor's Parcel No.:</b>                                                                                                                                                                                                                                                                                                                                                               | 229-331-10-00                                                     | <b>8. Zoning:</b>                  | MASTER DEVELOPMENT PLAN         |
| <b>9. Type of Construction:</b>                                                                                                                                                                                                                                                                                                                                                                | V-A & III-A (GARAGE)                                              | <b>10. Occupancy:</b>              | PRECISE DEVELOPMENT PLAN        |
| <b>11. Not Used:</b>                                                                                                                                                                                                                                                                                                                                                                           |                                                                   |                                    | R-2 & U                         |
| <b>12. General Plan Designation:</b>                                                                                                                                                                                                                                                                                                                                                           | SPA - Specific Plan Area                                          |                                    |                                 |
| <b>13. Floor Area Ratio:</b>                                                                                                                                                                                                                                                                                                                                                                   | 3.25                                                              |                                    |                                 |
| <b>14. Site data:</b>                                                                                                                                                                                                                                                                                                                                                                          |                                                                   |                                    |                                 |
| <b>Area (Sq. Feet)</b>                                                                                                                                                                                                                                                                                                                                                                         |                                                                   | <b>Coverage %</b>                  |                                 |
| <b>Site Area:</b>                                                                                                                                                                                                                                                                                                                                                                              | 64,804 S.F. (1.48 ac.) Gross                                      | 53,724/64,804 = 82.9%              |                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                | 64,024 S.F. (1.47 ac.) Net                                        | 39,008/64,804 = 58.6%              |                                 |
| <b>Building:</b>                                                                                                                                                                                                                                                                                                                                                                               | 205,670 S.F.                                                      | (Excludes 21 Lawn)                 |                                 |
| <b>Landscaping:</b>                                                                                                                                                                                                                                                                                                                                                                            | 2,389 SF/ST. LEVEL - 5,014 SF/PODIUM - 2,749 SF/TREE WELLS IN R/W | (1.7% ON 510)                      |                                 |
| <b>15. Open Space Data:</b>                                                                                                                                                                                                                                                                                                                                                                    | 36,784 S.F. TOTAL                                                 |                                    |                                 |
| <b>Common:</b>                                                                                                                                                                                                                                                                                                                                                                                 | 26,561 S.F.                                                       | <b>Private:</b>                    | 10,223 S.F.                     |
| <b>Ratio:</b>                                                                                                                                                                                                                                                                                                                                                                                  | 253.6 S.F./UNIT                                                   |                                    |                                 |
| <b>16. Parking Data:</b>                                                                                                                                                                                                                                                                                                                                                                       |                                                                   |                                    |                                 |
| <b>Ordinance Required</b>                                                                                                                                                                                                                                                                                                                                                                      |                                                                   | <b>Proposed Parking</b>            |                                 |
| STREET SIDE PARKING UNITS 133 x .75 = 100                                                                                                                                                                                                                                                                                                                                                      |                                                                   | STANDARD SPACES                    | = 136                           |
| TWO BORNAL UNITS 12 x 1.5 = 18                                                                                                                                                                                                                                                                                                                                                                 |                                                                   | COMPACT SPACES                     | = 6                             |
| ADMIN OFFICE STAFF                                                                                                                                                                                                                                                                                                                                                                             |                                                                   |                                    |                                 |
| <b>TOTAL</b>                                                                                                                                                                                                                                                                                                                                                                                   | <b>= 120</b>                                                      | <b>TOTAL</b>                       | <b>= 142</b>                    |
| *BASED ON THE CITY OF ESCONDIDO.                                                                                                                                                                                                                                                                                                                                                               |                                                                   |                                    |                                 |
| <b>Parking Ratio:</b>                                                                                                                                                                                                                                                                                                                                                                          | 142 SPACES / 145 UNITS                                            |                                    | = .98                           |
| <b>17. Setbacks:</b>                                                                                                                                                                                                                                                                                                                                                                           |                                                                   |                                    |                                 |
| <b>Ordinance Required</b>                                                                                                                                                                                                                                                                                                                                                                      |                                                                   | <b>Proposed Setbacks</b>           |                                 |
| <b>Front (N. Valley Parkway)</b>                                                                                                                                                                                                                                                                                                                                                               | 14' FROM ULTIMATE ST. CURB FACE                                   | <b>Front (N. Valley Parkway)</b>   | 14' FROM ULTIMATE ST. CURB FACE |
| <b>Street Side (Rainey Street)</b>                                                                                                                                                                                                                                                                                                                                                             | 14' FROM ULTIMATE ST. CURB FACE                                   | <b>Street Side (Rainey Street)</b> | 14' FROM ULTIMATE ST. CURB FACE |
| <b>Int. Side (Alley):</b>                                                                                                                                                                                                                                                                                                                                                                      | 0'                                                                | <b>Int. Side (Alley):</b>          | 0'                              |
| <b>Rear (Post Channel):</b>                                                                                                                                                                                                                                                                                                                                                                    | 0'                                                                | <b>Rear (Post Channel):</b>        | 11'                             |
| <b>18. Building Square Footages:</b>                                                                                                                                                                                                                                                                                                                                                           |                                                                   |                                    |                                 |
| LEVEL R AREA E ENTR TERRACES                                                                                                                                                                                                                                                                                                                                                                   | = 53,724 S.F.                                                     |                                    |                                 |
| LEVEL R COMMON AREAS RESIDENTIAL                                                                                                                                                                                                                                                                                                                                                               | = 38,008 S.F.                                                     |                                    |                                 |
| LEVEL R COMMON AREAS RESIDENTIAL                                                                                                                                                                                                                                                                                                                                                               | = 38,008 S.F.                                                     |                                    |                                 |
| LEVEL R COMMON AREAS RESIDENTIAL                                                                                                                                                                                                                                                                                                                                                               | = 37,865 S.F.                                                     |                                    |                                 |
| LEVEL R COMMON AREAS RESIDENTIAL                                                                                                                                                                                                                                                                                                                                                               | = 37,865 S.F.                                                     |                                    |                                 |
| <b>Total Building Area</b>                                                                                                                                                                                                                                                                                                                                                                     | <b>= 205,670 Sq. Ft.</b>                                          |                                    |                                 |
| LEVEL R OPEN PODIUM NON ILDIN AREA                                                                                                                                                                                                                                                                                                                                                             | = 16,316 S.F.                                                     |                                    |                                 |
| LAWN AREA                                                                                                                                                                                                                                                                                                                                                                                      | = 78,418 S.F.                                                     |                                    |                                 |
| ALCOVES PATIOS                                                                                                                                                                                                                                                                                                                                                                                 | = 8,184 S.F.                                                      |                                    |                                 |
| COMMON NET LEASIN                                                                                                                                                                                                                                                                                                                                                                              | = 3,717 S.F.                                                      |                                    |                                 |
| LAUNDRY UTILITY STORAGE/CIRCULATION                                                                                                                                                                                                                                                                                                                                                            | = 8,000 S.F.                                                      |                                    |                                 |
| STAIRS TERRACES CIRCULATION                                                                                                                                                                                                                                                                                                                                                                    | = 59,617 S.F.                                                     |                                    |                                 |
| AREA E ENTR TERRACES                                                                                                                                                                                                                                                                                                                                                                           | = 53,724 S.F.                                                     |                                    |                                 |
| <b>Total Building Area</b>                                                                                                                                                                                                                                                                                                                                                                     | <b>= 205,670 Sq. Ft.</b>                                          |                                    |                                 |
| <b>19. Residential Unit Mix:</b>                                                                                                                                                                                                                                                                                                                                                               |                                                                   |                                    |                                 |
| ST DIO                                                                                                                                                                                                                                                                                                                                                                                         | ATH                                                               | S.F.                               | 4                               |
| EDROOM                                                                                                                                                                                                                                                                                                                                                                                         | ATH                                                               | S.F.                               | 129                             |
| EDROOM                                                                                                                                                                                                                                                                                                                                                                                         | ATH                                                               | S.F.                               | 12                              |
| <b>Total Number of Residential Units:</b>                                                                                                                                                                                                                                                                                                                                                      |                                                                   |                                    | <b>= 145 Units</b>              |
| R LEVEL                                                                                                                                                                                                                                                                                                                                                                                        | ST DIO                                                            | R.                                 | 33                              |
| R LEVEL                                                                                                                                                                                                                                                                                                                                                                                        | ST DIO                                                            | R.                                 | 38                              |
| R LEVEL                                                                                                                                                                                                                                                                                                                                                                                        | ST DIO                                                            | R.                                 | 38                              |
| R LEVEL                                                                                                                                                                                                                                                                                                                                                                                        | ST DIO                                                            | R.                                 | 36                              |
| <b>Total Number of Residential Units:</b>                                                                                                                                                                                                                                                                                                                                                      |                                                                   |                                    | <b>= 145 Units</b>              |
| <b>20. Building Density:</b>                                                                                                                                                                                                                                                                                                                                                                   |                                                                   |                                    |                                 |
| <b>DENSITY CALC:</b>                                                                                                                                                                                                                                                                                                                                                                           | 145 DU / 1.47 AC - NET                                            |                                    | = 98.6 DU/AC                    |
| <b>MAX. DENSITY:</b>                                                                                                                                                                                                                                                                                                                                                                           | 100 DU PER ACRE                                                   |                                    |                                 |
| <b>PROPOSED DENSITY:</b>                                                                                                                                                                                                                                                                                                                                                                       | 98.6 DU/AC                                                        |                                    |                                 |
| <b>21. Building Height:</b>                                                                                                                                                                                                                                                                                                                                                                    | Allowable: 5 STORIES OR 75', WHICHEVER IS LESS                    | Proposed: 61'-0" - APPROX.         |                                 |

Exhibit "C"



# QUINCE STREET SENIOR HOUSING DEVELOPMENT

ESCONDIDO - CALIFORNIA

4TH SCHEMATIC DESIGN SUBMITTAL SET - APRIL 10, 2019  
UPDATED - JULY 29, 2019

3RD SCHEMATIC DESIGN SUBMITTAL SET - JANUARY 29, 2019  
2ND SCHEMATIC DESIGN SUBMITTAL SET - NOVEMBER 14, 2018  
INITIAL SCHEMATIC DESIGN SUBMITTAL SET- NOVEMBER 16, 2017

## SAN DIEGO INTERFAITH HOUSING FOUNDATION

## RODRIGUEZ ASSOCIATES ARCHITECTS & PLANNERS, INC.

**RODRIGUEZ ASSOCIATES ARCHITECTS & PLANNERS, INC.**  
4080 CENTRE ST. SUITE 104, SAN DIEGO, CA 92108  
(619) 544-8951 (619) 544-8941 FAX

**SPECIFIC PLAN AMENDMENT**  
**MASTER DEVELOPMENT PLAN**  
**PRECISE DEVELOPMENT PLAN**

**PROJECT DIRECTORY**

|                                                                                                                                                          |                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICANT:</b><br>SAN DIEGO INTERFAITH HOUSING FOUNDATION<br>7706 LESTER AVENUE<br>LEMON GROVE, CALIFORNIA 91945<br>(619) 665-1532 (619) 667-0891 FAX | <b>ARCHITECT:</b><br>RODRIGUEZ ASSOCIATES ARCHITECTS & PLANNERS, INC.<br>4080 CENTRE ST., SUITE 104<br>SAN DIEGO, CALIFORNIA 92108<br>(619) 544-8951 (619) 544-8941 FAX |
| <b>CIVIL ENGINEER:</b><br>SWS ENGINEERING, INC.<br>261 ALLIUM DRIVE, SUITE 115<br>SAN MARCOS, CALIFORNIA 92069<br>(760) 744-0011                         | <b>LANDSCAPE ARCHITECT:</b><br>FORAMWORK LANDSCAPE ARCHITECTURE<br>1755 EDELMONT STREET<br>SAN DIEGO, CALIFORNIA 92102<br>(619) 269-4423                                |

**SHEET INDEX**

|                              |                                     |
|------------------------------|-------------------------------------|
| <b>ARCHITECTURAL</b>         | <b>CIVIL</b>                        |
| TS TITLE SHEET               | C1.0 PRELIM. GRADING & UTILITY PLAN |
| AS.1 ARCHITECTURAL SITE PLAN | C2.0 DETAILS & SECTIONS             |
| CS.1 CHARACTER SKETCH        |                                     |
| CS.2 CHARACTER SKETCH        |                                     |
| CS.3 CHARACTER SKETCH        |                                     |
| CS.4 CHARACTER SKETCH        |                                     |
| OS.1 OPEN SPACE EXHIBIT      |                                     |
| OS.2 OPEN SPACE EXHIBIT      |                                     |
| AD.1 UNIT PLANS              |                                     |
| AD.2 UNIT PLANS              |                                     |
| AD.1 1ST FLOOR PLAN          |                                     |
| AD.2 2ND FLOOR PLAN          |                                     |
| AD.3 3RD FLOOR PLAN          |                                     |
| AD.4 4TH FLOOR PLAN          |                                     |
| AD.5 5TH FLOOR PLAN          |                                     |
| AD.6 ROOF PLAN               |                                     |
| AD.7 EXT. ELEVATIONS         |                                     |

**VICINITY MAP**

**QUINCE STREET SENIOR HOUSING DEVELOPMENT**  
ESCONDIDO - CALIFORNIA

San Diego Interfaith Housing Foundation  
7706 LESTER AVE.  
LEMON GROVE, CA 91945  
Phone: 619-668-1532

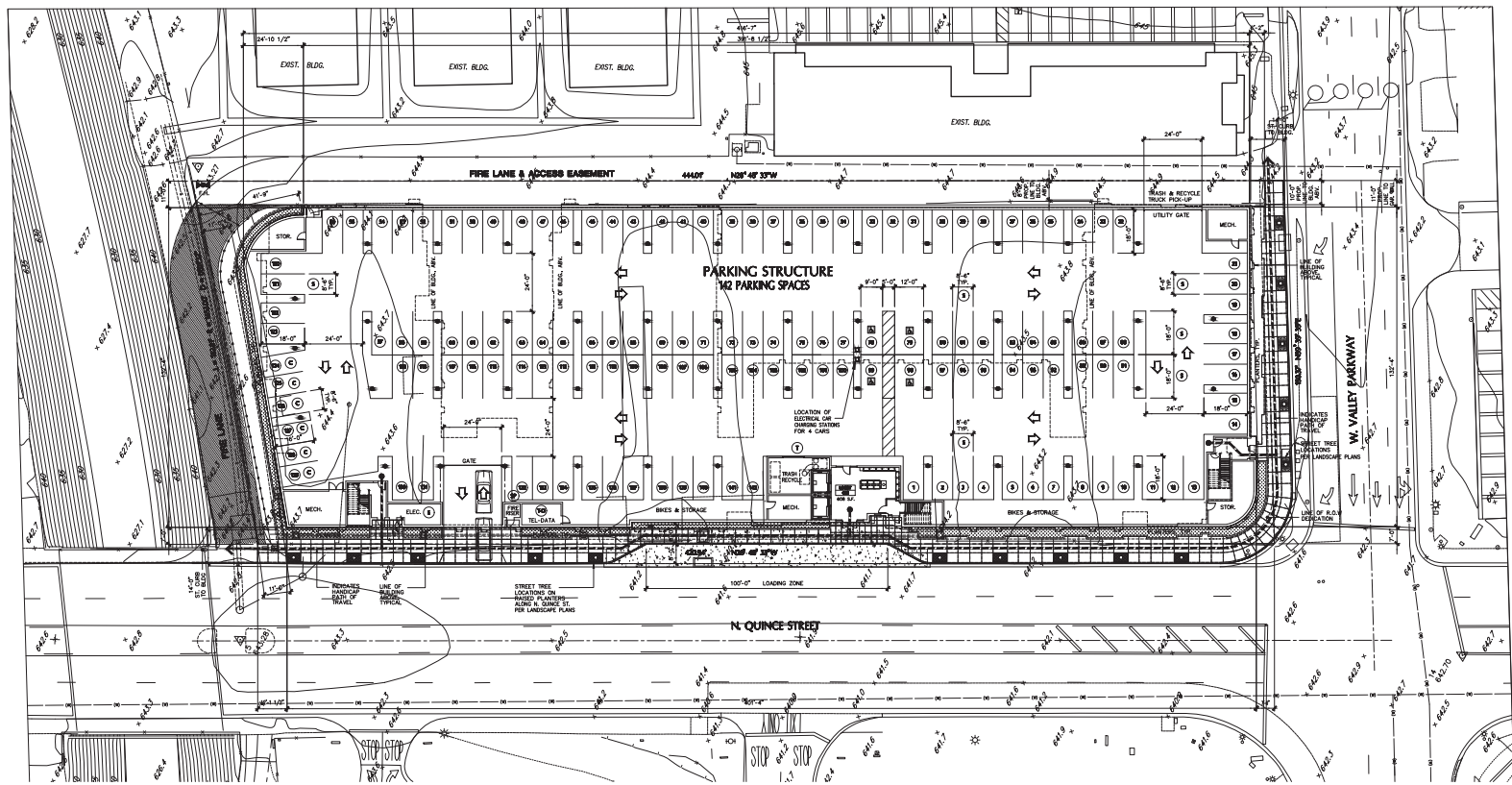
**TITLE SHEET**

|          |                    |          |          |                           |          |
|----------|--------------------|----------|----------|---------------------------|----------|
| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
| 1        | 2ND DES. SUBMITTAL | 11-14-18 | 4        | 4TH DES. SUBMITTAL UPDATE | 08-19-19 |
| 2        | 3RD DES. SUBMITTAL | 01-29-19 | 5        | 4TH DES. SUBMITTAL UPDATE | 07-29-19 |
| 3        | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |

DATE: NOV. 14, 2018  
JOB NO.:  
DRAWN:  
CHECKED:

SHEET

**TS**



SCALE: 1" = 20'

## ARCHITECTURAL SITE PLAN

146 DWELLING UNITS

FIRE DEPARTMENT NOTE:  
PER CITY OF ESCONDIDO, THE BUILDING SHALL BE SPRINKLERED PER  
NFPA 13, CLASS I STANDPIPES, FIRE ALARMS, FIRE COMMAND CENTER,  
ANNUNCIATION ID AND LOCKING STAIRWAY DOOR.

SITE PLAN NOTE:  
REFER TO CIVIL ENGINEERING AND LANDSCAPE ARCHITECTURAL PLANS  
FOR ADDITIONAL SITE INFORMATION AND DETAILS.

| SITE LEGEND |                                        |       |                                   |
|-------------|----------------------------------------|-------|-----------------------------------|
| FM          | FIRE HYDRANT LOCATION                  | (E)   | ELECTRIC METER LOCATION           |
| TR          | TRANSFORMER LOCATION                   | (TH)  | ELECTRICAL TRANSFORMER LOCATION   |
| HCP         | HANDICAP PARKING SPACE - 8' x 16' MIN. | (G)   | GAS METER LOCATION                |
| (S)         | STANDARD PARKING SPACE - 8' x 16' MIN. | (SP)  | FIRE SPRINKLER RISER LOCATION     |
| (C)         | COMPACT PARKING SPACE - 6' x 10' MIN.  | (TD)  | TEL. DATA LOCATION                |
| (P)         | PARKING COUNT                          | (T)   | TRASH / RECYCLE ENCLOSURE         |
|             |                                        | (---) | INDICATES PROPERTY LINE           |
|             |                                        | (---) | INDICATES EASEMENT LINE           |
|             |                                        | (---) | INDICATES SETBACK LINE            |
|             |                                        | (---) | INDICATES HANDICAP PATH OF TRAVEL |



## SPECIFIC PLAN AMENDMENT MASTER DEVELOPMENT PLAN PRECISE DEVELOPMENT PLAN

### DEVELOPMENT SUMMARY

**1. Summary of Request:**  
THE PROPOSED PROJECT IS A SENIOR HOUSING DEVELOPMENT IN THE CITY OF ESCONDIDO, CA. THE DEVELOPMENT SHALL INCLUDE 146 UNITS OF AFFORDABLE SENIOR APARTMENTS, A COMMUNITY CENTER, LEASING OFFICES, LAUNDRY FACILITIES, COMMUNITY GATHERING AND LANDSCAPED AREAS, AND PODIUM PARKING. THIS PROJECT WILL REPLACE EXISTING AN THREE EXISTING WAREHOUSE BUILDINGS, BUILT IN THE LATE 1960'S.

**2. Address:** 220 NORTH QUINCE STREET, ESCONDIDO, CA.

**3. Legal Description:** PARCEL 77, PORTION OF LOT 1, BLOCK 11, AS SHOWN ON PARCEL MAP NO. 0527, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED APRIL 10, 1988 AT FILE NO. 210913, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

**4. Type of Development:** SENIOR HOUSING

**7. Assessor's Parcel No.:** 229-331-10-00

**8. Zone:** S-P DOWNTOWN SPECIFIC PLAN/GATEWAY TRANSIT DISTRICT

**9. Type of Construction:** V-A & III-A (GARAGE)

**10. Occupancy:** R-2 & U

**11. Not Used.**

**12. General Plan Designation:** SPA - Specific Plan Area

**13. Floor Area Ratio:** 3.25

**14. Site data:**

| Area (Sq. Feet)                                                                      | Coverage %                                 |
|--------------------------------------------------------------------------------------|--------------------------------------------|
| Site Area: 64,804 S.F.                                                               | 53,724/64,804 = 82.9%                      |
| Building: 205,670 S.F.                                                               | 18,008/64,804 = 27.8% (Excludes 1st Level) |
| Landscaping: 2,389 S.F./ST. LEVEL - 5,014 S.F./PODIUM - 2,749 S.F. FREE WELLS IN W/M | (17.7% OF 505)                             |

**15. Open Space Data:** 36,784 S.F. TOTAL

**Common:** 26,561 S.F. **Private:** 10,223 S.F. **Ratio:** 253.6 S.F./UNIT

**16. Parking Data:**

| Ordinance Required                     | Proposed Parking      |
|----------------------------------------|-----------------------|
| TWO (2) ONE BORN UNITS 133 x .75 = 100 | STANDARD SPACES = 136 |
| TWO BORN UNITS 12 x 1.5 = 18           | COMPACT SPACES = 6    |
| ADMINISTRATIVE STAFF                   |                       |
| <b>TOTAL</b> = 118                     | <b>TOTAL</b> = 142    |

BASED ON THE CITY OF ESCONDIDO.

**Parking Ratio:** 142 SPACES / 146 UNITS = .98

**17. Setbacks:**

| Front (N. Valley Parkway)       | Proposed Setbacks               |
|---------------------------------|---------------------------------|
| 14' FROM ULTIMATE ST. CURB FACE | 14' FROM ULTIMATE ST. CURB FACE |
| Street Side (Quince Street)     | Street Side (Quince Street)     |
| 14' FROM ULTIMATE ST. CURB FACE | 14' FROM ULTIMATE ST. CURB FACE |
| Int. Side (Alley)               | Int. Side (Alley)               |
| 0'                              | 0'                              |
| Rear (Rear Channel)             | Rear (Rear Channel)             |
| 0'                              | 11'                             |

**18. Building Square Footage:**

| LEVEL                      | AREA         | TOTALS      | = | 53,724 S.F.            |
|----------------------------|--------------|-------------|---|------------------------|
| LEVEL R                    | COMMON AREAS | RESIDENTIAL | = | 38,008 S.F.            |
| LEVEL R                    | COMMON AREAS | RESIDENTIAL | = | 38,008 S.F.            |
| LEVEL R                    | COMMON AREAS | RESIDENTIAL | = | 37,965 S.F.            |
| LEVEL R                    | COMMON AREAS | RESIDENTIAL | = | 37,965 S.F.            |
| <b>Total Building Area</b> |              |             | = | <b>306,670 Sq. Ft.</b> |

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CREEK & BIKE TRAIL

GARAGE ENTRANCE

ST. LEVEL PLANTERS & TREES

RESIDENTIAL ENTRANCE

APARTMENTS & BALCONIES

W. VALLEY PARKWAY

STREET SCENE ALONG N. QUINCE STREET



CREEK & BIKE TRAIL

PRIVATE BALCONIES, ABV.

STAIR ENTRANCE



GARAGE ENTRANCE

4TH LEVEL VIEW TERRACE, ABV.



GLASS RAILS, ABV.

ENTRY STOREFRONT & AWNINGS

MTL SIDING



STUCCO WALLS & MTL AWNINGS

OBSERVATION DECK W/ ART NICHES

ENLARGED VIEWS ALONG N. QUINCE STREET

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
RECORDING - CALIFORNIA



**San Diego Interfaith  
Housing Foundation**

79% LESTER AVE.  
Lemon Grove, CA 92045  
Phone: 619-668-1532

**CHARACTER SKETCH**

| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
|----------|--------------------|----------|----------|---------------------------|----------|
| ▲ 1      | 2ND DES. SUBMITTAL | 11-14-18 | ▲ 4      | 4TH DES. SUBMITTAL UPDATE | 08-19-19 |
| ▲ 2      | 3RD DES. SUBMITTAL | 01-29-19 | ▲ 5      | 4TH DES. SUBMITTAL UPDATE | 07-29-19 |
| ▲ 3      | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |



DATE

NOV. 14, 2018

JOB NO.

DRAWN

CHECKED

SHEET

CS.1

SCHEMATIC DESIGN SUBMITTAL SET 04/10/2019 - UPDATED 07/29/19

PLANNING CASE NO.8 : PHG 17-0028 / ENV 17-0008

|                                 |
|---------------------------------|
| <b>SPECIFIC PLAN AMENDMENT</b>  |
| <b>MASTER DEVELOPMENT PLAN</b>  |
| <b>PRECISE DEVELOPMENT PLAN</b> |



PERSPECTIVE VIEW AT INTERSECTION OF QUINCE STREET & W. VALLEY PARKWAY

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
ESCONDIDO - CALIFORNIA

**San Diego Interfaith  
Housing Foundation**  
79% LESTER AVE.  
LEMON GROVE, CA 92045  
Phone: 619-668-1532

**CHARACTER SKETCH**

|          |                    |          |          |                           |          |
|----------|--------------------|----------|----------|---------------------------|----------|
| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
| 1        | 2ND DES. SUBMITTAL | 11-14-18 | 4        | 4th DES. SUBMITTAL UPDATE | 05-19-19 |
| 2        | 3RD DES. SUBMITTAL | 01-29-19 |          |                           |          |
| 3        | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |

DATE: NOV. 14, 2018

JOB NO.:

DRAWN:

CHECKED:

SHEET

**CS.2**





**RODRIGUEZ ASSOCIATES  
ARCHITECTS & PLANNERS, INC.**  
4000 CENTRE ST. SUITE 100, SAN DIEGO, CA 92108 619 544-0001 619 544-0091 FAX

|                                 |
|---------------------------------|
| <b>SPECIFIC PLAN AMENDMENT</b>  |
| <b>MASTER DEVELOPMENT PLAN</b>  |
| <b>PRECISE DEVELOPMENT PLAN</b> |



PERSPECTIVE VIEW AT W. VALLEY PARKWAY



PERSPECTIVE VIEW AT W. VALLEY PARKWAY IN CONTEXT

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
RECORDING - CALIFORNIA



**San Diego Interfaith  
Housing Foundation**  
7956 LESTER AVE.  
LEMON GROVE, CA 92045  
Phone: 619-668-1532

**CHARACTER SKETCH**

|          |                    |          |          |                           |          |
|----------|--------------------|----------|----------|---------------------------|----------|
| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
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| ▲ 3      | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |



DATE: NOV. 14, 2018  
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SHEET  
**CS.3**



PERSPECTIVE VIEW AT ALLEY AND NORTH ELEVATION



PERSPECTIVE VIEW AT CORNER OF NORTH QUINCE STREET



**RODRIGUEZ ASSOCIATES  
ARCHITECTS & PLANNERS, INC.**  
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|                                 |
|---------------------------------|
| <b>SPECIFIC PLAN AMENDMENT</b>  |
| <b>MASTER DEVELOPMENT PLAN</b>  |
| <b>PRECISE DEVELOPMENT PLAN</b> |

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
RECORDING - CALIFORNIA



**San Diego Interfaith  
Housing Foundation**  
7956 LESTER AVE.  
LEMON GROVE, CA 92543  
Phone: 619-668-1532

**CHARACTER SKETCH**

|          |                    |          |          |                           |          |
|----------|--------------------|----------|----------|---------------------------|----------|
| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
| ▲ 1      | 2ND DES. SUBMITTAL | 11-14-18 | ▲ 4      | 4TH DES. SUBMITTAL UPDATE | 05-19-19 |
| ▲ 2      | 3RD DES. SUBMITTAL | 01-29-19 | ▲ 5      | 4TH DES. SUBMITTAL UPDATE | 07-29-19 |
| ▲ 3      | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |



DATE: NOV. 14, 2018  
JOB NO.  
DRAWN  
CHECKED

SHEET  
**CS.4**

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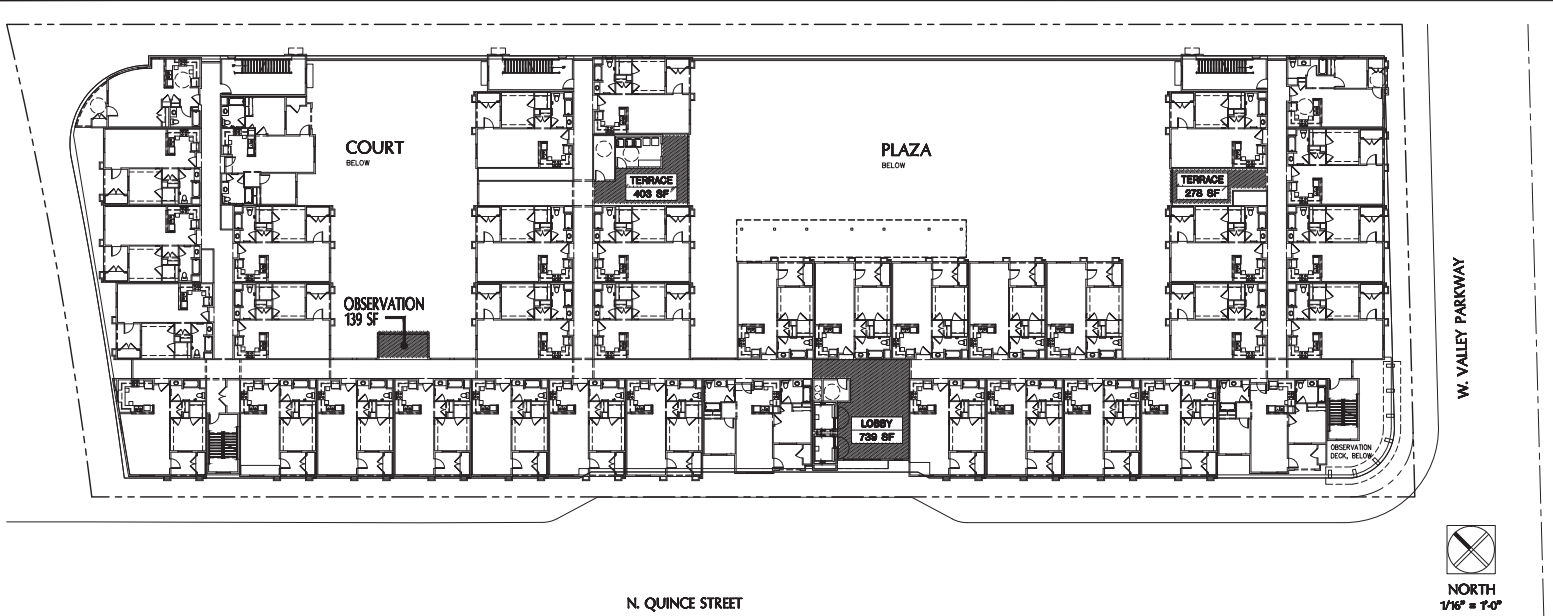


## COMMON OPEN SPACE

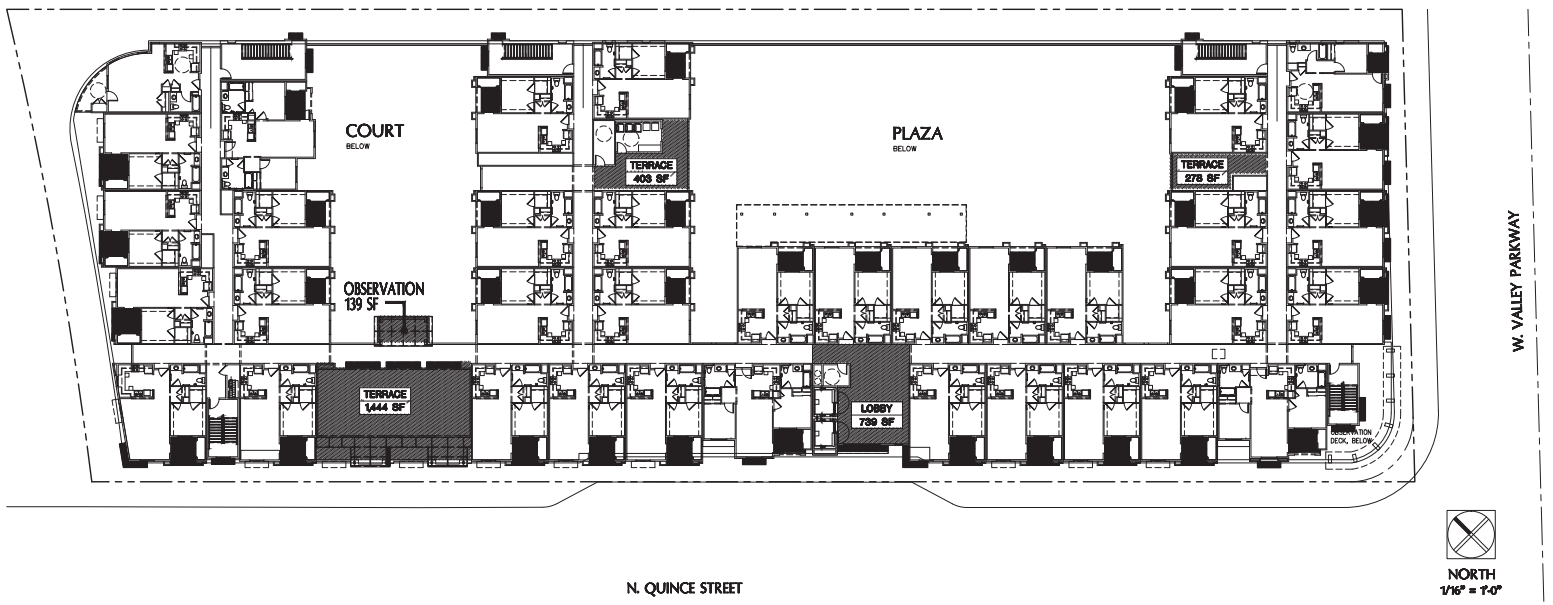


## COMMON OPEN SPACE

PLANNING CASE NO.8 : PHG 17-0028 / ENV 17-0008



**BUILDING FLOOR PLAN - LEVEL R3**  
**COMMON OPEN SPACE**



**BUILDING FLOOR PLAN - LEVEL R4**  
**COMMON OPEN SPACE**

**RODRIGUEZ ASSOCIATES**  
**ARCHITECTS & PLANNERS, INC.**  
4000 CENTRE ST. SUITE 100, SAN DIEGO, CA 92108 619 244-0001 619 244-0001 FAX

**SPECIFIC PLAN AMENDMENT**  
**MASTER DEVELOPMENT PLAN**  
**PRECISE DEVELOPMENT PLAN**

**COMMON OPEN SPACE CALCULATIONS**

| LEVEL                                                   | SQ. FOOTAGE        |
|---------------------------------------------------------|--------------------|
| LEVEL G1 - INCLUDES LOBBY                               | 539 S.F.           |
| LEVEL R1 - INCLUDES LOBBY, COMMON SPACES, & TERRACES    | 19,869 S.F.        |
| LEVEL R2 - INCLUDES LOBBY, TERRACES & OBSERVATION DECKS | 1,591 S.F.         |
| LEVEL R3 - INCLUDES LOBBY, TERRACES & OBSERVATION DECKS | 1,559 S.F.         |
| LEVEL R4 - INCLUDES LOBBY, TERRACES & OBSERVATION DECKS | 3,003 S.F.         |
| <b>TOTAL COMMON OPEN SPACE</b>                          | <b>26,561 S.F.</b> |

**PRIVATE OPEN SPACE CALCULATIONS**

| UNIT                            | SQ. FOOTAGE        |
|---------------------------------|--------------------|
| UNIT A1 - INC. PATIOS & BALCS   | 4 X 81 S.F.        |
| UNIT B1 - INC. PATIOS & BALCS   | 4 X 38 S.F.        |
| UNIT B2 - INC. PATIOS & BALCS   | 121 X 71 S.F.      |
| UNIT B3 - INC. PATIOS & BALCS   | 4 X 81 S.F.        |
| UNIT C1 - INC. PATIOS & BALCS   | 12 X 78 S.F.       |
| <b>TOTAL PRIVATE OPEN SPACE</b> | <b>10,223 S.F.</b> |

**TOTAL OPEN SPACE CALCULATIONS**

| SPACE                    | SQ. FOOTAGE        |
|--------------------------|--------------------|
| TOTAL COMMON OPEN SPACE  | 26,561 S.F.        |
| TOTAL PRIVATE OPEN SPACE | 10,223 S.F.        |
| <b>TOTAL OPEN SPACE</b>  | <b>36,784 S.F.</b> |

**PROPOSED OPEN SPACE RATIO**

|                         |                  |
|-------------------------|------------------|
| 36,784 S.F. / 145 UNITS | 2536 S.F. / UNIT |
|-------------------------|------------------|

**LEGEND**

|                             |  |
|-----------------------------|--|
| EXTERIOR COMMON OPEN SPACE  |  |
| INTERIOR/COVERED OPEN SPACE |  |

**QUINCE STREET SENIOR HOUSING DEVELOPMENT**  
SACRAMENTO - CALIFORNIA

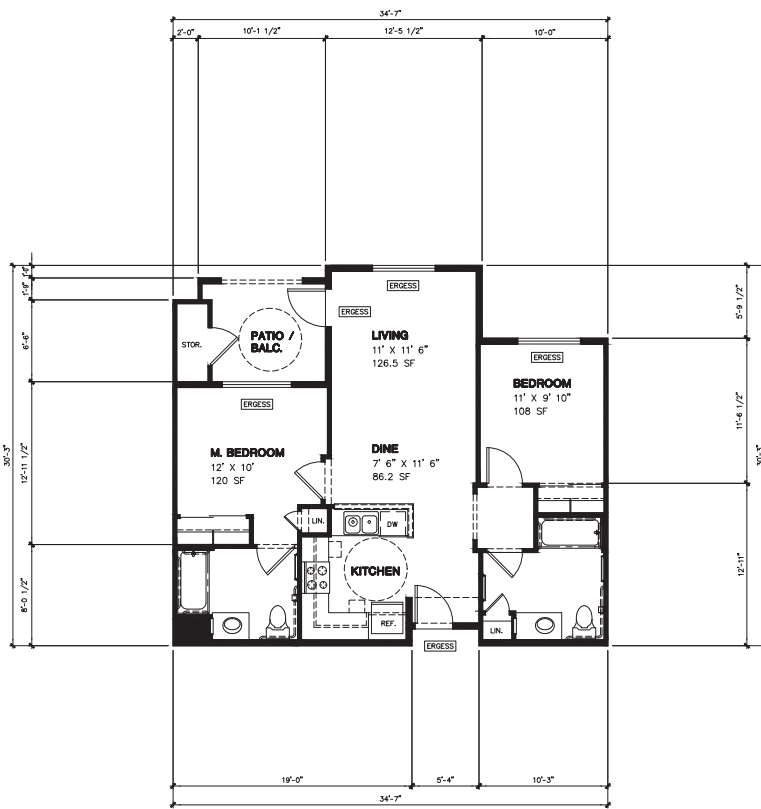
**San Diego Interfaith Housing Foundation**  
7956 LESTER AVE.  
LEMON GROVE, CA 92543  
Phone: 619-668-1532

**COMMON OPEN SPACE EXHIBIT**

|          |                    |          |          |                           |          |
|----------|--------------------|----------|----------|---------------------------|----------|
| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
| 1        | 2ND DES. SUBMITTAL | 11-14-18 | 4        | 4TH DES. SUBMITTAL UPDATE | 05-19-19 |
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| 3        | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |

|                     |             |
|---------------------|-------------|
| DATE: NOV. 14, 2018 | SHEET       |
| JOB NO.             | <b>OS.2</b> |
| DRAWN               |             |
| CHECKED             |             |





### UNIT C1

2 BEDROOM - 2 BATH

SCALE: 1/4" = 1'-0"

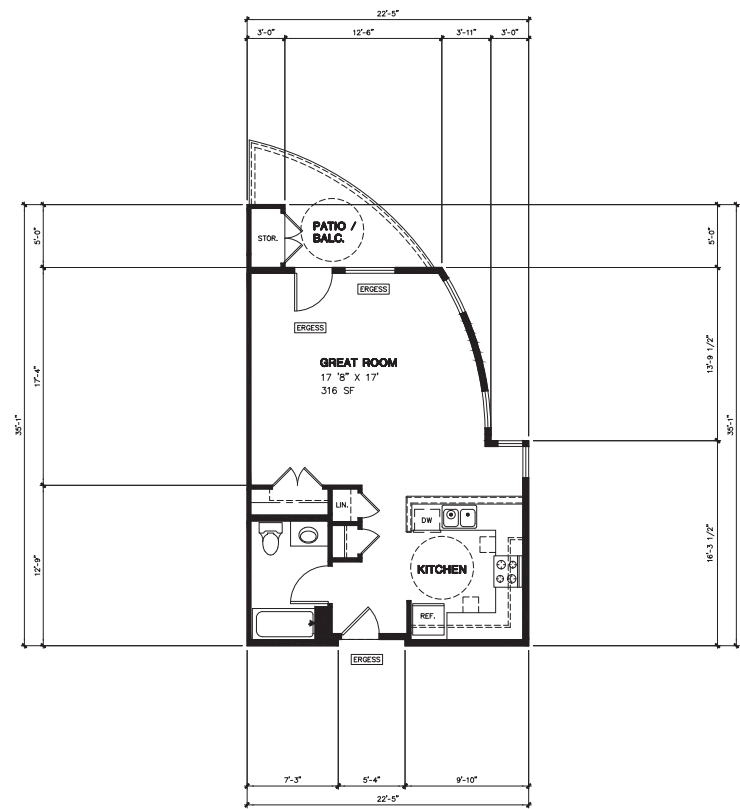
ERGESS INDICATES EMERGENCY EGRESS & RESCUE DOOR OR WINDOW LOCATION

ACCESSIBLE & ADAPTABLE  
UNITS AT ALL LEVELS

| SPACE       | SQ. FOOTAGE |
|-------------|-------------|
| LIVING AREA | 86.2 S.F.   |
| SUB-TOTAL   | 86.2 S.F.   |

#### ACCESSORY AREAS

| SPACE               | SQ. FOOTAGE |
|---------------------|-------------|
| COVERED PATIO/BALC. | 76 S.F.     |
| STORAGE             | 20 S.F.     |
| SUB-TOTAL           | 96 S.F.     |
| TOTAL               | 96 S.F.     |



### UNIT A1

STUDIO - 1 BATH

SCALE: 1/4" = 1'-0"

ERGESS INDICATES EMERGENCY EGRESS & RESCUE DOOR OR WINDOW LOCATION

ACCESSIBLE & ADAPTABLE  
UNITS AT ALL LEVELS

| SPACE       | SQ. FOOTAGE |
|-------------|-------------|
| LIVING AREA | 316 S.F.    |
| SUB-TOTAL   | 316 S.F.    |

#### ACCESSORY AREAS

| SPACE               | SQ. FOOTAGE |
|---------------------|-------------|
| COVERED PATIO/BALC. | 81 S.F.     |
| STORAGE             | 15 S.F.     |
| SUB-TOTAL           | 96 S.F.     |
| TOTAL               | 96 S.F.     |

**SPECIFIC PLAN AMENDMENT  
MASTER DEVELOPMENT PLAN  
PRECISE DEVELOPMENT PLAN**

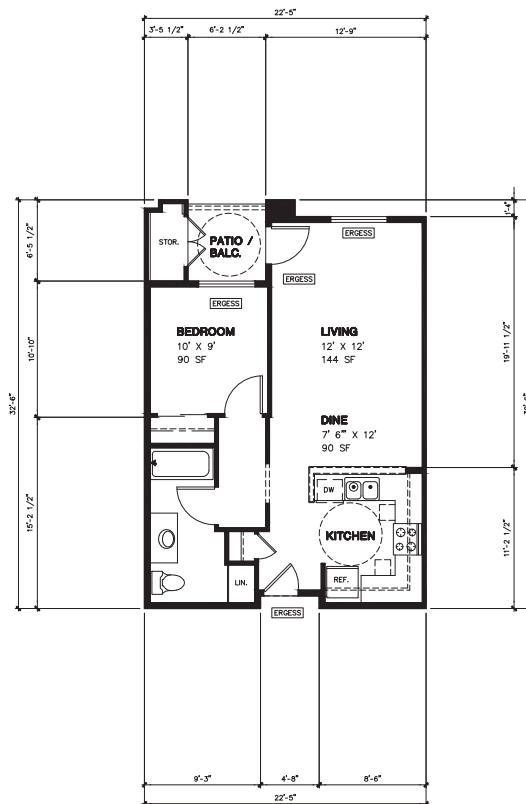
**QUINCE STREET SENIOR HOUSING DEVELOPMENT  
SACRAMENTO - CALIFORNIA**

San Diego Interfaith Housing Foundation  
796 LESTER AVE.  
LEMON GROVE, CA 92543  
Phone: 619-668-1532

### UNIT PLANS

| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
|----------|--------------------|----------|----------|---------------------------|----------|
| 1        | 2ND DES. SUBMITTAL | 11-14-18 | 4        | 4TH DES. SUBMITTAL UPDATE | 08-19-19 |
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| 3        | 4TH DES. SUBMITTAL | 04-19-19 |          |                           |          |

|                       |                      |
|-----------------------|----------------------|
| DATE<br>NOV. 14, 2018 | SHEET<br><b>A0.1</b> |
| JOB NO.               |                      |
| DRAWN                 |                      |
| CHECKED               |                      |



SCALE: 1/4" = 1'-0"

**ERCESS** INDICATES EMERGENCY EGRESS & RESCUE DOOR OR WINDOW LOCATION



|       |          |
|-------|----------|
| TOTAL | 858 S.F. |
|-------|----------|

SCALE: 1/4" = 1'-0"

**ERCESS** INDICATES EMERGENCY EGRESS &  
RESCUE DOOR OR WINDOW LOCATION



|       |          |
|-------|----------|
| TOTAL | 766 S.F. |
|-------|----------|

SCALE: 1/4" = 1'-0"

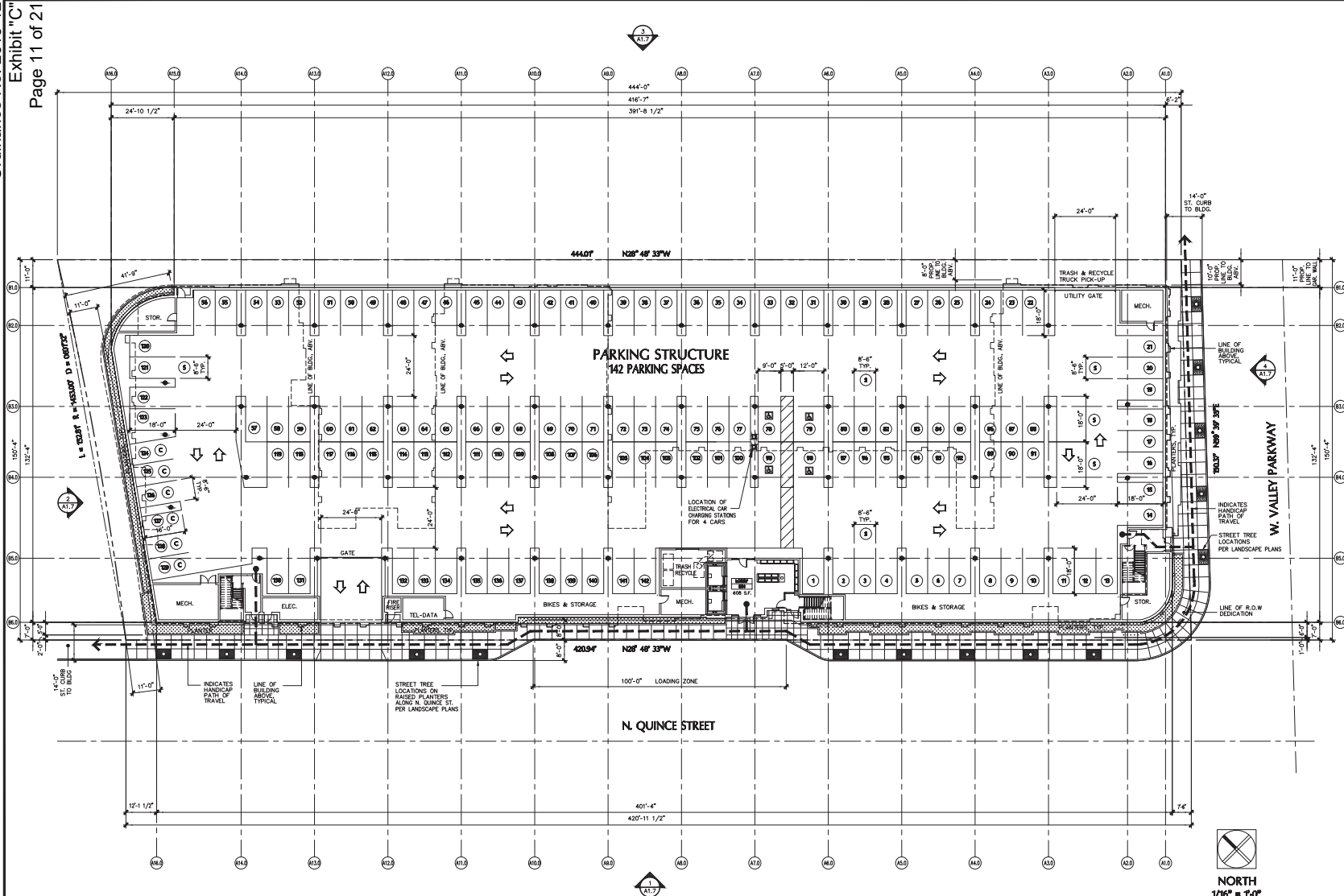
**ERGESS** INDICATES EMERGENCY EGRESS & RESCUE DOOR OR WINDOW LOCATION



|       |          |
|-------|----------|
| TOTAL | 704 S.F. |
|-------|----------|

**SPECIFIC PLAN AMENDMENT  
MASTER DEVELOPMENT PLAN  
PRECISE DEVELOPMENT PLAN**

PLANNING CASE NO.8 : PHG 17-0028 / ENV 17-0008



**BUILDING FLOOR PLAN - G1 LEVEL**

**53,724 SQUARE FEET**

SCALE: 1/16" = 1'-0"

FIRE DEPARTMENT NOTE:  
PER CITY OF ESCONDIDO, THE BUILDING SHALL BE SPRINKLERED PER  
NFA 13, CLASS 1 STANDPIPES, FIRE ALARMS, FIRE COMMAND CENTER,  
ANNUNCIATION ID AND LOCKING STAIRWAY DOOR.

PLAN NOTE:  
REFER TO CIVIL ENGINEERING AND LANDSCAPE ARCHITECTURAL PLANS  
FOR ADDITIONAL SITE & PODIUM INFORMATION AND DETAILS.

**LEVEL G1 - AREA CALCULATIONS**

| SPACE                        | SQ. FOOTAGE        |
|------------------------------|--------------------|
| GARAGE/PARKING AREA          | 49,733 S.F.        |
| LOBBY / ELEVATORS / STAIRS   | 1,650 S.F.         |
| MECHANICAL / UTILITY SPACES  | 1,997 S.F.         |
| TRASH / RECYCLE ROOM         | 344 S.F.           |
| <b>TOTAL AREA - LEVEL G1</b> | <b>53,724 S.F.</b> |



**SPECIFIC PLAN AMENDMENT  
MASTER DEVELOPMENT PLAN  
PRECISE DEVELOPMENT PLAN**

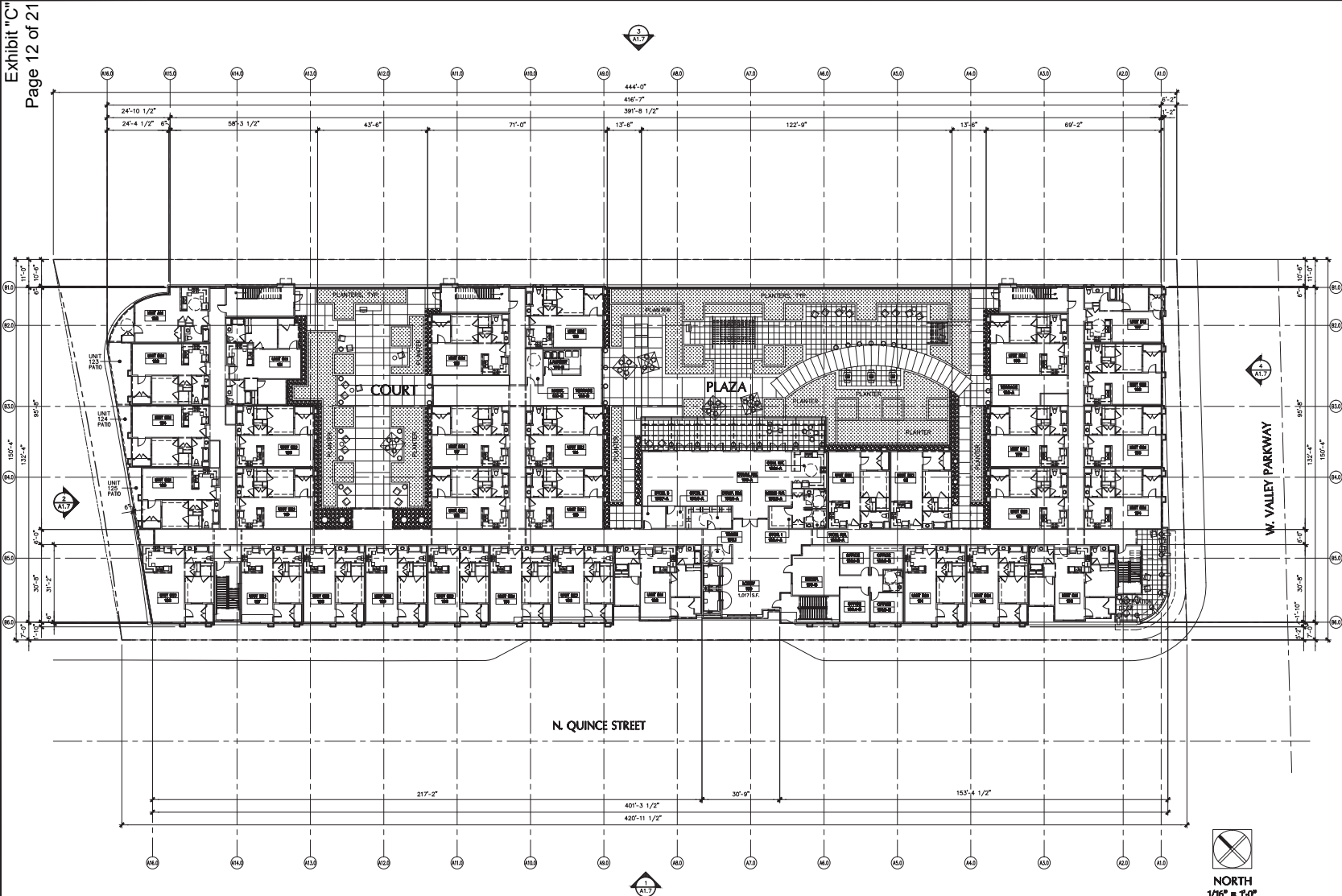
**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT  
ESCONDIDO - CALIFORNIA**

**San Diego Interfaith  
Housing Foundation**  
79% LESTER AVE.  
LEMON GROVE, CA 92045  
Phone: 619-668-1532

**1ST FLR PLAN - GARAGE LEVEL**

| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
|----------|--------------------|----------|----------|---------------------------|----------|
| 1        | 2ND DES. SUBMITTAL | 11-14-18 | 4        | 4TH DES. SUBMITTAL UPDATE | 08-19-19 |
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| 3        | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |

|                       |             |
|-----------------------|-------------|
| DATE<br>NOV. 14, 2018 | SHEET       |
| JOB NO.               | <b>A1.1</b> |
| DRAWN                 |             |
| CHECKED               |             |



**BUILDING FLOOR PLAN - LEVEL R1**

**38,008 SQUARE FEET**

SCALE: 1/16" = 1'-0"

FIRE DEPARTMENT NOTE:  
PER CITY OF ESCONDIDO, THE BUILDING SHALL BE SPRINKLERED PER  
NFPA 13, CLASS 1 STANDPIPES, FIRE ALARMS, FIRE COMMAND CENTER,  
ANNUNCIATION ID AND LOCKING STAIRWAY DOOR.

PLAN NOTE:  
REFER TO CIVIL ENGINEERING AND LANDSCAPE ARCHITECTURAL PLANS  
FOR ADDITIONAL SITE & PODIUM INFORMATION AND DETAILS.

**LEVEL R1 - AREA CALCULATIONS**

| SPACE                                      | SQ. FOOTAGE        |
|--------------------------------------------|--------------------|
| APARTMENT UNITS / PATIOS                   | 27,548 S.F.        |
| LOBBY                                      | 1,017 S.F.         |
| COMMUNITY AREA                             | 2,178 S.F.         |
| LEASING OFFICE                             | 1,167 S.F.         |
| MAINTENANCE ROOM                           | 111 S.F.           |
| LAUNDRY ROOM                               | 159 S.F.           |
| TRASH ROOM                                 | 93 S.F.            |
| UTILITY / STORAGE AREAS                    | 263 S.F.           |
| CORRIDORS / STAIRS / CIRCULATION           | 4,795 S.F.         |
| TERRACES                                   | 481 S.F.           |
| <b>TOTAL AREA - LEVEL R1</b>               | <b>38,008 S.F.</b> |
| LEVEL R1 - OPEN PODIUM / NON-BUILDING AREA | 16,316             |



**RODRIGUEZ ASSOCIATES  
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4000 CENTRE ST. SUITE 100, SAN DIEGO, CA 92108 619 544-0001 619 544-0001 FAX

**SPECIFIC PLAN AMENDMENT**  
**MASTER DEVELOPMENT PLAN**  
**PRECISE DEVELOPMENT PLAN**

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
ESCONDIDO - CALIFORNIA



**San Diego Interfaith  
Housing Foundation**  
79% LESTER AVE.  
LEMON GROVE, CA 92043  
Phone: 619-668-1532

**2ND FLR. PLAN - R1 LEVEL**

|          |                    |          |          |                           |          |
|----------|--------------------|----------|----------|---------------------------|----------|
| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
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| ▲ 3      | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |



**STATE OF CALIFORNIA**  
COUNTY OF SAN DIEGO  
CITY OF ESCONDIDO

DATE  
NOV. 14, 2018

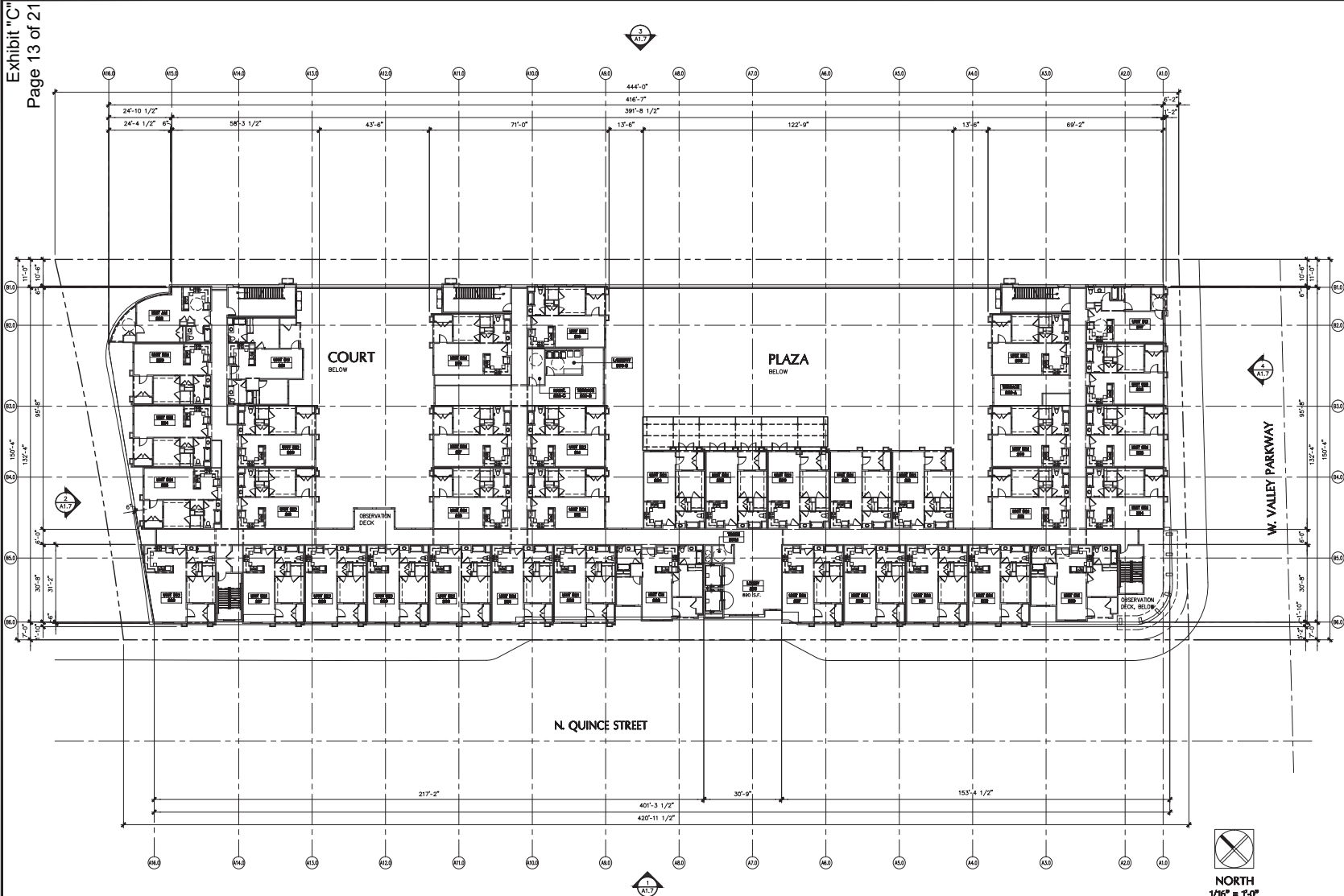
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**A1.2**



**BUILDING FLOOR PLAN - LEVEL R2**

**38,008 SQUARE FEET**

**1/16" = 1'-0"**

FIRE DEPARTMENT NOTE:  
PER CITY OF ESCONDIDO, THE BUILDING SHALL BE SPRINKLERED PER  
NFPA 13, CLASS 1 STANDPIPES, FIRE ALARMS, FIRE COMMAND CENTER,  
ANNUNCIATION ID AND LOCKING STAIRWAY DOOR.

| LEVEL R2 - AREA CALCULATIONS     |                    |
|----------------------------------|--------------------|
| SPACE                            | SQ. FOOTAGE        |
| APARTMENT UNITS / BALCONIES      | 31,018 S.F.        |
| LOBBY                            | 890 S.F.           |
| MAINTENANCE ROOM                 | 111 S.F.           |
| LAUNDRY ROOM                     | 159 S.F.           |
| TRASH ROOM                       | 93 S.F.            |
| UTILITY / STORAGE AREAS          | 263 S.F.           |
| CORRIDORS / STAIRS / CIRCULATION | 4,795 S.F.         |
| TERRACES                         | 681 S.F.           |
| <b>TOTAL AREA - LEVEL R2</b>     | <b>38,008 S.F.</b> |



**RODRIGUEZ ASSOCIATES  
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**SPECIFIC PLAN AMENDMENT**  
**MASTER DEVELOPMENT PLAN**  
**PRECISE DEVELOPMENT PLAN**

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
ESCONDIDO - CALIFORNIA



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79% LESTER AVE.  
LEMON GROVE, CA 92043  
Phone: 619-668-1532

**3RD FLR. PLAN - R2 LEVEL**

|          |                    |          |          |                           |          |
|----------|--------------------|----------|----------|---------------------------|----------|
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| 3        | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |



**A1.3**

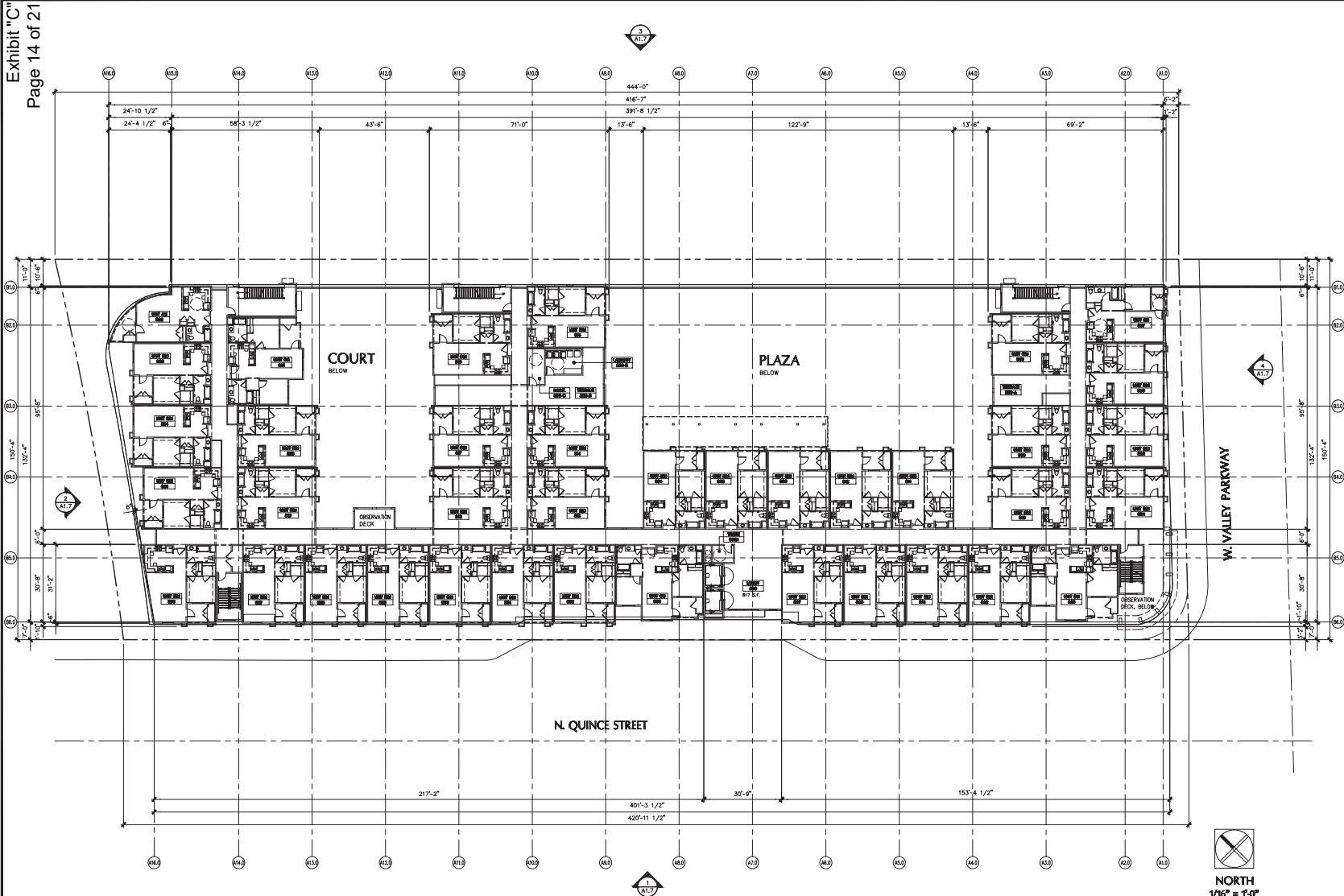
DATE  
NOV. 14, 2018

JOB NO.

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SCHEMATIC DESIGN SUBMITTAL SET 04/10/2019 - UPDATED 07/29/19  
PLANNING CASE NO.8 : PHG 17-0028 / ENV 17-0008



BUILDING FLOOR PLAN - LEVEL R3

37,965 SQUARE FEET

1/16" = 1'-0"

FIRE DEPARTMENT NOTE:  
PER CITY OF ESCONDIDO, THE BUILDING SHALL BE SPRINKLERED PER  
NFPA 13, CLASS 1 STANDPIPES, FIRE ALARMS, FIRE COMMAND CENTER,  
ANNUNCIATION ID AND LOCKING STAIRWAY DOOR.

| LEVEL R3 - AREA CALCULATIONS     |             |
|----------------------------------|-------------|
| SPACE                            | SQ. FOOTAGE |
| APARTMENT UNITS / BALCONIES      | 31,018 S.F. |
| LOBBY                            | 817 S.F.    |
| MAINTENANCE ROOM                 | 111 S.F.    |
| LAUNDRY ROOM                     | 159 S.F.    |
| TRASH ROOM                       | 93 S.F.     |
| UTILITY / STORAGE AREAS          | 263 S.F.    |
| CORRIDORS / STAIRS / CIRCULATION | 4,825 S.F.  |
| TERRACES                         | 681 S.F.    |
| TOTAL AREA - LEVEL R3            | 37,965 S.F. |



**RODRIGUEZ ASSOCIATES  
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**SPECIFIC PLAN AMENDMENT**  
**MASTER DEVELOPMENT PLAN**  
**PRECISE DEVELOPMENT PLAN**

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
ESCONDIDO - CALIFORNIA



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LEMON GROVE, CA 92043  
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**4TH FLR PLAN - R3 LEVEL**

| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
|----------|--------------------|----------|----------|---------------------------|----------|
| 1        | 2ND DES. SUBMITTAL | 11-14-18 | 4        | 4TH DES. SUBMITTAL UPDATE | 08-19-19 |
| 2        | 3RD DES. SUBMITTAL | 01-29-19 | 5        | 4TH DES. SUBMITTAL UPDATE | 07-29-19 |
| 3        | 4TH DES. SUBMITTAL | 08-19-19 |          |                           |          |



**SEAL OF THE STATE OF CALIFORNIA**  
JULY 9, 1906  
JULY 9, 1906  
JULY 9, 1906

DATE  
NOV. 14, 2018

JOB NO.

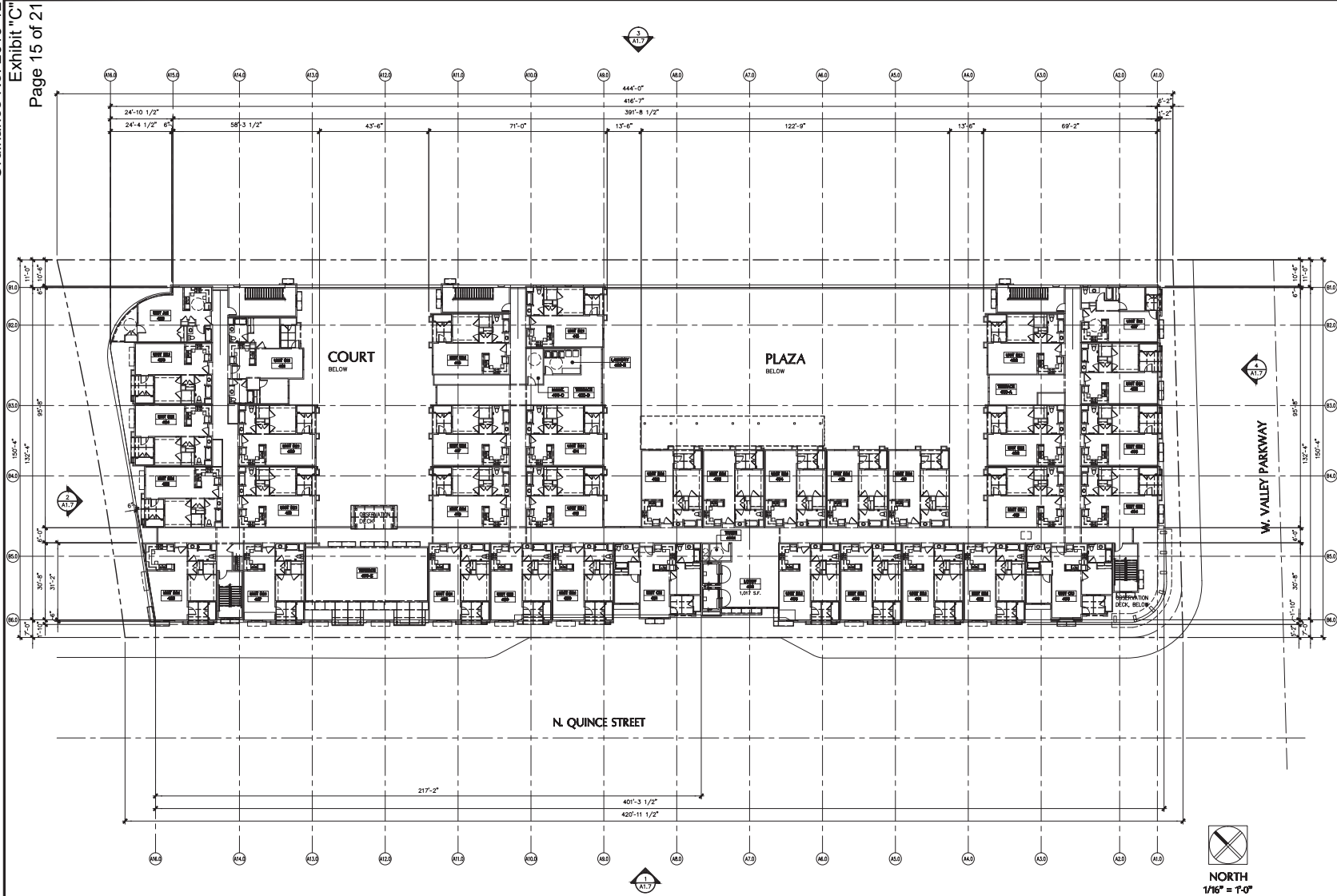
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**A14**





BUILDING FLOOR PLAN - LEVEL R4

37,965 SQUARE FEET

1/16" = 1'-0"



FIRE DEPARTMENT NOTE:  
PER CITY OF ESCONDIDO, THE BUILDING SHALL BE SPRINKLERED PER  
NFA 13, CLASS 1 STANDPIPES, FIRE ALARMS, FIRE COMMAND CENTER,  
ANNUNCIATION ID AND LOCKING STAIRWAY DOOR.

| LEVEL R4 - AREA CALCULATIONS     |             |
|----------------------------------|-------------|
| SPACE                            | SQ. FOOTAGE |
| APARTMENT UNITS / BALCONIES      | 29,515 S.F. |
| LOBBY                            | 817 S.F.    |
| MAINTENANCE ROOM                 | 111 S.F.    |
| LAUNDRY ROOM                     | 159 S.F.    |
| TRASH ROOM                       | 93 S.F.     |
| UTILITY / STORAGE AREAS          | 263 S.F.    |
| CORRIDORS / STAIRS / CIRCULATION | 4,825 S.F.  |
| TERRACES                         | 2,181 S.F.  |
| TOTAL AREA - LEVEL R4            | 37,965 S.F. |



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**SPECIFIC PLAN AMENDMENT  
MASTER DEVELOPMENT PLAN  
PRECISE DEVELOPMENT PLAN**

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT  
ESCONDIDO - CALIFORNIA**

**San Diego Interfaith  
Housing Foundation**  
79% LESTER AVE.  
LEMON GROVE, CA 92045  
Phone: 619-668-1532

**5TH FLR. PLAN - R4 LEVEL**

| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
|----------|--------------------|----------|----------|---------------------------|----------|
| 1        | 2ND DES. SUBMITTAL | 11-14-18 | 4        | 4TH DES. SUBMITTAL UPDATE | 08-19-19 |
| 2        | 3RD DES. SUBMITTAL | 01-29-19 | 5        | 4TH DES. SUBMITTAL UPDATE | 07-29-19 |
| 3        | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |



DATE: NOV. 14, 2018

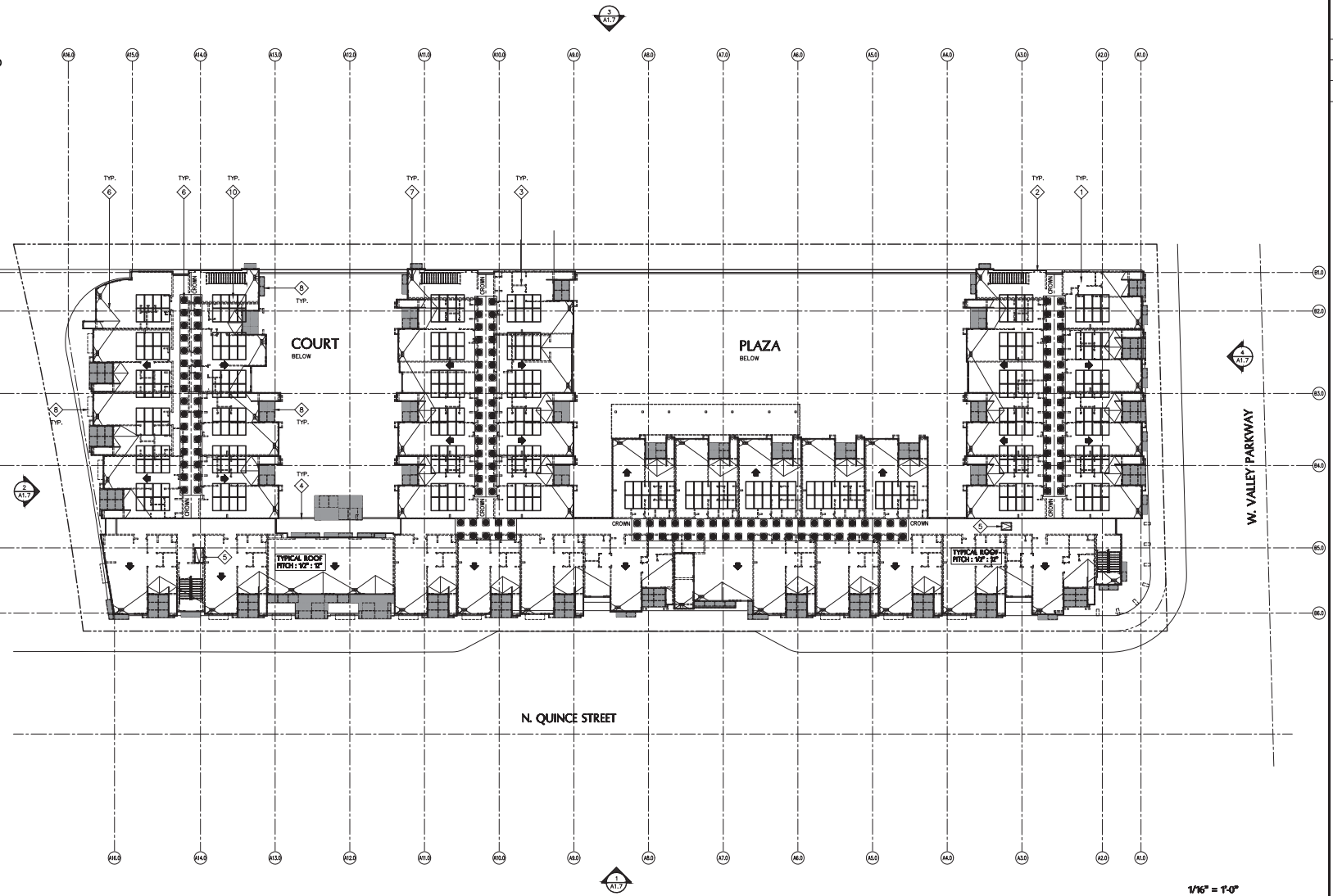
JOB NO.:

DRAWN:

CHECKED:

SHEET

**A1.5**



**BUILDING ROOF PLAN**

1/16" = 1'-0"

SCALE: 1/16" = 1'-0"

NOTE:  
MECHANICAL AND ELECTRICAL EQUIPMENT AND OTHER  
BUILDING APPURTENANCES (INCLUDING DOWNSPOUTS)  
SHALL BE SCREENED FROM PUBLIC VIEW.



**RODRIGUEZ ASSOCIATES  
ARCHITECTS & PLANNERS, INC.**  
4000 CENTRE ST. SUITE 100, SAN DIEGO, CA 92108 619 544-0001 619 544-0001 FAX

**SPECIFIC PLAN AMENDMENT**  
**MASTER DEVELOPMENT PLAN**  
**PRECISE DEVELOPMENT PLAN**

**TYPICAL ROOF LEGEND**

1

T.P.O. ROOFING AT FLAT ROOF AREAS.

2

PARAPET WALL WITH METAL COPING.

3

LINE OF BUILDING WALLS, BELOW.

4

LINE OF OPEN BALCONY, BELOW.

5

LINE OF ROOF ACCESS PANEL.

6

LINE OF ROOF CRICKET.

7

LOCATION OF ROOF DRAIN.

8

HATCHED AREA INDICATES EXT. AWNING.

8

UPPER LEVEL

8

LOWER LEVEL

9

AC MECH. EQUIP. LOCATION ON PLATFORM.

9

AC CONSIDER

10

LOCATION OF ROOF MOUNTED SOLAR PANELS

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
RECORDIO - CALIFORNIA



**San Diego Interfaith  
Housing Foundation**  
79% LESTER AVE.  
LEMON GROVE, CA 92045  
Phone: 619-668-1532

**ROOF PLAN**

| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION               | DATE     |
|----------|--------------------|----------|----------|---------------------------|----------|
| 1        | 2ND DES. SUBMITTAL | 11-14-18 | 4        | 4TH DES. SUBMITTAL UPDATE | 05-19-19 |
| 2        | 3RD DES. SUBMITTAL | 01-29-19 | 5        | 4TH DES. SUBMITTAL UPDATE | 07-29-19 |
| 3        | 4TH DES. SUBMITTAL | 04-10-19 |          |                           |          |



DATE: NOV. 14, 2018  
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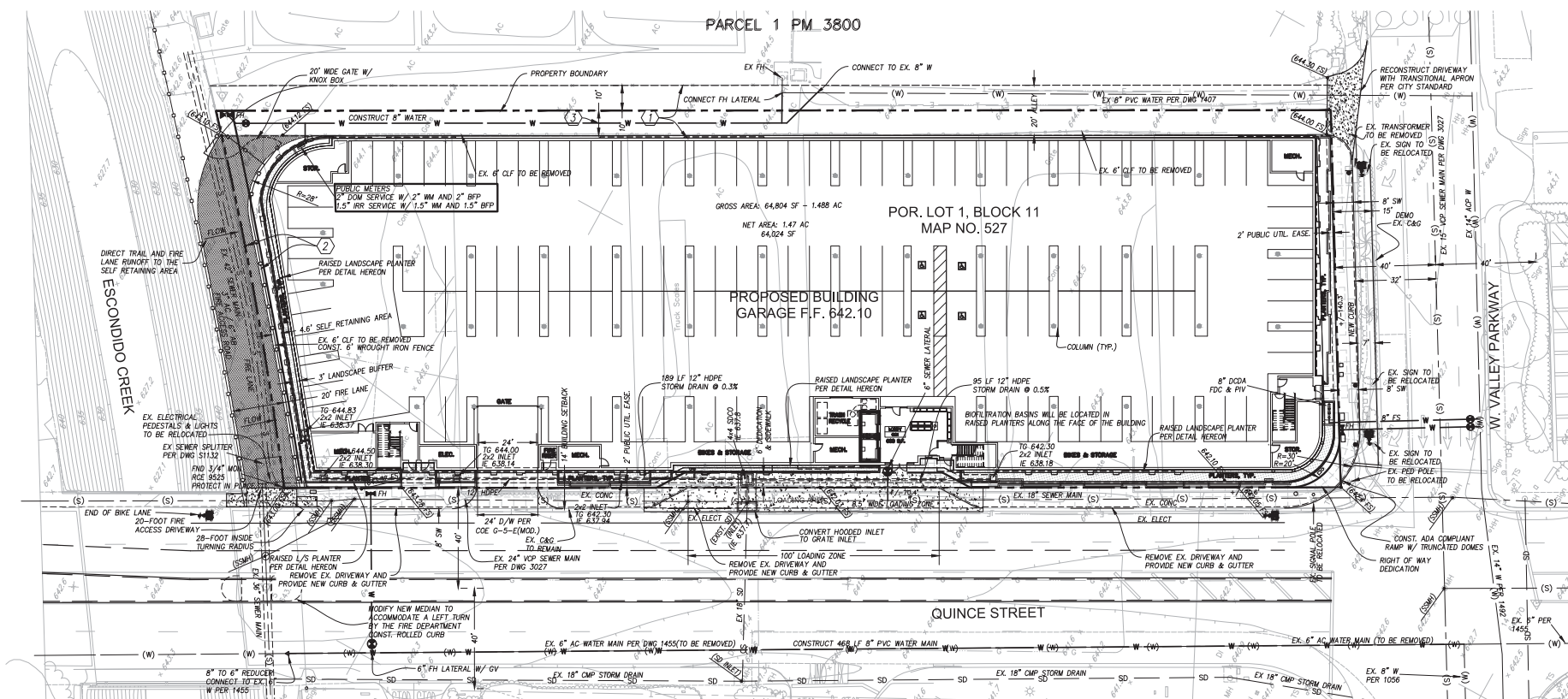
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**A1.6**



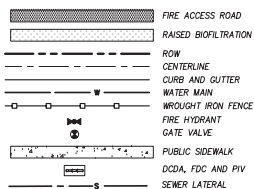


PLANNING CASE NO.8 : PHG 17-0028 / ENV 17-0006

EARTHWORK QUANTITIES  
1,000 CY OFFHAUL

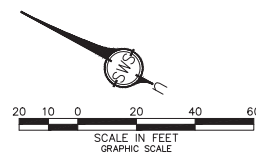


LEGEND



## EASEMENT NOTES

- EASEMENT NOTES**
- ① EXISTING ROAD AND PUBLIC UTILITY EASEMENT GRANTED IN A DOCUMENT GRANTED TO: LAWRENCE W. WEIR AND MARIE A. WEIR RECORDED ON NOVEMBER 1, 1965 AS DOC. NO. 1965-0197793 OF OFFICIAL RECORDS.
- ② PROPOSED FIRE ACCESS EASEMENT ON PROJECT SITE EXTENDS TO FENCE ALONG THE BIKE PATH.
- ③ PROPOSED 10' WATERLINE EASEMENT TO THE CITY OF ESCONCIDO.

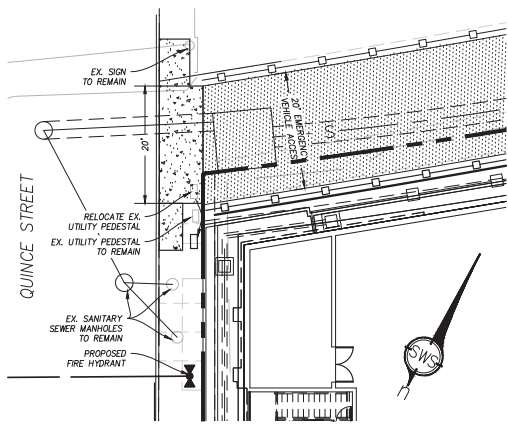


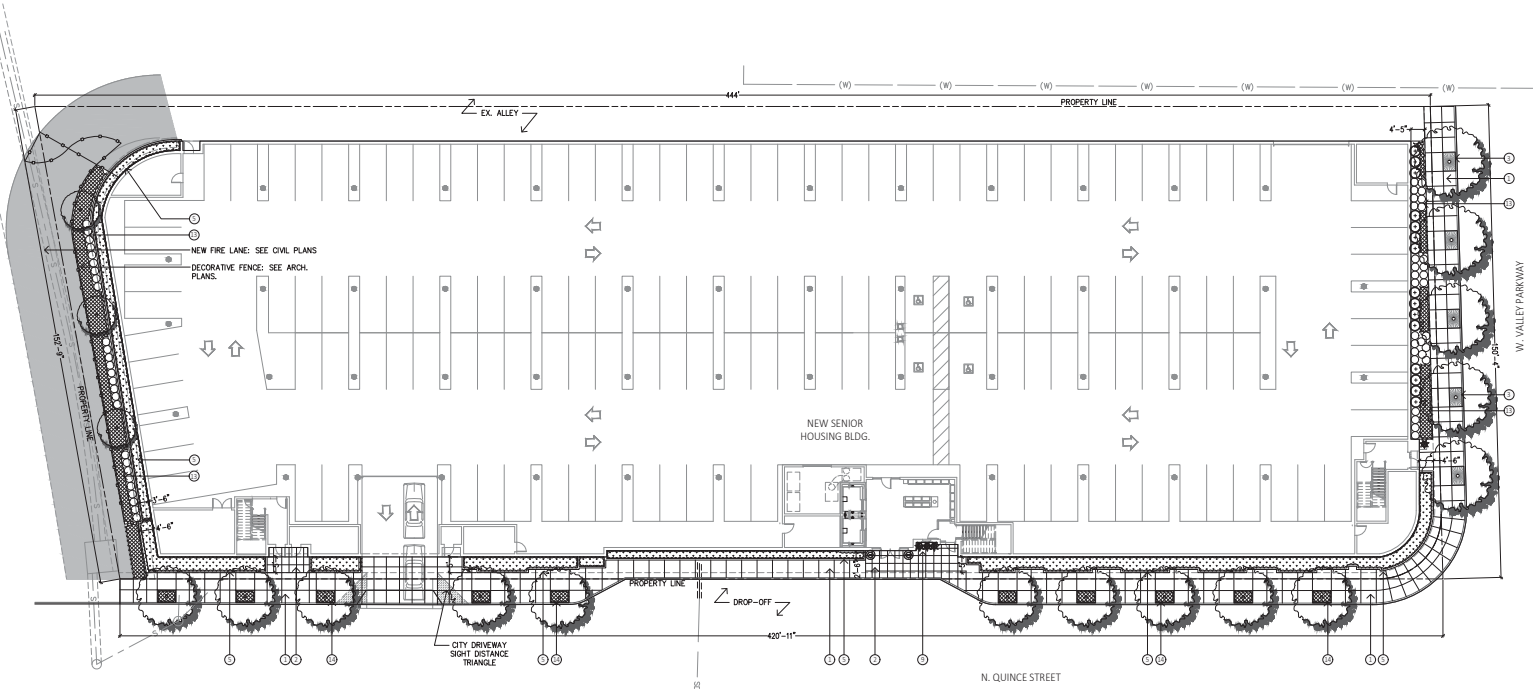
## PRELIMINARY GRADING AND UTILITY PLAN

SWS ENGINEERING, INC.

| Don Thompson                                                                                         | Lois Thompson                                                                                  | Sharon |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------|
| 1635 Lake San Marcos Drive,<br>Suite 200<br>San Marcos, CA 92078<br>P: 760-244-0811, F: 760-244-0046 | 51045 Temecula Parkway,<br>Suite 201<br>Temecula, CA 92592<br>P: 951-796-1482, F: 951-582-0451 |        |

DATE: Jul 02, 19 04 48pm by: Moll Spencer





## CONCEPTUAL LANDSCAPE PLAN - LEVEL 1

NORTH  
SCALE: 1/16" = 1'-0"

**CONCEPTUAL STATEMENT OF DESIGN INTENT**  
THE PROPOSED LANDSCAPE DESIGN IS INTENDED TO PROVIDE AN ENVIRONMENTALLY-RESPONSIBLE AND AESTHETICALLY-PLEASANT SOLUTION FOR BOTH THE PROJECT INHABITANTS AND THE LOCAL COMMUNITY AS A WHOLE. BOLD PLANT MASSINGS AND CONSIDERATION TO FORMS, TEXTURES, AND COLORS WILL BE PROVIDED SO AS TO PROVIDE AN APPROPRIATE NATURAL CONTEXT TO THE BUILDING AND ALSO PROVIDE YEAR-ROUND VISUAL INTEREST.  
THE PROJECT SHALL COMPLY WITH ALL LOCAL AND STATE WATER CODES, INCLUDING AB 1881 (MWELO). THE IRRIGATION SYSTEM WILL UTILIZE LOW-VOLUME APPLICATION METHODS AND EFFICIENT WATER-BASED CONTROL TECHNOLOGIES.  
THE LANDSCAPE PLANS SHALL ALSO BE PREPARED SO AS TO COMPLY WITH CITY OF ESCONDIDO LANDSCAPE GUIDELINES.

**IRRIGATION SYSTEM**  
THE PROJECT SHALL BE DESIGNED SO AS TO COMPLY WITH THE STATE'S "MODEL WATER EFFICIENT LANDSCAPE ORDINANCE" (AB 1881). THE IRRIGATION SYSTEM WILL UTILIZE LOW-VOLUME APPLICATION METHODS AND EFFICIENT WATER-BASED CONTROL TECHNOLOGIES. HYDROZONES WILL BE SEPARATED BASED ON PLANT REQUIREMENTS AND SOLAR EXPOSURE.  
THE LANDSCAPE PLANS SHALL ALSO BE PREPARED SO AS TO COMPLY WITH "THE CITY OF ESCONDIDO LANDSCAPE WATER CONSERVATION ORDINANCE."

**ADDITIONAL DESIGN NOTES**  
THE MINIMUM TREE/IMPROVEMENT SEPARATION DISTANCES:  
SEWER = 8FT, UNDERGROUND UTILITY LINES = 5FT, ABOVE GROUND UTILITY STRUCTURES = 10FT, DRIVEWAYS = 8FT  
THE MINIMUM STREET TREE SHALL BE 15-GAL. SIZE, 2" CALIPER AND 8FT IN HEIGHT IN ACCORDANCE WITH THE CITY OF ESCONDIDO STANDARDS.  
ALL REQUIRED LANDSCAPE SHALL BE MAINTAINED IN A DISEASE, WEED, AND LITTER-FREE CONDITION AT ALL TIMES. SEVERE PRUNING OR "TOPPING" OF TREES IS NOT PERMITTED UNLESS SPECIFICALLY NOTED IN THIS PLAN.  
THE OWNER/OWNER'S AGENT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE IMPROVEMENTS SHOWN ON THE APPROVED PLANS, INCLUDING THE RIGHT-OF-WAY, CONSISTENT WITH THE LANDSCAPE STANDARDS.

| LANDSCAPE DATA                      |         |
|-------------------------------------|---------|
| PROPOSED LEVEL 1 PLANTING:          | 3136 SF |
| PROPOSED LEVEL 2 PLANTING:          | 5014 SF |
| PROPOSED PLANTING WITHIN R.O.W.:    | 360 SF  |
| PROPOSED ENHANCED LEVEL 1 PLANTING: | 421 SF  |
| PROPOSED ENHANCED LEVEL 2 PLANTING: | 2890 SF |
| NO DEDICATED RETAINING WALLS        |         |

| LANDSCAPE ELEMENTS LEGEND                         |                                                               |
|---------------------------------------------------|---------------------------------------------------------------|
| 1                                                 | CONCRETE PAVING                                               |
| 2                                                 | FINISHED CONCRETE PAVING                                      |
| 3                                                 | 4x6 TREE GRATE (WITH ADA-COMPLIANT OPENINGS)                  |
| 4                                                 | CITY SIDEWALK: CONCRETE PAVING                                |
| 5                                                 | STORMWATER TREATMENT PLANTER: MIN. 18" HIGH (SEE CIVIL PLANS) |
| 6                                                 | LEVEL 2 PLANTERS:                                             |
|                                                   | VARYING HEIGHTS OF 18", 24", 30", 42"                         |
| 7                                                 | RESIDENT RECREATION AREA                                      |
| 8                                                 | DECORATIVE COBBLE                                             |
| 9                                                 | POTTED PLANTS                                                 |
| 10                                                | TRELLIS SHADE STRUCTURE                                       |
| 11                                                | BIRQ COUNTER                                                  |
| 12                                                | AT-GRADE PLANTER BED                                          |
| 13                                                | LARGE PRE-CAST CONCRETE PLANTERS FOR QUINCE TREES             |
| (NO IN-GROUND PLANTING DUE TO SEWER RESTRICTIONS) |                                                               |

**RODRIGUEZ ASSOCIATES  
ARCHITECTS & PLANNERS, INC.**  
4000 CENTRE FOR BLVD, SAN DIEGO, CA 92108 619 544-0000 619 544-0001 FAX

form/work  
2505 UNIVERSITY AVE.  
SAN DIEGO, CA 92104  
T: 619 369-4423

### SPECIFIC PLAN AMENDMENT MASTER DEVELOPMENT PLAN PRECISE DEVELOPMENT PLAN

| CANDIDATE PLANT LEGEND                                         |                                                        |           |        |
|----------------------------------------------------------------|--------------------------------------------------------|-----------|--------|
| SYMBOL                                                         | BOTANICAL NAME (COMMON NAME)                           | MIN. SIZE | WUCOLS |
| <b>PROJECT STREET TREES:</b>                                   |                                                        |           |        |
|                                                                | AGAVE FLEXUOSA (PEYOTE/PIRELLA WILLOW)                 | 24" BOX   | MOD    |
|                                                                | RHUS LANCEA (AFRICAN SUMAC)                            | 24" BOX   | LOW    |
| <b>PRIMARY ACCENT TREES (SUCH AS):</b>                         |                                                        |           |        |
|                                                                | ROBINIA X PURPLE ROBE (PURPLE ROBE LOCUST)             | 36" BOX   | LOW    |
|                                                                | TIPUANA TIPU (TIPU TREE)                               | 36" BOX   | LOW    |
|                                                                | KOEBERLINIA BIPINNATA (CHINESE FLAME TREE)             | 36" BOX   | MOD    |
| <b>SECONDARY ACCENT TREES (SUCH AS):</b>                       |                                                        |           |        |
|                                                                | CERCIS CANADENSIS (EASTERN REDBUD)                     | 15-GAL    | LOW    |
|                                                                | CERCIS OCCIDENTALIS (WESTERN REDBUD)                   | 15-GAL    | LOW    |
|                                                                | LAURUS N. "SANTITAS" (SWEET BAY)                       | 15-GAL    | LOW    |
|                                                                | PITTOSPORUM TENUIFOLIUM (SWEET BAY)                    | 15-GAL    | LOW    |
|                                                                | ZELKOVA S. "JFS KIWI" (CITY SPINE ELDERBERRY)          | 15-GAL    | LOW    |
|                                                                | LOPHOCLADIA NAUSEOSA (BRISBANE BOX)                    | 15-GAL    | LOW    |
| <b>SHRUBS/SUCCULENTS/GROUNDCOVERS/POTTED PLANTS (SUCH AS):</b> |                                                        |           |        |
|                                                                | AEONIUM SPP. (AEONIUM)                                 | 1 GAL     | LOW    |
|                                                                | ALOE SPP.                                              | 1 GAL     | LOW    |
|                                                                | CORDYLINE SPP.                                         | 5 GAL     | LOW    |
|                                                                | DIETES BICOLOR (FORNIGHT LILY)                         | 1 GAL     | MOD    |
|                                                                | GREVILLEA "NOBILIS" (NORFOLK GREVILLEA)                | 5 GAL     | LOW    |
|                                                                | LANтана MONTIVIRENS (TRAILING LANTANA)                 | 1 GAL     | LOW    |
|                                                                | LAURUS NOBILIS (LAUREL)                                | 5 GAL     | LOW    |
|                                                                | LEPTOSPERMUM S. CVS (DWARF TEA TREE)                   | 5 GAL     | LOW    |
|                                                                | MAHOEIA SPP. (ORANGE GRAPES)                           | 1 GAL     | LOW    |
|                                                                | MYOPORUM "PUFFIN CREEK" (CREEPING MYOPORUM)            | 1 GAL     | LOW    |
|                                                                | PITTOSPORUM T. "WHITEAKER'S DWARF" (DWARF MOCK ORANGE) | 5 GAL     | MOD    |
|                                                                | POLYSTICHUM MUNIUM (WESTERN SWORD FERN)                | 1 GAL     | LOW    |
|                                                                | PRUNELLA C. "BRIGHT N' TIGHT" (DWARF CAROLINA CHERRY)  | 5 GAL     | MOD    |
|                                                                | ROSMARINUS O. (ROSEMARY CULTIVARS)                     | 1 GAL     | LOW    |
|                                                                | SENECIO SERPENS (BLUE CHALK STICKS)                    | 1 GAL     | LOW    |
| <b>VINES (SUCH AS):</b>                                        |                                                        |           |        |
|                                                                | BOUGAINVILLEA SPP. (BOUGAINVILLEA)                     | 5 GAL     | LOW    |
|                                                                | HARDENBERGIA VIOLEACEA (LILAC VINE)                    | 5 GAL     | MOD    |
|                                                                | FICUS REPENS (CREEPING FIG)                            | 5 GAL     | MOD    |
| <b>STORMWATER (SUCH AS):</b>                                   |                                                        |           |        |
|                                                                | CAREX SPP. (DEEDS)                                     | 1 GAL     | MOD    |
|                                                                | FESTUCA MARIE (ATLAS FESCUE)                           | 1 GAL     | LOW    |
|                                                                | IRIS DOUGLASIANA (DOUGLAS IRIS)                        | 1 GAL     | MOD    |
|                                                                | MUEHLENBERGIA DUBIA (PINE MARLY)                       | 1 GAL     | LOW    |

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
ESCONDIDO - CALIFORNIA

San Diego Interfaith  
Housing Foundation

79% LESTER AVE.  
Lemon Grove, CA 92543  
Phone: 619-668-1532

CONCEPTUAL LANDSCAPE PLAN  
LEVEL 1

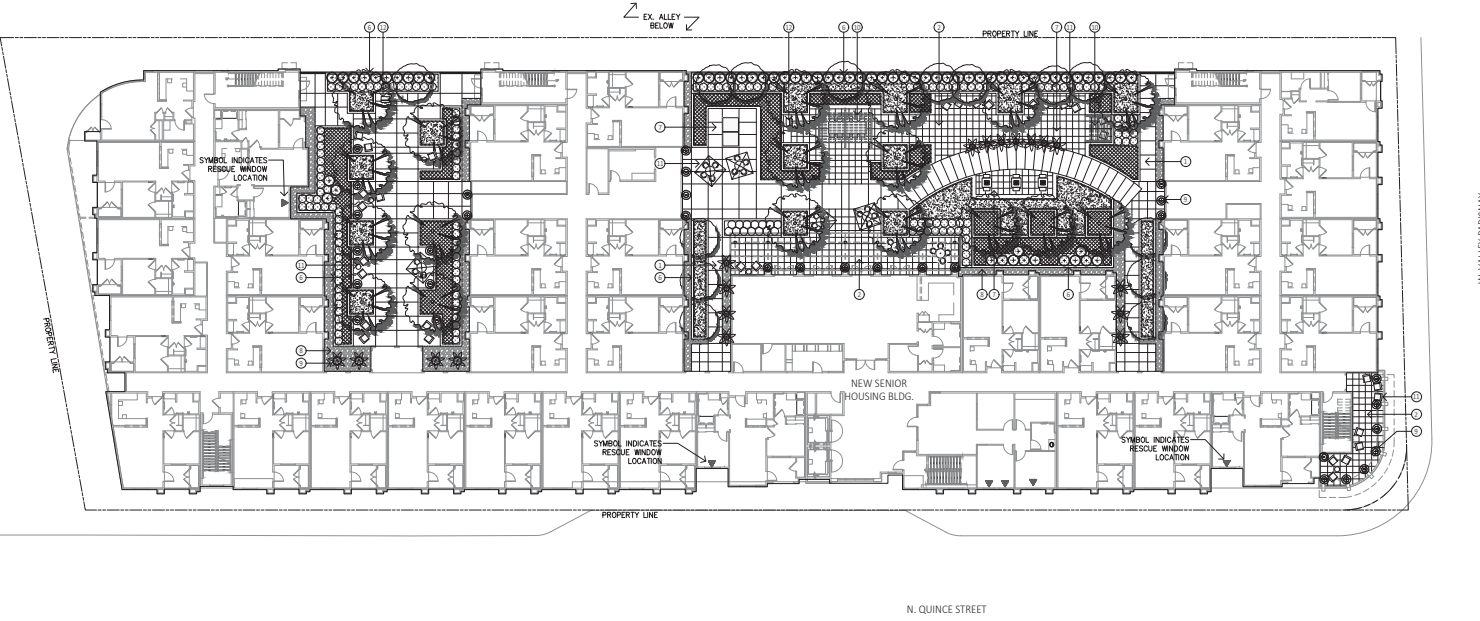
| REV. NO. | DESCRIPTION        | DATE     | REV. NO. | DESCRIPTION        | DATE     |
|----------|--------------------|----------|----------|--------------------|----------|
| 1        | 2ND DES. SUBMITTAL | 11-14-18 | 2        | 3RD DES. SUBMITTAL | 01-29-19 |
| 3        | 4TH DES. SUBMITTAL | 04-10-19 | 4        | 4TH DES. SUBMITTAL | 06-19-19 |

DATE  
NOV. 14, 2018

JOB NO.  
DRAWN  
CHECKED

SHEET  
**LC.1**





## CONCEPTUAL LANDSCAPE PLAN - LEVEL 2

**CONCEPTUAL STATEMENT OF DESIGN INTENT**

THE PROPOSED LANDSCAPE DESIGN IS INTENDED TO PROVIDE AN ENVIRONMENTALLY-RESPONSIBLE AND AESTHETICALLY-PLEASANT SOLUTION FOR BOTH THE PROJECT INHABITANTS AND THE LOCAL COMMUNITY AS A WHOLE. BOLD PLANT MASSING AND CONSIDERATION TO FORMS, TEXTURES, AND COLORS WILL BE PROVIDED SO AS TO PROVIDE AN APPROPRIATE NATURAL CONTEXT TO THE BUILDING AND ALSO PROVIDE YEAR-ROUND VISUAL INTEREST.

THE PROJECT SHALL COMPLY WITH ALL LOCAL AND STATE WATER CODES, INCLUDING AB 1881 (MIWEL). THE IRRIGATION SYSTEM WILL UTILIZE LOW-VOLUME APPLICATION METHODS AND EFFICIENT WATER-BASED CONTROL TECHNOLOGIES.

THE LANDSCAPE PLANS SHALL ALSO BE PREPARED SO AS TO COMPLY WITH CITY OF ESCONDIDO LANDSCAPE GUIDELINES.

**IRRIGATION SYSTEM**

THE PROJECT SHALL BE DESIGNED SO AS TO COMPLY WITH THE STATE'S "MODEL WATER EFFICIENT LANDSCAPE ORDINANCE" (AB 1881). THE IRRIGATION SYSTEM WILL UTILIZE LOW-VOLUME APPLICATION METHODS AND EFFICIENT WATER-BASED CONTROL TECHNOLOGIES. HYDROZONES WILL BE SEPARATED BASED ON PLANT REQUIREMENTS AND SOLAR EXPOSURE.

THE LANDSCAPE PLANS SHALL ALSO BE PREPARED SO AS TO COMPLY WITH "THE CITY OF ESCONDIDO LANDSCAPE WATER CONSERVATION ORDINANCE."

**ADDITIONAL DESIGN NOTES**

THE MINIMUM TREE/IMPROVEMENT SEPARATION DISTANCES:  
SEWER = 8 FT, UNDERGROUND UTILITY LINES = 5 FT, ABOVE GROUND UTILITY STRUCTURES = 10 FT, DRIVEWAYS = 8 FT

THE MINIMUM STREET TREE SHALL BE 15-GAL SIZE, 2" CALIPER AND 6 FT IN HEIGHT IN ACCORDANCE WITH THE CITY OF ESCONDIDO STANDARDS.

ALL REQUIRED LANDSCAPE SHALL BE MAINTAINED IN A DISEASE, WEED, AND LITTER-FREE CONDITION AT ALL TIMES. SEVERE PRUNING OR "TOPPING" OF TREES IS NOT PERMITTED UNLESS SPECIFICALLY NOTED IN THIS PERMIT.

THE OWNER/PERMITEE SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL LANDSCAPE IMPROVEMENTS SHOWN ON THE APPROVED PLANS, INCLUDING THE RIGHT-OF-WAY, CONSISTENT WITH THE LANDSCAPE STANDARDS.

| LANDSCAPE DATA                    |         |
|-----------------------------------|---------|
| PROPOSED LEVEL 1 PLANTING:        | 3136 SF |
| PROPOSED LEVEL 2 PLANTING:        | 5074 SF |
| PROPOSED PLANTING WITHIN R.O.W.:  | 360 SF  |
| PROPOSED ENHANCED LEVEL 1 PAVING: | 421 SF  |
| PROPOSED ENHANCED LEVEL 2 PAVING: | 2890 SF |
| NO DEDICATED RETAINING WALLS      |         |

- LANDSCAPE ELEMENTS LEGEND**
- ① CONCRETE PAVING
  - ② ENHANCED CONCRETE PAVING
  - ③ 4x6 TREE GRATE (WITH ADA-COMPLIANT OPENINGS)
  - ④ CITY SIDEWALK: CONCRETE PAVING
  - ⑤ STORMWATER TREATMENT PLANTER: MIN. 18" HIGH (SEE CIVIL PLANS)
  - ⑥ LEVEL 2 PLANTERS:  
VARYING HEIGHTS OF 18", 24", 30", 42"
  - ⑦ RESIDENT RECREATION AREA
  - ⑧ DECORATIVE COBBLE
  - ⑨ POTTED PLANTS
  - ⑩ TRELLIS SHADE STRUCTURE
  - ⑪ OUTDOOR FURNITURE
  - ⑫ BBQ COUNTER
  - ⑬ AT-GRADE PLANTER BED

**RODRIGUEZ ASSOCIATES  
ARCHITECTS & PLANNERS, INC.**  
4850 CENTRE ST. SUITE 100, SAN DIEGO, CA 92108 619 594-0881 619 594-0882 FAX

form/work  
2585 UNIVERSITY AVE.  
SAN DIEGO, CA 92104  
T: 619-268-8423

### SPECIFIC PLAN AMENDMENT MASTER DEVELOPMENT PLAN PRECISE DEVELOPMENT PLAN

| CANDIDATE PLANT LEGEND                                         |                                                      |           |        |
|----------------------------------------------------------------|------------------------------------------------------|-----------|--------|
| SYMBOL                                                         | BOTANICAL NAME (COMMON NAME)                         | MIN. SIZE | MICULS |
| <b>PROJECT STREET TREES:</b>                                   |                                                      |           |        |
|                                                                | AGAVE FLORIDA (PEPPERMINT WILLOW)                    | 24" BOX   | MDD    |
|                                                                | RHUS LANCIA (AFRICAN SUMAC)                          | 24" BOX   | LOW    |
| <b>PRIMARY ACCENT TREES (SUOH AS):</b>                         |                                                      |           |        |
|                                                                | ROBINIA X "PURPLE ROSE" (PURPLE ROSE LOCUST)         | 36" BOX   | LOW    |
|                                                                | TIPUANA TIPU (TIPU TREE)                             | 36" BOX   | LOW    |
|                                                                | KOELERIA BIPINNATA (CHINESE PLUME TREE)              | 36" BOX   | MDD    |
| <b>SECONDARY ACCENT TREES (SUOH AS):</b>                       |                                                      |           |        |
|                                                                | CERCIS CANADENSIS (EASTERN REDBUD)                   | 15-GAL    | LOW    |
|                                                                | CERCIS OCCIDENTALIS (WESTERN REDBUD)                 | 15-GAL    | LOW    |
|                                                                | LAURUS N. "SARATOGA" (SWEET BAY)                     | 15-GAL    | LOW    |
|                                                                | PITTOSPORUM TENUIFOLIUM (KOHUHU)                     | 15-GAL    | LOW    |
|                                                                | ZELKOVA S. "J.P. KINK" (CITY WHITE ELDERHAW)         | 15-GAL    | LOW    |
|                                                                | LOPHOSIPHON CONFERTA (BROSBANE BUSH)                 | 15-GAL    | LOW    |
| <b>SHRUBS/SUCCULENTS/GROUNDCOVERS/POTTED PLANTS (SUOH AS):</b> |                                                      |           |        |
|                                                                | AEONIUM SPP. (AEONIUM)                               | 1 GAL     | LOW    |
|                                                                | ALOE SPP. (ALOE)                                     | 1 GAL     | LOW    |
|                                                                | CORDYLIN SPP. (CORDYLIN)                             | 5 GAL     | LOW    |
|                                                                | DIETES BICOLOR (PORTULIGHT LILY)                     | 1 GAL     | MDD    |
|                                                                | GREVILLEA "NODDY" (NODDY'S GREVILLEA)                | 5 GAL     | LOW    |
|                                                                | LAN TANA MONTEVIDENSIS (TRAILING LANTANA)            | 1 GAL     | LOW    |
|                                                                | LAURUS NOBILIS (LAUREL)                              | 5 GAL     | LOW    |
|                                                                | LEPTODERMIS S. CVS (DWARF TEA TREE)                  | 5 GAL     | LOW    |
|                                                                | MAHONIA SPP. (DOUGLASS GRAPES)                       | 1 GAL     | LOW    |
|                                                                | MYOPORUM "PETER'S CREEK" (CREEPING MYOPORUM)         | 1 GAL     | LOW    |
|                                                                | PITTOSPORUM T. "WHITELL'S DWARF" (DWARF MOCK ORANGE) | 5 GAL     | MDD    |
|                                                                | POLYTAENIUM MONTIUM (WESTERN VANDER VERN)            | 1 GAL     | LOW    |
|                                                                | PRUNUS C. "BRIGHT N' TIGHT" (DWARF CAROLINA CHERRY)  | 5 GAL     | MDD    |
|                                                                | ROSEMARINUS O. (ROSEMARY CULINARY)                   | 1 GAL     | LOW    |
|                                                                | SENECIO SERPENS (BLUE CHALK STICKS)                  | 1 GAL     | LOW    |
| <b>VINES (SUOH AS):</b>                                        |                                                      |           |        |
|                                                                | BOUGAINVILLEA SPP. (BOUGAINVILLEA)                   | 5 GAL     | LOW    |
|                                                                | HARDENBERGIA VIOLEACEA (ULAC VINE)                   | 5 GAL     | MDD    |
|                                                                | FICUS REPENS (CREEPING FIG)                          | 5 GAL     | MDD    |
| <b>STORMWATER (SUOH AS):</b>                                   |                                                      |           |        |
|                                                                | CAREX SPP. (SEDGE)                                   | 1 GAL     | MDD    |
|                                                                | FESTUCA MARGIN (FESTUCA MARGIN)                      | 1 GAL     | LOW    |
|                                                                | IRIS DOUGLASSIANA (DOUGLASS IRIS)                    | 1 GAL     | MDD    |
|                                                                | MUHLENBERGIA DUBIA (PINE MULEH)                      | 1 GAL     | LOW    |

**QUINCE STREET SENIOR  
HOUSING DEVELOPMENT**  
ESCONDIDO - CALIFORNIA

San Diego Interfaith  
Housing Foundation

7956 LESTER AVE.  
LESTER, CALIF. 91945  
Phone: 619-668-1532

**CONCEPTUAL LANDSCAPE PLAN  
LEVEL 2**

| REV. | NO. | DESCRIPTION        | DATE     | REV. | NO. | DESCRIPTION        | DATE     |
|------|-----|--------------------|----------|------|-----|--------------------|----------|
| ▲    | 1   | 2ND DES. SUBMITTAL | 11-14-18 | ▲    | 2   | 3RD DES. SUBMITTAL | 01-29-19 |

DATE: NOV. 14, 2018

JOB NO.: \_\_\_\_\_

DRAWN: \_\_\_\_\_

CHECKED: \_\_\_\_\_

SHEET

**LC.2**

## EXHIBIT "D"

### Mitigation Monitoring and Reporting Program for the 220 North Quince Street Senior Housing Project

#### **Mitigated Negative Declaration/Initial Study Environmental Checklist**

##### **City File No. ENV 17-0008**

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 the 220 North Quince Street Senior Housing Project (proposed project), which is the subject of the Draft 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 |
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| Cultural Resources                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                            |                                                                                 |                     |                     |                    |                   |
| CUL-1: The City of Escondido Planning Division (“City”) recommends the applicant enter into a Tribal Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a tribe that is traditionally and culturally affiliated with the Project Location (“TCA Tribe”) prior to issuance of a grading permit. The purposes of the agreement are (1) to provide the applicant with clear expectations regarding tribal cultural resources, and (2) to formalize protocols and procedures between 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. | <ul style="list-style-type: none"><li>Applicant should enter into a Tribal Cultural Resource Treatment and Monitoring Agreement.</li></ul> | Applicant; City of Escondido Community Development Department Planning Division | X                   |                     |                    |                   |
| CUL-2: Prior to issuance of a grading permit, the applicant shall provide written verification to the City that a qualified archaeologist and a Native American monitor associated with a TCA Tribe have been retained to implement the monitoring program. The archaeologist shall be responsible for coordinating with the Native American monitor. This verification shall be presented to the City in a letter from the project archaeologist that confirms the selected Native American monitor is associated with a TCA Tribe. The City, prior to any pre-construction meeting, shall approve all persons involved in the monitoring program.                                                                                                                                                                                                                                                                                                                                                                                                                                 | <ul style="list-style-type: none"><li>Require verification and approval of qualified archaeologist.</li></ul>                              | Applicant; City of Escondido Community Development Department Planning Division | X                   |                     |                    |                   |

| Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Implementation, Monitoring, and Reporting Action                                                                                                                                  | Responsibility                                                                                                                       | Monitoring Schedule |                     |                    | Verification Date |
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| <b>CUL-3:</b> The qualified archaeologist and a Native American monitor shall attend the pre-grading meeting with the grading contractors to explain and coordinate the requirements of the monitoring program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Require monitoring program coordination.</li> </ul>                                                                                        | City of Escondido Community Development Department Planning Division; Qualified Archaeologist; Grading Contractor                    | X                   |                     |                    |                   |
| <b>CUL-4:</b> During the initial grubbing, site grading, excavation or disturbance of the ground surface, the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of tribal cultural resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring. | <ul style="list-style-type: none"> <li>Require on-site archaeological monitor and Native American Monitor.</li> </ul>                                                             | City of Escondido Community Development Department Planning Division; Archaeological Monitor; Field Engineering Division             |                     | X                   |                    |                   |
| <b>CUL-5:</b> In the event that previously unidentified tribal cultural resources are discovered, the qualified archaeologist and the Native American monitor, shall have the authority to temporarily divert or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>Require identification and preservation of any unidentified cultural resources.</li> </ul>                                                 | City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner; Native American Monitor |                     | X                   |                    |                   |
| <b>CUL-6:</b> If a potentially significant tribal cultural resource is discovered, the archaeologist shall notify the City of said discovery. The qualified archaeologist, in consultation with the City, the TCA Tribe and the Native American monitor, shall determine the significance of the discovered                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>Require identification and preservation of any significant tribal resource.</li> <li>Consultation with Native American Monitor.</li> </ul> | City of Escondido Community Development Department Planning Division; Project                                                        |                     | X                   |                    |                   |



| Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Implementation, Monitoring, and Reporting Action                                                                                                         | Responsibility                                                                                              | Monitoring Schedule |                     |                    | Verification Date |
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| 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                          | Archaeologist;<br>Native American Monitor; TCA Tribe                                                        |                     |                     |                    |                   |
| <b>CUL-7:</b> The avoidance and/or preservation of the significant tribal cultural resource and/or unique archaeological resource must first be considered and evaluated as required by CEQA. Where any significant tribal cultural resources and/or unique archaeological resources have been discovered and avoidance and/or preservation measures are deemed to be infeasible by the City, then a research design and data recovery program to mitigate impacts shall be prepared by the qualified archaeologist (using professional archaeological methods), in consultation with the TCA Tribe and the Native American monitor, and shall be subject to approval by the City. The archaeological monitor, in consultation with the Native American monitor, shall determine the amount of material to be recovered for an adequate artifact sample for analysis. Before construction activities are allowed to resume in the affected area, the research design and data recovery program activities must be concluded to the satisfaction of the City. | <ul style="list-style-type: none"> <li>Require research design and data recovery program.</li> <li>Consultation with Native American Monitor.</li> </ul> | City of Escondido Community Development Department Planning Division; Project Archaeologist; TCA Tribe      |                     | X                   |                    |                   |
| <b>CUL-8:</b> As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office. Determination of whether the remains are human shall be conducted on-site and in situ where they were discovered by a forensic anthropologist, unless the forensic anthropologist and the Native American monitor agree to remove the remains to an off-site location for examination. No further excavation or disturbance of the site or any                                                                                                                                                                                                                                                                                                                                                                         | <ul style="list-style-type: none"> <li>Require identification and preservation of any undiscovered cultural resources or human remains.</li> </ul>       | City of Escondido Community Development Department Planning Division; Project Archaeologist; County Coroner |                     | X                   |                    |                   |

| Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Implementation, Monitoring, and Reporting Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Responsibility                                                                              | Monitoring Schedule |                     |                    | Verification Date |
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| 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><b>CUL-9:</b> If the qualified archaeologist elects to collect any tribal cultural resources, the Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the qualified Archaeologist does not collect the cultural resources that are unearthed during the ground disturbing activities, the Native American monitor, may at their discretion, collect said resources and provide them to the TCA Tribe for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe. Should the TCA Tribe or other traditionally and culturally affiliated tribe decline the collection, the collection shall be curated at the San Diego Archaeological Center. All other resources determined by the qualified archaeologist, in consultation with the Native American monitor, to not be tribal cultural resources, shall be curated at the San Diego Archaeological Center.</p> | <ul style="list-style-type: none"> <li>Require that a Native American monitor is present during any testing or cataloging.</li> <li>Any tribal cultural resources collected by the qualified archaeologist shall be repatriated to the TCA Tribe.</li> <li>Any tribal cultural resources collected by the qualified archaeologist that are denied collection by the TCA Tribe shall be curated at the San Diego Archaeological Center.</li> <li>Any resource determined not to be a tribal cultural resource shall be curated at the San Diego Archaeological Center.</li> </ul> | City of Escondido Community Development Department Planning Division; Project Archaeologist |                     | X                   | X                  |                   |

| Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Implementation, Monitoring, and Reporting Action                                                                                                                                                                                                                                                                                                                                                                                 | Responsibility                                             | Monitoring Schedule |                     |                    | Verification Date |
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| <b>CUL-10:</b> Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusion of the archaeological monitoring program and any data recovery program 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>Require documentation of analysis and data by the qualified archaeologist.</li> <li>Consultation with Native American Monitor.</li> </ul>                                                                                                                                                                                                                                                 | Qualified Archaeologist; Native American Monitor           |                     |                     | X                  |                   |
| <b>Geology and Soils</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                            |                     |                     |                    |                   |
| <b>GEO-1:</b> General and specific recommendations identified in Section 8.0 of the project Geotechnical Investigation prepared by SCST (2017) shall be implemented in the design and construction of the proposed project to address the presence of potentially compressible and potentially liquefiable soils. To mitigate the potentially compressible soils and reduce the potential for static settlement and distress to the planned building and improvements, remedial grading of the existing upper soil shall be performed. To mitigate the liquefaction hazard and the resulting settlements to acceptable levels, ground improvement consisting of rammed aggregate piers extending down to the underlying granodiorite shall be performed. A qualified geotechnical consultant shall observe the ground improvement operations and verify that hazards related to compressible soils and liquefaction have been mitigated to acceptable levels. All applicable recommendations, including those identified in the Geotechnical Investigation (SCST 2017) located in Appendix C of the MND, shall be included on the grading and site plans prepared for the project and shall be implemented during project design and construction. Project grading plans shall be reviewed by a qualified | <ul style="list-style-type: none"> <li>Require remedial grading of existing upper soil.</li> <li>Require ground improvement consisting of rammed aggregate piers extending down to the underlying granodiorite.</li> <li>Require a qualified geotechnical consultant to observe the ground improvement operations and grading.</li> <li>Require a qualified geotechnical consultant to review final design submittal.</li> </ul> | Qualified Geotechnical Consultant; Construction Contractor | X                   | X                   |                    |                   |

| Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Implementation, Monitoring, and Reporting Action                                                                                                                                                                                                                                                      | Responsibility                        | Monitoring Schedule |                     |                    | Verification Date |
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| geotechnical consultant prior to final design submittal to determine if additional analysis and recommendations beyond those summarized above (and listed in full in the Geotechnical Investigation) are required. All geotechnical recommendations shall be fully implemented in accordance with applicable industry/regulatory standards (e.g., CBC requirements).                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                       |                                       |                     |                     |                    |                   |
| <b>Hazards and Hazardous Materials</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                       |                                       |                     |                     |                    |                   |
| <b>HAZ-1:</b> Testing for soil contamination shall be conducted by an individual licensed in the State of California to assess soil conditions for the potential presence of contaminated soils following the completion of grading activities, but prior to construction of on-site structures. Soil sampling shall be performed in areas deemed most likely to have had residual impact from previously released diesel fuel, gasoline, or waste oil associated with the historical recognized environmental condition at the property. In the event that contaminated soils are encountered, these soils shall be properly tested, managed, and disposed of at a licensed facility in accordance with the County Department of Environmental Health requirements. | <ul style="list-style-type: none"> <li>Require testing for soil contamination in areas most likely to have had residual impact from previously released hazardous materials.</li> <li>Require testing, managing, and disposal of contaminated soils.</li> </ul>                                       | Applicant/<br>Construction Contractor | X                   |                     |                    |                   |
| <b>Noise</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                       |                                       |                     |                     |                    |                   |
| <b>NOI-1:</b> For the project's habitable areas (both living rooms and bedrooms) with a view (including partial) of North Quince Street or West Valley Parkway, which are likely to exceed an interior noise level of 45 CNEL, the following measures shall be incorporated to provide the required noise control to ensure that noise levels at interior habitable areas are 45 CNEL or less: <ul style="list-style-type: none"> <li>Exterior wall requirement of standard 0.875-inch stucco over 0.5-inch shearwall on 2x6 studs with 0.625-inch Type "X" Drywall.</li> <li>Minimum window requirement of STC 28.</li> <li>Window construction of dual glazing window thickness 0.125-inch and 0.5-inch air gap.</li> </ul>                                        | <ul style="list-style-type: none"> <li>Require incorporation of noise minimization measures into the construction of exterior walls and windows.</li> <li>Require appropriate air circulation.</li> <li>Require the inclusion of a mechanical ventilation system into the building design.</li> </ul> | Applicant/<br>Construction Contractor | X                   | X                   |                    |                   |

| Mitigation Measures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Implementation, Monitoring,<br>and Reporting Action | Responsibility | Monitoring Schedule    |                        |                       | Verification<br>Date |
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| <ul style="list-style-type: none"> <li>Appropriate means of air circulation and provision of fresh air must be present to allow windows to remain closed for extended intervals of time so that acceptable levels of noise can be maintained on the interior.</li> <li>The building design would include a mechanical ventilation system that would meet the criteria of the International Building Code (Chapter 12, Section 1203.3 of the 2013 CBC) to ensure that windows would be able to remain permanently closed.</li> </ul> |                                                     |                |                        |                        |                       |                      |

## **EXHIBIT "E"**

### **FACTORS TO CONSIDER / FINDINGS OF FACT**

#### **PHG 17-0028 / ENV 17-0008**

##### 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. An Initial Study/Mitigated Negative Declaration (IS/MND) for the Project was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, the State CEQA Guidelines, and the local environmental procedures. The decision making body of the Lead Agency shall adopt the proposed IS/MND only if:
  - It finds on the basis of the whole record before it that there is no substantial evidence the project will have a significant effect on the environment, and
  - The IS/MND reflects the Lead Agency's independent judgment and analysis.
3. The Final IS/MND and Mitigation Monitoring and Reporting Plan (MMRP), collectively constitute the environmental documentation under and pursuant to CEQA, the CEQA Guidelines, and local environmental procedures relating to the project, and shall be referred to herein collectively as the "CEQA Documents."
4. The Planning Commission has received the material record supporting all of the CEQA Documents for the project. The Planning Commission, finds the following:
  - The IS/MND reflects the City's independent judgment and analysis.
  - That there is no substantial evidence that the Project or any of its aspects could result in significant adverse impacts that cannot be mitigated related to the CEQA Documents, with the implementation of the mitigation measures in the MMRP. All previously identified impacts have been mitigated to less than a significant level.
  - The Planning Commission also finds that the mitigation measures listed in the MMRP will not cause any potentially significant effects.
5. Mitigation measures are recommended to be incorporated as part of the adoption of the Mitigated Negative Declaration. The recommended approval of the Project also includes

the adoption of the Mitigation Monitoring and Reporting Program (MMRP) that is attached to the Resolution.

6. The Commission further finds the Final IS/MND has been completed in compliance with CEQA and it constitutes a complete, accurate, adequate and good faith effort at full disclosure under CEQA.
7. Pursuant to Public Resources Code Section 21081.6(a)(2) and CEQA Guidelines Section 15091(e), all documents and other materials which constitute the record of proceedings are located at the City of Escondido, City Civic Center. The City Clerk, whose office is located at 201 North Broadway, Escondido CA 92025, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the Planning Commission'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.

Specific Plan Amendment:

1. The public health, safety and welfare would not be adversely affected by the proposed amendments to the Downtown Specific Plan because the amendment would refine development standards in a manner that would allow a development that would assist in ongoing efforts to promote an economically vibrant downtown with high-density residential uses in close proximity to the Escondido Transit Center.

The proposed action to amend the Downtown Specific Plan to: 1) change the location for allowable ground-floor residential land uses, 2) reduce open space requirements based on project densities, and 2) establish parking requirements for senior housing projects seek to remove governmental constraints aimed at improving, maintaining, and developing housing opportunities in the Escondido community. The Amendment is necessary to ensure future projects are feasible and not unduly constrained by housing development, while facilitating the reasonable application of land use regulation to ensure desired community character is preserved.

2. The proposed amendments to the Downtown Specific Plan would not be detrimental to surrounding properties since they would assist in implementation of the vision and goals identified in the Specific Plan. The proposed changes would have no effect on the residential density allowed in the area and would not allow any new commercial uses that are not already permitted in the Specific Plan. Additionally, the amendment would allow a development that would increase the residential population in an area where public transportation is readily available and would support the economic viability of existing and future businesses in the project vicinity.
3. The proposed amendment to the Downtown Specific Plan would be consistent with the General Plan because it would not increase residential densities allowed by the General Plan, would not detrimentally impact levels of service on area roadways, would not unduly

burden public services in the area, and would be consistent with the transit-oriented development opportunities envisioned for the project area. It would also retain the General Plan vision which states the Downtown Specific Plan shall provide a range of retail, office, financial, cultural and residential opportunities. The specific plan goal to create an efficiently organized, aesthetically pleasing and vibrant downtown is further enabled and enhanced as a result of the proposed amendment.

Master and Precise Development Plan:

1. The location, design, and residential density of the proposed planned development are consistent with the goals and policies of the Escondido General Plan since high-density residential development is permitted and encouraged in Specific Plan Area #9. 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.
2. The proposed location of the development allows the planned development to be well integrated with its surroundings by providing a high-density residential housing project for senior citizens in close proximity to transit, and near retail and other commercially developed properties. Adequate parking, circulation, utilities and access would be provided for the development (as detailed in the staff report). The residential project also would not be out of character for the area because the Gateway Transit District of the Downtown Specific Plan envisions an upscale urban area with a mix of high-density residential and commercial development, and the proximity to the Escondido Transit Center makes the density appropriate. The overall mass and scale of the buildings is appropriate for the proposed location due to the street-oriented appeal and urban design characteristics, along with the quality of the architectural design and use of a variety of building materials and colors.
3. All vehicular traffic generated by the proposed development would be accommodated safely and without causing undue congestion upon adjoining streets, according to the Mitigated Negative Declaration, issued June 8, 2019 (City File No. ENV 17-0008), the traffic study completed for the project by Linscott, Law & Greenspan, Engineers (June 3, 2019), and the Engineering Division.
4. The overall design of the proposed residential development would produce an attractive, efficient and stable environment for living, since adequate residential amenities, parking, 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 within walking distance of downtown commercial and retail services consistent with the City's vision for the downtown area. The project includes sufficient on-site open space amenities



appropriate for a senior housing project, including a large plaza, community room/club house, and other view decks and outdoor seating areas.

5. The proposed development would be well integrated into its surroundings, since the new structure would incorporate compatible and integrated architecture, materials and colors, the project would not be visually obstructive or disharmonious with surrounding areas, or harm major views from adjacent properties. 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.
6. Utilizing the Planned Development process allows flexibility from the Specific Plan requirements to achieve a high-density residential project in the urban core. The project would provide residential opportunities integrated into a comprehensive and self-contained development, which creates an environment of sustained desirability and stability through the controls offered and regulated through the Planned Development process.
7. The project would provide an environment of sustained desirability and stability since city services and adequate access would be provided, adequate parking would be provided, the proposed architecture would be integrated into its surroundings, and the project could serve as a catalyst for further revitalization efforts in the area.

**EXHIBIT "F"**  
**CONDITIONS OF APPROVAL**  
**PHG 17-0028 / ENV 17-0008**

**Planning Division Conditions**

**A. Project Mitigation Measures**

1. The approval of the Specific Plan Amendment and Master and Precise Development Plan, Planning Case Nos. PHG 17-0028 and ENV 17-0008, (hereinafter referred to as "Project"), is granted subject to the approval of the Final IS/MND and is subject to all Project features and mitigation measures contained therein. Applicant shall implement, or cause the implementation of the Final IS/MND Mitigation Monitoring and Reporting Program, provided as an Exhibit "D" to this ordinance.

**B. General**

1. This project is conditionally approved as set forth on the application received by the City of Escondido, all designated as approved by the City Council on September 25, 2019, and shall not be altered without express authorization by the Community Development Department.
2. 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. 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.

Exceptions granted by the Planned Development Permit to the development standards identified in the Downtown Specific Plan are as follows:

- a) Allow ground-floor residential use (parking garage as an accessory use to residential uses above)

3. 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 Department.
4. The developer shall be required to pay all development fees of the City prior to building permit issuance, including any applicable City-Wide Facilities 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.
5. All construction shall comply with all applicable requirements of the Escondido Zoning Code and requirements of the Planning Department, Building Official, and the Fire Chief.
6. Prior to building permit issuance, the applicant shall enter into and cause to be recorded a Senior Housing Regulatory Agreement, to be provided by the City, which shall contain requirements for the design, phasing, construction, marketing, occupancy and maintenance of the senior housing project. The provision herein does not limit the authority of the applicant to enter into an affordable housing covenant or regulatory agreement with nonpossessory interest in real property imposing limitations, restrictions or affirmative obligations that encourage development or that ensure continued availability of affordable rental and owner-occupied housing for low or moderate income individuals.
7. The appropriate agreement(s) shall contain the term, household income requirements and restrictions (if any), rental rate restriction (if any), sales price restriction (if any), monitoring procedures and any other conditions to ensure the appropriate occupancy during the term. The occupancy term of the senior housing project shall commence on the issuance of certification of occupancy for unit, and continue in accordance with provisions contained within the Senior Housing Ordinance (Article 41 of the Escondido Zoning Code). Said Regulatory Agreement shall be of a form and content satisfactory to the Community Development Director.
8. The legal description, attached as Exhibit "A" to this ordinance, 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.
9. All requirements of the Public Partnership Program, Ordinance No. 86-70 shall be satisfied prior to building permit issuance. The ordinance requires that a public art fee be added at the time of the building permit issuance for the purpose of participating in the City Public Art Program.

10. Three (3) copies of revised plan sets, reflecting any modifications identified in these conditions of approval, shall be submitted to the Planning Division for certification. Said plans must be certified by the Planning Division prior to submittal of grading, public improvement and landscape plans for the project.
11. This Planned Development Permit shall expire three (3) years after the date of final approval of this project, that date being the effective date of the ordinance approving the Permit. Extensions of time may be requested in the same manner as would be permitted for a tentative map.
12. An inspection by the Planning Division will be required prior to occupancy of the project. Items subject to inspection include, but are not limited to, parking layout and striping, identification of handicap parking stalls and required signage, landscaping, trash enclosures, and architecture, as well as any other conditions of approval. Everything shall be installed prior to calling for an inspection, although preliminary inspections may be requested. Contact the project planner at (760) 839-4671 to arrange a final inspection.
13. At all times during the effective period of this permit, the responsible party shall obtain and maintain in valid force and effect, each and every license and permit required by a governmental agency for the operation of the authorized activity.
14. In the event that any of the conditions of this permit are not satisfied, the Community Development Department shall cause a noticed hearing to be set before the authorized agency to determine whether the City of Escondido should, acting through the authorized agency, add, amend, or delete conditions and regulations contained in this permit.
15. 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.
16. Nothing in this permit shall authorize the applicant to intensify the authorized activity beyond that which is specifically described in this permit. Any future modifications to the approved project will be reviewed relative to the findings for substantial conformance. Modifications beyond the scope described therein will require submittal of an amendment to the project plans and approval by the authorized agency.
17. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with State law, the applicant shall remit to the City of Escondido Planning Division, within two (2) working

days of the effective date of the adoption of the Mitigated Negative Declaration, a check payable to the "San Diego County Clerk," in the amount of \$ \$2,404.75 for a project with a Mitigated Negative Declaration, which includes an additional authorized County administrative handling fee of \$50.00 (\$2,354.75 + \$50). Failure to remit the required fees in full within the specified time noted above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Game Code provide that no project shall be operative, vested, or final until all the required filing fees are paid. If the fee increase after the date of this approval, the applicant shall be responsible for the increase.

**C. Architecture and Design**

1. All signs are to be approved by a separate sign permit. All signs must be consistent with the sign standards in the Downtown Specific Plan.
2. A minimum of 80 cubic feet of private storage shall be provided in each residential unit. Said storage shall be in addition to typical cabinets and closets, and shall have no dimension less than two feet.
3. Any retaining walls and raised planters shall be constructed with split-face block or shall be stucco-finished to match the color(s) used on the building.
4. All exterior lighting shall conform to the requirements of Article 35 (Outdoor Lighting Ordinance) of the Escondido Zoning Code.
5. Prior to building permit issuance, proposed outdoor lighting fixtures shall be submitted to the Planning Division for review and approval.
6. Site lighting and photometric plans shall be included with the building plans.
7. The building, architecture, colors and materials, and conceptual landscaping shall be in substantial conformance with the Master and Precise Development Plan attached as Exhibit "C" to this ordinance and on-file with the Planning Division, except as modified by these conditions of approval. Any major modifications to the exterior architectural building elements or lessening of the quality of the exterior design shall require the processing of a Precise Plan modification, as described in Article 19 of the Escondido Zoning Code. Minor modifications may be approved through a design review process described in Article 64 of the Escondido Zoning Code.

8. Color and material callouts on the plans shall be revised to reflect those shown on the Architectural Color Scheme board submitted by the applicant on January 15, 2019, and on-file in the Planning Division.
9. Louvered vents or other method of screening acceptable to the Director of Community Development shall be provided on the ground floor in order to screen the garage from public view. Wrought iron fencing is not sufficient.
10. Illuminated art panels shall be provided in locations shown on the plans attached to this ordinance as Exhibit "C." Final design of said panels shall be subject to design review by the Planning Division.
11. All mechanical equipment shall be screened from view in accordance with Section 33-1085 of the Escondido Zoning Code.
12. All new utilities shall be underground.

**D. Operational**

1. Trash and recycling shall be picked up as frequently as necessary to prevent overflow.
2. The property owner/manager shall be responsible for placing trash and recycling bins by the utility gate near the southeast side of parking garage prior to scheduled pickup time(s). Bins shall be returned to the trash room as soon as they have been emptied by the hauler.
3. Provisions shall be made so that trash and recycling materials are not placed in the trash chute(s) while the bins are not in place. This may be accomplished by providing other receptacles in the trash room when the bins are not in place, by locking the chutes, or by other means that will accomplish this provision.
4. Permitted animals/pets shall be allowed in conformance with those identified in the Escondido Zoning Code for R-5 zoned properties, unless more restrictive standards are applied by the property owner.
5. All project generated noise shall conform to the City's Noise Ordinance (Ordinance 90-08).
6. Security cameras shall be provided if deemed necessary by the Police Chief.
7. Any decorative pavement, driveways and sidewalks shall be indicated on the building and landscape plans, including appropriate notes regarding type and color of materials. Any decorative paving damaged or removed by the City or other utility provider in order to

perform maintenance of public utility lines shall be replaced at the sole expense of the property owner.

8. Balconies and patios shall be kept in a neat and orderly manner. Items stored on balconies should be kept out of view or properly screened. Items shall not be hung over, across or on balconies or patios (such a towels, clothing, etc.).

**E. Parking, Access and Circulation**

1. A minimum of 120 parking spaces shall be provided on-site, including at least four accessible parking spaces. No more than 30 percent of the parking spaces shall be compact spaces.
2. Electric vehicle charging spaces shall be provided in accordance with the California Building Code.
3. All parking spaces shall be striped in conformance with Article 39 of the Escondido Zoning Code.
4. All onsite parking spaces shall be within a grade-level garage accessed from one driveway on N. Quince Street. Said driveway and all interior parking aisles shall be a minimum of 24 feet wide.
5. The garage identified in Parking, Access and Circulation condition no. E4 above may be gated, however said gate shall remain open from 7:00 a.m. to 7:00 p.m. The City Engineer may require modifications to these hours if it is determined that they are not sufficient to preclude impacts to the traffic flow on N. Quince Street resulting from vehicle queuing.
6. The gated access identified in Parking, Access and Circulation condition no. E5 above shall be electric. All residents with assigned parking spaces and all employees shall be provided with remote access for entrance into the garage. An electric/magnetic loop shall be installed on the interior of the garage so that the gate automatically opens for exiting vehicles.
7. A parking and garage management plan shall be submitted to the City for review. Said plan shall address parking lot access, space assignment(s), gate hours, general maintenance, signage and striping, delivery and other short-term parking allowances/requirements, guest parking, utility access and trash/recycling staging, and any other issues which affect the use and maintenance of the parking garage.

8. A utility gate shall be provided in the alley, near the southeast corner of the building, to allow maintenance and other utility access to the site, including, but not limited to, pickup of trash and recycling.
9. An emergency access/fire lane shall be provided along the north and east sides of the building, to the satisfaction of the Fire Department.

**F. Landscaping**

1. All landscaping shall be installed prior to occupancy.
2. All vegetation shall be maintained in a flourishing manner, and kept free of all foreign matter, weeds and plant materials not approved as part of the landscape plan.
3. All irrigation shall be maintained in fully operational condition.
4. The property owner assumes all responsibility for maintaining all on-site landscaping and any landscaping in the public right-of-way adjacent to the property, including potted plants.
5. Five 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.
6. 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 Master and Precise Development Plans, 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. The plans shall be prepared by, or under the supervision of, a licensed landscape architect.
7. 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.
8. Street trees shall be provided along each of the site's street frontages, in conformance with the Landscape Ordinance and the City of Escondido Street Tree List. Due to the presence of a sewer main under the sidewalk on N. Quince Street, it may be necessary



to provide street trees in above-ground pots, designed to the satisfaction of the Director of Community Development and City Engineer. If necessary, all street trees, along both N. Quince Street and W. Valley Parkway, shall be placed in above-ground pots to maintain a uniform and cohesive appearance along the project frontage.

9. Trees planted in pots shall be selected based on their ability to flourish in such circumstances.
10. Details of project fencing and walls, including materials and colors, shall be provided on the landscape plans. Building permits may be required.

## **Engineering Conditions**

### **General**

1. The applicant shall provide the City Engineer a current Title Report covering the subject property.
2. As surety for the construction of required off-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.
3. 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.
4. All public improvements shall be constructed in a manner that does not damage existing public improvements. Any damage shall be determined by and corrected to the satisfaction of the City Engineer.

### **Street Improvements and Traffic**

1. The 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 within and adjoining the project boundary:

**STREET**  
W. Valley Parkway

**CLASSIFICATION**  
Collector (32' half width)

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

2. The W. Valley Parkway improvements shall transition within the existing driveway apron east of the site.
3. All driveways shall be alley-type in accordance with Escondido Standard Drawing No. G-5-E, with a minimum throat width of 24 feet.
4. All unused driveways shall be removed and replaced with full height curb and gutter and sidewalk in accordance with City standards.
5. The developer may be responsible for an overlay of Quince Street and W. Valley Parkway due to the many utility trenches necessary to serve this project. The determination of the extent of the overlay shall be to the satisfaction of the City Engineer.
6. 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.
7. A 30-foot radius curb return and pedestrian ramp shall be constructed at the northeast corner of W. Valley Parkway and Quince Street.
8. Adequate horizontal sight distance shall be provided at all street intersections and driveway entrances. Increased parkway widths, open space easements, and restrictions on landscaping and raised planters may be required at the discretion of the City Engineer.
9. The developer's engineer shall prepare a complete signing and striping plan for all improved roadways. The developer's contractor shall complete all necessary removal of existing striping and signage and shall install all new signing and striping per the approved plans and as directed by the Field Engineer.
10. The developer will be required to provide a detailed detour and traffic control plan for all construction within the existing right-of-way, to the satisfaction of the Traffic Engineer and the Field Engineer. The traffic control plan shall be approved prior to the issuance of an Encroachment Permit for construction within the public right-of-way.
11. The developer shall be required to install "No Parking – Bike Lane" signs and red-paint the curb along the project's N. Quince Street and W. Valley Parkway frontage at 150-foot spacing, except in the area designated as the delivery/loading zone described in Street Improvement and Traffic condition no. 16 below. The signs shall be mounted on the street light poles where possible.

12. The developer shall be required to construct a LED street light in accordance with Escondido Standard Drawing No. E-1-E on Quince Street near the project's entrance.
13. Pedestrian access routes conforming to the American Disabilities Act shall be provided into the project from the public sidewalk, to the satisfaction of the City Engineer.
14. All gated entrances shall be designed and constructed to the satisfaction of the City Engineer and the Fire Marshal.
15. The project owner shall remove and replace all damaged sidewalks and curb and gutters along project frontages on Quince Street and W. Valley Parkway to the satisfaction of the City Engineer, prior to issuance of Certificate of Occupancy.
16. An 8.5 foot-wide and 100-foot long loading zone shall be constructed along the project frontage on Quince Street.
17. The existing traffic signal the intersection of W. Valley Parkway and Quince Street shall be modified to accommodate the required widening of W. Valley Parkway and the 30' curb return to the satisfaction of the City Engineer. Modifications shall include relocating or replacing the traffic signal poles and equipment, cabinets, pull boxes, video detection, etc., per all current MUCTD and Caltrans standards.
18. The existing traffic signal at W. Valley Parkway and Centre City Parkway shall be modified to add an audible pedestrian signal (A.P.S.) system to the satisfaction of the City Engineer.
19. An engineered improvement plan is required for all public improvements (unless only sidewalks, driveways and/or streetlights are required). The developer shall post security for these improvements and an improvement plan shall be approved by the City of Escondido prior to issuance of any building permits. All required improvements shall be constructed prior to final acceptance of subject construction by the City.

### **Grading**

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

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

3. All private driveways and parking areas shall be paved with a minimum of 3" AC over 6" of AB or 7" PCC over 6" AB. All paved areas exceeding 15% slope or less than 1.0% shall be paved with PCC.
4. The developer shall be required to construct a 20-foot-wide emergency access road on the north side of the property to the satisfaction of the City Engineer and City Fire Marshal. The width of the access road located on City property (along Escondido Creek bike path) and on this property shall be to the satisfaction of the City Engineer and Fire Marshall.
5. The trash enclosure area shall be constructed or modified to comply with storm water quality management requirement to the satisfaction of the City Engineer.
6. A Construction General Permit is required from the State Water Resources Control Board for all storm water discharges associated with a construction activity where clearing, grading, and excavation results in a land disturbance of one or more acres.
7. After the approval of the site grading and erosion control plan, and prior to the start of construction of the grading and street improvements, the developer shall obtain a Grading Permit and Encroachment Permit from the Engineering Field Office. Contact the Engineering Field Office at 760 839-4664 to arrange for the Encroachment Permit and inspections.
8. Any blasting operations performed in connection with the improvements of the project shall comply with the City of Escondido Blasting Operations Ordinance.
9. The developer shall be required to obtain permission from adjoining property owners for any off-site grading and slopes necessary to construct the project and/or the required improvements.
10. 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 locations approved by the Director of Engineering Services.
11. All site grading and erosion control plans shall be prepared by a Registered Civil Engineer. A separate submittal to the Engineering Department is required for the site grading and erosion control plans. Plans will **not** be forwarded from the Building Department.

## **Drainage**

1. Final on-site storm drain improvements shall be determined to the satisfaction of the City Engineer and shall be based on a drainage study to be prepared by the Engineer of Work. The drainage study shall be in conformance with the City of Escondido Design Standards.
2. The project shall limit drainage flows to their pre-construction rates. Details and calculations for basins shall be submitted and approved as part of the grading plan check.
3. A Storm Water Quality Management Plan (SWQMP) in compliance with the City's latest adopted Storm Water Design Manual shall be prepared for all newly created or replaced onsite impervious areas, impervious frontage, and required offsite improvements. The SWQMP shall be submitted for approval with the final improvement and grading plans. The SWQMP shall include hydro-modification calculations, treatment calculations, post-construction storm water treatment measures, and maintenance requirements.
4. All site drainage with emphasis on the parking and drive way areas shall be treated to remove expected contaminants using a high efficiency non-mechanical method of treatment. The City highly encourages the use of bio-retention basins within or along the perimeter of the parking and driveway area as the primary method of storm water treatment and hydro-modification compliance. The landscape plans shall reflect these areas of storm water treatment.
5. All on-site storm drains, detention basins, and all post-construction BMP's facilities are private. The responsibility for maintenance of these storm drains shall be that of the property owner.
6. Site Design and Source Control Best Management Practices (BMPs) shall be implemented to the maximum extent practicable. Downspouts of the building shall be directed to landscaping to allow the infiltration of runoff into the ground. Where feasible, runoff from the hardscape areas shall be directed to landscaped areas to allow infiltration into the ground.
7. The developer will be required to have the current owner of the property sign, notarize, and record a Storm Water Control Facility Maintenance Agreement.
8. The project owner shall install and maintain trash capture devices on existing storm drain inlets along the project's frontage to the satisfaction of the City Engineer.

## **Water Supply**

1. Required water main improvements for the project include construction of an 8-inch public water main in Quince Street from Valley Parkway along the project's Quince Street property frontage to the north end of the parcel. The 8-inch water main shall be in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer. The existing 6-inch water main in Quince Street that the 8-inch water main is replacing shall be abandoned.
2. Required water main improvements for the project include construction of an 8-inch public water main extension in the private access drive on the easterly side of the proposed project. The 8-inch water main extension shall serve the proposed hydrant at the northeast corner of the proposed building and shall be designed and constructed in accordance with the current City of Escondido Design Standards and Standard Drawings and to the satisfaction of the Utilities Engineer. A public utility easement shall be granted to the City of Escondido with a minimum easement width of 10-feet.
3. The existing 8-inch public water main that extends from Valley Parkway north along the easterly side of the proposed project shall be located within a minimum 10-foot public utility easement.
4. Fire hydrants together with an adequate water supply shall be installed at locations approved by the Fire Marshal. Fire hydrants shall connect to a minimum 8-inch water main.
5. A fire suppression sprinkler system shall be designed and constructed per current City of Escondido Design Standards and Standard Drawings and per the requirements of the Fire Marshal.
6. A 1-inch minimum water service, 1-inch water meter, and back flow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings. The water meter and back flow prevention device shall be located near the northeast corner of the site. Water meters and back flow prevention devices shall not be installed within a driveway apron or private drive areas.
7. A 1.5-inch minimum irrigation service, 1.5-inch irrigation meter, and back flow prevention device shall be required for domestic water supply per City of Escondido Design Standards and Standard Drawings. The water meter and back flow prevention device shall be located near the northeast corner of the site. Water meters and back flow prevention devices shall not be installed within a driveway apron or private drive areas.

8. All on-site water lines and backflow prevention devices beyond the City water meter shall be considered a private water system. The property owner shall be responsible for all maintenance of these water lines and appurtenances.
9. No trees or deep rooted plants shall be planted within 10-feet of any water mains.
10. There shall be no permanent structures located within the City's Public Utilities Easements.

### **Sewer**

1. A private 6-inch minimum PVC sewer lateral with a standard clean-out within 18-inches of the Public Utilities Easement or right-of-way shall be constructed for the project and shown on the Improvement and Grading plans. Sewer laterals less than 8-inches in diameter shall connect to the sewer main with a wye fitting or Inserta-Tee.
2. All sewer laterals shall be constructed per current City of Escondido Design Standards and Standard Drawings and per the current Uniform Plumbing Code.
3. No trees or deep rooted bushes shall be planted within 15-feet of any sewer main or within 10-feet of any sewer lateral except in movable above-ground planters, to the satisfaction of the City Engineer. Sewer laterals shall be 5-feet horizontally clear from other utilities.
4. Should the above-ground planters referenced in Sewer condition no. 3 above need to be moved to allow access to a sewer main or lateral, it shall be the responsibility of the property owner to temporarily remove said planters. The property owner will also be responsible for putting the planters back in place after any work which necessitated their relocation has been completed.
5. All sewer laterals shall be considered a private sewer system. The property owner shall be responsible for all maintenance of the sewer laterals to the sewer main.
6. There shall be no permanent structures located within the City's Public Utilities Easements.

### **Easements and Dedication**

1. The developer shall dedicate 6 feet of right-of -way along the proposed loading zone located on the project frontage on Quince Street.

2. A ten (10)-foot public utility easements shall be granted to the City for the public water main extension in the private access drive on the easterly side of the proposed project.
3. The property owner shall grant to the City a two (2) foot public utility easement along the property frontage of Quince Street and W. Valley Parkway in accordance with the design standards and the requirements of the City Engineer.
4. The owner shall dedicate to the public a 20-foot radius corner rounding at Quince Street and W. Valley Parkway.
5. An emergency access easement shall be granted to the City for the portion of the emergency access located along the north end of the parcel. The width of the easement shall be to the satisfaction of the City Engineer and Fire Marshal.
6. All easements, both private and public, affecting subject property shall be delineated and labeled on the grading plans.
7. The developer shall make arrangements to remove from title all existing easements which conflict with the proposed project structure.
8. Material necessary for processing a dedication or easement shall include: a current grant deed or title report, a legal description and plat of the dedication or easement signed and sealed by a person authorized to practice land surveying (document size) and traverse closure tapes. The City will prepare all final documents.

#### **Repayment and Fees / Cash Security and Fees**

1. A cash security shall be posted to pay any costs incurred by the City to clean-up eroded soils and debris, repair damage to public to private property and improvements, install or maintain BMP's, and stabilize and/or close-up a non-responsive or abandoned project. Any moneys used by the City for clean-up or damage will be drawn from this security. The remaining portion of this clean-up 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, retaining wall, landscaping, and best management practices item of work with a minimum of \$5,000 up to a maximum of \$50,000, unless a higher amount is deemed necessary by the Director of Engineering Services.
2. The developer will be required to pay all development and plan check fees of the City then in effect at the time, and in such amounts as may prevail when building permits are issued.



### **Miscellaneous Requirements / Surveying and Monumentation**

1. All property corners shall be monumented by a person authorized to practice land surveying and a Record of Survey Map (or Corner Record if appropriate) shall be recorded. If all record property corners of record are found at the completion of the project, they shall be flagged in the field for inspection and no corner record or record of survey will be required.

### **Utility Undergrounding and Relocation**

1. All new dry utilities to serve the project shall be constructed underground.
2. The developer shall sign a written agreement stating that they have made all such arrangements as may be necessary to coordinate and provide utility construction, relocation, and undergrounding. All new utilities shall be constructed underground.

### **Fire Department Conditions**

1. Project shall comply with mid-rise ordinance.
2. An approved paved all weather access and an adequate water supply shall be provided prior to combustibles being brought to the site.
3. Vertical clearance of 13'6" shall be provided over all access roadways.
4. Turning radius of 28ft inside shall be provide on access.
5. Gates/fencing shall not impede fire access.
6. Provide covers over "panic" buttons in the units, to prevent false alarms. Work with Escondido Fire Department on specifications for these covers.

## CITY COUNCIL STAFF REPORT

**Public Hearing Item No. 11**

**September 25, 2019**

**File No. 0440-65**

SUBJECT: Tax Equity and Fiscal Responsibility Act Hearing for HealthRIGHT 360 Facilities

DEPARTMENT: Community Development Department

RECOMMENDATION:

It is requested that the City Council adopt Resolution No. 2019-141 approving the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$65,000,000 (the "Bonds") by the California Municipal Finance Authority ("CMFA"), of which approximately \$6,150,000 will be allocable to projects in the City of Escondido ("City") and the remaining amount will be allocable to projects in other cities.

FISCAL ANALYSIS:

There is no fiscal impact to the General Fund. The purpose of this agenda item is to facilitate a public hearing pursuant to the Tax Equity and Fiscal Responsibility Act ("TEFRA") and adopt a resolution to approve the issuance of these revenue bonds by CMFA for this Project. The CMFA will then conduct its own process to actually issue the bonds, and investors will look only to HealthRIGHT 360 for repayment of the bonds. The City has no financial or legal obligation, nor liability or responsibility for this project or the repayment of the bonds issued pursuant to this Resolution No. 2019-141. No financial obligations are placed on the City for project financing costs or debt repayment.

PREVIOUS ACTION:

None.

BACKGROUND:

HealthRIGHT 360, a California nonprofit public benefit corporation and an organization described in section 501(c)(3) of the Internal Revenue Code of 1986, has requested that CMFA participate in the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$65,000,000, of which approximately \$6,150,000 will be allocable to projects in the City and the remaining amount will be allocable to projects in other cities. The projects in the City are the following:

- (a) Not more than \$3,700,000 will be utilized to refund the outstanding California Statewide Communities Development Authority Insured Health Facility Revenue Bonds (North County Serenity House, Inc.), 2003 Series A, issued to make a loan to North County Serenity House, Inc., a predecessor of HealthRIGHT 360 ("Serenity House") for the following: (i) refinance the cost of purchasing Serenity Center, an approximately 18,800 square foot, 54 room, former hotel, located at 1341 North Escondido Boulevard in Escondido, California; (ii) finance the cost

of improvements to Serenity Center, including expansion of the kitchen and dining room, addition of meeting rooms, offices and a training room, and construction of a children's play area; (iii) finance the cost of purchasing Serenity Too, an approximately 3,100 square foot building, currently leased, located at 130 South Fig Street in Escondido, California; and (iv) refinance the cost of purchasing six properties located at 123 South Elm Street (Serenity House), 950 North Fig Street (Discovery Center), 117 North Elm Street (Child Care Center) (since sold), 701 East Second Street (Women and Children) (since sold), 834 East Second Street (Visions/1st Phase) (since sold) and 842 East Second Street (Women and Children) (since sold), all in Escondido, California.

(b) Not more than \$250,000 will be utilized to provide for the prepayment of a HELP II loan from the California Health Facilities Financing Authority in 2008 to Serenity House to finance an outpatient services facility located at 130 South Fig Street in Escondido, California.

(c) Not more than \$2,200,000 will be utilized to finance renovations and equipment to a facility providing residential substance use disorder treatment services located at 1341 North Escondido Boulevard in Escondido, California.

In order for the interest on the Bonds to be tax-exempt to investors, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that an "applicable elected representative" of the governmental unit, in the geographic jurisdiction where the site of facilities to be financed with the proceeds of the Bonds is located, hold a public hearing on the issuance of the Bonds and approve the issuance of the Bonds following such hearing.

The City of Escondido is a member agency of CMFA, and CMFA has the authority to serve as the issuer of these tax-exempt revenue bonds, to obtain funds to make loans to finance projects for healthcare, education, cultural facilities and waste-to-energy. The CMFA was created on January 1, 2004, and is a public entity, separate and apart from its members, so the debts, liabilities and obligations of CMFA do not constitute debts, liabilities or obligations of its members. CMFA provides that any member may withdraw from the Agreement upon written notice to the Board of Directors of the CMFA at any time.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Mike Strong*, Assistant Director of Planning  
9/18/2019 4:27 p.m.

ATTACHMENTS:

1. Resolution No. 2019-141

RESOLUTION NO. 2019-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$65,000,000 FOR THE PURPOSE OF FINANCING AND REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, AND EQUIPPING OF FACILITIES FOR HEALTHRIGHT 360, AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, HealthRIGHT 360, a California nonprofit public benefit corporation and an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (the "Corporation"), has requested that the California Municipal Finance Authority (the "Authority") participate in the issuance of one or more series of revenue bonds in an aggregate principal amount not to exceed \$65,000,000 (the "Bonds"); of which approximately \$6,150,000 will be allocable to projects in the City of Escondido ("City"), and the remaining amount will be allocable to projects in other cities. The projects in the City are the following:

- a. Not more than \$3,700,000 will be utilized to refund the outstanding California Statewide Communities Development Authority Insured Health Facility Revenue Bonds (North County Serenity House, Inc.), 2003 Series A, issued to make a loan to North County Serenity House, Inc., a predecessor of the Corporation ("Serenity House") to: (i) refinance the cost of purchasing Serenity Center, an approximately 18,800 square foot, 54 room, former hotel, located at 1341 North Escondido Boulevard in Escondido, California; (ii) finance the cost of improvements to Serenity

Center, including expansion of the kitchen and dining room, addition of meeting rooms, offices and a training room, and construction of a children's play area; (iii) finance the cost of purchasing Serenity Too, an approximately 3,100 square foot building, currently leased, located at 130 South Fig Street in Escondido, California; and (iv) refinance the cost of purchasing six properties located at 123 South Elm Street (Serenity House), 950 North Fig Street (Discovery Center), 117 North Elm Street (Child Care Center) (since sold), 701 East Second Street (Women and Children) (since sold), 834 East Second Street (Visions/1<sup>st</sup> Phase) (since sold) and 842 East Second Street (Women and Children) (since sold), all in Escondido, California,

- b. Not more than \$250,000 will be utilized to provide for the prepayment of a HELP II loan from the California Health Facilities Financing Authority in 2008 to Serenity House to finance an outpatient services facility located at 130 South Fig Street in Escondido, California, and
- c. Not more than \$2,200,000 will be utilized to finance renovations and equipment to a facility providing residential substance use disorder treatment services located at 1341 North Escondido Boulevard in Escondido, California. All or a portion of such amount may be used at such facility and all or a portion of such amount may be used in another city and none at all in the City.

Projects in Escondido (collectively, the "Project") are all leased, owned or to be owned and operated by the Corporation in connection with the Corporation's provision of

residential substance use disorder treatment services; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986 (the “Code”), the issuance of the Bonds by the Authority must be approved by the “applicable elected representatives” required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the facilities to be financed and described above are both located within the territorial limits of the City; and

WHEREAS, the City Council is the elected legislative body of the City and is one of the “applicable elected representatives” authorized to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”), among certain local agencies, including the City; and

WHEREAS, September 12, 2019, the City caused a notice to appear in the Escondido Times-Advocate, which is a newspaper of general circulation in the City, stating that a public hearing with respect to the issuance of the Bonds would be held by the City Council on September 25, 2019; and

WHEREAS, the City Council held the public hearing described above on September 25, 2019, and an opportunity was provided for persons to comment on the

issuance and sale of the Bonds in one or more series and the plan of financing of the Project; and

WHEREAS, pursuant to section 147(f) of the Code, the City Council now desires to approve the issuance of the Bonds by the Authority as provided in this resolution.

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

1. That the above recitations are true.
2. That the City Council hereby approves, solely for the purposes stated in this resolution, the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitutes approval of the issuance of the Bonds by the Authority, for the purposes of (a) section 147(f) of the Code by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said section 147(f), and (b) Section 4 of the Agreement.
3. That the adoption of this Resolution shall not obligate the City or any department or officer thereof to: (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for, or take any other action in connection with, any planning approval, permit, or other action necessary for the acquisition, construction, rehabilitation, installation, or operation of the Project; (iii) make any contribution or advance any funds whatsoever to OFH, the Authority, or to any holders of the Bonds; (iv) take any further action with respect to the Authority or its membership therein; or (v) make any investigations, representations, or disclosures in connection with the Bonds.

4. That the officers of the City, including by way of example and not as a limitation, the City Manager, the Finance Director, and the City Clerk are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

5. That this Resolution shall take effect immediately upon its adoption.



## **CITY COUNCIL STAFF REPORT**

**Current Business Item No. 12**

**September 25, 2019**

**File No. 0480-70**

**SUBJECT:** Housing Related Parks Program Project Update

**DEPARTMENT:** Public Works Department  
Communications and Community Services Department

**RECOMMENDATION:**

Request the City Council receive and file the report and presentation. No action is required at this time.

**FISCAL ANALYSIS:**

The City of Escondido (City) received a Program Year (PY) 2016 Housing Related Parks (HRP) Program grant award of \$1,207,000 for park and recreation capital investments, including major maintenance in areas that are both park deficient and low-moderate income. No matching funds were required.

**PREVIOUS ACTION:**

On February 1, 2017, the City Council authorized an application to the California Department of Housing and Community Development (HCD) for PY 2016 HRP Program funds and the acceptance of grant funds, if awarded, via Resolution No. 2017-16.

On October 25, 2017, the City Council approved a budget adjustment for park improvement projects in conjunction with the award of \$1,207,000 in PY 2016 HRP program grant funds.

**BACKGROUND:**

HCD administers the HRP Program, which was designed to encourage cities and counties to develop new residential housing by rewarding those jurisdictions that approve housing affordable to lower-income households. The HRP Program was funded through Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006, Health and Safety Code Section 53545, subdivision (d) and originally established pursuant to Chapter 641, Statutes of 2008 (AB 2494, Caballero), at Chapter 8 of Part 2 of Division 31 of the Health and Safety Code (commencing with Section 50700) and subsequently amended pursuant to Chapter 779, Statutes 2012 (AB 1672, Torres). The HRP Program awards funds on a per-bedroom basis for each unit affordable to low-income households in order to construct, rehabilitate, or acquire capital assets and/or costs incidental to park and recreation facility creation, development, or rehabilitation. PY 2016 was the final year of the HRP Program.

In previous cycles, the City has used HRP funds to: paint and reroof the Santa Fe Train Depot Museum in Grape Day Park, install a new play structure in Grape Day Park, perform minor

rehabilitation of play equipment at Westside Park and Grove Park, rebuild the Jim Stone Pool mechanical room, resurface the Jim Stone and Washington Park Pools, rehabilitate multiple rooms and reroof the Park Avenue Community Center (PACC), replace signage and repaint the East Valley Community Center (EVCC), and rehabilitate the Oak Hill Activity Center.

In the current cycle, the City used HRP funds for improvements to the Don Anderson Building, EVCC, Grape Day Park, Grove Park, Jim Stone Pool, Mathes Center, Felicita Mini Park, Oak Hill Activity Center, PACC, Washington Park, and Westside Park.

Don Anderson Building (\$19,828.93)

The Don Anderson Building is the home of many child-centered activities. Funding assisted the rehabilitation of current facilities and installation of new amenities, including security features to protect children at the facility, electrical improvements, and a new dumpster enclosure.

East Valley Community Center (EVCC) (\$19,755.06)

The EVCC is a full-service recreation center offering classes in health and fitness, dance, personal development, and other children's activities. Users expressed hesitation using the facilities after dark for safety reasons; funds were used to improve lighting in the parking lot to increase usage as well as water efficient landscaping improvements.

Grape Day Park (\$112,705.06)

Grape Day Park, Escondido's oldest park, has been the center for community events and activities since the early 1930s. Funding assisted in rehabilitation of current facilities and installation of planned amenities. Improvements included: repairing playground equipment; rehabilitating three art pieces (Vinehenge; Monuments to Time in the Corridor of Life, Art and Culture; and Blue Granite Shift); installing new skirting on the historic Santa Fe Train Depot museum building; converting irrigation surrounding historic museum buildings to drip irrigation; removing old landscaping and replacing it with drought resistant, appropriately-sized landscaping; and rehabilitating a fountain feature.

Grove Park (\$34,732.80)

Grove Park is one of the City's newest park. With this funding, the City was able to completely rehabilitate the park restrooms and improve landscaping, trash facilities, and lighting in the park.

Jim Stone Pool (\$125,378.08)

Jim Stone Pool is a 30-year-old municipal pool. A needs assessment was commissioned for the facility in 2014. Program Year 2014 and 2015 funds were used to improve the pool and the mechanical room. Program Year 2016 funds were used to rehabilitate the bathhouse, including reroofing, improvements to the locker rooms, and structural repairs.

Mathes Center (\$60,787.20)

The Mathes Center is the home of local history research facilities and multiple recreation activities. Funding assisted in rehabilitation of current facilities including enhancements to public areas (flooring, fixtures, and painting), as well as water efficient landscape improvements.

Felicita Mini Park (\$1,150.76)

This pocket park received water efficient landscaping improvements.

Oak Hill Activity Center (\$2,045.90)

This park area received water efficient landscaping improvements.

Park Avenue Community Center (PACC) (\$89,441.42)

The PACC is home to the City's senior center, senior focused non-profits, and senior nutrition program as well age-neutral activities. Funding assisted in rehabilitation of current facilities and installation of new amenities including the installation of a new (20-ton) air conditioning unit and improved landscaping surrounding the building and in the private courtyard.

Washington Park (\$717,278.31)

Washington Park is located in one of the City's mostly urbanized areas. Improvements in this park were made with both HRP and Park Development funds. Improvements made with HRP funds include:

- Restroom rehabilitation (including conversion to single occupancy units);
- Pool house rehabilitation (rehabilitation of shade structures, reroofing and painting);
- Recreation building rehabilitation (brand new air conditioning, reroofing, window replacement, flooring replacement, electrical upgrades, restroom upgrades, new appliances, improvements to cabinets and countertops, upgraded lighting, interior & exterior paint, replacement of damaged exterior doors, and installation of brand new 30'x40' concrete pad);
- Baseball field upgrades (turf, grading, lighting, backstop, and fencing);
- Resurfaced basketball courts; and
- Improved landscaping and park lighting.

Westside Park (\$23,907.92)

Westside Park is located in an area of town heavily affected by crime. Funding was used for a complete restroom rehabilitation, installation of new bike racks, and improved lighting. Additionally, a new fence feature was installed along the western boundary to improve safety in and accessibility to the park.

APPROVED AND ACKNOWLEDGED ELECTRONICALLY BY:

*Joseph Goulart*, Director of Public Works  
9/18/2019 2:23 p.m.

*Joanna Axelrod*, Director of Communications and Community Services  
9/18/2019 2:27 p.m.



## **COMMUNITY ADVISORY GROUP UPDATE -**

- **No materials available**



## FUTURE CITY COUNCIL AGENDA ITEMS

Updated September 18, 2019

AGENDA ITEMS AND CITY COUNCIL MEETING DATES ARE SUBJECT TO CHANGE.  
CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617

**October 2, 2019**

**NO MEETING**

**October 9, 2019**

**6:00 p.m.**

### **PROCLAMATIONS**

**Water Professionals Appreciation Week**

**National Fire Prevention Week**

**Hispanic Heritage Month**

**Certificate of Achievement – Capstone Fire & Safety Management**

### **PRESENTATION**

**California Center for Arts, Escondido Annual Report**

### **CONSENT CALENDAR**

**Amendment to the Utility Fund Fiscal Year 2020 Operating Budget Adding Three Full-Time Positions to the Wastewater Budget and One Full-Time Position to the Water Budget**

(C. McKinney)

*The proposed new positions are a Control System Supervisor (Water), two Wastewater Treatment Plant Operators (Wastewater), and a Utilities Safety Coordinator (Wastewater).*

### **PUBLIC HEARINGS**

**Development Agreement to Allocate Density from the Downtown Density Transfer Program and Master and Precise Development Plan Including a Density Bonus Application for the 131-Unit Aspire Mixed-Use Development (PHG 19-0014)**

(B. Martin)

*The Aspire is one of two Touchstone projects in the Downtown area (including The Ivy at 2<sup>nd</sup>/Ivy). The Aspire project includes both a Density Bonus available under state law and a density transfer from the new DTP for downtown. This increases the number of residential units on the site from a base density of 79 allowable units to the proposed 131 units. The Planning Commission voted 6-1 to recommend approval on August 27, 2019.*

**October 9, 2019**  
**Continued**

**PUBLIC HEARINGS Continued**

**Tentative Subdivision Map, Master and Precise Development Plan and Development Agreement for a 32-Unit Mixed-use Condominium Project at 555. W. Grand Avenue (SUB 18-0008 and PHG 18-0021)**  
(B. Martin)

*The project includes a request for a one-lot Tentative Subdivision Map, Master and Precise Development Plan, and Development Agreement to construct a four-story, 32-unit air-space condominium development with 300 SF of flex office space and a ground floor parking garage to accommodate 43 parking spaces. The project includes a request for a 29.5 percent reduction in the parking requirement and a 16 percent reduction in the open space requirement. The project also includes the proposed purchase of an adjacent City-owned parcel (approximately 2,275 square feet) and vacation of a portion of the adjacent alley to incorporate into the project for open space and site access. A Development Agreement is necessary to pursue a reduction in Open Space in accordance with the Downtown Specific Plan.*

**CURRENT BUSINESS**

**Year-End Financial Status Report for Fiscal Year 2018/19 and Budget Adjustment**  
(J. Ryan)

*Quarterly financial reports present written financial updates to Council concerning certain funds of the City based on the most recent financial information available. These quarterly financial reports include budgetary information along with the actual resources received to date and the use of these resources in fulfilling each fund's financial plan. The report provides information for the General Fund, Reidy Creek Golf Course Operations, and Water, and Wastewater Funds.*

**WORKSHOP**

**FUTURE AGENDA ITEMS**

# Weekly Activity Report



**September 19, 2019**

## **Emergency Operations Center Training**

The City's Emergency Operations Center team held a training this week in coordination with other north County cities. Whether a wildfire, earthquake or blackout, this team works around the clock in the event of an emergency in our community. The team works to make sure accurate information is available to the public and resources are rolled out to deal with the emergency.



## **Housing-Related Parks Grant Updates**

The City recently completed \$1.2 million in improvements to more than 11 parks and recreational facilities across the City. Improvements include new smart irrigation control systems and landscaping to improve water efficiency; dumpster enclosures; security improvements; rehabilitating public art pieces and playground structures; renovating restrooms; new roofing, air conditioners, flooring, and fixtures; and an almost complete renovation of Washington Park.

Learn more details and see before and after photos during the staff presentation at the September 25 City Council meeting.



## Escondido Schools Keep Shining

### Escondido High School Ag Program

Mayor McNamara will be participating as a judge for the upcoming Escondido High School Ag Student Scholarship program. Each year, every Ag student is required to complete a Supervised Agriculture Experience Project. The Ag Boosters provide the opportunity for these students to apply for scholarship money to assist with the cost of the project. One scholarship is provided per grade level, as well as 2-3 additional scholarships based on advisor's selection.

### Classical Academy High School

Classical Academy High School has been recognized as a 2020 Best School by Niche, ranking #4 in San Diego and #16 in California. The 2020 Best Charter High Schools ranking is based on analysis of key statistics and millions of reviews from students and parents using data from the U.S. Department of Education. View more information about the ranking here:

<https://www.niche.com/k12/classical-academy-high-school-escondido-ca/>

### EUSD Teacher Nominated for Teacher of the Year

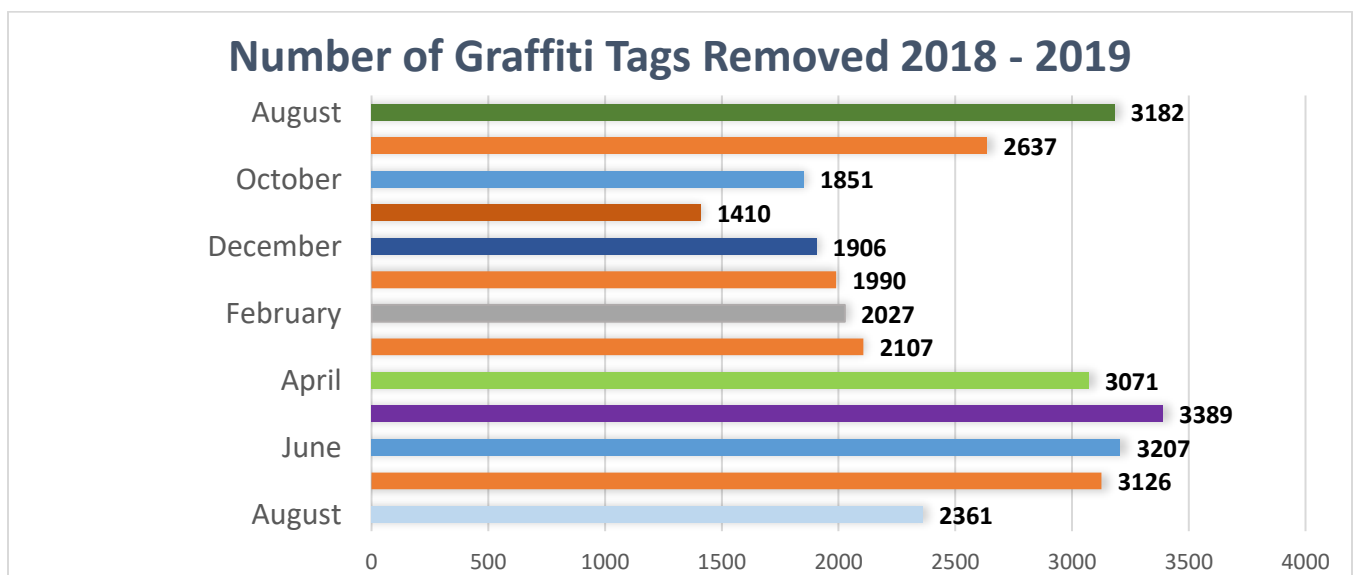
Each year the San Diego County Office of Education honors public school teachers for their work and commitment to students. Five teachers were announced as the Teachers of the Year on Saturday from a pool of 42 nominees. These five Teachers of the Year will go on to represent the region at the state level. Christine Hansen of Quantum Academy, with Escondido Union School District was one of the nominees. Congratulations Christine!

For more information about the nominees visit:

<https://www.sandiegouniontribune.com/news/education/story/2019-09-07/five-educators-chosen-as-san-diego-county-teachers-2019>

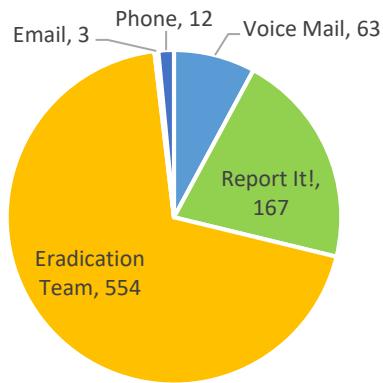
## BY THE NUMBERS

### Public Works



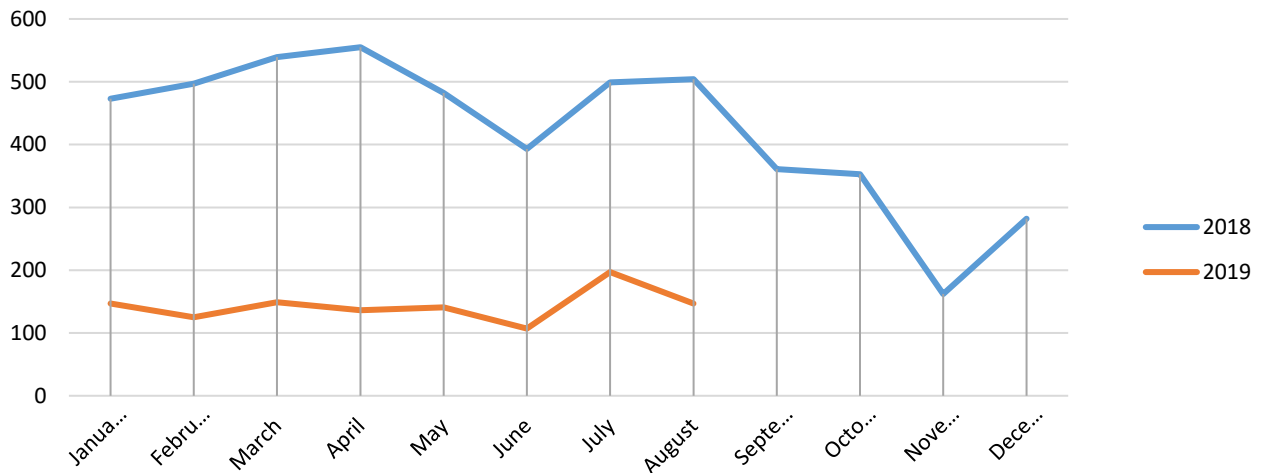


### How Graffiti Was Reported - August 2019



■ Voice Mail 
 ■ Report It! 
 ■ Eradication Team 
 ■ Email 
 ■ Phone

### NUMBER OF SHOPPING CARTS REMOVED



### Code Enforcement

258 Total Active Cases

50 New Cases

57 Cases Closed

53 Voluntary Compliance

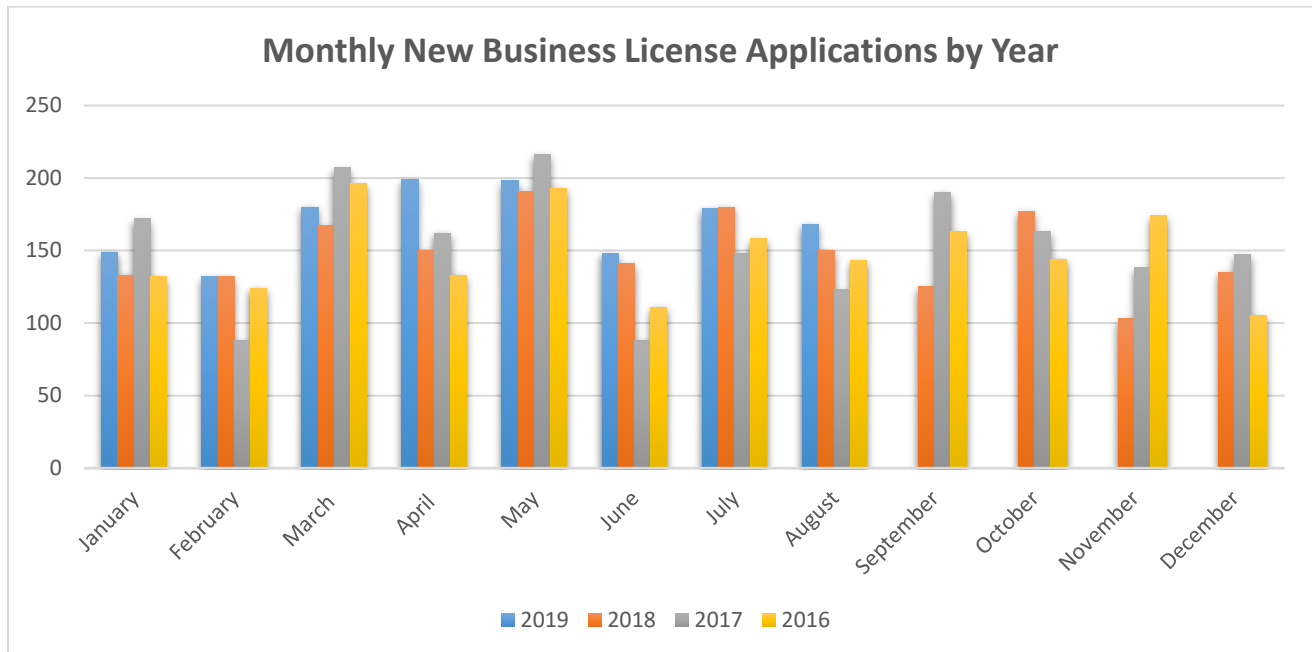
13 Notices Issued

4 Citations Issued

Total Code Cases (Year To Date)

1,931

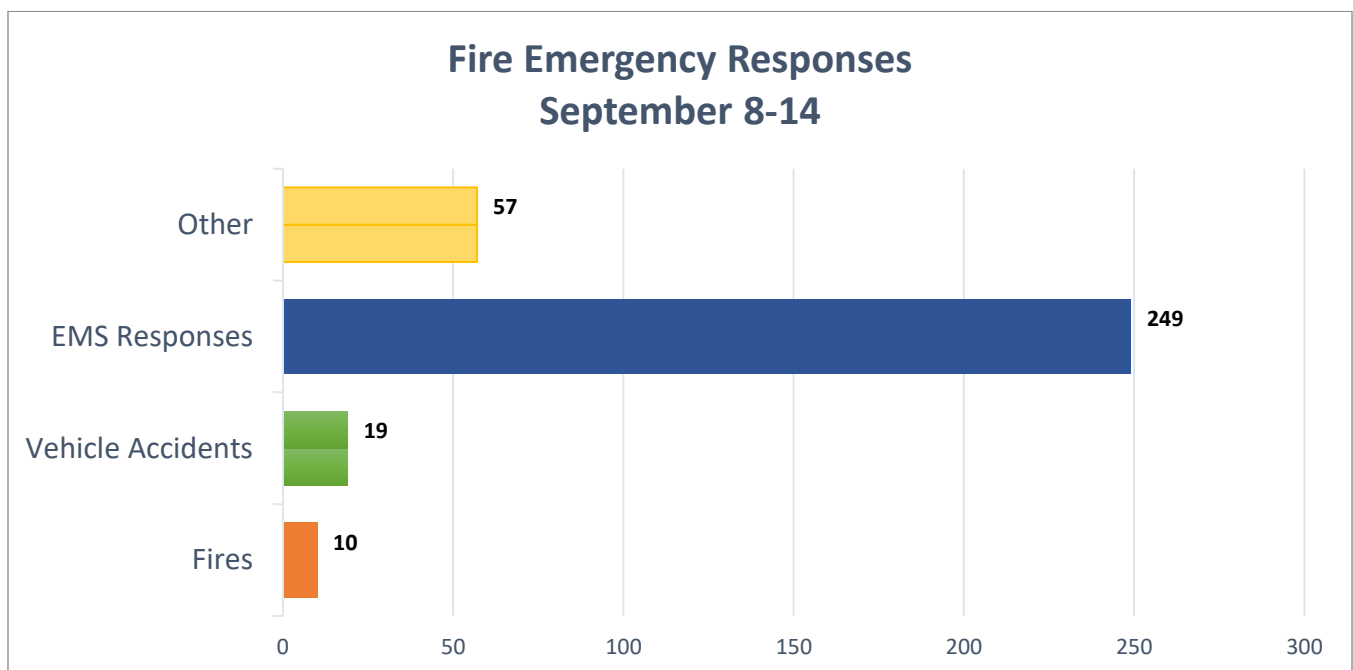
## Business Licenses

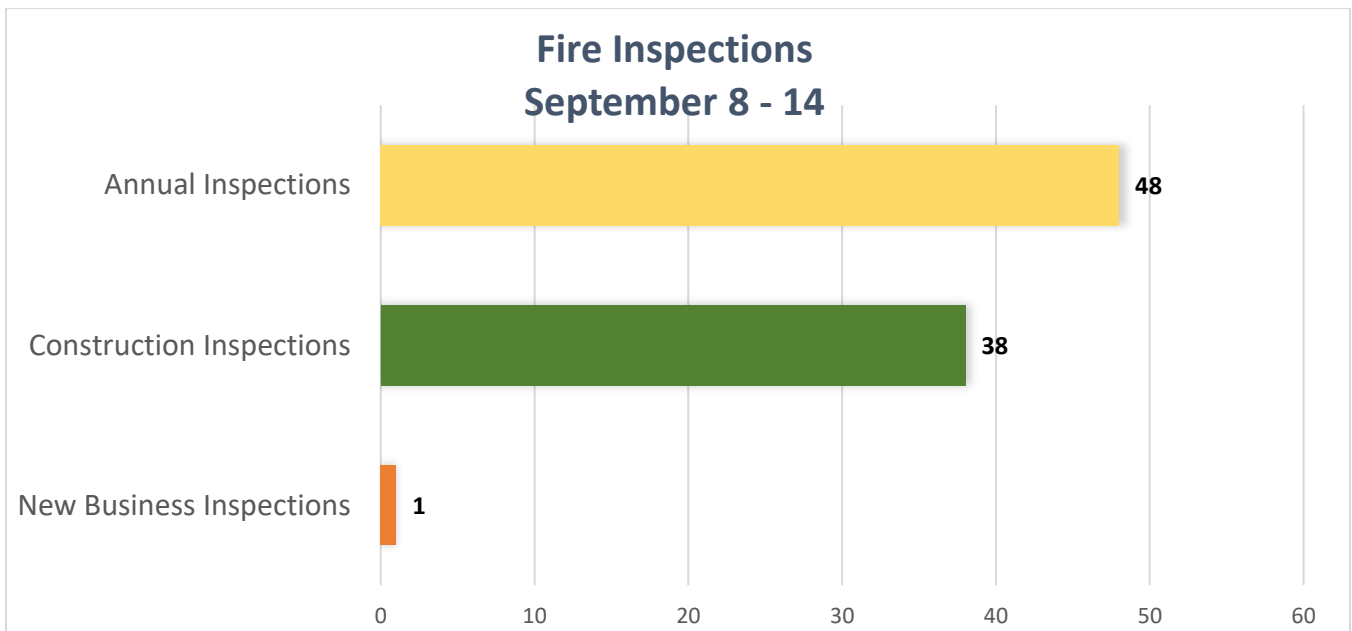


## Graffiti Restitution

| Collected This Week | Collected Year to Date |
|---------------------|------------------------|
| \$159               | \$4610.75              |

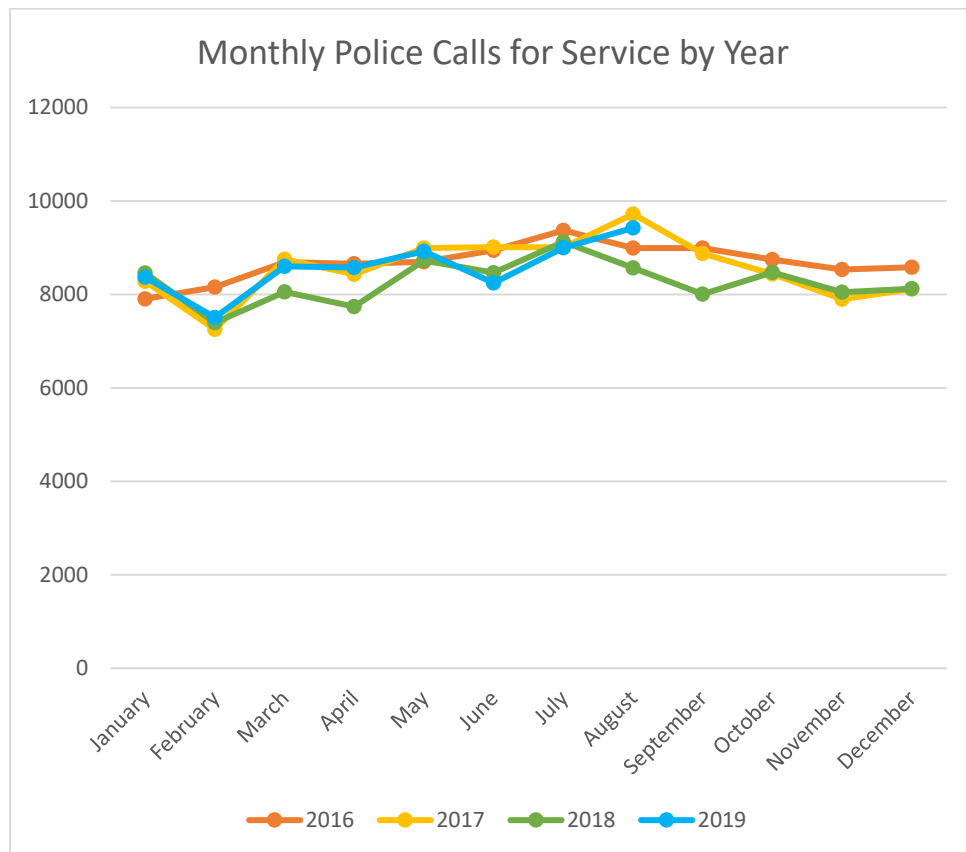
## Fire



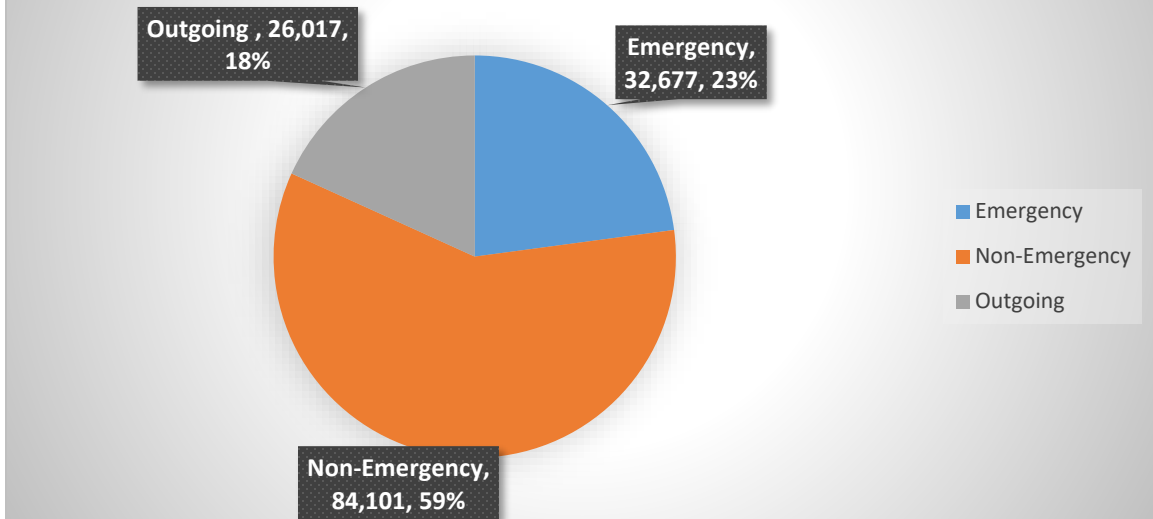


|                                          |        |
|------------------------------------------|--------|
| Total Emergency Responses (Year To Date) | 11,798 |
|------------------------------------------|--------|

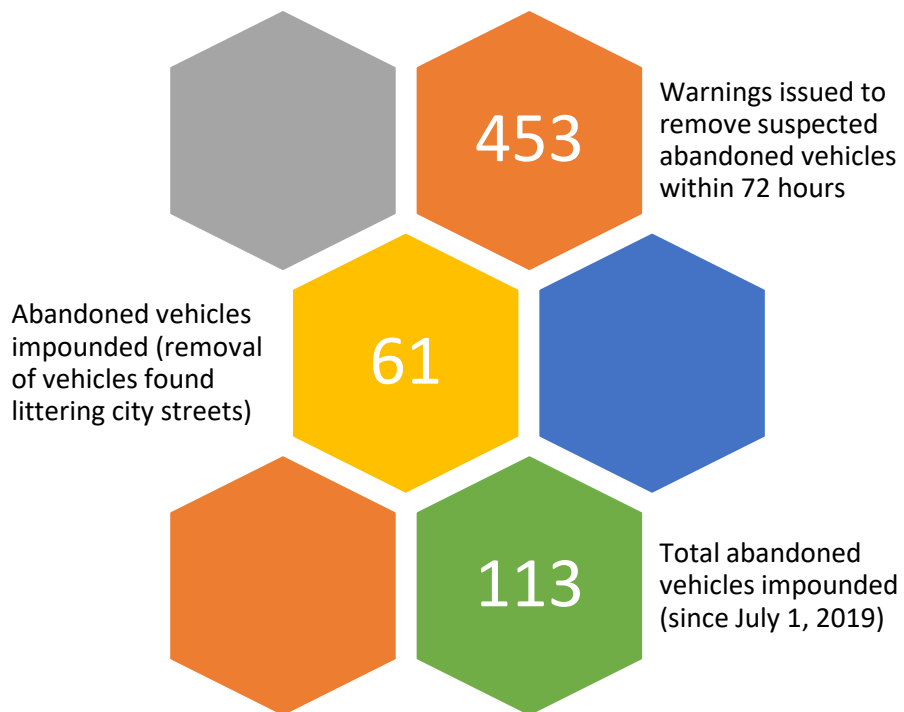
### Police:



## 2019 YTD Police/Fire Communication Center Call Volume

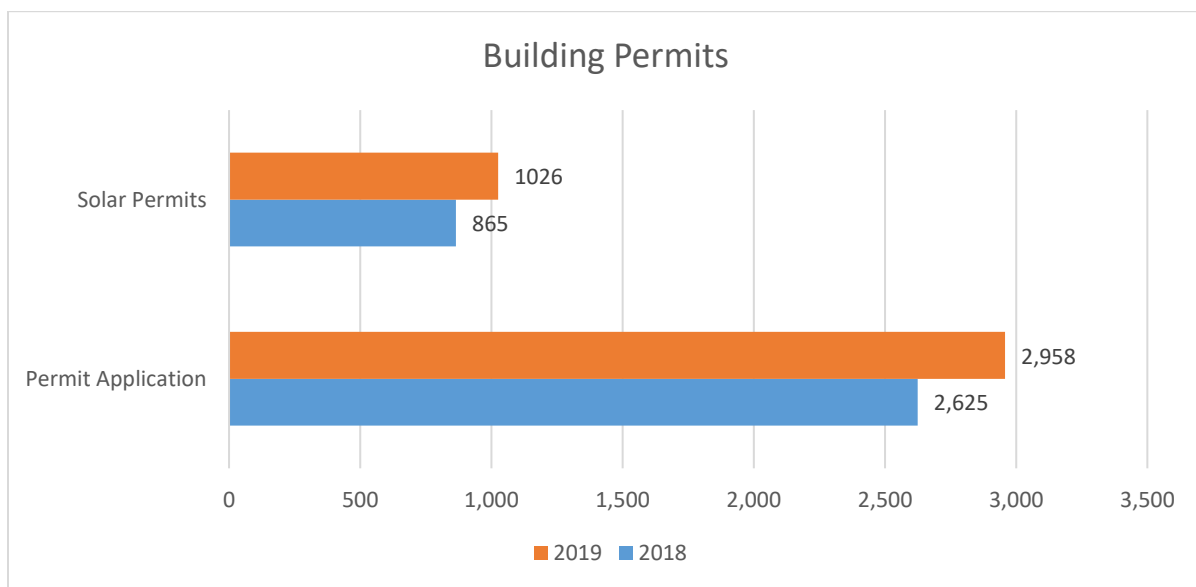
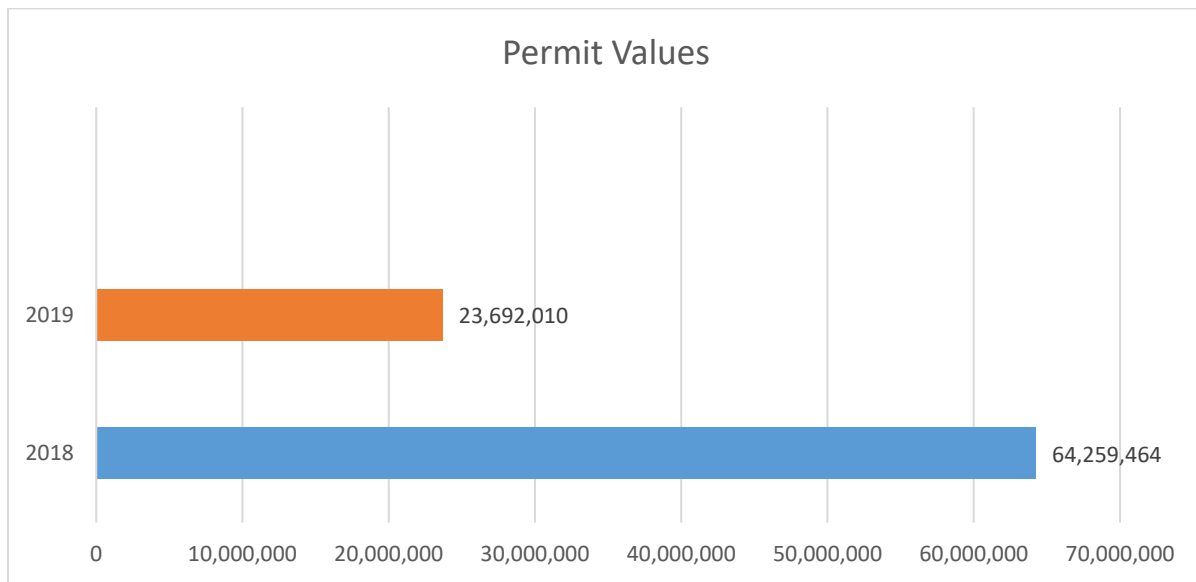


## August Abandoned Vehicle Data



## **Building Division:**

*\*Data reflects activity through September 14 of each year.*



## **POLICE DEPARTMENT**

### **Incidents:**

#### **Attempted Carjacking**

On September 12, at 12:40 a.m., Officer Visconti was on routine patrol in the area of Grand Ave. and Grape St. when he was flagged down by a citizen. The citizen told Officer Visconti he was sitting in his car in the area of 2<sup>nd</sup> Ave. and Kalmia St. when he was approached by an unknown male. The male engaged the citizen in a brief conversation before he wrapped his face with a bandanna, produced a handgun and asked for the vehicle keys. Believing the suspect was trying to take his car, the citizen drove over a curb in order to get away from the suspect. The citizen drove down the street and flagged down Officer Visconti. Officer Visconti broadcasted the information about the crime and the description of the suspect over the radio. A short time later, Officer Hamilton located the suspect near the intersection of 6<sup>th</sup> Ave and Maple St. The suspect was positively identified by citizen. Officers located a BB gun in a backpack belonging to the

suspect. The suspect was arrested for attempted carjacking and booked into the Vista Detention Facility.

### **PD Assists with Fire in the Area of I-15 & Hwy 78**

On September 17, at 1:00 p.m., officers responded to Highway 78 and Interstate 15 to assist the Escondido Fire Department with a fire along the east shoulder of Interstate 15. The California Highway Patrol and the San Diego County Sheriff's Department also responded to assist with freeway and road closures.

### **COPPS:**

The COPPS (Community Oriented Policing and Problem-Solving) Unit is dedicated to increasing the quality of life for the residents of Escondido through pro-active responses to crime trends, quality of life issues, and addressing crime and public nuisance in Grape Day Park and at Maple Plaza.

- 2 arrest
- 18 citations
- 18 extra patrols

### **News:**

#### **FBI National Academy Graduates 277<sup>th</sup> Session**

Congratulations to Lieutenant Berreth for completing the 277th session of the FBI National Academy on September 13. The National Academy is internationally known for its academic excellence and offers ten weeks of advanced leadership, communication and fitness training. Lieutenant Berreth's class included law enforcement leaders from 50 states and the District of Columbia as well as law enforcement representatives from 34 countries, five military organizations, and nine federal civilian organizations. The FBI does not charge law enforcement agencies in the United States for tuition, books, equipment, meals, lodging or travel.



## FIRE DEPARTMENT

### News:

#### **“Code X” Training**

When someone is in need of rescue while underwater, for example when a car is overturned in a shallow body of water, this is known as a “Code X” incident. In high risk, low frequency events such as this, it is imperative that first responders are well equipped and trained to work efficiently together across agencies. Last week, approximately 480 fire and rescue personnel from all of the fire agencies throughout North San Diego County, including the Escondido Fire Department, participated in training sessions and hands-on drills at Lake Hodges. Instructors from Escondido Fire, San Marcos Fire, Oceanside Lifeguards and CAL-FIRE led the sessions that included victim search techniques, rescue throw bag techniques and an incident tactic. The training culminated with a drill where training manikins that were placed in a partially submerged car and the surrounding area had to be rescued by the teams. This collaborative training benefitted the fire and rescue agencies and the communities they serve.



On Sunday, September 8, at 4:00 a.m., an Escondido Fire engine crew (Captain Arnold, Engineer McCauley, and Firefighter Paramedics Johnson and Beveridge) were deployed to the Red Bank Fire near Redding, CA on Engine OES 8632. They returned home safely on Thursday, September 12.

On Monday, September 9, at 9:14 a.m., Escondido Fire responded to a reported residential structure fire. Upon arrival, firefighters found that the residents of a multi-family condominium complex had momentarily left a pan of cooking oil unattended. When the resident returned to the kitchen there were flames extending from the stovetop, up the side of her refrigerator onto the overhead cabinets. The heat melted the items on top of her refrigerator as well as the stovetop knobs, making it impossible for her to turn off the burner. After attempting to extinguish the fire using water, which spread the burning oil and flames, the resident evacuated the home with her child and called 911. Fortunately, in this case the fire consumed all of the cooking oil, burned itself out, and did not spread into the rest of the home. Cooking fires are not uncommon and are very preventable. Some safety tips:

- Never leave food unattended on the stove.
- Do not pour water on an oil or grease fire, this spreads the flames. Instead, use baking soda or cover with a metal lid and turn off the burner (if possible)
- Keep all surfaces near the stovetop clear of other flammable items
- Periodically check smoke detectors, and replace them as needed



On Tuesday, September 10, the North San Diego Business Chamber hosted the annual “Honoring Our Region's Heroes Awards Luncheon”, which honors the dedicated officers, first respondents, and public safety leaders who have gone above and beyond in their duties. Captain Bill Atkins and Firefighter Paramedic Ricky Tlapala were nominated for their contributions to the CPR program. As certified CPR instructors, Captain Atkins and Firefighter Paramedic Tlapala have a passion for empowering people to be ready to save a life by learning CPR and how to use an automatic external defibrillator (AED). Because a critical factor in heart attack survival is early bystander CPR, Captain Atkins and Firefighter Paramedic Tlapala are dedicated, on and off duty, to providing CPR classes to City employees, businesses, and community groups. By promoting the value of learning CPR and investing the time teaching classes, their efforts have helped hundreds of people learn CPR to be prepared to save the life of a loved one or community member. In addition, Firefighter Paramedic Tlapala coordinates an annual program to provide free blood pressure screen checks at various locations throughout Escondido. The dedication of Captain Atkins and Firefighter/Paramedic Tlapala has truly impacted the safety of our community.



On Tuesday, September 11 Heritage Elementary held their annual “Patriots” assembly to honor those who put themselves on the line every day to protect others. In attendance were students, teachers, staff, and family members who are active military, police and fire. Presentations were given by Escondido Police Officer Henry Quach and Fire Prevention Specialist Sandra Bauer. The American Flag was honored and a special song presentation was given by the 3<sup>rd</sup> grade students and music teacher.





On Saturday, September 14 at 1:05 p.m., the Escondido Fire Department was dispatched to a reported vegetation fire at the northbound I-15 and Highway 78 interchange. The first arriving unit reported one acre of brush burning at a fast rate of spread in medium to heavy fuels. Due to the high temperature, water needs and fire intensity, a second alarm and five closest engines were requested and dispatched. California Highway Patrol, Escondido Police and San Diego Sheriff units assisted with the closure of two northbound lanes on the I-15 and the full closure of Highway 78 on ramps to southbound and northbound I-15 for several hours to ensure the safety of fire crews that were working along the freeway. The fire was contained to approximately 2 acres within 50 minutes and fire crews worked for several hours mopping up all hot spots. The cause of the fire is under investigation. No structures were damaged and there were no injuries to firefighters or civilians.



On Saturday, September 14 at 5:29 p.m., the Escondido Fire Department was dispatched to a reported vegetation fire at Harmony Grove Road and Hale Avenue. The first arriving engine reported approximately one half acre of heavy fuels burning at a slow rate of spread. Due to the location in the Escondido Creek and the potential for the fire to spread, a second alarm was requested and dispatched. Escondido Police assisted with the closure of Harmony Grove Road between Hale Avenue and Andreasen Street. The fire was contained within 25 minutes. There were no injuries to civilians or firefighters. The cause of the fire is under investigation.



## **VOLUNTEER PROGRAM**

If you would like to get involved and volunteer in Escondido, visit:  
<https://www.escondido.org/volunteer-intern-program.aspx>

## COMMUNITY DEVELOPMENT

### **Major Projects Update**

The following major projects are being reviewed and coordinated by Planning, Engineering, Fire, Building and Utilities. The list of projects below encompasses recent project updates and/or milestones from last week.

#### **Commercial / Office:**

1. Escondido Research and Technology Center (ERTC) – West (Developer: James McCann) 2181 Citracado Parkway – A plan for a new two-story, 57,000 SF, 52-bed Palomar Rehabilitation Institute (PRI) was submitted as a Plot Plan on July 31, 2017. The Plot Plan approval letter was issued on February 7, 2018. An MOU explaining the phasing and proposed parking improvements for the hospital has been signed by all parties and was completed on July 15, 2019. The state OSHPD will issue building permits and oversee construction inspections. Site preparation and grading activities for the PRI building has commenced. A grading plan for parking on Parcel 1 has been approved by Engineering and a permit is ready to be issued.
2. Escondido Research and Technology Center (ERTC) – East (Developer: James McCann) 2130 Citracado Parkway – Building plans for a 71,656 SF medical office building in this approved medical complex area across from Palomar Hospital were submitted into plan check on October 9, 2018. A subsequent plan submittal increased the size of the building to approximately 80,000 SF, which exceeds the specific plan allowance for that planning area. A plot plan application for the modified building design has been submitted by the applicant. A fee deferral agreement has been signed by all parties in anticipation of building permit issuance. A demolition permit was issued on September 16, 2019 of the residential structure.

#### **Industrial**

1. Escondido Self-Storage Facility (Developer: Brandywine Homes, Inc.) 2319 Cranston Dr. – Updated building plans were resubmitted into plan check on July 24, 2018. Esgil, Engineering and Fire approved the plans several months ago. Planning met with the architect on July 18, 2019, to finalize design for the screening of rooftop mechanical equipment and then approved the building plans the same day. The grading permit has been approved and grading has commenced on the site. Issuance of the building permit is imminent.
2. Citracado Business Park (Developer: Dentt Properties) 2207 Harmony Grove Road – A proposed specific plan for two industrial warehouse/office buildings (145,930 SF and 125,930 SF) with the buildings to be separated by the future extension of Citracado Parkway. The application was submitted on August 14, 2018. All departments have completed their initial review and comments were sent to the applicant on September 17, 2018. SDG&E also has provided comments regarding the high voltage power lines that traverse the site. The applicant's traffic consultant submitted revised methodology and distribution to Engineering on October 19, 2018. A meeting with the applicant to review the various departmental comments occurred on October 29, 2018. The developer team met with several departments on April 4, 2019, primarily to discuss traffic-related issues. Planning and Building are awaiting submittal of a demo permit for the two abandoned residences on the site. A revised Traffic Impact Analysis was submitted to Engineering on August 8, 2019. The developer and consultant team met with Engineering and Planning on August 20, 2019, to discuss proposed traffic mitigation

measures. Caltrans has recently responded favorably to the Engineering Division's suggestion of adaptive signal timing as feasible mitigation for the Nordahl/Hwy 78 area.

## **City Projects**

1. Membrane-Filtration Reverse Osmosis (Developer: City of Escondido Utilities Department) SE corner Ash/Washington – On January 16, 2019, the City Council expressed continued support for the MFRO, but directed staff to investigate moving the facility from Ash/Washington to another location. A city-owned property located at 901 W. Washington Avenue has been selected as the new MFRO site. An on-site meeting with the selected design-build and environmental contractors occurred on January 28, 2019. Preliminary geotechnical and survey work is underway. Helix Environmental Planning will be preparing the draft environmental documents. A Design Build Agreement was approved by the City Council on April 3, 2019. The Design Build Agreement with Filanc+BC Joint Venture provides for design and pre-construction services. The Design Build team met with Utilities and Planning on May 15, 2019 and June 5, 2019 to discuss design and timeline issues. A revised draft site plan was submitted to Planning on July 10, 2019. A draft environmental review document is in preparation. Tribal consultation letters (i.e. AB 52 notification) to interested tribal groups were sent August 2, 2019. City staff met with the Design Build team to review site plan comments on August 14, 2019, and again on September 3, 2019. A storm drain issue identified on the site is currently being investigated by staff. The design team is working to put the Plot Plan application together for review by all departments.
2. Lake Wohlford Replacement Dam (Developer: City of Escondido Utilities Department) – A Draft EIR was prepared and issued for a 45-day public review period that began on October 4, 2016 and closed on November 17, 2016. A field visit with staff from the state and federal wildlife agencies took place on May 11, 2017, to review biological mitigation requirements including an agency request for full mitigation for emergent vegetation at the eastern end of the lake that came into existence since the lake level was reduced for safety reasons. Staff sent a follow-up letter to the wildlife agencies on June 29, 2017, seeking clarification on the proposed biological mitigation requirements. Additional information has been compiled and analyzed by the City's biological consultants based on recent conversations with the agencies. The biological consultant and staff met with the wildlife agencies on November 28, 2018 to discuss a modified approach to fulfilling mitigation requirements. Written information summarizing what was discussed at the meeting was transmitted to the agencies on December 4, 2018. City staff concluded a revised assessment of potential biological impacts and met with the agencies to present the findings. Additional information requested by the agencies was prepared and submitted as requested. The agencies responded they do not concur with the alternative mitigation proposal and the issue remains unresolved.

## **Residential**

1. Harvest Hills (aka Safari Highlands Ranch) (Developer: Jeb Hall, Concordia Homes) 550 lots east of Rancho San Pasqual – A Notice of Availability for the Draft EIR was issued on October 16, 2017 for public review and comment. The comment period ended on January 2, 2018. Staff transmitted all the comment letters and emails to the Draft EIR consultant for review and to prepare a response to each comment. The Draft EIR and appendices have been posted on the City's website at the following link:

<https://www.escondido.org/safari-highlands-ranch-specific-plan.aspx>

The responses to comments have generated related revisions to the project design. The applicant's engineer submitted a revised tentative map on October 26, 2018. Generally, the amount of grading and the area of disturbance has decreased, while the overall number of 550 residential lots has remained the same. Engineering met with the project engineer and applicant on January 31, 2019, to discuss their comments on the revised tentative map. The revised tentative map and exhibits have been posted on-line at the link above. The applicant met with Traffic Engineering during the week of February 25<sup>th</sup> to discuss off-site improvements. Staff, applicant and biological consultant met with the wildlife agencies on April 23, 2019, to discuss the revisions to the project design mentioned above. The applicant and staff met on June 20, 2019, to refine the list of outstanding issues remaining to be resolved prior to advancing to public hearings for the project. The applicant met with Traffic Engineering staff on August 15, 2019, and agreement was reached on several of the off-site mitigation locations. Additional information regarding biological resources was submitted on August 29, 2019.

2. 18 lots at 701 San Pasqual Valley Rd (Developer: Bob Stewart) – Staff comments on the revised tentative map were issued the last week of July 2017. The applicant has occasionally engaged in discussions with various departments since that time, but has declined a staff offer to schedule a comprehensive meeting with all city departments. Another set of revised plans were submitted the week of November 26, 2018. Planning, Engineering and Utilities comments on the revised plans were issued on February 25, 2019. In response to a follow-up discussion with the applicant, Planning provided additional comments on April 29, 2019. Additional discussions between the applicant and the City to resolve project issues occurred on June 20, 2019.
3. The Villages at Escondido Country Club (Developer: Jason Han, New Urban West, Inc.) 380 residences – The City Council voted 3-2 to approve the project on November 15, 2017. The applicant submitted rough grading plans, drainage improvement plans and utility relocation plans for all three villages on May 7, 2018. Most of the plans are in third or fourth plan check. Engineering comments were returned on March 12, 2019; and the developer team met with Engineering on April 1, 2019, to discuss the comments. The homebuilder met with Building, Engineering and Planning on April 24, 2019 to discuss the building plan check and precise grading plan processes. A revised Certified Tentative Map for substantial conformance review was submitted on May 23, 2019 and includes a proposal to relocate approximately 10 residential lots within the development. These changes in Villages 2 and 3 resulted from comments provided by the Regional Water Quality Control Board and that agency now has issued a permit. The revised Certified Tentative Map was approved on September 3, 2019. A resubmittal of Village 1 plans including grading, storm drain and the specific alignment plan for Country Club Lane was received on June 18, 2019, and has been approved by Fire. Engineering and Planning comments were sent to the applicant the week of July 15, 2019. The applicant provided another resubmittal of Village 1 plans the last week of July. A bond and fee letter for Village 1 has been issued by Engineering and bonds/fees were posted by Lennar on September 10, 2019. A rough grading permit was issued on September 16, 2019.

The approved tentative subdivision map, Final EIR and appendices, Specific Plan and other related information can be accessed on the City's website at the following link:

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



4. North Avenue Estates (Developer: Casey Johnson) 34 lots at North Ave./Conway Dr. –The City Council approved the project on January 10, 2018. LAFCO approved the annexation application on October 1, 2018, and the annexation has recorded. The new homebuilder, Taylor Morrison Homes submitted a Precise Development Plan to Planning on December 14, 2018. Grading plans, final map and improvement plans were submitted for review on December 7, 2018. Engineering met with the applicant's engineer on January 31, 2019 to discuss drainage issues. A revised Certified TM was approved on March 14, 2019. Final engineering plans were resubmitted on March 21, 2019. The project engineer, Engineering and County Water Authority staff met on April 2, 2019, to discuss the street and utility crossings over the CWA aqueduct. The applicant's engineer submitted a revised design to address the CWA issues the week of June 3rd. Building plans for four model homes were submitted into plan check on July 15, 2019, and comments were returned by Planning. Revised grading and landscape plans and final map were submitted on July 30, 2019. The Precise Development Plan was approved by the Planning Commission on August 13, 2019. The project engineer has notified Engineering that revised plans will be submitted soon.
5. Aspire (131 apartment units on Municipal Lot 1) (Developer: Addison Garza, Touchstone Communities) – The proposal consists of a six-story mixed-use development across from City Hall on Parking Lot 1. The project was initially submitted for entitlement processing for a 106-unit development on June 23, 2017. On March 14, 2019, the applicant submitted a revised project under state and city density bonus law that increases the number of dwelling units in return for the provision of 11 Very Low Income housing units. The increased density (now 131 units) has been accommodated by eliminating all 3-bedroom units to allow additional studio, one- and two-bedroom units within the same building structure. The project includes 4,289 square feet of commercial space on the ground floor, primarily fronting on Maple Street Plaza. A purchase and sale agreement for the project site (Parking Lot 1) was approved by the City Council on September 19, 2018. Concerns regarding parking have been expressed; and the applicant's parking consultant submitted a parking study on January 17, 2019. A proposed Development Agreement was submitted for staff review on April 24, 2019. Engineering completed final review of the traffic study and storm water plans, asking for modifications to complete the reports. The Planning Commission voted 6-1 to recommend approval of the project on August 27, 2019. A City Council hearing has been scheduled for October 9, 2019.
6. Quince Street Senior Housing (Developer: Matt Jumper, 220 Quince, L.P.) 145 apartment units at 220 N. Quince St. – The five-story affordable senior housing apartment project was submitted on November 21, 2017. The applicant submitted revised plans on May 3, 2019. Public review of the Draft Mitigated Negative Declaration resulted in two comment letters. A Final MND was prepared and included in the staff report, which was presented to the Planning Commission. The project was reviewed by the Planning Commission on August 13, 2019 and the commission unanimously supported the project. The City Council will consider approving the project at a public hearing on September 25, 2019.
7. Sager Ranch/Daley Ranch Resort Specific Plan (Developer: J. Whalen Associates, Inc., Sager Ranch Partners) 203 housing units and 225-room resort hotel on 1,783-acres, just north and east of Daley Ranch – This proposed residential and resort hotel annexation and specific plan project was received on March 2, 2018. The project submittal has been deemed incomplete and a letter from staff requesting additional project related information was sent to the applicant on April 4, 2018. Requested information includes annexation exhibits, proposed general plan amendment text, a proposed Transfer of Development Rights Program, environmental initial study, and a fiscal impact analysis. Planning met with the applicant on May 17, 2018 to discuss items listed in the letter. A follow-up meeting to discuss engineering issues occurred on June

27, 2018. The applicant met with Escondido Fire and Valley Center Fire on August 1, 2018 to discuss fire protection issues. Significant fire-related issues to be addressed include the steepness of the project entry road, secondary emergency access and Fire Department response times. A follow-up meeting with the applicant to discuss these issues occurred on October 11, 2018. On April 5, 2019, the applicant provided a letter response with alternative compliance proposals to address some of the fire-related issues. On May 14, 2019 the applicant provided additional fire-related information requested by Fire and Planning. Fire, Planning, and Engineering staff met with the applicant team on May 29, 2019 to discuss the fire-related information. A financial feasibility study for the proposed resort was submitted on July 8, 2019.

A project webpage containing draft documents and plans has been added to the Planning Division's website at the following link:

[Sager Ranch Resort Specific Plan - City of Escondido](#)

8. Nutmeg Condo General Plan Amendment (Developer: Jim Simmons, CCI) 137 townhome condo units on 7.7 acres on both sides of Nutmeg between I-15 and Centre City Parkway – This proposed multi-family residential development includes a GPA from Office to Urban III (up to 18 du/acre) as well as a specific alignment plan for Nutmeg and a vacation of approximately one acre of public right-of-way for use in the project. The project application was received on June 15, 2018. Initial comments from Planning, Fire, Engineering, Utilities and Traffic Engineering were provided to the applicant on July 13, 2018. A Notice of Availability for the Draft EIR was issued May 7, 2019, announcing a 45-day public review period from May 10, 2019 to June 24, 2019. The USFWS has requested an additional time to comment. Caltrans expressed a concern for having encroachment into their right of way. Project revisions may be necessary to accommodate grading and fuel modification zone planning on-site. The applicant met with Planning and Engineering on August 14, 2019 to discuss potential changes to the project. Project changes could include splitting the project into northern and southern pieces with the Final EIR and northern piece progressing to public hearing while a redesign effort is undertaken on the southern piece to address Caltrans issues.
9. Oak Creek (Builder: KB Homes) 65 single-family residential lots on approximately 44 acres at Felicita Road and Hamilton Lane – The Zoning Administrator approved a modification to the Precise Development Plan to revise the architecture on October 25, 2018. On-site remediation of hazardous materials has been completed and DTSC has issued a clearance letter. On-site improvement plans have been approved. The rough grading permit was issued on April 18, 2019, and grading has commenced on the site. The Precise Grading Plan for the model homes has been approved and building permits for two model homes were issued the week of July 8. A Model Home Permit was approved by Planning on July 10, 2019, for the sales office and temporary improvements. A second plan check submittal for the final map was received the week of May 13. Second plan check for the off-site improvement plans was received on June 3, 2019. Engineering comments have been returned and Engineering has approved all improvements, excepting those provided for on Felicita, which additional changes are expected. County of San Diego staff from the Parks and Public Works Divisions have met with the applicant to discuss ways to evaluate floodplain and drainage issues occurring at the Felicita Park. A follow up meeting with Engineering occurred on August 28, 2019. In response the applicant submitted a hydraulics study to DPW on September 9, 2019.

10. 555 West Grand Mixed-Use Building (Developer: Ed McCoy) 32 condo units in three floors over a parking garage – This 32-unit mixed-use development with 610 SF of office/flex space was submitted as a planned development application on August 27, 2018. The project is seeking a reduction in parking and open space standards. Initial multi-department comments were sent to the applicant on September 26, 2018. The applicant met with Fire, Engineering, Planning and Utilities staff on October 16, 2018 to discuss the staff comments. It is anticipated that water lines will need to be upsized on Quince and Grand. The applicant submitted a parking study on May 13, 2019, to support the proposed reduction in the number of parking spaces. The applicant met with Engineering and Planning staff on May 22, 2019 to discuss the driveway location and Development Agreement terms. Fire has approved the proposed hydrant locations and revised plans are expected soon. Project plans were resubmitted to the City on June 24, 2019. The project was recommended for approval by the Planning Commission on September 10, 2019.
11. Villa Portofino (Developer: Chris Post, ATC Design Group) 15 apartment units in a three-story building with parking garage at 2690 S. Escondido Blvd. – This 15-unit multi-family residential project on a 0.52-acre parcel between S. Escondido Blvd and Cranston Drive was submitted as a Plot Plan application on November 28, 2018. A comment letter was issued on December 20, 2018. Comments included the need to evaluate the building construction type for fire purposes and consider the design standards in the South Centre City Specific Plan. Planning, Fire and Engineering met with the applicant on June 10, 2019, to discuss revisions to the plans intended to address the previous comments. Utilities has requested a sewer study to assess potential impacts to the nearby Lift Station 2. A revised project design was routed to all departments on August 23, 2019. A City Council hearing is anticipated for late October or early November.
12. Palomar Heights (Developer: Ninia Hammond, Integral Communities) Demolition and redevelopment of the old Palomar Hospital site with 510 multi-family units – A proposed Tentative Map, Planned Development, Specific Plan Amendment and EIR to redevelop the 13.8-acre former hospital site. Up to 5,500 square feet of recreation or commercial space could be included. A partial project application was submitted on December 24, 2018. Engineering and Planning comments on the initial project submittal were sent to the applicant on February 12, 2019. A contract for a developer-funded planning consultant to work on this project as an extension of Planning staff was approved by the City Council on February 13, 2019. Planning Engineering and Fire met with the applicant team on February 27, 2019 and again on April 24, 2019 to go through proposed revisions to the site plan and building designs. The applicant revised the plans to increase the unit count from 424 units to 510 units. A Notice of Preparation (NOP) for the Draft EIR was issued on May 3, 2019 and a public scoping meeting took place on May 20, 2019. The public comment period for the NOP closed on June 3, 2019, and approximately 28 comment letters and written forms from the scoping meeting were received. Resubmittal of the redesign package was filed on June 25, 2019. Design and site plan information was submitted on July 1, 2019 and a screen check EIR was submitted on July 29, 2019. City comments on the design package was transmitted on August 2, 2019. Comments on the screen check EIR were issued on August 27, 2019. It is anticipated that the draft EIR will be released for public review and comment in mid to late fall. Revised project plans were submitted to Planning on September 11, 2019. A Planning Commission work session focused on project design and architecture has tentatively been scheduled for October 8, 2019.

The development proposal and other related information can be accessed on the City's website at the following link: <https://www.escondido.org/palomarheights.aspx>

13. Henry Ranch (Builder: Joe Martin, Trumark Homes) An approved development of 97 single-family residential homes on 74.35 acres at the eastern terminus of Lincoln Avenue – The Tract 920 development proposal was originally approved in 2007 and an extension of the associated Development Agreement was approved in 2016. Final Map, grading plans and improvement plans were submitted for initial review on February 12, 2019. A demolition permit for the former packinghouse structures was submitted on February 14, 2019 and only needs utility shutoff before work starts. Architectural plans were submitted for Design Review on February 15, 2019, and comments were issued on March 14, 2019. A vegetation removal permit was issued on March 21, 2019. The second submittal of final engineering was received on April 22, 2019, and several rounds of comments have been issued. The project applicant is still working on the improvement plans, particularly water service issues. Fire Department staff met with the applicant on August 2, 2019 to review a plan to privatize hydrant installation and maintenance.
14. Del Prado (Developer: Kerry Garza, Touchstone Communities) – An approved 113-unit townhome-style Planned Development located at the southwestern corner of Brotherton Road and the Centre City Parkway frontage road - The Del Prado project was approved by the City Council in May of 2016. The project site is separated into two parcels by an SDGE parcel. Engineering and Planning are reviewing third plan check for final map, grading and improvement plans for Del Prado South. Del Prado North is in second plan check for the same plans. No building plans have been submitted into plan check. Planning has provided comments for the North landscape plans. The applicant is attempting to resolve sewer issues with the Regional Water Quality Control Board because sewer lines are proposed to cross over water lines. Utilities is awaiting resubmittal of a full set of plans and met with the applicant on August 1 to review potential redesign options. Planning approved the South landscape plan.
15. Pine Street Apartments (Developer: Paul Mayer, Pemcor) A five-story, 198-unit apartment complex with structured parking on 2.31 acres – A proposed planned development and Specific Plan Amendment for a new residential development on Third Avenue between Quince Street and Pine Street in the Mercado District of the Downtown Specific Plan. The development proposal was submitted for initial review on August 2, 2019. Plans have been distributed to all departments. The applicant recently notified staff that the project economics will require a significant redesign and that revised plans will be forthcoming.
16. Accessory Dwelling Units – Planning staff is currently working on nine (9) applications for accessory dwelling units. Twenty-two (22) accessory dwelling units have been approved so far this year. Twenty-four (24) accessory dwelling units were approved in 2018. Three (3) accessory dwelling units were approved in 2017.

### **Building Division:**

1. The Building Division issued 91 permits (including 41 solar photovoltaic) with a total valuation of \$911,817 including a two single family dwellings with a combined value of \$517,373.
2. Our building inspectors responded to 174 inspection requests. 188 customers visited the Building counter during the week.
3. *No change from the previous.* The Latitude 2 apartment project at 650 Center City Pkwy has received Building final approvals and Temporary Certificates of Occupancy for buildings 1-4. Field Engineering have released Building 6 for TCO. The Building Division has granted a Temporary Certificate of Occupancy, with minor restrictions and is awaiting a request for



Final inspection of Bldg. 6. Final Inspection pending the receipt of all final reports from the contractor.

4. *No change from the previous.* The new two story church sanctuary building at 1864 N. Broadway is progressing toward final inspection. Finish work continues to proceed and may take several weeks to complete. A Final Inspection will be performed once work is completed and requested by the contractor.
5. *No Change from the previous.* The new 105 room hotel at 200 La Terraza is currently operating on a Temporary Certificate of Occupancy, pending Engineering final approval. Work is on-going to complete Engineering conditions, however, additional time is needed; Since their current TCO expires today they will be granted an additional 30-day extension, which will expire October 16<sup>th</sup>, 2019.
6. *No Change from the previous.* The new five-story storage building at 852 Metcalf St has completed rough framing and drywall installation is on-going. Rough electrical inspection has been approved. A temporary electrical service meter has been approved and released- this meter is for construction purposes only. The installation of exterior wall panels is on-going. Roof framing is complete and roof sheathing has been approved. *The hold on inspections has been lifted by the Building Inspection staff, with the condition that no work is to be performed in the Bio-retention basin. Plans to address the corrective measures for the Bio-retention basin are currently under review by Engineering.*
7. The new Gateway Grand 126-unit apartment project at 700 W. Grand Ave. has received approval of floor sheathing on the 5<sup>th</sup> floor patio areas and loft and 3<sup>rd</sup> floor drywall approval of plumbing walls of Building B. 3<sup>rd</sup> floor sheathing for Building A, and 1<sup>st</sup> & 2<sup>nd</sup> floor exterior shear has been approved. Building B has had additional portions approved top out plumbing inspection. Staff met with the Architect at the Building Division to discuss proposed plan revisions. Other on-site work is proceeding as usual.
8. *No change from the previous.* The new apartments at 917 W Lincoln Ave, consisting of 3 buildings and 9 total units, has received partial approval of drywall. Drywall installation is complete. Finish work is on-going and will take several weeks to complete. Staff is awaiting a request for final inspection.
9. *No change from the previous.* The new 2 story 20,000 sf office building for Superior Ready Mix on 1564 W Mission has received underground plumbing and foundation inspection approvals. Remaining Tilt up panels have been lifted into place. Roof framing construction is underway and once complete, staff will perform required inspections. Roof sheathing and 2<sup>nd</sup> floor pan deck has been approved.
10. KB Homes, located at the Oak Creek development on Daisy Field Glen has completed the model home construction phase of the development. Plan revisions have been submitted and are currently under review. Staff has been informed by KB's permit coordinator that requests for permit issuance of the first phase could be occurring within the next 2 to 3 weeks. The number of homes in the first phase could total between 12-16 dwellings. Construction of the Guard shack is currently underway-so far framing, roof sheathing, drywall and exterior lath have been approved.

11. The Starbucks “shell” building located at 350 W Valley Pkwy has received underground and foundation inspection. Slab inspection has been approved. The tenant improvement plans have been approved and permit issuance is anticipated within the next few days. Framing of the building is currently in progress.

## ENGINEERING DEPARTMENT

### **Capital Improvements:**

1. Transit Center Pedestrian Bridge Project – On the north end of the project the contractor is shaping the new channel. Pot holing of existing utilities will be on going along West Valley Parkway and Grand Avenue. Sixty-four (64) working days remain on the contract.
2. Storm Drain Pipe Lining and Rehabilitation Project Phase1 – The project consists of 14 work zones and 3 Bid Alternate locations for the videoing, grouting, repairing, and lining of existing corrugated metal pipes (CMP) within the City’s inventory. Pipe installation is being performed along Cranston Drive south of Citracado Parkway. Three (3) days remain in the contract.
3. El Norte Parkway Improvements – The project includes widening of El Norte Parkway at the flood control channel by the installation of a new bridge, construction of new median islands from Valley Parkway to Washington Avenue, landscaping and drip irrigation system, a bike/pedestrian signal at the flood control channel, along with roadway resurfacing. Pot holing of existing utilities and vibration monitoring is scheduled for this week during the channel wall demolition. One-hundred and eight (108) working days remaining for project completion. Submittals of are continuing to be processed by staff.

### **Private Development:**

1. Tract 932 - Canyon Grove Shea Homes Community – The developer is set to begin removing damaged concrete improvements throughout the project. This work will be ongoing for the next two weeks.
2. Latitude II Condominiums: Washington Avenue @ Centre City Parkway – *No changes from that reported last week*: The project will be working on punch list items over the next reporting period.
3. Tract 934 – Is a 5 lot subdivision located at 1207 Gamble Street. Offsite & onsite concrete improvements were constructed on Wednesday of this week.
4. 1221 Gamble Street – Is a 3 lot subdivision located adjacent to Tract 934. Installation of the required storm water elements is the first order of work.
5. Veterans Village – *No changes from that reported last week*. It was determined after reporting on the project status last week that the Storm Water Certification has not been received. The bonds and securities will be placed on hold until this documentation is received.
6. KB Homes Oak Creek Project – The construction of the new storm drain began this week. The contractor is using pre-formed box units that will accelerate the time needed to completed the installation. Hamilton lane will be closed to through traffic during this construction phase. A detour route is in place and the contractor was required to notify residents prior to the closure of the roadway.

7. ATT Facility Tank Relocation – The paving restoration of Parking Lot 4 has been completed. The contractor will slurry this entire section of Parking Lot 4 and strip the parking stalls prior to final. The remaining concrete has been cancelled until the correct stamp is provided.
8. North American Self Storage – The project is located at 852 Metcalf Street. The water line trench is being permanently patched this week along Mission Avenue and Metcalf Street.
9. Pradera by Lennar – The construction of 779' of 12" water main along Conway Drive, between Lehner Drive and Rincon Avenue has begun. 200 feet of the new water main along Conway Drive has been laid.
10. Henry Ranch Tract 920 - The project is located at the intersection of El Norte Parkway/Lincoln Avenue. The project currently has a Demo/Grading permit for clearing vegetation/trees and structures associated with the Henry Avocado Packing Plant that was located on the site. Installation of required erosion control measures is ongoing this week.
11. The Villages – Village 1 Grading plans have been approved. The Village is between Country Club Drive to the South, David Drive to the East and Golden Circle Drive to the North. 111 homes are to be constructed in the first Village. A preconstruction meeting has not yet been requested.

## GRANT APPLICATIONS

None this week.

###