NOVEMBER 6, 2013
CITY COUNCIL CHAMBERS
3:30 P.M. Closed Session; 4:30 P.M. Regular Session
201 N. Broadway, Escondido, CA 92025

MAYOR	**Sam Abed**
DEPUTY MAYOR	**Olga Diaz**
COUNCIL MEMBERS	**Ed Gallo** **John Masson** **Michael Morasco**
CITY MANAGER	**Clay Phillips**
CITY CLERK	**Diane Halverson**
CITY ATTORNEY	**Jeffrey Epp**
DIRECTOR OF COMMUNITY DEVELOPMENT	**Barbara Redlitz**
DIRECTOR OF PUBLIC WORKS	**Ed Domingue**

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.

November 6, 2013
3:30 P.M. Meeting

Escondido City Council

CALL TO ORDER

ROLL CALL: Diaz, Gallo, Masson, Morasco, Abed

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.) Speakers are limited to only one opportunity to address the Council under Oral Communications.

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

I. CONFERENCE WITH LEGAL COUNSEL-- ANTICIPATED LITIGATION (Government Code 54956.9(d)(2)) - One Case

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

a.

Property:	525 N. Quince Street
City Negotiator	Debra Lundy, Real Property Manager
Negotiating parties	David McMahon Construction, LLC.
Under negotiation	Price and Terms of Agreement

b.

Property:	1925 and 2005 Harmony Grove Road
City Negotiator	Debra Lundy, Real Property Manager
Negotiating parties	Berghuis Freerk Family Trust; Harmony Grove Property Company, LLC
Under negotiation	Price and Terms of Agreement

c.

Property:	3400 Valley Center Road
City Negotiator	Debra Lundy, Real Property Manager
Negotiating parties	Charros de Escondido
Under negotiation	Price and Terms of Agreement

ADJOURNMENT

November 6, 2013
4:30 P.M. Meeting

Escondido City Council

CALL TO ORDER

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

FLAG SALUTE

ROLL CALL: Diaz, Gallo, Masson, Morasco, Abed

ORAL COMMUNICATIONS

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

CONSENT CALENDAR

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

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES: Regular Meeting of October 16, 2013**
4. **SALE OF 620 NORTH ASH STREET TO 620 ASH, LLC -**
   Request Council authorize the Real Property Manager and City Clerk to execute documents necessary to complete the sale of commercial real property 620 N. Ash Street and close escrow.

   Staff Recommendation: **Approval (Public Works/Engineering: Ed Domingue)**

   RESOLUTION NO. 2013-151
5. **BID AWARD FOR THE FISCAL YEAR 2013-2014 STREET REHABILITATION PROJECT -**
   Request Council authorize the Mayor and City Clerk to execute an agreement with the lowest responsive and responsible bidder.

   Staff Recommendation: **Approval (Public Works/Engineering: Ed Domingue)**

   RESOLUTION NO. 2013-158
6. **ANNEXATION OF TRACT 888 INTO LANDSCAPE MAINTENANCE DISTRICT AND BUDGET ADJUSTMENT -**
   Request Council approve the request of Hallmark Communities Inc., the owner of property described as Tract 888 located on Citrus Avenue between Washington Avenue and East Valley Parkway, to annex their property into the City of Escondido Landscape Maintenance District (LMD); and approve establishing a budget in the amount of $3,500 for Fiscal Year 2013/2014 for LMD Zone 38.

   Staff Recommendation: **Approval (Public Works/Engineering: Ed Domingue)**

   RESOLUTION NO. 2013-134
7. **RECYCLED WATER EASTERLY MAIN EXTENSION PROJECT AND MITIGATED NEGATIVE DECLARATION (ENV 13-0007) -**
   Request Council approve the proposed Recycled Water Easterly Main Extension Project and approve adopting the Mitigated Declaration (MND) issued for the project along with the Mitigation Monitoring Report.

   Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

   RESOLUTION NO. 2013-131
8. **FISCAL YEAR 2013 STATE HOMELAND SECURITY GRANT PROGRAM (SHSGP) GRANT ACCEPTANCE -**
   Request Council accept $100,237 in Federal Grant funding from the Department of Homeland Security (DHS) for the Fiscal Year 2013 State Homeland Security Grant Program; and authorize the Fire Chief to execute, on behalf of the City, all documents required for the management of this grant; and approve the necessary budget adjustment to establish new projects for tracking of the grant funds.

   Staff Recommendation: **Approval (Fire Department: Michael Lowry)**

9. **2013-2014 CITY COUNCIL ACTION PLAN -**
Request Council approve adopting the 2013-14 City Council Action Plan.

Staff Recommendation: **Approval (City Manager's Office: Joyce Masterson)**

10. **POLICE OFFICERS' ASSOCIATION SWORN BARGAINING UNIT CONTRACT -**
Request Council approve a successor Police Officers' Association Sworn Bargaining Unit Contract.

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

RESOLUTION NO. 2013-154

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

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

11. **AMENDMENT TO THE ZONING CODE TO ALLOW EMERGENCY SHELTERS AS A PERMITTED LAND USE IN A PORTION OF THE M-1 ZONE (AZ 13-0006) -**
Approved on October 23, 2013 with a vote of 4/0/1, Gallo Absent.

ORDINANCE NO. 2013-09R (Adoption and Second Reading)

PUBLIC HEARINGS

12. **RECOMMENDATIONS FOR ALLOCATION OF FEDERAL HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDS -**
Request Council consider staff recommendations related to responses to the Request for Proposals approved by the City Council on August 21, 2013 and released August 22, 2013; and authorize the Mayor and City Clerk to execute, on behalf of the City, the necessary loan documents and affordable housing agreements.

Staff Recommendation: **Approval (Community Development/Housing: Barbara Redlitz)**

RESOLUTION NO. 2013-138

13. **LOCAL REGISTER AND MILLS ACT CONTRACT REQUEST (HP 13-0002) -**
Request Council approve the addition of the property located at 2858 Oak Hill Drive to the Local Register of Historic Places and enter into a Mills Act Contract.

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

RESOLUTION NO. 2013-148

14. **MODIFICATION OF THE MASTER DEVELPOMENT PLAN FOR LEXUS ESCONDIDO (CASE NO.: PHG 12-0001 / ENV 12-0006) -**
Request Council approve a Business Enhancement Zone request to modify the Master Development Plan and previous conditions of approval to add rooftop events and concerts as permitted uses; establish a cabaret permit for amplified music and dancing; establish a higher daytime noise level standard at property lines, allow on-site self-parking and/or valet parking for events; and allow a second monument sign and up to ten feather flag signs along Auto Park Way.

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

ORDINANCE NO. 2013-05 (Introduction and First Reading)

FUTURE AGENDA

15. **FUTURE AGENDA -**

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

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

COUNCIL MEMBERS SUBCOMMITTEE REPORTS

CITY MANAGER'S UPDATE/BRIEFING

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

- City Manager's Update

ORAL COMMUNICATIONS

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ADJOURNMENT

UPCOMING MEETING SCHEDULE

Date	Day	Time	Meeting Type	Location
November 13	-	-	No Meeting	-
November 20	Wednesday-	3:30 & 4:30 p.m.	Council Meeting	Council Chambers
November 27			No Meeting	
December 4	Wednesday	3:30 & 4:30 p.m.	Council 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
- In the Library (239 S. Kalmia) during regular business hours and
- Placed in the Council Chambers (See: City Clerk/Minutes Clerk) immediately before and during the Council meeting.

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

LIVE BROADCAST

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

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

The City Council is scheduled to meet the first four Wednesdays of the month at 3:30 in Closed Session and 4:30 in Open Session.
(Verify schedule with City Clerk's Office)
Members of the Council also sit as the Successor Agency to the CDC, Escondido Joint Powers Financing Authority and the Mobilehome Rent Review Board.

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

If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4641. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

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

CITY OF ESCONDIDO

October 16, 2013
3:30 P.M. Meeting Minutes

Escondido City Council

CALL TO ORDER

The Regular Meeting of the Escondido City Council was called to order at 3:30 p.m. on Wednesday, October 16, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

ATTENDANCE

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

ORAL COMMUNICATIONS

CLOSED SESSION: (COUNCIL/SUCCESSOR AGENCY/RRB)

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

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

a.	Agency negotiator:	Sheryl Bennett, Clay Phillips
	Employee organization:	Escondido Firefighters' Association
b.	Agency negotiator:	Sheryl Bennett, Clay Phillips
	Employee organization:	Escondido Police Officers' Association

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

a.	Property:	2120 Harmony Grove Road
	City Negotiator	Debra Lundy, Real Property Manager
	Negotiating parties	Koochen Vagner's Brewing Company
	Under negotiation	Price and Terms of Agreement
b.	Property:	APN 240-230-29, 30 & 31
	City Negotiator	Debra Lundy, Real Property Manager
	Negotiating parties	Charles Lypps
	Under negotiation	Price and Terms of Agreement

ADJOURNMENT

Mayor Abed adjourned the meeting at 4:32 p.m.

MAYOR

CITY CLERK

MINUTES CLERK

CITY OF ESCONDIDO

October 16, 2013
4:30 P.M. Meeting Meeting

Escondido City Council
Mobilehome Rent Review Board

CALL TO ORDER

The Regular Meeting of the Escondido City Council and Mobilehome Rent Review Board was called to order at 4:35 p.m. on Wednesday, October 16, 2013 in the Council Chambers at City Hall with Mayor Abed presiding.

MOMENT OF REFLECTION

FLAG SALUTE

Mayor Abed let the flag salute.

ATTENDANCE

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

PRESENTATIONS

Mayor Abed introduced Tony Young, American Red Cross, who gave a presentation on Disaster Preparedness.

PROCLAMATIONS

Mayor Abed introduced Rosalia Zamora, GFWC President, who accepted a proclamation for The General Federation of Women's Clubs, recognizing the fourth week of October as GFWC Advocates for Children Week in Escondido.

Mayor Abed read a proclamation regarding Escondido's 125th Anniversary.

ORAL COMMUNICATIONS

Nancy Burian, Escondido, asked for stronger smoking laws, awareness of drug and human trafficking issues, help for the homeless to follow our laws, and more DUI check points.

Wally Gutierrez, Escondido, indicated the Ryan Park restrooms should always be open and the park should not be monopolized by the Soccer Club.

Delores McQuiston, Escondido, gave a report on Walmart's financial distribution.

Roy Garrett, Escondido, stated the city should provide Escondido's young people with recreation programs.

Michael Hunsaker, San Marcos, distributed statistical information on the homeless.

COUNCIL MEMBERS' REPORTS/BRIEFING

Councilmember Diaz attended a political science course at Cal State San Marcos on October 7, 2013, the Union Tribune Latino Advisory Council and the Escondido Bike Walk meeting on October 8, 2013; took a tour of Del Dios Middle School on October 9, 2013. She also attended a 3-day Coastal Commission meeting and a Humane Society event. She indicated that a Domestic Violence Awareness event would be held in Grape Day Park on October 19, 2013 from 10:00 a.m. – 2:00 p.m., the Escondido Democratic Club was hosting a pancake breakfast at Applebee's Restaurant on October 19, 2013 at 8:00 a.m. and the Escondido Street Faire was on October 20, 2013.

Councilmember Masson stated two teachers from Escondido had been recognized by the County as Instructors of the Year. He attended the Mira Costa Leaders event, the Mayors Town Hall meeting, the Caballo Park planning meeting, the California League of Cities meeting, the Stachtober Fire Fighter fund raising event, and a Chamber of Commerce reception.

Councilmember Morasco attended Escondido's 125th birthday event in Grape Day Park, the Bike Walk Coalition, the Town Hall meeting, a Regional Solid Waste Association meeting, a Caballo Park planning meeting, the Wedge Cheese and Wine event, the San Pasqual High School Homecoming event, the Stachtober fund raising event, and the California Center for the Arts, Escondido subcommittee meeting. He stated the Escondido Street Faire was on Sunday, October 20, 2013.

Councilmember Gallo indicated that as a representative of the San Diego County Water Authority he would be taking a Colorado River tour and attending a Bay Delta tour next month.

Mayor Abed stated he met with Post Office representatives to discuss keeping the Post Office on Escondido Blvd. open. He indicated that Escondido had received a lot of coverage in the North County Business Journal and the San Diego Business Journal had featured Stone Brewing Company.

CONSENT CALENDAR

Councilmember Diaz removed items 5, 6 and 7 from the Consent Calendar for discussion.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Diaz that the following Consent Calendar items be approved with the exception of items 5, 6 and 7. Motion carried unanimously.

1. **AFFIDAVITS OF PUBLICATION, MAILING AND POSTING (COUNCIL/SUCCESSOR AGENCY/RRB)**
2. **APPROVAL OF WARRANT REGISTER (Council/Successor Agency)**
3. **APPROVAL OF MINUTES:** Regular Meeting of September 11, 2013

4. **APPROVE PURCHASE OF NETWORK EQUIPMENT** - Request Council approve the purchase of consolidated networking equipment from Dell Inc. in the amount of $291,460. (File No. 0470-35)

Staff Recommendation: **Approval (Information Systems: Mark Becker)**

RESOLUTION NO. 2013-137

5. **APPROVAL OF CALPERS INDUSTRIAL DISABILITY RETIREMENT FOR DANIEL GARCIA** - Request Council approve the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Police Officer Daniel Garcia. (File No. 0170-57)

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

RESOLUTION NO. 2013-142

Councilmember Diaz gave a description of an industrial disability retirement.

MOTION: Moved by Councilmember Diaz and seconded by Councilmember Masson to approve the California Public Employees' Retirement System (CalPERS) Industrial Disability Retirement for Police Officer Daniel Garcia and adopt Resolution No. 2013-142. Motion carried unanimously.

6. **CONTINUED EMERGENCY CONTRACTING FOR STREET REPAIRS** - Request Council approve by a four-fifths vote determining that there is need to continue emergency street repairs on Washington Avenue required as a result of a water main leak. (File No. 0600-10 Misc.)

Staff Recommendation: **Approval (Public Works/Engineering: Ed Domingue)**

RESOLUTION NO. 2013-147

Councilmember Diaz stated there was a correction and this was not a $5 million contract.

MOTON: Moved by Councilmember Diaz and seconded by Councilmember Masson to approve by a four-fifths vote determining that there is need to continue emergency street repairs on Washington Avenue required as a result of a water main leak and adopt Resolution No. 2013-147. Motion carried unanimously.

7. **AWARD BID FOR THE PURCHASE OF TWENTY-THREE POLICE VEHICLES** - Request Council approve awarding the bid for the purchase of twenty-three 2014 Ford Police Interceptor Vehicles to Wonderies Fleet Group in the amount of $635,639. (File No. 0470-35

Staff Recommendation: **Approval (Finance Department: Gilbert Rojas)**

RESOLUTION NO. 2013-125

Councilmember Diaz asked the location of the offices of the apparent low bidder.

Joe Goulart, Fleet Superintendent, answered that the apparent low bidder was located in Los Angeles.

MOTION: Moved by Councilmember Morasco and seconded by Councilmember Diaz to approve awarding the bid for the purchase of twenty-three 2014 Ford Police Interceptor Vehicles to Wonderies Fleet Group in the amount of $635,639 and adopt Resolution No. 2013-125. Motion carried unanimously.

8. **NOTICE OF COMPLETION FOR THE 2011 WATER MAIN REPLACEMENT PROJECT PHASE 1 -** Request Council authorize the filing of a Notice of Completion for the 2011 Miscellaneous Water Main Replacement Project. (File No. 0600-10 [A-3031])

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

RESOLUTION NO. 2013-129

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

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

PUBLIC HEARINGS

9. **BID AWARD FOR THE GRAPE STREET IMPROVEMENT PROJECT AND BUDGET ADJUSTMENT -** Request Council approve amending the Fiscal Year 2013-2014 One-Year Action Plan for Community Development Block Grant (CDBG); and approve a budget adjustment transferring $375,000 from the Elm Street/Habitat Project and $136,332 from the unallocated fund balance to the Grape Street Improvement Project.; and approve rejecting Southland Paving Inc.'s bid in the amount of $678,297 and Dick Miller Inc.'s bid in the amount of $729,360 as non-responsive; and determine the bid submitted by LB Civil Construction to the lowest responsive and responsible bid; and authorize the Mayor and City Clerk to execute a Public Improvement Agreement with LB Civil Construction in the amount of $741,700 for the Grape Street Improvement Project. (File No. 0600-10 [3095])

Staff Recommendation: **Approval (Public Works/Neighborhood Services: Ed Domingue)**

RESOLUTION NO. 2013-123

Danielle Lopez, Neighborhood Services, gave the staff report.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to approve amending the Fiscal Year 2013-2014 One-Year Action Plan for Community Development Block Grant (CDBG); and approve a budget adjustment transferring $375,000 from the Elm Street/Habitat Project and $136,332 from the unallocated fund balance to the Grape Street Improvement Project.; and approve rejecting Southland Paving Inc.'s bid in the amount of $678,297 and Dick Miller Inc.'s bid in the amount of $729,360 as non-responsive; and determine the bid submitted by LB Civil Construction to the lowest responsive and responsible bid; and authorize the Mayor and City Clerk to execute a Public Improvement Agreement with LB Civil Construction in the amount of $741,700 for the Grape Street Improvement Project and adopt Resolution No. 2013-123. Motion carried unanimously.

10. RENT REVIEW BOARD HEARING FOR RECOVERY OF LEGAL FEES FOR SUNDANCE MOBILEHOME PARK LOCATED AT 2250 N BROADWAY (CASE #: 0697-20-9917) – Request Council consider amending RRB NO. 2013-07 allowing a temporary $17.07 increase of the 29 spaces subject to the allowed rent increase in order to recover $25,000 in legal and professional expenses. (File No. 0697-20-9917)

Staff Recommendation: **Approval (Community Development/Housing: Barbara Redlitz)**

RRB RESOLUTION NO. 2013-10

Karen Youel, Housing Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Linda Titcomb, Park Owner, stated the residents who had long-term leases should not be charged the legal fee increase.

Don Greene, Resident Representative, indicated the legal fee should be spread among all the spaces.

James Schmook, Escondido, stated the cost of the legal fees should be absorbed by the park owner.

Bob Wise, Escondido, indicated he objected to any monetary increase.

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

MOTION: Moved by Councilmember Masson and seconded by Councilmember Morasco to adopt Option 2, allowing a temporary $17.07 increase for the 29 spaces subject to the rent increase and adopt Resolution No. 2013-10. Ayes: Abed, Gallo, Masson, and Morasco. Noes: Diaz. Absent: None. Motion carried.

11. CLARIFICATION OF ZONING CODE AMENDMENT TO IMPLEMENT COTTAGE FOOD OPERATIONS, REVISE THE NONCONFORMING USE CODE AND CLEANUP ITEMS (AZ 13-0004) - Request Council determine that the CEQA Notice of Exemption is complete and adequate for the project and approve amending the Zoning Code and implementing Cottage Food Operations as a home occupation. (File No. 0810-20)

Staff Recommendation: **Approval (Community Development/Planning: Barbara Redlitz)**

ORDINANCE NO. 2013-07(R) (Introduction and First Reading)

Rozanne Cherry, Planning Department, gave the staff report and presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way. No one asked to be heard. Therefore, he closed the public hearing.

MOTION: Moved by Mayor Abed and seconded by Councilmember Gallo to continue this item to the November 20, 2013 meeting. Motion carried unanimously.

12. LIBRARY EXPANSION CONCEPTUAL DESIGN - Request Council receive the Library Conceptual Design as presented by Group 4 Architecture, Research + Planning, Inc. as part of the Phase 1 Expansion of the Escondido Public Library and provide direction on the next phase of the project. (File No. 0600-10 [A-3075])

Staff Recommendation: **Receive presentation and provide direction to staff (Library and Community Services: Loretta McKinney)**

Loretta McKinney, Community Services Director, gave the staff report and introduced David Schnay, Architect, who presented a series of slides.

Mayor Abed opened the public hearing and asked if anyone would like to speak on this issue in any way.

Jerri Quan, Escondido, urged Council to support the next phase of the library design.

Cassie Lieurance, Escondido, asked Council to support the project.

Jim Rady, Escondido, suggested Council use Capital Improvement Funds for the project.

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

COUNCIL ACTION: Directed staff to explore funding sources for the project.

WORKSHOP

13. PRELIMINARY CITY COUNCIL ACTION PLAN – FISCAL MANAGEMENT - Request Council provide direction to staff on the proposed content of the Fiscal Management element of the 2013-2014 City Council Action Plan. (File No. 0610-90)

Staff Recommendation: **Provide direction to staff (City Manager's Office: Joyce Masterson)**

Joyce Masterson, Economic Development Director and Community Relations Manager, Gil Rojas, Finance Director, and Tom Lockhard, Bond Consultant, gave the staff report and presented a series of slides.

COUNCIL ACTION: Directed staff to proceed with a Charter City proposal.

FUTURE AGENDA

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

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

ORAL COMMUNICATIONS

None

ADJOURNMENT

Mayor Abed adjourned the meeting at 8:20 p.m.

_____ _____

MAYOR CITY CLERK

_____

MINUTES CLERK

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. _____ File No. _____
Ord No. _____

Agenda Item No.: 4
Date: November 6, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Public Works Director/City Engineer
Debra Lundy, Real Property Manager

SUBJECT: Disposition of Property: 620 N. Ash Street

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2013-151 authorizing the Real Property Manager and City Clerk to execute documents necessary to effectuate the sale of commercial real property at 620 N. Ash Street.

FISCAL ANALYSIS:

The sales proceeds ($545,500 gross) will be deposited into the Water Enterprise fund.

COUNCIL ACTION PLAN:

Economic Development: Creation of business and employment land.

PREVIOUS ACTION:

On May 9, 2012, in closed session, City Council approved the disposition of the subject property and provided direction to staff on the sale price and terms of agreement with Retail Insite Development, Inc.

BACKGROUND:

The subject property was inherited by the City of Escondido from the Mutual Water Company and was used to house the City's Public Works Department for several years. In 1988 Mental Health Systems occupied the building under a lease agreement with the City and operated its prevention, education and treatment of substance abuse center until lease expiration in June 2012.

In April 2012 the City received an unsolicited offer from Retail Insite Development to purchase the property for lease to a national retail tenant, 7-Eleven. The City has deemed this property surplus to meet its needs and staff has determined that the offer represents the fair market value of the property.

The transaction involved a lengthy and detailed feasibility and entitlement period, which was extended through October 2013, upon receipt of additional deposits by Buyer. In April of this year, the buyer formed a limited liability company to finance the project and the City consented to the assignment of the purchase to 620 Ash Street, LLC. The parties further agreed to deed restrict the property prohibiting distilled spirit sales and adult business operations, which restrictions shall run with land. The parties now desire to close escrow on or before November 18, 2013. This resolution will provide authority to the Real Property Manager and City Clerk to execute documents necessary for close of escrow.

Respectfully submitted,

Edward N. Domingue, P.E.
Public Works Director/City Engineer

Debra Lundy
Real Property Manager

RESOLUTION NO. 2013-151

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AUTHORIZING THE REAL PROPERTY MANAGER AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, DOCUMENTS NECESSARY FOR THE SALE OF 620 N. ASH STREET TO 620 ASH STREET, LLC

(APN: 227-304-11)

WHEREAS, certain City-owned real property, 620 N. Ash Street, in Escondido (the "Property"), was inherited by the City from the Mutual Water Company and had been under lease to Mental Health Systems from 1988 to June 18, 2012; and

WHEREAS, the City received an unsolicited offer from Retail Insite Development, Inc. to purchase the Property for $541,000; and

WHEREAS, Retail Insite Development, Inc. has since partnered with an investor to create 620 Ash Street, LLC for purposes of financing the project; and

WHEREAS, the City agreed to the assignment of the Purchase and Sale Agreement to 620 Ash Street, LLC ("Buyer"); and

WHEREAS, the parties agreed to deed restrict the property to prohibit the sale of distilled spirits and adult operations, which restrictions shall forever run with the land; and

WHEREAS, as additional consideration for extending the escrow period for an additional 30 days to November 18, 2013, Buyer paid a nonrefundable, nonapplicable deposit of $4,500; and

WHEREAS, the City wishes to sell the Property for a total sales price of $545,500 and to close escrow on the Property; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to approve the sale of the Property to the Buyer

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

1. That the above recitations are true.

2. The Real Property Manager and City Clerk are authorized to execute, on behalf of the City, documents necessary for closing the escrow and selling the property, including the Grant Deed, attached to this resolution as Exhibit "1" and incorporated by this reference.

Resolution No. 2013-151
EXHIBIT 1
Page 1 of 3

RECORDING REQUESTED BY

And When Recorded Mail To:
City Clerk
City of Escondido
201 North Broadway
Escondido, CA 92025

APN: 227-304-11

Documentary Transfer Tax: $

CITY OF ESCONDIDO
GRANT DEED

ESC. DOCUMENT NO. M-32-13

This deed exempt from tax - Section 11922 of the California Revenue and Taxation Code

THE CITY OF ESCONDIDO, a municipal corporation ("GRANTOR") for a valuable consideration, DOES HEREBY GRANT to

620 ASH STREET, LLC, a California limited liability company ("GRANTEE")

all that real property described as follows:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT 'A'

GRANTEE, as a part of the consideration, covenants and agrees to and with GRANTOR, and this conveyance is made subject to the following restrictions and limitations as to the use of the premises:

1. No store, grocery or convenience business, bar, or other establishment engaged in the sale of Distilled Spirits, as that term is defined in Cal. Bus. & Prof. Code Section 23005 or any amendment thereof, shall be conducted on the above-described property conveyed by this deed;

2. Neither shall any Adult Business, as that term is defined in Escondido Municipal Code Section 16E-2 or any amendment thereof, be conducted on such property.

These restrictions shall run with the land and be binding upon GRANTEE and all successive owners, heirs or assigns of the PROPERTY. This restriction will benefit GRANTOR's roads, other immediate facilities, and

Resolution No. 2013-51
EXHIBIT 1
Page 3 of 3

Exhibit A
Legal Description

Legal Description to be provided by title company through escrow.

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. _____ File No. _____
Ord No. _____

Agenda Item No.: 5
Date: November 6, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Public Works Director/City Engineer

SUBJECT: Bid Award for the FY 2013-2014 Street Rehabilitation Project

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2013-158 authorizing the bid award to George Weir Asphalt Construction Inc., determined to be the lowest responsive and responsible bidder; and authorizing the Mayor and City Clerk to execute a Public Improvement Agreement in the amount of $2,420,708.25, for the FY 2013/2014 Pavement Rehabilitation Project.

FISCAL ANALYSIS:

This project will be awarded using available funds from TransNet, Gas Tax and the Street Projects Fund that were part of the FY 2013/2014 Capital Improvement Program Budget.

BACKGROUND:

This project is the first of a two-part annual pavement maintenance and rehabilitation project. Work for this project involves patching and replacement of pavement and asphalt overlays. A second project to apply seal coats will be bid in Spring 2014, for completion in Summer 2014. Combined, the two projects will seal or replace over 3.75 million square feet of pavement.

This year's pavement program will focus on residential streets located in Zone ES, which includes the area south of E. Valley Parkway, east of Ash Street, and extends to the city limits on the south and east sides. In addition, substantial work will take place on Auto Parkway, Ash Street, Escondido Boulevard, Felicita Avenue, 9th Avenue, and Valley Parkway. Specific streets to be repaired are shown in Exhibit A.

On October 24, 2013, the City of Escondido received eight (8) sealed bids in response to its advertised request for bids on this project. The bids were opened by the City Clerk with the following bid results:

George Weir Asphalt Construction, Inc.	$2,420,708.25
PAL General Engineering Inc.	$2,484,880.20
Granite Construction Company	$2,596,596.00
TC Construction Company, Inc.	$2,807,606.55
SRM Contracting & Paving	$2,810,500.00
Portillo Concrete, Inc.	$2,853,322.25
Marathon General, Inc.	$2,879,000.00
All American Asphalt	$2,915,000.00

Staff recommends that the bid submitted by George Weir Asphalt Construction, Inc. be considered the lowest responsive and responsible bid, and that the contract be awarded to George Weir Asphalt Construction, Inc. in the amount of $2,420,708.25. George Weir's bid was 16.6% lower than the Engineer's Estimate of $2.9 million.

Respectfully submitted,

Edward N. Domingue, P.E.
Public Works Director/City Engineer

Matthew C. Souttere
Associate Civil Engineer

EXHIBIT A

2013/2014 Pavement Rehabilitation and Repair

Street	Begin	End
9TH AVENUE - C0025	I-15 SB	LA TERRAZA BLVD
9TH AVENUE - C0025	TULIP ST	LA TERRAZA BLVD
ACORN STREET	FERNWOOD AVENUE	END
ALAMITOS PLACE	FALCONER ROAD	END
ALAPAT DRIVE	BOYLE AVENUE	END
ALGIERS STREET	ORLEANS AVENUE	HAYDEN DRIVE
ARDATH AVENUE	DOROTHY COURT	MANCHESTER AVENUE
ASH STREET - C0002	LINCOLN AVENUE	MISSION AVENUE
ASH STREET - C0002	LINCOLN AVENUE	EL NORTE PARKWAY
AUSTIN WAY	BOYLE AVENUE	HEMINGWAY COURT
AUTO PARKWAY - C0003	I-15 SB	9TH AVENUE
AUTO PARKWAY - C0003	ANDREASAN DR	HOWARD AVE
AUTO PARKWAY - C0003	HOWARD AVE	ANDREASAN DR
AUTO PARKWAY - C0003	HOWARD AVE	BRIDGE S/O HALE AVE
AUTO PARKWAY - C0003	BRIDGE S/O HALE AVE	HOWARD AVE
BANGERTER COURT	FOXLEY DRIVE	END
BIRCH AVENUE	SAN PASQUAL VALLEY ROAD	CITY LIMIT
BOYLE AVENUE	OAK HILL DRIVE	DESTREE ROAD
BOYLE AVENUE	DESTREE ROAD	ROSE STREET
BOYLE AVENUE	ROSE ST	CITY LIMIT (EAST)
BOYLE PLACE	BOYLE AVENUE	END
BRETT PLACE	ROSEANN AVE	END (S)
CITRUS	OAKHILL	GLEN RIDGE ROAD
COKELEY COURT	FALCONER ROAD	END
COLONY PLACE	MOODY DRIVE	END
CRAIGMORE AVENUE	LINWOOD STREET	BEAR VALLEY PARKWAY
CROWNPOINT PLACE	MOODY DRIVE	END
DELLCREST WAY	ROSE STREET	END
DONALOR DRIVE	GLEN RIDGE ROAD	BOYLE AVENUE
DOROTHY COURT	ARDATH AVENUE	MANCHESTER AVENUE
EASTBURY DRIVE	KENORA DRIVE	ROSE STREET
ENCANTO DRIVE	BEAR VALLEY PKWY	END
ESCONDIDO BOULEVARD	3RD AVENUE	5TH AVENUE
ESCONDIDO BOULEVARD	13TH AVENUE	15TH AVENUE
FALCONER ROAD	VALLEY PARKWAY	END
FELICITA AVENUE - M0009	ESCONDIDO BLVD	CENTRE CITY PKWY
FERNWOOD AVENUE	GRAND AVENUE	ACORN STREET
FIELDCREST PLACE	ORLEANS AVENUE	END
FLOWER STREET	FERNWOOD AVENUE	END
FONDALE COURT	NANCY STREET	END
HAVEN PLACE	PATTERSON ROAD	END

2013/2014 Pavement Rehabilitation and Repair

Street	Begin	End
HAWK RIDGE PLACE	ROCK RIDGE PLACE	END
HAYDEN DRIVE	BEAR VALLEY PARKWAY	OAK HILL DRIVE
HAYDEN DRIVE	OAK HILL DRIVE	END
HEATHER PLACE	ORLEANS AVENUE	END
HERITAGE COURT	BOYLE AVENUE	W. END
HIGHLAND PLACE	OAK HILL DRIVE	END
HIGHLAND STREET	KINGSTON STREET	KENORA DRIVE
HOWARD AVENUE	N AUTO PARKWAY	S AUTO PARKWAY
HYPOINT AVENUE	FALCONER ROAD	ROSEANN AVENUE
HYPOINT PLACE	ROSEANN AVENUE	END
IRIS LANE - L0026	EL NORTE PARKWAY	CENTRE CITY PARKWAY
JAMES STREET	VALLEY PARKWAY	ROSEANN AVENUE
JEAN AVENUE	GRAND AVENUE	END
JEFFREY AVENUE	ROSE STREET	PAUL WAY
JEFFREY AVENUE	CRAIGMORE AVE	LINWOOD ST
JEFFREY PLACE	MCLAIN STREET	S. END
JOE PLACE	ARDATH AVENUE	END
JORDAN STREET	KINGSTON DRIVE	KENORA DRIVE
JUDSON STREET	KINGSTON DRIVE	KENORA DRIVE
KELLY COURT	MANCHESTER AVENUE	OAK HILL DRIVE
KENORA DRIVE	EASTBURY DR	JUDSON ST
KENORA PLACE	BOYLE AVENUE	END W
KENORA STREET	BOYLE AVENUE	END
KENORA STREET	MIDWAY DR	JUDSON ST
KENORA STREET	OVERLOOK STREET	MCLAIN STREET
KIMBALL STREET	KINGSTON DRIVE	KENORA DRIVE
KINGSTON DRIVE	BOYLE AVENUE	END
KINGSTON DRIVE	ROSE ST	MCLAIN ST
KINGSTON DRIVE	MIDWAY DR	ROSE ST
LINWOOD PLACE	DONALOR DRIVE	END
LINWOOD STREET	OAK HILL DRIVE	WEATHERVANE PLACE
LINWOOD STREET	OAK HILL DRIVE	KENORA DRIVE
LINWOOD STREET	KENORA DRIVE	BOYLE PLACE
MANCHESTER AVENUE	MIDWAY DRIVE	ARDATH AVENUE
MANCHESTER PLACE	LINWOOD STREET	END
MCLAIN STREET	OAK HILL DRIVE	BOYLE AVENUE
MEADOW GROVE PLACE	OAK HILL DRIVE	END
MEADOW LANE	ORLEANS AVENUE	HAYDEN DRIVE
MEADOWBROOK PLACE	ORLEANS AVENUE	END
MEADOWLARK LANE	HAYDEN DRIVE	END
MISSION AVENUE - M0010	BROADWAY	FIG STREET
MOUNTAIN VIEW DRIVE	GLEN RIDGE RD	CITRUS AVE

2013/2014 Pavement Rehabilitation and Repair

Street	Begin	End
MOUNTAIN VIEW DRIVE	CITRUS AVE	CANYON CREST
NANCY STREET	OAK HILL DRIVE	KENORA DRIVE
OAK HILL DRIVE	ROSE ST	ASH ST
OAK HILL DRIVE	MIDWAY DR	ROSE ST
OAK HILL DRIVE	FALCONER ROAD	END
ORLEANS AVENUE	BEAR VALLEY PARKWAY	MEADOWBROOK LANE
OVERLOOK STREET	KINGSTON DRIVE	KENORA STREET
PATTERSON ROAD	CITRUS AVENUE	END
PAUL STREET	KINGSTON DRIVE	KENORA STREET
PAUL WAY	BOYLE AVENUE	JEFFREY AVENUE
QUEENSTON DRIVE	BOYLE AVENUE	END
QUEENSTON DRIVE	ROSE STREET	LINWOOD STREET
RAINBOW PLACE	PATTERSON ROAD	END
RAULSTON TERRACE	KENORA STREET	END
RICKEY PLACE	ROSEANN AVENUE	END
RILEY PLACE	ROSEANN AVENUE	END
ROCK RIDGE PLACE	OAK HILL DRIVE	END
ROSE STREET	VALLEY PARKWAY	GRAND AVENUE
ROSE STREET	GRAND AVENUE	OAK HILL DRIVE
ROSE STREET	OAK HILL DRIVE	BOYLE AVENUE
ROSEANN AVENUE	HYPOINT AVENUE	END
TOPAZ COURT	MEADOW LANE	END
VALLEY MEADOW PLACE	OAK HILL DRIVE	END
VALLEY PARKWAY - C0003	CITRUS AVE W/B	1400' EAST OF CITRUS
VALLEY PARKWAY - C0003	CENTRE CITY PKWY	160' EAST OF C.C.P
VALLEY PARKWAY - C0003	CITRUS AVE	MIDWAY DR
VALLEY PARKWAY - C0003	MIDWAY DR	CITRIS AVE
WANEK ROAD - L0052	ALBERT COURT	CITRUS AVE
WEATHERVANE AVENUE	LINWOOD STREET	END
WEATHERVANE AVENUE	DOROTHY COURT	END
WEDGEMERE COURT	HAYDEN DRIVE	END
WEDGEWOOD AVENUE	MOODY DR	300' S/O MOODY DR
WESTMINSTER PLACE	HEMINGWAY COURT	END

Total Project Area: **3.76 Million Square Feet of Resurfaced Roadways**

Agenda Item No.: 5
Date: November 6, 2013

RESOLUTION NO. 2013-158

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AWARDING A BID FOR THE FY 2013-2014 STREET MAINTENANCE PROJECT AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A PUBLIC IMPROVEMENT AGREEMENT WITH GEORGE WEIR ASPHALT CONSTRUCTION INC.

WHEREAS, the City Council has allocated funding for the FY 2013-2014 Street Maintenance Project ("Project"); and

WHEREAS, a notice inviting bids for said improvements was duly published; and

WHEREAS, pursuant to said notice, eight (8) sealed bids for the Project were opened and evaluated on October 24, 2013; and

WHEREAS, George Weir Asphalt Construction, Inc. was determined to be the lowest responsive and responsible bidder; and

WHEREAS, this City Council desires at this time and deems it to be in the best public interest to award this contract to George Weir Asphalt Construction, Inc. in the amount of $2,420,708.25;

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

1. That the above recitations are true.

2. That the Mayor and the City Clerk are authorized to execute, on behalf of the City, a Public Improvement Agreement with George Weir Asphalt Construction, Inc. in substantially similar form to that which is attached and incorporated to this Resolution as Exhibit "1," and subject to final approval as to form by the City Attorney.

PUBLIC IMPROVEMENT AGREEMENT

This "Agreement", dated the _____ day of _____, 20_____, in the County of SAN DIEGO, State of California, is by and between **THE CITY OF ESCONDIDO** (hereinafter referred to as "CITY"), and _George Weir Asphalt Construction, Inc._____ (hereinafter referred to as "CONTRACTOR").

The CITY and the CONTRACTOR, for the consideration stated herein, agree as follows:

1. The complete contract includes all of the Project Documents described in the General Conditions, which are incorporated by reference. The Project Documents are complementary, and what is called for by any one shall be as binding as if called for by all.

2. CONTRACTOR shall perform within the time set forth in Paragraph 4 of this Agreement everything required and reasonably inferred to be performed, and shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services as described in the complete contract and required for construction of

FY 2013/2014 Street Rehabilitation Project

All of said work to be performed and materials to be furnished shall be completed in a good workmanlike manner, free from defects, in strict accordance with the plans, drawings, specifications and all provisions of the complete contract as hereinabove defined. The CONTRACTOR shall be liable to the CITY for any damages and resulting costs, including consultants' costs, arising as a result of a failure to fully comply with this obligation, and the CONTRACTOR shall not be excused with respect to any failure to so comply by any act or omission of the Architect, Engineer, Inspector, or representative of any of them, unless such act or omission actually prevents the CONTRACTOR from fully complying with the requirements of the Project Documents, and unless the CONTRACTOR protests at the time of such alleged prevention that the act or omission is preventing the CONTRACTOR from fully complying with the Project documents. Such protest shall not be effective unless reduced to writing and filed with the CITY within **three (3) working days** of the date of occurrence of the act or omission preventing the CONTRACTOR from fully complying with the Project documents.

3. CITY shall pay to the CONTRACTOR, as full consideration for the faithful performance of the contract, subject to any additions or deductions as provided in the Project documents, the sum of Two Million Four Hundred Twenty Thousand Seven Hundred Eight Dollars, and Twenty Five Cents ($2,420,708.25).

4. The work shall be commenced on or before the twenty-first (21st) day after receiving the CITY'S Notice to Proceed and shall be completed within **eighty (80) working days** from the date specified in the Notice to Proceed.

5. Time is of the essence. If the work is not completed in accordance with Paragraph 4 above, it is understood that the CITY will suffer damage. It being impractical and infeasible to determine the amount of actual damage(s), in accordance with Government Code Section 53069.85, it is agreed that CONTRACTOR shall pay to CITY as fixed and liquidated damages, and not as a penalty, the sum(s) indicated in the LIQUIDATED DAMAGES SCHEDULE below for each calendar day of delay until work is completed and accepted. This amount shall be deducted from any payments due to or to become

due to CONTRACTOR. CONTRACTOR and CONTRACTOR'S surety shall be liable for the amount thereof. Time extensions may be granted by the CITY as provided in the General Conditions.

Liquidated damages schedule:

If the overall project is delayed **one (1) calendar day or more**, the rate shall be $500/day.

Acknowledged: _____
Initials of Principal

6. In the event CONTRACTOR for a period of **ten (10) calendar days** after receipt of written demand from CITY to do so, fails to furnish tools, equipment, or labor in the necessary quantity or quality, or to prosecute said work and all parts thereof in a diligent and workmanlike manner, or after commencing to do so within said **ten (10) calendar days**, fails to continue to do so, then the CITY may exclude the CONTRACTOR from the premises, or any portion thereof, and take possession of said premises or any portion thereof, together with all material and equipment thereon, and may complete the work contemplated by this Agreement or any portion of said work, either by furnishing the tools, equipment, labor or material necessary, or by letting the unfinished portion of said work, or the portion taken over by the CITY to another contractor, or demanding the surety hire another contractor, or by any combination of such methods. In any event, the procuring of the completion of said work, or the portion thereof taken over by the CITY, shall be a charge against the CONTRACTOR, and may be deducted from any money due or to become due to CONTRACTOR from the CITY, or the CONTRACTOR shall pay the CITY the amount of said charge, or the portion thereof unsatisfied. The sureties provided for under this Agreement shall become liable for payment should CONTRACTOR fail to pay in full any said cost incurred by the CITY. The permissible charges for any such procurement of the completion of said work should include actual costs and fees incurred to third party individuals and entities (including, but not limited to consultants, attorneys, inspectors, and designers) and actual costs incurred by CITY for the increased dedication of time of CITY employees to the Project.

7. To the fullest extent permitted by law, the CONTRACTOR agrees to and does hereby agree to fully defend, indemnify and hold the CITY, its governing board, officers, agents, Project design team members (architect and consulting engineers), consultants, attorneys, and employees harmless of and from each and every claim, assertion, action, cause of action, arbitration, suit, proceedings, or demand made, and every liability, loss, judgment, award, damage, or expense, of any nature whatsoever (including attorneys' fees, consultant costs), which may be incurred by reason of:

   (a) Asserted and/or actual liability arises from claims for and/or damages resulting from damages for:

      (1) Death or bodily injury to persons.
      (2) Injury to, loss or theft of tangible and/or intangible property/ e.g. economic loss.
      (3) Any other loss, damage or expense arising under either (1) or (2) above, sustained by the CONTRACTOR upon or in connection with the work called for in this Project, except for liability resulting from the sole active negligence, or willful misconduct of the CITY.

   (b) Any injury to or death of any person(s) or damage, loss or theft of any property caused by any act, neglect, default or omission of the CONTRACTOR, or any person, firm, or corporation employed by the CONTRACTOR, either directly or by independent

contract, arising out of, or in any way connected with the work covered by this Agreement, whether said injury or damage occurs on or off City property.

(c) Any and all liabilities, claims, actions, causes of action, proceedings, suits, administrative proceedings, damages, fines, penalties, judgments, orders, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements, arising out of any violation, or claim of violation of the San Diego Municipal Storm Water Permit (Order No. 2001-01), and updates or renewals, of the California Regional Water Quality Control Board Region 9, San Diego, which the CITY might suffer, incur, or become subject by reason of or occurring as a result of or allegedly caused by the construction, reconstruction, maintenance, and/or repair of the work under this Agreement.

The CONTRACTOR, at CONTRACTOR's own expense, cost, and risk shall defend any and all actions, suit, or other proceedings that may be brought or instituted against the CITY, its governing board, officers, agents or employees, on any such claim, demand or liability, and shall pay or satisfy any judgment that may be rendered against the CITY, its governing board, officers, agents or employees in any action, suit or other proceedings as a result thereof.

8. (a) CONTRACTOR shall take out, prior to commencing the work, and maintain, during the life of this contract, and shall require all subcontractors, if any, of every tier, to take out and maintain:

(1) General Liability and Property Damage Insurance as defined in the General Conditions in the amount with a combined single limit of not less that **$3,000,000 per occurrence**.

(2) Course of Construction / Builder's Risk Insurance See 5.2 of General Conditions.

(3) Insurance Covering Special Hazards: The following special hazards shall be covered by rider or riders to the above-mentioned public liability insurance or property damage insurance policy or policies of insurance, or by special policies of insurance in amounts as follows:

(A) Automotive and truck where operated in amounts as above

(B) Material hoist where used in amounts as above

(4) Workers' Compensation Insurance.

(b) Each insurance policy required above must be acceptable to the City Attorney, as follows:

(1) Each policy must name the CITY specifically as an additional insured under the policy on a separate endorsement page, with the exception of the workers' compensation and the Errors and Omissions policies.

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

(3) All non-admitted carriers will be required to provide a service of suit endorsement in addition to the additional insured endorsement.

(c) In executing this Agreement, CONTRACTOR agrees to have completed insurance documents on file with the CITY within 14 days after the date of execution. Failure to comply with insurance requirements under this Agreement will be a material breach of this Agreement, resulting in immediate termination at CITY's option.

9. Public Contract Code Section 22300 permits the substitution of securities for any monies withheld by a public agency to ensure performance under a contract. At the request and expense of the CONTRACTOR, securities equivalent to the amount withheld in retention by the CITY, then the subcontractor shall receive the identical rate of interest received by the CONTRACTOR on any retention monies withheld shall be deposited with the public agency, or with a state or federally chartered bank in California as the escrow agent, who shall then pay such monies to the CONTRACTOR. The City retains the sole discretion to approve the bank selected by the CONTRACTOR to serve as escrow agent. Upon satisfactory completion of the contract, the securities shall be returned to the CONTRACTOR. Securities eligible for investment shall include those listed in Government Code Section 16430 or bank or savings and loan certificates of deposit. The CONTRACTOR shall be the beneficial owner of any securities substituted for monies withheld and shall receive any interest thereon.

In the alternative, under Section 22300, the CONTRACTOR may request CITY to make payment of earned retentions directly to the escrow agent at the expense of the CONTRACTOR. Also at the CONTRACTOR's expense, the CONTRACTOR may direct investment of the payments in securities, and the CONTRACTOR shall receive interest earned on such investment upon the same conditions as provided for securities deposited by CONTRACTOR. Upon satisfactory completion of the contract, CONTRACTOR shall receive from the escrow agent all securities, interest and payments received by escrow agent from CITY pursuant to the terms of Section 22300. If CONTRACTOR elects to receive interest on moneys withheld in retention by CITY, CONTRACTOR shall, at the request of any subcontractor, make that option available to the subcontractor regarding any monies withheld in retention by the CONTRACTOR from the subcontractor. If the CONTRACTOR elects to receive any interest on any monies withheld in retention by the Owner, then the subcontractor shall receive the identical rate of interest received by the CONTRACTOR on any retention monies withheld from the subcontractor by the CONTRACTOR, less any actual pro rata costs associated with administering and calculating that interest. In the event the interest rate is a fluctuating rate, the rate for the subcontractor shall be determined by calculating the interest rate paid during the time that retentions were withheld from the subcontractor. If the CONTRACTOR elects to substitute securities in lieu of retention, then, by mutual consent of the CONTRACTOR and subcontractor, the subcontractor may substitute securities in exchange for the release of monies held in retention by CONTRACTOR. This shall apply only to those subcontractors performing more than five percent (5%) of the CONTRACTOR'S total bid. The CONTRACTOR shall not require any subcontractor to waive any provision of this section.

10. Each and every provision of law and clause required by law to be inserted in this Agreement or its attachments shall be deemed to be inserted herein and the Agreement shall be read and enforced as though it were included herein, and if through mistake or otherwise any such provision is not inserted, or is not currently inserted, then upon application of either party the Agreement shall forthwith be physically amended to make such insertion or correction, without further changes to the remainder of the Agreement.

11. The complete contract as set forth in Paragraph 1 of this Agreement constitutes the entire Agreement of the parties. No other agreements, oral or written, pertaining to the work to be performed, exists between the parties. This Agreement can be modified only by an amendment in writing, signed by both parties and pursuant to action of the Escondido City Council.

12. CONTRACTOR shall comply with those provisions of the Labor Code requiring payment of prevailing wages, keeping of certified payroll records, overtime pay, employment of apprentices, and workers' compensation coverage, as further set forth in the General Conditions, and shall file the required workers' compensation certificate before commencing work.

13. The terms "Project Documents" and/or "Contract Documents" where used, shall refer to those documents include in the definition set forth in the General Conditions made a part hereof.

14. CONTRACTOR shall keep itself informed of and comply with the Immigration Reform and Control Act of 1986. CONTRACTOR affirms that as an employer in the State of California, all new employees must produce proof of eligibility to work in the United States within the first three days of employment and that only employees legally eligible to work in the United States will be employed on this public project. CONTRACTOR agrees to comply with such provisions before commencing and continuously throughout the performance of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed on behalf of CITY by its officers thereunto authorized and by CONTRACTOR, the date and year first above written.

CITY OF ESCONDIDO
a municipal corporation
201 North Broadway
Escondido, CA 92025

By: _____
Diane Halverson, City Clerk

By: _____
Sam Abed, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
JEFFREY R. EPP, City Attorney

By: _____

CONTRACTOR

By: _____
Signature

_____
Print Name

_____
Title

By: _____
Signature*

_____
Print Name

_____
Title

(Second signature required only for corporation)

By: _____
Signature**

_____
Print Name

_____
Title

(CORPORATE SEAL OF CONTRACTOR, if corporation)

_____
Contractor's License No.

_____
Tax ID/Social Security No.

*If CONTRACTOR is a corporation, the first signature must be by one of the following officers of the corporation: Chairman of the Board, President, or any Vice President.

**If CONTRACTOR is a corporation, the second signature must be by a different person from the first signature and must be by one of the following officers of the corporation: Secretary, any Assistant Secretary, the Chief Financial Officer, or any Assistant Treasurer.

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. _____ File No. _____
Ord No. _____

Agenda Item No.: 6
Date: November 6, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Edward N. Domingue, Public Works Director/City Engineer
Frank P. Schmitz, Parks and Open Space Administrator

SUBJECT: Annexation of Tract 888 into Landscape Maintenance District and Budget Adjustment

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2013-134 that will approve the request of Hallmark Communities Inc., the owner of the property described as Tract 888, located on Citrus Avenue between Washington Avenue and East Valley Parkway, to annex their property into the City of Escondido Landscape Maintenance District (LMD) (see attached map). It is also requested that the City Council establish a budget in the amount of $3,500 for FY 2013/2014 for LMD Zone 38.

FISCAL ANALYSIS:

The LMD will reimburse all costs incurred by the City for the annexation of the property described as Tract 888. The FY 2013/2014 budget of $3,500 for Zone 38 comes from the annexation fee provided by the owner of Tract 888.

PREVIOUS ACTION:

The City Council approved the formation of the LMD in 1986.

BACKGROUND:

The owner of Tract 888 has requested the annexation of this property into the LMD in order to provide on-going maintenance of the landscape improvements that will be built in the City right-of-way and in a landscape maintenance easement in conjunction with the development of their property. Hallmark Communities Inc. has signed a "Consent and Waiver to Annexation" consenting to the annexation of Tract 888 into the LMD without notice and hearing or filing an engineer's report pertaining to such annexation. The attached resolution authorizes the property described as Tract 888 to be added to the LMD as Zone 38.

Respectfully submitted,

Edward N. Domingue, P.E.
Public Works Director/City Engineer

Frank P. Schmitz
Parks and Open Space Administrator

ESCONDIDO
City of Choice

CITY OF ESCONDIDO

BUDGET ADJUSTMENT REQUEST

Date of Request: November 6, 2013

Department: Public Works

Division: Engineering

Project/Budget Manager: Frank Schmitz (Name) 4039 (Extension)

Council Date (if applicable): November 6, 2013
(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
Special Assessment	4205-178	3,500	
LMD Zone 38	5131-178-795	3,500	

Explanation of Request:

Requesting the City Council to establish a budget in the amount of $3,500 for FY 2013/2014 for the newly annexed Zone #38 of the Landscape Maintenance District. The $3,500 is the annexation fee provided by the developer of Tract 888 that will make up this zone.

APPROVALS

Department Head — 10/30/13 — Date

City Manager — Date

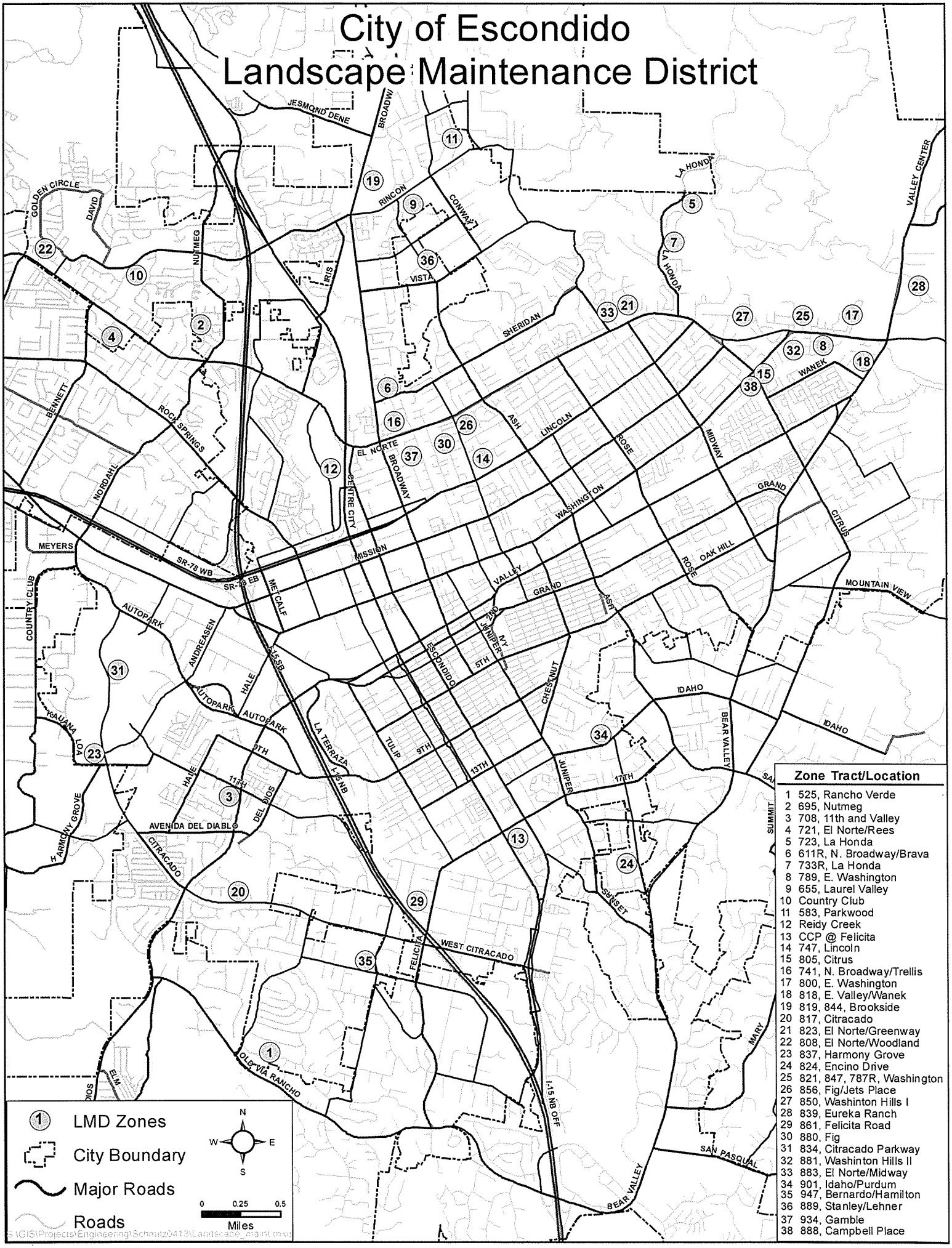
Finance — 10/30/13 — Date

City Clerk — Date

Distribution (after approval): Original: Finance

FM\105 (Rev.11/06)

City of Escondido
Landscape Maintenance District



Zone	Tract/Location
1	525, Rancho Verde
2	695, Nutmeg
3	708, 11th and Valley
4	721, El Norte/Rees
5	723, La Honda
6	611R, N. Broadway/Brava
7	733R, La Honda
8	789, E. Washington
9	655, Laurel Valley
10	Country Club
11	583, Parkwood
12	Reidy Creek
13	CCP @ Felicita
14	747, Lincoln
15	805, Citrus
16	741, N. Broadway/Trellis
17	800, E. Washington
18	818, E. Valley/Wanek
19	819, 844, Brookside
20	817, Citracado
21	823, El Norte/Greenway
22	808, El Norte/Woodland
23	837, Harmony Grove
24	824, Encino Drive
25	821, 847, 787R, Washington
26	856, Fig/Jets Place
27	850, Washinton Hills I
28	839, Eureka Ranch
29	861, Felicita Road
30	880, Fig
31	834, Citracado Parkway
32	881, Washinton Hills II
33	883, El Norte/Midway
34	901, Idaho/Purdum
35	947, Bernardo/Hamilton
36	889, Stanley/Lehner
37	934, Gamble
38	888, Campbell Place

S:\GIS\Projects\Engineering\Schmitz0413\Landscape_maint.mxd

Agenda Item No.: 6
Date: November 6, 2013

RESOLUTION NO. 2013-134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ORDERING THE ANNEXATION OF CERTAIN TERRITORY TO THE ESCONDIDO LANDSCAPE MAINTENANCE DISTRICT

WHEREAS, the City Council of the City of Escondido, California, has previously formed a special maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972", being Division 15, Part 2 of the Streets and Highway Code of the State of California (the "Act"), said maintenance district known and designated as the Escondido Landscape Maintenance Assessment District (the "Maintenance District"); and

WHEREAS, the provisions of Article 2 of Chapter 2 of the Act authorizes the annexation of additional territory to the Maintenance District; and

WHEREAS, at this time the City Council desires to undertake proceedings to annex to the Maintenance District that territory identified as Escondido Tract 888 to be included in Zone 38 of the Maintenance District; and

WHEREAS, all owners of property within the territory proposed to be annexed to the Maintenance District have filed with the City Clerk their written request for and consent to the proposed annexation without notice and hearing, the filing of an Assessment Engineer's Report or right of majority protest.

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 orders the annexation of that property identified as Escondido Tract 888 to the Maintenance District as Zone 38 thereof.

3. All future proceedings of the Maintenance District, including the levy of all assessments, shall be applicable to the territory annexed hereunder.

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. 2013-131 File No. ENV13-0007
Ord No. _____

Agenda Item No.: 7
Date: November 6, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Barbara J. Redlitz, Director of Community Development

SUBJECT: Recycled Water Easterly Main Extension Project and Adoption of a Mitigated Negative Declaration (ENV13-0007)

STAFF RECOMMENDATION:

It is requested that Council adopt Resolution No. 2013-131 approving the proposed Recycled Water Easterly Main Extension Project and adopting the Mitigated Negative Declaration (MND) issued for the project along with the Mitigation Monitoring Report.

PROJECT DESCRIPTION:

The City of Escondido is proposing to expand its existing recycled water conveyance system to deliver recycled water to identified customers located east of the City's existing recycled water service area. In order to provide recycled water to additional customers, the City is proposing to expand the existing recycled water pipeline approximately 7.4 miles and construct and operate a new recycled water pump station and a recycled water storage tank designed to support the expanded system. The project also would include installation of a 12-inch brine disposal pipeline and fiber optic cables parallel to the proposed recycled water pipeline from existing infrastructure located near the City's Hale Avenue Resource Recovery Facility (HARRF). The project includes the following:

- Approximately 7.4 miles of buried pipeline(s) under flood control channel access roads, streets and private roads. These 7.4 miles of trench would accommodate the following facilities, all of which would be installed in the same trench: approximately 5.1 miles of 24-inch recycled water pipeline, approximately 4.9 miles of 12-inch brine conveyance pipeline and approximately 7.4 miles of small diameter (less than 6-inch) fiber optic conduit(s)
- A recycled water storage tank (partially buried) with a storage capacity up to 2 million gallons (MG) within the County's jurisdiction located near the City's existing Hogback Potable Reservoir (tank) on privately owned property.
- A 6,000-gallon per minute (gpm) recycled water pump station/building proposed to be located in the City of Escondido Mountain View Park.

PROJECT LOCATION:

The majority of the proposed project would be located within the City of Escondido, but includes a small portion located within unincorporated San Diego County. The proposed

pipeline would primarily be located within City right-of-way stretching from the City's Hale Avenue Resource Recovery Facility located within the southwestern area of the City and generally following the Escondido Creek Channel to Citrus Avenue, and then along Glenridge Road and Mountain View Road through the Oak Hill Memorial Park, then along Canyon Crest Drive to County area near the existing Hogback Reservoir Tank located within the eastern area of the City.

BACKGROUND:

The City currently produces tertiary-treated recycled water at the HARRF, which is used for landscape and industrial purposes for approximately 81 recycled water meters within the City and Rincon del Diablo Municipal Water District service area. Recycled water production at the HARRF currently exceeds demands within the City, and excess production that is not used by the City or sold to other customers is disposed of via an ocean outfall. The City has identified significant recycled water demand east of downtown, beyond the extent of the existing recycled water conveyance system. The proposed infrastructure improvements are being planned to provide the infrastructure to meet identified demand and deliver recycled water to agricultural customers in the northeast portion of the City and adjacent county area in the vicinity of Mountain View Drive. The proposed system also could provide recycled water to three large irrigation customers, which include Oak Hill Cemetery, Eagle Crest Golf Course, and the San Diego Zoo Safari Park.

The City also has existing industrial customers that produce brine concentrate, which is conveyed to HARRF through an existing brine pipeline. Existing demand for brine disposal, as well as potential demand for brine disposal from a future Advanced Water Treatment (AWT) facility in the vicinity of Lake Dixon, necessitate expansion of the City's existing brine pipeline to the HARRF.

FISCAL ANALYSIS:

The cost to implement the proposed project is projected to be between $11.5M and $12M which would be implemented over several years as part of a three-phased construction program and timeline which includes the following:

- Proposed recycled water pipeline, brine line, and fiber optic cables – November 2013 to February 2015
- Proposed recycled water storage tank – May 2014 to July 2015
- Proposed recycled water pump station – May 2014 to June 2015

GENERAL PLAN ANALYSIS:

The proposed recycled water project would be in conformance with the City's Quality of Life Standard 10 (Water System) that directs the City to continue efforts to implement water reclamation and water conservation programs. Water System Policy 12.13 encourages the City to use and explore opportunities to increase the use of recycled water in the City.

ENVIRONMENTAL REVIEW:

A Draft Mitigated Negative Declaration (MND) was prepared and issued for the project in accordance with the California Environmental Quality Act (CEQA). A Mitigated Negative Declaration is prepared when an Initial Study identifies project related impacts that might be potentially significant, but revisions in the project plans and/or mitigation measures provide mitigation to a point where potential impacts to the environment are reduced to less than a significant level. Potential impacts from the proposed project are related to Aesthetics; Biological Resources; Cultural Resources; Hazards and Hazardous Materials; Land Use; Noise; Recreation; and Traffic/Transportation. Potential impacts would be mitigated through avoidance or other measures to minimize or offset impacts. The loss of existing recreational area within Mountain View Park to accommodate the proposed pump station would require the purchase or dedication of an equal amount of recreational area to offset the loss. Staff received comments from four agencies regarding the project, which include the County of San Diego; Department of Transportation (Caltrans); State Water Resources Control Board; and the Native American Heritage Commission. Responses to the comments have been incorporated into the Final Mitigated Negative Declaration document. The MND dated October 2013 is available online at the following link:
http://www.escondido.org/Data/Sites/1/media/PDFs/Planning/RecycledWater/FinalMitigatedNegativeDeclaration.pdf

SUMMARY:

The proposed project will not provide direct connection to potential recycled customers, but would extend the distribution trunk line and increase storage to accommodate potential demand. The proposed project facilities are sized to deliver enough recycled water to meet the identified demand within the northeastern portion of the City, which is projected at up to 7,605 acre-feet per year or approximately 11.76 million gallons per day. The City is in the process of developing plans for a distribution system to deliver recycled water from the proposed new storage tank to the potential recycled water customers, which is not part of this project but is a future phase of the recycled water program.

A portion of the water line extension and the proposed new water storage tank is located within the County's jurisdiction, which would require the submittal of a Major or Minor Use Permit application with the County of San Diego. The City also will need to obtain any necessary permits or approvals from other affected agencies as identified in the Mitigated Negative Declaration.

Respectfully Submitted,

Barbara J. Redlitz
Director of Community Development

Jay Paul
Associate Planner

Agenda Item No.: 7
Date: November 6, 2013

RESOLUTION NO. 2013-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING THE RECYCLED WATER EASTERLY MAIN EXTENSION PROJECT AND ADOPTING THE FINAL MITIGATED NEGATIVE DECLARATION, CEQA FINDINGS AND MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the City is proposing to expand its existing recycled water conveyance system to deliver recycled water to identified customers located east of the City's existing recycled water service area. In order to provide recycled water to additional customers, the City is proposing to expand the existing recycled water pipeline approximately 7.4 miles and construct and operate a new 6,000-gallon per minute ("gpm") recycled water pump station and a recycled water storage tank with a storage capacity up to 2 million gallons ("MG") designed to support the expanded system. The project also would include installation of a 12-inch brine disposal pipeline and fiber optic cables parallel to the proposed recycled water pipeline from existing infrastructure located near the City's Hale Avenue Resource Recovery Facility ("HARRF"); and

WHEREAS, the City Council of the City of Escondido as the lead agency under the California Environmental Quality Act ("CEQA") is responsible for adoption of the Mitigated Negative Declaration; and

WHEREAS, a Mitigated Negative Declaration (City File No. ENV13-0007) was prepared and issued to evaluate impacts and identify mitigation measures in accordance with CEQA; and

WHEREAS, the City Council of the City of Escondido did on November 6, 2013, hold a meeting to consider the proposed project and adoption of the Mitigated Negative Declaration and associated Mitigation Monitoring Report; and

WHEREAS, the City Council has reviewed and considered the Final Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program prepared for the project, and has determined that it adequately addresses all environmental issues associated with the project; and

WHEREAS, the City Council desires at this time, and deems it to be in the best public interest, to approve the Recycled Water Easterly Main Extension Project and adopt the Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

. 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 has considered the Mitigated Negative Declaration together with all comments received during the public review process.

3. The findings of this review are that the Initial Study identified effects related to aesthetics, biological and cultural resources, hazards and hazardous materials, land use, noise, recreation, and transportation and traffic, that might be potentially significant. However, revisions in the project plans and/or mitigation measures agreed to by the applicant would provide mitigation to a point where potential impacts are reduced to less than a significant level.

4. That the Mitigation Monitoring and Reporting Program, attached as Exhibit

"A" and incorporated by this reference, addresses mitigation for potential project related impacts and that the report will sufficiently mitigate and assign on-going responsibility for carrying out mitigation responsibilities which are appropriate to address and mitigate project-related impacts.

5. That upon consideration of the staff report (a copy of which is on file in the Office of the City Clerk), the findings and applicable law, the City Council finds that the project is consistent with the General Plan and hereby approves the Recycled Water Easterly Main Extension Project and adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Project.

ESCONDIDO
City of Choice

EXHIBIT A

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Mitigation Monitoring and Reporting Program for the City of Escondido Recycled Water Easterly Main Extension Project

City File No. ENV13-0007
SCH # 2013081076

Prepared by:

RMC
Water and Environment

November 2013

Resolution No. 2013-131
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Chapter 1 Mitigation Monitoring and Reporting Program

Mitigation measures have been identified in the Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the City of Escondido's Recycled Water Easterly Main Extension Project to reduce the environmental impacts of the project to less than significant levels. The City and its contractors are required to implement the adopted mitigation measures for this project. This Mitigation Monitoring and Reporting Program (MMRP) contains a checklist and description of all adopted mitigation measures, including, if applicable, the responsible parties, timing, and completion criteria.

1.1 Program Administration

The MMRP will be administered by the City of Escondido's Utilities Department. The funds for administration will be provided by the City Utilities Department. Certifications of compliance from other relevant agencies, such as the California Regional Water Quality Control Board, will be obtained prior to implementation. No authorization to commence any activity on site shall be granted except with the concurrence of the City Utilities Department.

1.2 Project Description

The Recycled Water Easterly Main Extension Project will expand the City's recycled water distribution system to enable connections to potential customers. The Recycled Water Easterly Main would be extended approximately 7.4 miles near the intersection of North Broadway and Washington, along the Escondido Creek Channel to Citrus Avenue, then southeast to the proposed storage tank site at Mountain View Drive. A brine line would run alongside the recycled water line from the existing terminus at Harmony Grove Road and the Escondido Creek Channel to Citrus Avenue, where the brine line would terminate. The trunk extension will enable customers to construct recycled water connections, with expected demand totaling 7,605 AFY. To accommodate the projected demand, the proposed project will also construct a new 2 million gallon recycled water storage tank, located on Mountain View Drive and adjacent to the City's existing Hogback Potable Reservoir. A pump station also is proposed to be constructed at the City of Escondido's Mountain View Park, adjacent to the proposed pipeline.

The project area primarily is located within the boundaries of the City of Escondido, with the exception of the eastern edge, which is located within the unincorporated area of San Diego County. The project area is generally north of State Route 78, and east of Interstate 15.

The proposed pipeline would be constructed primarily within the existing Right-of-Way (R-O-W). From North Broadway to Citrus Avenue, it would be located alongside the Escondido Creek Channel. At Citrus Avenue, the pipeline would cross the Escondido Creek Channel. Where it turns southeast at Citrus Avenue, it would follow city streets to the proposed tank site. The brineline would similarly be constructed primarily within the existing ROW, or along areas with existing easements.

The proposed storage tank site lies outside the City of Escondido's boundaries, and is located in the County of San Diego. The proposed site is zoned for Limited Agriculture (A70) by the County, with agriculture in the surrounding area consisting primarily of avocado groves. This tank site is located on a north-south slope, 1,060 feet to 1,120 feet above mean sea level (MSL), that will require grading for construction and tank and hillside stabilization. The tank would be partially buried, and have a foundation with an extension slab with a downturned footing to prevent tank movement downslope.

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Exhibit A
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The proposed pump station would be located at the City of Escondido's Mountain View Park, alongside the Glendale Road segment of the pipeline. Mountain View Park is 11 acres, and hosts lighted baseball fields, tennis courts, a soccer field, picnic facilities, and a playground. The proposed site has an elevation of 735 to 740 feet above MSL. The pump station would be constructed in the northeast corner of the parking lot for the park, and housed in a building 50 feet by 50 feet, and 16 feet tall, designed to be consistent with the aesthetics of surrounding residences. The pump station would have a capacity of 6,000 gallons per minute (gpm), using four pumps with up to 250 horsepower motors, a 700-kilowatt backup diesel-power generator. Additional pump station facilities include two 10,000 gallon pressure surge tanks, an electrical transformer, and various buried piping, appurtenance, electrical conduits, and cables.

1.3 Mitigation Monitoring Requirements

A mitigation monitoring checklist has been developed for this project, and is intended for use by the City of Escondido Utilities Department as the project's designated monitoring entity. The checklist, presented as Table 1, summarizes the mitigation requirements for the project, as well as identifies the timing, and responsible parties for ensuring implementation of each mitigation measure. These mitigation measures are presented using the naming conventions and categories in the project MND.

Applicant/Contact Person:	Jay Paul, Associate Planner
Phone No.:	(760) 839-4537
Associated Case No.:	ENV 13-0007
SCH No.:	2013081076
Approval Body/Date:	City Council, 11-6-13
Project Manager:	Paul Keck, Engineer II, Utilities-Water

Table 1: Mitigation Monitoring and Reporting Program

	Mitigation Measure	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
AES	**Aesthetics**			
AES-1	The City shall plant vegetation around the proposed storage tank to provide screening if existing vegetation is deemed insufficient. Landscaping will include re-vegetation of disturbed areas to minimize contrasts with the existing vegetation and to screen facilities from surrounding neighborhoods. In addition, proposed facilities shall be painted low-glare earth-tone colors that blend with the surrounding terrain.	City to include requirement in specifications before approval of final plans and specifications Contractor to implement during construction.	City of Escondido Construction Manager and/or Inspector	
BIO	**Biological Resources**			
BIO-1	Prior to any ground disturbing activities, CDFW shall be notified of the Proposed Project and the proposed implementation of jack-and-bore or horizontal directional drilling methods. An emergency plan for potential frac-out release shall be prepared by the contractor (or project engineer) for submittal to CDFW, and shall include measures to avoid/contain pollutants in case of a frac-out release and avoid indirect impacts to jurisdictional areas.	City to notify CDFW prior to ground disturbing activities. City to include requirement in specifications before approval of final plans and specifications. Contractor to implement during construction.	City of Escondido Construction Manager and/or Inspector	
BIO-2	Removal of suitable vegetation for migratory birds shall occur outside the nesting season (i.e., September 1 through January 14) to avoid potential impacts to nesting birds, if feasible. If vegetation removal is required during the nesting season, a qualified biologist shall survey all suitable habitats for the presence of nesting birds before commencement of clearing. If any active nests are detected, a buffer of at least 300 feet (500 feet for raptors) around the nest shall be delineated, flagged, and avoided until the nesting cycle is complete, or as determined appropriate by the biologist. Biological monitoring shall also occur until the nesting cycle is complete.	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector (Qualified Biologist to conduct surveys)	

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	Mitigation Measure	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
CUL	**Cultural Resources**			
CUL-1	The City shall retain a qualified archaeologist and paleontologist who shall conduct Archaeological Sensitivity Training and Paleontological Sensitivity Training for construction personnel prior to commencement of excavation activities. The training session(s) shall be carried out by a cultural resources professional(s) with expertise in archaeology and paleontology, and will focus on how to identify archaeological and paleontological resources that may be encountered during earthmoving activities, and the procedures to be followed in such an event. The training session(s) will include a presentation and/or handouts for all attendees. The basic topics to be addressed in the session include: a brief cultural, geologic, and archaeological history of the area and the City cultural resource compliance obligations; training in potential resources that may be encountered through the use of photographs or other illustrations; the duties of archaeological and paleontological monitors; notification and other procedures to follow upon discovery of resources; and, the general steps that would be followed to conduct a salvage investigation if one is necessary.	City to include requirements in specifications before approval of final plans and specifications Training to be completed prior to construction	City of Escondido Construction Manager and/or Inspector (Archaeologist and Paleontologist to conduct training)	
CUL-2	The City shall retain a qualified archaeological monitor who shall be present during construction excavations (e.g., grading, trenching, or clearing/grubbing) into non-fill younger alluvial sediments. Younger alluvial sediments are present in the bike path of the Escondido Creek channel and immediate vicinity. Portions of the Study Area where younger alluvial sediments are not present (which include the remaining areas of the Study Area) shall not be monitored because these areas consist of igneous rocks (e.g., granitic bedrock) that are not conducive to retaining buried archaeological resources or older alluvial sediments which are less likely to retain archaeological resources than younger alluvial soils. Furthermore, areas where artificial fill soils exist shall not be monitored given the limited potential to encounter resources in these soils. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus artificial fill soils), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the archaeological monitor. In the event that archaeological resources are unearthed during ground-disturbing activities, the construction manager shall halt or divert ground-disturbing activities away from the vicinity of the find so that the find can be evaluated. Work shall be allowed to continue outside of the vicinity of the find. All archaeological resources unearthed by Proposed Project-related construction activities shall be evaluated by a qualified archaeologist. The City	City to include requirements in specifications before approval of final plans and specifications Monitoring to be completed during construction Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector (Archaeologist to conduct monitoring and make recommendations in the event resources are encountered)	Resolution No. 2013-131 Exhibit A Page 5 of 11

	Mitigation Measure	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
	shall coordinate with the archaeologist to develop an appropriate treatment plan for the resources. Treatment may include implementation of archaeological data recovery excavations to remove the resource or preservation in place. The City and/or landowner, in consultation with the archaeologist, shall designate repositories in the event that archaeological material is recovered. The archaeological monitor shall prepare a final report at the conclusion of archaeological monitoring. The report shall be submitted to the District and the South Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Proposed Project and required mitigation measures. The report shall include a description of resources unearthed, if any, evaluation of the resources with respect to the California Register and CEQA, and treatment of the resources.			
CUL-3	If human remains are unearthed during implementation of the Proposed Project, the City shall comply with State Health and Safety Code Section 7050.5. The City shall immediately notify the County Coroner and no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the landowner, inspect the site of the discovery of the Native American remains and may recommend to the landowner means for treating or disposing, with appropriate dignity, the human remains and any associated funerary objects. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the landowner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and cultural items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. MLDs in the region typically recommend reburial of the remains as close to the original burial location as feasible accompanied by a ceremony. The MLD shall file a record of the reburial with the NAHC and the project archaeologist shall file a record of the reburial with the CHRIS-SCIC.	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction.	City of Escondido Construction Manager and/or Inspector	

Resolution No. 2013-131
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	Mitigation Measure	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
	If the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the facility property in a location not subject to further and future subsurface disturbance. A record of the reburial shall be filed with the NAHC and the CHRIS-SCIC.			
CUL-4	If a paleontological resource is accidentally encountered during implementation of the Proposed Project, the construction manager shall halt or divert grading and other excavation activities in the area of the exposed fossil to facilitate evaluation of the resource. The City shall coordinate with a qualified paleontologist to develop an appropriate treatment plan for the resources. Treatment may include implementation of paleontological salvage excavations to remove the resource or preservation it in place. At the paleontologist's discretion and to reduce any construction delay, the grading and excavation contractor shall assist in removing rock samples for initial processing. Any fossils encountered and recovered shall be prepared to the point of taxonomic identification and catalogued and donated to a suitable museum or other repository with a research interest in the materials, such as the San Diego Natural History Museum. Accompanying notes, maps, and photographs shall also be filed at the repository. In coordination with the City, the paleontologist shall determine the need for construction monitoring services in the area of the find thereafter. Upon completion of the above activities, the paleontologist shall prepare a report summarizing the results of the monitoring and salvaging efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted to the City, the San Diego Natural History Museum, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the Proposed Project and required mitigation measures.	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector (Paleontologist to make recommendations in the event resources are encountered)	

Resolution No. 2013-131
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	Mitigation Measure	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
HAZ	**Hazards and Hazardous Materials**			
HAZ-1	Before construction begins, the City of Escondido shall require its construction contractor to prepare a Hazardous Materials Management Spill Prevention and Control Plan that includes a project-specific contingency plan for hazardous materials and waste operations. The Plan shall be applicable to construction activities, and shall establish policies and procedures according to applicable codes and regulations, including but not limited to the California Building and Fire Codes, and federal and California Occupational Safety and Health Administration (OSHA) regulations. Elements of the Plan shall include, but not be limited to the following: • A discussion of hazardous materials management, including delineation of hazardous material storage areas, access and egress routes, waterways, emergency assembly areas, and temporary hazardous waste storage areas • Notification and documentation of procedures; and • Spill control and countermeasures, including employee spill prevention/response training.	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector	
HAZ-2	Before beginning construction, the City of Escondido shall complete a Phase I Environmental Site Assessment (ESA) for soil and groundwater contamination in areas where proposed recycled water pipeline and proposed brine line alignment are located in the vicinity of known Leaking Underground Storage Tanks with open cleanup statuses as documented by the State Water Resources Control Board. The recommendations set forth in the Phase I ESA shall be implemented to the satisfaction of applicable agencies before construction begins. If the Phase I ESA indicates the potential for contamination within the construction zone of the proposed pipeline alignments, Phase II studies shall be completed and recommendations implemented before construction begins. Phase II studies shall include soil and groundwater sampling and analysis for anticipated contaminants. The Phase II sampling is intended to identify how to dispose of potentially harmful material from excavations, and to determine if construction workers need specialized personal protective equipment while constructing the pipeline through the area. The recommendations of the Phase II analysis shall be implemented prior to or during construction to ensure health hazards are reduced to levels deemed acceptable by the applicable regulators	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector	Resolution No. 2013-131 Exhibit A Page 8 of 11

	Mitigation Measure	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
HAZ-3	In conjunction with **Mitigation Measure TRA-1** (refer to *Section 3.16 Traffic and Transportation*), comprehensive strategies for maintaining emergency access shall be developed. Strategies shall include, but are not limited to, maintaining steel trench plates at the construction sites to restore access across open trenches and identification of alternate routing around construction zones. Also, police, fire, and other emergency service providers shall be notified of the timing, location, and duration of the construction activities and the location of detours and lane closures.	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector	
HAZ-4	During construction of the proposed recycled water pump station, proposed recycled water storage tank, and pipelines and conduits associated with facilities that are within or adjacent to High or Very High Fire Hazard Severity Zones, the City of Escondido shall require staging areas, welding areas, or areas slated for construction shall be cleared of dried vegetation or other material that could ignite. Construction equipment that includes a spark arrestor shall be equipped in good working order. In addition, construction crews shall have a spotter during welding activities to look out for potentially dangerous situations, such as accidental sparks. Other construction equipment, including those with hot vehicle catalytic converters, shall be kept in good working order and used only within cleared construction zones. The City of Escondido shall require the creation and maintenance of approved fire access to work areas, in accordance with local fire regulations. During construction of the Proposed Project, contractors shall require vehicles and crews working at the project site to have access to functional fire extinguishers.	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector	
LU	**Land Use and Planning**			
LU-1	To reduce land use impacts to the residents of Learning Services, the City shall notify its management of upcoming work activities. If necessary, the City shall work with Learning Services' management to determine a construction schedule within normal working hours that would minimize disturbance to its residents (e.g., avoid loud construction activities during designated quiet times at the Learning Center).	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector	

Resolution No. 2013-131
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	Mitigation Measure	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
NOI	**Noise**			
NOI-1	To further reduce noise impacts, the city shall require its contractors to implement the following noise control measures: • **Locate Staging Areas away from Sensitive Receptors.** The City shall require the contractor to select staging areas as far as feasibly possible from sensitive receptors. • **Idling Prohibition and Enforcement.** The City shall prohibit unnecessary idling of internal combustion engines. In practice, this would mean turning off equipment if it would not be used for five or more minutes. • **Equipment Location, Mufflers, and Shielding.** The City shall require its contractors to locate stationary noise-generating construction equipment such as air compressors and generators as far as possible from homes and businesses. Mufflers and/or temporary noise barriers shall be used as necessary to meet the City's one-hour average sound level limit of 75 dB at any time (unless a variance has been obtained in advance from the city manager). Temporary walls, stockpiles of excavated materials, or moveable sound barrier curtains would be appropriate and can provide a 10 to 15 dBA reduction in noise levels. • **Pre-Construction Notification.** Prior to construction, written notification to residents within 500 feet of the Proposed Project segment(s) undergoing construction shall be provided, identifying the type, duration, and frequency of construction activities. Notification materials shall also identify a mechanism for residents to register complaints with the City if construction related noise impacts should occur.	City to include requirements in specifications before approval of final plans and specifications and ensure that notices are sent to residents before the start of construction Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector	

Resolution No. 2013-131
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	Mitigation Measure	Schedule	Monitoring/Reporting Responsibility	Status/Date Completed
REC	**Recreation**			
REC-1	To reduce impacts to users of recreational facilities – the existing bike path (between Broadway and Date Streets), the Inland Rail Trail (between Reidy Creek and east of North Quince Street), Washington Park, and Mt. View Park – the City shall do the following: • Provide a phone line for the public to call and hear updates of the construction schedules and activities for the affected recreational facilities. • Minimize the closure of the bike path by closing and reconstructing the bike path two reaches at the time. This would reduce the closure of any one segment to approximately 10 days (assuming the segments are 700 to 1,000 feet in length and it takes 200 feet/day for installation of the pipeline) and several more days for reconstruction activities. Limiting closure by block would allow pedestrians and bicyclists to continue to maximize use of these resources. • Post signs in the affected areas and on nearby roadways in advance of construction activities specifying the closure period and detour routes. • Restore the bike path, Inland Rail Trail, and affected areas of the Mt. View Park to pre-construction conditions. •	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector	
REC-2	If the proposed pump station is located on parkland or park facilities associated with Mt. View Park, the city shall mitigated this impact by purchasing parkland or park facilities within its jurisdiction and/or dedicate vacant or underutilized city lands for park purposes. The mitigation purchase or dedication shall occur at a minimum 1:1 ratio where the city replaces an equal amount of parkland or parkland facilities for the amount that is directly impacted by the project.	City to purchase or dedicate land before the start of construction	City of Escondido	
TRA	**Traffic and Transportation**			
TRA-1	Prior to construction or the issuance of applicable permits, the City of Escondido or its contractor shall submit a Construction Staging and Traffic Management Plan for review and approval. This plan shall show the impact of various construction stages on the public right-of-way including work in public right-of-way including lane closures, detours, staging areas, and routes of construction vehicles entering and exiting the construction site.	City to include requirements in specifications before approval of final plans and specifications Contractor to comply with requirements during construction	City of Escondido Construction Manager and/or Inspector	

Resolution No. 2013-131
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ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. _____ File No. _____
Ord No. _____

Agenda Item No.: 8
Date: November 6, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Michael Lowry, Fire Chief

SUBJECT: FY13 State Homeland Security Grant Program (SHSGP) Grant Acceptance

RECOMMENDATION:

It is requested that Council accept $100,237 in funding from the Department of Homeland Security (DHS) for the FY13 State Homeland Security Grant Program (SHSGP). It is also requested that Council authorize the Fire Chief to execute, on behalf of the City, all documents required for the management of this grant and that Council approve the necessary budget adjustment to establish new projects for tracking of these grant funds.

FISCAL ANALYSIS:

The SHSGP is 100% federally funded. No matching funds are required and the City will be reimbursed for all expenditures. With Council approval, the City will receive a total of $100,237 and funds will be used for the following items:

- $50,119 – Strengthen Communications Capabilities: Funds will be used to purchase Project 25 (P25) replacement portable radios for police first responders.
- $16,213 – Enhance Community Resilience: Funds will be used to support training of CERT volunteers and planning activities which will increase public education, information and awareness.
- $33,905 – Enhance Protection of Critical Infrastructure and Key Resources: Funds will be used to develop and update pre-incident maps to enhance the protection of critical infrastructure.

PREVIOUS ACTION:

On May 14, 2003, Council authorized the Fire Chief to participate in the DHS Homeland Security Grant Program. Council has approved several previous items relating to the SHSGP. Under this multi-year grant program, Council has accepted funds from FY02 through FY12. The most recent Council action was taken on January 16, 2013, when Council authorized the acceptance of the FY12 SHSGP grant.

BACKGROUND:

The SHSGP is multi-year grant program. The City began receiving DHS grant funding in 2003 and funding has continued each subsequent year at varying levels. The FY13 SHSGP is a continuation of Federal funding from the DHS. An example of some items purchased from previous DHS funding for Police and Fire first responders are: Personal Protective Equipment (PPE), breathing apparatus, Hazardous Material bags, boots, gloves, suits, an explosive detection K-9, thermal imagers, chemical and radiological detection equipment, portable and mobile radios (for Police, Fire and Public Works), surveillance equipment for City Hall, and the Police/Fire Mobile Command Vehicle. In addition, funds have also been used for Emergency Operations Center (EOC) exercises and Emergency Management training and planning.

SUMMARY:

The SHSGP funds are intended to enhance first responder safety and readiness when responding to acts of terrorism as well as other natural or man-made disasters. Equipment, planning and training monies provided with these grant funds are invaluable and will improve our ability to respond to numerous types of incidents, whether it be an act of terrorism, a major wildland fire or a building collapse caused by a major earthquake. Without these grants a significant amount of funding from the City's General Fund would be required to meet the needs of these unique types of incidents. The FY13 SHSGP funds will be used to continue strengthening and sustaining the City's preparedness capabilities.

Respectfully submitted,

Michael Lowry
Fire Chief

CITY OF ESCONDIDO

BUDGET ADJUSTMENT REQUEST

Date of Request: October 18, 2013

Department: Fire Department

Division: Administration

Project/Budget Manager: Lisa Palmer (Name) 5407 (Extension)

Council Date (if applicable): November 6, 2013
(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
SHSGP - Equipment	451 - New Project	50,119	
SHSGP - Planning	451 - New Project	50,118	
Federal Grant - Revenue	4128-451	100,237	

Explanation of Request:

The Police and Fire Departments are requesting a budget adjustment in order to establish projects to track funding for the grant award of $100,237 from the Department of Homeland Security (DHS) for the FY2013 State Homeland Security Grant Program (SHSGP).

APPROVALS

Department Head — Date 10/22/13

City Manager — Date

Finance — Date 10/29/13

City Clerk — Date

Distribution (after approval): Original: Finance

FM\105 (Rev.11/06)

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. _____ File No. _____
Ord No. _____

Agenda Item No.: 9
Date: November 6, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Joyce Masterson, Director of Economic Development and Community Relations

SUBJECT: Final City Council Action Plan

RECOMMENDATION:

It is requested that Council adopt the 2013-2014 City Council Action Plan.

FISCAL ANALYSIS:

None

PREVIOUS ACTION:

The City Council held a workshop for the development of the 2011-2012 Council Action Plan on February 2, 2011. On April 6, 2011, Council approved the format and schedule for the development of the 2011-2012 City Council Action Plan. On May 11, 2011, Council reviewed the proposed content for the Financial Stability element. On June 15, 2011, Council reviewed the proposed content for the Economic Development element. On August 17, 2011, the Council reviewed the proposed content for the Image and Appearance element, as well as the Embrace Diversity and Community Outreach element.

The City Council held a workshop for the development of the 2013-2014 Council Action Plan on February 27, 2013. On June 26, 2013, Council provided direction on the Economic Development element of the Action Plan. On August 14, 2013, Council provided direction on the Neighborhood Improvement element. On September 11, 2013, Council provided direction on the Public Safety element. On October 16, 2013, the Council provided direction on the Fiscal Management element of the Action Plan.

BACKGROUND:

The City Council Action Plan represents the City Council's collective vision for Escondido's future and the key strategies that will be used to achieve that vision. It is developed biennially following a workshop where key policy goals are identified and discussed.

Any revisions recommended by the Council have been incorporated into the final document (See Attachment 1). It should also be noted that a previously approved Economic Development strategy that called for a joint meeting of the Council and all the Boards of Education of schools now has been eliminated. The reason for its elimination is due to the difficult logistics of coordinating over 30

individuals' schedules. However, we will continue to work closely with the schools through various committees, including the Education sub-committee.

Once the final Council Action Plan is adopted, the City Council will be kept apprised of the progress being made in achieving the Action Plan key activities through biannual workshops covering all four key policy areas.

Respectfully submitted,

Joyce Masterson

Joyce Masterson
Director of Economic Development and Community Relations

Two-Year City Council Action Plan 2013-2014

November 6, 2013

Introduction

The City Council Action Plan represents the City Council's collective vision for Escondido's future and the key strategies that will be used to achieve that vision. It is developed biennially following a workshop where key policy goals are identified and discussed.

The priority categories for the 2013-2014 Council Action Plan were identified by the city Council at its February 27, 2013 workshop and were (in alphabetical order):

- Economic Development
- Fiscal Management
- Neighborhood Improvement
- Public Safety

Responsibility for developing and overseeing each of those categories was assigned to the following individuals:

- Craig Carter and Mike Lowry (Public Safety)
- Joyce Masterson (Economic Development)
- Barbara Redlitz (Neighborhood Improvement)
- Gil Rojas (Fiscal Management)

Specific information pertaining to the current reality in those areas, as well as strategies to achieve the City Council's goals and evaluation measures were presented to the City Council over the course of several months. Final approval of the document was sought on November 6, 2013.

City Council Action Plan
Economic Development

Goal	Current Reality	Strategy	Evaluation Measure
Implement Comprehensive Economic Development Master Plan	As prescribed by the Master Plan, an Economic Development Task Force (EDTF) has been formed consisting of Community members and staff. This group is currently reviewing any barriers or enhancements needed to make the new employment lands identified in the General Plan available for development, keeping in mind those which best can accommodate the plan's focus on healthcare and clean tech.	1) Convene EDTF to identify specific industry attraction targets and goals for two and five-year horizons. (CEDS 4a) November 2013 – Joyce Masterson 2) Develop industry-specific marketing materials and campaigns for the initial "focus targets" identified by the EDTF in conjunction with the City's identity and image enhancement program. (CEDS 4b) November 2014 – Joyce/Michelle Geller 3) Investigate implementation of formal Business Retention and Expansion survey process. Cost is anticipated at approximately $10,000. CEDS (5b) September 2014 – Joyce/Michelle	1. Creation of list of targets and goals 2. Creation of materials 3. Completion of analysis
Integrate with regional economic development efforts	The Mayors, City Managers and Economic Development staffs of Carlsbad, Escondido, Oceanside, San Marcos and Vista have agreed to collaborate on a joint branding effort.	4.Provide funding in the amount of $21,000 to hire a consultant to create a regional brand for the North County. Funding requested in FY 2013-2014 Budget Completed	4. Creation of brand by consultant

Goal	Current Reality	Strategy	Evaluation Measure
Prepare Business Park Land and infrastructure	The type of proposed development drives preparation requirements. Water, sewer, communications, soil remediation and traffic demands are driven by development type. Acquisition of private properties to be assembled for sale would require significant investment. An RFP for development of this land is not recommended until properties are assembled. However, refinement of the vision for City-owned properties is needed to guide decisions (lease or sell) and will set the frame-work for overall development of the Business Park.	5. Remove potential barriers to development including: a. Fund removal of dilapidated building at 525 N. Quince. (Estimated cost is $48,974) Completed b. Develop a Long Range Property Management Plan (LRPMP) - Adopted by Successor Agency and Oversight Board (10/2 & 10/8); to DOF for approval by 11/24 (Debbie) c. Implement LRPMP December 2014 – Debbie Lundy	5a. Completion of demolition 5b. Adoption of a Long Range Property Management Plan. 5c. LRPMP Implementation

Goal	Current Reality	Strategy	Evaluation Measure
Leverage partnerships with local Chambers of Commerce, schools & universities, realtors, developers , Union Tribune, SDNEDC, wineries, breweries, Visitor's Bureau	City staff currently serve on the following chamber committees: • SDNCC economic development and workforce development • Escondido Chamber government relations and economic development City staff have well-established connections with: • Vista Brewers' Guild • SDNEDC • Escondido wineries via Grape Day 2012 event • School district • Brokers	6. Schedule minimum of 2 editorial board meetings with UT annually January March & July 2014 - Michelle 7. Establish Escondido brewers/vintners guild modeled after Vista example – November 2014 - Michelle 8. Fold " Visit Escondido" Director into City Economic Development Division Completed 9. Encourage industry specific business groups (i.e. craft beer, wineries, hotels, restaurants) July 2014 – Katherine Zimmer	6. Meetings held 7. Establishment of guild 8. Approval by Council 9. Formation of groups

Goal	Current Reality	Strategy	Evaluation Measure
Attract a Hotel	In 2003 the City issued an RFP for a downtown hotel. The developer selected has been unable to secure financing for the project. Since ten years have lapsed it is appropriate to solicit new proposals for a quality hotel in Escondido, including areas outside of downtown.	10. Develop an RFP for a hotel July 2014 – Charlie Grimm/Joyce	10. Selection of developer
Establish a pro-active annexation Policy for the commercial areas identified in the General Plan Update	LAFCO requires a development plan to accompany an annexation application. This requirement could be modified by the San Diego LAFCO Board leadership to facilitate certain annexations. General Plan Policies have been updated focused on a pro-active approach toward annexing land that addresses city goals. The City Annexation Guide has been updated an posted online at: http://www.escondido.org/Data/Sites/1/media/pdfs/Planning/AnnexationGuide.pdf	11. Request the Mayor, as a member of the San Diego LAFCO , to work with the Board and LAFCO staff to modify its policy which would facilitate annexation of commercial properties. December 2014 – Jay Petrek	11. Modification of policy

Goal	Current Reality	Strategy	Evaluation Measure
Enhance use of Technology and Innovation to improve efficiency, services and reduce costs	Virtual City Hall was recently completed to provide easy public access to information. Expedited processing is available.	12. Improve use of City's systems for tracking permit processing times. (CEDS 8d) This will also include customer complaints and special events permits. October 2014 – Barbara Redlitz	12. Internal and external customer feedback
Make Escondido more competitive in the marketplace	Substantial work has taken place to accomplish this goal including creation of the Economic Development Director position to increase focus in this area; expedited permit delivery is available upon request; and the development process has been streamlined by combining Design Review Board and Planning Commission. Interdepart-mental meetings are held weekly to coordinate, proactively identify and resolve issues early in the development process. The current focus of the Economic Development Subcommittee has primarily been only to review requests for expedited processing, rather than to update committee members on broader economic development matters.	13. Raise the project-size threshold for triggering CEQA requirements, subject to City's discretionary authority (CEDS 8b.) January 2014 – Jay Petrek 14. Continue to identify process improvements to further streamline the development review process. October 2014 – Jay Petrek 15. Formalize City "red team" (Staff Development Committee) to ensure timely development processing, building on the structure of the existing interdepartmental team (CEDS 8c.) Completed 16. Prepare appropriate zoning ordinances for Planned Office, R-5-30, Mixed Use Overlay Standards, Parking, etc. reflecting recent General Plan Update land use changes October 2014 – Jay Petrek 17. Assign the Economic Development Director as the staff liaison to the Economic Development Subcommittee, and hold quarterly meetings to update subcommittee on economic development topics. Special meetings of the subcommittee will still be held as needed to review requests for expedited processing. Completed	13. Adoption 14. Completion 15. Completion 16. Adoption 17. Customer feedback Establishment of quarterly regular meetings.

Goal	Current Reality	Strategy	Evaluation Measure
Turn Escondido into an Education Hub	27.9% of Escondido residents over the age of 25 do not have even a high school diploma. Interest in improving educational opportunities is increasing as evidenced by the construction of the new public high school Del Lago Academy, the expansion of Classical Academy and Charter High School, the remodel of Palomar College and the relocation of John Paul the Great University to Grand Avenue.	18. Establish an Educational Task Force. (CEDS 16a) May 2014 – Joyce/Michelle 19. Draft an Educational Enhancement operational plan, specifically focused on primary and secondary schools, but eventually addressing higher education within the City. The plan will be developed and continually refined in concert with education, school administrators and other stakeholders. (CEDS 16b) October 2014 – Joyce/Michelle	18. Creation of Task Force 19. Develop plan

Goal	Current Reality	Strategy	Evaluation Measure
Carryovers from previous Council Action Plan	Review of the Public Art Fee and Commission in 2011-2012 Action Plan was not completed due to work load of staff associated with AMGEN race. The scheduling of a Fire Prevention Staff member at City Hall one day a week for plan checks had been delayed due to staffing levels. However, based on customer feedback, this service enhancement is no longer needed. Staff recommends removing this item from the Action Plan.	21. Determine the appropriateness of retaining, reducing or eliminating the current Public Art Fee and the Public Art Commission Joyce/Jay Petrek - October 2014	21. Customer Feedback

City Council Action Plan
Fiscal Management

Goal	Current Reality	Strategy	Evaluation Measure
Improve the City's A+ Bond Rating	Ratings are influenced by factors beyond the city's control including regional economic factors, local unemployment, etc. The best Standard & Poor's ratings are AAA, AA, and A. These are sometimes supplemented with a plus (+) or a minus (-) sign to raise or lower a bond's position within the group. According to definition the "A" represents a "strong capacity to meet financial commitments, but somewhat susceptible to adverse economic conditions and changes in circumstances". The "+" indicates a standing at the top of the scale. The City's current bond Rating for General Obligation Bonds is A+. The City's Water and Wastewater Bond Rating is AA-.	1. Create a list and implementation dates of economic factors that the city can control that may assist the City in raising its bond rating. May 2014 - Sheryl Bennett/Joan Ryan	1. Implementation of economic factors within the city's control

Goal	Current Reality	Strategy	Evaluation Measure
Reduce Pension Debt	PERS is addressing this issue by implementing increased city contribution rates over the next five years that will be dedicated to lower the unfunded liability amount. The PERS actuarial report released in November of 2013 will have more information regarding these specific rates. The City needs to address this extra retirement cost in our future projections.	2. Present a five year projection, adding in a new retirement cost dedicated to eliminating the unfunded liability in 30 years. March 2014 -Sheryl Bennett /Joan Ryan	2. Review of PERS report

Goal	Current Reality	Strategy	Evaluation Measure
Maintain Reserve fund at 25% of the General Fund but never lower than 25 million dollars	The City has had a standard policy of keeping a minimum of 15% of General Fund operating revenue in a reserve. Past year's analysis show that the General Fund should have a minimum of 15 million dollars to cover cash flow during the July to December time period. Currently the General fund reserve is $16.5 million dollars. The City has a policy requiring any land sales proceeds to be placed in the Reserve Fund.	3. Establish a projection of how soon the City can expect to establish a $25 million reserve under normal circumstances and have alternatives to achieve this goal faster. December 2014 – Sheryl Bennett/Joan Ryan	Achieve a minimum reserve of $25 million

Goal	Current Reality	Strategy	Evaluation Measure
Resubmit the Charter City Proposal to voters without district language	The previous Charter City Proposal included language about voting districts and was not approved by voters in November 2012. Pending state legislation may have a significant impact on charter cities. SB 7, which is expected to be signed by the Governor, prohibits a charter city from receiving or using state funding for a construction project if the city has a charter provision or ordinance that authorizes a contractor not to comply with prevailing wage requirements on any public works contract, as specified.	4. Hold public hearings on a revised Charter City Proposal for possible inclusion in 2014 election ballot. October 2014 – Jennifer McCain	Election result

City Council Action Plan
Neighborhood Improvement

Goal	Current Reality	Strategy	Evaluation Measure
Urban Renewal to Improve Aging Neighborhoods	A comprehensive review of the Zoning Code was anticipated as part of the General Plan Implementation Program and a draft RFP was prepared to solicit consultants to prepare citywide Zoning Code Update. This project was originally funded through CIP budget; due to budget limitations, CIP funds have now reallocated to fund GP Project Manager position as part of the reorganization of the Housing Division. The CIP balance is insufficient to fund an outside consultant; up to an additional $200,000 would be needed for a comprehensive update by a consultant or one-time extension of staff. The work can be done incrementally by in house staff but would not be done as quickly.	1. Prepare individual code amendments targeting CC priorities, in lieu of a comprehensive update; to be prepared by staff instead of a consultant. This will allow quicker implementation of priority amendments, with a focus on land use and development -related code sections and guidelines to delete outdated provisions and amend codes as necessary to better support current enforcement goals and policies December 2014 – Jay Petrek	1. Adoption of individual code amendments and area plans
	There is currently no funding for an incentives program to rehabilitate residential properties. The Home Rehabilitation Program was discontinued in 2011 due to the	2. Explore new funding options to reinstate a Housing Rehabilitation Program and/or "curb appeal" program; options include:	2. Fund program

Goal	Current Reality	Strategy	Evaluation Measure
	Dissolution of the Redevelopment Agency. Residential projects are not eligible for Façade Improvement Program grants. An application was submitted for CalHome Grant Funds to reinstate the Home Rehabilitation Program. The City was notified in late June the grant was not awarded.	• Continue to pursue grant opportunities • Designate proceeds from sale of Mercado properties (as part of long range property management planning) or other Housing repayments (such as First Time Homebuyer program) • Use Reserve Funds to establish new program similar to FIP December 2014 - Karen Youel	
	With the elimination of the redevelopment agency, the City must find new funding sources to redevelop blighted areas and meet goals for affordable housing. As a result of recent project repayment from the Terraces, HOME funds are available for housing projects.	3. Prepare an RFP for use of HOME funds directed towards rehabilitation of substandard multi-family housing in specified areas. Housing will be for income-qualified households and monitored for up to 55 years. Completed	3. Issue RFP and select developer(s)
	Existing street lights are not energy efficient; current lighting ordinance does not recognize new technologies to allow retrofit. Significant savings could be realized by retrofitting luminaires with energy efficient LEDs.	4. Amend "Dark Skies" Outdoor Lighting Ordinance to allow use of energy efficient street lights (LEDs) March 2014 – Rozanne Cherry 5. Retrofit street lights by contracting a company with proven experience and success in LED switchovers. December 2014 – Bud Oliveira	4. Adopt Ordinance 5. Quantify LED installations, energy savings and overall costs.

Goal	Current Reality	Strategy	Evaluation Measure
		6. Explore contracts with mobile cell providers to implement new cell technology on streetlights, and require retrofit of lights as part of contract. December 2014 – Bud/Homi Namdari	6. Number of retrofitted streetlights
	Existing design standards for improvement of public streets may be an impediment to the annexation of developed properties. Rural road standards may be appropriate in some circumstances; however, the previous rural standards were repealed.	7. Revise Engineering standards to reinstate Rural Street Standards. April 2014 – Julie Procopio	7. Adoption of standards
Improve City Appearance by Restoring Proactive Code Enforcement	Current staffing in code enforcement is based on part-time (PT) positions which: • Allows for limited weekend and flexible coverage, but no nighttime enforcement • Experience a high staff turnover, making it difficult to train officers with appropriate certifications. Proactive enforcement citywide cannot be accomplished until such time as additional full time positions are restored. Code enforcement is currently complaint-based (except in CDBG areas), with priority given to	8. Retain budget for 2 PT CDBG-funded positions, for proactive enforcement in eligible commercial areas, based on defined priorities. Completed 9. Conduct a workshop with Council to discuss Council priorities for enforcement. December 2014 – Brian Gustafson 10. Identify priority areas for targeted proactive enforcement, including downtown, gateways and transportation corridors, public spaces and other highly visible locations. December 2014 - Brian	8. Quarterly reports 9. Conduct workshop and establish priorities 10. Identification of target enforcement areas

Goal	Current Reality	Strategy	Evaluation Measure
	Health/safety violations. Priorities are as follows: • Health and Safety violations • Building and Housing Code violations (garage conversions, non-permitted room additions, substandard dwellings) • Maintenance of abandoned & foreclosed properties • Weed and junk abatement • Mobile Home park inspections • Shopping Carts • Illegal signs • Business license violations Additional funding is needed to reinstate proactive enforcement citywide ($86 K per FT position, including benefits).	11. Respond to Quality of Life issues brought up by community groups as assigned by the District Area Commander. Conduct crime prevention through environmental design (CPTED) principles and develop long term solutions. July 2014. – Bob Benton 12. Coordinate with Economic Development staff to provide initial contact responding to complaints to inform and encourage voluntary compliance similar to the Project/Neat model. Completed	11. Adopt CPTED standards 12. Establishment of protocols for EDD participation
	Approximately 175 vehicles are abated quarterly on public and private property under the AVA Reimbursement Program. The State Fee Authorization to fund this reimbursement program has expired.	13. Continue to fund PT Code Enforcement position for AVA program through FY 2013/14 FY General Fund budget for abatement on private property and direct Police Department to continue abatement on public streets. – Completed	13. Quarterly reports

Goal	Current Reality	Strategy	Evaluation Measure
	Maintenance of city property should set the standard in the community. Unfortunately it has been reduced due to diminished resources. "We Care" reporting program has emphasized expectation that all employees should report problems. "Report It!" App has made reporting easier. Complaints may also be submitted via website, email and phone.	14. Complete Code Enforcement inspection of City-owned/lease properties on annual basis, documented through Trakit. -December 2014 - Brian/Debra Lundy	14. Annual reports
	Closure of former Escondido Country Club has greatly increased demand for monitoring of property maintenance issues in that area.	15. Establish interdepartmental team to monitor and respond to maintenance issues and coordinate efforts with property owner/manager. Completed	15. Number of valid complaints resolved.

Goal	Current Reality	Strategy	Evaluation Measure
Create a More Vibrant and Appealing Downtown	A comprehensive amendment to the Downtown Specific Plan implementing the adopted General Plan has been prepared for public review and the EIR is certified. Planning Commission hearings were held in July; public hearings are scheduled for Council in August 2013.	16. Adopt amendments to Downtown Specific Plan - Completed	16. Adoption
	Decorative banners are an inexpensive way to create a vibrant atmosphere and enhance tourism/ economic development efforts in downtown Escondido. Economic Development staff are working on a "subway sign" style design for new banners which will be presented to the City Appearance Team for review and approval.	17. Install 12 decorative banners on existing polies in center medians on Grand Avenue. November 2013 - Joyce	17. Installation
	Sidewalk cafes and façade improvements contribute to the pedestrian environment but often encroach into the public sidewalk creating a potential liability. A mechanism is need to ensure that adequate insurance is maintained by the business/property owner.	18. Revise the Encroachment Permit process to streamline process and ensure adequate insurance is maintained to reduce City liability. - Completed	18. Adopt revised policy and/or procedures

Goal	Current Reality	Strategy	Evaluation Measure
Maintain Recreational Facilities, Programs and Parks	Budget constraints and departmental reorganizations have resulted in the fragmentation of responsibilities for oversight of new park facility planning and construction. Multiple advisory commissions (Community Services, Planning and Public Art) have oversight of design and master planning efforts yet are coordinated through different departments. Maintenance demands need to play a greater role in planning efforts.	19. Consolidate review by designating the City Appearance Committee (CAC) as the entity responsible to review park master plan and improvement projects and to make recommendations to Council. Project Manager will coordinate consultants and interdepartmental team as needed to prepare plans for the design, construction and maintenance of park facilities for presentation to CAC. – Completed	19. Designate committee
	Council authorized $50,000 from Park Development funds for preparation of a master plan for the future El Caballo Park. Consultant selection is completed and scope of work is being prepared.	20. Execute consultant contract to prepare future El Caballo Park Master Plan Completed	20. Complete draft Master Plan for Council action or direction.
	The Grape Day Park Task Force is an ad hoc committee comprised of City staff and adjacent stakeholders with a common interest in restoring Grape Day Park as a recreation destinations. The Task Force's goal is to promote a family friendly welcoming and safe environment. Council has authorized CIP funds for consultant to prepare	21. Execute consultant contract to prepare Grape Day Park Master Plan – January 2014 – Loretta McKinney	21. Complete draft Master Plan for Council action or direction

Goal	Current Reality	Strategy	Evaluation Measure
	Grape Day Park Master Plan incorporating recommendations of the task force as endorsed by Council. An RFQ has been issued and consultant selection is anticipated in late August.		
	Funding for construction of the Grape Day Park playground structures has been approved in the CIP. Per Council direction, the playground will incorporate the historic eucalyptus tree trunk. An RFQ has been issued and consultant selection is anticipated in late August.	22. Executive consultant contract to develop improvement plans for the structures. January 2014 - Loretta	22. Complete improvement plans for bid.
	Partial funding for construction of Jim Stone Pool improvements has been approved in the CIP ($219K). A draft assessment of the site by consultant is under review. The assessment will enable the City to prioritize improvement and expansion projects. Additional funding will be needed to complete the improvements. Total estimated cost if $936K.	23. Prioritize improvements and expansion projects. – March 2014 - Loretta	23. Complete assessment for Council action or direction
	Funding for an assessment of Kit Carson Park play equipment has been approve in the CIP ($255K).	24. Complete assessment from park users and community; execute consultant contract to design play equipment. December 2014 - Loretta	24. Complete assessment for Council action or direction

Goal	Current Reality	Strategy	Evaluation Measure
	Funding for installation of Jesmond Dene Park Ball Field lighting has been approved in the CIP ($114K). Some objection to the lighting has been raised by neighbors.	25. Prepare improvement plans for review by City Appearance Committee. September 2014 - Loretta	25. Complete improvement plans for bid.
Expand City Collaboration with our 17 Neighborhood Groups to Include Urban Core	CDBG Staff works with 17 neighborhood groups as part of Project NEAT. The program has been successful and serves as a model for other neighborhoods. Due to reduced CDBG funding, training is restricted to organized groups. Residents are encouraged to report all code issue and have been trained on "street appearance issues to report. Expansion to other low income areas will be on hold until funding is restored.	26. Continue to solicit and invite residents in the urban core who are not yet organized to formally organize into a neighborhood group. Ongoing – Rich Buquet/Danielle Lopez 27. Partner with Habitat for Humanity as part of the "A Brush with Kindness" program. - Completed	26. Number of neighborhood groups 27. Number of clean up events
	The NEAT staff person will spend 50% of time working on NEAT activities (20 hrs./wk.). This include education, training to report violations, and attending neighborhood meetings to provide status update on the	28. Integrate an educational component in all neighborhood correspondence and group meetings. This will include handouts, regular NEAT reports and articles in the Neighborhood E-News. Annual cleanup and neighborhood	28. Track and report NEAT projects in all groups. Continue to monitor the success of the NEAT approach in solving code cases without the need to elevate to an actual code case

Goal	Current Reality	Strategy	Evaluation Measure
	Progress in individual group areas. NEAT type "sweeps" are timed in advance of the annual cleanups to provide the opportunity for violations to clean up their residence by using the cleanup. All Neighborhood Services staff continue to education all of the respective groups and encourage reporting all code issues.	Group smaller monthly "spot" cleanups will be encouraged in all 17 neighborhood groups. Ongoing - Rich Buquet/Danielle Lopez	
Implement Escondido Creek Master Plan as Funds Become Available	City Council has accepted the Escondido Creek Master Plan, however funding for improvements I limited and will be done on an incremental basis as funding become available or as part of the development of adjacent properties.	29. Explore grant opportunities and leverage CDBG funds to implement Master Plan. November 2014 - – Jay/Rich Buquet 30. Explore an "Adopt a Creek" program for improvement and maintenance of creek segments. December2014 - Rich Buquet/Danielle Lopez	29. Number/amount of grant funds awarded 30. Prepare reports and policy recommendations for City Council consideration
	The master plan includes design concepts that can incorporate public art into the improvements, similar to the approach used for the Maple Street Plaza; $302,000 in Public Art (PA) funds have been designated in the CIP for functional public art along the creek. However, some of this funding may need to be reallocated for maintenance of other public art pieces.	31. As recommended by the Public Art Commission, use designated PA funds to hire a consultant to prepare a master concept plan for functional public art along the creek walk – October 2014 Kristina	31. Complete draft master plan.

Goal	Current Reality	Strategy	Evaluation Measure
Graffiti Removal	Graffiti reports and incidents are responded to as best possible. Previous staffing levels could remove reported graffiti in 24-hour period. Current staffing levels do not have the ability to keep up with removals of all graffiti reported. Five employees currently assigned to graffiti removal (2 Full Time employees and 3 1,000 hour Temporary Department Specialists). An additional $75K in CDBG funds was allocated for the graffiti program, which can be used for efforts on private property in CDBG-eligible areas. Graffiti reported by residents, City employees, and others. Historically receive in excess of 1,000 graffiti reports monthly. Focus is on education, enforcement and eradication. Public workshop on the Graffiti Master Plan is scheduled for 9/11/13.	32. Prepare a Graffiti Management Plan, to identify and address priorities, including: • Profanity • PD requests • Targeted locations (Gateways, downtown focus area, and public property) • Repeatedly hit sites • Private property with Right to Enter (RTE) Other components of the plan will include: • Property owner responsibilities • Code enforcement actions • Investigation of electronic enforcement with EPD • CPTED design standards to discourage graffiti • Opportunities for partnerships with agencies such as schools, SDG&E and the Escondido Arts Partnership to develop programs promoting artistic expression in public settings. Completed	32. Number of reports received compared to number of locations cleaned Monthly reports of graffiti compared to historic data for previous months Track man hours, labor and material costs

Goal	Current Reality	Strategy	Evaluation Measure
Carryovers from Previous Council Action Plan	33. Solicit feedback from customers on the quality of service they received from City staff.	33. Number of feedback forms received and quality of service measured. May 2014 - Michelle	Customer Feedback

City Council Action Plan
Public Safety

Goal	Current Reality	Strategy	Evaluation Measure
Address Police and Fire Staffing • **Need competitive compensation packages implemented over time** • **Need to fill police positions to the level of what we need without upending the balanced budget.**	Current contracts with Police and Fire expire Dec. 31, 2013. PD currently has 10 officer positions open and is actively recruiting for them. While large numbers of applicants apply for the positions, only a small number actually pass the necessarily stringent screening process, making it challenging to fill positions in a timely manner. FD implemented new Non-Safety Fire Medic program. Currently FD training is a collateral responsibility for a Battalion Chief. FD currently has a backlog of mandated inspections of commercial and other businesses. A self-inspection program to train low risk business owners to inspect their own business for possible violations that can be self-corrected could reduce the backlog.	1.Work with Human Resources on creative benefit ideas and a plan to implement them within allotted budget. - Completed 2. Increase recruitment advertising and attendance at job fairs July 2014- Craig Carter 3. Evaluate the change of the EMS transport methodology. June 2014 - Mike Lowry 4. Explore creative staffing options and/or grants to offset increase of adding a 40 hour Training Chief Position and part time position for inspections. December 2014- Mike Lowry 5. Evaluate Fire and Life Safety Self-Inspection program for businesses under 5,000 square feet. December 2014 - Mike Lowry	1 Successful negotiation of 2014 labor contract. 2. Number of qualified candidates, applications and successful hires. 3. Completion of evaluation 4. Completion of feasibility study. 5. Completion of evaluation.

Goal	Current Reality	Strategy	Evaluation Measure
Integrate advanced or non-traditional technology to improve efficiency and service • **Accomplish this through cameras, environmental design, and lighting** • **Must have the best training and equipment**	Current camera system at Grape Day Park needs to be repaired; additional camera needed at Maple Street Plaza. Funding in the amount of $50,000 was approved by Council in April 2013.	6. Restore and expand camera systems at Grape Day Park, City Hall and Maple Street Plaza July 2014- Bob Benton	6. Installation of new equipment
	Currently beta-testing "Corona Solutions", a new web-based application that provides historical CAD information to help with Predictive Policing	7. Train PD personnel on Corona Solutions and begin using it for predictive analysis and data mining. – Completed	7. Completion of training
	The RMS (Regional Management System) will move the PD to a more efficient electronic and "paperless" system; will decrease time and costs of paper, copiers, toner, etc. Ultimately will provide efficiencies by all divisions.	8. Train PD personnel on RMS system; anticipate going live in January 2014 – July 2014- Bob Benton	8. Completion of training
	Currently EPD uses social media to enhance communication with the community and to serve as a force multiplier	9. Increase use of social media for daily and emergency information to community followers –Completed	9. Number of followers and "re-tweets" of information
	PD currently doesn't make significant use of the state –of-the -art training facility at Fire Station 1	10. Evaluate FS 1's training facility to incorporate police training equipment, similar to Carlsbad's training facility – July 2014 - Mike Lowry/ Bob Benton	10. Completion of evaluation

Goal	Current Reality	Strategy	Evaluation Measure
	PD does not have a dedicated area at the Police Shooting Facility to conduct realistic "non" live-fire training. This type of training is critical in preparing officers to handle real incidents in the field. This type of training is also much sought after by outside law enforcement agencies interested in using the facility.	11. Evaluate area and equipment needs at Escondido Range for realistic, scenario-based training – July 2014 - Craig Carter	11. Completion of evaluation
	The Fire Department RMS system is outdated and creates duplication of effort, resulting in lost hours and the inability to create desired reports.	12. Research various programs and vendors and obtain costs - April 2014 - Mike Lowry	12. Completion of research

Goal	Current Reality	Strategy	Evaluation Measure
Maintain and strengthen existing police and fire policies • **Support Traffic safety and DUI checkpoints, gang team, code enforcement, graffiti eradication**	Currently PD conducts numerous traffic-related operations including DUI checkpoints. PD conducts curfew sweeps when needed. Due to the reorganization of Investigations, currently there is no detective assigned to the North County Regional Task Force.	13. Continue traffic safety operations and determine efficiencies – Completed 14. Partner with San Marcos and Valley Center Sheriff's deputies to conduct multi-jurisdictional traffic and gang operations July 2014- Craig Carter 15. Schedule regular curfew sweeps – March 2014- Craig Carter 16. Fill Gang Task Force position when staffing allows – Completed	13. Evaluation of traffic related collision data to determine effectiveness 14. Evaluation of effectiveness of multi-jurisdictional approach 15. Number of contacts/arrests 16. Increased presence of North County Gang Team in Escondido

Goal	Current Reality	Strategy	Evaluation Measure
Expand target community policing • **Grape Day Task Force** • **Friendly interactions with officers**	By creating a task force consisting of stakeholders around Grape Day Park, the crime and blight in the park has decreased significantly. Conversely the recreational use and perception of safety has dramatically increased. This model could be expanded by PD to work with organized neighborhood groups to mitigate crime and other problems in their neighborhoods.	17. Introduce the Grape Day Park task force model to all 17 neighborhood groups; Adopt a neighborhood officer and sergeant program, assigning them to the various neighborhood groups - Completed	17. All neighborhood groups know who which officers and sergeants work in their neighborhood
	Positive PD interactions with the community are limited to a few special events every year, i.e, National Night Out, etc.	18. Reinstitute Police Community Awareness Academy; participate in neighborhood meetings – July 2014 - Craig	18. Number of Academy graduates and neighborhood meetings
		19. Establish informal open "coffee meetings" in various areas of town to provide a forum for an open discussion March 2014- Craig	19. Number of attendees
		20. Provide officers and employees who have public interaction with stickers and trading cards as giveaways to children to reinforce positive interactions – Completed	20. Number of cards and stickers distributed to community
	The PD Bike Team has been inactive for a period of two years.	21. Reinstate the Bike Team with 2 officers – Completed	21. Deployment of Bike Team

Agenda Item No.: 10
Date: November 6, 2013

ESCONDIDO
City of Choice

♦ POLICE OFFICERS' ASSOCIATION SWORN BARGAINING UNIT CONTRACT

- Item materials are unavailable at this time
  - Staff Report
  - Resolution No. 2013-154

Agenda Item No.: 11
Date: November 6, 2013

ORDINANCE NO. 2013-09(R)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE ESCONDIDO ZONING CODE ARTICLES 26, 27 AND 39, PERTAINING TO EMERGENCY SHELTERS

Planning Case No. AZ 13-0006

WHEREAS, Senate Bill 2 was enacted on October 13, 2007, by the State of California, and requires that cities provide sites where emergency shelters can be located without discretionary review, and

WHEREAS, the General Plan Housing Element was adopted on December 12, 2012, by the City Council, and includes a policy for designating an overlay area for emergency shelters in compliance with Senate Bill 2, and

WHEREAS, the City Council desires to implement the policies of the General Plan Housing Element and comply with state law.

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

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

SECTION 2. That the City Council has reviewed and considered the Notice of Exemption prepared for this project and issued on September 3, 2013, in conformance with Title 14 California Code of Regulation, California Environmental Quality Act ("CEQA") Section 15061(b) "General Rule", and has determined that all environmental

issues have been addressed and finds that no significant environmental impact will result from approving these code amendments.

SECTION 3. That upon consideration of the Factors to be Considered, attached as Exhibit "A" to this Ordinance and incorporated by this reference, the staff report and all public testimony presented at the hearing held on this project, this City Council finds the Zoning Code Amendment is consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 4. That specific sections of three (3) Articles of the Escondido Zoning Code Chapter 33 are amended as set forth in and attached as Exhibit "B" to this Ordinance and incorporated by these references.

SECTION 5. That the Zone District Map of the City of Escondido is hereby amended by incorporating the perimeter line shown on Exhibit "C", attached to this Ordinance and incorporated by this reference, describing the boundaries of the overlay area onto the map itself.

SECTION 6. That the City Clerk shall certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

EXHIBIT "A"
FACTORS TO BE CONSIDERED
AZ 13-0006

1. The public health, safety and welfare would not be adversely affected by approval of the proposed amendments to add an Emergency Shelter Overlay and development standards to the Zoning Code since the amendments would be consistent with the adopted Housing Element of the General Plan and the requirements specified in state law.

2. The site is suitable for the proposed amendments to the Zoning Code and the amendments would not be detrimental to surrounding properties, since the proposed Homeless Shelter Overlay was included and approved in the Housing Element of the General Plan. Additionally, allowing emergency shelters in a limited portion of the M-1 zone would be compatible with surrounding services and uses since the area is not located within the City of Escondido's Hazardous Chemical Overlay area, it is mostly developed with existing industrial and warehouse businesses in close proximity to Palomar Hospital and North County Transit District SPRINTER and BREEZE routes, and existing social services are accessible via transit.

3. The proposed amendment to the Zoning Code is consistent with the General Plan, since the overlay map has been incorporated into the adopted Housing Element and the amendment involves implementation of a program identified and approved as part of the adopted Housing Element of the General Plan.

EXHIBIT "B"

HOMELESS SHELTER OVERLAY
Proposed Amendment to
Article 26
This table is repealed and replaced:
Table 33-564

PERMITTED AND CONDITIONALLY PERMITTED PRINCIPAL USES

Use Title	I-O	M-1	M-2	I-P
Administrative and business offices	P			P
Agriculture livestock (not including animal waste processing facilities)		C	P	
Ammunition manufacturing		C	C	
Animal hospital and care		P	P	
Assembly	P	P	P	P
Auction services	P	P	P	P
Auto, RV and boat sales**	P	P	P	P
Automotive services (excluding gasoline service stations)		P	P	
Banks/automated teller machines		C	C	C
Boat repair		P	P	
Building materials**	P	P	P	P
Bulk fertilizer (not including animal waste processing facilities)			C	
Cabinet manufacturer/wholesaler**	P	P	P	P
Canning/curing seafoods		C	C	
Carpeting manufacturer/wholesaler**	P	P	P	P
Communication facilities (subject to Article 34)	P	P	P	P
Construction services	P	P	P	P
Crematoriums	P	P	P	P
Daycare				C
Electrical wholesale houses**	P	P	P	P
Emergency Shelters**		**P**		
Equipment sales and leasing		P	P	
Experimental-type uses	C	C	C	C
Feed stores**	P	P	P	P
Fleet fueling		P	P	
Furniture manufacturer/wholesaler**	P	P	P	P
Government services	P			
Grain mills		C	P	
Green waste compost facility			C	
Health and fitness facilities				C
Heavy construction equipment** (e.g., tractors, earth moving equipment, etc.)	P	P	P	P

Use Title	I-O	M-1	M-2	I-P
Helipads		C	C	C
Industrial hardware**	P	P	P	P
Landscape materials** (e.g., soil, compost, wood chips)	P	P	P	P
Lumber yards**	C	C	P	C
Manufacturing	P	P	P	P
Masonry products**	P	P	P	P
Materials batch plants and concrete recycling			C	
Medical laboratories	P	P	P	P
Oil refinery and bulk stations (located outside of the HCO zone)			C	
Plumbing supply**	P	P	P	P
Power plants			C	C
Primary metal manufacturing			C	
Recycling facility1				
Small processing facility1		C	P	
Large processing facility1		C	C	
Repair services	P	P	P	P
Restaurants		C	C	C
Slaughter houses/meat products		C	C	
Social and charitable services (including emergency shelters)***		C		
Solid waste transfer facility			C	
Storage yards		C	P	
Swap meet		C		
Trades	P	P	P	P
Transmission/communication facilities		C	C	
Transportation facilities	P	P	P	
Uses involving hazardous chemicals or waste*	C	C	C	C
Utilities	P	P	P	
Vehicle, shredding and dismantling		C	P	
Warehousing and distribution	P	P	P	P
Wholesale	P	P	P	P

* = As determined by the director of planning and building and the fire chief based on information provided by the business describing the quantity and nature of hazardous chemicals used.

** = Retail component greater than the maximum fifteen (15) percent floor area/sales allowed under "Incidental Use" regulations is allowed only in M-I and M-2 zones, subject to conditions in section 33-566—Specialized retail uses.

*** = Only on sites immediately adjacent to the general commercial zone and within five hundred (500) feet of public transportation.

******=Only on sites within the Emergency Shelter Overlay, Figure 33-661, and subject to the requirements of Article 27.**

P = Permitted use.

C = Conditional permitted use subject to issuance of a conditional use permit by the planning commission (pursuant to section 33-1200).

[1] = Pursuant to the Article 33 of the zoning code (recycling facilities).

Proposed Zoning Code Language:

Article 27 EMERGENCY SHELTER OVERLAY

Sec 33-590. Purpose.

The purpose of the Emergency Shelter Overlay is to provide an appropriate zone to accommodate year-round emergency shelters and accommodate the City's share of the unsheltered homeless population. This section provides standards for the establishment and operation of Emergency Shelters in compliance with Government Code Section 65583.

Sec 33-591. Definition.

An Emergency Shelter is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Sec. 33-592. Permitted Locations.

Emergency Shelters are allowed without discretionary review when located within the Emergency Shelter Overlay, Figure 33-592. A conditional use permit pursuant to Article 61 of the zoning code shall be required if the emergency shelter beds within the City as defined under Government Code Section 65583 meets or exceeds the number of emergency shelter beds required by Government Code Section 65583(a)(7). The determination required by this paragraph shall occur on the date the operator submits materials required in Sec. 33-594.

Sec. 33-593. Designation of Zone.

Establishment of the Emergency Shelter Overlay, in combination with a designated industrial zone, shall be designated on the official zoning map of the city by incorporating the perimeter line shown on Figure 33-592, describing the boundaries of the overlay area onto the map itself.

Sec. 33-594. Permit Administration.

At the time a new Emergency Shelter is requested in any new or existing building or structure, a Plot Plan application package shall be submitted to the planning division together with the application fee as established by resolution of the City Council. City staff shall review the application and associated submittal for compliance with all requirements, including the development standards in Section 33-595.

Sec. 33-595. Development Standards.

An emergency shelter proposed in the Overlay area must comply with the following:

(a) Each Emergency Shelter shall be located within an entirely enclosed, permanent structure.

(b) Each Emergency Shelter may have a maximum of 50 beds to serve a maximum of 50 clients.

(c) The maximum length of stay at any one time for any person shall be six months in any 12 month period.

(d) Off-street parking shall comply with Article 36, Off-Street Parking. Non-operational and non-registered vehicles shall not be kept on the site.

(e) There shall be no camping/sleeping in vehicles permitted on the site of the shelter.

(f) An emergency shelter shall be located at least three hundred (300) feet from another emergency shelter, as measured from property boundaries.

(g) Each emergency shelter shall provide on-site supervision at all times when the shelter is open.

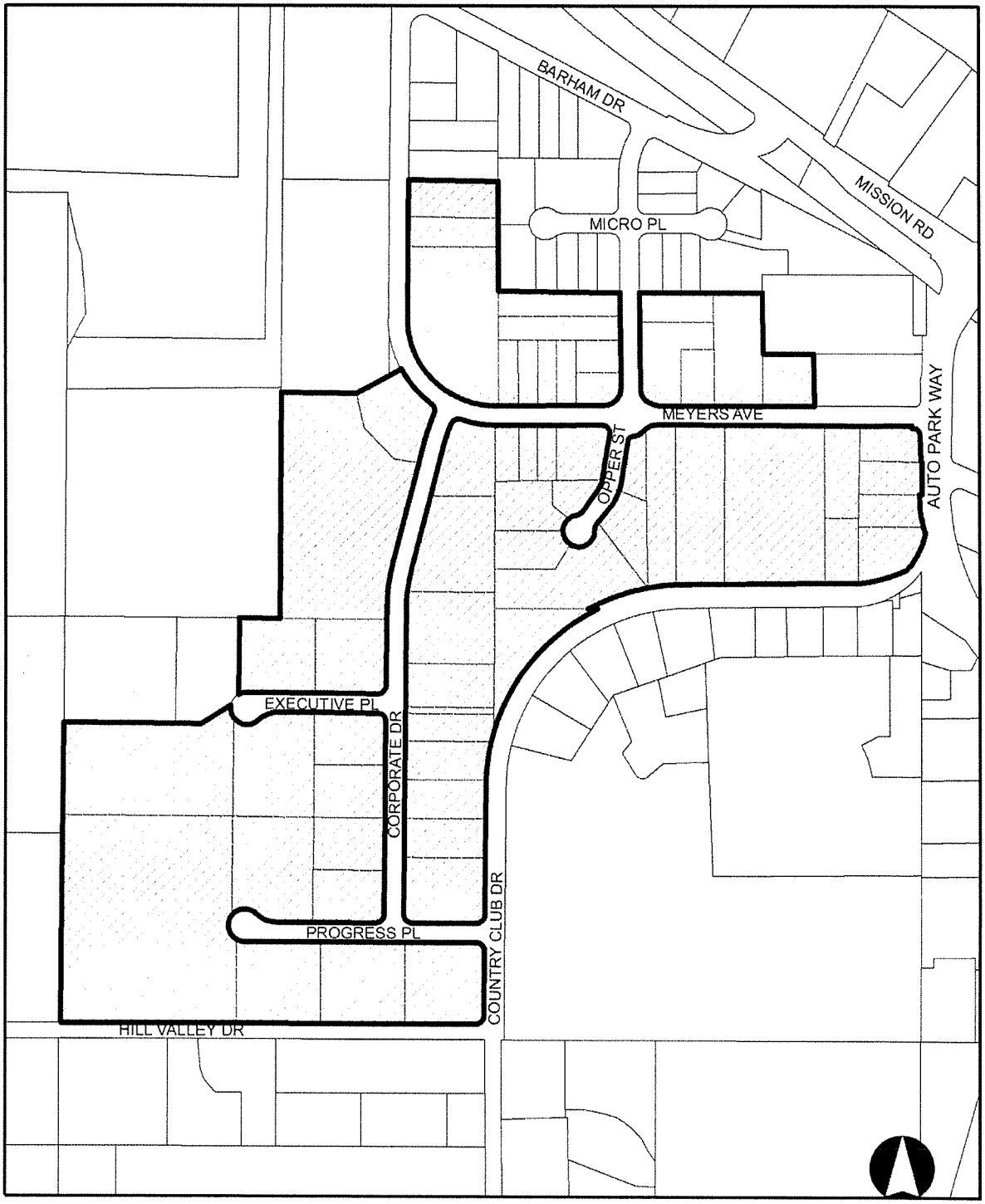
(h) Each shelter shall conform to the requirements of the Outdoor Lighting Ordinance, Article 35.

(i) The emergency shelter operator/provider shall submit a written management plan, to the satisfaction of the city, with the Plot Plan application for approval. The intent of the management plan is to establish operating procedures that promote compatibility with the surrounding area and businesses. The operator shall agree to maintain the standards in the management plan.

Sec. 33-596. Modification of Approval or Conditions

In the event that, after operation of an approved emergency shelter has begun, complaints are received that conditions of approval or the management plan are not adequate due to negative impacts to the surrounding properties, staff may re-address the application with the operators to determine if additional or modified conditions are needed.

Add as Figure 33-592:
Emergency Shelter Overlay



Proposed Amendment to: Art. 39, Off-Street Parking:

Sec. 33-765. Parking spaces required.

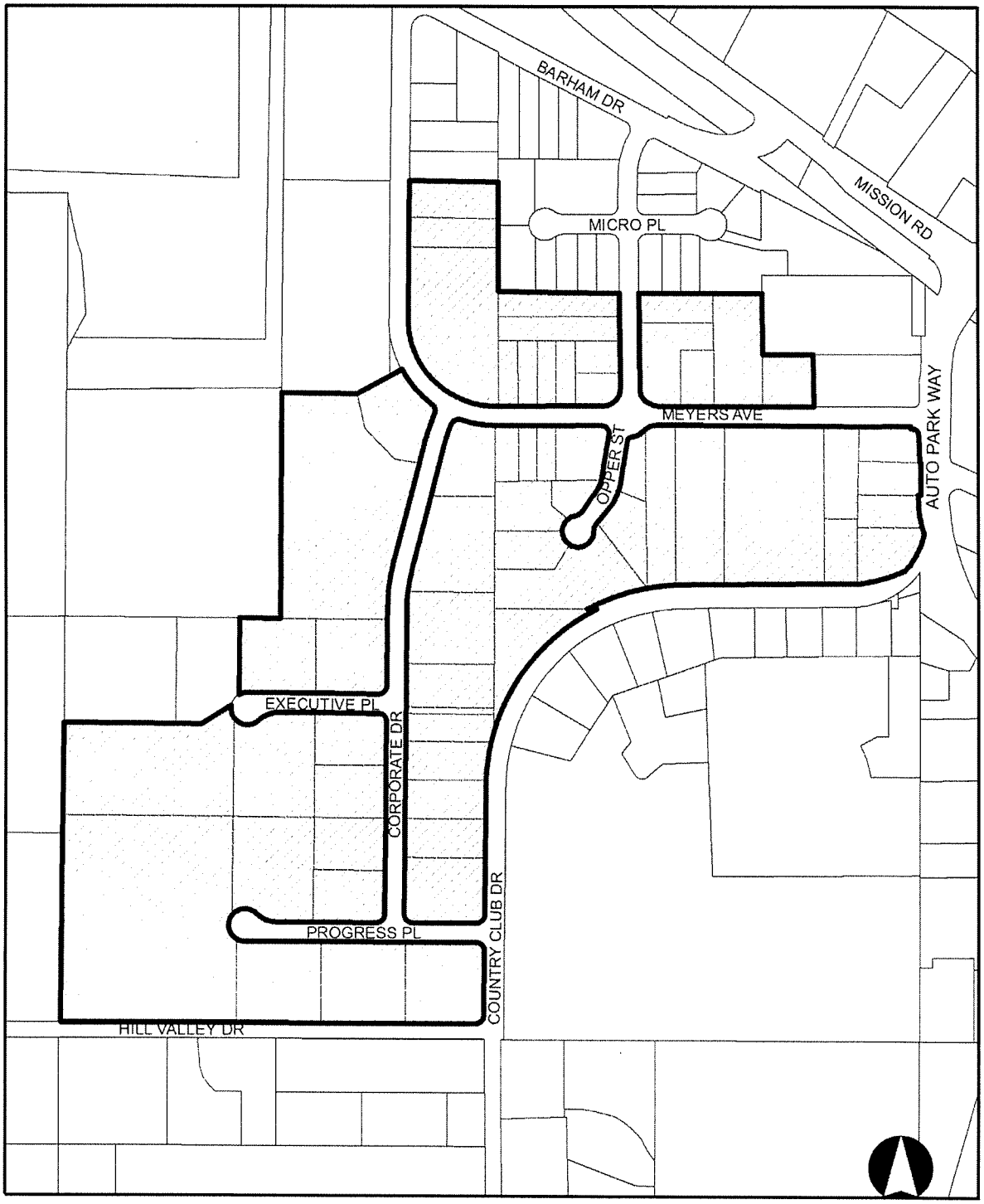
Except as specifically required in applicable zoning regulations, specific plans, or in section 33-782, Parking for Historic Structures, the number of off-street parking spaces shall be not less than that specified below. When an addition is made to an existing building, only the square footage in such addition need be used in computing the required off-street parking.

Use	Parking Spaces Required
Residential	
Single-family and two (2) family residences	Two (2) car garage or carport for each unit
Bed and breakfast	One (1) parking space for each sleeping room available for rent, in addition to those spaces required by this section for the primary residential use. All spaces shall be located on-site.
Second dwelling units	One (1) parking space for the unit, in addition to those spaces required by this section for the primary residential use. All spaces shall be located on-site.
Multiple Dwellings	
Bachelor	One (1) parking space per unit.
One (1) bedroom	One and one-half (1 1/2) parking space per unit.
Two (2) bedroom	One and three-quarter (1 3/4) parking space per unit.
Three (3) or more bedrooms	Two (2) parking spaces per unit. Each unit shall have a minimum of one (1) covered parking space. In addition, there shall be provided a guest parking space for each four (4) units or fraction thereof. On-street parking spaces, when approved by the staff development committee, may be counted toward fulfilling this requirement. Street frontages abutting the subject property and which are included in the circulation element of the general plan shall not be included in fulfilling this requirement.
Mobilehome parks	Two (2) parking spaces for each site. Parking may be in tandem. In addition, one (1) space for each ten (10) sites for the laundry and recreation facilities.
Rooming houses, lodging houses, clubs and fraternities having sleeping rooms	One (1) parking space for each two (2) sleeping rooms.
Sanitariums, children's homes, homes for the aged, asylums, nursing homes	One (1) parking space for each three (3) beds.
Commercial	
Automobile accessory shops	One (1) parking space for each six hundred (600) square feet of gross floor area.
Automobile service stations	One (1) parking space for each service stall.
Banks, and savings and loans	One (1) parking space for each two hundred (200) square feet of gross floor area.
Barber shops and beauty salons	One (1) parking space for every six hundred (600) square feet of gross floor area.
Furniture, large appliance stores and personal computer stores	One (1) parking space for each eight hundred (800) square feet of gross floor area.

Use	Parking Spaces Required
Hotel, motel, and bed and breakfast facility	One (1) parking space for each sleeping unit, plus one (1) parking space for the resident manager, plus one (1) loading space, minimum size ten (10) feet wide, thirty-five (35) feet long and fourteen (14) feet high for each twenty thousand (20,000) square feet of commercial use included in the facility (restaurant, bar, store, etc.), one (1) parking space for each one hundred (100) square feet of restaurant gross floor area, one (1) parking space for each one hundred (100) square feet of assembly area (meeting halls, auditoriums, conference rooms, etc.).
Motor vehicle, machinery sales and repair garages (excluding motorcycles)	One (1) parking space for each one thousand (1,000) square feet of display floor area, one (1) space for each eight hundred (800) square feet of storage area, one (1) space for each two hundred fifty (250) square feet of garage floor area.
Truck or motor home repair vehicles twenty-five (25) feet or longer	One (1) space for every one thousand (1,000) square feet.
Motorcycle sales and repair	One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
Pushcart food sales	No parking shall be required for pushcart food sales facilities except as required on a case-by-case basis as determined by the community development director as part of plot plan review procedure.
Offices	
General business and professional	Four (4) parking spaces or one (1) parking space for each three hundred (300) square feet of gross floor area, whichever is greater. For offices in the industrial park zone or industrial park overlay, the requirement shall be one (1) parking space for each two hundred fifty (250) square feet of gross floor area.
Medical, dental and clinics	One (1) parking space for each two hundred (200) square feet of gross floor area.
Restaurants/Food	
Restaurants, bars, night clubs and others	
Having less than four thousand (4,000) square feet	One (1) parking space for each one hundred (100) square feet of gross floor area. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.
Having four thousand (4,000) square feet	Forty (40) parking spaces plus one (1) for each fifty (50) square feet of gross floor area over four thousand (4,000) square feet. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.
Drive-in, drive-up, drive-thru	Twenty (20) parking spaces plus one (1) for each one hundred (100) square feet of gross floor area over four thousand (4,000) square feet. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.
Product specialty, donuts, ice cream, bakery, etc.	One (1) parking space for each one hundred fifty (150) square feet. Outdoor dining areas not to exceed three hundred (300) square feet shall be exempt from parking subject to Miscellaneous Use Restrictions, section 33-1111 of Article 57 of this chapter.
Retail	
General retail, except as otherwise specified herein	One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
Coin operated laundry	One (1) space per two hundred fifty (250) square feet.
Open retail, nurseries and vehicle sales lots not otherwise specified	One (1) parking space for each one thousand (1,000) square feet of lot area.

Use	Parking Spaces Required
Trailer and boat sales lots	One (1) space per two thousand (2,000) square feet of lot supplies.
Shopping center (for the purpose of this article, a shopping center shall have a minimum lot area of three (3) acres and have multiple uses)	One (1) parking space for each two hundred (200) square feet of gross floor area.
Stamp redemption centers	One (1) space.
Tailor shops, shoe repair	Three (3) parking spaces or one (1) parking space for each six hundred (600) square feet of gross floor area, whichever is greater.
Massage parlor	One (1) space per one hundred (100) square feet.
Recreational	
Auditoriums and other places of public assembly and clubs, lodges having no sleeping facilities	One (1) parking space for each five (5) seats and one (1) for each one hundred (100) square feet of assembly area not having fixed seats.
Bowling alleys	Four (4) parking spaces for each alley. In addition, spaces for incidental uses shall be provided in accordance with standards specified for the particular use.
Game and athletic courts	Two (2) parking spaces for each court.
Gymnasium, skating rinks, billiard halls, dance schools, karate schools	One (1) parking space for each five (5) seats plus one (1) for each two hundred (200) square feet of recreation floor area.
Golf driving ranges	One (1) parking space for each driving tee.
Miniature or pitch and putt golf courses	Three (3) parking spaces for each hole or two (2) for each hole plus the requirement for the accessory uses, whichever is greater.
Swimming pools	One (1) parking space for each one hundred fifty (150) square feet of gross water surface area.
Theaters and auctions	One (1) parking space for each five (5) seats or one (1) parking space for each thirty-five (35) square feet of assembly area.
Industrial	
Kennels, veterinary hospitals and veterinary offices	One (1) parking space for each two hundred (200) square feet of examining and operating areas, plus (1) parking space for each four hundred (400) square feet of additional floor area.
Recycling facility	One (1) space for each five hundred (500) square feet of material processing area; one (1) space for each five thousand (5,000) square feet of outdoor storage area; one (1) space for each scale or bin plus one (1) space (for waiting) per two (2) scales or bins for customer parking.
Manufacturing uses, research and testing laboratories, food processing, printing and engraving shops and contractors	A. Parking standards for the M-1 and M-2 zones. One (1) space for each vehicle used in conjunction with the business, plus one (1) parking space for each five hundred (500) square feet of open or enclosed area devoted to the primary use, except contractors' open storage yards one (1) space per one thousand (1,000) square foot lot. B. Parking standards for the IP and IP-O zones. Suite Size — Space/Sq. Ft. <5,000 sq. ft. — 1/400 5,000 to 9,999 sq. ft. — 1/500 10,000 to 19,999 sq. ft. — 1/575 >20,000 sq. ft. — 1/650 Plus one (1) space per one thousand (1,000) square foot lot for contractors' open storage yards.
Salvage yard, junk yards, auto wrecking, storage yards, lumber yards and similar uses	One (1) parking space per employee on the largest shift or one (1) space per five thousand (5,000) square feet of lot area, whichever is greater.
Truck terminals	One (1) parking space for each three thousand (3,000) square feet of lot area.

Use	Parking Spaces Required
Warehouse and wholesale business and mini-storage	A. Parking standards for the M-1 and M-2 zones. One (1) parking space for each eight hundred (800) square feet of gross floor area. One (1) space per five thousand (5,000) square feet of floor area and storage lot for mini-storage. B. Parking standards for the IP and IP-O zones. Suite Size — Space/Sq. Ft. <5,000 sq. ft. — 1/500 5,000 to 9,999 sq. ft. — 1/600 10,000 to 19,999 sq. ft. — 1/700 >20,000 sq. ft. — 1/800 One (1) parking space per five thousand (5,000) square feet of floor area and storage lot for mini-storage.
Miscellaneous	
Churches, chapels, religious meeting halls and their accessory uses	One (1) parking space for each five (5) seats or one (1) parking space for every one hundred (100) square feet of gross floor area for assembly areas without fixed seating (twenty-two (22) inches of linear bench constitutes one (1) seat).
Hospitals	One and one-quarter (1 1/4) parking spaces for each bed.
Libraries, museums and library stations	One (1) parking space for each two hundred fifty (250) square feet of gross floor area.
Mortuaries	One (1) parking space for every (50) square feet of gross assembly floor area.
Schools, private and public:	
Grade schools, elementary and junior high schools	One (1) parking space for each employee and faculty member.
Senior high schools	One (1) parking space for each employee and one (1) for each three (3) students for which the facility is designed.
Trade schools, business colleges and commercial schools	One (1) parking space for each one and one-half (1 1/2) students of the maximum capacity of the classroom plus one (1) space for each faculty member.
Emergency Shelters	**One (1) parking space for each employee, volunteer, service provider and non-client who will be on-site during peak periods, plus one space per three (3) beds.**
Transportation terminals and facilities, public utilities, colleges, stadiums, sport arenas and golf courses	Adequate number as determined by the planning commission after special study has been performed.


BARHAM DR
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AUTO PARK WAY
EXECUTIVE PL
CORPORATE DR
PROGRESS PL
COUNTRY CLUB DR
HILL VALLEY DR

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. _____ File No. _____
Ord No. _____

Agenda Item No.: 12
Date: November 6, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Barbara Redlitz, Director of Community Development

SUBJECT: Recommendations for Allocation of Federal Home Investment Partnership (HOME) Program Funds (File # 0873-21)

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2013-138 allocating HOME and HOME/Community Housing Development Organization (CHDO) funds to two developer requests and authorizing the Mayor and City Clerk to execute, on behalf of the City, the necessary loan documents and affordable housing agreements in a form acceptable to the City Attorney regarding:

1. Federal HOME and HOME/CHDO funds in the amount of $2,100,000 to Solutions for Change for the development of 24 affordable multi-family rental units located at 1560-1574 S. Escondido Boulevard; and

2. Federal HOME funds in the amount of $200,000 to San Diego Habitat for Humanity (SDHFH) for the development of 11 affordable home ownership units located at 537 N. Elm and the adjacent vacant lot.

FISCAL ANALYSIS:

There will be no impact on the General Fund. HOME funds may be used solely for affordable housing purposes. HOME and HOME/CHDO funds reserved in the various budgets have been aggregated and are available for commitment.

BACKGROUND:

On August 22, 2013, the Housing Division released a Request for Proposals (RFP) inviting for-profit, non-profit and Community Housing Development Organizations (CHDOs) to submit requests for funding for the provision of affordable rental housing or first-time homebuyer opportunities through rehabilitation or redevelopment of blighted properties. The HOME Program regulations require that a minimum of 15 percent (15%) of the total HOME grant be allocated to certified CHDOs which are nonprofit organizations that have been certified by a city as meeting HUD's requirements. The RFP included a total of $200,000 in reserved HOME/CHDO funds.

The RFP originally included a total of $2,200,000 in HOME funds and in HOME funds which are reserved for CHDOs. After the issuance of the RFP, the Housing Division received unanticipated repayments of HOME loans, increasing the amount of HOME funds available to $1,958,773 in recaptured funds and program income, $200,000 in CHDO funds and $141,227 in 2012 and 2013 HOME funds, for a total of $2,300,000.

Five responses to the RFP were received and have been reviewed in detail by staff. Three were determined to either not qualify under this RFP or received significantly lower ranking according to the approved rating criteria. Additional fiscal review was conducted by Keyser Marston Associates. The proposals were evaluated carefully based on the rating criteria included in the RFP and approved by Council.

By regulation, HOME funds must be committed to a specific project within two years and expended within four or five years (for CHDO projects). Recaptured funds and program income must be committed before new allocations (FY 2012-13 or FY 2013-14) may be spent. FY 2012-2013 funds are required to be committed by June 30, 2014. Housing projects must have all financing committed, a budget and schedule established, underwriting and subsidy layering completed before HOME funds may be committed. Construction must be scheduled to begin within 12 months of the commitment of HOME funds. The HOME and HOME/CHDO development funds will be provided in the form of a loan to the project. The final structure of each of the agreements will be in a form approved by the City Attorney's office.

DISCUSSION OF RECOMMENDED PROJECT AND ANALYSES:

Developer: San Diego Habitat for Humanity (SDHFH)

In 2010 SDHFH received a loan commitment from the City of Escondido for $396,300 in HOME funds for the development of affordable townhomes on two vacant properties at 537 North Elm Street (the "SDHFH Project"). SDHFH also received a commitment of land for this project, including one parcel which was purchased with $200,000 in Neighborhood Stabilization Program (NSP) funds. The SDHFH Project could not proceed according to the NSP timeline and the NSP funds had to be removed from the project.

Financing Plan:

SDHFH has requested an allocation from the City's HOME funds of $200,000 for project construction and site predevelopment costs. Total project development costs are projected to reach $2.8 million. Habitat funds its projects using volunteer labor, in-kind donations, financial donations and conventional loans. As of September 30, 2013, Habitat had received commitments of just over $2 million in grants, donations and committed SDHFH resources. If approved, this allocation of

funds will provide a total subsidy of approximated $18,000 per bedroom, or $54,200 per unit to the project. A copy of the complete proforma is included as Attachment A.

Planning and Affordability Analysis:

The site is located in the Mission Park Area and has a General Plan designation of Urban III and Zoning land use designation of R-3-18 allowing for multi-family residential up to 18 units per acre. The SDHFH Project composition will include eleven 3-bedroom townhome units (33 bedrooms in total). The development will be regulated by requirements set forth in the City's loan documents restricting affordability. Once completed, priority will be given to Escondido residents who are first-time homebuyers with annual gross household incomes that are at or below 80% of Area Median Income (AMI). Affordability regulations will also be imposed and monitored by Habitat as the first mortgage holder. Additionally, a Home Owners Association (HOA) will be required as part of the planning approval process. SDHFH is currently working with the Planning Division on the submittal of a tentative map.

An allocation of HOME funds for construction costs and predevelopment costs, including engineering, planning, permits and impact fees is recommended based on the strength of the proposal submitted. The entire loan will convert to silent second trust deeds of equal share as the homes are sold to individual homeowners. The City's 3% simple interest loan will be forgiven at the end the affordability period, if no default has occurred. SDHFH will be required to maintain a Family Selection Committee throughout the entire affordability period of the loans, to ensure subsequent homeowners meet income eligibility requirements and to enforce an Equity Share Agreement if homes are sold during the affordability term to non-eligible households. As the first mortgage holder, SDHFH will retain first right of refusal on all individual properties.

Recommendation: approval of an allocation of HOME funds in the amount of $200,000.

DISCUSSION OF SECOND-HIGHEST SCORING PROPOSAL:

Developer: Solutions for Change (Solutions)

Solutions is proposing a new construction project at 1560-1574 S. Escondido Boulevard. The site currently has an abandoned commercial structure and an occupied triplex. In recent years, the property has suffered from absentee ownership and has had a number of police contacts.

The mission of Solutions for Change is to provide a permanent solution to homelessness to children and families and to solve family homelessness. The Solutions Family Center in Vista provides housing, and a variety of educational and work training opportunities for families during their first 500 days at the Solutions University. Historically, 18% of the families come from Escondido. The

proposed new project will build upon the Solutions University network by allowing its tenants access to a robust menu of service options and resources which will include intensive coaching, intervention assistance, youth development solutions and a continuing case plan with behavioral health, employment-related training and educational goals, family-oriented recreation and community activities, life skills instruction, and child care programs.

Financing Plan:

Solutions for Change has requested an allocation from the City's HOME funds of $2,200,000 for project construction and site predevelopment costs. Solutions will partner with Hitzke Development Corporation, a local affordable housing developer with wide experience in affordable housing financing. Total project development costs are projected to reach $9 million. Solutions plans to apply for 9% tax credit to fund the project. Alternatively, the project may also apply for project based Section 8 vouchers and 4% tax credits. Solutions for Change indicated that they could proceed with this project for less than the requested funds, although funding at a lower rate may have implications in the tax credit allocation process. A copy of the proforma as reviewed by Keyser Marston Associates is included as Attachment B.

Planning and Affordability Analysis:

On May 26, 2010, City Council adopted Resolution No. 2010-86 approving a Master and Precise Development Plan for 22 residential units and 2 live-work units on approximately 1-acre of land within the General Commercial Zone and South Escondido Boulevard Neighborhood Plan. The project includes the demolition of three older structures on the site that have been determined not to be significant historic resources. The proposed construction project will consist of three new three-story buildings and one new two-story building (Case Number PHG10-0002, Tract 942), minor refinements to the approved plan may occur.

The project is in conformance with General Plan Housing Program No. 8 (In-fill New Construction) which supports construction of new housing for home ownership on in-fill sites. Revitalization and redevelopment are overall objectives for the City of Escondido within the South Escondido Boulevard Corridor area.

Recommendation: approval of an allocation of HOME and HOME/CHDO funds in the amount of $2,100,000.

Respectfully submitted,

Barbara Redlitz
Director of Community Development

Karen Youel
Management Analyst

TABLE 1

PROJECT DESCRIPTION
HABITAT FOR HUMANITY - 537 ELM STREET
CITY OF ESCONDIDO

I. Project Address	537 North Elm Street			
II. Site Area	0.99 Acres			
III. Gross Building Area				
Net Residential Area	14,113 SF	100%		
Common Area/Circulation	0 SF	0%		
Total Gross Building Area (GBA)	14,113 SF	100%		
IV. Number of Stories	2 Stories / Attached Duplex Homes			
V. Construction Type	Type V			
VI. Unit Mix	Number of Units		Average Unit Size	
Three Bedroom	11 Units		1,283 SF	
VII. Density	11 Units/Acre			
VIII. Affordability Mix				
Units @ Low-Income	11 Units			
IX. Parking	Attached Garage / Surface			
Number of Spaces	24 Spaces		2.2 Spaces/Unit	

TABLE 2

ESTIMATED DEVELOPMENT COSTS
HABITAT FOR HUMANITY - 537 ELM STREET
CITY OF ESCONDIDO

	Totals	Per Unit	Comments
I. Direct Costs (1)			
Off-Site Improvements	$0	$0	$0 Per SF Site
On-Sites/Landscaping	$756,021	$68,729	$18 Per SF Site
Parking	$0	$0	$0 Per Space
Shell Construction	$1,039,689	$94,517	$74 Per SF GBA
FF&E	$0	$0	Allowance
Contingency	$273,123	$24,829	15.2% of Directs
Total Direct Costs	$2,068,833	$188,076	$147 Per SF GBA
II. Indirect Costs			
Architecture & Engineering	$152,025	$13,820	7.3% of Directs
Permits & Fees (2)	$364,859	$33,169	$26 Per SF GBA
Legal & Accounting	$0	$0	0.0% of Directs
Taxes & Insurance	$0	$0	0.0% of Directs
Developer Fee	$54,857	$4,987	2.7% of Directs
Marketing/Sales	$0	$0	Allowance
Soft Costs	$15,400	$1,400	0.7% of Directs
Contingency	$0	$0	0.0% of Indirects
Total Indirect Costs	$587,141	$53,376	28.4% of Directs
III. Financing Costs			
Loan Fees	$23,375	$2,125	1.1% of Directs
Interest During Construction	$0	$0	0.0% of Directs
Interest During Sales	$0	$0	0.0% of Directs
Predevelopment Interest	$0	$0	0.0% of Directs
Title/Recording/Escrow	$0	$0	0.0% of Directs
Total Financing Costs	$23,375	$2,125	1.1% of Directs
IV. Total Costs - Excluding Acquisition	**$2,679,349**	**$243,577**	**$190 Per SF GBA**
V. Acquisition Costs			
City Land Grant	$125,000	$11,364	$3 Per SF Site
Pending Land Acquisition	$200,000	$18,182	$5 Per SF Site
Total Acquisition Costs	$325,000	$29,545	$8 Per SF Site
VI. Total Costs - Including Acquisition	**$3,004,000**	**$273,091**	**$213 Per SF GBA**

(1) Does not assume payment of prevailing wages.
(2) Estimate; not verified by KMA or City.
(3) Per Developer submittal dated October 25, 2013, reflects "Project Overhead and Developer Fee".

TABLE 3

GROSS SALES PROCEEDS
HABITAT FOR HUMANITY - 537 ELM STREET
CITY OF ESCONDIDO

	Average Unit Size	# of Units	Price Per SF	Price Per Unit	Total Sales
I. Gross Sales Proceeds					
Three Bedroom @ Low-Income	1,283 SF	11	$136	$174,818	***$1,923,000***
CalHome Funds Down Payment Assistance					$360,000
II. Gross Sales Proceeds					**$2,283,000**
III. Maximum Affordable Sales Price (1)				**$279,000**	
IV. Present Value of Homeowner Loan Payments to Developer (1)				**$129,300**	

(1) See Worksheet A.

Note: Items appearing in bold and italics reflect KMA changes to Developer pro forma.

TABLE 4

FINANCING DEFICIT
HABITAT FOR HUMANITY - 537 ELM STREET
CITY OF ESCONDIDO

I. Financing Deficit

Gross Sales Proceeds		$2,283,000
(Less) Cost of Sale	0.0% of Value	$0
(Less) Developer Profit	0.0% of Value	$0
Warranted Investment		$2,283,000
(Less) Development Costs		($3,004,000)
Financing Deficit		**($721,000)**
Per Unit		**($65,500)**

II. Proposed Financial Assistance

Land Grant	$125,000
HOME Funds	$396,300
New HOME Funds	$200,000
Total	$721,300

WORKSHEET A

RESTRICTED PRICES - TOWNHOMES/SINGLE-FAMILY HOMES - LOWER INCOME
HABITAT FOR HUMANITY - 537 ELM STREET
CITY OF ESCONDIDO

Number of Bedrooms		**3**
Percent of AMI		70.00%
Assumed Family Size (1)		4
Household Income (2)		$53,130
Income Allocation to Housing		30.00%
Amount Available for Housing		$15,939
Annual HOA (3)	$150 /Month	$1,800
Annual Utilities (4)	$212 /Month	$2,500
Tax Rate		1.00%
Annual Taxes (5)		$2,790
Available for Mortgage		$8,849
Interest Rate		0.00%
Down Payment		5.00%
Supportable Mortgage		$265,470
Add: Down Payment		$13,950
Maximum Unit Price (Rounded)		**$279,000**

Calculation of Loan Payments

Affordable Sales Price per Unit		$279,000
Interest Rate (1)		0.0% (6)
Term (Years)		30
Annual Payment		$9,300
Monthly		$775
Present Value of Homeowner Loan Payments to Developer per Unit (7) **@**	**6.0%**	**$129,300**

(1) As assigned by California Redevelopment Law.
(2) State of California Department of Housing and Community Development (HCD) 2013 income limits.
(3) Allowance for structure insurance, maintenance, and reserves.
(4) Per the San Diego County Department of Housing and Community Development 2013 Utility Allowance Schedule, July 1, 2013.
(5) Based on affordable unit price. Property tax assessment may be based on market value of actual unit.
(6) Assumes that the Developer will finance interest-free takeout loans for homebuyers.
(7) Reflects the present value of homebuyer payments to the Developer assuming a 30-year, 0.0% interest loan, discounted at 6.0%.

Prepared by: Keyser Marston Associates, Inc.
Filename: i: Escondido_ Habitat_537 Elm St _v2; 10/29/2013;rks

TABLE 1

PROJECT DESCRIPTION
SOLUTIONS FOR CHANGE - 1560 SOUTH ESCONDIDO BLVD.
CITY OF ESCONDIDO

I. Project Address	1560 - 1574 South Escondido Boulevard		
II. Site Area	1.05 Acres		
III. Gross Building Area			
Net Residential Area	33,136 SF	94%	
Community Room/Leasing Office	1,000 SF	3%	
Retail Area	940 SF	3%	
Total Gross Building Area (GBA)	35,076 SF	100%	
IV. Number of Stories	2- 3 Stories		
V. Construction Type	Type V / Rowhome / Live-Work Units		
VI. Unit Mix	Number of Units		Average Unit Size
Two Bedroom	16 Units		1,262 SF
Three Bedroom	8 Units		1,618 SF
Number of Units	24 Units		1,381 SF
VII. Density	23 Units/Acre		
VIII. Affordability Mix			
Units @ 30% of AMI	3 Units	13%	
Units @ 35% of AMI	3 Units	13%	
Units @ 40% of AMI	3 Units	13%	
Units @ 50% of AMI	5 Units	21%	
Units @ 60% of AMI	9 Units	38%	
Manager	1 Unit	4%	
Total/Average	24 Units	100%	
Average Affordability (excl. Manager unit)	48% of AMI		
IX. Parking	Attached Garage / Surface		
Residential Spaces	58 Spaces		2.4 Spaces/Unit
Retail Spaces	4 Spaces		4.3 Spaces/1,000 SF
Total Number of Spaces	62 Spaces		

Prepared by: Keyser Marston Associates, Inc.
Filename: i:\Escondido_ Solutions for Change_v2;10/29/2013;rks

TABLE 2

ESTIMATED DEVELOPMENT COSTS
SOLUTIONS FOR CHANGE - 1560 SOUTH ESCONDIDO BLVD.
CITY OF ESCONDIDO

		Totals	Per Unit		Comments
I.	**Direct Costs** (1)				
	Off-Site Improvements	$40,363	$1,682	$1	Per SF Site
	On-Sites/Landscaping (2)	$518,956	$21,623	$11	Per SF Site
	Parking	$0	$0	$0	Per Space
	Shell Construction	$3,361,681	$140,070	$96	Per SF GBA
	Tenant Improvements	$300,000	$12,500	$155	Per SF - Retail (4)
	FF&E	$50,000	$2,083		Allowance
	Contingency	$292,320	$12,180	6.8%	of Directs
	Total Direct Costs	$4,563,320	$190,138	$130	Per SF GBA
II.	**Indirect Costs**				
	Architecture & Engineering	$332,850	$13,869	7.3%	of Directs
	Permits & Fees (3)	$643,000	$26,792	$18	Per SF GBA
	Legal & Accounting	$170,000	$7,083	3.7%	of Directs
	Taxes & Insurance	$116,500	$4,854	2.6%	of Directs
	Developer Fee	$854,549	$35,606	18.7%	of Directs
	Marketing/Lease-Up	$22,200	$925		Allowance
	Contingency	$53,055	$2,211	2.5%	of Indirects
	Total Indirect Costs	$2,192,154	$91,340	48.0%	of Directs
III.	**Financing Costs**				
	Loan Fees	$156,200	$6,508	3.4%	of Directs
	Interest During Construction	$270,799	$11,283	5.9%	of Directs
	Interest During Lease-Up	$0	$0	0.0%	of Directs
	Predevelopment Interest	$25,000	$1,042	0.5%	of Directs
	Title/Recording/Escrow	$40,000	$1,667	0.9%	of Directs
	TCAC/Syndication Fees	$75,000	$3,125	1.6%	of Directs
	Operating Lease-Up/Reserves	$110,000	$4,583	2.4%	of Directs
	Total Financing Costs	$676,999	$28,208	14.8%	of Directs
IV.	**Total Costs - Excluding Acquisition**	**$7,432,473**	**$309,686**	**$212**	**Per SF GBA**
	Or Say (Rounded)	**$7,432,000**			
V.	**Acquisition Costs**				
	(Less) Acquisition Costs	$1,500,000	$62,500	$33	Per SF Site
	(Less) Relocation Costs	$105,000	$4,375	$35,000	Per Occupied Unit
	Total Acquisition Costs	$1,605,000	$66,875	$35	Per SF Site
VI.	**Total Costs - Including Acquisition**	**$9,037,000**	**$376,542**	**$258**	**Per SF GBA**

(1) Assumes payment of prevailing wages. Includes pro rata share of General Conditions/Contractor fee.
(2) Per Developer e-mail dated October 28, 2013, reflects abatement, demolition, relocation of wet/dry utilities, clearing and rough/fine grading.
(3) Estimate; not verified by KMA or City.
(4) Includes common area and leasing office space.

TABLE 3

NET OPERATING INCOME - RESIDENTIAL
SOLUTIONS FOR CHANGE - 1560 SOUTH ESCONDIDO BLVD.
CITY OF ESCONDIDO

I. Gross Scheduled Income		Units		$/Month (1)	Annual
Two Bedroom	@ 30% AMI	1		$502	$6,024
Two Bedroom	@ 35% AMI	1		$593	$7,116
Two Bedroom	@ 40% AMI	1		$684	$8,208
Two Bedroom	@ 50% AMI	4		$865	$41,520
Two Bedroom	@ 60% AMI	8		$1,047	$100,512
Two Bedroom	Manager	1		$0	$0
Three Bedroom	@ 30% AMI	2		$576	$13,824
Three Bedroom	@ 35% AMI	2		$681	$16,344
Three Bedroom	@ 40% AMI	2		$786	$18,864
Three Bedroom	@ 50% AMI	1		$996	$11,952
Three Bedroom	@ 60% AMI	1		$1,205	$14,460
Total/Average		24		$829	$238,824
Add: Other Income		$6	/Unit/Month		$1,728
Total Gross Scheduled Income (GSI)					$240,552
II. Effective Gross Income (EGI)					
(Less) Vacancy		7.0%	of GSI		($16,839)
Total Effective Gross Income (EGI)					$223,713
III. Operating Expenses					
(Less) Operating Expenses		$6,246	/Unit/Year		($149,897)
(Less) Services/Amenities		$313	/Unit/Year		($7,500)
(Less) Property Taxes (2)		$0	/Unit/Year		$0
(Less) Replacement Reserves		$250	/Unit/Year		($6,000)
Total Expenses		$6,808	/Unit/Year		($163,397)
		73.0%	of EGI		
IV. Net Operating Income (NOI)					**$60,316**

(1) Reflects 2013 TCAC maximum rent limits, less estimate of utility allowance.
(2) The Developer is a non-profit entity and the Project will receive tax-exempt status.

TABLE 4

NET OPERATING INCOME - RETAIL
SOLUTIONS FOR CHANGE - 1560 SOUTH ESCONDIDO BLVD.
CITY OF ESCONDIDO

		Rent/SF	$/Month	Total Annual
I. Gross Scheduled Income (GSI)				
Retail Space (NNN)	940 SF	$1.03	$970	$11,640
II. Effective Gross Income (EGI)				
(Less) Vacancy		50.0% of GSI		($5,820)
Total Effective Gross Income (EGI)				$5,820
III. Expenses				
(Less) Retail Operating Expenses		100.0% of EGI		($5,820)
IV. Net Operating Income (NOI) - Retail				**$0**
Or Say (Rounded)				**$0**

TABLE 5

FINANCING DEFICIT
SOLUTIONS FOR CHANGE - 1560 SOUTH ESCONDIDO BLVD.
CITY OF ESCONDIDO

I.	**Sources of Funds**	
	Supportable Debt (1)	$625,000
	Market Value of Tax Credits (2)	$6,035,000
	Deferred Developer Fee (3)	$177,000
	Total Sources of Funds	$6,837,000
II.	**(Less) Development Costs**	($9,037,000)
III.	**Financing Deficit**	**($2,200,000)**
	Per Affordable Unit	**($96,000)**

TABLE 5 (CONT'D.)

FINANCING DEFICIT
SOLUTIONS FOR CHANGE - 1560 SOUTH ESCONDIDO BLVD.
CITY OF ESCONDIDO

(1) Supportable Debt		
Residential NOI		$60,316
Interest Rate		7.50%
Term (Years)		35
Debt Coverage Ratio		1.19
Annual Debt Service		$50,568
Supportable Debt		$625,000
(2) Low Income Housing Tax Credits (Federal)		
Estimate of Eligible Basis:		
Total Development Costs		$9,037,000
(Less) Ineligible Costs	26%	($2,380,461)
Eligible Basis		$6,656,539
Tax Credit Proceeds:		
Maximum Eligible Basis		$6,656,539
Impacted Bonus Factor	130%	$8,653,501
Total Qualified Basis	100%	$8,653,501
Tax Credit Rate	7.50%	$649,013
Limited Partner Share	99.9%	$648,364
Total Tax Credits @	10	$6,490,126
Present Market Value @	93.0%	$6,035,213
(3) Estimate of Deferred Developer Overhead Fee		
Eligible Basis		$6,656,539
(Less) Developer Fee		($854,549)
Unadjusted Eligible Basis		$5,801,990
Total Developer Overhead Fee	14.7%	$854,549
Developer Overhead Fee		$854,549
Total Deferred Developer Overhead Fee	20.7%	$177,260

RESOLUTION NO. 2013-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, APPROVING ALLOCATIONS OF HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDING IN THE TOTAL AMOUNT OF $2,300,000 AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, ALL NECESSARY AGREEMENTS, LOAN DOCUMENTS AND DEEDS

(537 N. Elm Street and 1560 S. Escondido Blvd.)
File Number: 0873-21

WHEREAS, the City of Escondido ("City") has approved final FY 2012-13 and FY 2013-14 HOME Budgets, that have included mandatory allocations of funds (15% of total allocations) reserved for development activities by Community Housing Development Organizations ("CHDOs") in the total amount of $65,903; and

WHEREAS, the City has approved final FY 2013-14 HOME Budget, that included funds for a Request for Proposals for the development of affordable housing; and

WHEREAS, on August 21, 2013, Council authorized the release of a Request for Proposals for the provision of long-term affordable housing, utilizing available HOME and HOME/CHDO funds; and

WHEREAS, on November 6, 2013, at a Public Hearing, Council approved an allocation of $1,900,000 in HOME funds and $200,000 in HOME/CHDO funds to Solutions for Change, Inc. for affordable housing purposes; and

WHEREAS, Council further approved an allocation of $200,000 in HOME funds to San Diego Habitat for Humanity for affordable housing purposes; and

WHEREAS, the City desires at this time, and deems it to be in the best public interest to approve the allocations, to defer payment of the City's development fees to the end of the construction of the project, and to authorize the execution of all agreements, loan documents and deeds necessary to provide such funds and property for the provision of affordable housing.

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 approves an allocation of $1,900,000 in HOME funds and $200,000 in HOME/CHDO funds to Solutions for Change for the provision of affordable housing units.

3. That the amount designated for this project is appropriate.

4. That the City Council approves an allocation of $200,000 in HOME funds to San Diego Habitat for Humanity for the provision of affordable housing units.

5. That the Mayor and City Clerk are hereby authorized to execute, on behalf of the City, in a form approved by the City Attorney, any agreements, loan documents, and deeds necessary to provide such funds and property for the development of affordable housing.

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. _____ File No. _____
Ord No. _____

Agenda Item No.: 13
Date: November 6, 2013

TO: Honorable Mayor and City Council

FROM: Barbara J. Redlitz, Director of Community Development

SUBJECT: Local Register Designation and Mills Act Contract for a Residence at 2858 Oak Hill Drive (Case HP-13-0002).

APPLICANTS: Henry and Marilyn Porretta

RECOMMENDATION:

It is requested that Council adopt Resolution No. 2013-148 to approve listing the structure on the City's Local Register and to authorize entering into a Mills Act Contract.

ENVIRONMENTAL STATUS:

In compliance with CEQA Section 15331, "Historical Resource Restoration/ Rehabilitation", a Notice of Exemption was prepared on October 23, 2013.

FISCAL ANALYSIS:

Approval of the Mills Act Contract would reduce the property tax to the homeowner, and proportionately reduce the City's share of property taxes. The annual tax revenue loss to the City on this property is estimated to be less than $80. The City has currently entered into 79 Mills Act Contracts, which have cumulatively reduced the City share of property taxes by approximately $17,200. Studies recently completed in the County show that Mills Act approved properties increase in value an average of 16%, neighboring properties within 250' increase in value an average of 3.7%, and properties within 500' increase in value an average of 1.6%.

GENERAL PLAN ANALYSIS:

The property is located within the Estate II (E2) land use designation of the General Plan. Historic & Cultural Resources Policy VII.G encourages the preservation of buildings and areas with special and recognized historic and architectural value.

PREVIOUS ACTION:

The Historic Preservation Commission voted unanimously on October 1, 2013 to recommend approval of adding the structure to the Local Register and entering into a Mills Act Contract.

BACKGROUND: The 2.51 acre property at 2858 Oak Hill Drive (APN 231-450-3200) includes a main 2-bedroom single-story 1,188 SF California Ranch bungalow built in 1937, its 100 SF basement, and two other outbuildings, including a 396 SF garage and a 280 SF shop. All of the buildings are grouped together on a native stone reinforced terrace on a hilltop at the far northeastern corner of the property and at the terminus of Falconer Road. Some mature trees also exist on the site, although most of the trees of the orchard area died when the property was under previous ownership. The outbuildings are clad in 1930's-era clapboard siding, while the main house is stuccoed. The main house appears to still have all of its original wood-framed windows in place and has two original covered porches. One cover is at the raised main entry and the other smaller one above a rear door. The main entry porch is flanked by paired natural redwood posts with decorative redwood lattice inserts. The attached patio cover to the west is a more modern addition. The original house and outbuildings were built by Starling R. Coppess, a long-time resident of Escondido originally from Olin, Iowa. The present owners purchased the property earlier this year from the Coppess Family Trust.

ANALYSIS:

Escondido Historical/Cultural Resources Survey

The applicant has conducted the required historic research and data collection, and has provided the information on the required State Department of Parks and Recreation forms (see attached). The information provided by the applicant includes historical background and descriptive analysis of the architectural style and is adequate for the purpose of determining the appropriateness of adding the structure to the Local Register.

Local Register Listing: Requests for listing resources on the Local Register require that both the Historic Preservation Commission and the City Council conduct a public hearing to consider the request and receive property owner consent. Historic resources are evaluated against seven criteria and must meet at least two of the seven. Staff recommends listing the property on the Local Register of Historic Places based on the following:

The structure meets the following two criteria found in Article 40, Sec. 33-794 of the Zoning Code:

5. Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past 50 years.

- *The California Ranch Bungalow was built in 1937 and is now 76 years old.*

6. Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district.

- *The main residence and its outbuildings sit at the top of a hill with a commanding view of much of the Escondido valley. These are some of the few remaining eastside historic structures of that era related to agriculture.*

Mills Act Contract: The Mills Act is a provision in state law that enables owners of designated historic properties to voluntarily enter into a preservation contract with the City and receive a reduction in their property taxes. The contract runs for ten years and it is automatically renewed each year unless a notice of non-renewal is filed. The terms of the contract require that the owner make a commitment to maintain the property and complete other improvements (see Attachment 'B' of the contract). As indicated, some improvements at this

property have been completed. Under the terms of the Mills Act, owners can list appropriate improvement projects they have already completed and can also include additional projects in the future with prior HPC or Planning Division approval. All improvements must be performed to the Secretary of the Interior Standards. In addition, the applicant has been informed that all exterior modifications require staff review.

CONCLUSION:

By designating the structure on the Local Register, the Council will be furthering the preservation of resources associated with the history of Escondido. By approving the Mills Act, the City would be incurring a relatively small loss per year of property tax revenue. This will provide the property owner a tax savings that will be earmarked for preserving the property.

Respectfully submitted,

Barbara J. Redlitz
Director of Community Development

Paul K. Bingham
Assistant Planner II

ESCONDIDO
City of Choice

HISTORIC PRESERVATION COMMISSION

Agenda Item No.: F.1
Date: October 8, 2013

TO: Historic Preservation Commission

FROM: Paul Bingham, Assistant Planner II

REQUESTS: Residence addressed as 2858 Oak Hill Drive (case number HP13-0002)

1. Listing structure on the Local Register of Historic Places; and
2. Mills Act contract request

RECOMMENDATION: Forward recommendation of approval to the City Council

BACKGROUND:

City of Escondido Historical/Cultural Resources Survey

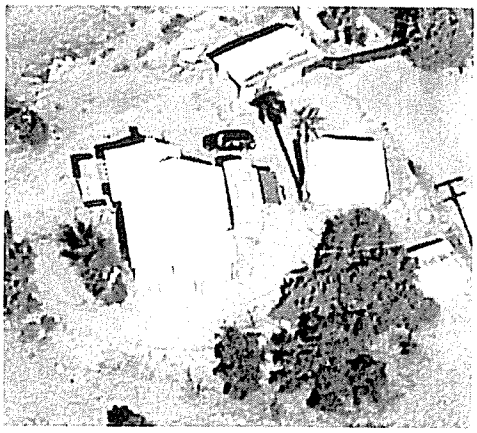
A City of Escondido Historical/Cultural Resources Survey was completed in 1990 (Agis, May 1990). Close to 1,000 resources were inventoried in the survey for their significance. The Survey of 1990 was conducted in compliance with procedures established by the U.S. Department of the Interior, National Park Service and the State Office of Historic Preservation. A Historical/Cultural Resources Survey is a collection of information that identifies documents and describes the historical resources in the community. The survey also associates the resources with historical events and/or people. Among other preservation programs, the survey serves as the basis for historic preservation plans. The survey also fulfills a higher level of historic nomination requirements (Local, State and National), it allows for the applicability of Historic Building Code in regard to rehabilitation/renovation of structures, and justifies local, state and federal funding assistance.

Local Register of Historic Places Listing

The Historic Preservation Ordinance No. 2000-23, Section 33-794-5 identifies a process and criteria for listing historic structures on the City's Local Register. Requests for listing on the Local Register require that both the Historic Preservation Commission and the City Council conduct a public hearing to consider the request. The historic resource is evaluated against seven criteria and must meet at least two of the seven.

Mills Act Contract and Property Applying

The Mills Act is a state law that enables owners of designated historic properties to enter into a preservation contract with their local legislative body and receive a substantial reduction in the property taxes. One of the incentives for the preservation of historic and/or cultural resources, approved in 1989, allows property owners of designated historic resources to enter into a Mills Act contract with the City. The revised Historic Ordinance 92-409, adopted by Council on October 28, 1992, clarified that a property owner may apply for a Mills Act contract if the resource has been listed as a Local Register property. The owner is requesting the property to be listed on the City's Local Register at the next available City Council hearing and is currently requesting to enter into a Mills Act contract.



The hilltop property at 2858 Oak Hill Drive (APN 231-450-3200) consists of 2.51 acres with a main 2-bedroom single-story 1188 SF California Ranch bungalow built in 1937, its 100 SF basement, and two other outbuildings, including a 396 SF garage and a 280 SF shop. All of the buildings are grouped together on a native stone reinforced terrace in the far northeastern corner of the property and at the terminus of Falconer Road. Some mature trees also exist on the site, although the trees of the orchard area

were reduced to stumps when the property was under previous ownership. The outbuildings are clad in 1930's-era clapboard siding, while the main house is stuccoed. The main house appears to still have all of its original wood-framed windows in place and has two original covered porches. One cover is at the raised main entry and the other smaller one above a rear door. The main entry porch is flanked by paired natural redwood posts with decorative redwood lattice inserts. The attached patio cover to the west is a more modern addition. The original house and outbuildings were built by Starling R. Coppess, a long-time resident of Escondido originally from Olin, Iowa. The present owners purchased the property earlier this year from the Coppess Family Trust. A title search showed that there have not been any other prior owners.

ANALYSIS

Escondido Historical/Cultural Resources Survey

The applicant has conducted the required historic research and data collection, and has provided the information on the required format, State Department of Parks and Recreation forms (see attached). The information provided by the applicant, includes historical background and descriptive analysis of the architectural style, is adequate for the purpose of determining the appropriateness of adding the structures to the survey.

Local Register of Historic Places Listing

This request by the current owners, Henry and Marilyn Porretta, is to consider placing this resource on the Local Register.

The structure meets the following two of the seven criteria:

5. Escondido historical resources that are fifty (50) years old or have achieved historical significance within the past 50 years.

The structure was built in 1937 and is now 76 years old.

6. Escondido historical resources that are an important key focal point in the visual quality or character of a neighborhood, street, area or district.

The main residence and its outbuildings sit at the top of a hill with a commanding view of much of the Escondido valley. These are some of the few remaining eastside historic structures of that era.

Mills Act Contract

The Mills Act contract is for a minimum of ten years, automatically renewed each year unless a notice of non-renewal is filed. The terms of the contract require that the property owner make a commitment to maintain the structure and surrounding property, per a maintenance schedule that has been included with this report (see attached). All improvements must be performed to the Secretary of the Interior Standards. In addition, the applicant has been informed that all exterior modifications require staff review. Staff feels that the proposed Mills Act Contract is appropriate since the property meets the established criteria for a historic resource, and adequate improvements have been listed.

Respectfully Submitted,

Paul K. Bingham
Assistant Planner II

Mills Act Application
List of Improvements

Property Address: 2858 Oak Hill Drive
Property Owners: Henry and Marilyn Porretta

1. Grade terrace area surrounding structures and stabilize surface by installing gravel (completed).
2. Install new copper plumbing throughout main house (completed).
3. Replace water heater (completed).
4. Repair chimney (completed).
5. Install new roofing on 15' X 28' shed (in process - nearly complete).
6. Install landscaping around existing structures (in process).
7. Remove one older non-native tree planted too close and now affecting the main house (planned).
8. Repair and repaint the original double-hung windows (planned).
9. Install gas lines and replace gas furnace (planned).
10. Inspect electrical system and upgrade as needed (planned).
11. Repair and repaint stucco on main house (planned).
12. Repaint garage and shop buildings (planned).

CITY OF ESCONDIDO
Planning Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4671
Fax: (760) 839-4313

FOR INTERNAL USE ONLY
Case No. HP13-0002
Date Submitted: 7-26-13
Project Planner: PB
Fees:
Receipt No.:
☐ Incomplete ____ Date of Notice
☐ Complete ____ Date

HISTORIC PROPERTY PRESERVATION (MILLS ACT) APPLICATION AND AGREEMENT

APPLICANT/CONTACT PERSON

Name (Print): HENRY & MARILYN PORRETTA
Address: 1230 W. 13TH AV.
City, State, Zip: ESCONDIDO, CA 92025
Phone: 760-489-9281
Fax:
E-mail: hmhilltop@att.net
Signature: Marilyn Porretta

OWNER (If multiple owners/addresses, attach additional sheets as necessary.)

Name (Print): HENRY & MARILYN PORRETTA
Address: 1230 W. 13th AV.
City, State, Zip: ESCONDIDO, CA. 92025
Phone: 760-489-9281
Fax:
E-mail: hmhilltop@att.net
Signature: Marilyn Porretta
(authorizing applicant to submit application)

SITE INFORMATION

Property Address: 2856 OAK HILL DR. ESCONDIDO, CA 92027
Assessor's Parcel Number: 231-450-32-00
Historic Name:

LANDMARK/LOCAL REGISTER INFORMATION

Historic Designation:
☑ Local ☐ State ☐ National
Date of Designation:
Local Register Listing: ☐ Yes ☐ No
Date of Listing:

POTENTIAL STRUCTURE/PROPERTY IMPROVEMENT TIMELINE:

Please list the improvements which are intended to take place over the next 10 years. List them in order of owner's priority. The improvements listed may be as specific or as general as the applicant prefers; however, physical alterations shall comply with the Secretary of Interior standards. Emergency maintenance not identified in this Agreement may be substituted for listed improvements. The listed improvements may be performed out of order, depending on the property owner's financial situation. Visits to the property by City representatives to monitor the progress will be performed every two to three years.

PROPOSED IMPROVEMENTS

GRADE TO LEVEL PROPERTY & INSTALL GRAVEL SURROUND IN BLDGS (COMPL.)
INSTALL NEW COPPER PLUMBING THROUGHOUT (COMPLETED)
REPLACE WATER HEATER (COMPLETED)
REPAIR CHIMNEY (COMPLETED)
LANDSCAPING (IN PROCESS - PARTIALLY COMPLETE)
NEW ROOF ON EXISTING 15 x 28 SHED (IN PROCESS - ALMOST COMPLETE)
INSTALL GAS LINES & REPLACEMENT GAS FURNACE (PLANNED)

(CONTINUED →)

REMOVE TREE TOO CLOSE TO HOUSE (PLANNED)
RESTUCCO BASE OF PORCH (PLANNED)
REPAIR & REPAINT ORIGINAL DOUBLE HUNG CASEMENT WINDOWS (PLANNED)
RESEARCH ELECTRICAL SYSTEM & UPGRADE AS NEEDED (PLANNED)
REPAINT STUCCO & TRIM ON HOME (PLANNED)
REPAINT GARAGE & SHED (PLANNED)

2. HENRY & MARILYN PORRETTA CONSENT TO DESIGNATING OUR PROPERTY AT 2858 OAK HILL DR - ESCONDIDO, CA 92027 AS A HISTORICAL LOCAL REGISTER PROPERTY

3.

Signatures. Applicant and property owner signature lines must be signed, even if the applicant and property owner are the same. The signature of the architect and/or engineer is also required if drawings are submitted by professional architects and/or engineers.

Applicant

As part of this application the applicant hereby agrees to defend, indemnify and hold harmless the City of Escondido, its Council, boards and commissions, officers, employees, volunteers, and agents from any claim, action, or proceeding against the City of Escondido, its Council, boards and commissions, officers, employees, volunteers and agents, to attack, set aside, void or annul an approval of the application or related decision, including environmental documents, or to challenge a denial of the application or related decisions. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth herein. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed.

By signing below, I hereby certify that the application I am submitting, including all additional required information, is complete and accurate to the best of my knowledge. I understand that any misstatement or omission of the requested information or of any information subsequently requested may be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper by the City of Escondido.

Applicant: Marilyn Porretta Date: 8/28/13

Property Owner

By signing below, I hereby certify under penalty of perjury, that I am the owner of record of the property described herein and that I consent to the action requested herein. All other owners, lenders or other affected parties on the title to the property have been notified of the filing of this application. Further, I hereby authorize City of Escondido employees and officers to enter upon the subject property, as necessary to inspect the premises and process this application.

In order to facilitate the public review process, the City requires that property owners agree to allow any plans or drawings submitted as part of the application to be copied for members of the public. Property owner(s) hereby agree to allow the City to copy the plans or drawings for the limited purpose of facilitating the public review process.

Property Owner: Marilyn Porretta Date: 8/28/13

Architect/Engineer

In order to facilitate the public review process, the City requires that architects and engineers agree to allow any plans, drawings, studies or reports submitted as part of the application to be copied for members of the public. Architect/Engineer hereby agrees to allow the City to copy the plans, drawings, studies or reports for the limited purpose of facilitating the public review process.

Architect: UNKNOWN Date: _____

Engineer: EDWARDS + BROWN Date: _____

State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code
Other Listings
Review Code Reviewer Date

Page 1 of 3 *Resource Name or #: (Assigned by recorder) 231-450-32-00 Assessor Parcel #

P1. Other Identifier:

*P2. Location: ☐ Not for Publication ☐ Unrestricted

*a. County: San Diego and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*b. USGS 7.5' Quad: Date: T ; R ; ¼ of ¼ of Sec ; M.D. B.M.

c. Address: 2858 Oak Hill Dr. City: Escondido CA Zip: 92027

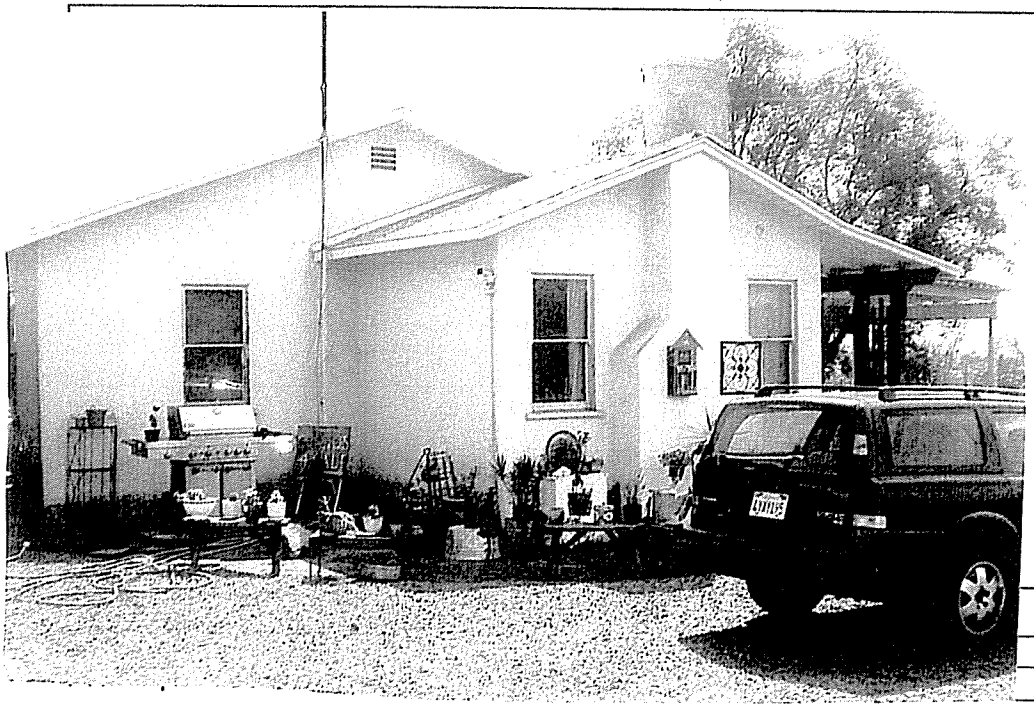
d. UTM: Zone: 10; mE/ mN (G.P.S.)

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate) Elevation:

*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

*P3b. Resource Attributes: (List attributes and codes)

*P4. Resources Present: ☑ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other (Isolates, etc.)



P5b. Description of Photo:
(View, date, accession #)

*P6. Date Constructed/Age and Sources: ☑ Historic ☐ Prehistoric ☐ Both
Constructed 1937

*P7. Owner and Address:
Henry Porretta and Marilyn Porretta
1230 W. 13th Ave.
Escondido, CA 92025

*P8. Recorded by:
(Name, affiliation, and address)

*P9. Date Recorded:

*Attachments: ☐ NONE ☑ Location Map ☐ Sketch Map ☐ Continuation Sheet ☐ Building, Structure, and Object Record ☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record ☐ Photograph Record ☐ Other (List):

State of California — The Resource[illegible]gency
DEPARTMENT OF PARKS AND RECREATION
Primary # _____
HRI# _____

BUILDING, STRUCTURE, AND OBJECT RECORD

*NRHP Status Code

 *Resource Name or # (Assigned by recorder) _____

B1. Historic Name: _____
B2. Common Name: _____
B3. Original Use: Occupied Dwelling - Residential
B4. Present Use: Occupied Dwelling - Residential
*B5. Architectural Style: California Ranch Bungalow
*B6. Construction History: (Construction date, alterations, and date of alterations)
Constructed 1937

*B7. Moved? ☑No ☐Yes ☐Unknown Date: _____ Original Location: _____
*B8. Related Features:

B9a. Architect: Unknown b. Builder: Unknown
*B10. Significance: Theme: _____ Area: Escondido
Period of Significance: _____ Property Type: _____ Applicable Criteria: _____
(Discuss importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address integrity.)

B11. Additional Resource Attributes: (List attributes and codes) _____

*B12. References:

B13. Remarks:

(Sketch Map with north arrow required.)

see attached

*B14. Evaluator:

*Date of Evaluation: _____

(This space reserved for official comments.)

*Required information

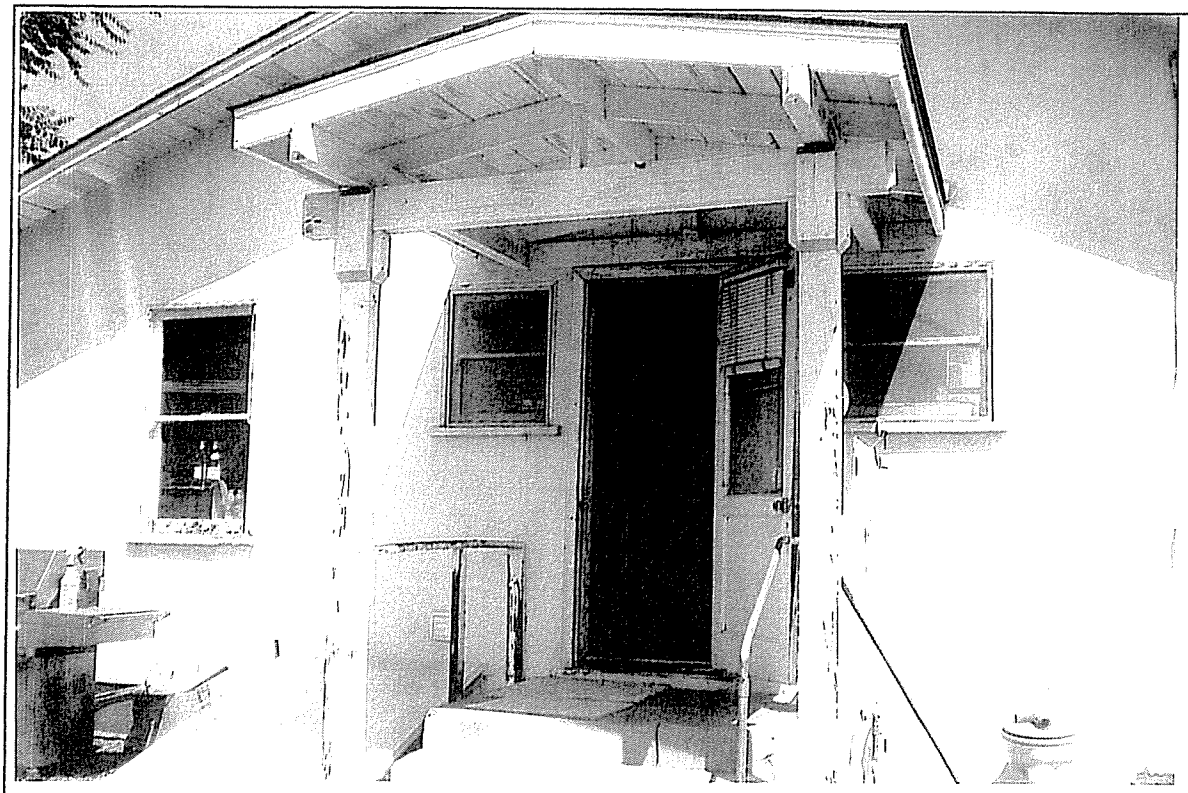
State of California — The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI#
Trinomial

Page 3 of 3 *Resource Name or # (Assigned by recorder) Assessor Parcel # 231-450-32-00

*Recorded by: *Date:

☐ Continuation ☐ Update

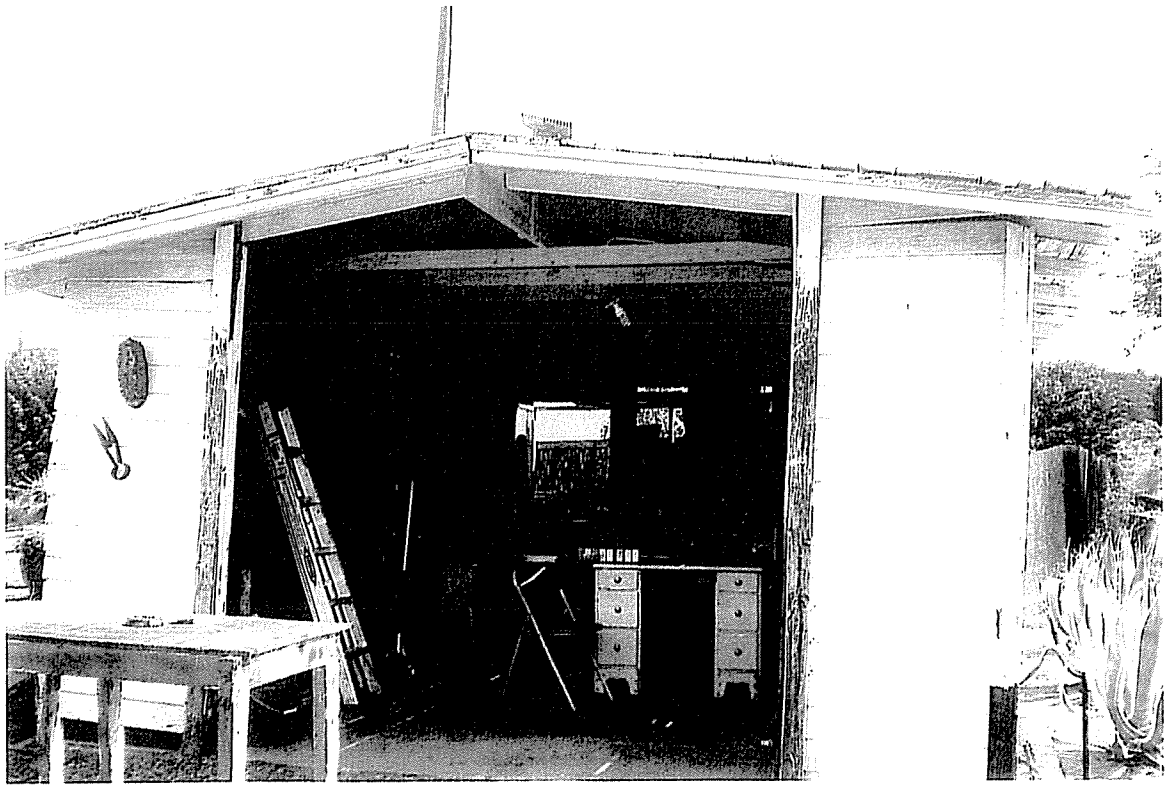


Main house - rear entry

Garage

*Required information

Entry – Main House



Shop building being re-roofed.

Additional Photos

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 231-450-32-00

Parcel A:

Parcel 3 of Parcel Map No. 10267, in the City of Escondido, County of San Diego, State of California, according to Map thereof. filed in the Office of the County Recorder of San Diego County, July 24, 1980

Parcel B:

An easement for road purposes and public utilities purposes over a strip of land 20 feet in width, described as follows:

That portion of Lot "C" of the Resubdivision of Lots 10, 12, and 13 in Block 244 of the Rancho Rincon Del Diablo,, as set forth on Resubdivision Map No. 1549, filed in the Office of the County Recorder of San Diego County, March 19, 1913, described as follows:

Beginning at the Northwest corner of said Lot "C" of Block 244, Rancho Rincon Del Diablo; thence along said Northwesterly line of said Lot, North 66 ° 27' East, 998.7 feet to the Northeast corner of said Lot; thence South 02 ° 08' West along the East line of said Lot, 521.5 feet; thence South 67 ° 03' West 660.00 feet; thence South 1 ° 34' West, 98.5 feet to intersection with a line that is parallel with and distant 20 feet at right angles Easterly from the Southwesterly line of said Lot; thence along said parallel line North 28 ° 51' West, 86 feet to the point of beginning; thence along said parallel line South 28 ° 51' East, 523.2 feet to the center line of the road adjoining said Lot "C" on the Southeast; thence South 61 ° 09' West along said center line 20.00 feet; thence North 28 ° 51' West, 523 feet along the Southwesterly line of said Lot "C"; thence North 61 ° 09' East, 20.00 feet to the point of beginning..

ORDER NO. 73712012397

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Richard Cesar Moore Chicago Title Company 2365 Northside Drive, Suite 600 San Diego, CA 92108 Phone: (619)521-3590 Fax: (619)521-3690 Main Phone: (619)521-3500 Email: moorer@ctt.com	Escrow Officer: Laura Toland Chicago Title Company 316 West Mission Avenue, Suite 121 Escondido, CA 92025 Phone: (760)546-1022 Fax: (760)546-1087 Main Phone: (760)746-3882 Email: laura.toland@ctt.com

Property Address(es): 2858 Oak Hill Drive, Escondido, CA 92027

Effective date: August 2, 2012 at 07:30AM

The form of Policy or Policies of Title Insurance contemplated by this Report is:

CLTA Standard Coverage Policy 1990

ALTA Loan Policy 2006

1 The estate or interest in the Land hereinafter described or referred to covered by this Report is:

A Fee as to Parcel(s) A Easement(s) more fully described below as to Parcel(s) B

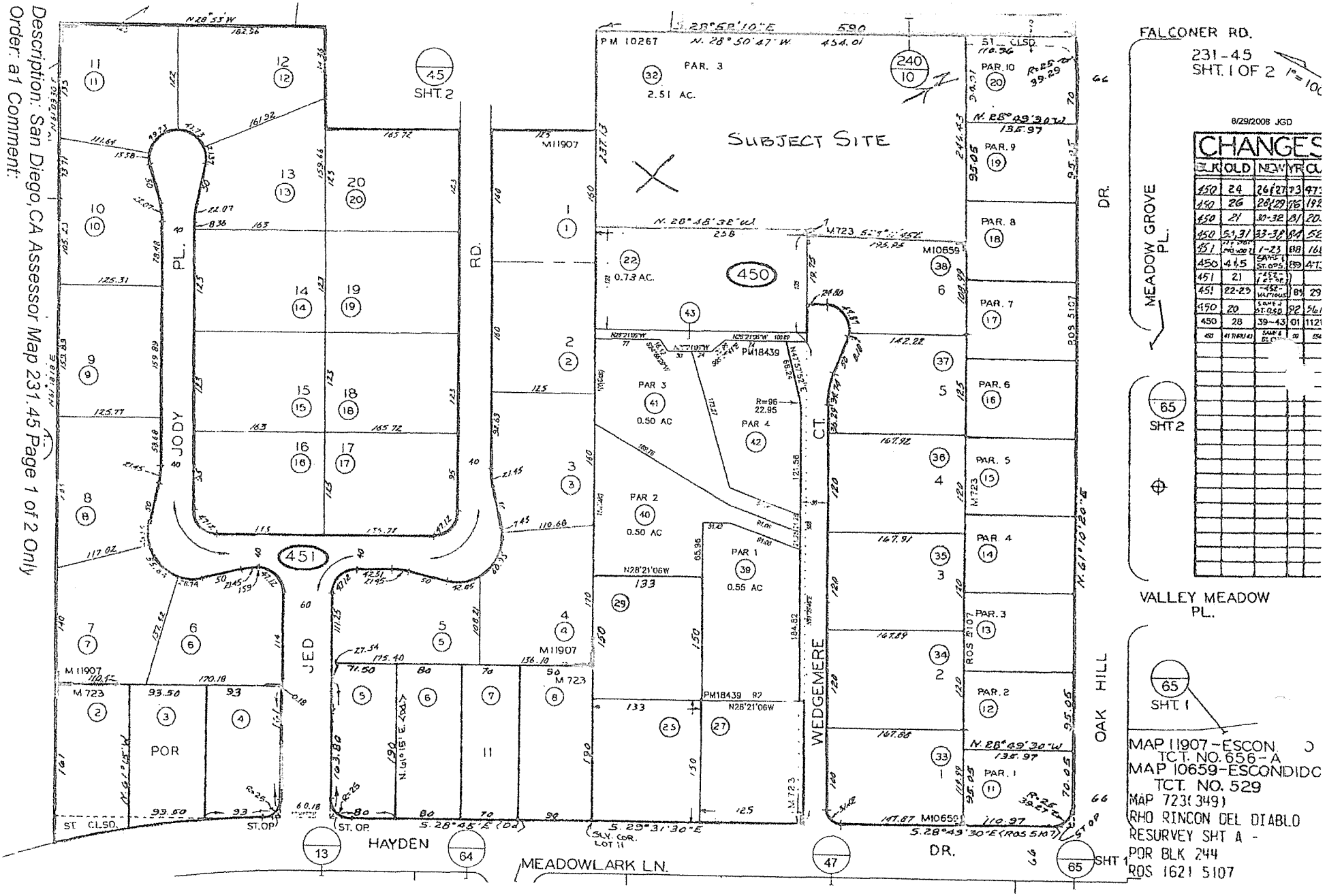
2. Title to said estate or interest at the date hereof is vested in:

Michael J. Coppess, Successor Trustee of Trust "A" of the Coppess Family Trust dated January 12, 1988, subject to Item 13 of Schedule B

3. The Land referred to in this Report is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Description: San Diego, CA Assessor Map 231.45 Page 1 of 2 Only
Order: a1 Comment:



COUNTY ASSESSOR
SAN DIEGO CO. CALIFORNIA

RESIDENTIAL BUILDING RECORD

SHEET 1 OF X X SHEETS

ADDRESS 2858 Carlisle Falconer Dr.

PARCEL ~~231-251-~~ 231-450-10-~~11~~-32

64C.353 48C.892 72C2366

DESCRIPTION OF BUILDING

CLASS & SHAPE	CONSTRUCTION	STRUCTURAL	EXTERIOR	ROOF	LIGHTING	AIR CONDITION
.125.5 B	Light	X Frame	X Stucco on	Flat % Pitch	X Wiring	X Heating / Cooling
ARCHITECTURE	Sub-Standard	" x "	Siding " x "	X Gable 4/12	K.T. / Conduit	Forced / Clean'g
	X Standard	Sheathing		X Hip 4/12	B.X. / Cable	Gravity / Humid.
1 Stories	Above-Standard	Concrete Block		Shed 4/12	X Fixtures	Wall Unit
TYPE	Special	B.& B. / T.& G.		Cut Up	Few / Cheap	
Use / Design		Brick	Shingle	Dormers	Avg. / Med.	Floor Unit
X Single / X	FOUNDATION	Adobe	Shake	Raft. " x " "	Many / Special	Zone Unit
Double	X Concrete	✓ Floor Joist:	B.& B. / T.& G.	Gutters		Central "
Duplex	Reinforced	1st: " x " "			X PLUMBING	
Apartment	Brick	2nd " x " "	Brick	Shingle	Poor / Std. / Spec	
Flat-Court	Wood	Sub-Floor	Stone	Shake		Oil Burner
Motel	Piers	Concrete Floor	WINDOWS	Tile	X Sink	
			X D.H. / Casement	Tile Trim	X Laundry	M-B.T.U.
Units	Light / Heavy	Insulated Ceilings	Metal Sash	Compo.:	X Water Htr.-Auto.	X Fireplace
		Insulated Walls	X Screens	X Compo. Shingle	Water-Softner	'

ROOM AND FINISH DETAIL

ROOMS	FLOORS B	1	2	FLOOR FINISH Material	Grade	TRIM	INTERIOR FINISH Walls	Ceilings
All		X		Hwd	6	5	PL	—
Ent. Hall								
Living		1						
Dining		1						
Bed		2						
Bed								
Kitchen		1		L.Mo				
Drain Bd.	Material:			Lath:	Ft.	Splash:		

CONSTRUCTION RECORD

Permit No.	Permit For	Amount	Date	EFFEC. YEAR	APPR. YEAR	NORMAL % GOOD Age	Remain'g Life	Table	%	RATING (E, G, A, F, P) Cond.	Arch. Attr.	Func. Plan	Con-form	Storage Space Cupb'd	Closet	Work-m'nshp
	D		1936	36	63	22	39	R-60	.74	A	A	A	A	A	A	A
					68	32	30	R60	60	A	A	A	A	A	A	A
					24			R60		A	F	A	F	A	A	A
				1936	1978					A	A	A	F	—	—	A

BATH DETAIL

Fl.	No.	FINISH Floors	Walls	FIXTURES Wc.	La.	Tub	Type	Grade	SHOWER Sf.	Q.T.	G.D.	Finish
1	1	L.Mo	PL	1	1	1	Mod	A				T.
1	3/4			1	1				X			T.

SPECIAL FEATURES

	Book Cases	Built in Rerrig.	Venetian Blinds
	Shutters	" " Oven & Plate	
X	Vent Fan	" " Dishwasher	

C 1A 1g

COMPUTATION

Appraiser & Date		1953 Unit Cost	1953 Cost	2-29-68 Unit Cost	2-29-68 Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost
Unit	Area																
D	1188	8.40	9979	8.60	10217												
AC			150		150												
FP			390		350												
Porch 4X18	72	3.00	216		216												
Porch	112	1.80	202		202												
~~B&B Pabc~~			500		500												
Shed 20x28	280	2.00	560		560												
Gar	396	2.40	950		950												
Shed 14X14	196	1.70	333		333												
Flat (Bay)			300		300												
Bsmt	100	2.00	200		200												
TOTAL			13330		13978												
NORMAL % GOOD			.74		60												
R.C.L.N.D			9864		8387												

A 3-54

COUNTY ASSESSOR
SAN DIEGO CALIFORNIA

MISCELLANEOUS BUILDING RECORD

PARCEL 231-450-78 + 32

Capers ADDRESS

SHEET 2 OF 2 SHEET

TVC 2366

DESCRIPTION OF BUILDINGS

Bldg. No.	Structure	Size	Found.	Wall & Exterior	Roof Type	Roof Cover	Floor & Interior Detail	2nd Story or Loft	Year Built	Effec Year	Table
1	FARM IRRIGATION										

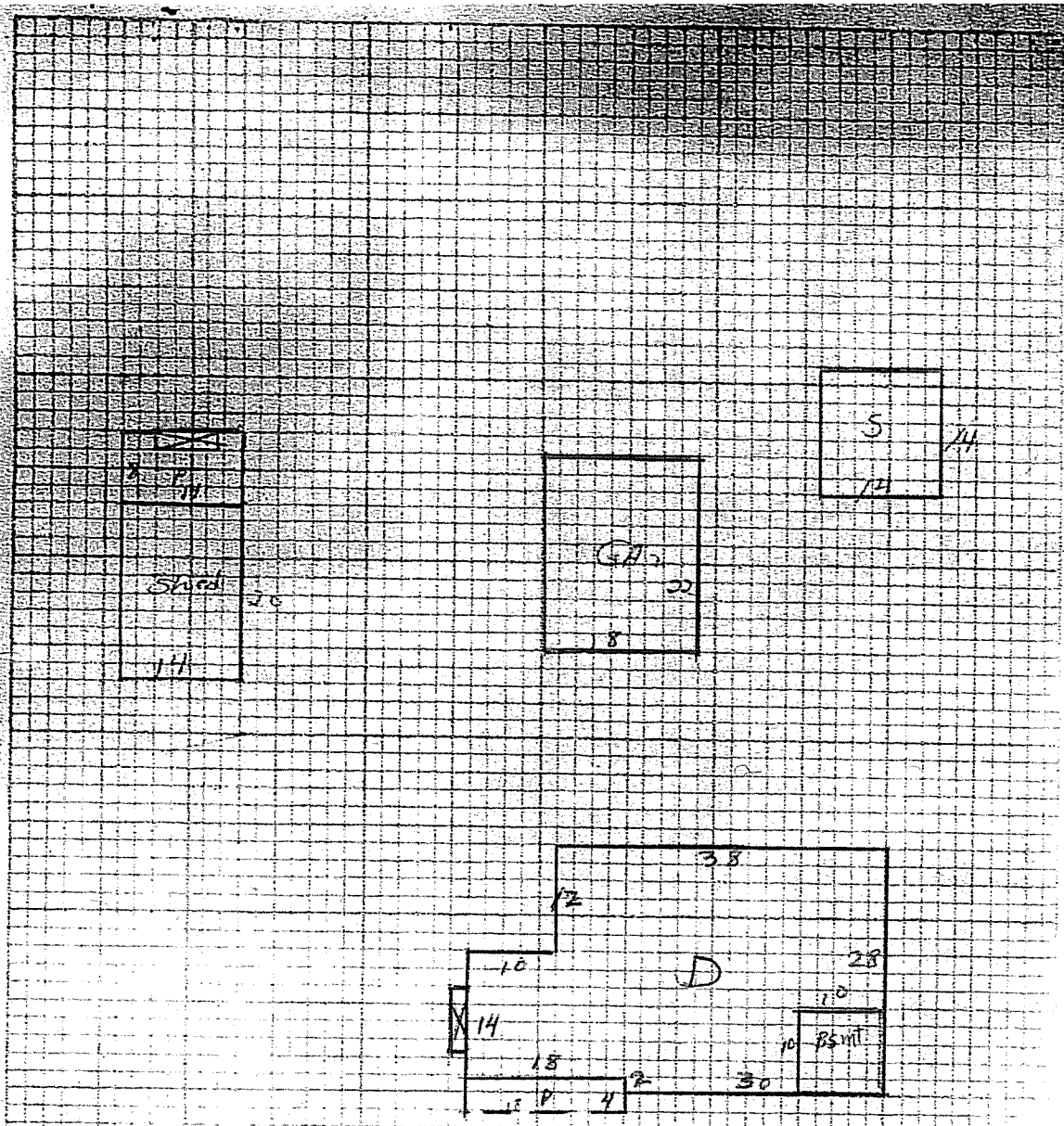
COMPUTATION

Appraiser – Date		S Bundrum 8-1-68				T Mabry 4-22-70				R. WRIGHT 3-15-7F							
Bldg. No.	Area	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.
1	1½ Ac²	350	446	85	396	500	2160t	75	1620								
Total			446		396				1620				3000				
Appraiser – Date																	
Bldg. No.	Area	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.	Unit Cost	Cost	% Good	R.C.N. L.N.D.
Total																	

A-15 8-58

MISCELLANEOUS STRUCTURES

Structure	Found	Cons.	Ext.	Roof	Floor	Int.	Size, etc.

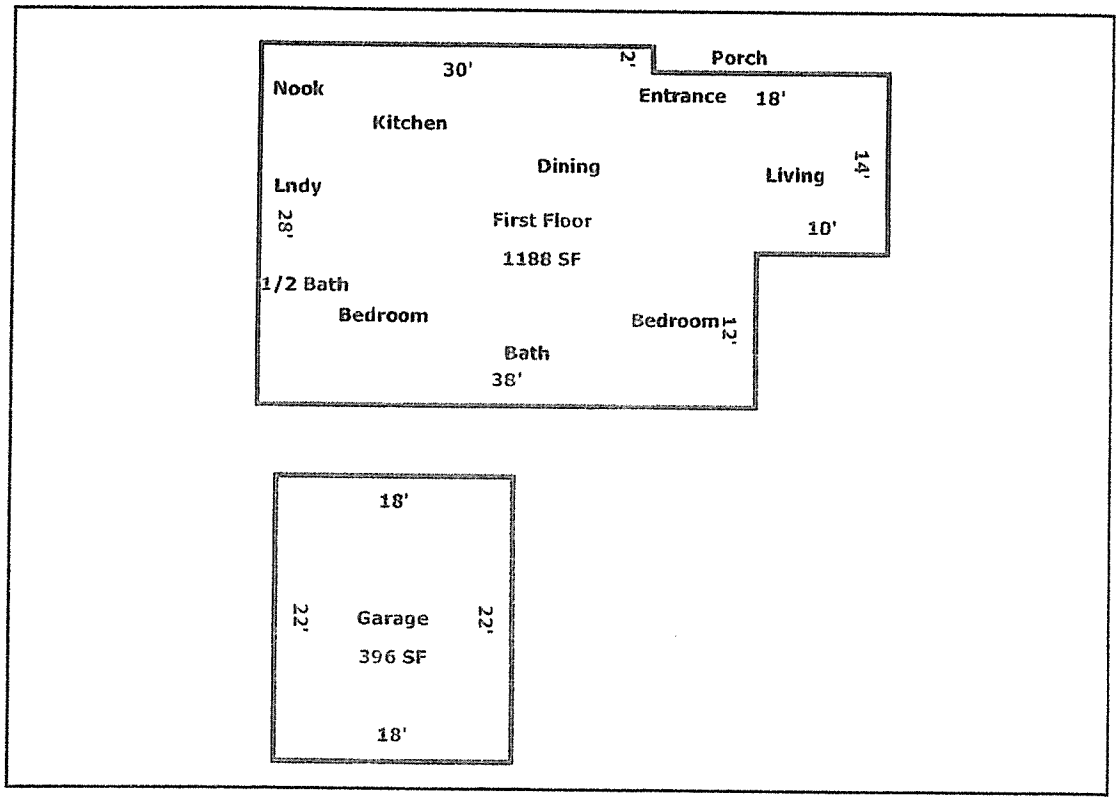


D 5,544

COMPUTATIONS PER 152

2 X 30 =	60	BF	7.90
14 X 48 =	672	+ 4 Corr @ .02 =	.08
12 X 38 =	456	4 Plumb $5.00 =	20
	1188		$ 4.40

Remarks:


30'
2'
Porch
Nook
Entrance
18'
Kitchen
Dining
Living
14'
Lndy
28'
First Floor
10'
1188 SF
1/2 Bath
Bedroom
Bedroom
12'
Bath
38'
18'
22'
Garage
22'
396 SF
18'

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

Notice of Exemption

To: San Diego County Recorder's Office
Attn: Vanessa Esquivel
P.O. Box 121750
San Diego, CA 92112-1750

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

Project Title/Case No.: HP-13-0002

Project Locations - specific: Addressed as 2858 Oak Hill Drive (APN 231-450-3200), located on a hilltop northwest of the intersection of Oak Hill Drive and Falconer Road.

Project Location - City: Escondido, **Project Location - County**: San Diego

Description of Project:
To approve listing the 2.51-acre subject property on the City's Local Register of Historic Places and entering into a Mills Act Contract in the RE-20 (Single-Family Residential, 20,000 SF minimum lot size) zone, located in the E2 (estate II) land use designation of the General Plan.

Name of Public Agency Approving Project: City of Escondido

Name(s) of Person or Agency Carrying Out Project:

Names: Henry and Marilyn Porretta Telephone: (760) 489-2981
Address: 1230 West 13th Avenue, Escondido, CA 92025

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

Exempt Status:

Categorical Exemption: Section 15331, Class 31. "Historic Resource Restoration/Rehabilitation

Reasons why project is exempt:

1. The project is within the RE-20 zone, E2 General Plan land use designation and no variances are required.
2. The project will be consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties with guidelines for preserving, rehabilitating, restoring and reconstructing historic buildings.
3. The project will not be limited by the factors in section 15300.2 and will not adversely change the significance of a historical resource.

Lead Agency Contact Person: Paul K. Bingham Area Code/Telephone/Extension (760) 839-4306

Signature: Paul K. Bingham
Assistant Planner

October 23, 2013
Date

☒ Signed by Lead Agency Date received for filing at OPR:

☐ Signed by Applicant

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Escondido
201 N. Broadway
Escondido, CA 92025

THIS SPACE FOR RECORDER'S USE ONLY

HISTORIC PROPERTY PRESERVATION AGREEMENT

This Agreement is made and entered into by and between the CITY OF ESCONDIDO, a municipal corporation (hereinafter referred to as "the CITY") and Henry and Marilyn Porretta (hereinafter referred to as "the OWNERS").

Recitals

1. WHEREAS, the OWNERS possess and own real property located within the City of Escondido, which property is more fully described in Attachment "A" to this Agreement (hereinafter "the PROPERTY"); and

2. WHEREAS, the PROPERTY is a qualified historical property in that it is privately owned, it is not exempt from property taxation, and it is listed in the Local Register of Historic Places; and

3. WHEREAS, both the CITY and the OWNERS desire to carry out the purposes of Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code; and

4. WHEREAS, both the CITY and the OWNERS desire to limit the use of the PROPERTY and to preserve the PROPERTY so as to retain its characteristics as a property of cultural, architectural, and historical significance.

Agreement

NOW THEREFORE, both the CITY and the OWNERS, in consideration of the mutual promises, covenants, and conditions contained herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. Applicability of Government Code and Revenue and Taxation Code. This Agreement is made pursuant to Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code and is subject to all of the provisions of these statutes.

2. Preservation/Rehabilitation and Maintenance of Property. During the term of this Agreement, the PROPERTY shall be subject to the following conditions, requirements, and restrictions:

a. The OWNERS agree to preserve/rehabilitate and maintain the cultural, historical, and architectural characteristics of the PROPERTY during the term of this Agreement as set forth in the attached schedule of improvements identified as Attachment B.

b. The OWNERS shall maintain all buildings, structures, yards, and other improvements in a manner which does not detract from the appearance of the immediate neighborhood. Prohibited property conditions include, but are not limited to:

i. Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, and windows;
ii. Scrap lumber, junk, trash, or debris;
iii. Abandoned, discarded, or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
iv. Stagnant water or excavations, including swimming pools or spas; and
v. Any device, decoration, design, or structure, or vegetation which a reasonable person would determine to be unsightly by reason of its height, condition, or its inappropriate location.

c. All improvements and work performed on the PROPERTY shall meet, at a minimum, the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, the State Historical Building Code, and the applicable development codes of the City of Escondido.

d. If a code enforcement action has been instituted by the CITY, the CITY may request, and the OWNERS shall submit within thirty (30) days, documentation of expenditures incurred and work performed by the OWNERS within the last 24 months to accomplish items from the list of scheduled improvements for the PROPERTY as set forth in Attachment B of this Historic Property Preservation (Mills Act) Agreement. If the OWNERS perform

work on the PROPERTY, rather than contracting with a third-party, the value of their labor shall be calculated at the market rate for such work performed. The OWNERS shall be in substantial compliance with the scheduled improvements set forth in Attachment B when the expenditures incurred and work performed to accomplish the improvements are equal to or greater than the OWNERS' annual property tax savings for the last 24 months, as determined by the CITY, based upon the County Tax Assessor's valuation of the PROPERTY using the process set forth in Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

e. OWNERS shall, within thirty (30) days after written notice from the CITY, furnish the CITY with any information the CITY shall require to enable the CITY to determine (i) the PROPERTY'S present state; (ii) the PROPERTY'S continued eligibility as a qualified historic property; and (iii) whether the OWNERS are in compliance with this Agreement.

_____ _____ **OWNERS' INITIALS**

3. Inspections. The OWNERS agree to permit periodic examinations/inspections of the interior and exterior of the PROPERTY by the CITY, the County Assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the OWNERS' compliance with this Agreement.

_____ _____ **OWNERS' INITIALS**

X

4. Term of Agreement. This Agreement shall be effective and shall commence on January 1st of the year following the successful recordation of this document by the County Recorder's Office and shall remain in effect for a period of ten (10) years thereafter.

5. Automatic Renewal. On the tenth (10th) anniversary of this Agreement and on each successive anniversary date (hereinafter referred to as "the RENEWAL DATE"), one (1) year shall automatically be added to the initial term of this Agreement unless notice of nonrenewal is given as provided in Paragraph 6 below.

6. Notice of Nonrenewal. If, in any year, either the CITY or the OWNERS desire not to renew this Agreement, that party shall serve a written notice of nonrenewal on the other party. If the OWNERS elect to serve a notice of nonrenewal, the notice must be served on the CITY at least ninety (90) days prior to the RENEWAL DATE, otherwise one (1) additional year shall automatically be added to the term of this Agreement. Conversely, if the CITY elects to serve a notice of nonrenewal, the notice must be served on the OWNERS at least sixty (60) days prior to the RENEWAL DATE, otherwise one (1)

additional year shall automatically be added to the term of this Agreement. The CITY may issue a notice of nonrenewal if the CITY determines improvements, maintenance, rehabilitation, renovation, and/or restoration of the PROPERTY is required for the PROPERTY'S continued eligibility as a qualified historic property. Upon receipt by the OWNERS of a notice of nonrenewal from the CITY, the OWNERS may make a written protest of the nonrenewal. The CITY may, at any time prior to the RENEWAL DATE, withdraw its notice of nonrenewal.

7. Effect of Notice of Nonrenewal. If, in any year, either party serves a notice of nonrenewal as provided in Paragraph 6 above, this Agreement shall remain in effect for: (1) the balance of the period remaining under the initial term of this Agreement; or (2) the balance of the period remaining since the last automatic renewal, whichever the case may be.

8. Cancellation. The CITY may cancel this Agreement if the CITY determines the OWNERS: (a) have breached any of the conditions or covenants of this Agreement; (b) have allowed the PROPERTY to deteriorate to the point that it no longer meets the standards of a qualified historical property as defined in California Government Code section 50280.1; or (c) if the OWNERS have failed to restore or rehabilitate the PROPERTY in the manner specified in Paragraph 2 of this Agreement.

_____ _____ **OWNERS' INITIALS**

9. Notice of Cancellation. Notwithstanding the above, this Agreement cannot be cancelled until after the CITY has given notice and has held a public hearing as required by California Government Code section 50285.

10. Cancellation Fee. If the CITY cancels this Agreement in accordance with Paragraph 8, the OWNERS shall pay those cancellation fees set forth in California Government Code sections 50280 et seq., described herein. Upon cancellation, the OWNERS shall pay a cancellation fee of twelve and one-half percent (12-1/2%) of the current fair market value of the PROPERTY, which is to be determined by the County Assessor as though the PROPERTY were free and clear of any of the restrictions pursuant to this Agreement. The cancellation fee shall be paid to the County Auditor at the time and in the manner that the County Auditor shall prescribe and shall be allocated by the County Auditor to each jurisdiction in the tax rate area in which the PROPERTY is located in the same manner as the County Auditor allocates the annual tax increment in that tax area that fiscal year.

_____ _____ **OWNERS' INITIALS**

11. No Compensation. The OWNERS shall not receive any payment from the CITY in consideration for the obligations imposed under this Agreement. The parties recognize and agree that the consideration for the execution of this Agreement is the substantial public benefit to be derived therefrom and the advantage that will accrue to the OWNERS as a result of assessed value of the PROPERTY because of the restrictions this Agreement imposes on the use and preservation of the PROPERTY.

12. Enforcement of Agreement. As an alternative to cancellation of the Agreement for breach of any condition as provided in Paragraph 8, the CITY may, in its sole discretion, specifically enforce, or enjoin the breach of the terms of this Agreement. In the event of a default, under the provisions of this Agreement by the OWNERS, the City shall give written notice to the OWNERS by registered or certified mail. If such violation is not corrected to the reasonable satisfaction of CITY within thirty (30) calendars days after the date of notice of violation, or within such reasonable time as may be required to cure the violation (provided the acts to cure the violation are commenced within thirty (30) calendar days and thereafter diligently pursued to completion), the CITY may, without further notice, declare the OWNERS to be in breach under the terms of this Agreement, and may bring any action necessary to specifically enforce the obligations of the OWNERS growing out of the terms of this Agreement or apply for such other relief as may be appropriate under local, state, or federal law.

13. Indemnification. OWNERS shall indemnify, defend (with counsel reasonably acceptable to CITY) and hold harmless the City of Escondido, and all of its boards, commissions, departments, agencies, agents, officers, and employees from and against any and all actions, causes of actions, liabilities, losses, costs, claims, judgments, settlements, damages, liens, fines, penalties and expenses (collectively the "Claims") incurred in connection with or arising in whole or in part from this Agreement, including without limitations:

a. any accident, injury to or death of a person, loss of or damage to property incurring in or about the PROPERTY;

b. the use or occupancy of the PROPERTY by the OWNERS,

their agents or invitees;

c. the condition of the PROPERTY;

d. any construction or other work undertaken by the OWNERS of the PROPERTY.

This indemnification shall include, without limitation, reasonable fees for attorneys, consultants, experts and the CITY'S cost for investigating any Claims. The OWNERS shall defend the CITY and all of its boards, commissions, departments, agencies, agents, officers, and employees from any and all Claims

even if such Claim is groundless, fraudulent, or false. The OWNERS' obligations under this Paragraph shall survive termination of this Agreement.

_____ _____ **OWNERS' INITIALS**

14. Remedy If Agreement Not An Enforceable Restriction. In the event it is finally determined by a court of competent jurisdiction that this Agreement does not constitute an enforceable restriction within the meaning of the applicable provisions of the California Government Code and the California Revenue and Taxation Code, except for an unenforceability arising from the cancellation or nonrenewal of this Agreement, for any tax year during the life of this Agreement, then this Agreement shall be null and void and without further effect and the PROPERTY shall from that time forward be free from any restriction whatsoever under this Agreement without any payment or further act by the parties.

15. Condemnation Proceedings. If condemnation proceedings are filed against the PROPERTY, or if the PROPERTY is acquired by a public agency in lieu of condemnation proceedings, this Agreement shall be null and void. If the condemnation proceedings are subsequently abandoned or the acquisition rescinded, this Agreement shall be reactivated retroactively and shall be in full force and effect without the need for any further act by the parties.

16. Destruction of Property; Eminent Domain. If the PROPERTY is destroyed by fire or other natural disaster such that in the opinion of the CITY the historic value of the structure has been lost and a majority of the structure must be replaced, this Agreement will be cancelled. If the PROPERTY is acquired in whole or in part by eminent domain or other acquisition by an entity authorized to exercise the power of eminent domain, and the acquisition is determined by the CITY to frustrate the purpose of the Agreement, this Agreement shall be cancelled. No cancellation fee as set forth in Paragraph 10 above and pursuant to California Government Code sections 50280 et seq. shall be imposed if the Agreement is cancelled pursuant to this Paragraph.

17. Entire Agreement. This instrument and its attachments constitute the entire agreement between the parties. The parties shall not be bound by any terms, conditions, statements, or representations, oral or written, not contained in this Agreement. Each party hereby acknowledges that in executing this Agreement, the party has not been induced, persuaded, or motivated by any promise or representation made by the other parties, unless expressly set forth in this Agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument and are of no force and effect.

18. Attorney's Fees. In the event legal proceedings are brought by any party or parties hereto, to enforce or restrain a violation of any of the covenants,

reservations, or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover its reasonable attorney's fees in addition to court costs and other relief ordered by the court.

19. Modification. No modification of this Agreement shall be valid or binding unless the modification is in writing, signed by all parties, and recorded with the County Recorder for the County of San Diego.

20. Binding Effect. This Agreement shall be binding on and inure to the benefit of all parties herein, their heirs, successors-in-interest, legal representatives, assigns and all persons acquiring any part or portion of the PROPERTY, whether by operation of law or otherwise, and that any such person(s) shall have the same rights and obligations under this Agreement.

21. Choice of Law and Forum. This Agreement and the legal relations between the parties shall be governed by and construed in accordance with the laws of the State of California. Any action or proceeding to enforce any provision of this Agreement shall be brought in the San Diego Superior Court, North County Division.

22. Sale. If the PROPERTY is sold, the OWNERS shall notify the CITY of the sale and present to the CITY a signed statement from the new owners indicating that a copy of this Agreement, the list of scheduled improvements for the PROPERTY as set forth in Attachment B of this Agreement, and any amendments to this Agreement were provided to them.

23. Headings. The headings of the paragraphs of this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

24 Waiver. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

25. Severability. The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.

26. Notices. Any notice, delivery or other communication pursuant to this Agreement shall be in writing and shall be given to:

CITY: City Clerk
City of Escondido
201 N. Broadway
Escondido, CA 92025

OWNERS: Henry & Marilyn Porretta
1230 West 13th Avenue
Escondido, CA 92025

Any party may change his/her/its address by giving written notice to the other parties in the manner provided in this paragraph. Any notice, delivery, or other communication shall be effective and shall be deemed to be received by the other parties within five (5) business days after the notice has been deposited in the United States mail, duly registered or certified, with postage prepaid, and addressed as set forth above.

27. Notice to Office of Historic Preservation. The OWNERS or an agent of the OWNERS shall provide written notice of this Agreement to the Office of Historic Preservation within six months of entering into this Agreement. A copy of this notice shall also be provided to the CITY.

(Remainder of page left intentionally blank.)

28. Counterparts. This Agreement may be executed in any number of counterparts or by facsimile transmission, each of which will be deemed an original with the same effect as if all signatures were on the same instrument.

IN WITNESS WHEREOF, the CITY and the OWNERS have executed this Agreement as of the date set forth below.

CITY OF ESCONDIDO

Dated: _____ By: _____
Mayor

Dated: _____ By: _____
City Clerk

OWNERS

Dated: _____ By: _____
Owner
(This signature must be notarized.)

Dated: _____ By: _____
Owner
(This signature must be notarized.)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
JEFFREY R. EPP, City Attorney

By: _____

ATTACHMENT "A"

LEGAL DESCRIPTION

For APN/Parcel ID(s): 231-450-32-00

Parcel A:

Parcel 3 of Parcel Map No. 10267, in the City of Escondido, County of San Diego, State of California, according to Map thereof. filed in the Office of the County Recorder of San Diego County, July 24, 1980

Parcel B:

An easement for road purposes and public utilities purposes over a strip of land 20 feet in width, described as follows:

That portion of Lot "C" of the Resubdivision of Lots 10, 12, and 13 in Block 244 of the Rancho Rincon Del Diablo,, as set forth on Resubdivision Map No. 1549, filed in the Office of the County Recorder of San Diego County, March 19, 1913, described as follows:

Beginning at the Northwest corner of said Lot "C" of Block 244, Rancho Rincon Del Diablo; thence along said Northwesterly line of said Lot, North 66 ° 27' East, 998.7 feet to the Northeast corner of said Lot; thence South 02 ° 08' West along the East line of said Lot, 521.5 feet; thence South 67 ° 03' West 660.00 feet; thence South 1 ° 34' West, 98.5 feet to intersection with a line that is parallel with and distant 20 feet at right angles Easterly from the Southwesterly line of said Lot; thence along said parallel line North 28 ° 51' West, 86 feet to the point of beginning; thence along said parallel line South 28 ° 51' East, 523.2 feet to the center line of the road adjoining said Lot "C" on the Southeast; thence South 61 ° 09' West along said center line 20.00 feet; thence North 28 ° 51' West, 523 feet along the Southwesterly line of said Lot "C"; thence North 61 ° 09' East, 20.00 feet to the point of beginning.

ATTACHMENT "B"

Mills Act Application
List of Improvements

Case file: HP 13-0002
Property Address: 2858 Oak Hill Drive
Property Owners: Henry and Marilyn Porretta

1. Grade terrace area surrounding structures and stabilize surface by installing gravel (completed).
2. Install new copper plumbing throughout main house (completed).
3. Replace water heater (completed).
4. Repair chimney (completed).
5. Install new roofing on 15' X 28' shed (in process - nearly complete).
6. Install landscaping around existing structures (in process).
7. Remove one older non-native tree planted too close and now affecting the main house (planned).
8. Repair and repaint the original double-hung windows (planned).
9. Install gas lines and replace gas furnace (planned).
10. Inspect electrical system and upgrade as needed (planned).
11. Repair and repaint stucco on main house (planned).
12. Repaint garage and shop buildings (planned).

Agenda Item No.: 13
Date: November 6, 2013

RESOLUTION NO. 2013-148

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, LISTING THE RESIDENTIAL STRUCTURE ON THE PROPERTY ADDRESSED AS 2858 OAK HILL DRIVE ON THE CITY'S LOCAL REGISTER OF HISTORIC PLACES AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE, ON BEHALF OF THE CITY, A MILLS ACT CONTRACT, AKA AN HISTORIC PROPERTY PRESERVATION AGREEMENT, WITH HENRY AND MARILYN PORRETTA FOR THE PROPERTY LOCATED AT 2858 OAK HILL DRIVE

(CASE No. HP-13-0002)

WHEREAS, the City's Historic Resources Ordinance identifies seven criteria for properties to be listed on the City's Local Register of Historic Places; and

WHEREAS, properties eligible for listing on the Local Register must meet at least two of the seven criteria identified in the Ordinance; and

WHEREAS, the property located at 2858 Oak Hill Drive has been evaluated against the criteria and has been found to be eligible for listing on the Local Register; and

WHEREAS, the Mills Act is a state law enabling owners of designated historic properties to enter into an historic property preservation contract with their local legislative body and receive a property tax reduction; and

WHEREAS, Henry and Marilyn Porretta have submitted a request to enter into a Historic Property Preservation Agreement ("Agreement") with the City for property located at 2858 Oak Hill Drive (APN 231-450-3200); and

WHEREAS, this property qualifies for a Mills Act Contract since it was recommended by the Historic Preservation Commission to be listed in the Local Register of Historic Resources on October 8, 2013; and

WHEREAS, the City Council desires at this time and deems it to be in the best public interest to list the historic property located at 2858 Oak Hill Drive on the City's Local Register of Historic Places and approve the Agreement for the property, as recommended by the Historic Preservation Commission on October 8, 2013.

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

1. That the above recitations are true.

2. That the Mayor and City Clerk are hereby authorized to list the property on the City's Local Register of Historic Places and to execute, on behalf of the City, an Agreement with Henry and Marilyn Porretta for the property located at 2858 Oak Hill Drive. A copy of the Agreement is attached as Exhibit "A" and is incorporated by this reference.

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

City Clerk
City of Escondido
201 N. Broadway
Escondido, CA 92025

THIS SPACE FOR RECORDER'S USE ONLY

HISTORIC PROPERTY PRESERVATION AGREEMENT

This Agreement is made and entered into by and between the CITY OF ESCONDIDO, a municipal corporation (hereinafter referred to as "the CITY") and Henry and Marilyn Porretta (hereinafter referred to as "the OWNERS").

Recitals

1. WHEREAS, the OWNERS possess and own real property located within the City of Escondido, which property is more fully described in Attachment "A" to this Agreement (hereinafter "the PROPERTY"); and

2. WHEREAS, the PROPERTY is a qualified historical property in that it is privately owned, it is not exempt from property taxation, and it is listed in the Local Register of Historic Places; and

3. WHEREAS, both the CITY and the OWNERS desire to carry out the purposes of Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code; and

4. WHEREAS, both the CITY and the OWNERS desire to limit the use of the PROPERTY and to preserve the PROPERTY so as to retain its characteristics as a property of cultural, architectural, and historical significance.

Agreement

NOW THEREFORE, both the CITY and the OWNERS, in consideration of the mutual promises, covenants, and conditions contained herein and the substantial public benefits to be derived therefrom, do hereby agree as follows:

1. Applicability of Government Code and Revenue and Taxation Code. This Agreement is made pursuant to Article 12 (commencing with section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the California Government Code and Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code and is subject to all of the provisions of these statutes.

2. Preservation/Rehabilitation and Maintenance of Property. During the term of this Agreement, the PROPERTY shall be subject to the following conditions, requirements, and restrictions:

a. The OWNERS agree to preserve/rehabilitate and maintain the cultural, historical, and architectural characteristics of the PROPERTY during the term of this Agreement as set forth in the attached schedule of improvements identified as Attachment B.

b. The OWNERS shall maintain all buildings, structures, yards, and other improvements in a manner which does not detract from the appearance of the immediate neighborhood. Prohibited property conditions include, but are not limited to:

i. Dilapidated, deteriorating, or unrepaired structures, such as fences, roofs, doors, walls, and windows;
ii. Scrap lumber, junk, trash, or debris;
iii. Abandoned, discarded, or unused objects or equipment, such as automobiles, automobile parts, furniture, stoves, refrigerators, cans, containers, or similar items;
iv. Stagnant water or excavations, including swimming pools or spas; and
v. Any device, decoration, design, or structure, or vegetation which a reasonable person would determine to be unsightly by reason of its height, condition, or its inappropriate location.

c. All improvements and work performed on the PROPERTY shall meet, at a minimum, the rules and regulations of the Office of Historic Preservation of the California Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, the State Historical Building Code, and the applicable development codes of the City of Escondido.

d. If a code enforcement action has been instituted by the CITY, the CITY may request, and the OWNERS shall submit within thirty (30) days, documentation of expenditures incurred and work performed by the OWNERS within the last 24 months to accomplish items from the list of scheduled improvements for the PROPERTY as set forth in Attachment B of this Historic Property Preservation (Mills Act) Agreement. If the OWNERS perform

work on the PROPERTY, rather than contracting with a third-party, the value of their labor shall be calculated at the market rate for such work performed. The OWNERS shall be in substantial compliance with the scheduled improvements set forth in Attachment B when the expenditures incurred and work performed to accomplish the improvements are equal to or greater than the OWNERS' annual property tax savings for the last 24 months, as determined by the CITY, based upon the County Tax Assessor's valuation of the PROPERTY using the process set forth in Article 1.9 (commencing with section 439) of Chapter 3 of Part 2 of Division 1 of the California Revenue and Taxation Code.

e. OWNERS shall, within thirty (30) days after written notice from the CITY, furnish the CITY with any information the CITY shall require to enable the CITY to determine (i) the PROPERTY'S present state; (ii) the PROPERTY'S continued eligibility as a qualified historic property; and (iii) whether the OWNERS are in compliance with this Agreement.

_____ _____ **OWNERS' INITIALS**

3. Inspections. The OWNERS agree to permit periodic examinations/inspections of the interior and exterior of the PROPERTY by the CITY, the County Assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the OWNERS' compliance with this Agreement.

_____ _____ **OWNERS' INITIALS**

X

4. Term of Agreement. This Agreement shall be effective and shall commence on January 1st of the year following the successful recordation of this document by the County Recorder's Office and shall remain in effect for a period of ten (10) years thereafter.

5. Automatic Renewal. On the tenth (10th) anniversary of this Agreement and on each successive anniversary date (hereinafter referred to as "the RENEWAL DATE"), one (1) year shall automatically be added to the initial term of this Agreement unless notice of nonrenewal is given as provided in Paragraph 6 below.

6. Notice of Nonrenewal. If, in any year, either the CITY or the OWNERS desire not to renew this Agreement, that party shall serve a written notice of nonrenewal on the other party. If the OWNERS elect to serve a notice of nonrenewal, the notice must be served on the CITY at least ninety (90) days prior to the RENEWAL DATE, otherwise one (1) additional year shall automatically be added to the term of this Agreement. Conversely, if the CITY elects to serve a notice of nonrenewal, the notice must be served on the OWNERS at least sixty (60) days prior to the RENEWAL DATE, otherwise one (1)

additional year shall automatically be added to the term of this Agreement. The CITY may issue a notice of nonrenewal if the CITY determines improvements, maintenance, rehabilitation, renovation, and/or restoration of the PROPERTY is required for the PROPERTY'S continued eligibility as a qualified historic property. Upon receipt by the OWNERS of a notice of nonrenewal from the CITY, the OWNERS may make a written protest of the nonrenewal. The CITY may, at any time prior to the RENEWAL DATE, withdraw its notice of nonrenewal.

7. Effect of Notice of Nonrenewal. If, in any year, either party serves a notice of nonrenewal as provided in Paragraph 6 above, this Agreement shall remain in effect for: (1) the balance of the period remaining under the initial term of this Agreement; or (2) the balance of the period remaining since the last automatic renewal, whichever the case may be.

8. Cancellation. The CITY may cancel this Agreement if the CITY determines the OWNERS: (a) have breached any of the conditions or covenants of this Agreement; (b) have allowed the PROPERTY to deteriorate to the point that it no longer meets the standards of a qualified historical property as defined in California Government Code section 50280.1; or (c) if the OWNERS have failed to restore or rehabilitate the PROPERTY in the manner specified in Paragraph 2 of this Agreement.

_____ _____ **OWNERS' INITIALS**

9. Notice of Cancellation. Notwithstanding the above, this Agreement cannot be cancelled until after the CITY has given notice and has held a public hearing as required by California Government Code section 50285.

10. Cancellation Fee. If the CITY cancels this Agreement in accordance with Paragraph 8, the OWNERS shall pay those cancellation fees set forth in California Government Code sections 50280 et seq., described herein. Upon cancellation, the OWNERS shall pay a cancellation fee of twelve and one-half percent (12-1/2%) of the current fair market value of the PROPERTY, which is to be determined by the County Assessor as though the PROPERTY were free and clear of any of the restrictions pursuant to this Agreement. The cancellation fee shall be paid to the County Auditor at the time and in the manner that the County Auditor shall prescribe and shall be allocated by the County Auditor to each jurisdiction in the tax rate area in which the PROPERTY is located in the same manner as the County Auditor allocates the annual tax increment in that tax area that fiscal year.

_____ _____ **OWNERS' INITIALS**

11. No Compensation. The OWNERS shall not receive any payment from the CITY in consideration for the obligations imposed under this Agreement. The parties recognize and agree that the consideration for the execution of this Agreement is the substantial public benefit to be derived therefrom and the advantage that will accrue to the OWNERS as a result of assessed value of the PROPERTY because of the restrictions this Agreement imposes on the use and preservation of the PROPERTY.

12. Enforcement of Agreement. As an alternative to cancellation of the Agreement for breach of any condition as provided in Paragraph 8, the CITY may, in its sole discretion, specifically enforce, or enjoin the breach of the terms of this Agreement. In the event of a default, under the provisions of this Agreement by the OWNERS, the City shall give written notice to the OWNERS by registered or certified mail. If such violation is not corrected to the reasonable satisfaction of CITY within thirty (30) calendars days after the date of notice of violation, or within such reasonable time as may be required to cure the violation (provided the acts to cure the violation are commenced within thirty (30) calendar days and thereafter diligently pursued to completion), the CITY may, without further notice, declare the OWNERS to be in breach under the terms of this Agreement, and may bring any action necessary to specifically enforce the obligations of the OWNERS growing out of the terms of this Agreement or apply for such other relief as may be appropriate under local, state, or federal law.

13. Indemnification. OWNERS shall indemnify, defend (with counsel reasonably acceptable to CITY) and hold harmless the City of Escondido, and all of its boards, commissions, departments, agencies, agents, officers, and employees from and against any and all actions, causes of actions, liabilities, losses, costs, claims, judgments, settlements, damages, liens, fines, penalties and expenses (collectively the "Claims") incurred in connection with or arising in whole or in part from this Agreement, including without limitations:

a. any accident, injury to or death of a person, loss of or damage to property incurring in or about the PROPERTY;

b. the use or occupancy of the PROPERTY by the OWNERS,

their agents or invitees;

c. the condition of the PROPERTY;

d. any construction or other work undertaken by the OWNERS of the PROPERTY.

This indemnification shall include, without limitation, reasonable fees for attorneys, consultants, experts and the CITY'S cost for investigating any Claims. The OWNERS shall defend the CITY and all of its boards, commissions, departments, agencies, agents, officers, and employees from any and all Claims

even if such Claim is groundless, fraudulent, or false. The OWNERS' obligations under this Paragraph shall survive termination of this Agreement.

_____ _____ **OWNERS' INITIALS**

14. Remedy If Agreement Not An Enforceable Restriction. In the event it is finally determined by a court of competent jurisdiction that this Agreement does not constitute an enforceable restriction within the meaning of the applicable provisions of the California Government Code and the California Revenue and Taxation Code, except for an unenforceability arising from the cancellation or nonrenewal of this Agreement, for any tax year during the life of this Agreement, then this Agreement shall be null and void and without further effect and the PROPERTY shall from that time forward be free from any restriction whatsoever under this Agreement without any payment or further act by the parties.

15. Condemnation Proceedings. If condemnation proceedings are filed against the PROPERTY, or if the PROPERTY is acquired by a public agency in lieu of condemnation proceedings, this Agreement shall be null and void. If the condemnation proceedings are subsequently abandoned or the acquisition rescinded, this Agreement shall be reactivated retroactively and shall be in full force and effect without the need for any further act by the parties.

16. Destruction of Property; Eminent Domain. If the PROPERTY is destroyed by fire or other natural disaster such that in the opinion of the CITY the historic value of the structure has been lost and a majority of the structure must be replaced, this Agreement will be cancelled. If the PROPERTY is acquired in whole or in part by eminent domain or other acquisition by an entity authorized to exercise the power of eminent domain, and the acquisition is determined by the CITY to frustrate the purpose of the Agreement, this Agreement shall be cancelled. No cancellation fee as set forth in Paragraph 10 above and pursuant to California Government Code sections 50280 et seq. shall be imposed if the Agreement is cancelled pursuant to this Paragraph.

17. Entire Agreement. This instrument and its attachments constitute the entire agreement between the parties. The parties shall not be bound by any terms, conditions, statements, or representations, oral or written, not contained in this Agreement. Each party hereby acknowledges that in executing this Agreement, the party has not been induced, persuaded, or motivated by any promise or representation made by the other parties, unless expressly set forth in this Agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument and are of no force and effect.

18. Attorney's Fees. In the event legal proceedings are brought by any party or parties hereto, to enforce or restrain a violation of any of the covenants,

reservations, or restrictions contained herein, or to determine the rights and duties of any party hereunder, the prevailing party in such proceeding may recover its reasonable attorney's fees in addition to court costs and other relief ordered by the court.

19. Modification. No modification of this Agreement shall be valid or binding unless the modification is in writing, signed by all parties, and recorded with the County Recorder for the County of San Diego.

20. Binding Effect. This Agreement shall be binding on and inure to the benefit of all parties herein, their heirs, successors-in-interest, legal representatives, assigns and all persons acquiring any part or portion of the PROPERTY, whether by operation of law or otherwise, and that any such person(s) shall have the same rights and obligations under this Agreement.

21. Choice of Law and Forum. This Agreement and the legal relations between the parties shall be governed by and construed in accordance with the laws of the State of California. Any action or proceeding to enforce any provision of this Agreement shall be brought in the San Diego Superior Court, North County Division.

22. Sale. If the PROPERTY is sold, the OWNERS shall notify the CITY of the sale and present to the CITY a signed statement from the new owners indicating that a copy of this Agreement, the list of scheduled improvements for the PROPERTY as set forth in Attachment B of this Agreement, and any amendments to this Agreement were provided to them.

23. Headings. The headings of the paragraphs of this Agreement are inserted for convenience only. They do not constitute part of this Agreement and shall not be used in its construction.

24 Waiver. The waiver by any party to this Agreement of a breach of any provision of this Agreement shall not be deemed a continuing waiver or a waiver of any subsequent breach of that or any other provision of this Agreement.

25. Severability. The invalidity in whole or in part of any provision of this Agreement will not void or affect the validity of any other provisions of this Agreement.

26. Notices. Any notice, delivery or other communication pursuant to this Agreement shall be in writing and shall be given to:

CITY: City Clerk
City of Escondido
201 N. Broadway
Escondido, CA 92025

OWNERS: Henry & Marilyn Porretta
1230 West 13th Avenue
Escondido, CA 92025

Any party may change his/her/its address by giving written notice to the other parties in the manner provided in this paragraph. Any notice, delivery, or other communication shall be effective and shall be deemed to be received by the other parties within five (5) business days after the notice has been deposited in the United States mail, duly registered or certified, with postage prepaid, and addressed as set forth above.

27. Notice to Office of Historic Preservation. The OWNERS or an agent of the OWNERS shall provide written notice of this Agreement to the Office of Historic Preservation within six months of entering into this Agreement. A copy of this notice shall also be provided to the CITY.

(Remainder of page left intentionally blank.)

28. Counterparts. This Agreement may be executed in any number of counterparts or by facsimile transmission, each of which will be deemed an original with the same effect as if all signatures were on the same instrument.

IN WITNESS WHEREOF, the CITY and the OWNERS have executed this Agreement as of the date set forth below.

CITY OF ESCONDIDO

Dated: _____ By: _____
Mayor

Dated: _____ By: _____
City Clerk

OWNERS

Dated: _____ By: _____
Owner
(This signature must be notarized.)

Dated: _____ By: _____
Owner
(This signature must be notarized.)

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY
JEFFREY R. EPP, City Attorney

By: _____

ATTACHMENT "A"

LEGAL DESCRIPTION

For APN/Parcel ID(s): 231-450-32-00

Parcel A:

Parcel 3 of Parcel Map No. 10267, in the City of Escondido, County of San Diego, State of California, according to Map thereof. filed in the Office of the County Recorder of San Diego County, July 24, 1980

Parcel B:

An easement for road purposes and public utilities purposes over a strip of land 20 feet in width, described as follows:

That portion of Lot "C" of the Resubdivision of Lots 10, 12, and 13 in Block 244 of the Rancho Rincon Del Diablo,, as set forth on Resubdivision Map No. 1549, filed in the Office of the County Recorder of San Diego County, March 19, 1913, described as follows:

Beginning at the Northwest corner of said Lot "C" of Block 244, Rancho Rincon Del Diablo; thence along said Northwesterly line of said Lot, North 66 ° 27' East, 998.7 feet to the Northeast corner of said Lot; thence South 02 ° 08' West along the East line of said Lot, 521.5 feet; thence South 67 ° 03' West 660.00 feet; thence South 1 ° 34' West, 98.5 feet to intersection with a line that is parallel with and distant 20 feet at right angles Easterly from the Southwesterly line of said Lot; thence along said parallel line North 28 ° 51' West, 86 feet to the point of beginning; thence along said parallel line South 28 ° 51' East, 523.2 feet to the center line of the road adjoining said Lot "C" on the Southeast; thence South 61 ° 09' West along said center line 20.00 feet; thence North 28 ° 51' West, 523 feet along the Southwesterly line of said Lot "C"; thence North 61 ° 09' East, 20.00 feet to the point of beginning.

ATTACHMENT "B"

SCHEDULE OF IMPROVEMENTS

Property Address: 2858 Oak Hill Drive
Property Owners: Henry and Marilyn Porretta

1. Grade terrace area surrounding structures and stabilize surface by installing gravel (completed).
2. Install new copper plumbing throughout main house (completed).
3. Replace water heater (completed).
4. Repair chimney (completed).
5. Install new roofing on 15' X 28' shed (in process - nearly complete).
6. Install landscaping around existing structures (in process).
7. Remove one older non-native tree planted too close and now affecting the main house (planned).
8. Repair and repaint the original double-hung windows (planned).
9. Install gas lines and replace gas furnace (planned).
10. Inspect electrical system and upgrade as needed (planned).
11. Repair and repaint stucco on main house (planned).
12. Repaint garage and shop buildings (planned).

ESCONDIDO
City of Choice

CITY COUNCIL

For City Clerk's Use:
☐ APPROVED ☐ DENIED
Reso No. _____ File No. _____
Ord No. _____

Agenda Item No.: 14
Date: November 6, 2013

TO: Honorable Mayor and Members of the City Council

FROM: Barbara J. Redlitz, Director of Community Development

SUBJECT: Modification of the Master Development Plan for Lexus Escondido (Case No. PHG 12-0001 / ENV 12-0006)

STAFF RECOMMENDATION:

It is requested that Council introduce Ordinance No. 2013-05 approving the proposed modification of the Master Development Plan for the Centre at Lexus Escondido, and adopting the Mitigated Negative Declaration and Mitigation Monitoring Program for the project.

ECONOMIC DEVELOPMENT SUBCOMMITTEE RECOMMENDATION:

The project includes a Business Enhancement Zone (BEZ) request for expedited processing directly to City Council, which was approved February 27, 2013, by the Economic Development Subcommittee. No other BEZ incentive is requested.

PLANNING COMMISSION:

The Planning Commission did not review this request.

PROJECT DESCRIPTION:

A Business Enhancement Zone (BEZ) request to modify a previously approved Master Development Plan (Case No. 2006-10-PD) for the Centre at Lexus Escondido to allow outdoor events accommodating up to 615 attendees including entertainment with amplified music to be held on the existing third floor roof decks; establish a higher daytime (7 AM to 10 PM) noise level limit of 65 dBA at the project boundaries (where 55 dBA and 60 dBA are currently permitted); and to allow a second monument sign and the use of ten feather flags along Auto Park Way.

LOCATION:

On the south side of Auto Park Way, west of Tanglewood Lane and I-15, addressed as 1205 Auto Park Way, in the PD-C (Planned Development-Commercial) zone. The site is adjacent to the freeway interchange at I-15 and Auto Park Way/9th Avenue. The Promenade commercial center is across Auto Park Way to the north and non-conforming single-family residences in the PD-C zone and I-15 are to the east. Multi-family dwelling units are to the south and west in multi-family residential zones.

PREVIOUS ACTION:

In December 2006 the City Council approved a Planned Development for the Lexus Escondido Centre at the Master and Precise Plan level. That approval included an automobile dealership with service, retail parts and accessories, a restaurant, a conference center, a monument sign with an electronic message board, a digital media screen, retail boutique space, and an economic incentive and operating covenant agreement. At that time the roof decks were designated as "garden patios" with no planned uses identified.

FISCAL ANALYSIS:

None

GENERAL PLAN ANALYSIS:

The subject site is designated Planned Commercial (PC), which provides for a variety of commercial activities within a self-contained, comprehensively planned development. It is also included within the Promenade Retail Center and Vicinity Target Area (Pg. II-74). The Target Area generally includes the southwestern quadrant of I-15/W. Valley Parkway encompassing the large shopping center and the middle school property, which is also designated as Planned Commercial for future commercial development. The proposed project would be consistent with the Target Area Guiding Principles that encourage opportunities for increasing employment densities and attracting businesses including theaters, entertainment and visitor serving uses that complement existing retail.

The Noise Element indicates that the areas within Target Area overlays are planned for additional growth and increased traffic volumes, and the corresponding noise increases that would be generated. The project includes a request to establish a daytime (7:00 AM to 10:00 PM) noise level limit of 65 dBA at all property lines. While the request would increase the noise limits up to 10 dBA over the zoning code standards, the requested level of 65 dBA would be consistent with the General Plan policies and Figure VI-12 depicting acceptable community noise exposure levels. The General Plan identifies the range of normally acceptable outdoor noise levels in multi- family residential areas as 50-65 dBA. The requested increase to 65 dBA would also be consistent with the conditionally acceptable range of 60-70 dBA for single-family residential uses. The project site lies within the projected 2035 Interstate 15 noise contours of 65-70 dBA (Figure VI-17.) See the ANALYSIS section for more details.

ENVIRONMENTAL REVIEW:

A draft Mitigated Negative Declaration (MND), ENV 12-0006, was issued for public review from February 15, 2013 to March 18, 2013. Comments were received regarding potential impacts, primarily related to traffic and the proposed increase in property line noise thresholds. In response, the applicant revised the project description to limit the total number of event attendees to 615 people and hired a traffic consultant to prepare a Traffic Assessment Letter, and a draft management plan for on-site traffic. Revisions were made to the MND including the addition of five traffic mitigation measures. The revised MND was issued for public review from August 29, 2013 to September 17, 2013. Eight comment letters were received and are attached to this staff report. See the ANALYSIS section for full discussion of potential impacts and mitigation. Staff feels that with the Mitigation

Measures, Enforceable Commitment to the Mitigation Measures, and Conditions of Approval, potential noise and traffic impacts will be reduced to a less than significant level.

BACKGROUND:

Last year, Lexus Escondido conducted a pilot program of five outdoor concerts on the western roof-top deck to determine the feasibility of presenting concerts in that venue and to gather information on potential noise and lighting impacts. In order to continue concert programs and to hold other entertainment and social events on the roof decks, the Master Plan of the Lexus planned development must be modified to add these uses and revise the previous project conditions. The pilot program concerts were conducted under Temporary Use Permits #ADM 11-0142 and #ADM 12-0009. Based on the noise studies prepared by a consultant from data gathered during the concerts, the applicant wishes to establish with this modification, a maximum noise threshold of 65 dBA at the property lines where the noise ordinance currently limits noise levels to 55 and 60 dBA. While the modification request and environmental documentation was being evaluated and prepared for Council consideration, additional events were held on the roof top decks under individual Temporary Use Permits (TUPs). Should Council approve the applicant's request, individual TUPs would no longer be required for each roof top event.

ANALYSIS OF PROPOSED MODIFICATIONS:

Increase of Noise Thresholds at Property Lines –
In order to hold a wide range of events and entertainment on the existing third floor roof decks, the applicant requests to establish a 65 dBA daytime (7 AM to 10 PM) noise threshold limit along all property lines. This equates to an increase from 55 dBA to 65 dBA along the western and southern boundaries and from 60 dBA to 65 dBA along the eastern and northern boundaries. The existing Noise Ordinance thresholds vary based on whether the property abuts a commercial or residential zone; the Planned Development process can be used to establish a noise threshold that is unique to the property, provided consistency with the General plan can be demonstrated.

While the proposed 65 dBA limit would exceed the current thresholds of the Escondido Noise Ordinance, it would still be within the range of acceptable community noise exposure levels identified in the General Plan. Figure VI-12 (Pg. VI-22) shows a range of 50-65 dBA as being acceptable for multi-family residential land use categories, as exists along the western and southern boundaries of the site and developed with apartments. The figure also shows a range of 50-70 dBA as acceptable for business/ commercial areas, as exists along the eastern and northern boundaries; these areas are developed with existing single-family residences to the east that are now nonconforming residential uses in a commercial zone, and a commercial center to the north. All amplified sound on the open roof decks would be reduced at 10 PM to maintain the current noise ordinance nighttime (10 PM to 7 AM) property line noise thresholds of 50 dBA along the south and west project boundaries and 55 dBA along the north and east project boundaries or any higher documented ambient nighttime noise level.

The requested 65 dBA level is based on the two noise studies prepared by Eiler Associates for the concert pilot program; these studies concluded that events held on the east roof deck of the Centre will be in compliance with the city's current applicable daytime noise limit of 60 dBA at the eastern property line. However, concerts held on the west roof deck produced higher noise levels with at least one noise reading of 66.5 dBA at the western property line and up to 58.5 dBA at the southern

property line where 55 dBA is currently allowed by the noise ordinance. The studies noted that feasible mitigation of noise to the requested 65 dBA level could be accomplished through a combination of sound barrier panels, orientation and numbers of speakers, and by reducing the volume level of the sound system.

The applicant has committed to developing a Noise Compliance Plan and implementing appropriate measures during outdoor events to keep noise levels at the property lines at 65 dBA or less between 7:00 AM and 10:00 PM. The Noise Compliance Plan will address responsibilities for monitoring compliance with the established noise level, including but not limited to monitoring noise and sound levels in front of the speakers and along the property lines during events, documenting the sound monitoring information, identifying when noise barrier panels would be provided for events, and listing actions to be taken during an event to reduce noise volume to acceptable levels, which could include reducing the speaker volume, reducing the number, location and orientation of the speakers, or other measures (Noise Mitigation Measures #1 & 2.). A noise compliance report summarizing the outdoor events, documenting the effectiveness of the noise compliance plan, and identifying any adjustments that may be necessary for future events, will be required. The applicant has also committed to providing a public "hot line" telephone number for community members to contact event management personnel during events when they have concerns about noise or other event issues (Noise Mitigation Measure #3).

With the mitigation measures and Conditions of Approval, the applicant's commitment to actively monitor noise levels at the property lines during events and take necessary and feasible steps to maintain the thresholds, the fact that the 65 dBA threshold at the project boundaries would be consistent with the General Plan, and that all event sound would be reduced to nighttime noise thresholds at 10:00 PM, the potential noise impacts to adjacent properties will be reduced to less than significant levels.

Traffic –
The existing Lexus facility fronts on and takes access from Auto Park Way, a Major Road (102' r.o.w.) in the Mobility and Infrastructure Element of the General Plan. The road was improved from 9th Avenue to the I-15 southbound on-ramp concurrent with the original construction of the Lexus Centre. The intersection of Auto Park Way and 9th Avenue was also improved at that time. The Centre's main driveway is long and wide with the ingress and egress lanes separated by a landscaped median with fountains. Exiting is right-turn out only. A Traffic Assessment Letter (TAL) was prepared July 9, 2013 by Linscott, Law & Greenspan to assess potential impacts associated with the proposed roof deck events. The consultant developed a trip generation rate for the events and determined that a maximum size event would generate about 540 trips. The assessment looked at existing traffic conditions and project trip generation, distribution and assignment. As the Lexus Centre includes a restaurant, the consultant factored in the likelihood that some attendees of a special event would also patronize the restaurant/bar for dinner and/or drinks either before or after an event. The existing uses on site operate at different times and the trips generated are part of the existing traffic volumes. See the Details of Request for operating hours. The TAL evaluated potential impacts of the project trips

during peak commuter weekday traffic periods, as well as, during the 2:00-4:00 PM period that the nearby middle school lets out and parents pick up their students. The largest capacity events of 615 attendees were analyzed; one with an afternoon start time of 3:00 PM and another with an evening start time of 6:00 PM.

The traffic study concludes that all intersections in the project area will continue to operate at acceptable Level of Service (LOS) D or better with the addition of maximum-capacity event traffic. The 9th Avenue road segment west of Auto Park Way currently operates at LOS F. Although this segment would continue to operate at LOS F with the added project traffic, the project adds less than 200 trips (46 ADT) to this segment and the increase in the volume to capacity ratio is less than 2%, which are less than significant impacts. The TAL recommended four mitigation measures related to the timing of event start and end times in relation to the weekday peak commuter and school traffic periods, and the management of on-site vehicle circulation for event traffic via a Traffic Management Plan. These mitigation measures have been incorporated in the project Conditions of Approval. Given that a less than significant impact would occur on the 9th Avenue road segment and that all other study area road segments and intersection were calculated to operate efficiently with the addition of event traffic, the project would have no significant adverse effects on peak hour and daily traffic in the area.

Comments received during the public review of the Mitigated Negative Declaration included concerns about the length of the left turn pocket into the Lexus driveway from westbound Auto Park Way and potential traffic backing up into the travel lanes at the driveway entrance. The TAL indicates that the turn pocket provides storage for about seven vehicles and that some attendees will make a U-turn at the intersection of Auto Park Way and 9th Avenue rather than use the left-turn pocket. The draft Traffic Management Plan (TMP) submitted by the applicant details procedures and management techniques that would be implemented by Lexus to foster safe and efficient traffic movement for large events with 450 or more attendees, during the weekday peak commute hours. Monitors are proposed at the Centre's driveway entrance during a 3:00 PM event to reduce the potential for conflicts between pedestrians and vehicles. The submittal of a Traffic Monitoring Report will be required after several months/major events. It will evaluate any on- and off-site traffic issues that were observed and the Centre will work with City staff to make adjustments to the TMP as may be necessary.

With the implementation of the five traffic Mitigation Measures, which include a Traffic Management Plan and event scheduling restrictions, the project will not have a significant impact related to traffic.

Parking - Currently there are 420 striped parking spaces available on-site around the building and in a three level parking structure. If all uses on site, including two large events on the outdoor decks, were to occur simultaneously, 561 parking spaces would be required for customers and employees under the Escondido Zoning Code parking standards. The project proposes that self-parking and/or valet parking will be provided during roof deck events so that 580 parking spaces will be available while maintaining required emergency vehicle access. The site and parking structure allow flexibility in

providing additional valet parking temporarily during roof deck events. This additional valet parking could be provided as needed in the service area, the auto display areas and open paved areas outside of the fire lanes. There is no on-street parking on Auto Park Way and limited parking at the north end of Tanglewood Lane adjacent to the Centre.

While parking is typically no longer considered a CEQA impact, the amount of available on-site parking could affect whether event patrons park offsite, such as along neighboring residential streets or in nearby commercial parking lots. With the low likelihood that all uses at the Centre would occur simultaneously, the implementation of the Traffic Management Plan and scheduling restrictions for events, the proposed self-parking and valet parking, and the opportunities for shared parking, carpooling and combined trips (such as when a driver visits the service area, retail shops and the restaurant in the same trip), potential parking impacts on the surrounding residential and commercial areas will be minimized and will not be significant.

Additional Monument Sign and Feather Flags – The applicant desires to revise the Centre's sign program to add a second monument sign and ten feather flags along Auto Park Way. The proposal is to modify the existing directional sign located at the west side of the driveway into a second monument sign up to 4.5 feet high and 54 SF in area to provide permanent identification adjacent to Auto Park Way for the retail tenants in the Centre. The existing monument sign is integrated into the fountain element located in the landscaped area in the middle of the main driveway and includes an electronic message board. Although the message board provides rotating information about the tenants, it is not feasible to modify that sign to provide permanent static tenant identification. The applicant proposes to expand the existing directional sign to create eight internally illuminated tenant panels with opaque backgrounds so only the letters are lit. The proposed sign would be setback from the street and would not block views of vehicles or pedestrians at the driveway due to the curving geometry of Auto Park Way.

The applicant also requests to be permitted to display up to a total of 10 feather flags, 15 ft. high, on a permanent on-going basis along the frontage on Auto Park Way. A minimum 15-foot separation would be maintained between them. The sign ordinance currently only allows feather flags on a limited basis as part of advertising for special events (such as grand openings or under new management) in the commercial zones with the approval of a temporary sign permit. A condition has been added requiring that the feather flags be maintained in good condition and that they be removed or replaced as soon as they show signs of fading, ripping or other damage. The proposed feather flags along the front of the auto display lots would be in scale with the 7.72 acre site and three-story building and will not obstruct vehicle sight visibility at the driveway. With the condition for maintaining the flags in good repair and the 15-foot separation, the feather flags would be an integral part of the Centre's sign program and compliment the mix of activities on site.

PUBLIC INPUT:

Eight letters were received from the public during the public review period for the revised Mitigated Negative Declaration. The applicant's representative submitted a letter in response to one of the public comment letters. All of these letters are attached to this staff report. The concerns focused on the unlimited types of events proposed, the fact that events could occur anytime that the Centre was

open, and the increase in noise levels as all negatively affecting the area residents' quiet enjoyment of their homes. They felt that limits should be placed on the frequency of large events. Concerns that the increased traffic would impact travel on Auto Park Way and that inadequate parking was proposed were also raised. These concerns have been addressed in the analysis discussions.

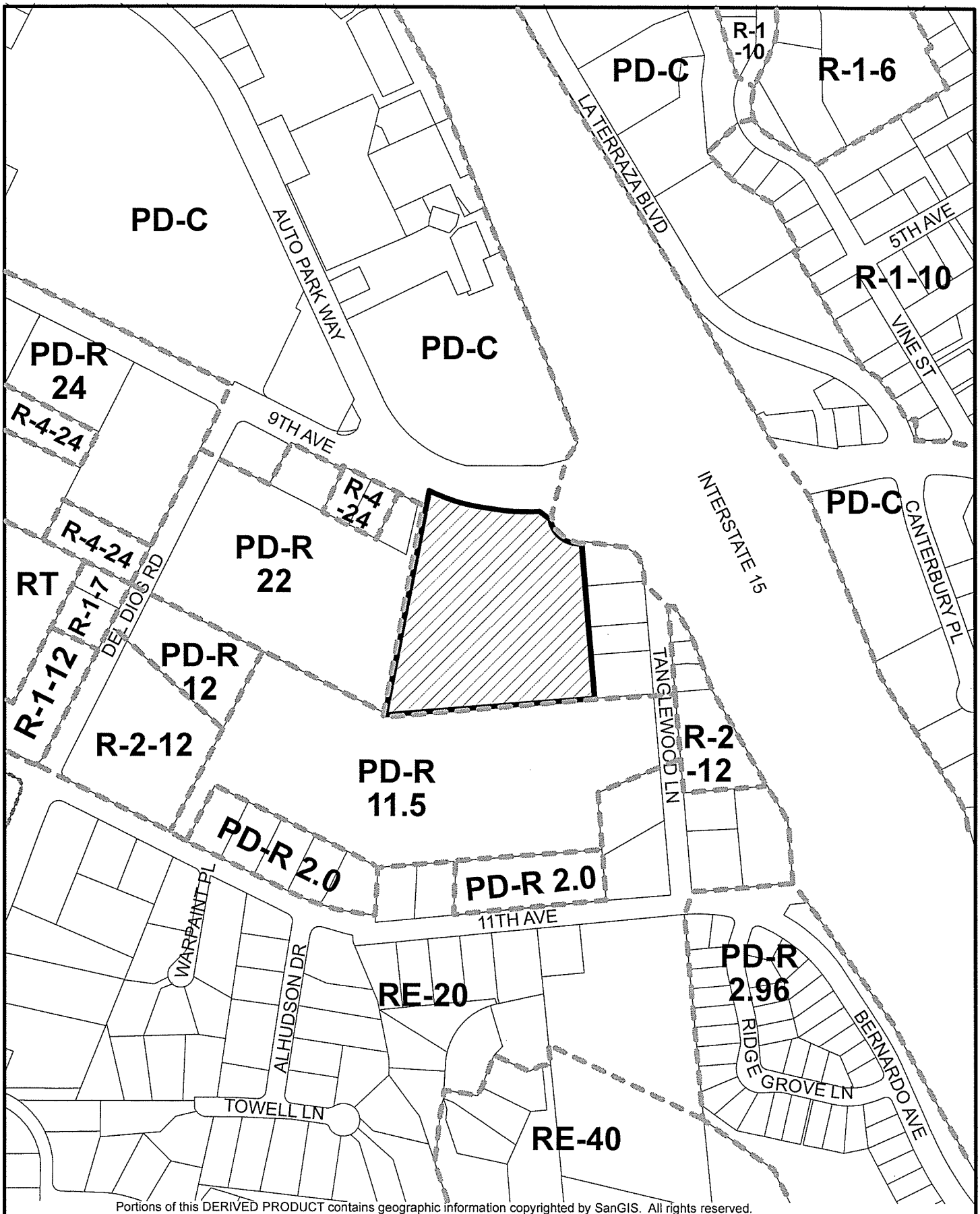
SUMMARY:

With the incorporation of the Noise and Traffic Mitigation Measures in the conditions of approval, the requirement for a Traffic Management Plan and Noise Compliance Plan, and the fact that all noise will be reduced at 10 PM to meet the current nighttime noise thresholds at the property lines, staff feels that potential impacts are reduced to less than significant levels. In addition, there is a condition that any issue may be referred to the Planning Commission and/or City Council for review and possible revocation or modification of the Master Development Plan upon review of the annual noise compliance report, receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval. Therefore, staff recommends approval of the proposed Master Plan modification.

Respectfully submitted,

Barbara J. Redlitz
Director of Community Development

Rozanne Cherry
Principal Planner



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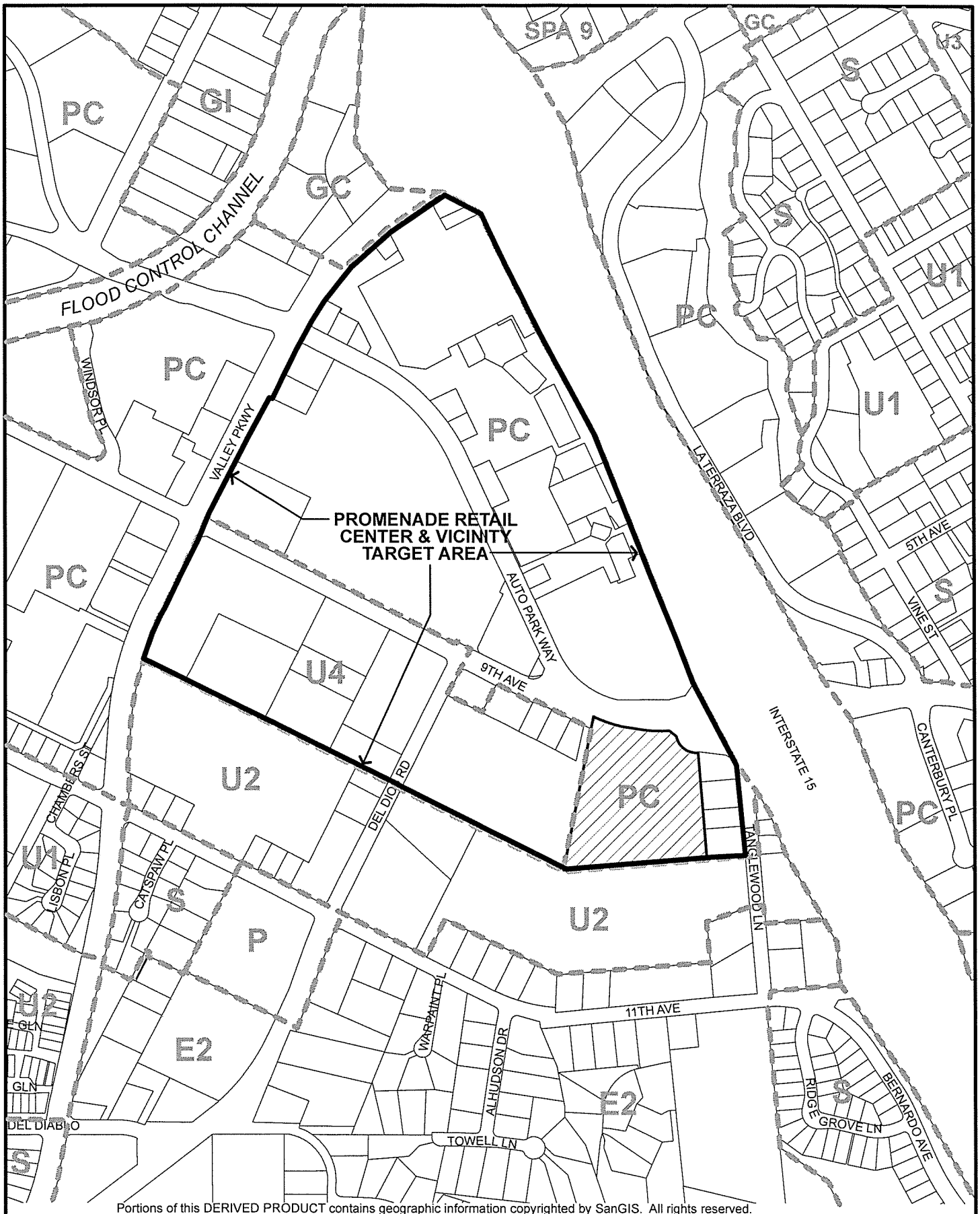
PROPOSED PROJECT
PHG 12-0001

L

LOCATION/ZONING



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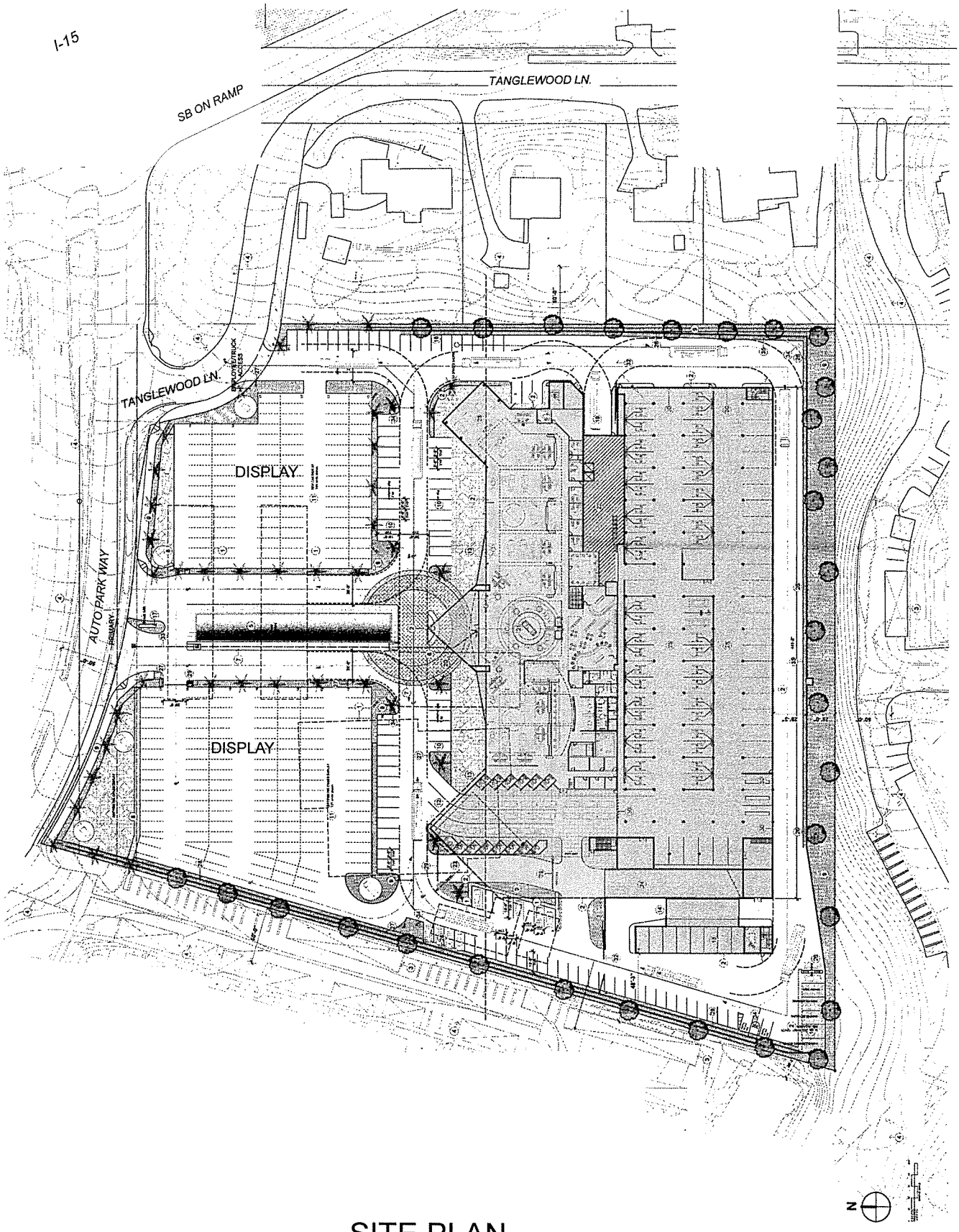
PROPOSED PROJECT
PHG 12-0001

GP
GENERAL PLAN

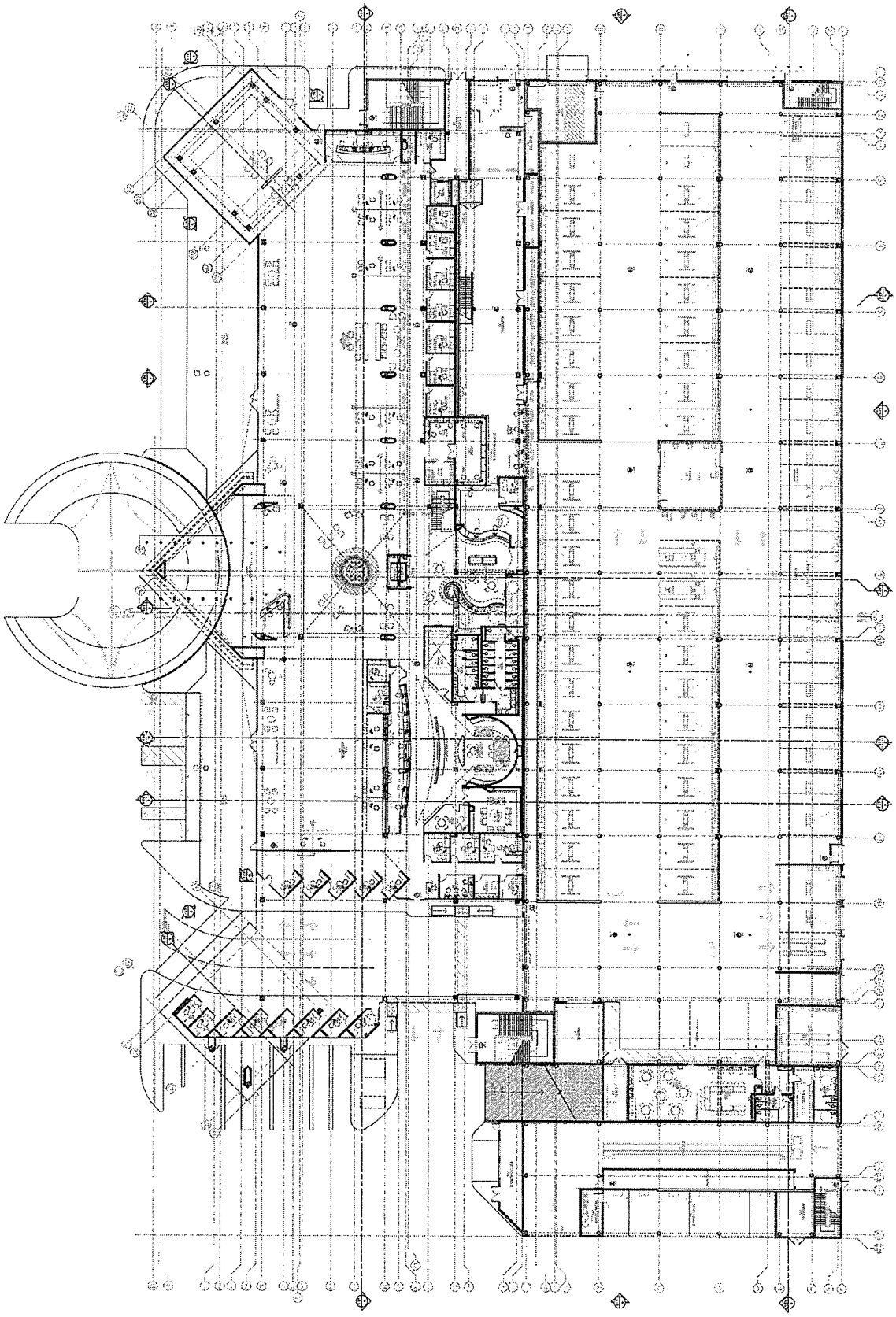


SITE PLAN

PROPOSED PROJECT
PHG 12-0001

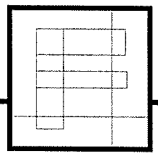
S

SITE PLAN

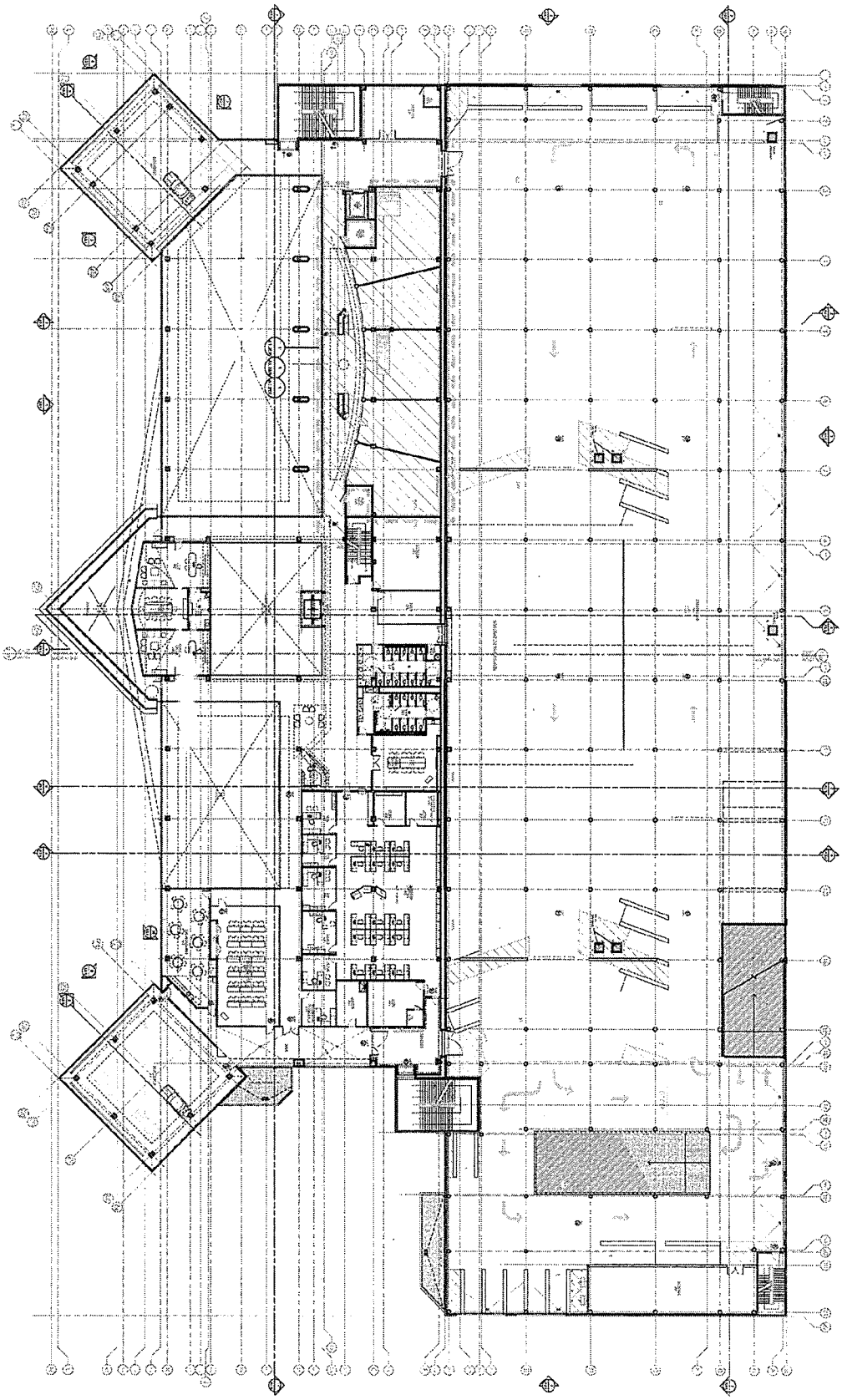


1ST FLOOR PLAN

PROPOSED PROJECT
PHG 12-0001



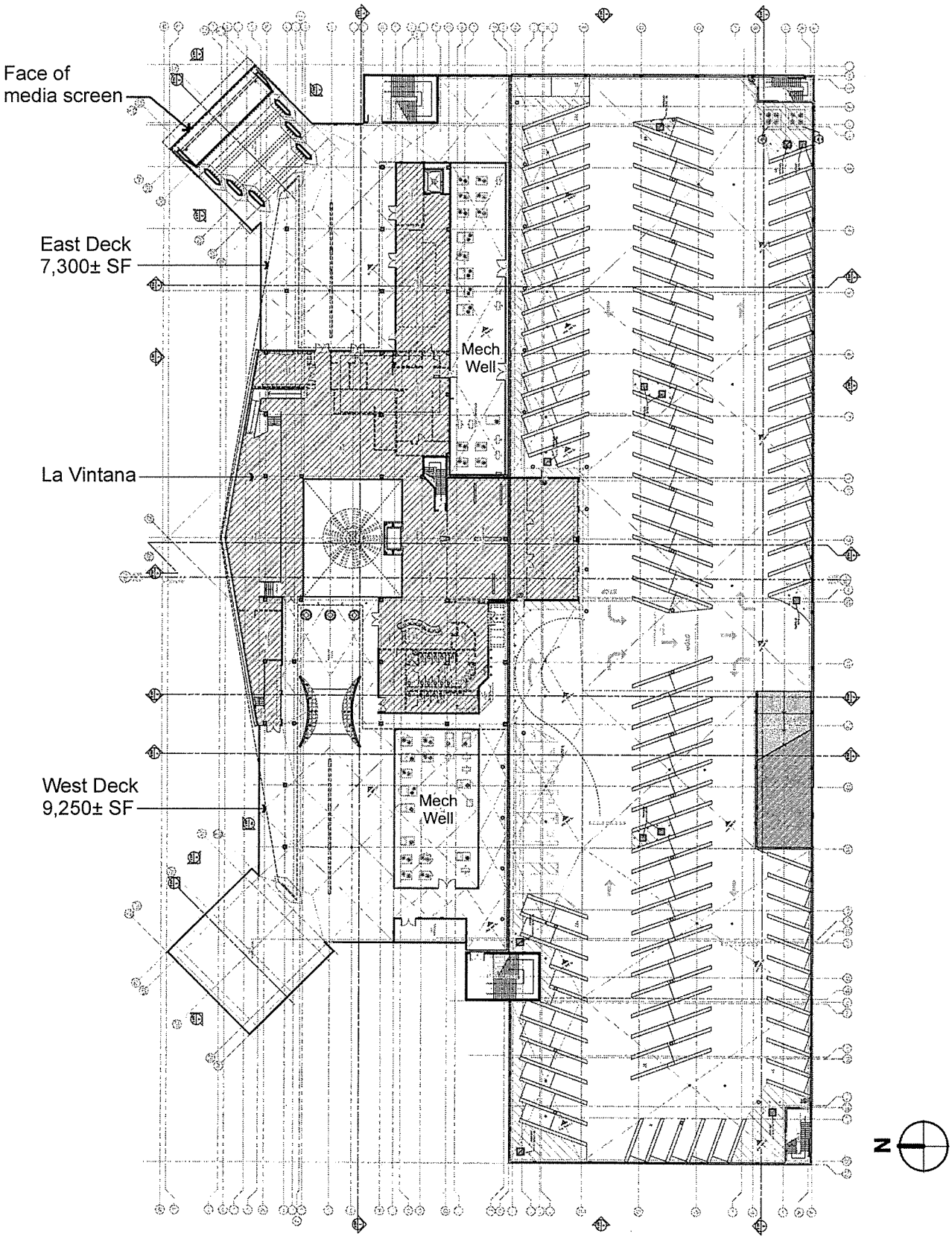
FLOOR PLAN



2ND FLOOR PLAN

PROPOSED PROJECT
PHG 12-0001

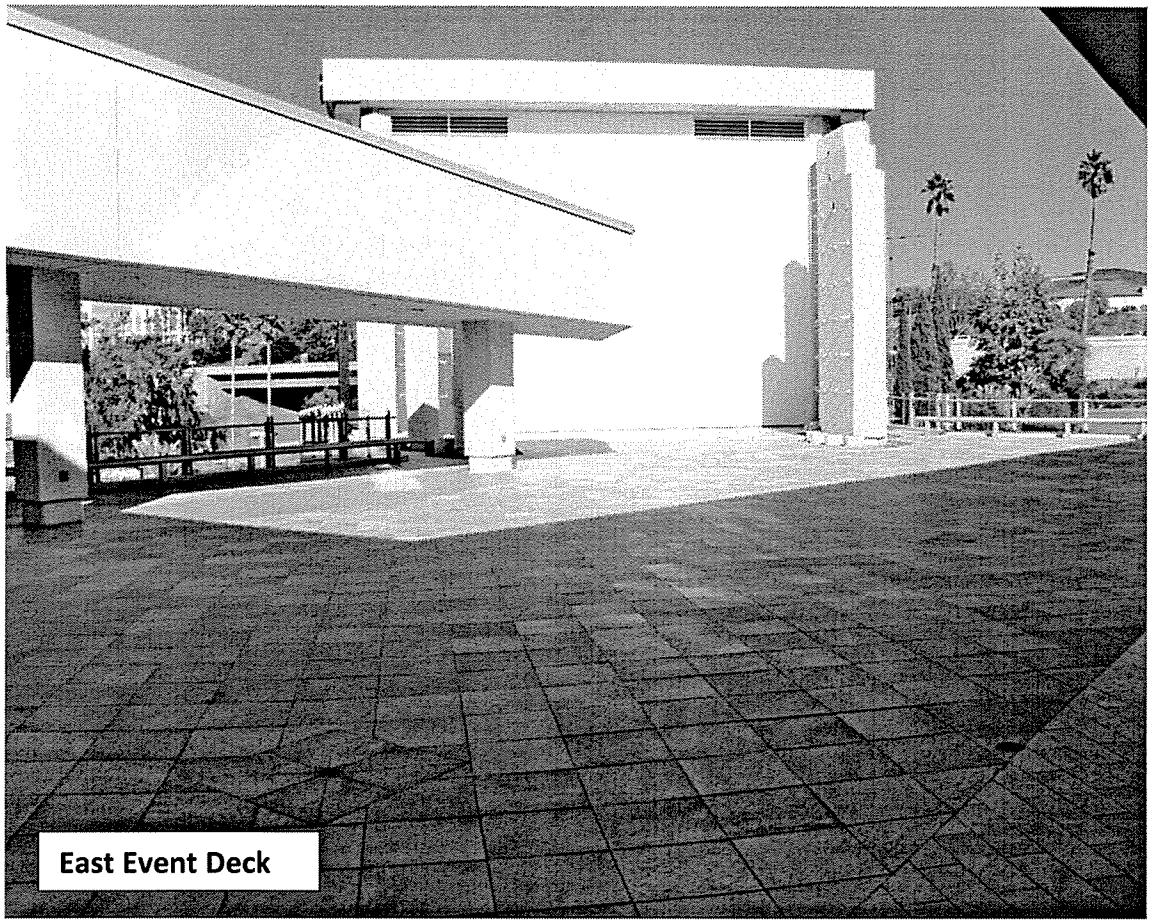
FLOOR PLAN



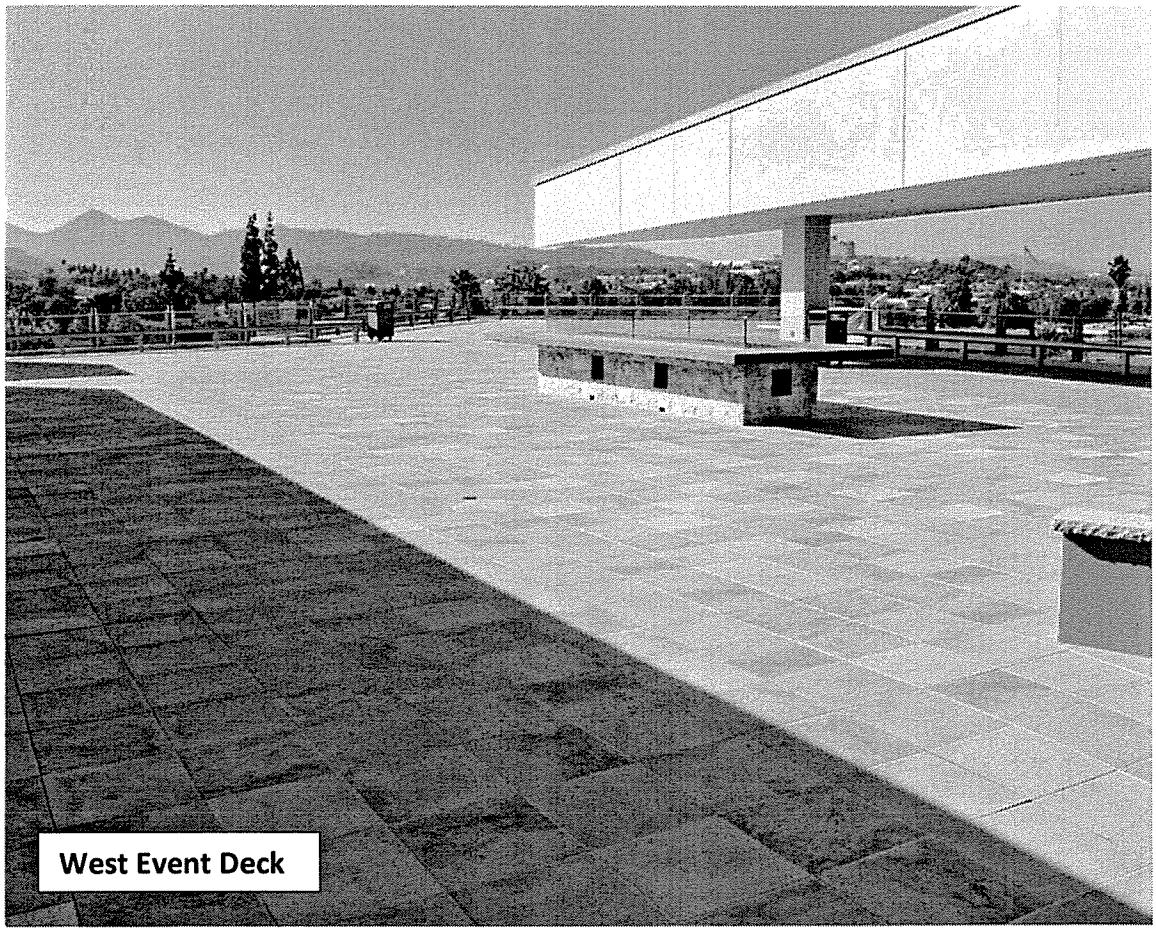
3RD FLOOR PLAN

PROPOSED PROJECT
PHG 12-0001

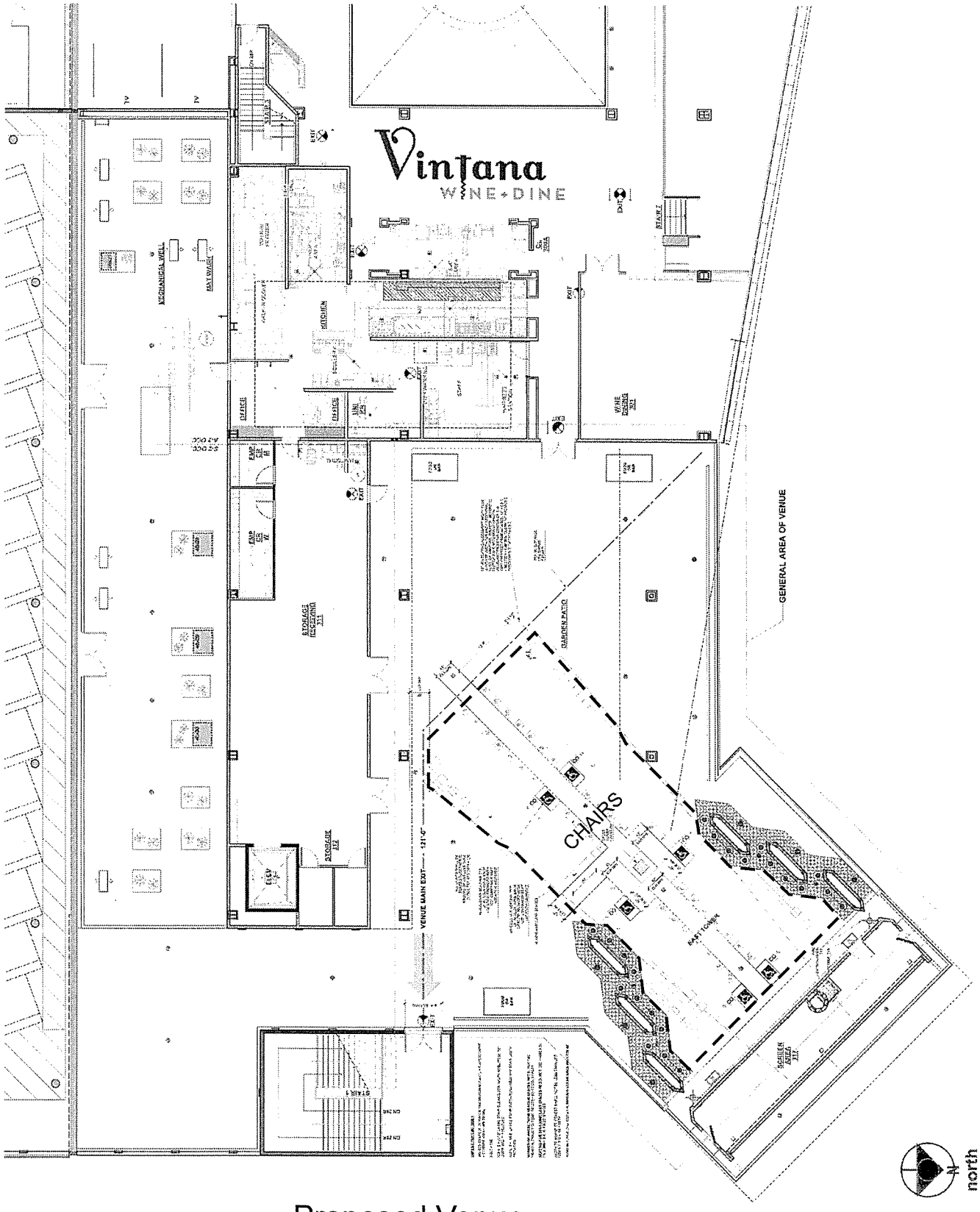
FLOOR PLAN



East Event Deck



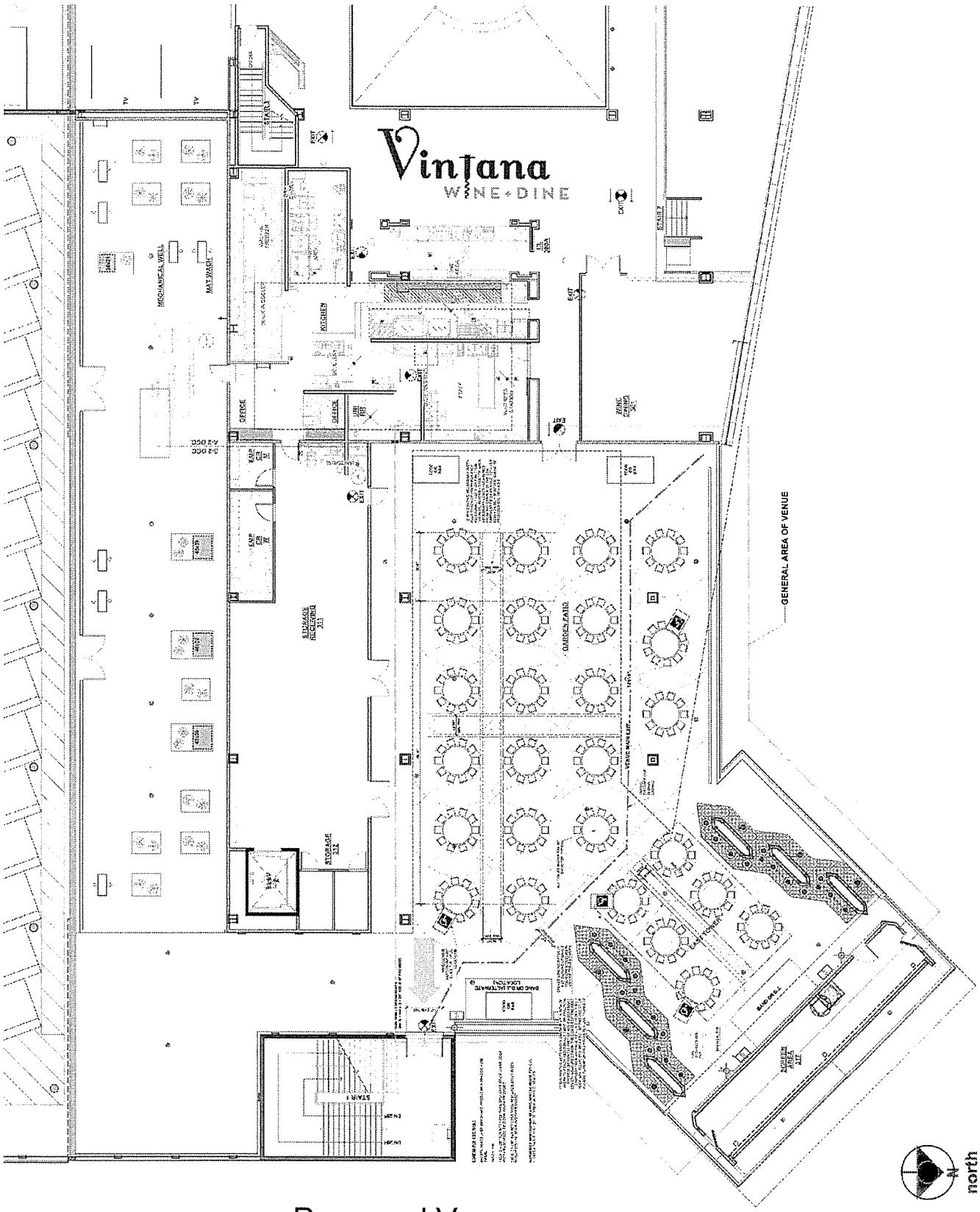
West Event Deck



Proposed Venue
East Deck with Chairs

PROPOSED PROJECT
PHG 12-0001

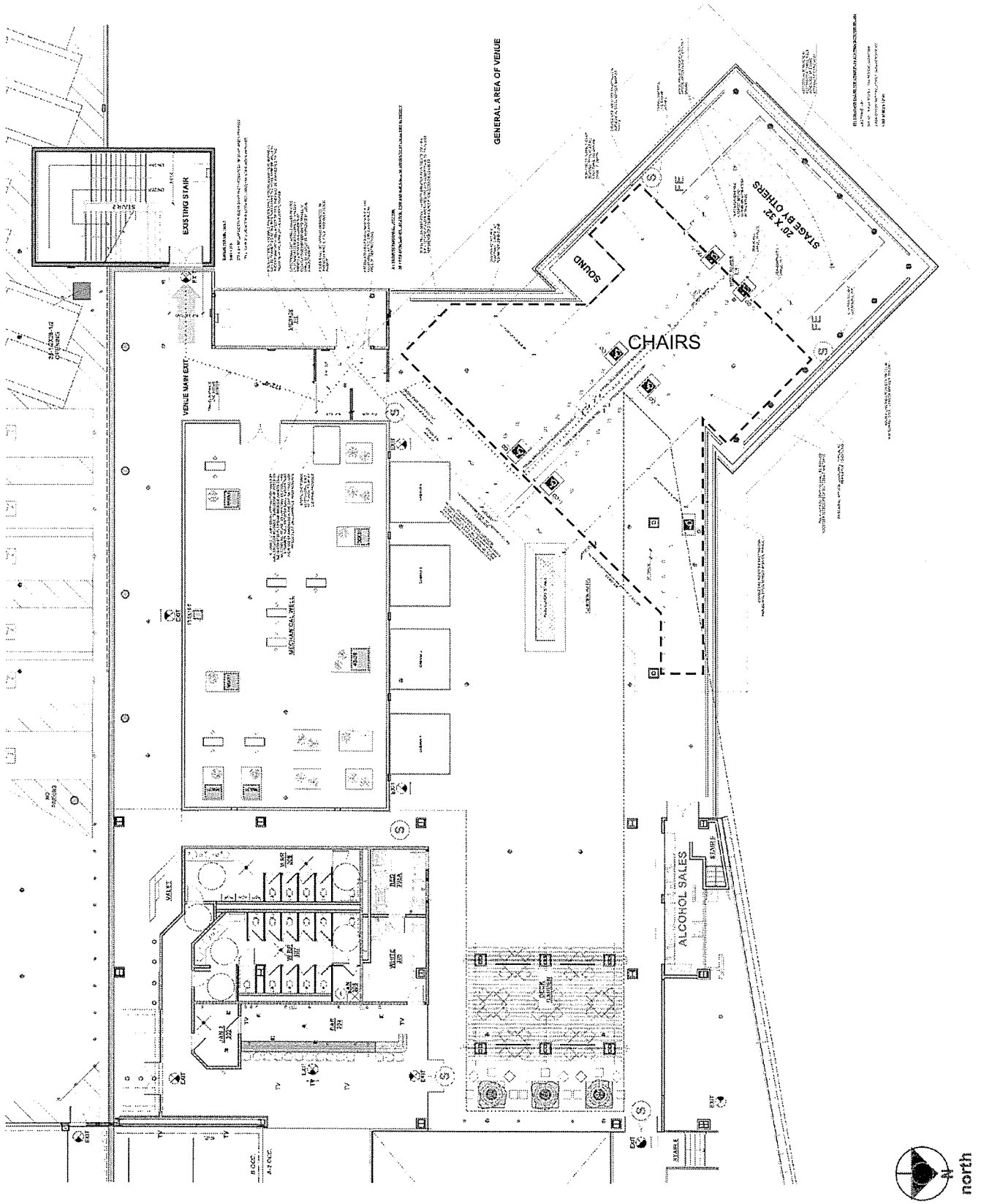
FLOOR PLAN



Proposed Venue
East Deck with Tables

PROPOSED PROJECT
PHG 12-0001

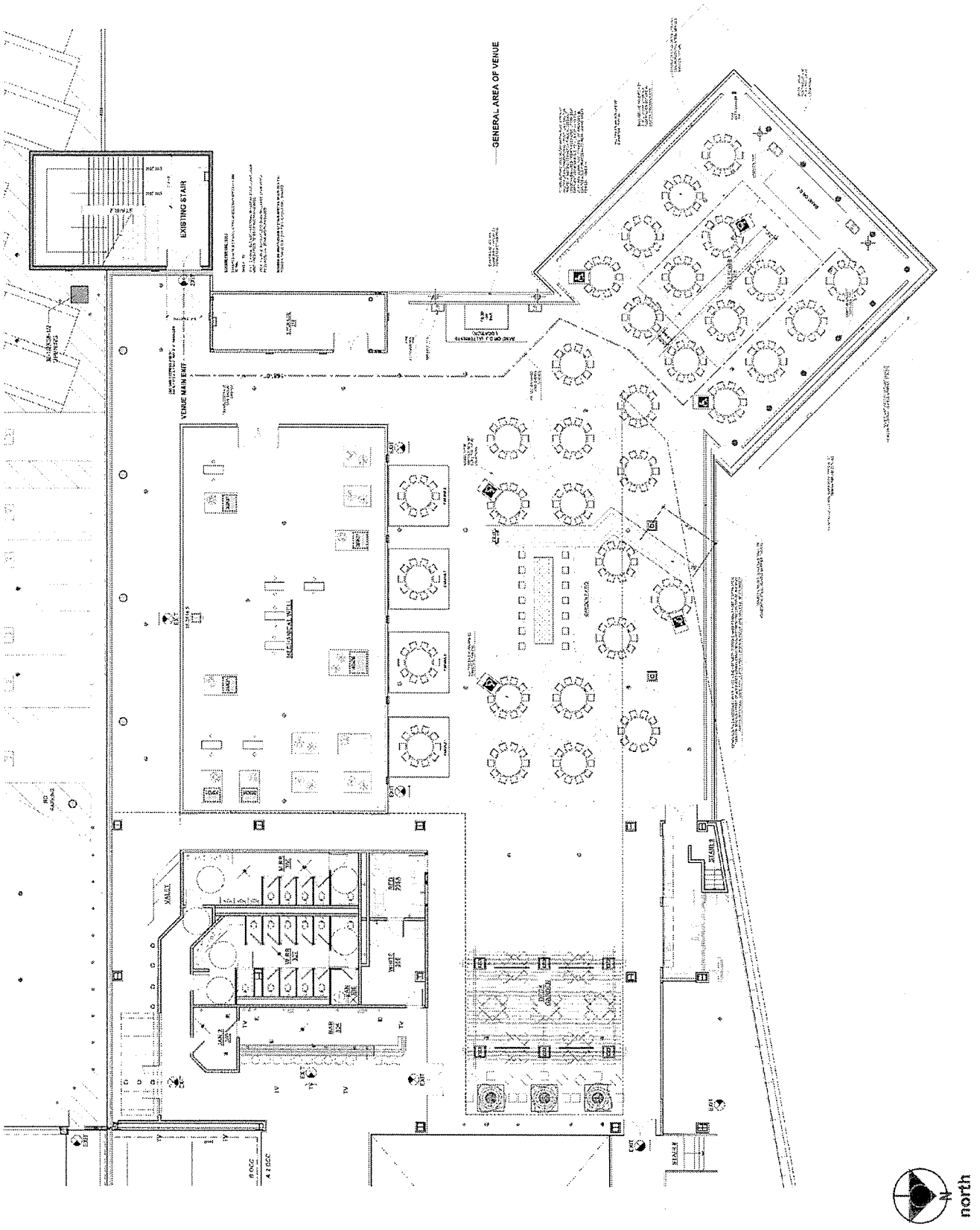
FLOOR PLAN



Proposed Venue
West Deck with Chairs

PROPOSED PROJECT
PHG 12-0001

FLOOR PLAN



Proposed Venue
West Deck with Tables

PROPOSED PROJECT
PHG 12-0001

FLOOR PLAN

DETAILS OF REQUEST

1. Property Size: 7.72 acres

2. General Plan / Zoning: Planned Commercial (PC) / Planned Development-Commercial (PD-C)

3. Proposed Event Venues:
   West Deck 9,250± SF, Concert seating – 545 max.
   Dining seating – 344 max.
   East Deck 7,300± SF, Concert seating – 372 max.
   Dining seating – 260 max.

4. Total combined capacity for concurrent use of both decks – 615 attendees

5. Hours of Operation:
   Lexus Escondido Sales-
   Mon.-Fri., 8 AM to 9 PM
   Saturday, 8 AM to 6 PM
   Sunday, 10 AM to 6 PM

   Lexus Escondido Service-
   Mon.-Fri., 7 AM to 7 PM
   Saturday, 7 AM to 6 PM
   Sunday, Closed

   Vintana Restaurant-
   Generally daily from 11:30 AM to 11:30 PM
   Last dinner reservations at 9 PM (10 PM Fri/Sat)
   The bar & lanai are occasionally open later based on volume with last call about midnight.

   Retail Boutiques-
   Shop hours vary by tenant between 8 AM and 9 PM
   Retailers have access to the building 5 AM to midnight

6. Noise Threshold at Property Lines:

		Proposed	Current Threshold
Adjacent to Commercial Zones –	Day (7 AM to 10 PM)	65 dBA	60 dBA
	Night (10 PM to 7 AM)	55 dBA	55 dBA
Adjacent to Residential Zones –	Day	65 dBA	55 dBA
	Night	50 dBA	50 dBA

7. Second Monument Sign: 4.5 feet high, 50± SF
   8 tenant panels
   Letters illuminated with opaque background

8. Feather Flags: 10 feather flags, 15 feet tall, 15 foot separations
   (Conditioned to keep flags in good repair)

9. Use Areas and Parking:

Use Areas in Square Feet – The Centre at Lexus Escondido (revised 11-6-13)					
	Auto Service	Display/ Retail	Warehouse/ Storage	Restaurant	Conference & Event Areas
1st floor	24,921	41,159 Vehicle display lots	4,418	none	none
		6,523			
2nd floor	none	2,508	1,185	none	2,700
		4,255			2,700
		325			1,200
					600
3rd floor	none	none	1,839	8,591	W deck- 9,249
				Outside 1548	E deck- 7,314
TOTAL AREAS (SF)	24,921	54,770	7,442	10,139	23,763

Parking Calculation Based on Square Footage of Use Areas					
PARKING RATIOS	1/250	1/1000	1/800	40+1/50 Over 4,000 SF	1/100
REQUIRED PARKING BY USE (SPACES)	99	54	9	162	237
TOTAL PARKING REQUIRED = **561 SPACES**					
TOTAL ON-SITE PARKING = **580 SPACES** (SELF-PARK AND VALET STACKED PARKING)					

Parking Calculation Based on Maximum Sized Events of 615 Attendees

Traffic Assessment Letter calculated that 270 vehicles would be generated for 615 Attendees.

Conference Area:	7200 SF	@1/100 =	72 spaces
Maximum sized roof-deck event:			270 spaces
Subtotal Required for Conference & Event Uses -			342 spaces
Plus Subtotal Required for Other Uses -			324 spaces
Adjusted Total for All Uses Operating Simultaneously:			666 spaces
Total On-Site Parking:			580 spaces
			86 spaces short

The site and parking structure allow flexibility to maximize on-site parking with valet parking services, which is proposed. The hours of operation differ for several uses on-site such as auto service and the

parts warehouse. This allows shared parking opportunities. Combined trips are expected, such as when a driver visits the service area, retail shops and restaurant before going to an evening event. In addition, some employees and attendees of events would carpool. Also, the proposed 580 parking spaces are 19 spaces more than the minimum required by the zoning code based on the square footage of the event decks. Therefore, staff feels that the proposed 580 self and valet parking spaces are appropriate and sufficient for maximum size events.

10. Surrounding land Uses:

North: PD-C zoning (Planned Development - Commercial) / The Promenade shopping center on 29+ acres is located across Auto Park Way from the site, at generally the same elevation.

South: PD-R 11.5 (Planned Development – Residential, 11.5 du/acre) / Multi-family residential units with carports and landscaping are located to the south of the subject site about 35' higher than the finished grade of the subject site.

East: PD-C zoning (Planned Development - Commercial) / Several legal non-conforming single family residences in a commercial zone are located along Tanglewood Lane about 3-15' higher than the finished grade of the subject site, with Interstate 15 beyond (about 200-feet from the site).

West: PD-R-22 (Planned Development – Residential, 22 du/acre) / Multi-family apartments and carports are located to the west, about 5-9' lower than the finished grade of the subject site.

11. Effect on City Services:

Police Service: The Police Department has expressed no concern regarding their ability to provide service to the site. A Cabaret Permit is required for amplified entertainment and dancing.

Fire Service: The site is served by Fire Station No. 1 (310 North Quince Street). The Fire Department has indicated that the proposed project would not impact levels of service. The four event layout plans for the roof decks have been reviewed and accepted by the Fire Marshal for emergency exiting and fire code standards.

Utilities: The Utilities Department has expressed no concern that the project would materially degrade the levels of service of the public sewer and water system.

Drainage –The project is located within an existing commercial automobile dealership with site landscaping and paved parking and auto display areas. No new construction is proposed. Runoff will continue to be directed to the existing storm water treatment facilities on site. The project does not materially degrade the levels of service of the existing drainage facilities.

****Note:** Copies of full-sized layout plans, the Traffic Assessment Letter, the Noise & Lighting Impact Analysis, proposed valet parking layout, and floor plans of existing uses are available in the Council Reading File and in the Planning Division.

FINDINGS OF FACT
PHG 12-0001
EXHIBIT "A"

1. The proposed modification to the existing Master Development Plan for the Centre at Lexus Escondido to allow events and entertainment on the existing roof decks is consistent with the General Plan Planned Commercial (PC) designation, which provides for a variety of commercial activities within a self-contained comprehensively planned development. The site is located within the Promenade Retail Center and Vicinity Target Area of the General Plan. The proposed project is consistent with the Target Area Guiding Principles that encourage opportunities for increasing employment densities and attracting businesses including theaters, entertainment and visitor serving uses that complement existing retail.

2. The proposed uses will be physically integrated into the existing facilities of the Centre and will integrate well with the existing commercial and retail activities on-site. No new construction is proposed.

3. The large size of the site and the existing three story commercial building and multi-story parking structure will provide adequate space and flexibility to accommodate the proposed uses and the associated traffic and parking without impacting adjacent streets. The Mitigated Negative Declaration prepared for this Master Plan Modification concluded that with implementation of the mitigation measures, no significant impact related to traffic will occur. The traffic generated by the project will be accommodated safely without causing undue congestion on the adjoining streets.

4. The proposed modifications are to an existing development that is already adequately served by existing public facilities and services, as is the surrounding urban area. No impacts to existing services by the project have been identified.

5. The proposed modifications will be integrated into the existing commercial establishment that was constructed with quality building materials, a complimentary color palette, adequate parking and landscaping, which create an attractive and efficient development. No new facilities or building additions are proposed.

6. The proposed project will not change the existing building, which is not visually obstructive or disharmonious with surrounding areas. No grading or destruction of desirable natural features is proposed and major views from adjacent properties will not be substantially harmed.

7. The proposed modification to the Master Development Plan would increase the allowable daytime noise level threshold at the project boundaries to 65 dBA, which is warranted by location of the site at a major freeway interchange and the beneficial effect of providing space and services for private and community events and entertainment for City residents and the business community, in accord with the policies of the General Plan.

CONDITIONS OF APPROVAL
PHG 12-0001
EXHIBIT "B"

1. This item may be referred to the Planning Commission and/or the City Council upon recommendation of the Director of Community Development for review and possible revocation or modification of the Master Development Plan upon review of the annual noise compliance report, receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
2. All uses shall be consistent with the Details of Request, exhibits and the conditions of approval of the original project approval Case No. 2006-10-PD, except as modified below and specific modifications to General Planning Conditions #24 and #30 of City Council Resolution 2006-269-R to allow public address / music systems and higher noise thresholds for events held on the roof decks of the facility. Minor modifications to the operational details that do not affect surrounding residents may be approved and/or restricted by the Director of Community Development and/or Police Chief without requiring a modification to the master development plan, as determined by the Director of Community Development.
3. Outdoor entertainment and events may include movies, concerts, amplified and acoustical music, dining, dancing, weddings and other ceremonies, receptions, corporate events, civic meetings, charitable events, auctions, mixers, other entertainers and speakers, and similar events, as determined by the Director of Community Development.
4. Prior to holding the first event involving amplified entertainment and dancing, a Cabaret Permit shall be obtained from the Escondido Police Department. Provisions for on-site security personnel, hours of operation and satisfying Alcoholic Beverage Control (ABC) standards will be required.
5. The outdoor entertainment and events may generate daytime noise levels up to 65 decibels (or the documented ambient noise level if higher) as measured at each of the property lines between the hours of 7:00 A.M. and 10:00 P.M. All other project generated noise shall comply with the City's Noise Ordinance (EMC-Article 12)) to the satisfaction of the Director of Community Development.
6. All outdoor sound generated by the Centre's facilities and activities shall be reduced at 10 p.m. to meet current property line nighttime noise thresholds of 50 dBA along the south and west project boundaries and 55 dBA along the north and east project boundaries (or the documented ambient nighttime noise levels, if higher).
7. **Noise Mitigation Measure #1:** The property manager shall prepare and implement a Noise Compliance Plan to address monitoring noise levels, identifying noise attenuation measures, identifying actions to be taken to maintain compliance with the established noise levels, and documentation of event noise information, to the satisfaction of the Director of Community Development. The plan shall be submitted within 45 days of project approval.
8. **Noise Mitigation Measure #2:** Actions shall be implemented prior to or during an outdoor event to reduce noise volume to the required levels, including but not limited to reducing the speaker volume, reducing the number, location and orientation of the speakers, providing noise attenuation panels, or other measures. These shall be identified in the Noise Compliance Plan.
9. **Noise Mitigation Measure #3:** The property manager shall establish a hot line, website contact information or other mechanism to receive feedback regarding noise, lighting or other activities associated

with the outdoor events, to the satisfaction of the Director of Community Development, within 45 days of project approval. Any information received related to noise shall be discussed in the annual noise compliance report.

10. The property manager shall submit a noise compliance report on an annual basis to the Planning Division. The report is due within three months of the final event for the calendar year (no later than March 31st). The report shall include the following:
    a. Summary of outdoor events with amplified sound, including the event date, location, hours and type of noise attenuation utilized;
    b. Attendance figures;
    c. Noise monitoring documentation including any noise meter printouts or reports; and
    d. Record of any complaints or feedback and manager's response/action to any complaints or comments.
11. The property manager shall include provisions in all entertainment contracts that the venue setup shall comply with all requirements of the California Building Code and the Uniform Fire Code for assembly use (Occupancy Type A3), including but not limited to exiting requirements, lighting, path of travel, ADA accessibility, and occupancy limits. Building and/or Fire Department permits may be required for temporary tents or canopies and the use of pyrotechnics.
12. The property manager shall include in all entertainment contracts information regarding the established sound level at property lines and possible noise attenuation measures that may be implemented.
13. Any new permanent outdoor light fixture shall conform to the Escondido Zoning Code Article 35 – Outdoor Lighting. Temporary event lighting shall illuminate the venue in the most efficient and effective manner with no direct light spill across any property line. Concert stage lighting shall be shielded, located on towers at least 12 ft. high and carefully aimed to prevent spill light, as recommended in the lighting evaluation letter report prepared by Lumenations, Inc. dated October 30, 2011.
14. The venue setups for outdoor entertainment and events shall be substantially consistent with the four pre-approved layout templates, which depict the maximum sized events involving tables and chairs, and chairs only for both the west and east decks. Smaller events with fewer guests, tables, and/or chairs are also pre-approved under these setup templates when the smaller event layout is consistent with the pre-approved exiting, ADA accessibility, and general location of any amplified music/sound system and speakers. A Temporary Use Permit (TUP) application may be submitted for any event on the roof decks that would use a different layout. The TUP may need to include an exiting plan, provisions for noise control or a noise variance from the city manager's office, and other information, as determined by the Director of Community Development.
15. Coordinate with Building Division and the Fire Marshal to establish a "Master Permit" to be used for any future event that includes stage 30-inches or higher, or more than 120 SF; or an overhead structure for stage lighting; or a structure from which curtains and/or acoustical blankets would hang; or a roof/cover over the stage. The previously issued Permit B12-0709 for the temporary stage for the concert series pilot program may be augmented/revised, to the satisfaction of the Building Official and the Fire Marshal.
16. Any stage and/or other event structure(s) that are subject to the "Master Permit", or other permit, are required to be inspected by the Building and/or Fire Department no later than one business day prior to the event. It is the responsibility of the permit applicant to schedule the inspection with the Building Division and/or the Fire Department.

17. The property manager shall include provisions in all entertainment contracts that the venue setup shall comply with all requirements of the California Building Code and the Uniform Fire Code for assembly use (Occupancy Type A3), including but not limited to exiting requirements, lighting, path of travel, ADA accessibility, and occupancy limits. Building and/or Fire Department permits may be required for temporary tents or canopies, and the use of pyrotechnics.

18. A City business license is required for all entities performing at the site.

19. A minimum of 420 striped parking spaces shall be provided for employee and customer parking consistent with the previously approved parking plan dated 7-8-10.. Said parking spaces shall be double-striped and dimensioned per City standards. Stacked valet parking shall be provided as events held on the roof decks require additional parking.

20. Parking for patrons of the outdoor roof deck events shall be accommodated by self-parking and/or valet parking on the site of Lexus Escondido facilities. All emergency access and fire lanes shall remain clear and unobstructed at all times.

21. On-site parking shall be adequately managed and valet parking shall be provided by a professional parking service to maintain sufficient parking for each event and preclude spill-over parking in the neighborhood, to the satisfaction of the Director of Community Development.

22. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with State and Federal requirements.

23. Up to ten (10) feather flag signs may be displayed along the street frontage of the Lexus Escondido site. Each feather flag may be up to fifteen feet (15') high and thirty-six inches (36") wide. Any on-site business establishment may have more than one feather flag sign, with a maximum aggregate total of ten feather flags for the entire Centre. All feather flags shall be maintained in good condition at all times. Any feather flags faded, ripped, torn or otherwise damaged shall be removed immediately.

24. A second freestanding sign shall be permitted along the project frontage on Auto Park Way up to 4.5 feet high and 54 SF in area. The design of the sign, location and proposed materials shall be as proposed and compatible with the design and materials of the existing Lexus Escondido facilities, to the satisfaction of the Director of Community Development. The second freestanding sign shall be located to preserve vehicle sight distance visibility areas, to the satisfaction of the City Engineer.

25. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a check payable to "County Clerk", in the amount of $2,206.25 for a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of $50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code. Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Wildlife filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Wildlife documenting the Department's

determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

ENGINEERING CONDITIONS OF APPROVAL – TRAFFIC

26. Project owner shall provide the City with a traffic management plan prepared by a traffic engineer for review and approval by the City Engineer. The traffic management plan shall include proposals for management of onsite and offsite traffic prior, during and after each event planned at the project site. The draft Traffic Management Plan shall be revised as necessary to the satisfaction of the City Engineer and approved prior to the first event(s) of a cumulative total of 450 attendees or more. Project owner shall implement all aspects of the approved traffic management plan during each event. Implementation of the traffic management plan will be monitored by the engineering staff. In the event that the implementation of the traffic management plan during any event was determined to be unsatisfactory by the City Engineer, the project traffic engineer shall revise the traffic management plan and resubmit for review and approval by the City Engineer. The project owner shall implement the revised traffic management plan prior to the next medium or large event to the satisfaction of the City Engineer.
27. **Traffic Mitigation Measure #1**. A Traffic Management Plan shall be prepared and approved by the City prior to the first event(s) of a cumulative total of 450 attendees or more. The Plan shall include the scheduling restriction measures detailed in Mitigation Measures 2, 3, 4 and 5, parking management provisions, and the requirement for the submittal of traffic monitoring reports, to the satisfaction of the City Engineer.
28. **Traffic Mitigation Measure #2**. On-site circulation for any event(s) totaling 200 persons or less shall be sufficiently managed by the Centre's professional parking services so that vehicles on-site do not queue into the right-of-way. (TAL Measure #1)
29. **Traffic Mitigation Measure #3**. In addition to Traffic Mitigation Measure #2, events with attendance ranging between 201 to 449 people shall be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days, according to the school's approved daily schedule each term. (TAL Measure #2)
30. **Traffic Mitigation Measure #4**. In addition to Traffic Mitigation Measures #2 and #3, for any combination of weekday events with a cumulative attendance ranging between 450 to 614 people, the Traffic Management Plan shall be implemented. (TAL Measure #3)
31. **Traffic Mitigation Measure #5**. In addition to Traffic Mitigation Measures #2, #3 and #4, any combination of weekday and weekend events with a cumulative attendance amount of 615 or more people shall be scheduled to provide a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site. (TAL Measure #4)

Public Comment Letters

Diane MacPherson
1344 W. 11th Avenue
Escondido, CA 92029
dianemac@cox.net

RECEIVED
SEP 16 2013
PLANNING DIVISION

September 12, 2013

Rozanne Cherry, Principal Planner
City of Escondido
201 North Broadway
Escondido, CA 92025-2798

RE: Case No. ENV 12-0006/PHG 12-000: Lexus Escondido

Dear Ms. Cherry:

My husband and I met with Drew and the Lexus attorney at the Lexus dealership in mid-March. Basically, we were told that 1) the dealership is operating within the parameters of the law regarding decibel levels for their events, 2) they intend to proceed with events using close to the maximum legal allowable decibel levels in spite of neighbor's complaints about highly intrusive sound levels, 3) they plan to allow events with greatly increased attendance regardless of neighborhood issues with noise and traffic that are already occurring, and 4) they would set up a hotline manned with a live person during every event with the hotline number provided to all homeowner-residents prior to the occurrence of any more events (save one that was already scheduled at the time of our meeting).

Since that meeting in March, there have been two highly amplified events that interfered with the quality of life in my home and probably many other residences in the area. The most recent occurred on August 10, 2013, when a man shouted repeatedly into a microphone nearly non-stop from 9 p.m. until 9:20 p.m.—it sounded as if a raffle was taking place. I would have called the hotline to register a complaint and have the volume decreased, but I still don't have that hotline phone number nor, apparently, do any of the other residents in the neighborhood.

Clearly, the legal allowable decibel limits need to be adjusted for this business which is surrounded by single family homes. Furthermore, instead of a vaguely stated declaration allowing the dealership to do whatever they want at any time that they want there should be very specific restrictions regarding which days of the week, times of day, and specific types of events allowed clearly spelled out.

If decibel levels are going to continue at current levels, it would be nice to know we won't have to suffer seven nights per week. Events could and should be limited to three nights per week, which would give nearby residents a few nights of peace as well as easing traffic problems created by Lexus events.

Sincerely,

Diane MacPherson

DELANO & DELANO

RECEIVED
SEP 16 2013
PLANNING DIVISION
E-MAIL REC'D 9-12-13

September 12, 2013

VIA E-MAIL AND U.S. MAIL

Rozanne Cherry, Principal Planner
City of Escondido
201 North Broadway
Escondido, CA 92025-2798

Re: Case No. ENV 12-0006/PHG 12-0001; Lexus Escondido

Dear City of Escondido:

This letter is submitted on behalf of Pamela Stahl in connection with a proposed modification of a Master Development Plan and Cabaret Permit for the existing Lexus Escondido dealership ("Project") and the revised Mitigated Negative Declaration ("MND"). In several instances these comments mirror points I raised on the prior analysis because, despite my prior comments, many problems associated with the Project and MND have not been corrected.

The California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, requires the preparation of an Environmental Impact Report ("EIR") whenever substantial evidence in the record supports a "fair argument" that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68. If there is "substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency's action is to be set aside because the agency abused its discretion by failing to proceed in a 'manner required by law.'" *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002.

The MND is overly vague in describing the Project. The MND states that the Project "would include, but not be limited to," a whole host of events. There is absolutely no limit on the types of events that might occur. Nor is there a limit on the number of days the events would occur, with the MND stating that events "could occur at any time the Centre is open, except for certain time restrictions for an event or concurrent events exceeding 200 attendees during weekday peak commuter and school traffic periods." MND at 2. "A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 197 – 98. The failure to identify the full range of events that might occur at the site, as well as the failure to discuss the impacts of events occurring several days in a row, even every day of the month, renders the MND inadequate under CEQA.

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Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts. These include the following impacts.

The Project will lead to significant impacts to noise.

- The MND acknowledges that concerts held at the site violated existing noise requirements and even exceeded the new proposed limits. *See* MND at 14. The MND notes that noise mitigation was not properly installed, yet there is nothing in the MND or the Project conditions that is materially different from the conditions in place for those prior events. In other words, there is no more reason to expect that noise exceedances would not occur with the Project, just as they did during prior events.[1]
- It is also important to note that according to the January 10, 2012 Noise Impact Analysis prepared for the Project applicant, noise could be brought into compliance with the existing 55 dBA noise limit "by reducing the noise level of the sound system by 3.4 dBA from the level it was during the noise level measurements on October 12, 2011." The August 6, 2012 Noise & Lighting Impact Analysis likewise recommends "that the noise levels on the stage are reduced." CEQA's "substantive mandate" requires agencies to refrain from approving projects with significant effects where there are feasible mitigation measures or alternatives that can lessen or avoid those effects. *Mountain Lion Foundation v. Fish and Game Comm.* (1997) 16 Cal.4th 105, 134.
- The MND claims that "amplified entertainment events will be of short duration at various times throughout the year," but there is no limit to the number of days events of all types can occur. MND at 15. And the only limit of the duration of such events is that they will "occur at any time the Centre is open."

The Project will lead to significant impacts to land use.

- The MND acknowledges the Project is inconsistent with the City's Noise Ordinance, increasing noise by 10 dBA over the 55 dBA noise limit. *See* MND at 12.
- Separately, the MND claims the Project is consistent with the General Plan's policies in multi-family residential zones, but, as the MND elsewhere notes, the Project site also borders single family residences. Figure VI-12 from the General Plan provides that 60 dBA is the maximum acceptable noise limit for residential single-family uses.

The Project will lead to significant impacts to traffic and parking.

- Reasoning that it appeared "likely," the MND inappropriately assumes "that attendees of a special event would also patronize the restaurant, either for dinner and/or drinks before or after the event." MND at 19. While the July 9,

[1] The MND claims noise mitigation "is easily done." MND at 15. As evidenced by prior events at the site, it is also easy not to do mitigation properly.

2013 Traffic Assessment Letter mentions a survey of traffic for a 7:30 p.m. concert at Humphrey's Concerts by the Bay on Shelter Island, there is no indication of an assessment of concert attendees who also attended the restaurant on that day.

- The analysis completely ignores traffic associated with the restaurant use. The trip generation figure of 270 vehicles relates solely to traffic generated by the proposed project but does not consider vehicles associated with those who patronize the restaurant and/or bar but who are not otherwise attending the event. Indeed, the applicable traffic generation rate for a restaurant is 3 trips per seat.[2]
- The analysis also ignores other trips associated with the site, which includes a dealership and automobile service center.
- The Project site does not have the sort of transit opportunities that are expected to support an assumption that some will take transit to attend Project events.
- The Traffic Management Plan inappropriately assumes a valet "processing time" of 45 seconds. Considering that this is an average time and that this includes not only people exiting or entering their vehicles but everything associated with having the next vehicle move into the same spot in the driveway, this is an unrealistic assumption. It would take only one person who loitered or were of limited mobility to substantially skew such an average, even if the average was 60 seconds.
- The importance of this "processing time" assumption cannot be overstated. As the Traffic Management Plan acknowledges, the driveway is a very limited area. Even under the assumptions of a completely functioning system, the driveway has a maximum storage of 18 vehicles. Considering that the analysis assumes 270 arriving Project vehicles (and considering that this ignores other patrons not associated with the Project), it is easy to see how this system could be quickly over-taxed.
- Traffic backing up in front of the driveway is much more than an inconvenience or delay for patrons of the Centre. The Traffic Assessment Letter assumes 75% of Project traffic will be freeway oriented and 10% will be to/from the east. Using these numbers, 85% of Project traffic will be utilizing the left turn lane from Auto Park Way into the site. This left turn lane is significantly constrained. The Traffic Assessment Letter assumes it could hold six to seven vehicles. It is easy to see the potential for the 270 arriving Project vehicles to overwhelm the 18-vehicle driveway and six- to seven-vehicle left turn lane. This would lead to back-ups and delays on Auto Park Way and on the intersections to the east of the site.
- The result of such would be more than just traffic delays; it could also result in unsafe conditions. Although Auto Park Way is posted at 35 mph in this

[2] On page 4, the July 9, 2013 Traffic Management Plan acknowledges that "in summer 2012, The Centre held a 500-person event while occupancy of the restaurant reached 300 patrons."

vicinity, traffic traveling from the east is coming down a steep hill and around a blind corner (because of the steepness of the hill the freeway actually blocks the view to the west). Were there traffic backed up on Auto Park Way waiting to enter the site, serious traffic incidents could occur.

- The MND acknowledges that the "availability of sufficient gaps in the flow of eastbound traffic could be low during the peak hours, thus preventing westbound left-turns from entering the Lexus Centre driveway." MND at 21.
- Of course, if the driveway were already full, the problem of not finding sufficient gaps in eastbound traffic flow would only be exacerbated.
- The proposed mitigation is insufficient to address these impacts. If queuing beyond the roadway's capacity were to occur, private parties like security guards or valet personnel do not have the legal authority to direct traffic on public streets and roads.
- The MND acknowledges that the traffic study for the 2012 General Plan Update noted that 9th Avenue is failing, both between Valley Parkway and Del Dios Road (LOS E) and between Del Dios Road and Auto Park Way (LOS F). MND at 19. Where on-the-ground conditions are severe, the "relevant question" is whether the project's additional impacts will be significant "in light of the serious nature" of the existing problems. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718. The MND fails to address this requirement.
- The Project fails to provide for any transportation or transit improvements.
- Because the MND inadequately understates the Project's traffic impacts, it likewise understates parking impacts associated with the Project, particularly since the analysis fails to account for other patrons to the site. *See* MND at 22.

The Project will lead to significant impacts to air quality.

- The analysis does not account for the existing air quality conditions. Assumed compliance with air emission requirements does not ensure that impacts will not be significant. *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718.
- The failure to account for traffic trips means the MND fails to adequately account for associated air quality impacts.
- The MND claims that the Project "does not involve expansion of the existing facilities, new construction, or new uses ...." MND at 4. This is obviously incorrect, since the Project entails a use not previously permitted.
- The MND declares the Project is consistent with the Regional Air-Quality Standards ("RAQS"), reasoning that the Project is consistent with the General Plan. MND at 5. However, the 2012 General Plan Update did not consider use of the site for the types of events anticipated by the Project and the EIR for the General Plan Update does not consider the impacts of such uses.

The Project will lead to significant impacts to climate change.

- The failure to account for traffic trips means the MND fails to adequately account for associated greenhouse gas emissions.
- The MND relies on the Escondido Climate Action Plan ("E-CAP"). MND at 9. Executive Order S-3-05 set two targets: (1) a reduction of GHG emissions to 1990 levels by the year 2020 and (2) a reduction of GHG emissions to 80 percent of 1990 levels by the year 2050. However, the E-CAP does not set targets beyond the year 2020. In *Cleveland National Forest Foundation v. San Diego Ass'n of Governments*, Case No. 2011-00101593, the court invalidated the EIR for the Regional Transportation Plan/Sustainable Communities Strategy ("RTP/SCS"). The court ruled, in part: "the failure of the EIR to cogently address the inconsistency between the dramatic increase in overall GHG emissions after 2020 contemplated by the RTP/SCS and the statewide policy of reducing same during the same three decades (2020 – 2050) constitutes a legally defective failure of the EIR to provide the SANDAG decision makers (and thus the public) with adequate information about the environmental impacts of the SCS/RTP." Accordingly, reliance upon the E-CAP alone is insufficient to ensure a lack of impacts to climate change.

The Project will lead to significant impacts to water.

- The MND fails to discuss the adequacy of water supply for the Project. *Santa Clarita Organization for Planning the Environment v. County of Los Angeles* (2003) 106 Cal.App.4th 715, 721-22. There is no showing that an adequate supply of water will be available.

Additionally, the Project's proposed mitigation measures are overly vague and fail to provide adequate criteria. *Sacramento Old City Assn. V. City Council* (1991) 229 Cal. App. 3d 1011, 1029. For example, the MND punts the development of a noise compliance plan and traffic management plan to a future time. In *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, the court observed:

> Numerous cases illustrate that reliance on tentative plans for future mitigation after completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decisionmaking; and consequently, these mitigation plans have been overturned on judicial review as constituting improper deferral of environmental assessment.

Id. at 92 (citations omitted).

CEQA is premised in part on "a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making ..." *Concerned Citizens of Costa Mesa, Inc. v. 32nd Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. "Environmental review derives its vitality from public participation." *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396,

400. Despite this, the City has failed to provide adequate notice to the many tenants living in the apartments in the area. These tenants are likely to experience first-hand many of the Project's significant environmental impacts.

Accordingly, Pamela Stahl requests that the City reject the Project and the revised MND. Thank you for your consideration of these comments.

Sincerely,

Everett DeLano

9/16/13

To: City of Escondido
Planning Division – Rozanne Cherry
Case No. ENV 12-0006 / PHG 12-0019
Lexus Escondido

RECEIVED
SEP 17 2013
PLANNING DIVISION

Dear City of Escondido,

We are writing to ask that you reject the Project and revised MND. Some of our points are the same as those raised previously because they have not been corrected.

There should be no raise in the noise level because Lexus is surrounded on 3 sides with single family and/or multifamily residences.

It is totally irresponsible to allow Lexus to have any type of event at any time the Centre is open (with a few restrictions). This is not being

a "good neighbor".

Some neighbors are currently deprived of the pleasures of opening their windows for fresh air or sitting outside on their patios enjoying themselves, because of the existing noise level of certain events. They cannot fully use or enjoy their properties.

Thus far, Lexus has not been a "good neighbor" regarding noise. As is documented, noise suppression devices were not used properly as required at certain past events. Furthermore, one of our neighbors related that he was told by a representative from Lexus some time

ago that he (the neighbor) would be given a phone number to call if the noise was disturbing / too loud. To date the neighbor has not received this phone number. The Project and the MND place no responsibilities on Lepus to act as a "good neighbor."

In our opinion, proper notification of residents to be impacted has not taken place for those tenants in multifamily residences or for certain single family residences up the hill from Lepus more than 500 feet away. The tenants should be individually noticed and because noise travels

further up a hill, those residents should be noticed also. All of the aforementioned neighbors should know of the Project which could substantially alter their quality of life.

Regarding the traffic study we particularly find disturbing the left hand turn into the Centre from Auto Park Way. With the constraints of the lengths of the left hand turn lane and the entry lane into Lexus, this situation could be unsafe and dangerous. The traffic study does not deal in any way with this situation.

This Project has significant

environmental impacts and requires the preparation of an EIR.

In conclusion we ask that the City reject the Project and the revised MND.

Thank you for your attention.

Sincerely,

Foster Stahl AND Pamela Stahl
(FOSTER STAHL) (PAMELA STAHL)
1375 W. 11th Ave.
Escondido, CA 92029

Rozanne Cherry

From: Barbara Redlitz
Sent: Tuesday, September 17, 2013 3:22 PM
To: Rozanne Cherry
Subject: Fwd: [Website Feedback]: Lexus Escondido Case: ENV 12-0006 / PHG 12-0001

Sent from my iPhone

Begin forwarded message:

From: <noreply_www@escondido.org>
Date: September 17, 2013, 11:07:39 AM PDT
To: <bredlitz@escondido.org>
Subject: [Website Feedback]: Lexus Escondido Case: ENV 12-0006 / PHG 12-0001
Reply-To: <cjsplane@gmail.com>

Chris Splane
cjsplane@gmail.com

To: Planning Division

Case No. Env 12-0001 / PHG 12-0001. Lexus Escondido

My name is Chris Splane , I reside at 1655 Candlelight Ave. Escondido, Ca. 92029, I'm located between the new Del Lago Academy school and the Lexus Escondido as the crow flies. In the A.M. we wake up to the new schools pledge of allegiance over there outdoor P.A. system five days a week.

In the past when Lexus / Vintana had events we hear those also, and now they want to increase up to 70 dBA. The dogs in the neighborhood react by barking to the P.A. systems or the DJ's, with all the noise it's getting very stressful. Who enforces the noise level limit friday, saturday & sunday, when the City of Escondido is closed, Escondido Police?

Lexus of Escondido is always pushing the limit with their Magatron Big Screen that would display for the arts, not for advertising, what happened? Escondido City Council has given them carte blanch. This is our neighborhood, we did not move next to an airport and then ask for quiet, the airport /Lexus of Escondido moved here. Behind Lexus are Apartments, condominiums and private homes, not to mention three private homes within 200 feet of Lexus of Escondido.

Thank You,

Chris Splane
(760) 741-2453

Rozanne Cherry

From: Earl Otte <earlotte@gmail.com>
Sent: Tuesday, September 17, 2013 9:05 PM
To: Rozanne Cherry
Subject: Case # ENV 12-0001/PHG 12-0001 - Lexus Dealershhip

Dear Ms Cherry
I have serious concerns about this negative declaration. It seems so incredibly broad to allow the restaurant to hold events, "when the center is open"? Who determines that? What prevents them from opening any and all hours to accommodate a certain event? What prevents them from holding events EVERY SINGLE DAY for THREE MONTHS? FIVE MONTHS? Not the permit your department is approving. Maybe the city should think of the people that live near here and how this could impact our daily life.

As for the events planned? well there is no limit. How fun for them - am I allowed to hold any event that I like at my house? A gun show maybe? How about Elephant training? Of course I cannot do this. What type of permit is so broad? This goes against the purpose of a permit.

Has anyone from the city tried to get across Auto Parkway and into the dealership? Have you seen how fast cars come flying down the hill, heading west? Now we will have event attendees coming off the Freeway and having to turn into the dealership. The slip road for this is incredibly short. Of course at all events there are people who will chose not to pay to park or to wait behind the blocked up lines of traffic. Where will they park? In the side streets around?

I have been in contact with the manager at Vintana directly already to voice my displeasure at the volume of the Thursday night music. His reply was that he did not know how loud the music was since he was not monitoring it! We were told that Vintana would be responsible for monitoring but that seems to me like asking the prisoners to lock the jail.How do I know what is too loud? Do I need to buy a sound meter and then call the police every time they have a concert and go over the threshold? How exactly is the noise going to be monitored and controlled? What if they go over the threshold for half an hour every time? Do the police have monitors?

It feels like to me that the city has taken the side of the big corporations yet again. I understand that none of the tenants who live in the apartments immediately to the south of the dealership were notified of the negative declaration. I assume renters don't have the same right to know about what is happening in their own backyard?

This permit will of course be approved, we know that. I am sure Lexus can afford the finest attorneys in town. However, it would only be fair to modify it to some degree to make it more palatable to those of us who have lived here for 13 years, own a small business in the city, send their children to school in the city and also teach in the city.

1. limits on the frequency of events
2. clearer definitions of what constitutes an event
3. a narrower time frame for when events can occur
4. City to pay for an independent consultant/firm to monitor the noise levels and the operation of a hot line to monitor complaints
5. a reduction in the amount of people permitted at each event

I look forward to the opportunity to speak at the council meeting when this permit is considered.
Yours Sincerely
Earl Otte
760 855-9072

Rozanne Cherry

From: Samantha Otte <windmillmontessori@gmail.com>
Sent: Tuesday, September 17, 2013 9:25 PM
To: Rozanne Cherry
Subject: Case no# ENV12-0001/PHG12-0001 Lexus Dealership

Dear Ms Cherry

We have been engaged and participating in this issue for months and are very aware of how little we seem able to control the quality of our home life regarding this permit. I as well as a large amount of people who live in the condos behind the dealership have young families who need peaceful bedrooms to go to sleep on school nights. Why have all those people not even been given consideration Or even been told. Could that be because they are poorer, non English speaking immigrants who rent? They are right on the back of the stage. It is devastating that our city would not look after it's resident and look for dollars instead.

The Lexus dealership was given guidelines on how to operate their noise level and have admitted failing to prevent noise escaping during performances of a much smaller scope than they are going to offer in the future. We feel that there is no commitment to keep the noise within the parameters and only hope for a way of voicing our concerns should it rise to an unbearable level at bedtime. Many private schools are required to build expensive sound walls in order to obtain permits and here that is not even offered. We have to brace ourselves for very loud, frequent events that have an incredible range; orchestras, bands and weddings.

Last summer during the series of 5 or so concerts held on the deck we could hear the words to Al Jero, Chak a khan and the music bounces off the wall of our neighbors house and comes into our bedrooms even with the windows closed. 2 hours would possibly be bearable if it weren't on a Sunday night when 2 teachers are trying to prep. The sound checks from 4pm onwards and the concerts until 10pm possible every night is like a form of torture that there is no escaping from.

We understand the need for a lovely outdoor venue and that the city finds the draw of this facility to our city attractive. We would welcome only a compromise that allows our neighborhood a few nights a week of knowing that no music would be heard and that on the weekends we would have events but not at volumes we can't escape from in our own homes.

Why has the city not even sent anyone to check the volume at our properties when residents have complained. It would be fair to see first hand that we are not just being unreasonable that the noise does travel up the hill. Nobody seems to care as it is not their house. We all have stressful busy family lives and no quiet, safe place to unwind is no way to live. So maybe people will start to distrust our city to look after our best interests and we can go to another town to teach, raise our family and start preschools for the community.

We can only hope to be surprised when Lexus and the city treat us with respect and compromise

Sincerely
Samantha Otte
Small business owner in Escondido

ESCONDIDO
City of Choice

MEMORANDUM

September 17, 2013

TO: File, Lexus
ENV 12-0006/PHG 12-0001

FROM: Rozanne Cherry, Principal Planner

SUBJECT: Comment on the Revised Mitigated Negative Declaration

I telephoned Mr. Les Ashford today, 9-17-13 about 2:30 P.M. in response to the voice message that he left for me on 9-16-13. Mr. Ashford said that he had received a notice regarding the proposed Lexus modifications. He said that he was opposed to the project and especially the additional uses at the dealership and the proposed new monument sign.

RICHARD E. GATTIS
TIMOTHY A. KUNCZ

LAW OFFICES
GATTIS & KUNCZ
A PROFESSIONAL CORPORATION

2729 FOURTH AVENUE, SUITE 3
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TELEPHONE (619) 233-4500
FACSIMILE (619) 294-9425
gklaw@pacbell.net

RECEIVED
OCT 17 2013
PLANNING

October 16, 2013

Rozanne Cherry
Principal Planner
City of Escondido
201 North Broadway
Escondido, CA 92025

Via Email
and U.S. Mail
rcherry@escondido.org

Re: The Centre at Lexus Escondido; Case No. ENV 12-0006/PHG 12-0001

Dear Ms. Cherry:

This responds, in part, to Everett DeLano, Esq.'s letter of September 12, 2013 written on behalf of his client, Pamela Stahl. This response is not meant to address each of Mr. DeLano's comments and opinions. Rather, it is designed to address only the basic issues and the misconceptions that led to some of Mr. DeLano's erroneous conclusions.

Mr. DeLano's letter states that the traffic analysis "completely ignores traffic associated with the restaurant use ... and other trips associated with the site, which includes a dealership and automotive service center." On the contrary, the Traffic Assessment Letter analyses the impact of a 615 person maximum-sized event, over and above existing traffic conditions. Linscott Law & Greenspan's Traffic Assessment Letter specifically states that the traffic analysis focuses on the "Project-added traffic that occurs during the mid-day and p.m. peak hours (generally 2-6 p.m.)". The traffic counts upon which the study was based are attached to the Traffic Assessment Letter as Exhibit A. Those counts include the existing dealership and restaurant traffic. More importantly, the fact that no significant impact will result from large events was established in 2012 when the four concerts held at The Centre, that were attended by upwards of 450 people, resulted in no significant traffic impacts and no significant delays. Neither the left turn lane on westbound Auto Park Way, nor The Centre's driveway entrance were "overwhelmed," as Mr. DeLano speculates might occur. This actual experience certainly verifies the conclusion in the Traffic Assessment Letter that even as many as an additional 270 vehicles will not have a significant impact on traffic in the area. Remember, this is not a Charger's game or a baseball game at Petco Park. Nor is it a concert at Humphrey's by the Bay with a venue more than twice the size of The Centre. The traffic impacts generated by those events are not in any way comparable. As suggested by the Traffic Assessment Letter, the impact from traffic generated by a maximum attended event is *de minimis* and insignificant, especially when the mitigation requirements of the Traffic Management Plan are implemented.

Mr. DeLano's letter concludes that the Traffic Management Plan inappropriately assumes a valet "processing" time of 45 seconds. The 45-second processing time is based on an estimate provided by Sunset Parking Services. Mr. DeLano offers no studies or evidence whatsoever to support his opinion that 45 seconds is "inappropriate." While some guests, including those who loiter or are of limited mobility, may take longer than the 45-second average, many guests will be "processed" in 15-20 seconds. It is submitted that the 45-second average estimate from Sunset Parking, a professional valet service with years of experience, is more reliable than an unsupported guess.

Mr. DeLano's letter states that Applicant should be required to comply with the existing 55 dB noise limit by reducing the level of sound system at its source. Rather than request the higher level of 70 dB as specified in the General Plan and in consideration of the surrounding residents, applicant seeks to limit the sound at the perimeter of its property to 65 dB. Applicant is not seeking to increase the statutory noise level after 10:00 p.m., again, in consideration of its residential neighbors. The noise generated by any event would be limited to something less than the existing 65 dB ambient freeway noise and less than the 70 dB level permitted by Escondido's General Plan. Applicant seeks an increase in the daytime noise limit to 65 dB, which is the sound generated by normal conversation between people standing 3 feet apart and is a level of noise that already exists along the east line of the property closest to the freeway. It is submitted that a noise level equal to general conversation between two people that is eliminated all together at 10:00 p.m. does not constitute a significant impact. Many artists require a minimum noise level of 115 dB or more at the source as a condition of their agreement to perform. It is in their contracts. This creates a push/pull between the artist and The Centre. The Centre will require the artist to deliver their entertainment at a lower level of amplified sound than they require by their contracts, all in deference to and in consideration of its neighbors.

Mr. DeLano states there is no limit on the number of days events of all types can occur and the only limit for the duration of such events is that they will "occur" at any time The Centre is open. Mr. DeLano is partially correct. At this time, the number of rooftop entertainment events is unknown. Rarely, if ever, will a rooftop entertainment event take place during a weekday morning. Although there may be an occasional afternoon event, as a practical matter, events occurring on weekdays will be held in the evenings between the hours of 7:00 p.m. - 10:00 p.m. The frequency of events is necessarily open because that fact is dictated by the user, not by the venue. For example, an event celebrating someone's 50th birthday is time specific, as is a bar mitzvah, a Chamber of Commerce meeting and in many instances corporate parties and other functions. This may result in event occurring every week night of a particular week with no events during the next week. On Friday and during the weekend, there may be afternoon and evening rooftop events, but again, the sound would be reduced to existing nighttime levels no later than 10:00 p.m.

Again, this letter does not address all of the other relatively minor points raised in Mr. DeLano's correspondence. However, the lack of addressing those issues should not be construed as acquiescence to their accuracy or validity.

We remain happy to respond to any remaining questions you or the Planning Department may have regarding this application or the matters raised in Mr. DeLano's letter.

Sincerely,

Richard E. Gattis

REG/jad

cc: Ms. Judith A. Jones-Cone
Mr. Drew Davis

DRAFT
10-8-13

NOISE COMPLIANCE PLAN

This Noise Compliance Plan ("Plan") is adopted by The Centre at Lexus Escondido pursuant to the City of Escondido's application to amend Master Plan, Case No. ENV 12-0006/PHG 12-0001. The purpose of the Plan is to ensure that any noise generated from the outdoor rooftop decks from entertainment and other events is attenuated and limited to a level not to exceed 65 dB when measured from the perimeter walls of the property during daytime hours (7:00 a.m. to 10:00 p.m.) and the applicable lower limits during nighttime hours after 10:00 p.m. This Plan is designed for the benefit of the neighbors and residents living adjacent to the property.

1. Scope and Effectiveness. This Plan shall become effective upon approval by the Escondido City Council of the application in Case No. ENV 12-0006/PHG 12-0001 and shall apply to outdoor entertainment events held on the third deck rooftops at The Centre.

2. Monitoring.

2.1. Perimeter Noise Monitors. The Centre will install and maintain noise monitoring meters on the south and west perimeter walls of the property to measure noise levels during all outdoor rooftop entertainment events with live or amplified music. The noise meters will measure and create a permanent record of the noise levels generated during an entertainment event.

2.2. Telephone Hot Line. A telephone number or "hotline" shall be established to receive suggestions, complaints and comments from neighbors regarding noise levels. The Centre shall provide residents within 500 feet of the perimeter of the property with notice of the hotline number. The hotline number shall be attended by a live operator during outdoor entertainment events and shall be equipped with voicemail. The operator shall investigate complaints of excessive noise and, if necessary, take immediate corrective action. Operator shall involve the manager on duty or The Centre's general manager if necessary. The operator shall have the capability of reading the measurements of the noise compliance meters during an entertainment event, and upon reasonable request shall provide current and recent readings to the interested caller.

2.3. Email Address. In addition to the hotline telephone number, The Centre shall establish and provide adjacent residents and neighbors with an email address to which they can direct comments, complaints or questions concerning the noise generated during an outdoor entertainment event. The email address shall be provided to the residents and neighbors within 500 feet of the property at the same time as they are provided with the hotline telephone number.

3. Reporting to City.

3.1. Within 30 days of the first outdoor entertainment event, The Centre will prepare and submit to the _____ of the City of Escondido, a report which shall include:

(a) a description of the event;

(b) the number of attendees;

(c) the starting and ending times;

(d) periodic sound level readings during the event;

(e) stage and speaker locations and orientation;

(f) mitigation measures implemented;

(g) comments and feedback received and responses thereto; and

(h) any unusual occurrences.

4. Mitigation Measures and Procedures. Depending upon the type and size of the outdoor entertainment event, the sound expected to be generated by the artist or entertainer and the expected attendance, The Centre shall employ none, some or all of the following measures to ensure that noise is attenuated and is in compliance with the 65 dB daytime perimeter noise limits.

4.1. Configure the orientation of the stage so that noise is directed away from the south and west perimeters of the property.

4.2. Limit the number and configure the location and orientation of the speakers so that noise is directed away from the south and west property lines.

4.3. Utilize acoustical blankets to attenuate sound around the stage and form sound barriers in strategic locations, such as the breezeway between the west deck and the parking area.

4.4. Reduce the amplified volume of the speakers at the source in order to ensure compliance with the 65 dB daytime limit or the nighttime limits, as appropriate.

5. Artist Notice and Compliance. The Centre and its tenants, including Vintana Wine and Dine, will provide any entertainer or artist performing at an event with advance notice that they will be required to comply with the applicable noise limits and restrictions.

LINSCOTT LAW & GREENSPAN
engineers

DRAFT

PHG 12-0001

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JUL 10 2013
PLANNING DIVISION

Traffic Management Plan
Lexus Escondido Special Events at The Centre

July 9, 2013

Prepared by
Linscott, Law & Greenspan, Engineers
4542 Ruffner Street, Suite 100
San Diego, CA 92111
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REPORT INFORMATION

Project:	**Lexus Escondido Special Events – Traffic Management Plan** Escondido, CA
Date:	July 9, 2013
LLG Ref.:	3-13-2221
Prepared For:	The Centre 1205 Auto Park Way Escondido, CA 92029
Prepared By:	Linscott, Law & Greenspan, Engineers 4542 Ruffner Street, Suite 100 San Diego, CA 92111 858.300.8800 www.llgengineers.com *Prepared by:* Cara Leone Hilgesen, *Transportation Planner III* Sasha Jovanovic, *GIS Specialist* *Under the supervision of:* Chris Mendiara, *Associate Principal*

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LEXUS ESCONDIDO SPECIAL EVENTS
TRAFFIC MANAGEMENT PLAN

City of Escondido, California
July 9, 2013

1.0 INTRODUCTION

LLG has been retained by the project applicant to prepare the following Traffic Management Plan (TMP) for the Lexus Escondido Special Events Mitigated Negative Declaration (MND). As part of the Master Plan Modification (MPM), the Project is proposing to establish a maximum capacity for events on its rooftop deck. Per the City building and fire codes, the maximum occupancy of the outdoor decks for any given event is 615 people. The maximum observed attendance for a previous indoor event held at the site was approximately 500 people. Typical events at the site consist of a range up to 200 attendees. Thus, this TMP assesses the circulation needs for a worst-case conservative scenario of a 615-person event. **Figure 1** includes a Project location map.

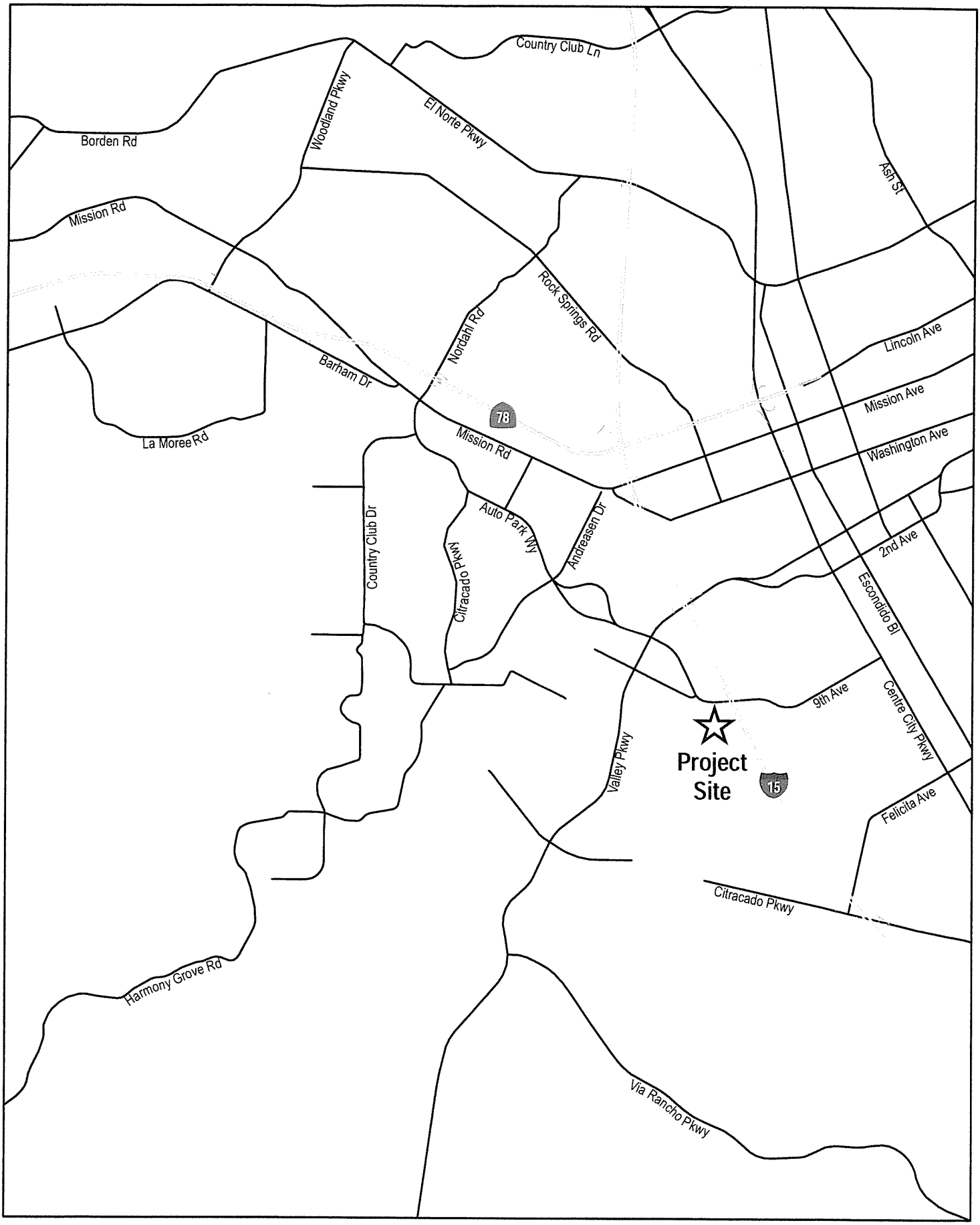
1.1 Need and Purpose of the Transportation Management Plan

It is expected that with City approval of the Master Plan Modification, a TMP would be required. This document has been prepared in anticipation of such a request in conjunction with the Traffic Assessment Letter (TAL) completed by LLG, Engineers on July 9, 2013. The prepared TMP shall be completed to the satisfaction of the City engineer.

The following document presents the potentially conditioned TMP. A TMP is a document that presents an overview of procedures and management techniques to resolve any potential traffic and parking issues. The TMP is intended to be a living document, which will continue to develop and evolve after the maximum occupancy is established and special events are held to ensure smooth on-site and off-site traffic operations.

Once the MPM is approved, the outlined TPM will be implemented on the Project site and field observations will be conducted to confirm the validity and adequacy of the plan. The field observations will be summarized and presented in a subsequent Traffic Monitoring Report (TMR) for a period of six (6) months or six (6) major events (≥450 people), whichever comes first. The ultimate goal of these efforts is to ensure the adequacy of the prepared TMP and that no on-site/off-site traffic issues arise with the increase in attendees for special events.

A major event size of 450 people would be expected to generate about 200 vehicles (450 people ÷ 2.28 vehicle-occupancy rate, explained later on in this report). The City guidelines identify 200 vehicle trips as a threshold for project-added traffic on the street system. Thus, the qualification of a 450-person event, or approximately 200 vehicles, as a "major" or "large" event would be consistent with thresholds set by the City.



LINSCOTT LAW & GREENSPAN engineers

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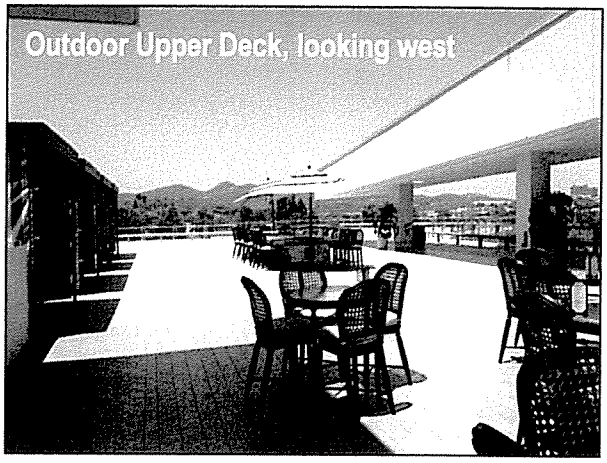
Figure 1

Project Location Map

LEXUS ESCONDIDO SPECIAL EVENTS - TRAFFIC MANAGEMENT PLAN

2.0 PROJECT DESCRIPTION

The site consists of the currently operating Lexus Escondido automotive dealership and the upscale restaurant, Vintana, together termed "The Centre" located at 1205 Auto Park Way just west of Interstate 15 (I-15) in the City of Escondido. The site currently holds special events on the second floor indoor space and the rooftop areas such as concerts, private parties, receptions, business meetings, and other functions. As part of the MPM, The Centre proposes to increase the capacity of the rooftop deck for music/concert-type events, which could potentially draw several hundred people to the site.



As previously mentioned, per the City building and fire codes, the maximum occupancy of the outdoor decks for any given event is 615 people. However, average event attendance would be consistent with current events ranging up to 200 people.

Although special events would be more likely to take place on weekend nights over the course of the year, this TMP focuses on the effect of Project traffic during the peak commuter hours of adjacent street traffic during the weekday. **Figure 2** includes a project site plan.

2.1 Project Traffic Circulation Review

Primary access to The Centre is provided via a main driveway on Auto Park Way. The two-way drive aisle of the main access driveway is divided by a median featuring a large water fountain. Each directional lane measures 25 feet in width. The length of the drive aisle measures 235 feet from the driveway entrance to the end of the median where a freestanding concierge station is located just before the entrance into the circular porte-cochère. An additional 80 feet (per lane for two lanes) is available up to the valet parking drop-off location.

Since The Centre provides separate uses on the site (the Lexus Dealership and the Vintana Restaurant/Events space), a concierge system is utilized to direct patrons of The Centre to the appropriate parking area. The current system directs patrons to drive up to the concierge booth where they are greeted by a parking valet. The driver is asked if they are patrons of the dealership, restaurant, or attendees of a special event and then asked if he/she would like complimentary valet services or to self-park. Access to the large three-story parking garage providing 580 spaces is located in the southwest quadrant of the site.

During the occurrence of special events when a large amount of vehicles are expected to arrive at the site, the 25-foot driveway is opened to two lanes of traffic with the left-lane signed as the valet lane and the right-lane signed as the self-parking lane.

Per conversations with Sunset Parking, the site's parking company, self-parking generally flows efficiently through the right lane when proper event parking signage is provided at the driveway. The valet operations of people exiting their vehicle and the vehicle being driven off the main drive can take anywhere from 30 seconds to one (1) minute per vehicle to process. Should valet wait times/queues exceed the available storage of the drive aisle, drivers transition into the self-parking lane to expedite their travel time into the parking areas. Per Sunset Parking, valet parking/self-parking splits vary between a 30% valet/70% self-parking split to a 50% valet/50% self-parking split depending on the conditions of the drive aisle (which is also a factor of event size).

Historically, on a Saturday in summer 2012, The Centre held a 500-person event while occupancy of the restaurant reached 300 patrons. Per conversations with Sunset Parking staff, this valet/self-park system efficiently served all on-site traffic preventing off-site backup onto Auto Park Way. With the proposed increase in occupancy for the rooftop deck, the existing valet scheme would continue to be implemented. The following section discusses the potential constraints on the existing on- and off-site circulation. An assessment of the valet/self-park operations is also included to validate the observations of Sunset Parking.

2.2 Existing Constraints

The Auto Park Way corridor serves a high intensity of industrial/automotive land uses which peak during the 7:00-9:00 AM and 4:00-6:00 PM hours (typical of the home-to-work and work-to-home travel patterns). The nearby Del Dios Middle School also peaks during the 7:00-9:00 AM peak hour but experiences the afternoon peak between 2:00-4:00 PM with both vehicular and pedestrian traffic.

To assess the potential issues that could arise with the addition of Project traffic to the adjacent street system, two conservative scenarios are assessed: events with a 3:00PM start time and events with a 6:00PM start time. A less conservative (and more likely) scenario would be a weekday event starting at 7:00PM since this time period lies outside the peak hour for adjacent street traffic resulting in less conflicting factors for special event traffic.

The primary concern of event traffic is the potential for off-site queuing backing up onto Auto Park Way. The following discussion details the concerns related to off-site queuing for each of the three scenarios.

3:00PM Weekday Events

The primary constraint during the peak hour arrival for 3:00PM events would be the potential for pedestrian/vehicle conflicts at The Centre driveway due to the increase in pedestrian activity from the nearby middle school. Drivers looking to complete a westbound left-turn into the driveway would not only be confronted with the flow of eastbound traffic across three lanes on Auto Park Way, but would also need to look for gaps in pedestrian and bicycle traffic crossing the driveway, both of which could potentially result in additional delays for the left-turning volumes into the site.

6:00PM Weekday Events

For 6:00PM events, the peak arrival time would occur during the PM peak work-to-home commuter period, thus resulting in a heavy flow of eastbound traffic on Auto Park Way toward Interstate 15. It may be difficult for drivers to find sufficient gaps in the flow of eastbound traffic during this time frame, thus preventing westbound left-turns from entering The Centre driveway potentially resulting in a backup of westbound through traffic on Auto Park Way.

7:00PM Weekday Events

For 7:00PM events, the peak arrival time lies outside the peak period for adjacent street traffic (30% less traffic after 6:00PM). Therefore, off-site factors such as high eastbound traffic volumes on Auto Park Way and pedestrian traffic at The Centre driveway would not be as concerning as compared to the other two scenarios. It could be assumed that weekday 7:00PM events would be more comparable to weekend events as the interference of ambient traffic would be less likely. Based on historical observations by Sunset Parking staff, no off-site queuing issues have arisen under such circumstances.

Valet Operations

The Centre currently provides complimentary valet parking as a service to its guests and will continue to do so in the future. Valet parking, however, can be considered an existing constraint due to the interruption in the continuous flow of inbound vehicles toward on-site parking areas. The primary constraint of the valet system is the processing time from when a driver is greeted by the concierge to when the vehicle is moved off the drive allowing queued vehicles to move forward in a timely manner. The valet operation, itself, could result in backup queuing onto Auto Park Way preventing westbound left-turns from entering The Centre driveway and ultimately affecting westbound through traffic on Auto Park Way.

Based on information provided by Sunset Parking, the average processing time for valet service is approximately 30 seconds to one minute with event parking typically split 30/70 between valet services and self-parking. As mentioned, approximately 235 feet of storage is available from The Centre driveway to the concierge station with an additional 80 feet across two lanes to the valet pick-up location located within the circular porte-cochère. During the occurrence of special events, the main drive would be split into one valet lane and one self-park lane. The available storage for valet queued vehicles would be calculated assuming 22 feet per vehicle, with over 235 feet for the valet

lane of the main drive aisle, plus an additional 160 feet (two 80-foot valet lanes entering the porte-cochère), for a total of 395 feet of storage, or 18 vehicles. A peak hour arrival rate of 0.95 was assumed to calculate the 95th percentile queue. For purposes of being conservative, the valet service rate was broken up into 30-seconds, 45-seconds, and 60-seconds increments. Assuming the 30/70 valet/self-park split as well as each of the constraining factors listed above, **Table 1** calculates the maximum attendees which could efficiently be circulated by the valet/self-park traffic scheme.

As shown in Table 1, at an average rate of 30 seconds per vehicle with 30% of patrons using valet services, the maximum number of vehicles that could be processed prior to the occurrence of off-site queuing would be 380 vehicles, which corresponds to **912 attendees.** This is 412 more people than the current maximum event held on-site. This calculation indicates that queuing related to the onsite valet program will not be a site access constraint for the proposed maximum event size of 615 attendees.

TABLE 1
EVENT ATTENDANCE THRESHOLDS BASED ON VALET/SELF-PARK OPERATIONS

Concierge/Valet Processing Time (sec/veh)	Queue Storage [a]		Utilization Factor [b]	Maximum # of Valeted Vehicles [c]	Maximum # of Total Vehicles (+70% Self-Park) [d]	Maximum # of Attendees [e]
	Feet	Vehicles				
30	395	18	0.95	114	380	**912**
45	395	18	0.95	76	253	**607**
60	395	18	0.95	57	190	**200**

Footnotes:

a. Queue storage equals 235' from Centre driveway to concierge desk for one valet lane (two entering lanes total with one dedicated to self-parking). An additional two lanes at 80' per lane are provided at the porte-cochere where valet pick-up occurs. Assuming 22' of storage per vehicle (235'+80'+80' = 395'; 395'/22'=18 spaces available for queue storage).

b. Utilization factor taken from Los Angeles Department of Transportation (LADOT) *Manual of Policies and Procedures: Driveway Design, Appendix B: Reservoir Needs vs. Traffic Intensity*, February 2003. Utilization factor based upon existing available storage (18 spaces).

c. Maximum number of valeted vehicles calculated as a probability of processing time, confidence level (95th percentile), and utilization factor. Maximum number of valeted vehicles assumed to be 30% of total number of vehicles.

d. Maximum number of valeted vehicles divided by a factor of 0.3 (30% of total vehicles) to arrive at the total number of vehicles, including self-parked vehicles.

e. Maximum number of attendees uses the following formula: (# of total vehicles x 2.28 VOR)/95% arrival factor; e.g. 380 * 2.28 = 866; 866/0.95 = 912

As previously mentioned, according to Sunset Parking the current valet/self-park system was capable of efficiently directing inbound traffic from Auto Park Way during a Saturday evening 500-person event, in conjunction with 300 restaurant patrons (representing a total of 800 people on-site at The Centre, similar to the 912 people calculated in Table 1). It was noted that 10 valets were actively parking vehicles using a relay system where the valet greeter would drive the vehicle up into the parking garage while a valet stationed in the garage would run down to join the other valet greeters.

As noted, the percent split between valet and self-parking vehicles averages at 30/70. During the occurrence of larger special events, this ratio typically shifts to a lower valet percentage and higher self-park rate as the valet lane slows due to a heavy flow of inbound vehicles resulting in drivers transitioning to the self-parking lane to arrive onsite faster. This proven valet/self-park scheme would continue to be implemented with the proposed increase in special event occupancy.

Since the site anticipates a maximum occupancy of 615 attendees, the same factors used to arrive at the 912-attendee maximum were reversed to calculate the valet/self-park split which would need to occur in order to effectively circulate a 615-person event depending on the valet processing time. As shown below in **Table 2,** a valet range of 21% to 42% could occur while still avoiding onsite queuing. For an average processing time of 45 seconds, an approximate 30/70 valet/self-park demand would be necessary. This ratio is consistent with field observations for current events at the existing site.

It can therefore be concluded that current valet/self-park on-site circulation scheme would be expected to efficiently circulate traffic generated by a 615-person event.

TABLE 2
615-PERSON EVENT VALET/SELF-PARK CALCULATED SPLIT

Concierge/Valet Processing Time (sec/veh)	Queue Storage [a]		Utilization Factor [b]	Maximum # of Valeted Vehicles		Maximum # of Self-Park Vehicles [e]		Total Number of Vehicles [f]	Maximum # of Attendees [g]
	Feet	Vehicles		# of Vehicles [c]	% Valet [d]	# of Vehicles	% Self-Park		
30	395	18	0.95	114	**42%**	156	**58%**	270	615
45	395	18	0.95	76	**28%**	194	**72%**		
60	395	18	0.95	57	**21%**	213	**79%**		

Footnotes:

a. Queue storage equals 235' from Centre driveway to concierge desk for one valet lane (two entering lanes total with one dedicated to self-parking). An additional two lanes at 80' per lane are provided at the porte-cochere where valet pick-up occurs. Assuming 22' of storage per vehicle (235'+80'+80' = 395'; 395'/22'=18 spaces available for queue storage).
b. Utilization factor taken from Los Angeles Department of Transportation (LADOT) *Manual of Policies and Procedures: Driveway Design, Appendix B: Reservoir Needs vs. Traffic Intensity*, February 2003. Utilization factor based upon existing available storage (18 spaces).
c. Maximum number of valet vehicles calculated as a probability of processing time, confidence level (95th percentile), and utilization factor.
d. Maximum percentage of valeted vehicles divided by total number of vehicles (270 vehicles).
e. Maximum percentage of self-park vehicles = 100% - % of valeted vehicles. Maximum number of self-park vehicles = 270 - # of valeted vehicles.
f. Total number of vehicles = 615 maximum attendees ÷ 2.28 VOR = 270 vehicles.
g. Maximum number of attendees fixed at 615 people.

Factors other than the valet/self-park operations which could potentially affect the flow along Auto Park Way are discussed in the following section.

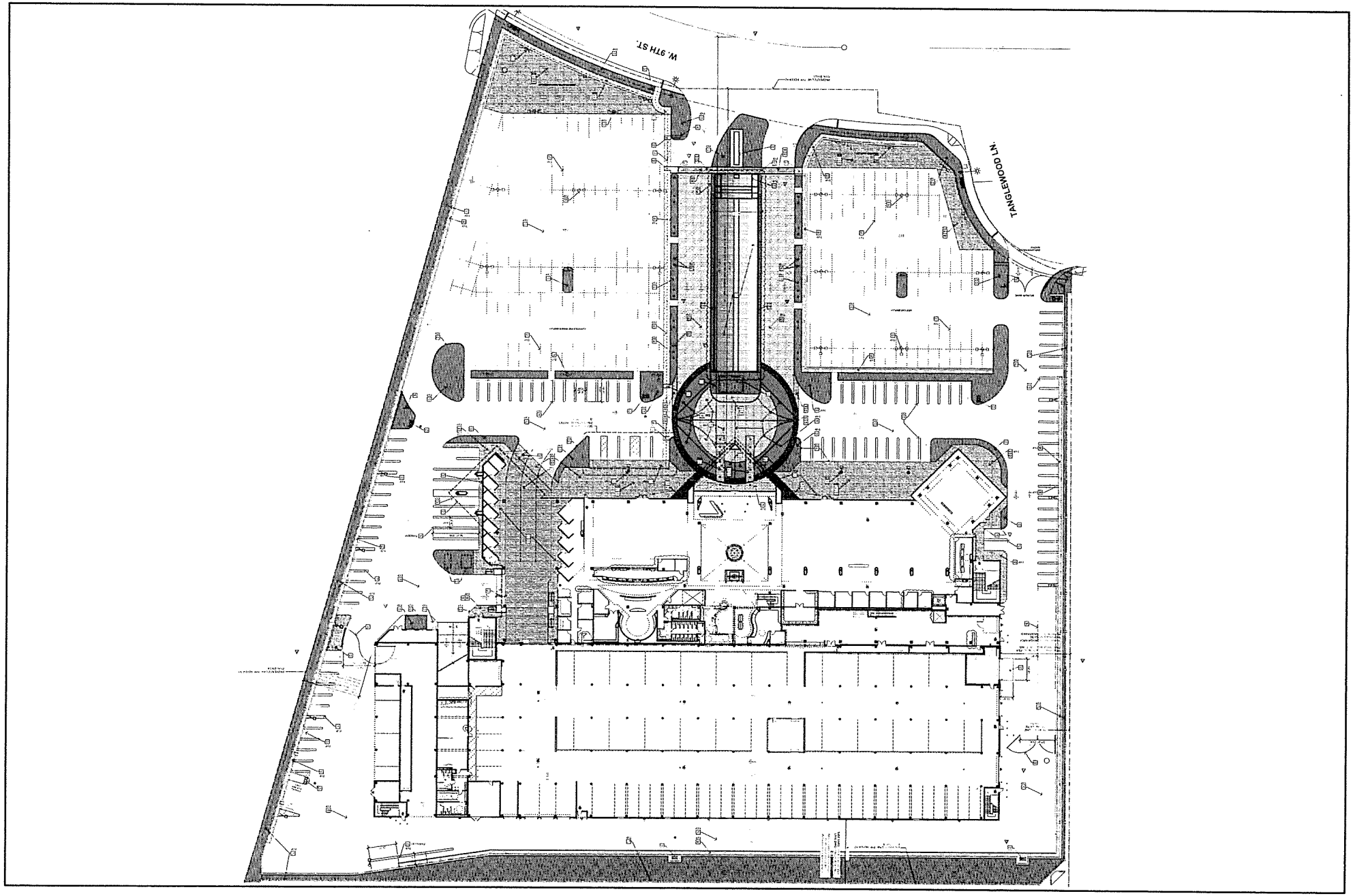


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Figure 2

Project Site Plan

LEXUS ESCONDIDO SPECIAL EVENTS - TRAFFIC MANAGEMENT PLAN

3.0 TRAFFIC MANAGEMENT PLAN

3.1 Context of the Traffic Management Plan

A Traffic Management Plan is generally developed for large-scale events or venues such as ballgames, concerts, theme parks etc. that attract visitors and audiences from different parts of a region, who not are familiar with the surrounding infrastructure, which in turn requires traffic control personnel to guide them. Since this project meets the criteria mentioned above, a Traffic Management Plan would be beneficial to patrons of The Centre.

The intent of the outlined TMP is to establish thresholds for traffic control measures based on the constraining factors previously mentioned in this document. As a part of the project approval, if no traffic issues are identified for a period of six (6) months or six (6) major (≥450 people) events, whichever comes first, the TMP may be reduced or eliminated at the discretion of the City manager. Conversely, the City may reinstate the monitoring efforts if any traffic issues arise after the monitoring is suspended at the discretion of City manager.

3.2 The Plan

The following TMP presents an overview of procedures by which traffic issues relating to the occurrence of special events will be addressed. These procedures and management techniques are intended to control vehicular and pedestrian activity and minimize on-site/off-site traffic impacts to ensure a successful and positive experience for all The Centre patrons, as well as the general public and surrounding neighbors.

As shown in Table 1 of this document, the maximum number of attendees which could be generated by the site prior to the potential occurrence of backup queues on Auto Park Way would be 912 attendees assuming a 30-second valet service rate and 30/70 valet/self-park split (reflective of existing valet/self-park operations). Although 912 patrons could be processed on-site without potential interference with the operations on Auto Park Way, there are still other off-site constraints that would require traffic management measures to effectively direct the flow of special event traffic.

As previously mentioned, a Traffic Assessment Letter (TAL) has been prepared in conjunction with this TMP. As discussed in the TAL, in order to avoid to in/out vehicular congestion along Auto Park Way during the peak period for weekday commuter traffic as well as pedestrian/vehicular conflicts at The Centre driveway on school days, the measures shown in **Table 3** *(Table 5 of the TAL)* are proposed by the Project.

Utilizing the time-of-day constraints mentioned in *Section 2.2* of this document, in addition to the measures proposed by The Centre in Table 3 below, **Table 4** serves as a reference for the implementation of traffic control measures per the TMP.

TABLE 3
RECOMMENDED WEEKDAY & SCHOOL DAY TRAFFIC MEASURES
ALL EVENT SIZES

Event Sizes	Proposed Measures			
	Measure 1	**Measure 2**	**Measure 3**	**Measure 4**
	Current On- & Off-Site Circulation Plan	**"School Blackout" No Event Start or End Times within 30 mins Prior or 1 hour After End of School Day**	**Implementation of the TMP** *(See Table 4)*	**1.5 Hour Window between Start and End Times of Events**
0 to 200 attendees	X	–	–	–
201 to 449 attendees	X	X	–	–
450 to 614 attendees	X	X	X	–
615 attendees	X	X	X	X

General Notes:

1. "X" = measure recommended.
2. Event sizes are cumulative. (e.g. two 200 person events = 400 people = Measures #1 and #2 are recommended.)

TABLE 4
TRAFFIC MANAGEMENT PLAN
EVENTS ≥450 ATTENDEES

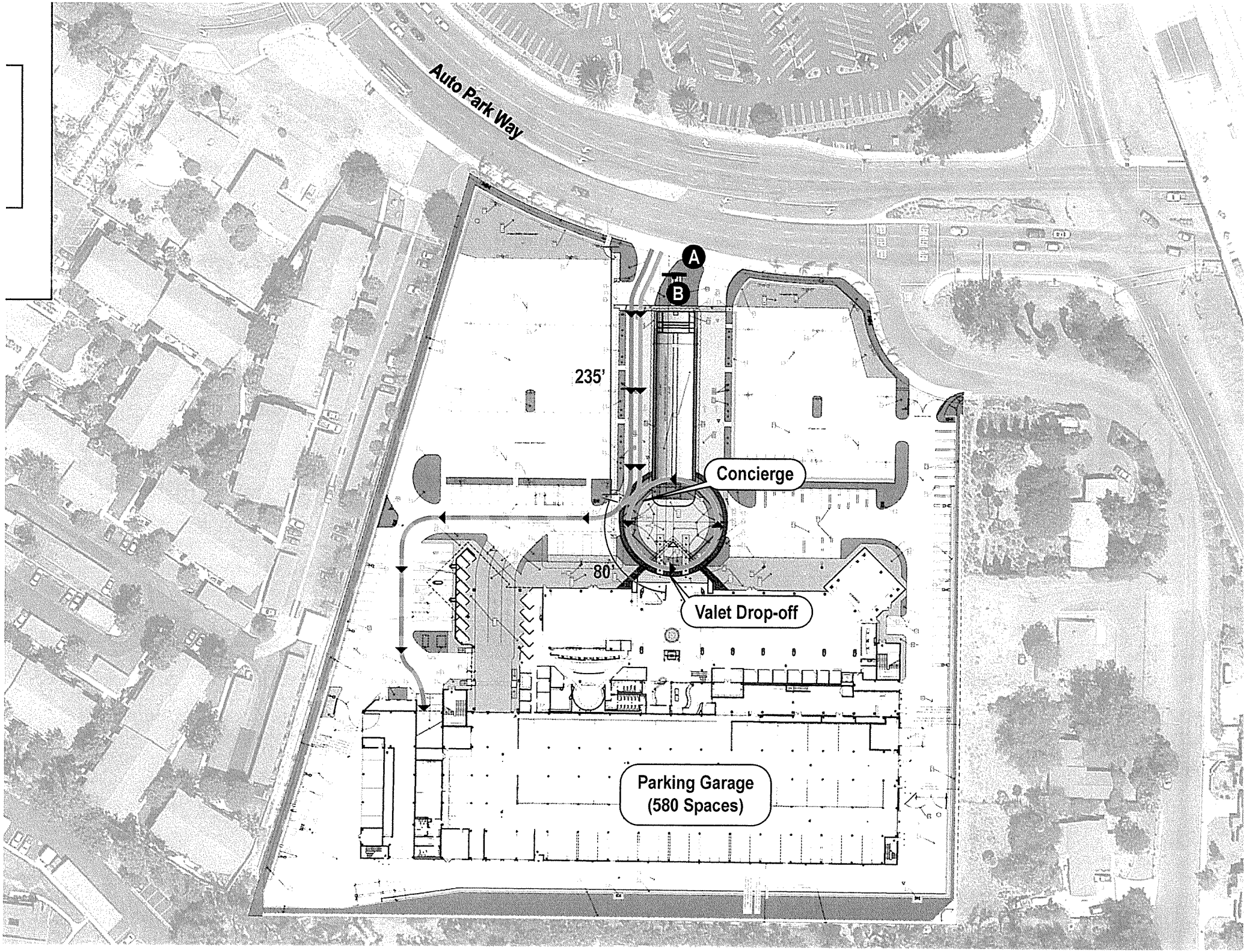
Weekday Events Time of Day	Constraint	Traffic Management Plan
3:00PM	Pedestrian and Bicycle Activity at The Centre Driveway	During the peak arrival time between 2:00-3:00PM, in conjunction with the release of students at the nearby middle school, an experienced employee from The Centre's professional parking services shall monitor and direct pedestrian and bicycle traffic across The Centre driveway through use of the Traffic Monitoring Report worksheets (See **Figure 4**) to reduce the potential for conflicts between pedestrians and vehicles. Should any pedestrian/bicycle conflicts arise at the Project driveway, The Centre shall work with City staff to amend the TMP as necessary, to the satisfaction of the City manager.
6:00PM	Availability of Sufficient Gaps Due to Peak Eastbound Traffic on Auto Park Way	During the peak arrival time between 5:00-6:00PM, The Centre shall monitor the flow of westbound left-turns into The Centre driveway across eastbound traffic along Auto Park Way to evaluate the availability of sufficient gaps through use of the Traffic Monitoring Report worksheet (See Figure 4). Should any deficiencies arise along Auto Park Way, The Centre shall work with City staff to amend the TMP as necessary, to the satisfaction of the City manager.
7:00PM	N/A	N/A
General	N/A	Provide signage at the back of the driveway queue during increased valet operations directing vehicles to the valet or self-park lane.
General	N/A	Provide vehicular access/directions on The Centre website. Full details on where to park, valet vs. self-park lane, area conditions such as pedestrian and bicycle activity, peak traffic conditions, etc.

Figure 3 presents the measures outlined in Table 4 above as part of the conceptual TMP.

3.3 Traffic Monitoring Report

A Traffic Monitoring Report (TMR) will be prepared after a period of six (6) months or six (6) major events (≥450 people) and submitted to City of Escondido for review. The 1st TMR is anticipated to be submitted in November 2013. The TMR will include field observations from the adopted Traffic Management Plan and highlight on- and off-site traffic issues that were observed. The report shall provide insight as to whether the adopted TMP is working or not. In addition, the TMR will include traffic congestion points (pedestrian and bicycle included), site internal circulation, any off-site traffic implications and other related items. **Figure 4** shows a sample data collection form.

The ultimate goal of these efforts is to ensure that no on-site/off-site traffic issues arise during the occurrence of special events. If the TMR reveals no significant traffic and the on-site operations are working to the satisfaction of the City manager, the monitoring efforts may be reduced or eliminated. Conversely, the City may reinstate the monitoring efforts if any traffic issues arise after the monitoring is suspended at the discretion of City manager and require reporting the results on a semi-annual basis.


Auto Park Way
A
B
235'
Concierge
80'
Valet Drop-off
Parking Garage
(580 Spaces)

TRAFFIC MONITORING REPORT
EVENTS ≥ 450 ATTENDEES

Day of Week: _____

Date: _____

Event Start Time	Event End Time	Total # of Attendees	Total # of Vehicles	Total Valeted Vehicles	The Centre Staff Directing Pedestrian Traffic?	Adequate Metering of EB Traffic on Auto Park Way Allowing WB Left-Turns into the Driveway?

Notes:

Yes☐ No☐ **Were there any off-site queuing issues onto Auto Park Way? If so, describe:**

Yes☐ No☐ **Were there any traffic circulation issues on-site? If so, describe:**

Yes☐ No☐ **Were there any pedestrian or bicycle conflicts with inbound vehicles? If so, describe:**

LINSCOTT LAW & GREENSPAN engineers

N:\2221\Figures
Date: 5/28/13

Figure 4

Sample Data Collection Form

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

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Revised 8-19-13

CASE NO.: ENV 12-0006 / PHG 12-0001

DATE ISSUED: August 26, 2013

PUBLIC REVIEW PERIOD: August 29, 2013 through September 17, 2013

PROJECT DESCRIPTION: A modification of a previously approved Master Development Plan (Case No. 2006-10-PD) for the Centre at Lexus Escondido and the existing automobile dealership and Vintana restaurant to allow events to be held on the two existing third floor roof decks of the facility and to modify General Condition of Approval # 24 of Council Resolution No. 2006-269-R to allow the use of a public address system and amplified music for these events and entertainment that would include dancing. A Cabaret Permit for the amplified music and dancing is part of the request, as well as establishing a higher daytime (7 AM. to 10 PM.) noise level limit of 65 dBA (where 55 dBA and 60 dBA are currently permitted) at the property lines and modifying General Condition #30 regarding the noise thresholds. The General Plan indicates that higher levels of community noise exposure for the adjacent residential areas may be considered and conditionally acceptable up to 70 dBA. The applicant requests BEZ (Business Enhancement Zone) processing directly to city council. Types of events would include, but not be limited to, concerts, weddings and other ceremonies, receptions, corporate events, screening of movies/videos, civic meetings, charitable events, auctions, mixers, and similar uses/events. The maximum number of patrons that would occupy the outdoor space on the third-floor roof decks at any given event, or combination of smaller concurrent events, would be 615 people. Music would be provided by DJ's, live acoustic ensembles and live amplified ensembles, bands and orchestras. Events could occur at any time the Centre is open, except for certain time restrictions for an event or concurrent events exceeding 200 attendees during weekday peak commuter and school traffic periods. All amplified sound on the open roof decks would be reduced to the nighttime (10 PM. to 7 AM.) property line noise thresholds at 10:00 PM. On-site self-parking and/or valet parking are proposed for events. Also requested is to allow a second monument sign along Auto Park Way up to 4.5 feet high and 54 SF in area, and allow the use of a maximum of 10 feather flags 15-feet tall, to advertise any on-site business or combination of on-site businesses.

LOCATION: On the south side of Auto Park Way, west of Tanglewood Lane and I-15, addressed as 1205 Auto Park Way, in the PD-C (Planned Development –Commercial) zone.

APPLICANT: Lexus Escondido

An Initial Study has been prepared to assess this project as required by the California Environmental Quality Act and Guidelines, Ordinance and Regulations of the City of Escondido. The Initial Study is on file in the City of Escondido Planning Division.

Findings: The findings of this review are that the Initial Study identified potentially significant impacts associated with noise and transportation/traffic. However, mitigation measures incorporated into the project, and agreed to by the applicant, would reduce impacts to a less than significant level.

Rozanne Cherry, Principal Planner

CITY OF ESCONDIDO
Planning Division
201 North Broadway
Escondido, CA 92025-2798
(760) 839-4671
www.ci.escondido.ca.us

Environmental Checklist Form (Initial Study Part II)

REVISED 8-19-13

1. Project title and case file number: Lexus Outdoor Rooftop Events, ENV 12-0006 / PHG 12-0001

2. Lead agency name and address: City of Escondido, 201 N. Broadway, Escondido, CA 92025

3. Lead agency contact person name, title, phone number and email: Rozanne Cherry, Principal Planner, 760-839-4536, rcherry@escondido.org

4. Project location: 1205 Auto Park Way, Escondido, CA (APN 235-090-32

5. Project applicant's name, address, phone number and email: Lexus Escondido, Drew Davis, 1205 Auto Park Way, Escondido, CA 92029, 760-690-2796, ddavis@lexusescondido.com

6. General Plan designation: Planned Commercial within Target Area overlay #9, the Promenade Retail Center and Vicinity,

7. Zoning: PD-C Planned Development - Commercial

8. Description of project: A modification of a previously approved Master Development Plan (Case No. 2006-10-PD) for the Centre at Lexus Escondido and the existing automobile dealership and Vintana restaurant to allow events to be held on the two existing third floor roof decks of the facility and to modify General Condition of Approval # 24 of Council Resolution No. 2006-269-R to allow the use of a public address system and amplified music for these events and entertainment that would include dancing. A Cabaret Permit for the amplified music and dancing is part of the request, as well as establishing a higher daytime (7 AM. to 10 PM.) noise level limit of 65 dBA (where 55 dBA and 60 dBA are currently permitted) at the property lines and modifying General Condition #30 regarding the noise thresholds. The General Plan indicates that higher levels of community noise exposure for the adjacent residential areas may be considered and conditionally acceptable up to 70 dBA. The applicant requests BEZ (Business Enhancement Zone) processing directly to city council. Types of events would include, but not be limited to, concerts, weddings and other ceremonies, receptions, corporate events, screening of movies/videos, civic meetings, charitable events, auctions, mixers, and similar uses/events. The maximum number of patrons that would occupy the outdoor space on the third-floor roof decks at any given event, or combination of smaller concurrent events, would be 615 people. Music would be provided by DJ's, live acoustic ensembles and live amplified ensembles, bands and orchestras. Events could occur at any time the Centre is open, except for certain time restrictions for an event or concurrent events exceeding 200 attendees during weekday peak commuter and school traffic periods. All amplified sound on the open roof decks would be reduced to the nighttime (10 PM. to 7 AM.) property line noise thresholds at 10:00 PM. On-site self-parking and/or valet parking are proposed for events. Also requested is to allow a second monument sign along Auto Park Way up to 4.5 feet high and 54 SF in area, and allow the use of a maximum of 10 feather flags 15-feet tall, to advertise any on-site business or combination of on-site businesses.

9. Surrounding land uses and setting (briefly describe the project's surroundings):
The existing Lexus Centre/dealership is approximately 200 feet west of Interstate 15 on the south side of Auto Park Way. The area is characterized by urban commercial development to the north and east of I-15, and medium-density multi-family residential development to the west and south of the site, with single-family residential uses beyond. Legal non-conforming single family residences are located in the PD-C zone between the subject site and Interstate 15 to the east.

North: PD-C zoning (Planned Development - Commercial) / The Promenade shopping center on 29+ acres is located across Auto Park Way from the site, at generally the same elevation.

South: PD-R 11.5 (Planned Development – Residential, 11.5 du/acre) / Multi-family residential units with carports and landscaping are located to the south of the subject site about 35' higher than the finished grade of the subject site.

East: PD-C zoning (Planned Development - Commercial) / Several legal non-conforming single family residences are located along Tanglewood Lane about 3-15' higher than the finished grade of the adjacent subject site, with Interstate 15 beyond. Several single-family residences in an R-2-12 zone are between Tanglewood Lane and Interstate 15.

West: PD-R-22 (Planned Development – Residential, 22 du/acre) / Multi-family apartments with carports and landscaping are located to the west, about 5-9' lower than the finished grade of the subject site.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement).

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below potentially would be affected by this project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology and Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☒ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☒ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION shall be prepared.

☒ I find that, although the proposed project might have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made, or agreed to, by the project proponent. A MITIGATED NEGATIVE DECLARATION shall be prepared.

☐ I find that the proposed project might have a significant effect on the environment and/or deficiencies exist relative to the City's General Plan Quality of Life Standards, and the extent of the deficiency exceeds the levels identified in the City's Environmental Quality Regulations pursuant to Zoning Code Article 47, Section 33-924 (b), and an ENVIRONMENTAL IMPACT REPORT shall be required.

☐ I find that the proposed project might have a "potentially significant impact" or "potentially significant unless mitigated impact" on the environment, but at least one effect: a.) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and b.) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT shall be required, but it shall analyze only the effects that remain to be addressed.

☐ I find that, although the proposed project might have a significant effect on the environment, no further documentation is necessary because all potentially significant effects: (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project.

Rozanne Cherry — Signature

8-26-13 — Date

Rozanne Cherry, Principal Planner — Printed Name and Title

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. This section evaluates the potential environmental effects of the proposed project, generally using the environmental checklist from the State CEQA Guidelines as amended and the City of Escondido Environmental Quality Regulations (Zoning Code Article 47). A brief explanation in the Environmental Checklist Supplemental Comments is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. All answers must take into account the whole action involved, including off-site, on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts and mitigation measures. Once the lead agency has determined that a particular physical impact might occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. The definitions of the response column headings include the following:

   A. "Potentially Significant Impact" applies if there is substantial evidence that an effect might be significant. If there are one or more "Potentially Significant Impact" entries once the determination is made, an EIR shall be required.

   B. "Less Than Significant with Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 2 below, "Earlier Analyses," may be cross-referenced). Measures incorporated as part of the Project Description that reduce impacts to a "Less than Significant" level shall be considered mitigation.

   C. "Less Than Significant Impact" applies where the project creates no significant impacts, only less than significant impacts.

   D. "No Impact" applies where a project does not create an impact in that category. "No Impact" answers do not require an explanation if they are adequately supported by the information sources cited by the lead agency which show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. Earlier Analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   A. Earlier Analysis Used. Identify and state where it is available for review.

   B. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of an adequately analyzed earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   C. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

3. Lead agencies are encouraged to incorporate references to information sources for potential impacts into the checklist (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

4. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

5. The explanation of each issue should identify the significance of criteria or threshold, if any, used to evaluate each question, as well as the mitigation measure identified, if any, to reduce the impact to less than significant.

ISSUES:

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I.	**AESTHETICS.** (1, 2, 3, 5, 15, 16, 17) Would the project:				
	a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
	b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
	c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
	d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
II.	**AGRICULTURAL RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. (1, 2, 3, 16, 17) Would the project:				
	a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency or (for annexations only) as defined by the adopted policies of the Local Agency Formation Commission, to non-agricultural use?	☐	☐	☐	☒
	b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
	c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	☒
III.	**AIR QUALITY.** Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. (1, 2, 3, 11, 12, 16, 17, 18) Would the project:				
	a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒
IV. **BIOLOGICAL RESOURCES:** (1, 2, 3, 14, 15, 16, 17) Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e. Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V.	**CULTURAL RESOURCES.** (1, 2, 5, 16, 17) Would the project:				
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☐	☒
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d.	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒
VI.	**GEOLOGY AND SOILS.** (1, 2, 16, 17) Would the project:				
a.	Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:				
	i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
	ii. Strong seismic ground shaking?	☐	☐	☐	☒
	iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
	iv. Landslides?	☐	☐	☐	☒
b.	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d.	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
VII. GREENHOUSE GAS EMISSIONS. (1, 2, 6, 11, 12, 13, 16, 18) Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	☐	☒
VIII. HAZARDS AND HAZARDOUS MATERIALS. (1, 2, 6, 7, 16, 17) Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒
IX. HYDROLOGY AND WATER QUALITY. (1, 2, 6, 8, 9, 16, 17) Would the project:				
a. Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?	☐	☐	☐	☒
b. Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially depleting groundwater supplies or substantially interfering with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?	☐	☐	☐	☒
e. Cause significant alteration of receiving water quality during or following construction?	☐	☐	☐	☒
f. Cause an increase of impervious surfaces and associated run-off?	☐	☐	☐	☒
g. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
h. Cause potentially significant adverse impact on ground water quality?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
i. Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?	☐	☐	☐	☒
j. Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	☐	☐	☐	☒
k. Create or exacerbate already existing environmentally sensitive areas?	☐	☐	☐	☒
l. Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?	☐	☐	☐	☒
m. Impact aquatic, wetland or riparian habitat?	☐	☐	☐	☒
n. Otherwise substantially degrade water quality?	☐	☐	☐	☒
o. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
p. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
q. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
r. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
X. LAND USE PLANNING. (1, 2, 3, 6, 14, 15, 16, 17) Would the project:				
a. Physically divide an established community?	☐	☐	☐	☒
b. Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒
XI.	**MINERAL RESOURCES.** (1, 2, 16, 17) Would the project:				
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b.	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?	☐	☐	☐	☒
XII.	**NOISE.** 1, 2, 3, 14, 15, 16, 17) Would the project result in:				
a.	Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
b.	Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e.	For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
XIII.	**POPULATION AND HOUSING.** (1, 2, 3, 16, 17) Would the project:				
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
XIV. PUBLIC SERVICES. (1, 2, 6, 16, 17) Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☐	☒
ii. Police protection?	☐	☐	☐	☒
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other public facilities?	☐	☐	☐	☒
XV. RECREATION. (1, 2, 3, 16, 17) Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒
XVI. TRANSPORTATION/TRAFFIC. (1, 2, 3, 4, 6, 12, 16, 17, 18) Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	☐	☒	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e. Result in inadequate emergency access?	☐	☐	☐	☒
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☒
XVII. **UTILITIES AND SERVICE SYSTEMS.** (1, 2, 6, 8, 9, 10, 16) Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c. Require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e. Result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g. Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
XVIII. **MANDATORY FINDINGS OF SIGNIFICANCE.** Would the project:				
a. Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number, or restrict the range, of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☐	☒
c. Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐
d. Where deficiencies exist relative to the City's General Plan Quality of Life Standards, does the project result in deficiencies that exceed the levels identified in the Environmental Quality Regulations {Zoning Code Section 33-924 (a) }?	☐	☐	☐	☒

Source of Information/Material Used in Preparation of this Analysis

1. Escondido General Plan – updated May 2012
2. Final Environmental Impact Report for General Plan Update - May 2012
3. Escondido Zoning Code and Land Use Maps
4. SANDAG Summary of Trip Generation Rates
5. Escondido Historic Resources Survey
6. City of Escondido – Comments from other Departments:
   Engineering Division Planning Division
   Traffic Division Building Division
   Fire Department Police Department
7. County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List
8. Escondido Drainage Master Plan (1995)
9. Escondido Water Master Plan (2000)
10. Escondido Wastewater Collection System Master Plan Update (Nov. 2005) and Wastewater Treatment and Disposal Facilities Capacity Study, Dec. 2006
11. The California Air Pollution Control Officers Association (CAPCOA) guide to addressing greenhouse gas (GHG) emissions from projects subject to the California Environmental Quality Act (CEQA) 2008
12. Traffic Impact Analysis, Escondido General Plan Update, prepared by Linscott, Law & Greenspan, Engineers, dated December 5, 2011
13. City of Escondido Climate Action Plan (Jan. 2012)
14. Noise Impact Analysis –Concerts at the Centre, prepared by Eiler Associates, Inc., dated January 10, 2012
15. Noise & Lighting Impact Analysis –Concerts at the Centre, prepared by Eilar Associates, Inc., dated June 27, 2012 and revised August 6, 2012
16. Project Description and Preliminary Information
17. Site Visits
18. Lexus Escondido Special Events – Traffic Assessment Letter, prepared by Linscott, Law & Greenspan Engineers, dated July 9, 2013

MITIGATED NEGATIVE DECLARATION
MODIFICATION OF THE MASTER DEVELOPMENT PLAN
For Lexus Escondido to add Outdoor Rooftop Events
(City File No. ENV 12-0006 / PHG 12-0001)

ENVIRONMENTAL CHECKLIST
SUPPLEMENTAL COMMENTS

REVISED 8-19-13

Pursuant to CEQA Guidelines Section 15073.5, the lead agency must recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given, but prior to its adoption. In this case, the "substantial revision" is that a new avoidable potentially significant effect under Transportation/Traffic has been identified and mitigation measures and project revisions have been added to reduce the effect to insignificance.

An Initial Study Environmental Checklist was prepared for this project and is included as a separate attachment to this Mitigated Negative Declaration (MND). The information contained in the revised Initial Study and MND Supplemental Comments will be used by the City of Escondido to determine potential impacts associated with the proposed project.

INTRODUCTION

This Negative Declaration assesses the environmental effects of the proposed Master Plan modification to allow outdoor rooftop events and concerts on an on-going basis at the Centre, Lexus Escondido automobile dealership, on 7.72-acres located west of Interstate 15 and south of Auto Park Way, addressed as 1205 Auto Park Way, APN 235-090-32.

As mandated by CEQA Guidelines Section 15105, affected public agencies and the interested public may submit comments on the **Mitigated Negative Declaration** in writing before the end of the **20-day** public review period starting on **August 29, 2013,** and ending on **September 17, 2013**. Written comments on the Mitigated Negative Declaration should be submitted to the following address by **5:00 p.m., September 17, 2013.** Following the close of the public comment review period, the City of Escondido will consider this Mitigated Negative Declaration and any submitted comments in determining the approval of this project.

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

Contact: Rozanne Cherry, Principal Planner
Telephone: (760) 839-4536
Fax: (760) 839-4313
Email: rcherry@escondido.org

A printed copy of this document and any associated plans and/or documents are available for review during normal operation hours for the duration of the public review period at the City of Escondido Planning Division at the address shown above.

PROJECT DESCRIPTION

A modification of a previously approved Master Development Plan (Case No. 2006-10-PD) for the Centre at Lexus Escondido and the existing automobile dealership and Vintana restaurant to allow events to be held on the two existing third floor roof decks of the facility and to modify General Condition of Approval # 24 of Council Resolution No. 2006-269-R to allow the use of a public address system and amplified music for these events and entertainment that would include dancing. A Cabaret Permit for the amplified music and dancing is part of the request, as well as establishing a higher daytime (7 AM. to 10 PM.) noise level limit of 65 dBA (where 55 dBA and 60 dBA are currently permitted) at the property lines and modifying General Condition #30 regarding the noise thresholds. The General Plan indicates that higher levels of community noise exposure for the adjacent residential areas may be considered and conditionally acceptable up to 70 dBA. The applicant requests BEZ (Business Enhancement Zone) processing directly to city council. Types of events would include, but not be limited to, concerts, weddings and other ceremonies, receptions, corporate events, screening of movies/videos, civic meetings, charitable events, auctions, mixers, and similar uses/events. The maximum number of patrons that would occupy the outdoor space on the third-floor roof decks at any given event, or combination of smaller concurrent events, would be 615 people. Music would be provided by DJ's, live acoustic ensembles and live amplified ensembles, bands and orchestras. Events could occur at any time the Centre is open, except for certain time restrictions for an event or concurrent events exceeding 200 attendees during weekday peak commuter and school traffic periods. All amplified sound on the open roof decks would be reduced to the nighttime (10 PM. to 7 AM.) property line noise thresholds at 10:00 PM. On-site self-parking and/or valet parking are proposed for events. Also requested is to allow a second monument sign along Auto Park Way up to 4.5 feet high and 54 SF in area, and allow the use of a maximum of 10 feather flags 15-feet tall, to advertise any on-site business or combination of on-site businesses.

PROJECT LOCATION AND ENVIRONMENTAL SETTING

The site of the existing Lexus Centre/dealership is located on 7.72 acres west of Interstate 15 and Tanglewood Lane, south of Auto Park Way, addressed as 1205 Auto Park Way (APN 235-090-32). Access to the property is provided from Auto Park Way and Tanglewood Lane. Both roads are public streets with on-street parking only permitted on Tanglewood Lane. The site is fully developed with a three-story commercial center that includes an automobile dealership with sales and service, paved parking and auto display areas, and landscaping. Interstate 15 is located approximately 200 feet east of the property. The property is within the Planned Commercial (PC) General Plan land-use designation and zoned PD-C (Planned Development-Commercial). The area is characterized by urban commercial development to the north and east of I-15, and medium-density multi-family residential development to the west and south of the site. Legal non-conforming single family residences are located in the PD-C zone between the subject site and Interstate 15 to the east. Single-family residences in a multi-family R-2-12 zone are between Tanglewood Lane and Interstate 15.

Surrounding zoning and land uses are as follows:

North: PD-C zoning (Planned Development - Commercial) / The Promenade shopping center on 29+ acres is located across Auto Park Way from the site, at generally the same elevation.

South: PD-R 11.5 (Planned Development – Residential, 11.5 du/acre) / Multi-family residential units with carports and landscaping are located to the south of the subject site about 35' higher than the finished grade of the subject site.

East: PD-C zoning (Planned Development - Commercial) / Several legal non-conforming single family residences are located along Tanglewood Lane about 3-15' higher than the finished grade of the subject

site, with Interstate 15 beyond. Single-family residences in a multi-family R-2-12 zone are between Tanglewood Lane and Interstate 15.

West: PD-R-22 (Planned Development – Residential, 22 du/acre) / Multi-family apartments with carports and landscaping are located to the west, about 5-9' lower than the finished grade of the subject site.

Responsibility Agency Permit Approvals

As the request is to allow additional uses within the existing development facilities and no construction is proposed, no other agency permits would be required.

Anticipated Public Hearings

Pursuant to the requested BEZ (Business Enhancement Zone) incentive for direct review by the city council, the proposed project requires a noticed public hearing by the Escondido City Council. A separate public hearing notice will be mailed out confirming the hearing date and time. The tentative date is October 2, 2013.

I. AESTHETICS

a. *Have a substantial adverse effect on a scenic vista?*
b. *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*
c. *Substantially degrade the existing visual character or quality of the site and its surroundings?*

The site is adjacent to Interstate 15 in a commercial area that includes other automobile dealerships, a major shopping center and a middle school. Apartments are along the south side of 9th Avenue to the west of the site. The Lexus Centre is currently developed with a retail automobile dealership with parts and service. The existing 3-story building includes a parking structure, separate retail space, conference facilities, a restaurant and outdoor deck area on the third level. Auto display areas, parking and a monument sign in the driveway are located in front of the building adjacent to Auto Park Way. The proposed events would occur in the existing outdoor roof deck areas on the north-eastern and north-western corners of the building. The second monument sign and ten proposed feather flags up to 15-feet in height would be located in the auto display area along the commercial frontage of Auto Park Way. The requested uses, monument sign and feather flags would not create any impacts to the existing visual character of the site and its surroundings nor affect scenic resources or vistas since the site is a fully developed commercial business adjacent to a major road and interstate freeway in a developed urban area, and they would be integrated with the existing facilities.

d. *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The existing site improvements include building and parking/display lot lights. The roof decks are currently lit with permanent light fixtures. No new permanent lighting is proposed with this request. Some of the events proposed for the roof decks will include additional temporary lighting. The events would all take place during the currently approved hours of operation. Directing the temporary lights, including temporary stage lights, to specific deck locations and compliance with the City's Outdoor Lighting Ordinance would ensure that impacts related to light and glare, resulting from future rooftop events, are less than significant.

II. AGRICULTURE RESOURCES

Significance Criteria and Impact Analysis

In determining whether impacts to agricultural resources are a significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. The effects of a project on agricultural resources are considered significant if the proposed project would:

a. *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*
b. *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*
c. *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*
d. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?
e. Result in the loss of forest land or conversion of forest land to non-forest use?
f. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?

The project site is in an urban area and is fully developed with commercial uses including paved parking and auto display areas, and no new construction is proposed. Therefore, the proposed project will not result in impacts to agricultural resources, forest land, agricultural-related zoning or contract lands.

III. AIR QUALITY

Significance Criteria and Impact Analysis

Where applicable, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. *Conflict with or obstruct implementation of the applicable air quality plan?*
b. *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?*
c. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*
d. *Expose sensitive receptors to substantial pollutant concentrations?*
e. *Create objectionable odors affecting a substantial number of people?*

The proposal to host events on the roof deck does not involve expansion of the existing facilities, new construction, or new uses that would impact air quality or create objectionable odors. Therefore, no significant impacts to air quality standards or sensitive receptors are anticipated

Construction Emissions

No construction is proposed. Therefore, the project will create no construction emissions impacts.

Odors - The project does not include uses typically associated with emitting objectionable odors. Project-generated refuse would be stored in covered containers and removed at regular intervals by Escondido Disposal. No significant odor impacts are anticipated.

Applicable Air Quality Plan

The project area is within the San Diego Air Basin (SDAB). Air quality at a particular location is a function of the kinds and amounts of pollutants being emitted into the air locally, and throughout the basin, and the dispersal rates of pollutants within the region. The major factors affecting pollutant dispersion are wind, speed and direction, the vertical dispersion of pollutants (which is affected by inversions) and the local topography. The air basin currently is designated a state and federal non-attainment area for ozone and particulate matter. However, in the SDAB, part of the ozone contamination is derived from the South Coast Air Basin (located in the Los Angeles area). This occurs during periods of westerly winds (Santa Ana condition) when air pollutants are windborne over the ocean, drift to the south and then, when the westerly winds cease, are blown easterly into the SDAB. Local agencies can control neither the source nor transportation of pollutants from outside the basin. The Air Pollution Control District (APCD) policy therefore, has been to control local sources effectively enough to reduce locally produced contamination to clean air standards.

Operations emissions come from area sources, including natural gas for space and water heating, and gasoline-powered landscaping and maintenance equipment, and from vehicle operations associated with the project. The proposed project to allow outdoor events within the existing developed automobile dealership during the currently approved hours of operation within an established commercial zone and adjacent to Interstate 15, would not significantly increase traffic volumes on local streets and intersections, as detailed in the Lexus Escondido Special Event – Traffic Assessment Letter (TAL) dated 7-9-13 prepared for the project by Linscott, Law & Greenspan Engineers, and discussed in Section XVI Transportation/Traffic. Since the project would not adversely impact area roadways and intersections, the proposed project would not violate any air-quality standard or contribute substantially to an existing or projected air quality violation and would have a less than significant impact on local and regional air quality. Any individual impacts attributed to the proposed project are small on a regional scale and will not cause ambient air-quality standards to be exceeded, nor contribute to any adverse cumulative impacts.

Consistency with the RAQS

Consistency with the Regional Air-Quality Standards (RAQS) assumptions is determined by analyzing the project with the assumptions in the RAQS. Forecasts used in the RAQS are developed by the San Diego Association of Governments (SANDAG). The SANDAG forecasts are based on local general plans and other related documents that are used to develop population projections and traffic projections. The proposed uses would be consistent with uses allowed under the existing General Plan land-use designation of Planned Commercial; would be allowed with approval of a modification of the Lexus master development plan under the Planned Development-Commercial zoning designation; and would have a less than significant effect on traffic volumes. Therefore, the proposed events taking place within the existing facilities would be consistent with the traffic projections forecast in the Escondido General Plan and would not conflict with the goals and strategies in the RAQS or TCM. Any potential air quality impacts from an increase in vehicle trips from the site would be considered negligible since project traffic would not create a significant impact to area roads in the vicinity of the project site (see Section XVI – Transportation/Traffic) and would be consistent with the General Plan traffic/transportation goals and policies. Thus, the project would not exceed the assumptions used to develop the RAQS and would not obstruct or conflict with the SDAPCD's RAQS.

The proposed project would have a less than significant impact on cumulative regional and local air quality, and would not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors.

IV. BIOLOGICAL RESOURCES

Significance Criteria and Impact Analysis

The effects of a project on biological resources are considered to be significant if the proposed project would:

a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*
c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*
e. *Conflict with any local policies or ordinances protecting biological resources such as a tree preservation policy or ordinance?*
f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The project site is currently fully developed with a commercial automobile dealership that includes sales, parts and service, as well as paved parking and auto display lots. Vegetation consists of ornamental landscaping around the perimeter of the site. No expansion of the developed facilities is proposed. The adjacent properties are developed with single family and multi-family residential units with paved parking and ornamental landscaping. There are no conservation areas adjacent to or in the vicinity of the project site. The site is adjacent to a circulation element Major Road and Interstate 15, in a projected General Plan noise contour of 70 dBA CNEL or greater. Therefore, no impacts to biological resources will result.

V. CULTURAL RESOURCES

Significance Criteria and Impact Analysis

The effects of a project on cultural resources are considered to be significant if the proposed project would:

a. *Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*
b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*
c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*
d. *Disturb any human remains, including those interred outside of formal cemeteries?*

The project site is currently fully developed with a commercial automobile dealership that includes sales, parts and service, as well as paved parking and auto display lots. Vegetation consists of ornamental landscaping around the perimeter of the site. No expansion of the developed facilities is proposed. Therefore, no impacts to cultural resources will result.

VI. GEOLOGY AND SOILS

Significance Criteria and Impact Analysis

The effects of a project on geology and soils are considered to be significant if the proposed project would:

a. *Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:*
   i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
   ii. *Strong seismic ground shaking?*
   iii. *Seismic-related ground failure, including liquefaction?*
   iv. *Landslides?*
b. *Result in substantial soil erosion or the loss of topsoil?*
c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*
d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*
e. *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The subject site, including all areas of Escondido and surrounding San Diego County is located within a Seismic Zone 4 designation. The project site is not located within proximity to any mapped State of California Fault-Rupture Hazard Zones (formerly known as Alquist-Priolo Special Studies Zones) or other known fault hazard designations (California Geological Survey [CGS] 2007). No known active or potentially active faults are located in the project site vicinity. The closest known active faults are the Rose Canyon Fault and the Elsinore Fault. The Rose Canyon Fault is located approximately 15 miles southwest of the project site, and the Julian segment of the Elsinore Fault is approximately 18 miles northeast of the project site. Accordingly, fault surface rupture is not likely at this project. In the event of a major earthquake on these faults or other faults within the Southern California region, the site could be subjected to moderate to severe ground shaking. However, the site is not considered to possess a significantly greater seismic risk than that of the surrounding area in general, and associated potential impacts would be less than significant. The building and the entire development of the site was previously evaluated for effects on geology and soils at the time of the original development project approval, and the existing structures were constructed to conform to the seismic building code requirements designated for the specific area. The proposed request would allow events on the third-floor roof deck of the existing building within the existing developed site. No new construction is proposed. Therefore, no significant impacts to geology and soils will occur.

VII. GREENHOUSE GAS EMISSIONS

In response to rising concern associated with increasing GHG emissions and global climate change impacts, several plans and regulations have been adopted at the international, national and state levels with the aim of reducing GHG emissions. Transportation accounts for the largest share of the state's GHG emissions. The State of California has adopted a number of plans and regulations aimed at identifying statewide and regional GHG emission caps, GHG emissions reduction targets, and actions and timelines to achieve the target GHG reductions. Executive order (EO S-3-05) signed by Governor Schwarzenegger on June 1, 2005, established the following GHG reduction targets for the state of California: by 2010, reduce GHG to 2000 levels; by 2020 reduce GHG emission to 1990 levels; by 2050 reduce GHG emissions to 80 percent below 1990 levels. In response to the Executive Order, the California Legislature passed Assembly Bill (AB) 32 (Nunez) the "California Global Warming Solutions Act of 2006."

In order to determine the potential effects of a project on greenhouse gas emission (GHG), would the project:

a. *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
b. *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Transportation-Related Emissions

The Traffic Assessment Letter, dated 7-9-13, prepared for this project by Linscott, Law & Greenspan engineers indicates that the potential increase in vehicular traffic associated with events being held on the roof decks of the existing commercial facility is less than significant and would include combined trips to other businesses on the site, reducing vehicle miles traveled. Therefore, the project's transportation-related emissions reductions would be achieved through implementation of state wide regulations on vehicle engine and fuel technologies, such as improved vehicle technologies and low carbon fuel standards as new vehicles come on line. Efforts to reduce transportation emissions by reducing vehicle miles traveled (VMT) on a regional level are anticipated to come from polices related to changes in future land use patterns and community design, as well as through improvements in public transportation. By reducing miles vehicles travel, vehicle emissions would be reduced. Because the project is not anticipated to increase local vehicle trip lengths sufficient enough to increase the average regional trip length, as defined in the California Air Resources Board (CARB) business-as-usual (BAU) 2020 Forecast used to develop the regulations to reduce vehicle GHG emissions, project related impacts on statewide vehicular GHGs would not be considered significant.

Project Related Emissions

An individual project such as the proposed outdoor events cannot generate enough greenhouse gas emissions to effect a discernible change in global climate. However, the project may participate in the potential for Global Climate Change by its incremental contribution of greenhouse gases combined with the cumulative increase of all other sources of greenhouse gases. The proposed project would generate emissions through the additional electricity use, natural gas consumption, water use, solid waste disposal, and project related traffic increases. The existing building was constructed in compliance with the Title 24 Energy Efficiency Standards in effect at the time building permits were issued. No new construction is proposed. As the project traffic would include combined trips to other businesses on site reducing vehicle miles traveled, and would have a less than significant impact to traffic in the vicinity of the project site, the project would generate a less than significant amount of GHG emissions. The project's contribution to cumulative statewide GHG emissions would not be significant. On a state and region-wide level, greenhouse gas emissions are expected to be reduced from energy efficiency gains from the increased amount of electricity produced from renewable energy sources, and energy efficient industries, homes

and buildings. Other land development applicable measures such as water conservation, materials use and waste reduction, and green building design and development practices also is anticipated to achieve additional emissions reductions. The project would not generate, either directly or indirectly, GHG emissions that would have a significant impact on the environment.

Conflict with Plans and Policies

As the project would allow use of existing roof top decks for entertainment events, it would not conflict with the goals and strategies of local and state plans, policies, and regulations aimed at reducing GHG emissions from land use and development. The project will not hinder the implementation of AB 32. Therefore, the project would not conflict with any applicable plan to reduce GHG emissions.

City of Escondido: The Climate Action Plan

The City of Escondido has developed a Climate Action Plan (E-CAP) as part of the City's General Plan Update (2012). The plan addresses GHG emissions from communities (commercial, industrial, residential and other) and from City operations. Through the E-CAP, the City establishes goals and policies that incorporate environmental responsibility into its daily management of residential, commercial and industrial growth, education, energy and water use, air quality, transportation, waste reduction, economic development, and open space and natural habitats to further their commitment. The plan includes discussion on the local impacts of climate change, actions to be adopted by the City to achieve sustainable development goals, emissions baselines and forecasts and emissions reduction strategies. The City's Climate Action Plan includes the implementation of the GHG reduction strategies by conducting a baseline GHG emissions inventory and setting up a baseline year of 1990. Following the state's adopted AB 32 GHG reduction target, Escondido has set a goal to reduce emissions back to 1990 levels by the year 2020. The estimated community-wide emissions for the year 2020, based on population and housing growth projections associated with the assumptions used for the General Plan Update are 992,583 $MTC0_2e$. In order to ready this reduction target, Escondido must offset this growth in emissions and reduce community-wide emissions to 788,176 MT $C0_2e$ by the year 2020. The City of Escondido already has demonstrated its commitment to conserve energy and reduce emissions through a variety of programs and policies. Programs to reduce emissions include flexible employee work schedules, energy retrofits of City facilities, participation in the San Diego Association of Governments (SANDAG) Energy Roadmap Program, water conservation education efforts, and coordination with SANDAG and North County Transit District to expand transit systems. At the HARRF, the City already has installed California's first "green technology" that converts raw sewage gas into renewable natural gas, clean enough to use in homes and business. Various state policies have enacted programs that also will contribute to reduced GHG emissions in Escondido by year 2020. By supporting the state in the implementation of these measures, Escondido will experience substantial GHG emissions reductions. In order to reach the reduction target, Escondido also would implement the additional local reduction measures contained within the E-CAP. These measures encourage energy efficiency and renewable energy in buildings, transit oriented planning, water conservation, and increased waste diversion.

VIII. HAZARDS AND HAZARDOUS MATERIALS

Significance Criteria and Impact Analysis

The effects of a project on hazards and hazardous materials are considered to be significant if the proposed project would:

a. *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
b. *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

c. *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*
d. *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Due to the nature of the type of uses and modifications proposed within the existing facilities on a completely developed site, the project would not result in any associated impacts related to hazardous emissions or the handling of hazardous or acutely hazardous materials, substances or wastes. The project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (the Cortese List) indicating any open cases. The existing facilities were constructed in compliance with all applicable Fire, Building, and Health and Safety Codes, which would eliminate any potential risk of upset. The site is not located within a 100-year floodplain. The proposed project will not intensify or modify the existing retail auto sales, parts sales and auto repair activities on site, which include the use and storage of batteries, oil, vehicle fluids and other materials categorized as hazardous substances in conformance with applicable city, county, state and/or federal regulations. Both the Federal government and State of California require all businesses that handle more than a specified amount of hazardous or extremely hazardous materials to submit a business risk management plan with the City of Escondido and County of San Diego Department of Environmental Health. The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school. Therefore, the project will not create a significant risk of upset or hazard to human health and safety.

e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?*
f. *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?*

The project is not located within an airport land-use plan, an airport land-use plan that is to be adopted, within 2 miles of a public airport, or within the vicinity of a private airstrip. Therefore, the project would not result in any associated impacts related to safety hazards for people residing or working in the project area.

g. *Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?*

The project does not include activities or structures that would impair implementation of, or physically interfere with, an emergency response plan or evacuation plan.

h. *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

The subject site is located within a developed urban area and surrounded by commercial and residential development on all sides. The project is not located within an identified Fire Hazard Area and would not result in a significant exposure of people or structures to wildland fires.

IX. HYDROLOGY AND WATER QUALITY

Significance Criteria and Impact Analysis

The effects of a project on hydrology and water quality are considered to be significant if the proposed project would:

a. *Violate any water quality standards or waste discharge requirements, including but not limited to increasing pollutant discharges to receiving waters (Consider temperature, dissolved oxygen, turbidity and other typical storm water pollutants)?*
b. *Have potentially significant adverse impacts on ground water quality, including but not limited to, substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*
c. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river in a manner which would result in substantial/increased erosion or siltation on- or off-site?*
d. *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site and/or significant adverse environmental impacts?*
e. *Cause significant alteration of receiving water quality during or following construction?*
f. *Cause an increase of impervious surfaces and associated runoff?*
g. *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*
h. *Cause potentially significant adverse impact on ground water quality?*
i. *Cause or contribute to an exceedance of applicable surface or ground water receiving water quality objectives or degradation of beneficial uses?*
j. *Is the project tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?*
k. *Otherwise substantially degrade water quality?*
k. *Create or exacerbate already existing environmentally sensitive areas?*
l. *Create potentially significant environmental impact on surface water quality, to either marine, fresh, or wetland waters?*
m. *Impact aquatic, wetland or riparian habitat?*
o. *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*
p. *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?*
q. *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*
r. *Inundation by seiche, tsunami, or mudflow?*

The project site is fully developed and includes all required drainage and storm water treatment facilities required at the time of construction. No new impervious surfaces or construction is proposed, and no changes to the existing drainage patterns and infrastructure would occur as a result of the proposed project. Therefore, the project would result in no significant impacts related to hydrology and water quality.

X. LAND USE AND PLANNING

The City of Escondido General Plan designates the site as Planned Commercial and is zoned Planned Development - Commercial (PD-C). The primary purpose of this land-use designation is to provide for a variety of commercial activities within a unified planned commercial center developed to agreed upon development standards. Public assembly uses and modified development/operational standards are allowed within the PD-C zone provided the request is consistent with the goals and policies of the General Plan and the project's Master Development Plan is approved or modified by the City Council to include them.

Significance Criteria and Impact Analysis

The effects of a project on existing or planned land uses are considered significant if the proposed project would:

a. *Physically divide an established community?*
b. *Conflict with any applicable land-use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*
c. *Conflict with any applicable habitat conservation plan or natural community conservation plan?*

The proposed request to add outdoor amplified entertainment and events as permitted uses at the Lexus Escondido Centre would include events for seated audiences and events with dining tables and optional dance floor areas. The four event layouts show the floor plans for the maximum seating, tables, buffet areas and band/DJ locations, as well as the required emergency exiting paths and ADA accessibility required by Building and Fire Codes. The proposed uses would occur on the existing 7,300± SF east roof deck with a maximum of 372 seats, and the 9,250± SF west roof deck with a maximum of 545 seats in the largest concert venue layouts. The project proposes a total combined capacity of 615 attendees for the concurrent use of both decks.

The project would not divide an established community, nor be in conflict with the City's Draft Multiple Habitat conservation Plan (MHCP) since the site is within an urbanized area, is currently developed and surrounded by development on all sides.

The subject site is included within Target Area overlay #9, the Promenade Retail Center and Vicinity, as identified in Chapter II of the General Plan, Land Use /Community Form (page II-74). The proposed project would be consistent with the target area Guiding Principles that encourage opportunities for increasing employment densities and attracting businesses including theaters, entertainment and visitor serving uses that complement existing retail, and the transition of residential uses in the target area to commercial or mixed-use development. The Noise Element indicates that the Target Area overlay areas are planned for additional growth and increased traffic volumes, which would include the corresponding noise increases that would be generated.

The project includes a request to establish a daytime (7:00 AM to 10:00 PM) noise level limit of 65 dBA at all property lines, where the Noise Ordinance limits noise to 55 dBA adjacent to the residential zones on the west and south boundaries and to 60 dBA for commercial zones on the north and east boundaries. While the request would increase the noise limits by 10 dBA over the zoning code standards, the requested level of 65 dBA would be consistent with the General Plan policies and Figure VI-12. This figure depicts acceptable community noise exposure levels and identifies the range of normally acceptable outdoor noise levels in multi- family residential areas as 50-65 dBA, and conditionally acceptable outdoor noise levels for all residential zones as 60-70 dBA. Also requested is to allow up to

ten feather flags 15 ft. high to advertise, on an on-going basis, any on-site business or combination of on-site businesses. The previous sign code provisions for feather flags as temporary portable signs sunsetted in June 2013. In addition, the request includes a second monument sign up to 4.5 feet high and 54 SF on the Auto Park Way frontage, where only one freestanding sign would typically be allowed. The PD-C zone does allow council to approve development standards that vary from the basic city standards. See Section XII – Noise for analysis of potential noise impacts. The feather flag signs and second monument sign will be in scale with the 7.72 acre site and three-story building. Adequate separation between flags can be provided; and the feather flags will not obstruct vehicle sight visibility at the driveway. The second monument sign would be located to maintain appropriate clear sight distance areas for vehicles exiting the site and a separation from the existing freestanding sign, as determined by the City Engineer and the Director of Community Development. Therefore, with the approval of the requested noise standard, second monument sign and feather flag signs for the subject site, modification of the Master Development Plan, and the applicant's commitment to the Mitigation Monitoring Report Program (MMRP) for noise, potential impacts to Land Use and Planning would be reduced to less than significant.

XI. MINERAL RESOURCES

Significance Criteria and Impact Analysis

The effects of a project on mineral resources are considered to be significant if the proposed project would:

a. *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
b. *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land-use plan?*

The subject site is not known to contain any known mineral deposits of value and has been fully developed with commercial buildings, paved parking and ornamental landscaping. No construction is proposed with this project. Therefore, no impacts to mineral resources will occur.

XII. NOISE

Significance Criteria and Impact Analysis

The effects of a project on noise are considered to be significant if the proposed project would result in:

a. *Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
b. *Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?*
c. *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
d. *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

The subject site is fully developed with a commercial automobile dealership with repair services and carwash, retail parts and accessories, conference facilities, a restaurant, and small retail shops. The site is in an area that transitions from commercial uses to the east and north to residential uses to the west and south. To the north is Auto Park Way, a Major Circulation Element road and the Promenade

Shopping Center. To the East are several legal nonconforming single family residences in a PD-C (Planned Development- Commercial) zone, Interstate 15 Freeway, and several single-family residences in a multi-family zone east of Tanglewood Lane. Multi-family residential uses are to the west and south of the existing dealership in multi-family planned development zones, with single-family zones and development beyond. Block walls 6-feet high are located along the east, west and southern property lines. The subject area is located within a projected Noise Contour of 70 dBA CNEL or greater on the City's Noise Contour Map (General Plan Noise Contour Map, Figure VI-17, May 2012) due to the proximity of circulation element streets and Interstate 15.

The request is to allow events to be held on the existing third floor roof decks of the facility and to modify General Condition of Approval #24 of Council Resolution No. 2006-269-R to allow the use of a public address system and amplified music for these events and entertainment. The project also includes a request to establish a higher daytime (7 AM to 10 PM) noise level standard of 65 dBA (where 55 dBA and 60 dBA are currently permitted) at the property lines of the existing development for the outdoor events and modify General Condition #30 regarding the noise thresholds. Types of events would include, but not be limited to, concerts, weddings and other ceremonies, receptions, corporate events, screening of movies/videos, civic meetings, charitable events, auctions, mixers, and similar uses/events. Music would be provided by DJ's, live acoustic ensembles and live amplified ensembles, bands and orchestras. Events would occur at any time the Centre is open. All amplified sound on the open roof decks would be reduced at 10 PM to maintain the nighttime (10 PM to 7 AM) property line noise thresholds of 50 dBA along the south and west project boundaries and 55 dBA along the north and east project boundaries or any higher documented ambient nighttime noise level.

A concert was held on the west deck on October 12, 2011 (Temporary Use Permit #ADM11-0142) and the noise levels were evaluated and used to model noise impacts from events held on the east deck. Results were documented in the report "Noise Impact Analysis –Concerts at the Centre" prepared by Eiler Associates, Inc., dated January 10, 2012. The report concluded that events held on the east deck of the Centre as the building is currently configured, will be in compliance with the city's applicable daytime noise limits at the eastern property line. However, concerts held on the west deck will not meet the noise limit threshold at the western property line. The highest noise level along the western boundary was 66.5 dBA. The report modeled several mitigation measures to confirm that feasible mitigation is available. Mitigation of event noise could be accomplished with a combination of sound barrier panels and a reduction of the noise level of the sound system.

A subsequent series of four concerts were held on the west deck between May13, 2012 and June 2, 2012 under Temporary Use Permit #ADM12-0009. Noise measurements of the sound system levels and the resulting noise levels at the property lines were taken and documented in the report, "Noise & Lighting Impact Analysis –Concerts at the Centre", prepared by Eilar Associates, Inc., dated June 27, 2012 and revised August 6, 2012. The venue setup for these concerts included noise barrier panels placed around the back and sides of the stage and extending 10-feet above the height of the stage, and 8-foot tall noise barrier panels bridging the gap between the roof equipment enclosure wall and the rooftop storage room, as noted in the January analysis. The subsequent report indicated that as a result of the noise barrier around the stage not being installed properly, noise levels from the concerts exceeded the 55 dBA standard threshold at the west and south boundaries. The highest noise level along the western boundary was 65 dBA. The noise level measurements of the sound system varied for each concert and were generally higher than the level measured at the October concert. The report concluded that to meet property line noise limits, the mitigation needs to be installed properly to eliminate all gaps between the panels, including the backstage access flap, and to reduce the noise levels on the stage.

The applicant requests a 10 dBA and 5 dBA increase of the property line noise threshold limits from 55 dBA to 65 dBA along the western and southern boundaries and from 60 dBA to 65 dBA along the eastern

and northern boundaries. While the 65 dBA limit would exceed the current thresholds of the Escondido Noise Ordinance, it would still be within the range of acceptable community noise exposure levels identified in the General Plan. Figure VI-12 on page VI-22 shows a range of 50-65 dBA as being acceptable for Multi-Family Residential land use categories, as exists along the western and southern boundaries of the site, and that higher community noise exposure levels of 60-70 dBA could be conditionally acceptable for residential land use categories. The figure shows a range of 50-70 dBA as acceptable for Business/ Commercial land use categories, as along the eastern and northern boundaries of the project site. The PD-C zone does allow council to approve development standards that vary from the basic city standards when the requested standards are in compliance with General Plan thresholds. The requested daytime noise threshold of 65 dBA would be consistent with the General Plan normally acceptable and conditionally acceptable threshold range of 50-70 dBA.

The applicant has committed to mitigating noise levels by developing a noise compliance plan and implementing appropriate measures during outdoor events to keep the daytime noise levels at the property lines at 65 dBA or less, and to further reduce sound levels at 10 PM to meet the nighttime noise thresholds of 50 and 55 dBA. The noise compliance plan will address responsibilities for monitoring compliance with the established noise levels, including but not limited to monitoring noise and sound levels in front of the speakers and along the property lines during events, documenting the sound monitoring information, identifying when noise barrier panels would be provided for events, and listing actions to be taken during an event to reduce noise volume to acceptable levels, which could include reducing the speaker volume, reducing the number, location and orientation of the speakers, or other measures. A noise compliance report summarizing all of the outdoor events will be required to be submitted to the Planning Division on an annual basis.

A noise compliance plan will be required for monitoring and adjusting the sound levels from rooftop events to maintain sound levels at the property lines not exceeding 65 decibels (daytime), and 50 and 55 decibels (nighttime). The noise compliance plan is a feasible mitigation measure since it is easily done, and the sound can be adjusted by turning down the sound levels of the amplification system and or reorienting the speakers to address each unique event situation. The annual noise compliance report will document the effectiveness of the noise compliance plan and identify any adjustments that may be necessary for future events.

With the implementation of the mitigation measures to prepare and implement a noise compliance plan and establish a mechanism to receive immediate community comments regarding events, and the fact that amplified entertainment events will be of short duration at various times throughout the year, with all amplified sound being reduced at 10:00 PM to current noise ordinance nighttime property line thresholds, the potential noise impacts to adjacent properties will be reduced to less than significant levels.

Mitigation Measures Noise:

1. The property manager shall prepare and implement a Noise Compliance Plan to address responsibilities for monitoring compliance with the established noise levels at the property lines, including but not limited to monitoring noise and sound levels along the property lines during events, documenting the event and associated sound monitoring information and readings, record keeping, identifying when noise barrier panels would be provided for events, and listing actions to be taken during an event to reduce noise volume to acceptable levels, which could include reducing the speaker volume, reducing the number, location and orientation of the speakers, or other measures.

2. Actions shall be implemented prior to or during an outdoor event to reduce noise volume to the required levels, including but not limited to reducing the speaker volume, reducing the number, location and orientation of the speakers, providing noise attenuation panels, or other measures

identified in the Noise Compliance Plan.

3. The property manager shall establish a hot line, website contact information or other mechanism to receive feedback regarding noise, lighting or other activities associated with the outdoor events. Any information received related to noise shall be discussed in the annual noise compliance report.

e. *For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*
f. *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

No private or public airstrips are located within 2 miles of the proposed project site; thus, people residing or working in the project area would not be exposed to excessive noise levels due to airport operations.

XIII. POPULATION AND HOUSING

Significance Criteria and Impact Analysis

The effects of a project on population and housing are considered to be significant if the proposed project would:

a. *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
b. *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
c. *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

No impacts will occur to population and housing since the site is currently developed with commercial uses and facilities and no new construction is proposed.

XIV. PUBLIC SERVICES

Significance Criteria and Impact Analysis

The effects of a project on public services are considered to be significant if the proposed project would:

a. *Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

    i. *Fire protection*

The City Fire Department has indicated their ability to adequately serve the proposed site with respect to day-to-day fire suppression and EMS facilities/services. The area currently is served by Fire Station No. 1, which is located on N. Quince Street. The existing facilities were constructed with the appropriate emergency access and exits in conformance with Fire and Building codes. Therefore, less than a significant impact would occur.

ii. Police protection

The Police Department indicated the proposed project would not result in the need for additional police services (e.g., equipment and staff). Police response times would remain the same with the project. The Escondido Police Department indicated their ability to adequately provide both normal and emergency response to the site and no significant impacts to police services are anticipated.

iii. Schools

The City of Escondido is served by the EUSD (grades K-8) and the EUHSD (grades 9-12). Due to the commercial nature of the project, the proposal would not result in any significant additional demand for school facilities/system.

iv. Parks

The proposed modifications to an existing commercial facility would not result in a need to provide additional park or open space amenities, an increase in the use of existing neighborhood or regional parks or other recreation facility, or an impact to the quality or quantity of existing recreational opportunities. Therefore, no significant impact to parks would occur as a result of the proposed project.

v. Libraries

The project would not result in an increase in population, and thus, would not generate an increased demand for library facilities, or the development of additional library spaces, books or other related items.

vi. Gas/Electric

SDG&E currently provides gas and electric service to the existing facilities. Approval of the project would create an increase use of gas and electricity over existing levels at the site, but the project increase in not significant on an area-wide level and the project would not require an expansion of existing SDG&E power transmission facilities. Therefore, no significant impacts are anticipated to occur with respect to increased power demand from the proposed project.

XV. RECREATION

Significance Criteria and Impact Analysis

The effects of a project on recreation are considered to be significant if the proposed project would:

a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

The proposed project, which involves an existing commercial facility, would not result in an increased use of existing parks or other recreational facilities, nor require construction or expansion of recreational facilities. Therefore, no significant impact to recreational resources would occur.

XVI. TRANSPORTATION/TRAFFIC

Significance Criteria and Impact Analysis

The effects of a project on transportation and traffic are considered to be significant if the proposed project would:

a. *Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.*
b. *Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measure, or other standards established by the county congestion management agency for designated roads or highways*
c. *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*
d. *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
e. *Result in inadequate emergency access?*
f. *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

Significant Determination – To determine the project impacts to roadway segments and intersections, the City of Escondido has developed thresholds based on allowable increases in delay at intersections and volume to capacity ratios (v/c Ratio) for roadway segments. At intersections that are expected to operate at LOS E or F with the project, the allowable increase in delay is two seconds. If vehicle trips from a project cause the delay to increase by more than two seconds, this would be considered a significant project impact that requires mitigation. Under this condition, the applicant would be responsible for mitigation to restore the operations of the intersection to LOS Mid-D or better. If an existing intersection is at LOS E or F, the intersection would be considered an existing deficiency and the applicant would be responsible for making a fair-share contribution toward intersection improvements to achieve a LOS Mid-D or better. A fair-share contribution is based on the project's proportionate traffic contribution to the overall traffic volumes entering an intersection. For roadway segments that are forecasted to operate at LOS E or worse and the increase in v/c ratio exceeds 2% this would be considered a significant project impact that requires mitigation. The City's Quality of Life standards and the environmental quality regulations of Escondido Zoning Code Article 47 indicate that any project that adds 200 ADT or more to a roadway segment that operates at a level of service of E or F is considered a significant impact.

Existing Conditions – Access to the site is provided by Auto Park Way, which is classified as a Major Road (82'/102') in the Mobility and Infrastructure Element of the General Plan. This roadway was improved with the development of the Lexus Escondido Centre from 9th Avenue to the I-15 SB on-ramp to 4 lanes (2 lanes each way) with a class II bike lane and a 5th EB lane for right-turn only access to the SB I-15 on-ramp. Directly in front of the Lexus Centre driveway, six lanes are provided; however the number 1 westbound lane ultimately traps into the left-turn lane at the Auto Park Way/9th Avenue intersection. Sidewalks, curbs and gutters are provided and parking is restricted along both sides of the roadway. There is a left turn pocket (non-signalized) at the driveway into the Lexus Escondido Centre, and a U-turn is permitted at the Auto Park Way/9th Avenue intersection for access to the facility. The left-turn pocket is striped to provide 140 feet of storage for left-turning vehicles but extends to about 160 feet before tapering to the roadway median. Assuming a typical passenger vehicle requires about 22 to 25 feet of

stacking space per lane, approximately six to seven vehicles could be stored in the left-turn lane before overflowing and conflicting with the number one westbound through lane on Auto Park Way. The driveway is right out only with a U-turn permitted at La Terraza Blvd. /Canterbury Place. There is a school zone speed limit of 25 mph posted along Auto Park Way and 9th Avenue in the vicinity of the project.

The Traffic Impact Analysis prepared for the Escondido General Plan Update by Linscott, Law & Greenspan, Engineers (December 2011) indicates that road segments within the Promenade Retail Center & Vicinity Target Area operate at LOS C and better, except for 9th Avenue from Auto Park Way to Del Dios Road at LOS F and 9th Avenue from Del Dios Road to Valley Parkway at LOS E. Auto Park Way between 9th Avenue and SB I-15 on-ramp operates at LOS C with 30,300 Average Daily Traffic (ADT). The road has a capacity of 43,500 trips. All intersections in the Target Area operate at better than LOS Mid-D.

Project Traffic – The proposed use would occur on the existing 7,300± SF east roof deck with a maximum of 372 seats, and the 9,250± SF west roof deck with a maximum of 545 seats in the largest concert venue layouts. The project proposes a total combined capacity of 615 attendees for the concurrent use of both decks based on the project architect's calculations for emergency exiting from the existing facilities. Most large-scale events would likely occur on the weekends (Friday and Saturday nights), and two maximum-capacity events (615 attendees) would not be expected to occur on the same day. Typical events generally would draw up to 200 attendees. The Traffic Assessment Letter (TAL) prepared by Linscott Law & Greenspan Engineers (LLG), dated July 9, 2013, indicates that a trip generation was developed based on site-specific characteristics since there is no published trip generation rates for "special event"-type venues similar to that of the proposed project. The four primary assumptions used for calculating the trip generation were: 1) Event Times; 2) Attendance; 3) Restaurant Patronization; and 4) Vehicle Occupancy (carpooling).

As detailed in the TAL, arrival and departure times for events were considered in light of the weekday traffic peaks during the 7:00-9:00AM and 4:00-6:00PM commuter timeframes, and during the 2:00-4:00PM timeframe for the nearby school letting out. As the restaurant "Vintana" is also located at the Centre, the TAL considered it likely that attendees of a special event would also patronize the restaurant, either for dinner and/or drinks before or after an event. LLG conducted a vehicle occupancy survey at Humphrey's Concerts by the Bay in the city of San Diego. As this venue hosts similar special events, such as weddings and concerts, it was determined to be a comparable land use to that of the proposed project. The survey data resulted in an average vehicle occupancy ratio (VOR) of 2.28 persons per vehicle. Applying all the assumptions, the trip generation for a maximum-capacity event of 615 attendees was calculated to be 540 trips as shown in Table 1 of the TAL.

Two scenarios were developed for the project's maximum capacity effect on peak weekday street traffic: events with a 3:00PM start time and events with a 6:00PM start time. Weekday events that started at 7:00PM or later would be outside of the commuter peak hours and maximum-capacity project related traffic would not be expected to occur during the morning commuter peak hours. The project proposes to separate any combination of events with a cumulative total in excess of 615 attendees by imposing a one and a half hour window between event end and start times. Traffic departing the 3:00PM event would not be expected to conflict with inbound traffic from a 6:00PM event start time because of this offset. Figure 7 and Figure 8 of the TAL detail the project traffic volumes, trip distribution and trip assignment for the two scenarios. Table 2 and Table 3 from the TAL, below, summarize the intersection and street segment operations with maximum capacity events.

TABLE 2
INTERSECTION OPERATIONS – MAXIMUM CAPACITY EVENTS

Intersection	Control Type	Peak Hour	Existing		Existing + 3PM Event (2:00-3:00PM and 5:00-6:00PM)		Δ Delay [d]	Existing + 6PM Event (5:00-6:00PM)		Δ Delay [d]	Sig?
			Delay [a]	LOS [b]	Delay	LOS		Delay	LOS		
1. Auto Park Wy/9th Ave/ Shopping Ctr Dwy	Signal	MD	25.6	C	25.7	C	0.1	—	—	—	No
		PM	28.9	C	29.3	C	0.4	29.0	C	0.1	
2. Auto Park Wy/ Lexus Centre Dwy	MSSC [c]	MD	11.3	B	16.6	C	13.3	—	—	—	No
		PM	14.2	B	14.2	B	0.0	23.2	C	9.0	
3. Auto Park Wy/ I-15 SB Ramps	Signal	MD	26.6	C	27.4	C	0.8	—	—	—	No
		PM	30.6	C	38.6	D	8.0	31.0	C	0.4	
4. Auto Park Wy/ I-15 NB Ramps	Signal	MD	21.7	C	23.9	C	2.2	—	—	—	No
		PM	21.3	C	21.4	C	0.1	23.1	C	1.8	
5. 9th Ave/ La Terraza Blvd	Signal	MD	10.0	A	10.0	A	0.0	—	—	—	No
		PM	12.0	B	18.7	B	6.7	12.1	B	0.1	
With 15% Lexus Centre Driveway Bypass											
1. Auto Park Wy/9th Ave/ Shopping Ctr Dwy	Signal	MD	25.6	C	26.4	C	0.8	—	—	—	No
		PM	28.9	C	—	—	—	29.8	C	0.9	
2. Auto Park Wy/ Lexus Centre Dwy	MSSC [c]	MD	11.3	B	15.9	C	4.6	—	—	—	No
		PM	14.2	B	—	—	—	21.7	C	7.5	

Footnotes:
a. Average delay expressed in seconds per vehicle.
b. Level of Service.
c. MSSC = Minor Street Stop-Controlled intersection. Westbound left-turn delay reported.
d. Δ denotes the increase in delay due to Project. A change in delay is considerable only for locations operating at worse than Mid-LOS D. All intersections in the study area are operating at LOS C or better.

General Notes:
1. Sig = Significant impact, yes or no.
2. For 3:00PM events, MD = 2:00-3:00PM and PM = 5:00-6:00PM.
3. For 6:00PM Events, PM = 5:00-6:00PM. No analysis is provided for the 8:00-9:00PM period.

SIGNALIZED		UNSIGNALIZED	
DELAY/LOS THRESHOLDS		DELAY/LOS THRESHOLDS	
Delay	LOS	Delay	LOS
0.0 ≤ 10.0	A	0.0 ≤ 10.0	A
10.1 to 20.0	B	10.1 to 15.0	B
20.1 to 35.0	C	15.1 to 25.0	C
35.1 to 45.0	D	25.1 to 30.0	D
45.1 to 55.0	*Mid-D*	*30.1 to 35.0*	*Mid-D*
55.1 to 80.0	E	35.1 to 50.0	E
≥ 80.1	F	≥ 50.1	F

Maximum capacity event traffic will not reduce the Level of Service of area intersections below Mid-D, therefore no significant impact occurs.

TABLE 3
STREET SEGMENT OPERATIONS – MAXIMUM CAPACITY EVENTS

Street Segment	Existing Capacity (LOS E)[a]	Existing			Existing + 3:00PM *or* 6:00PM Event			Δ [e]	Sig?
		ADT	LOS	V/C	ADT	LOS	V/C		
9th Avenue									
1. Del Dios Rd to Auto Park Wy	10,000	14,410	F	1.441	14,456	F	1.445	0.004	No
Auto Park Way									
1. Valley Pkwy to 9th Ave	34,200	15,270	B	0.446	15,308	B	0.448	0.001	No
2. 9th Ave to Lexus Centre Dwy	43,500	28,970	C	0.666	29,051	C	0.668	0.002	No
3. Lexus Centre Dwy to I-15 Ramps	50,000	28,970	C	0.579	29,510	C	0.590	0.011	No

Footnotes:
a. Capacities based on City of Escondido Roadway Classification & LOS table.
b. Average Daily Traffic.
c. Level of Service.
d. Volume to Capacity ratio.
e. Δ denotes a Project-induced increase in the Volume to Capacity ratio. For locations operating at worst than Mid-LOS D, a change in excess of 0.02 V/C is considered significant.
f. Auto Park Way between 9th Avenue and the Lexus Centre Driveway provides three lanes in the eastbound direction and two lanes in the westbound direction. Five-lane capacity was used in the analysis.

General Notes:
1. Sig = Significant impact, yes or no.

LOS	V/C
A	0.00 ≥ 0.34
B	0.35 ≥ 0.54
C	0.55 ≥ 0.74
D	0.75 ≥ 0.80
Mid D	*0.81≥ 0.89*
E	0.90 ≥ 1.00
F	>1.00

The 9th Avenue road segment west of Auto Park Way is calculated to operate at LOS F both without and with the project. However, the project adds less than 200 trips (46 ADT) to this segment and the increase in the v/c ratio is less than 2%. Therefore, it is not a significant project-related impact. Given that all other study area locations were calculated to operate efficiently with the addition of event traffic, the project would have no significant adverse effects on peak hour and daily traffic in the area.

Queuing at the Project Entrance - The potential for queuing at the Auto Park Way/Lexus Centre Driveway was evaluated for the westbound left-turn lane into the site. The existing left-turn pocket provides storage for approximately seven vehicles, assuming 22 feet per vehicle (160 feet of storage provided). Queuing issues could arise due to the heavy flow of through traffic along Auto Park Way during the 2:00-3:00PM and 5:00-6:00PM peak hours. The availability of sufficient gaps in the flow of eastbound traffic could be low during the peak hours, thus preventing westbound left-turns from entering the Lexus Centre driveway. In addition, pedestrian trips from the nearby middle school traverse the sidewalk along the project frontage during the 2:00-3:00PM timeframe.

Events with a cumulative attendance of up to 200 people (generating about 88 vehicles (200 people ÷ 2.28 VOR) will not significantly affect traffic on adjacent streets and will be sufficiently managed by the on-site circulation and parking services. The TAL recommended that the Lexus Centre impose restricting measures for scheduling events based on the number of attendees and prepare a Traffic Management Plan for events with a cumulative attendance of 450 people or more to address the potential vehicular queuing and pedestrian conflicts at the Lexus Centre driveway.

Measure 1. On- and off-site circulation for any event(s) of 200 persons or less will be sufficiently managed solely by the Centre's professional parking services.

Measure 2. In addition to Measure #1, events with attendance ranging between 201 to 449 people would be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days. (E.g. Monday, Tuesday, Wednesday and Friday school lets out at 2:42PM; Thursday school lets out at 12:21PM.)

Measure 3. In addition to Measures #1 and #2, any combination of events with a cumulative attendance ranging between 450 to 614 people (e.g. two 250-person evening events) would be required to implement the proposed Traffic Management Plan on weekdays in addition to restricting start and end times within the school blackout period on active school days.

Measure 4. In addition to Measures #1, #2 and #3, any combination of events with a cumulative attendance amount to 615 people (e.g. one 250-person evening event and one 365-person event would be required to implement the proposed Traffic Management Plan, restrict start and end times within the school blackout period, and impose a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site on weekdays and active school days.

Construction Traffic – The proposed rooftop events will occur on the deck areas that were constructed as part of the original development of the Lexus Escondido Centre. No additional construction is proposed. Therefore, no traffic impacts will occur due to construction.

Design Features/Hazards/Emergency Access – The project does not include any design features or incompatible uses that would substantially increase hazards, limit visibility or create dangerous intersections. Adequate fire lanes and emergency vehicle access are provided as part of the existing developed site and facilities.

Air Traffic Impacts - The project is not located within the vicinity of a public or private airstrip and would not result in a change in air traffic patterns, increase in traffic levels, or a change in location that results in substantial safety risks.

Adopted Plans/Policies – The proposed project would not conflict with adopted policies, plans, or programs supporting alternative transportation. There currently are Class II bike lanes along Auto Park Way. The project would not impact existing or planned alternative transportation projects. Therefore, no impacts will occur.

On-Site Parking – Currently there are 420 striped parking spaces available on-site around the building and in a three level parking structure. If all uses on site, including two large events on the outdoor decks totaling the maximum capacity of 615 attendees, were to occur simultaneously, 637 parking spaces would be required under the Escondido Zoning Code parking standards. However, the hours of operation differ for several uses on-site, allowing shared parking opportunities, and combined trips would occur, such as when a driver visits the service area, retail shops and restaurant in the same trip to the Centre. Carpooling would occur for events. The project proposes that self-parking and/or valet parking will be provided during rooftop events so that parking will be efficient and maximized to the fullest extent while maintaining required emergency vehicle access. The site and parking structure allow flexibility in providing additional valet parking temporarily during rooftop events. This additional valet parking could be provided as needed in the service area, the auto display areas and open paved areas outside of the fire lanes. There is no on-street parking on Auto Park Way. There is limited on-street parking along Tanglewood Lane. With the low likelihood that all uses would occur simultaneously, the implementation of the Traffic Management Plan and scheduling restrictions for events, the proposed self-parking and/or valet parking, and the opportunities for shared parking, carpooling and combined trips, potential parking impacts will be less than significant.

Mitigation Measures –Transportation/Traffic

1. A Traffic Management Plan shall be prepared and approved by the City prior to the first event(s) of a cumulative total of 450 attendees or more. The Plan shall include the scheduling restriction measures detailed in Mitigation Measures 2, 3, 4 and 5, parking management provisions, and the requirement for the submittal of traffic monitoring reports, to the satisfaction of the City Engineer.
2. On-site circulation for any event(s) totaling 200 persons or less shall be sufficiently managed by the Centre's professional parking services so that vehicles on-site do not queue into the right-of-way. (TAL Measure #1)
3. In addition to Mitigation Measure #2, events with attendance ranging between 201 to 449 people shall be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days, according to the school's approved daily schedule each term. (TAL Measure #2)
4. In addition to Mitigation Measures #2 and #3, for any combination of weekday events with a cumulative attendance ranging between 450 to 614 people, the Traffic Management Plan shall be implemented. (TAL Measure #3)
5. In addition to Mitigation Measures #2, #3 and #4, any combination of weekday and weekend events with a cumulative attendance amount of 615 or more people shall be scheduled to provide a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site. (TAL Measure #4)

With the implementation of these mitigation measures addressing scheduling restrictions and the preparation of a Traffic Management Plan, the potential impacts due to event traffic, parking, vehicular queuing and pedestrian conflicts during the occurrence of rooftop events will be reduced to a less than significant level.

XVII. UTILITIES AND SERVICE SYSTEMS

Significance Criteria and Impact Analysis

The effects of a project on utilities and service systems are considered to be significant if the proposed project would:

a. *exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.*
b. *require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.*
c. *require, or result in, the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.*
d. *have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.*
e. *result in a determination by the wastewater treatment provider which serves, or may serve, the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.*
f. *be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.*
g. *comply with federal, state, and local statutes and regulations related to solid waste.*

Solid Waste/ Sewer Service/ Water Service - The proposed project would operate in the existing multi-use commercial building on the fully developed site. All utilities and service systems are existing. The proposed use of the existing roof decks would not significantly increase the demand on services, nor require expansion of any utility facilities. Therefore, no significant impact to Utilities will occur.

Drainage Facilities – See analysis contained within Hydrology-Water Section No. IX.

SUMMARY OF MITIGATION MEASURES

Mitigation Measures Noise:

1. The property manager shall prepare and implement a Noise Compliance Plan to address responsibilities for monitoring compliance with the established noise levels at the property lines, including but not limited to monitoring noise and sound levels along the property lines during events, documenting the event and associated sound monitoring information and readings, identifying when noise barrier panels would be provided for events, and listing actions to be taken during an event to reduce noise volume to acceptable levels, which could include reducing the speaker volume, reducing the number, location and orientation of the speakers, or other measures.

2. Actions shall be implemented prior to and during an outdoor event to reduce noise volume to the required levels, including but not limited to reducing the speaker volume, reducing the number, location and orientation of the speakers, providing noise attenuation panels, or other measures identified in the Noise Compliance Plan.

3. The property manager shall establish a hot line, website contact information or other mechanism to receive community comments and feedback regarding noise, lighting or other activities associated with the outdoor events. Any information received related to noise shall be discussed in the annual noise compliance report.

Mitigation Measures Transportation/Traffic:

1. A Traffic Management Plan shall be prepared and approved by the City prior to the first event(s) of a cumulative total of 450 attendees or more. The Plan shall include the scheduling restriction measures detailed in Mitigation Measures 2, 3, 4 and 5, parking management provisions, and the requirement for the submittal of traffic monitoring reports, to the satisfaction of the City Engineer.

2. On-site circulation for any event(s) totaling 200 persons or less shall be sufficiently managed by the Centre's professional parking services so that vehicles on-site do not queue into the right-of-way. (TAL Measure #1)

3. In addition to Mitigation Measure #2, events with attendance ranging between 201 to 449 people shall be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days, according to the school's approved daily schedule each term. (TAL Measure #2)

4. In addition to Mitigation Measures #2 and #3, for any combination of weekday events with a cumulative attendance ranging between 450 to 614 people, the Traffic Management Plan shall be implemented. (TAL Measure #3)

5. In addition to Mitigation Measures #2, #3 and #4, any combination of weekday and weekend events with a cumulative attendance amount of 615 or more people shall be scheduled to provide a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site. (TAL Measure #4)

MANDATORY FINDINGS OF SIGNIFICANCE

The project is not expected to have any significant impacts, either long-term or short-term, nor will it cause substantial adverse effects on human beings, either directly or indirectly. The project will not degrade the quality of the environment for plant or animal communities since the project will not cause fish and wildlife populations to drop below self-sustaining levels nor reduce the number or restrict the range of endangered plants or animals. The project will not materially degrade levels of service of the adjacent streets, intersection or utilities, nor have a significant impact on the City's Quality of Life Standands. Therefore, in staff's opinion, the proposed project would not have a significant individual or cumulative impact to the environment with the implementation of established mitigation measures.

Materials Use in Preparation of this Analysis

1. Escondido General Plan – updated May 2012
2. Final Environmental Impact Report for General Plan Update - May 2012
3. Escondido Zoning Code and Land Use Maps
4. SANDAG Summary of Trip Generation Rates
5. Escondido Historic Resources Survey
6. City of Escondido – Comments from other Departments:
   Engineering Division Planning Division
   Traffic Division Building Division
   Fire Department Police Department
7. County of San Diego Health Department, Hazardous Material Management Division (HMMD) Hazardous Sites List
8. Escondido Drainage Master Plan (1995)
9. Escondido Water Master Plan (2000)
10. Escondido Wastewater Collection System Master Plan Update (Nov. 2005) and Wastewater Treatment and Disposal Facilities Capacity Study, Dec. 2006
11. The California Air Pollution Control Officers Association (CAPCOA) guide to addressing greenhouse gas (GHG) emissions from projects subject to the California Environmental Quality Act (CEQA) 2008
12. Traffic Impact Analysis, Escondido General Plan Update, prepared by Linscott, Law & Greenspan, Engineers, dated December 5, 2011
13. City of Escondido Climate Action Plan (Jan. 2012)
14. Noise Impact Analysis –Concerts at the Centre, prepared by Eiler Associates, Inc., dated January 10, 2012
15. Noise & Lighting Impact Analysis –Concerts at the Centre, prepared by Eilar Associates, Inc., dated June 27, 2012 and revised August 6, 2012
16. Project Description and Preliminary Information
17. Site Visits
18. Lexus Escondido Special Events – Traffic Assessment Letter, prepared by Linscott, Law & Greenspan Engineers, dated July 9, 2013

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

ACKNOWLEDGEMENT OF ENFORCEABLE COMMITMENT

Case No: ENV 12-0006 / PHG 12-0001

Lexus Escondido
Modification of the Master Development Plan

The items listed on the attached Mitigation Monitoring Program constitute an enforceable commitment in conformance with Section 21081.6(b) of the California Environmental Quality Act (Public Resources Code Sections 21000-21178). The applicant shall be required to provide, and comply with, all of the mitigation measures listed herein. These mitigation measures also have been included as conditions of the project approval.

Date	Applicant's Name (printed)	Applicant's Signature
8-27-13	JUDITH A. JONES-CONE	Judith A. Jones-Cone

CITY OF ESCONDIDO
PLANNING DIVISION
201 NORTH BROADWAY
ESCONDIDO, CA 92025-2798
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REVISED 8-19-13

ATTACHMENT "A"
MITIGATION MONITORING PROGRAM
CASE NO.: ENV 12-0006 / PHG 12-0001

PROJECT NAME: Lexus Escondido
PROJECT LOCATION: 1205 Auto Park Way
PROJECT DESCRIPTION: Modification of the Master Development Plan
APPROVAL BODY/DATE: City Council
CONTACT PERSON: Drew Davis
PHONE NUMBER: 760-690-2796

Phase at which the Mitigation Measures are to be implemented

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION. NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTING	CERTIFIED INITIAL/DATE	COMMENTS
NOISE - PRIOR TO HOLDING A ROOFTOP EVENT	1. The property manager shall prepare and implement a Noise Compliance Plan to address responsibilities for monitoring compliance with the established noise levels at the property lines, including but not limited to monitoring noise and sound levels along the property lines during events, documenting the event and associated sound monitoring information and readings, identifying when noise barrier panels would be provided for events, and listing actions to be taken during an event to reduce noise volume to acceptable levels, which could include reducing the speaker volume, reducing the number, location and orientation of the speakers, or other measures.	Section XII - Noise	Applicant to submit plan within 45 days of project approval to the Planning Division.		
	2. The property manager shall establish a hot line, website contact information or other mechanism to receive community comments and feedback regarding noise, lighting or other activities associated with the outdoor events. Any information received related to noise shall be discussed in the annual noise compliance report.	Same	Applicant to submit evidence of implementation to the Planning Division within 45 days of project approval.		

NATURE OF IMPACT	MITIGATION MEASURE	IDENTIFICATION. NO. LOCATION IN DOC.	RESPONSIBILITY FOR IMPLEMENTING	CERTIFIED INITIAL/DATE	COMMENTS
NOISE - ONGOING	3. Actions shall be implemented prior to and during an outdoor event to reduce noise volume to the required levels, including but not limited to reducing the speaker volume, reducing the number, location and orientation of the speakers, providing noise attenuation panels, or other measures identified in the Noise Compliance Plan..	Same	Applicant - ongoing		
TRANSPORTATION/TRAFFIC- PRIOR TO THE FIRST EVENT(S) TOTALING 450 ATTENDEES OR MORE	1. A Traffic Management Plan shall be prepared and approved by the City prior to the first event(s) of a cumulative total of 450 attendees or more. The Plan shall include the scheduling restriction measures detailed in Mitigation Measures 2, 3, 4 and 5, parking management provisions, and the requirement for the submittal of traffic monitoring reports, to the satisfaction of the City Engineer.	Section XVI – Transportation/Traffic	Applicant to submit plan within 45 days of project approval to the Planning and Engineering Divisions		
TRANSPORTATION/TRAFFIC– ONGOING	2. On-site circulation for any event(s) totaling 200 persons or less shall be sufficiently managed by the Centre's professional parking services so that vehicles on-site do not queue into the right-of-way. (TAL Measure #1)	Same	Applicant - ongoing		
	3. In addition to Mitigation Measure #2, events with attendance ranging between 201 to 449 people shall be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days, according to the school's approved daily schedule each term. (TAL Measure #2)	Same	Applicant - ongoing		
	4. In addition to Mitigation Measures #2 and #3, for any combination of weekday events with a cumulative attendance ranging between 450 to 614 people, the Traffic Management Plan shall be implemented. (TAL Measure #3)	Same	Applicant - ongoing		
	5. In addition to Mitigation Measures #2, #3 and #4, any combination of weekday and weekend events with a cumulative attendance amount of 615 or more people shall be scheduled to provide a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site. (TAL Measure #4)	Same	Applicant - ongoing		

Agenda Item No.: 14
Date: November 6, 2013

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, AMENDING THE MASTER DEVELOPMENT PLAN FOR THE CENTRE AT LEXUS ESCONDIDO TO ADD EVENTS AND ENTERTAINMENT USES ACCOMMODATING UP TO 615 ATTENDEES WITH AMPLIFIED SOUND ON THE EXISTING OUTDOOR ROOF DECKS; APPROVE A HIGHER DAYTIME NOISE LEVEL LIMIT AT THE PROJECT BOUNDARIES; AND TO ALLOW A SECOND MONUMENT SIGN AND THE USE OF TEN FEATHER FLAGS ALONG AUTO PARK WAY

Applicant: Lexus Escondido
Case No.: PHG 12-0001
Site Address: 1205 Auto Park Way

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

SECTION 1. That Preliminary, Master and Precise Development Plans for the existing Centre at Lexus Escondido facilities and uses were approved December 13, 2006.

SECTION 2. That the previously approved uses at the Centre include an automobile dealership including service and retail parts and accessories, a restaurant, a conference center, retail shops, a monument sign with electronic message board, and a digital screen.

SECTION 3. That proper notice of a public hearing has been given and a public hearing has been held before the City Council on this issue pursuant to the

Business Enhancement Zone incentive request to process the modification directly to City Council for consideration.

SECTION 4. That the City Council has reviewed and considered the Mitigated Negative Declaration issued on August 26, 2013, City Log No. ENV 12-0006, and public comments received in response to the Mitigated Negative Declaration, as well as materials submitted at the City Council hearing, and has determined that it adequately addresses all the environmental issues associated with the project.

SECTION 5. That upon consideration of the staff report, the Findings of Fact, attached as Exhibit "A" to this Ordinance and incorporated by this reference, and all public testimony presented at the hearing held on this project, and all other oral and written evidence on this project, this City Council finds the proposed modifications to be consistent with the General Plan and all applicable specific plans of the City of Escondido.

SECTION 6. The City Council desires at this time and deems it to be in the best public interest to approve the modification of the Master Development Plan for the Centre at Lexus Escondido as shown on the plans and detailed in the staff report and subject to the Conditions of Approval, attached as Exhibit "B" to this Ordinance and incorporated by this reference, to allow outdoor events accommodating up to 615 attendees including entertainment with amplified sound to be held on the existing third floor roof decks.

SECTION 7. That a daytime noise level threshold of 65 dBA is established as the maximum noise level allowable at all property lines of the project site during the hours of 7:00 AM to 10:00 PM.

SECTION 8. That the Comprehensive Sign Program for the Centre is modified to allow a second monument sign along Auto Park Way and the use of ten feather flags on-site, subject to the Conditions of Approval.

SECTION 9. 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 10. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation, printed and published in the City of Escondido.

EXHIBIT "A"
FINDINGS OF FACT
PHG 12-0001

1. The proposed modification to the existing Master Development Plan for the Centre at Lexus Escondido to allow events and entertainment on the existing roof decks is consistent with the General Plan Planned Commercial (PC) designation, which provides for a variety of commercial activities within a self-contained comprehensively planned development. The site is located within the Promenade Retail Center and Vicinity Target Area of the General Plan. The proposed project is consistent with the Target Area Guiding Principles that encourage opportunities for increasing employment densities and attracting businesses including theaters, entertainment and visitor serving uses that complement existing retail.

2. The proposed uses will be physically integrated into the existing facilities of the Centre and will integrate well with the existing commercial and retail activities on-site. No new construction is proposed.

3. The large size of the site and the existing three story commercial building and multi-story parking structure will provide adequate space and flexibility to accommodate the proposed uses and the associated traffic and parking without impacting adjacent streets. The Mitigated Negative Declaration prepared for this Master Plan Modification concluded that with implementation of the mitigation measures, no significant impact related to traffic will occur. The traffic generated by the project will be accommodated safely without causing undue congestion on the adjoining streets.

4. The proposed modifications are to an existing development that is already adequately served by existing public facilities and services, as is the surrounding urban area. No impacts to existing services by the project have been identified.

5. The proposed modifications will be integrated into the existing commercial establishment that was constructed with quality building materials, a complimentary color palette, adequate parking and landscaping, which create an attractive and efficient development. No new facilities or building additions are proposed.

6. The proposed project will not change the existing building, which is not visually obstructive or disharmonious with surrounding areas. No grading or destruction of desirable natural features is proposed and major views from adjacent properties will not be substantially harmed.

7. The proposed modification to the Master Development Plan would increase the allowable daytime noise level threshold at the project boundaries to 65 dBA, which is warranted by location of the site at a major freeway interchange and the beneficial effect of providing space and services for private and community events and entertainment for City residents and the business community, in accord with the policies of the General Plan.

EXHIBIT "B"
CONDITIONS OF APPROVAL
PHG 12-0001

1. This item may be referred to the Planning Commission and/or the City Council upon recommendation of the Director of Community Development for review and possible revocation or modification of the Master Development Plan upon review of the annual noise compliance report, receipt of nuisance complaints regarding the facility or non-compliance with the Conditions of Approval.
2. All uses shall be consistent with the Details of Request, exhibits and the conditions of approval of the original project approval Case No. 2006-10-PD, except as modified below and specific modifications to General Planning Conditions #24 and #30 of City Council Resolution 2006-269-R to allow public address / music systems and higher noise thresholds for events held on the roof decks of the facility. Minor modifications to the operational details that do not affect surrounding residents may be approved and/or restricted by the Director of Community Development and/or Police Chief without requiring a modification to the master development plan, as determined by the Director of Community Development.
3. Outdoor entertainment and events may include movies, concerts, amplified and acoustical music, dining, dancing, weddings and other ceremonies, receptions, corporate events, civic meetings, charitable events, auctions, mixers, other entertainers and speakers, and similar events, as determined by the Director of Community Development.
4. Prior to holding the first event involving amplified entertainment and dancing, a Cabaret Permit shall be obtained from the Escondido Police Department. Provisions for on-site security personnel, hours of operation and satisfying Alcoholic Beverage Control (ABC) standards will be required.
5. The outdoor entertainment and events may generate daytime noise levels up to 65 decibels (or the documented ambient noise level if higher) as measured at each of the property lines between the hours of 7:00 A.M. and 10:00 P.M. All other project generated noise shall comply with the City's Noise Ordinance (EMC-Article 12)) to the satisfaction of the Director of Community Development.
6. All outdoor sound generated by the Centre's facilities and activities shall be reduced at 10 p.m. to meet current property line nighttime noise thresholds of 50 dBA along the south and west project boundaries and 55 dBA along the north and east project boundaries (or the documented ambient nighttime noise levels, if higher).

7. **Noise Mitigation Measure #1:** The property manager shall prepare and implement a Noise Compliance Plan to address monitoring noise levels, identifying noise attenuation measures, identifying actions to be taken to maintain compliance with the established noise levels, and documentation of event noise information, to the satisfaction of the Director of Community Development. The plan shall be submitted within 45 days of project approval.
8. **Noise Mitigation Measure #2:** Actions shall be implemented prior to or during an outdoor event to reduce noise volume to the required levels, including but not limited to reducing the speaker volume, reducing the number, location and orientation of the speakers, providing noise attenuation panels, or other measures. These shall be identified in the Noise Compliance Plan.
9. **Noise Mitigation Measure #3:** The property manager shall establish a hot line, website contact information or other mechanism to receive feedback regarding noise, lighting or other activities associated with the outdoor events, to the satisfaction of the Director of Community Development, within 45 days of project approval. Any information received related to noise shall be discussed in the annual noise compliance report.
10. The property manager shall submit a noise compliance report on an annual basis to the Planning Division. The report is due within three months of the final event for the calendar year (no later than March 31st). The report shall include the following:
    a. Summary of outdoor events with amplified sound, including the event date, location, hours and type of noise attenuation utilized;
    b. Attendance figures;
    c. Noise monitoring documentation including any noise meter printouts or reports; and
    d. Record of any complaints or feedback and manager's response/action to any complaints or comments.
11. The property manager shall include provisions in all entertainment contracts that the venue setup shall comply with all requirements of the California Building Code and the Uniform Fire Code for assembly use (Occupancy Type A3), including but not limited to exiting requirements, lighting, path of travel, ADA accessibility, and occupancy limits. Building and/or Fire Department permits may be required for temporary tents or canopies and the use of pyrotechnics.
12. The property manager shall include in all entertainment contracts information regarding the established sound level at property lines and possible noise attenuation measures that may be implemented.

13. Any new permanent outdoor light fixture shall conform to the Escondido Zoning Code Article 35 – Outdoor Lighting. Temporary event lighting shall illuminate the venue in the most efficient and effective manner with no direct light spill across any property line. Concert stage lighting shall be shielded, located on towers at least 12 ft. high and carefully aimed to prevent spill light, as recommended in the lighting evaluation letter report prepared by Lumenations, Inc. dated October 30, 2011.

14. The venue setups for outdoor entertainment and events shall be substantially consistent with the four pre-approved layout templates, which depict the maximum sized events involving tables and chairs, and chairs only for both the west and east decks. Smaller events with fewer guests, tables, and/or chairs are also pre-approved under these setup templates when the smaller event layout is consistent with the pre-approved exiting, ADA accessibility, and general location of any amplified music/sound system and speakers. A Temporary Use Permit (TUP) application may be submitted for any event on the roof decks that would use a different layout. The TUP may need to include an exiting plan, provisions for noise control or a noise variance from the city manager's office, and other information, as determined by the Director of Community Development.

15. Coordinate with Building Division and the Fire Marshal to establish a "Master Permit" to be used for any future event that includes stage 30-inches or higher, or more than 120 SF; or an overhead structure for stage lighting; or a structure from which curtains and/or acoustical blankets would hang; or a roof/cover over the stage. The previously issued Permit B12-0709 for the temporary stage for the concert series pilot program may be augmented/revised, to the satisfaction of the Building Official and the Fire Marshal.

16. Any stage and/or other event structure(s) that are subject to the "Master Permit", or other permit, are required to be inspected by the Building and/or Fire Department no later than one business day prior to the event. It is the responsibility of the permit applicant to schedule the inspection with the Building Division and/or the Fire Department.

17. The property manager shall include provisions in all entertainment contracts that the venue setup shall comply with all requirements of the California Building Code and the Uniform Fire Code for assembly use (Occupancy Type A3), including but not limited to exiting requirements, lighting, path of travel, ADA accessibility, and occupancy limits. Building and/or Fire Department permits may be required for temporary tents or canopies, and the use of pyrotechnics.

18. A City business license is required for all entities performing at the site.

19. A minimum of 420 striped parking spaces shall be provided for employee and customer parking consistent with the previously approved parking plan dated 7-8-10.. Said parking spaces shall be double-striped and dimensioned per City standards. Stacked valet parking shall be provided as events held on the roof decks require additional parking.

20. Parking for patrons of the outdoor roof deck events shall be accommodated by self-parking and/or valet parking on the site of Lexus Escondido facilities. All emergency access and fire lanes shall remain clear and unobstructed at all times.

21. On-site parking shall be adequately managed and valet parking shall be provided by a professional parking service to maintain sufficient parking for each event and preclude spill-over parking in the neighborhood, to the satisfaction of the Director of Community Development.

22. Parking for disabled persons shall be provided (including "Van Accessible" spaces) in full compliance with State and Federal requirements.

23. Up to ten (10) feather flag signs may be displayed along the street frontage of the Lexus Escondido site. Each feather flag may be up to fifteen feet (15') high and thirty-six inches (36") wide. Any on-site business establishment may have more than one feather flag sign, with a maximum aggregate total of ten feather flags for the entire Centre. All feather flags shall be maintained in good condition at all times. Any feather flags faded, ripped, torn or otherwise damaged shall be removed immediately.

24. A second freestanding sign shall be permitted along the project frontage on Auto Park Way up to 4.5 feet high and 54 SF in area. The design of the sign, location and proposed materials shall be as proposed and compatible with the design and materials of the existing Lexus Escondido facilities, to the satisfaction of the Director of Community Development. The second freestanding sign shall be located to preserve vehicle sight distance visibility areas, to the satisfaction of the City Engineer.

25. The City of Escondido hereby notifies the applicant that State Law (SB 1535) effective January 1, 2007, requires certain projects to pay fees for purposes of funding the California Department of Fish and Wildlife. If the project is found to have a significant impact to wildlife resources and/or sensitive habitat, in accordance with state law, the applicant should remit to the City of Escondido Planning Division, within two (2) working days of the effective date of this approval (the "effective date" being the end of the appeal period, if applicable), a check payable to "County Clerk", in the amount of $2,206.25 for a project with a Mitigated Negative Declaration. These fees include an authorized County administrative handling fee of $50.00. Failure to remit the required fees in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation code.

Commencing January 1, 2007, the State Clearinghouse and/or County Clerk will not accept or post a Notice of Determination filed by a lead agency unless it is accompanied by one of the following: 1) a check with the correct Fish and Wildlife filing fee payment, 2) a receipt or other proof of payment showing previous payment of the filing fee for the same project, or 3) a completed form from the Department of Fish and Wildlife documenting the Department's determination that the project will have no effect on fish and wildlife. If the required filing fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4(c)(3) of the Fish and Game Code).

ENGINEERING CONDITIONS OF APPROVAL – TRAFFIC

26. Project owner shall provide the City with a traffic management plan prepared by a traffic engineer for review and approval by the City Engineer. The traffic management plan shall include proposals for management of onsite and offsite traffic prior, during and after each event planned at the project site. The draft Traffic Management Plan shall be revised as necessary to the satisfaction of the City Engineer and approved prior to the first event(s) of a cumulative total of 450 attendees or more. Project owner shall implement all aspects of the approved traffic management plan during each event. Implementation of the traffic management plan will be monitored by the engineering staff. In the event that the implementation of the traffic management plan during any event was determined to be unsatisfactory by the City Engineer, the project traffic engineer shall revise the traffic management plan and resubmit for review and approval by the City Engineer. The project owner shall implement the revised traffic management plan prior to the next medium or large event to the satisfaction of the City Engineer.
27. **Traffic Mitigation Measure #1**. A Traffic Management Plan shall be prepared and approved by the City prior to the first event(s) of a cumulative total of 450 attendees or more. The Plan shall include the scheduling restriction measures detailed in Mitigation Measures 2, 3, 4 and 5, parking management provisions, and the requirement for the submittal of traffic monitoring reports, to the satisfaction of the City Engineer.
28. **Traffic Mitigation Measure #2**. On-site circulation for any event(s) totaling 200 persons or less shall be sufficiently managed by the Centre's professional parking services so that vehicles on-site do not queue into the right-of-way. (TAL Measure #1)

29. **Traffic Mitigation Measure #3**. In addition to Traffic Mitigation Measure #2, events with attendance ranging between 201 to 449 people shall be restricted from having a start or end time within 30 minutes prior to the release of students and within one (1) hour after the release of students at the nearby Del Dios Middle School (termed "school blackout period") on active school days, according to the school's approved daily schedule each term. (TAL Measure #2)

30. **Traffic Mitigation Measure #4**. In addition to Traffic Mitigation Measures #2 and #3, for any combination of weekday events with a cumulative attendance ranging between 450 to 614 people, the Traffic Management Plan shall be implemented. (TAL Measure #3)

31. **Traffic Mitigation Measure #5**. In addition to Traffic Mitigation Measures #2, #3 and #4, any combination of weekday and weekend events with a cumulative attendance amount of 615 or more people shall be scheduled to provide a one and a half (1.5) hour window between the end of the first event and start time of the second event to allow all traffic from the first event to clear the site. (TAL Measure #4)

EXHIBIT "C"
LEGAL DESCRIPTION
PHG 12-0001

LOT 2, BLOCK 312, RANCHO RINCON DEL DIABLO, IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 724, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, AUGUST 13, 1892.

TOGETHER WITH ALL THAT PORTION OF NINTH AVENUE AS CLOSED AND VACATED TO PUBLIC USE BY RESOLUTION NO. 88-498 OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, A CERTIFIED COPY OF WHICH RECORDED JANUARY 3, 1989, AS DOCUMENT NO. 89-000653, OFFICIAL RECORDS.

EXCEPTING THEREFROM THE EASTERLY 175 FEET, THE WESTERLY LINE THEREOF BEING PARALLEL WITH THE EASTERLY LINE OF SAID LOT 2.

ALSO EXCEPTING THEREFROM THAT PORTION GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED APRIL 25, 1972, AS FILE/PAGE NO. 101773, OFFICIAL RECORDS.

APN: 235-090-32

FUTURE CITY COUNCIL AGENDA ITEMS
October 30, 2013

AGENDA ITEMS AND COUNCIL MEETING DATES ARE SUBJECT TO CHANGE. CHECK WITH THE CITY CLERK'S OFFICE AT 839-4617

NOVEMBER 13, 2013
NO MEETING (Veteran's Day)

NOVEMBER 20, 2013
4:30 p.m.

	CONSENT CALENDAR
	Rotary Club of Escondido Grant Award to Escondido Public Library (L. McKinney) *Acceptance of a Community Services Grant award in the amount of $6,000 from the Rotary Club of Escondido to the Escondido Library for the purchase of AWE Early Literacy computer stations for the Children's Room.*
	Establish Engineering and Traffic Surveys (Speed Zones) at Three Locations Citywide (E. Domingue) *After an updated evaluation of existing speed zones, two new "Engineering and Traffic Surveys" to establish posting of a speed limit are recommended. Additionally, one increase in speed limit for one speed zone is recommended.*
	Fiscal Year 2014 Economic Development Assistance Programs Grant Application (E. Domingue and J. Masterson) *The Council is being asked to approve an application to the Economic Development Administration for a federal FY 2014 Economic Development Assistance Programs grant in conjunction with the Citracado Parkway Extension Project.*
	Adoption of the 2013 California Building, Residential, Electrical, Plumbing, Mechanical and Green Building Standards Codes with Local Amendments (B. Redlitz) *The 2013 California Building Standards Code will become effective statewide on January 1, 2014. Local adoption of code amendments is required.*
	Fire Codes (M. Lowry) *Need Green Sheet*

CONSENT CALENDAR Continued

Amended Agreements for the San Dieguito River Valley Regional Open Space Park Joint Powers Authority
(B. Redlitz)

In 1989 the City entered into a joint powers agreement creating the San Dieguito River Valley Regional Open Space Park JPA. The JPA performs as an independent agency to facilitate the enhancement, preservation and management of the San Dieguito River Valley Regional Open Space Park. The original term of the agreement was 25 years with an option to extend if the Authority successfully carried out its mission. The amended agreement would extend the term.

Professional Services Agreement with Wittman Enterprises, LLC, to Outsource the Billing Services for Emergency Medical Services for Emergency Medical Services (EMS)
(G. Rojas)

Requesting City Council to accept the RFP process performed by the City of Oceanside and approve a three year agreement with Wittman Enterprise, LLC. This would be a continuation of the current EMS billing contract

PUBLIC HEARINGS

Modification to Grading Exemptions and Vacation of Open Space Easement for Vista Verde Reservoir Replacement Project (PHG 13-0026)
(B. Redlitz)

A revised project design for the two replacement water tanks for Vista Verde will necessitate changes to grading exemptions approved as part of the 179-lot Hidden Valley Ranch TR 932 development that includes the property where the tanks are located, as well as the vacation of an existing open space easement that was granted to the County in 1995 (since annexed to City). The need to vacate a portion of the easement was known at the time TR 932 was originally approved in 2007.

Clarification of Zoning Code Amendment to Implement Cottage Food Operations, Revise the Nonconforming Use Code and Cleanup Items (AZ 13-0004)
(B. Redlitz)

The Item was continued from Council Meeting on the October 16, 2013.

Short-form Rent Review Board Hearing for Greencrest Mobilehome Park HP (Case #: 0697-20-9965)
(B. Redlitz)

The application meets all the eligibility criteria for submittal of a short-form rent increase application. The amount requested covers a 12 month period of consideration from June 30, 2012 to June 30, 2013. 75% of the change in CPI for the period is 0.677%. The average space rent for the 67 spaces subject to rent control is $419.78. The average requested increase per space is approximately $2.84.

CURRENT BUSINESS

Future Agenda Items (D. Halverson)

ESCONDIDO
City of Choice

City Manager's WEEKLY UPDATE to City Council

October 30, 2013

ECONOMIC DEVELOPMENT

- The CEDS Economic Development Task Force met on October 29. The task force has narrowed its focus to develop a targeted marketing program that focuses on medical-related businesses and clean tech, as identified in the CEDS. In conjunction with this, the task force is in the process of:
    - Identifying property available for attractions/expansion of the target industries
    - Identifying the needs and capabilities of the target industries (i.e., utilities, transportation, labor, etc.)
    - Identifying what support and incentives the City and private sector can provide to encourage business in the target industries to locate or expand in Escondido.
    - Assisting the City in developing a marketing program and materials necessary to market the property and incentives to business in the target industries

  The Task Force identified the following three priority areas for targeted marketing:
    - The North and South areas of the Escondido Research and Technology Center
    - The Felicita and I-15 area
    - The Highway 78/Broadway area

- This weekend Kit Carson Park will host a girl's fast pitch softball tournament on November 1st, 2nd, & 3rd. They will be using all 8 of our softball fields located in Kit Carson Park. They have 118 teams and 132 games played at Kit Carson Park. Teams are from all over California, Arizona, and Nevada that will be attending this tournament. We can expect 4000+ players and spectators in the area. This is an 18 and under and 16 and under tournament that will bring in a great family environment to the Park.

- Escondido Events will hold their first Open Air Market on Saturday, November 16. The market will be on Kalmia Street from the alley north of Grand to Valley Parkway. They intend to hold it every Saturday from 8:00 to 1:00 p.m.

SPECIAL EVENTS

Dia de los Muertos
Sunday, November 3rd – 10 a.m. -5 p.m.
Grape Day Park

Free, family friendly event in Grape Day Park featuring altar contest, ballet folklorico, costume contest and sugar skull decorating. The CCAE museum will also be having a showing of Los Colores de la Muerte: A Day of the Dead Festival. It will be held November 1 to December 1, 2013.

COMMUNITY DEVELOPMENT UPDATES

Planning:
As part of the ongoing public outreach effort to prepare San Diego Forward – The Regional Plan, SANDAG will be holding a workshop on Monday, November 4th to discuss the proposed Transportation Network Performance Measures. The workshop will be held from 11:30 a.m. to 1:00 p.m. at the Balboa Park Club, Santa Fe Room in Downtown. The public is invited to share ideas on how to evaluate the possible transportation networks in the region. A flyer is attached.

CAPITAL IMPROVEMENT PROJECTS

2013 - 2014 Pavement Repair and Rehabilitation Program:
The list of streets to be included in this year's program is available on the City's website: https://www.escondido.org/Data/Sites/1/media/PDFs/Engineering/PavementRehabStreetList.pdf . The pavement repair program will resurface over 3.75 million square feet of City roadways. The project will be presented at the November 6th council meeting for approval to George Weir Asphalt, the lowest responsible bidder, with a bid amount of $2,420,708.25.

Grape Street Public Improvement Project:
The preconstruction meeting has been held. The Notice to Proceed has not been issued due to required training that must be completed by the contractor's staff.

Escondido Creek Trail Lighting:
The contractor will complete the conduit installation along the north side of the channel by Friday November 1st. The delivery of the pedestrian lighting poles is scheduled for November 1st.

Encino Drive & El Dorado Drive - Storm Drain Replacement:
Staff continues to work with the property owner to secure the drainage easement that is needed for this project. Council has authorized award of the bid once the easement has been secured.

Private Development

Contempo Townhomes -Tract 921:
The final portion of the water main distribution system began on Monday the 14th. The underground contractor has completed the installation of the new water main crossing Centre City Parkway. Water quality testing will begin on October 30th and should be completed by November 7th.

Resurrection Church - Storm Drain in El Norte Parkway:

All elements of the storm drain system have been installed along El Norte Parkway. The final paving has been completed. This project is now entering the punch list phase.

Stone Brewery Traffic Signal:
The project remains on hold while the contractor is awaiting delivery of the signal poles.

Cox Communication- Valley Parkway and Auto Park Way:
Work is being performed along both streets of this intersection. Permanent trench resurfacing is scheduled for 8:00 p.m. on October 30th.

PUBLIC SAFETY

Police

- Congratulations to Officer Tom Love, the recipient of this year's Blue Knight Award:
  - On June 30, 2012, Officer Tom Love had just completed a traffic stop investigation when he heard the sound of a vehicle accident nearby. He found a vehicle that had over-turned and landed in the front yard of a residence. Upon checking the vehicle, Officer Love spotted a car seat in the back seat. Due to the heavy smoke, Officer Love feared that there was a trapped infant so he immediately broke the rear window and crawled in to rescue the child. When Officer Love reached the car seat he noticed it was empty. Love crawled out of the vehicle and attempted to rescue the female driver. The female driver was crumpled in the front passenger area and did not appear to be breathing. Love noticed a large amount of smoke and believed the vehicle was catching fire. He quickly notified dispatch of the situation and made an immediate decision to act in order to save the victim's life. Believing he was at risk of potentially injuring himself due to smoke inhalation or exposure to fire, he used his baton to break a window, reached inside the vehicle and pulled the victim out of harm's way. He then immediately assessed the physical condition of the victim, and found she had a simple obstructed airway because of the angle of her head. He repositioned her head and she began to breathe again. Officer Love monitored her breathing until fire rescue personnel arrived on scene and took over. According to acting Battalion Chief Mike Bertrand, "Officer Love's immediate and decisive actions prior to our arrival saved this woman's life. Officer Love should be commended for his quick assessment and actions prior to our arrival on scene." Officer Love believed there was imminent danger to the victim and, disregarding his own safety, he put himself at risk and took life-saving measures to save a victim's life.

- Last Saturday, EPD participated in Prescription Drug Take Back Day. Information is posted on the EPD Facebook page.

- EPD partnered with COMPACT for a family event at Washington Park called Family Fest. The event was to promote healthy living and community outreach.

- Grape Day Park Task Force - The Police Department continues its enforcement details several times a day in the park and surrounding areas. Since the start of the increased focus, the police department has conducted 1061 extra patrols in the park, 181 field interviews, 94 citations and 91 arrests. The Bike Team Officers, Adan Martinez and Russ Whitaker, continue to focus their efforts in the downtown area including Grape Day Park, Maple Plaza and Signature Pavilion, along with our two new Community Policing Officers Bill Havens and Lew Shaver. Officers Jason White and Jim Sinnott have made their presence felt in the area, making 5 arrests this week. Of note was a response to City Hall for an alarm. Though the alarm ended up being false, an individual was seated near the fountain and found to be in possession of a large amount of drugs and arrested. Great work by the responding officers.

  On Saturday, October 26th Grape Day Park hosted the Zombie Festival, complete with beer garden and food vendors. The event was a huge success and there was fun had by both the living and the undead!

  There were no significant crimes reported during this week by CCAE or City Hall.

  Boys and Girls Club, SD Children's Museum did not report any problems this week.

  Upcoming Events:
  No current events at this time.
  For a list of all Escondido Events visit: http://visitescondido.com/event-calendar/

  The next Task Force Meeting will be rescheduled in November.

Fire:

- Last week SDG&E provided special mandated training to all of our fire first responder personnel regarding their Natural Gas Safety and Pipeline Integrity Program. The training was mandated by the CPUC after the Natural Gas explosion in San Bruno, CA back in 2010. The San Bruno explosion killed 8 people, injured 58; fire destroyed 38 homes and damaged 70. SDG&E has a very rigorous safety and inspection program for all of the Natural Gas pipeline under their control.

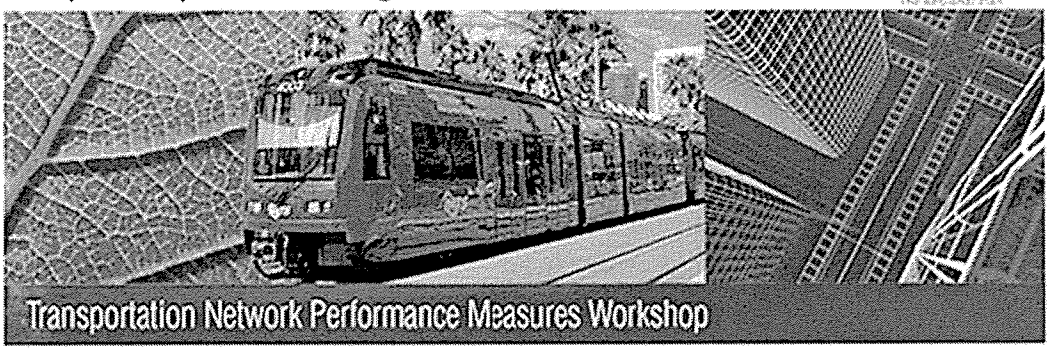
- On Monday, October 28th six new paramedics started their careers with the Fire Department. This is our fourth hiring this year and brings the Non-Safety Paramedic rank to full staffing for now. The new paramedics will spend their first week in our EMS Academy and begin their mentorships on Saturday.

- On Tuesday, October 29th the fire department participated with the police department in an early morning "Active Shooter" training at our Westfield Mall. The training simulated an incident at the mall with multiple patients and multiple bad-guys. In addition to our

PD and FD, participants included Fire and EMS personnel from San Marcos, Vista, and Rancho Santa Fe. The training was very thorough and well planned out. Special thanks to Lt. Eric Skaja, BC Ken Slaven, and the entire training team which also included personnel the Westfield Mall.

Help Shape Our Region's Future

San Diego FORWARD



Join Us!

for the Transportation Network Performance Measures Workshop

(Free Event with Complimentary Lunch)

What measurements are most important to take into account as we evaluate the possible transportation networks of the future? As we look at what infrastructure we will build in the coming decades, should we put emphasis on the economy? The environment? Public health? Social equity? The San Diego Association of Governments (SANDAG) wants your input on the relative importance of those factors and others in evaluating the performance of transportation networks in San Diego Forward: The Regional Plan.

Monday, November 4, 2013
11:30 a.m. to 1:00 p.m.

Balboa Park Club, Santa Fe Room
2144 Pan American Road West
San Diego, CA 92101

Spanish-speaking staff members will be available at the workshop. Take the Route 7 bus with connection to the Trolley to Balboa Park and follow Presidents Way to Pan American Road West. Phone 511 or visit 511sd.comtransit for route information.

Limited parking also available.

RSVP Nikolas Kennedy, SANDAG Regional Planning, at nikolas.kennedy@sandag.org, (619) 699-1954, or via the SANDAGRegion Facebook page by attending the "Performance Measures Workshop."

About San Diego Forward: The Regional Plan

San Diego Forward: The Regional Plan will build upon local planning efforts, and incorporate emerging issues and innovative concepts, to form an overall vision for the region's future, including specific actions aimed at turning that vision into reality.

SANDAG kicked off the new regional plan effort in October 2012. Since then, we have been working together in partnership with a wide range of stakeholders to complete the regional plan in 2015. For more information, visit sandag.org/sandiegoforward.

For more information, visit sandag.org/sandiegoforward

SANDAG

SANDAGRegion @SANDAG SANDAGRegion

Ayude a determinar el futuro de nuestra región

San Diego FORWARD: The Regional Plan

Taller sobre Medidas de Rendimiento de la Red de Transporte

Acompáñenos
en el taller de Medidas de Rendimiento

(Entrada libre e incluye almuerzo gratuito)

¿Cuáles son las medidas más importantes que debemos considerar al evaluar las posibles redes de transporte en el futuro? Si nos fijamos en la infraestructura que se construirá en las próximas décadas, ¿deberíamos poner énfasis en la economía? ¿El medio ambiente? ¿La salud pública? ¿Equidad social? La Asociación de Gobiernos de San Diego (SANDAG, por sus siglas en inglés) quiere sus opiniones sobre la importancia de esos y otros factores en la evaluación de rendimiento de redes de transporte en Adelante San Diego: El Plan Regional.

Lunes, 4 de noviembre de 2013
11:30 a.m. a 1:00 p.m.

Balboa Park Club, Cuarto Santa Fé
2144 Pan American Road West
San Diego, CA 92101

Personal de habla hispana estará disponible durante el taller. Tome la Ruta de autobuses con conexión al trolley a Balboa Park y siga Presidents Way hacia Pan American Road West. Llame al 511 o visite 511sd.com/transit para obtener información de rutas.

Estacionamiento limitado disponible.

Confirme su asistencia con Nikolas Kennedy, Planificación Regional de SANDAG, en nikolas.kennedy@sandag.org, o (619) 699-1954 o a través de la página de Facebook SANDAGRegion al participar en el evento "Taller de Medidas de Rendimiento" (Performance Measures Workshop) bajo eventos.

Acerca de San Diego Forward: The Regional Plan (Adelante San Diego: El Plan Regional)

Adelante San Diego: El Plan Regional se desarrollará basado en los esfuerzos locales de planificación, e incorporará nuevos temas y conceptos innovadores para formar una visión de conjunto para el futuro de la región, incluyendo acciones específicas con el propósito de convertir esa visión en realidad.

SANDAG comenzó el nuevo esfuerzo del plan regional en octubre de 2012. Desde entonces, hemos estado trabajando juntos en alianza con una amplia gama de partes interesadas para completar el plan regional en 2015. Para más información, visite sandag.org/sandiegoforward.

Para mayor información, visite sandag.org/sandiegoforward

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